

# UNHEARD VOICES

Qualitative Research on  
Conflict-Related Sexual Violence  
in Myanmar (2016-2021)



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The research team also extends its thanks to the donor who generously supported this project and displayed flexibility and understanding when current events necessitated alterations and adjustments to the research plan.

To protect the safety and security of those involved with the research project, we are not releasing any identifying information of the data collectors, survivors or key informants that took part in this research project. While data collection was conducted according to the highest ethical standards, the current situation on the ground necessitates removal of all identifying markers. We reserve the right to re-publish this report with author names at a later date.

## LIST OF ACRONYMS

<b>CDM</b>	Civil Disobedience Movement
<b>CEDAW</b>	Convention on the Elimination of all Forms of Discrimination Against Women
<b>CRSV</b>	Conflict-Related Sexual Violence
<b>CSO</b>	Civil Society Organization
<b>EAO</b>	Ethnic Armed Organization
<b>FFM</b>	Independent International Fact-Finding Mission on Myanmar
<b>FGD</b>	Focus Group Discussion
<b>GBV</b>	Gender-Based Violence
<b>HRC</b>	United Nations Human Rights Council
<b>IDI</b>	In-Depth Interview
<b>IDP</b>	Internally Displaced Person
<b>IIMM</b>	Independent Investigative Mechanism on Myanmar
<b>INGO</b>	International Non-Governmental Organization
<b>JC</b>	Joint Communique on “Prevention and Response to Conflict-Related Sexual Violence”
<b>KII</b>	Key Informant Interview
<b>KNU</b>	Karen National Union
<b>NGO</b>	Non-Governmental Organization
<b>NSPAW</b>	National Strategic Plan for the Advancement of Women (2013–2022)
<b>NUG</b>	Interim National Unity Government
<b>SAC</b>	State Administration Council
<b>SRHR</b>	Sexual and Reproductive Health and Rights
<b>UN</b>	United Nations
<b>WPS</b>	Women, Peace and Security

## EXECUTIVE SUMMARY

This research project was designed to collect qualitative data on conflict-related sexual violence (CRSV) in five states of Myanmar - Kachin, Karen (a.k.a. Kayin), Mon, Shan and Rakhine - from 2016 to 2021. After the Myanmar military (or Tatmadaw) executed a coup d'état on February 1, 2021, the research area was expanded to capture CRSV in Yangon after that date.<sup>i</sup> A local civil society group was commissioned in each research area to locate and interview survivors as well as service providers and other knowledgeable local actors – called key informants - in that area. Local partners were trained to conduct qualitative research, safely interview participants, securely store data and understand CRSV, which provided capacity-building. Ultimately, the overall goal of the research was to amplify the voices of survivors and key informants by recording their stories, thereby providing a more nuanced understanding of survivor experiences.

Despite the overwhelming challenges of Covid-19 and the coup, local partners interviewed 78 survivors, collecting qualitative data on CRSV cases committed mostly by state security forces, including the military, ("security forces") as well as other serious cases of gender-based violence (GBV) in conflict-affected areas.<sup>ii</sup> Interviews were also conducted with 137 key informants, who corroborated and gave crucial context to survivor accounts. For additional context, data collection teams documented 27 cases where survivors could not be interviewed, and the details of these cases corresponded closely to survivor accounts. While the research project collected qualitative, not quantitative, data, some sections of this report quantify data to provide additional clarity.

The cases present a troubling snapshot of a consistent pattern of CRSV throughout the country and a high level of GBV. Survivors interviewed were overwhelmingly female (75 of 78), most were unmarried and two-thirds had achieved only an elementary or middle school level education. Survivors experienced a range of violence including rape, rape with more than one perpetrator (gang rape), sexual assault, sexual harassment and human trafficking, but the overwhelming majority of cases involved rape or gang rape. Almost three-quarters of incidents were committed by security forces,

especially the military. These cases are only the tip of the iceberg, as each partner's data covers only its immediate area and many survivors, including Rohingya in Rakhine state, were not included in this study.

These cases dovetail with other research showing that security forces have for decades carried out brutal campaigns of violence, including sexual violence, as part of armed conflict in ethnic areas, including massive genocidal clearance operations against the Rohingya. Our research is also one of the first attempts to profile post-coup sexual violence committed by security forces to terrorize civilians in an attempt to stanch democratic protests; a total of 44 cases (56%) took place after the coup and some were experienced in a detention setting. These accounts demonstrate that security forces have now extended their brutal campaigns throughout Myanmar, indicating that no group is immune from the security force abuses that ethnic groups have experienced for more than 70 years.

The information collected illuminates the difficulties experienced by survivors and the human cost of conflict in ethnic areas and in Yangon post-coup. Survivors for the most part were reluctant to report the violence and did not receive adequate support services, with over half reporting that they did not access any services. Reasons for not reporting or accessing services included safety and security concerns, lack of knowledge about services, remoteness, cost, shame, societal stigma and confidentiality concerns. While survivors did not report extensive access to services, key informants reported that they provide a variety of services to GBV survivors but that they face numerous challenges since the coup.

The qualitative data also highlights a stark accountability gap, with survivors rarely receiving justice. The legal system is inadequate and local actors are unwilling or unable to ensure accountability. This is especially true for CRSV cases committed by security forces, which have long-enjoyed impunity for human rights abuses in ethnic areas. In all post-coup cases, there was no chance of any kind of accountability as the legal system has been eviscerated and no trust exists between civilians and law authorities. The coup has further proven the military's disdain for the rule of law and its firmly-held belief in its omnipotence, including its perceived entitlement to



commit human rights abuses without consequence.

This research helps give context to the lived experiences of survivors and points to an immediate and pressing need to provide greater support, services and accountability for survivors. This must include developing and implementing a comprehensive, survivor-centered prevention and response plan and bringing the security forces under civilian control to end impunity for abuses.<sup>iii</sup> Myanmar and the international community have a responsibility to address, eliminate and ensure accountability for human rights abuses, including CRSV and GBV. The military coup has no impact on these obligations. Survivors' voices must be heard, and their stories and perspectives must motivate efforts to fulfill these obligations and to provide them, finally, with justice.





# 1 BACKGROUND

## ***Introduction to the Research Project***

This research project, initiated in 2019, was designed to collect qualitative data regarding the causes, patterns, nature and extent of CRSV in five states of Myanmar - Kachin, Karen (a.k.a. Kayin), Mon, Shan and Rakhine states from 2016 to 2021 (later expanded to include Yangon after the coup). Collecting this information would help dispel misconceptions regarding CRSV, build the capacity of local partners who would be trained to conduct the on-the-ground interviews and illuminate the human cost of conflict. The original research plan envisioned a partnership with the national government's Department of Social Welfare and other governmental actors, but the coup eliminated this possibility, which is described in **Methodology**.

All survivors, including those who have experienced violence since the coup, deserve to have their stories told. Comparing and contrasting survivor experiences and listening to survivor perspectives is crucial for understanding the contours and scope of the problem, with an eye towards developing effective, evidence-based and survivor-centered policies at all levels and helping survivors to finally achieve a measure of justice. This research project aims to record these stories, amplify survivors' voices and build on previous documentation efforts.

## ***Definitions***

CRSV refers to incidents or patterns of sexual violence perpetrated by armed actors, including state militaries, non-state armed groups, militia, police, and others under the control of armed actors. It includes rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity, against women, men, girls or boys.<sup>iv</sup> The term CRSV indicates that the sexual violence is linked, directly or indirectly, to any stage of conflict.<sup>v</sup>

CRSV is a form of GBV as it is directed at individuals and groups because of their sexuality, gender, religion, ethnicity or other forms of identity. The dominant form of GBV is male violence towards women, which includes physical and sexual violence within families and intimate relationships,

violence (including the threat of) and harassment in public spaces and economic and psychological violence (also called coercive control).<sup>vi</sup>

This research project used the term survivor, as victim is a term and concept linked to lack of agency. To get a complete picture of the on-the-ground experiences of survivors, the data includes a few cases of GBV by non-state actors, including religious figures, village leaders, strangers and romantic partners.<sup>vii</sup> Adhering to strict categorizations would have eliminated certain cases and failed to recognize that CRSV occurs along a continuum of GBV.<sup>viii</sup> The primary purpose was not to assemble legal dossiers to aid future prosecutions but rather to conduct qualitative research into CRSV.

### **Characteristics of CRSV**

Features or characteristics of CRSV include:<sup>ix</sup>

- **Variation by context.** The patterns, location, frequency, timing, nature and forms of CRSV, as well as the characteristics of perpetrators, vary widely, sometimes even within the same conflict.
- **Under-reporting and lack of justice and accountability.** Survivors are often reluctant to report CRSV due to fear of stigmatization or reprisals, self-blame, a lack of support options (including an inadequate justice system) and a culture of shame. Without accurate reporting, CRSV is not adequately addressed and perpetrators are not held accountable.<sup>x</sup>
- **Multiple impacts on survivors, their families and communities.** CRSV leads to wide-ranging short- and long-term emotional, physical, social and related impacts. CRSV also results in a loss of trust in state security services and can undermine efforts to secure peace and security.
- **Violation of human rights.**<sup>xi</sup> CRSV is a powerful manifestation of gender inequality and a gross human rights violation. CRSV frequently targets those exercising their rights, including the right to free speech, peaceful protest, religious assembly and ethnic and indigenous identity.
- **Violation of international law.**<sup>xii</sup> CRSV is a war crime, crime against

humanity or constituent act of genocide under international criminal law; a violation of the Genocide Convention and of international humanitarian law, as codified in the Geneva Conventions; a violation of refugee law; and a contravention of customary international law. Sexual violence violates international human rights law, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and may violate other international human rights law (e.g., sexual assault is torture in contravention of the Convention Against Torture when intentionally inflicted by a state official to obtain a confession).<sup>xvi</sup>

## ***Obligations to Address CRSV in Myanmar***

### **International Framework Overview**

The United Nations has developed a global, normative framework for addressing CRSV. The UN Security Council has made preventing CRSV an integral part of its mandates on conflict prevention and sustaining peace through its Women, Peace and Security (WPS) Agenda.<sup>xvii</sup> It has adopted ten resolutions, five on CRSV specifically, which recognize the detrimental impact that CRSV has on communities, acknowledge that this crime undermines efforts to ensure peace and security and outline the responsibilities of Member States, militaries and non-state armed groups to address and prevent CRSV. The WPS resolutions also prescribe the creation of architecture within the UN system to monitor, report on and analyze CRSV through the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (UN SRSG-SVC), who is the UN's spokesperson and political advocate on CRSV.<sup>xviii</sup>

UN human rights and treaty compliance bodies, such as the Human Rights Council (HRC) and the Committee on the Elimination of Discrimination against Women (CEDAW Committee), also review individual state compliance with international treaty and human rights obligations, including regarding CRSV.<sup>xix</sup> These bodies issue periodic reports and make recommendations to states.<sup>xx</sup> The United Nations has also increasingly mandated country-specific commissions of inquiry, fact-finding missions and investigative mechanisms

to respond to serious violations of international humanitarian law and international human rights law, including CRSV.<sup>xxi</sup>

Allegations of CRSV by individuals that violates international criminal law are heard at the International Criminal Court and alleged violations of the Genocide Convention are brought by states at the International Court of Justice, the principal judicial organ of the United Nations.<sup>xxii</sup> With respect to international humanitarian law, the International Committee of the Red Cross promotes its implementation in national law, including by ensuring humane treatment and conditions of detention for detainees.<sup>xxiii</sup>

### **Myanmar's Obligations**

Myanmar is obligated under international law to take effective measures to prevent and respond to CRSV. Myanmar is a signatory to certain international human rights treaties, including CEDAW and the Convention on the Rights of the Child, which prohibit CRSV.<sup>xxiv</sup> As a UN Member State, Myanmar must accept and carry out the decisions of the UN Security Council (per UN Charter Article 25), including the WPS Resolutions.<sup>xxv</sup>

Myanmar also committed to address and end CRSV when it joined 121 other countries to endorse the 2015 Declaration of Commitment to End Sexual Violence in Conflict, part of the Preventing Sexual Violence in Conflict Initiative founded in 2012.<sup>xxvi</sup> These commitments were reinforced in 2019 at the Oslo Conference on Ending Sexual and Gender-Based Violence in Humanitarian Crises.<sup>xxvii</sup>

At the national level, Myanmar's National Strategic Plan for the Advancement of Women (2013-2022) called for state-level action, including research and surveys and awareness-raising activities, to combat violence against women and to protect women in emergency settings.<sup>xxviii</sup>

Myanmar also signed, in December 2018, a Joint Communiqué on "Prevention and Response to Conflict-Related Sexual Violence" with the UN SRSG-SVC ("JC") which reiterates the obligations in WPS Resolution

2106 – specifically to issue orders through military chains of command prohibiting sexual violence and accountability for breaching these orders and to make and implement specific commitments on timely investigation of alleged abuses - and calls for the development of a CRSV action plan. It also establishes the following priority areas for cooperation: strengthening the rule of law response to CRSV, training and capacity building of justice and security sector actors, strengthening service delivery and access to sexual violence survivors, negotiating the prevention of sexual violence in peace and repatriation agreements, ensuring that perpetrators are not granted amnesty and taking risk mitigation measures against conflict-related trafficking. The JC also notes that the Codes of Conduct and Rules of Engagement of Myanmar's Security Forces and the 2015 Nation-wide Ceasefire Agreement (NCA prohibit CRSV.<sup>xxxix</sup> The NCA was signed between the Government of Myanmar and ten ethnic armed organizations (EAO), thus obligating all parties to address and eliminate CRSV.<sup>xxx</sup>

Myanmar's national legal framework, coupled with a weak judiciary, however, does not adequately support these obligations, leading to an accountability gap.<sup>xxxi</sup> While a comprehensive national Prevention and Protection of Violence Against Women Law has been under discussion since 2015, currently outdated laws, such as the 1861 Penal Code, apply to cases of GBV and sexual violence.<sup>xxxii</sup> The Penal Code reflects antiquated definitions, terminology and penalties, for example by defining rape as only committed by a man, limited to vaginal penetration between a man and a woman and impossible between married parties over a certain age.<sup>xxxiii</sup> Informal and customary legal systems, often the only choice for ethnic women, provide insufficient justice outcomes.<sup>xxxiv</sup>

CRSV cases perpetrated by security forces are tried in courts-martial, a long-established practice formalized by the military-drafted 2008 Constitution. Military personnel are exempt from legal process in civilian courts as the Constitution grants the Commander-in-Chief the right to administer and adjudicate all affairs of the Defence Services, with his decisions on military justice being "final and conclusive."<sup>xxxv</sup> The governing code, the Defence Services Act of 1959, does not adequately cover CRSV and the courts-martial process is not public or transparent, leaving perpetrators unaccountable or charged with lesser crimes.<sup>xxxvi</sup>

## Overview of CRSV in Myanmar

Women's civil society groups, as well as INGOs, have long-identified CRSV as a hallmark of the Myanmar military's strategy to quell decades of conflict with various ethnic groups in border areas.<sup>xxxvii</sup> For decades, they have reported on the widespread and systematic use of brutal sexual violence by security forces against ethnic women to intimidate, control, terrorize and shame ethnic groups and as a manifestation of patriarchal and gender-biased norms, laws and systems that marginalize women.<sup>xxxviii</sup> The military has enjoyed long-standing impunity for its actions and other perpetrators have not been sufficiently held to account.<sup>xxxix</sup>

At the United Nations, the UN Secretary-General has identified Myanmar as a country with sexual violence in conflict since 2011, and since 2017 has identified the Myanmar military as an actor credibly suspected of committing or being responsible for patterns of sexual violence in conflict.<sup>xi</sup> In its reviews of Myanmar's human rights situation, the HRC has recommended that Myanmar take effective measures to prevent and combat violence against women, including CRSV; ensure independent, impartial and effective investigation of violence and human rights abuses and prosecution thereof; ensure sufficient remedy and reparations for human rights abuses; and eliminate impunity for human rights violations.<sup>xii</sup> In CEDAW Committee reviews, Myanmar has been advised to repeal laws that perpetuate impunity for CRSV, expedite the investigation and prosecution of sexual violence crimes committed by the military and establish an independent body to investigate allegations of violence against ethnic minority women and girls.<sup>xiii</sup>

In October 2016 and August 2017 the military executed campaigns of murder and sexual violence against the Rohingya in northern Rakhine State, an exceptionally barbaric repetition of the tactics it had used against groups in other ethnic areas.<sup>xiiii</sup> These clearance operations prompted worldwide outrage and international accountability efforts at the International Court of Justice and the International Criminal Court.<sup>xlv</sup> The United Nations began an investigation and in September 2018 the Independent International Fact-Finding Mission on Myanmar (IFFMM)



issued a 440-page report detailing extensive human rights abuses, including “particularly egregious” CRSV, against the Rohingya and other groups in Myanmar.<sup>xlv</sup> Following the release of this report, the HRC established the Independent Investigative Mechanism for Myanmar (IIMM) to build on the work of the FFMM and collect further evidence regarding violations of international law, including CRSV, with an eye towards criminal prosecution.<sup>xlvi</sup> In September 2019, the HRC issued a thematic report on sexual and gender-based violence, which detailed CRSV committed by the military and identified a “direct nexus between the lack of gender equality more generally within the country and within ethnic communities, and the prevalence of sexual and gender-based violence.”<sup>xlvii</sup>

### **2021 Military Coup**

On February 1, 2021, as the data collection was poised to get underway, Myanmar’s military staged a coup, alleging without evidence that its poor showing in the November 2020 nationwide elections was the result of fraud.<sup>xlviii</sup> The military overthrew the democratically-elected government set to open its legislative session that day and formed its own administrative body, the State Administration Council (SAC), to assume functions of government.<sup>xlix</sup> Myanmar’s President Win Myint and State Counselor Aung San Suu Kyi were arrested and subsequently convicted on trumped-up charges and sentenced to years in prison; they still face trial on additional charges which are likely to add decades more jail time.<sup>!</sup>

Civilians staged country-wide protests in a Civil Disobedience Movement and continue a coordinated campaign of resistance to the military takeover.<sup>ii</sup> Deposed lawmakers have formed the Interim National Unity Government (NUG) to fulfill the mandate bestowed by the Myanmar people in the elections.<sup>iii</sup> The NUG supports the resistance movement against the military, yet calls for all operations to be conducted according to a Code of Conduct “in line with International Human Rights and Humanitarian Laws, and the Geneva Conventions.”<sup>iiii</sup>

The military has responded with brutal and disproportionate force to quash

democratic protests,<sup>lv</sup> in a continuing campaign of violence and grave human rights abuses, including mass killings, air strikes, forced displacement, humanitarian aid blockades, arbitrary arrest and torture in detention.<sup>lv</sup> These abuses, which amount to crimes against humanity, have taken place throughout the country, which is now experiencing full-blown civil conflict.<sup>lvi</sup> As of June 6, 2022, according to an independent monitoring body, security forces have killed over 1,900 people since the coup, including at least 100 children, and arbitrarily detained over 14,000 others.<sup>lvii</sup>

Women are at heightened risk of violence since the coup. The United Nations has identified sexual harassment, sexual assault and rape in detention sites and conflict zones, which a preliminary analysis indicates are crimes against humanity.<sup>lviii</sup> Security forces reportedly have killed more than 100 women, often after brutally raping them, and have detained hundreds more.<sup>lix</sup>

Thus, the military's tactics of using violence, including CRSV, to demoralize and intimidate ethnic groups have expanded since the coup to include the entire country. But the coup does not override Myanmar's legal duties to respect and protect basic human rights, address and eliminate CRSV and hold security forces accountable for abuses.



2

# METHODOLOGY

## Research Sites

Qualitative data was collected in Kachin, Karen (a.k.a. Kayin), Mon, Shan and Rakhine states. As discussed below under **Military Coup and Post-Coup Adjustments**, the research team expanded the geographic scope of the project to include Yangon and Mandalay to try to capture the sexual violence in those areas after the coup. Mandalay was ultimately dropped from the project due to safety concerns.

## Qualitative Research Methods

The project included in-depth interviews (IDIs) and key informant interviews (KIIs); focus group discussions (FGDs) were dropped from the project due to security concerns after the coup.

**In-Depth Interviews (IDIs) with Survivors:** These one-on-one interviews gathered information regarding survivors (including demographic data such as gender), types of violence, perpetrators and reasons survivors were targeted. Survivors were asked to describe the impact of the incident, as well as the response of family and community and coping mechanisms used. The project sought to identify the health care, social support, legal service and other needs of survivors, the extent those services were available and the barriers and challenges to accessing services. The research also sought to identify any avenues for justice available to survivors and justice outcomes.

Ultimately, data collection teams interviewed a total of 78 survivors, 75 women and 3 men, of CRSV and GBV. Survivors experienced a range of violence including rape, rape with more than one perpetrator (gang rape), sexual violence, sexual harassment and human trafficking. All cases in Yangon occurred after the coup; the vast majority of cases in all other areas occurred prior to the coup, dating as far back as 2016. For a full profile of survivors and violence, see **Research Findings and Analysis**.

**Key Informant Interviews (KIIs) of Local Actors and Service Providers:** These interviews explored key informant experiences with survivors, barriers and challenges to accessing and providing services, avenues for justice

available to survivors and justice outcomes.

Ultimately, data collection teams interviewed a total of 137 key informants, 92 women and 45 men. Key informants varied by locality and represented a broad array of service providers and experienced professionals as well as influential individuals within the community that facilitated and coordinated services. For a full breakdown of KIs, see **Service Provision to Survivors**.

### ***Principles of Data Collection***

All aspects of data collection used the highest ethical standards and followed the principle of “Do No Harm” by always putting the well-being of participants first. Codes of conduct for CRSV documentation and investigation for international justice purposes – the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, its Myanmar Supplement and the Murad Code - provided useful guidance.

One basic principle was ensuring the informed consent, freely given and without pressure, of all participants, which became especially important after the coup. The informed consent process explained participants' rights, outlined all aspects of the research and allowed time for questions. Participants then gave permission to be interviewed and a separate permission to be audiotaped. All survivors interviewed were 18 years old or older, except for 3 survivors who were 17 years old.

Another basic principle was ensuring the safety and comfort of interviewees, which required thoroughly preparing and training interviewers on best practices for conducting interviews safely and securely, and ensuring that all participants were treated with honesty, integrity and respect. Data collectors were trained to recognize the signs of trauma and distress in survivors (and themselves), and the interview protocol was designed to avoid re-traumatizing survivors. Data collectors were instructed to pause or discontinue the interview should the survivor exhibit any signs of trauma, and paid special attention to the needs of male survivors. Each survivor was given a referral pathways document with

information on available local support services. Protocols were developed to ensure the highest standards for confidentiality and security of data, which became especially important after the coup.

### ***Stakeholder Workshops***

The research team held three stakeholder consultation workshops in 2020 to receive feedback on the proposed research plan; one workshop in Nay Pyi Taw with national-level stakeholders, and one each in Mon state and Kayin state. The research team incorporated the feedback into the research documents, which included detailed questionnaires for IDIs and KIs and a discussion guide for FGDs (though FGDs were dropped from the project post-coup).

### ***Data Collection Teams***

The research team sought local groups to identify participants and conduct the research by circulating a request for proposals in each state. Interested local partners submitted proposals and the research team selected the proposal best capable of executing the data collection. Ultimately, a total of 49 data collectors participated in the research, 36 women and 13 men.

### ***Recruitment of Participants***

The research team opted for purposeful sampling to recruit participants. Local data collection teams identified potential interviewees by reaching out to their local contacts and networks and lists of potential candidates for both IDIs and KIs were sent to the research team for review.

### ***Post-Coup Adjustments***

During development of the research materials, the military coup necessitated an immediate suspension of the project for security reasons. Notwithstanding the dangers, the research team, local partners and donor decided to recommence the project but extended the timeline and adjusted the research plan, as described below.

**Expansion of Research Sites:** Based on the military operations taking place throughout the country to suppress nationwide protests against the coup, the research team expanded the geographic scope to include Yangon and Mandalay to capture the sexual violence experienced after February 1, 2021 and two additional local partners were secured for Yangon and Mandalay. After data collection began, the safety of the Mandalay partner could not be assured as it became the target of military surveillance and it was dropped from the project.

**Elimination of FGDs:** Because the research team did not believe FGDs could be safely executed, they were eliminated.

**Enhanced Security Protocols for IDIs and KIIs:** The research team developed enhanced safety and security protocols to ensure maximum protection for participants, data collectors and data. For example, due to security and Covid-19-related concerns, data collectors were allowed to conduct interviews over internet-based platforms and telephone. Local data teams were also provided with a detailed Emergency Risk Assessment Form and instructed to complete a form before undertaking each field work assignment.

### ***Training Data Collectors***

The research team developed a three-day Burmese-language capacity-building training for local data collectors which included information about CRSV, best practices and ethical considerations for conducting qualitative interviews, mock interview practice sessions and secure data collection and management strategies. Three separate trainings took place remotely due to safety concerns..

### ***Data and Personal Security***

The research team developed extensive protocols for enhanced data collection and storage processes regarding data security, device security, encrypted communications, secure internet use, protecting identity and accounts, data storage, transcribing and archiving. For example, data

collectors were instructed to conduct interviews using voice recorders, which were equipped with password protection and file encryption options. Each recording was encrypted immediately after the interview and uploaded to the cloud data storage and saved under an encrypted folder. Once the file had been uploaded to the cloud storage, the file on the recording device was immediately deleted.

No names were collected, and all interviewees' details were kept confidential through a coding/numbering system based on the type and numerical sequence of the interview. The research team developed and provided guidelines for safeguarding all data and monitored the process to ensure procedures were implemented. Given on-the-ground security and safety concerns, the research team removed the names of the specific interview locations as well as names of organizations.

### ***Data Collection and Analysis***

Data collection took place over four months (August to November 2021), with additional information provided from Yangon in January 2022. Over 1,350 pages of transcripts were generated, with each interview transcript ranging from 5 to 20 pages. Transcripts were in Burmese or a local language that the research team translated into Burmese. Originally, local data collection teams were to analyze their own data and write a research report and the research team would coordinate a final report. However, ultimately the research team completed the analysis of all data.

The research team reviewed all interview transcripts, analyzing data to develop themes, compare experiences across states and draw conclusions. The research team created worksheets to compare and contrast data for each question and used the respondent's case number (ID) to track information from each interview. At the same time, the research team developed a coding framework for both IDI and KII questions according to thematic areas of interest and uploaded the coding data to a qualitative research software program (NVivo). Once a preliminary analysis of the software-generated groupings and interview transcripts was complete, the research team held two Burmese-language data validation workshops



to review the preliminary findings, receive feedback and refine the data analysis.

Once analysis was complete, key findings were translated into English to produce this report. Selected information about certain cases and interview quotations were also translated to provide context and highlight analytical themes.

### ***Documented Cases Without Interviews***

Data collection teams profiled cases where survivors could not be interviewed to compare to the interview data. Ultimately, data collection teams profiled 27 cases, at least one from each region except Mon State, which are discussed in **Research Findings and Analysis**.



3

**LIMITATIONS  
AND  
CHALLENGES**

Limitations and challenges were context-specific, with some experienced in all regions and others only in some areas.

### ***Overview of Limitations and Challenges***

**Access Limitations:** The research team was only able to partner with one local data collection team selected from the applications submitted to its call for proposals. For example, no proposals were submitted by groups able to collect information from Rohingya survivors in Rakhine state so no interviews were conducted with the Rohingya (or certain groups in other ethnic areas), which prevents the data from being complete and comprehensive. Moreover, data collection teams collected information only in their immediate area so did not provide a state-wide snapshot.

**Communications and Data Collection Challenges:** Communications technology, especially in ethnic areas, is limited and coup-related communications restrictions exacerbated inherent problems. Unreliable telephone and internet connections made it difficult for data collectors to communicate with interviewees, other data collectors and members of the research team and conducting the data collector training remotely was not as complete or successful as it would have been with face-to-face interaction. The diversity of ethnic languages was an additional challenge as local interpreters needed to be engaged and translating technical and sensitive terminology was difficult.

Occasionally, data collectors could not bring recording equipment to interviews, had to delete the recordings on their phones before they could upload them due to inspections at security checkpoints or delayed transferring data due to poor internet connections. These challenges negatively affected the quality and depth of analysis.

**Coup-Related and Other Security Challenges:** The coup exponentially increased the danger for everyone affiliated with this research and the local research teams and participants overcame credible and real fears for their own safety. Many data collectors had to negotiate security checkpoints where unlawful searches were made. In one case, data collectors

encountered active fighting between three armed groups during a data collection trip – yet they not only completed the interviews but insisted upon continuing the project.

**Covid-19 Challenges:** The Covid-19 pandemic has wrought havoc in Myanmar, causing lockdowns, travel restrictions and social distancing measures which delayed data collection and necessitated adjustments to the research plan. Covid-19-related restrictions also limited the ability of data collection teams to locate and reach survivors and key informants.

**GBV Case Inclusion and Definitional Challenges:** Defining what cases constituted CRSV proved to be challenging, and ultimately cases of GBV were included to account for the depth and breadth of sexual violence experienced. Moreover, the research plan excluded cases that took place prior to 2016 and did not allow minors to be interviewed, which limited the number of cases collected.

**Qualitative Research Limitations:** This qualitative research project did not attempt to collect comprehensive quantitative data. Moreover, the research did not attempt to assemble legal dossiers for future prosecutions nor did it attempt to determine criminal liability, though the findings could be valuable in future justice and accountability efforts.

**Ethnic Conflict Limitations:** Some local data collection groups faced challenges due to the lack of trust between ethnic groups which posed overall credibility and logistical challenges, such as the need to locate interviewers appropriate for each ethnic group.

**Key Informant Limitations:** Key informants were well-versed regarding the experiences of GBV survivors, but did not have specific experience dealing with CRSV survivors.

**Survivor Access Challenges:** Data collection teams faced multiple hurdles locating and convincing survivors to participate: survivors' fear of reprisals, language barriers, lack of trust in data collection teams, difficulty tracking down survivors (many have moved or are in hard to reach areas), safety

concerns, reticence to discuss sexual violence and the relatively short time frame of the research collection. Some survivors had been interviewed before and felt that no progress had been made so were reluctant to discuss the incident again. Local partners also faced difficulties getting information about potential interviewees from other CSOs due to the post-coup evisceration of civil society and the reluctance of local actors to share survivor information. As a result, local data collection teams were not able to interview as many survivors as they had planned.

### **Research Team Response**

**The research team sought to overcome limitations by:** partnering with local groups emphasizing cultural sensitivity and flexibility; extending the timeframe for the project; relaxing requirements for data collection methods; allowing telephone and online interviews; and developing and strictly enforcing enhanced personal and data security protocols. Engagement with military-affiliated entities, such as police, judicial personnel and the Department of Social Welfare, was eliminated. Security and safety limitations were addressed by collecting data only from areas in which access could be safely guaranteed, which necessitated eliminating Mandalay. The team also developed Covid-19 protocols, including requiring that researchers and participants remain masked and socially distanced throughout the interview.



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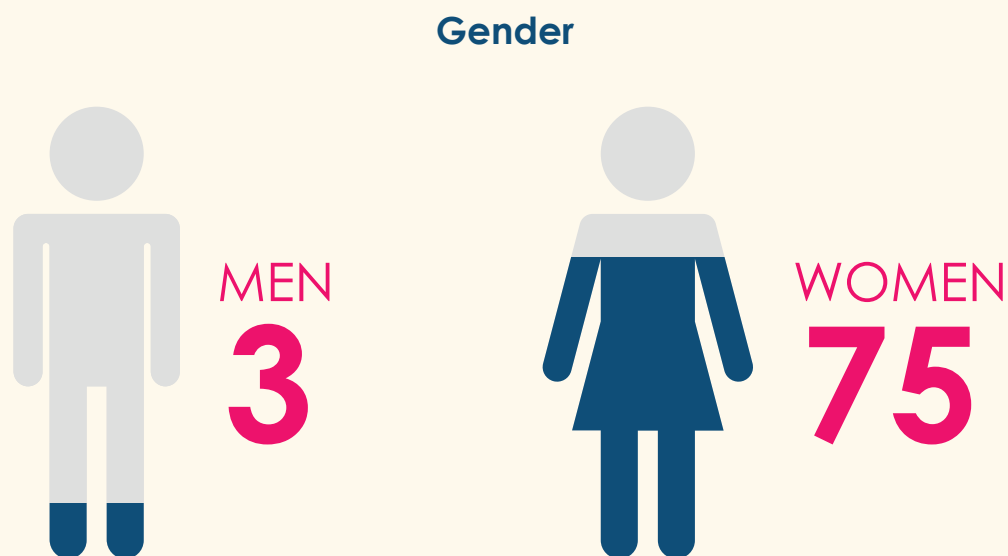
**PROFILE OF  
SURVIVORS**

## 4.1 Type and Context of CRSV

In this section, **Profile of Survivors**, **Types of Violence**, and **Profile of Perpetrators** are based on 78 survivor interviews. **Documented Cases Without Interviews** is based on research and information collected by data collection teams and **Contributing Factors to Violence** is based on information provided by all participants as well as analysis of the overall situation in Myanmar.

### 4.1.1 Profile of Survivors

While men were not immune to violence, the overwhelming majority of survivors were women. Out of 78 total IDIs, 75 (96%) were with women and 3 were with men. The age range of survivors was 17 to 59 years old, with a median age of 27. In 6 cases, the incident of violence occurred prior to the survivor's 18th birthday, with 16 being the youngest age at the time of the incident.



The survivors' level of education varied, though two-thirds (n=49 or 63%) of survivors only reached either an elementary or middle school level of education. In total, 39% of survivors attained an elementary school level of education (n=30), 24% (n=19) a middle school level of education, 24% (n=19) a high school level of education and 13% (n=10) a university-level education.

### Level of Education

#### ELEMENTARY SCHOOL

**30** Survivors

#### MIDDLE SCHOOL

**19** Survivors

#### HIGH SCHOOL

**19** Survivors

#### UNIVERSITY

**10** Survivors

Of the 78 survivors interviewed, approximately 17% (n=13) of survivors did not provide marital status information. Of the remaining 65 cases, the vast majority (n=46 or 71%) were unmarried, with married survivors (n=19) accounting for the remaining 29%.

### Marital Status



Married

**19**  
Survivors



Unmarried

**46**  
Survivors

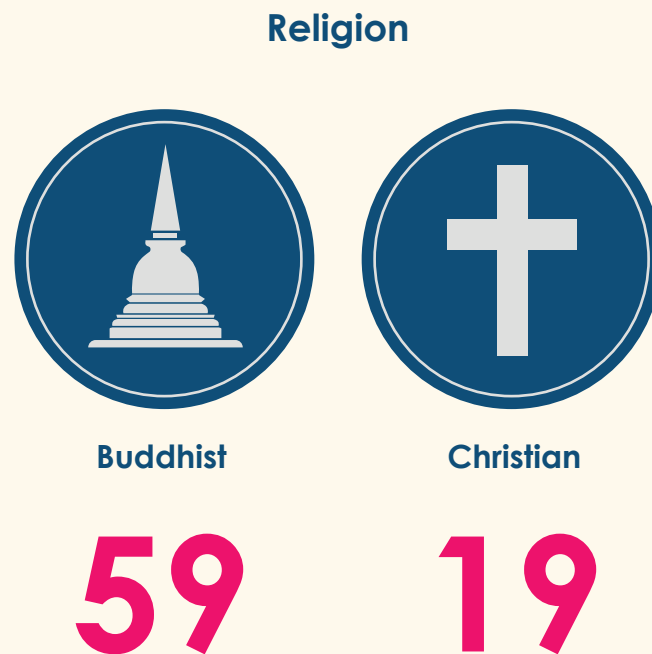


Unknown

**13**  
Survivors

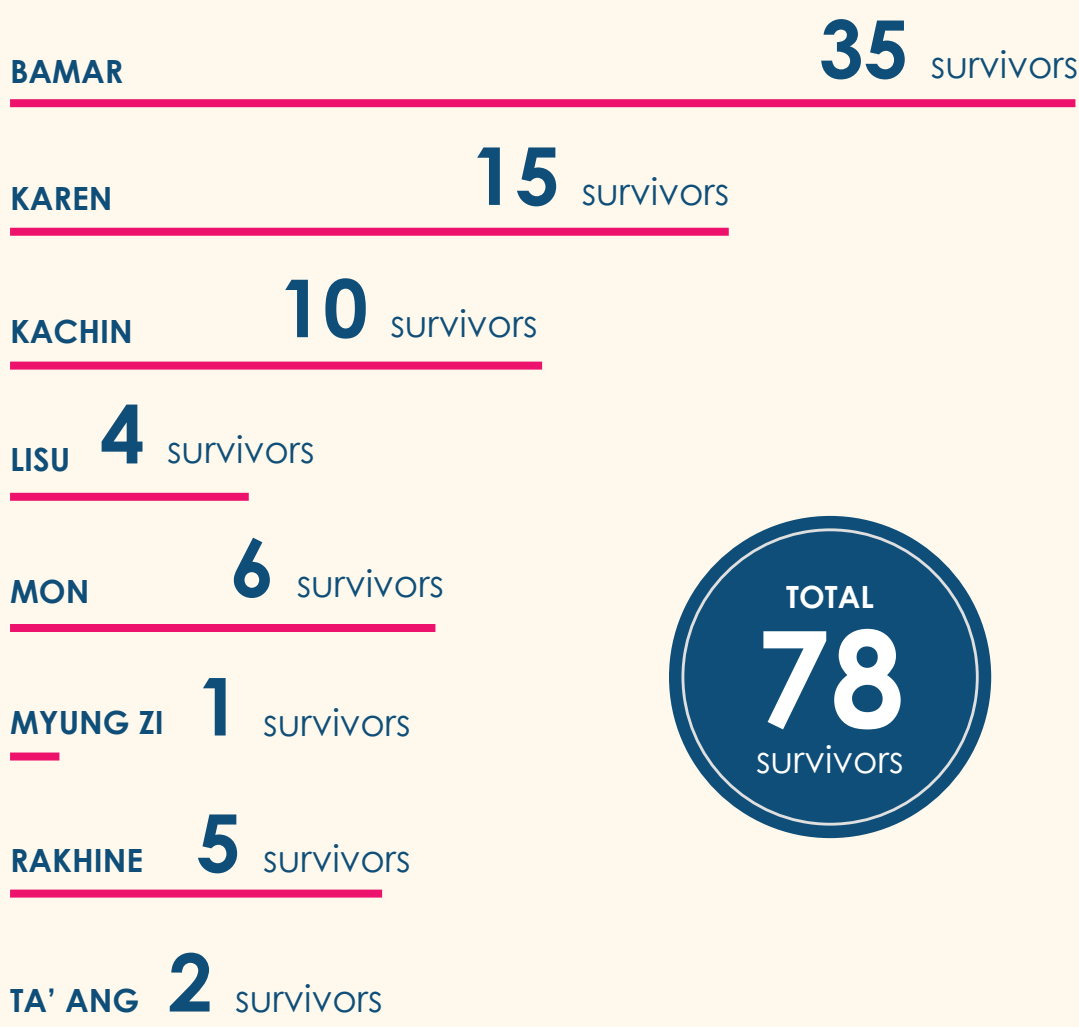


All survivors identified as either Christian or Buddhist, as the research project was not able to secure access to Rohingya Muslim areas. Of the 78 cases, approximately one-quarter were Christian (n=19 or 24%) and the remainder were Buddhist (n=59 or 76%). The overwhelming majority of survivors in Yangon were Bamar Buddhist.



Survivors belonged to a variety of ethnic groups including Bamar, Karen, Kachin, Lisu, Mon, Myung Zi, Rakhine and Ta'ang. The largest ethnic group represented was Bamar (n=35 or 45%).

## Ethnicity



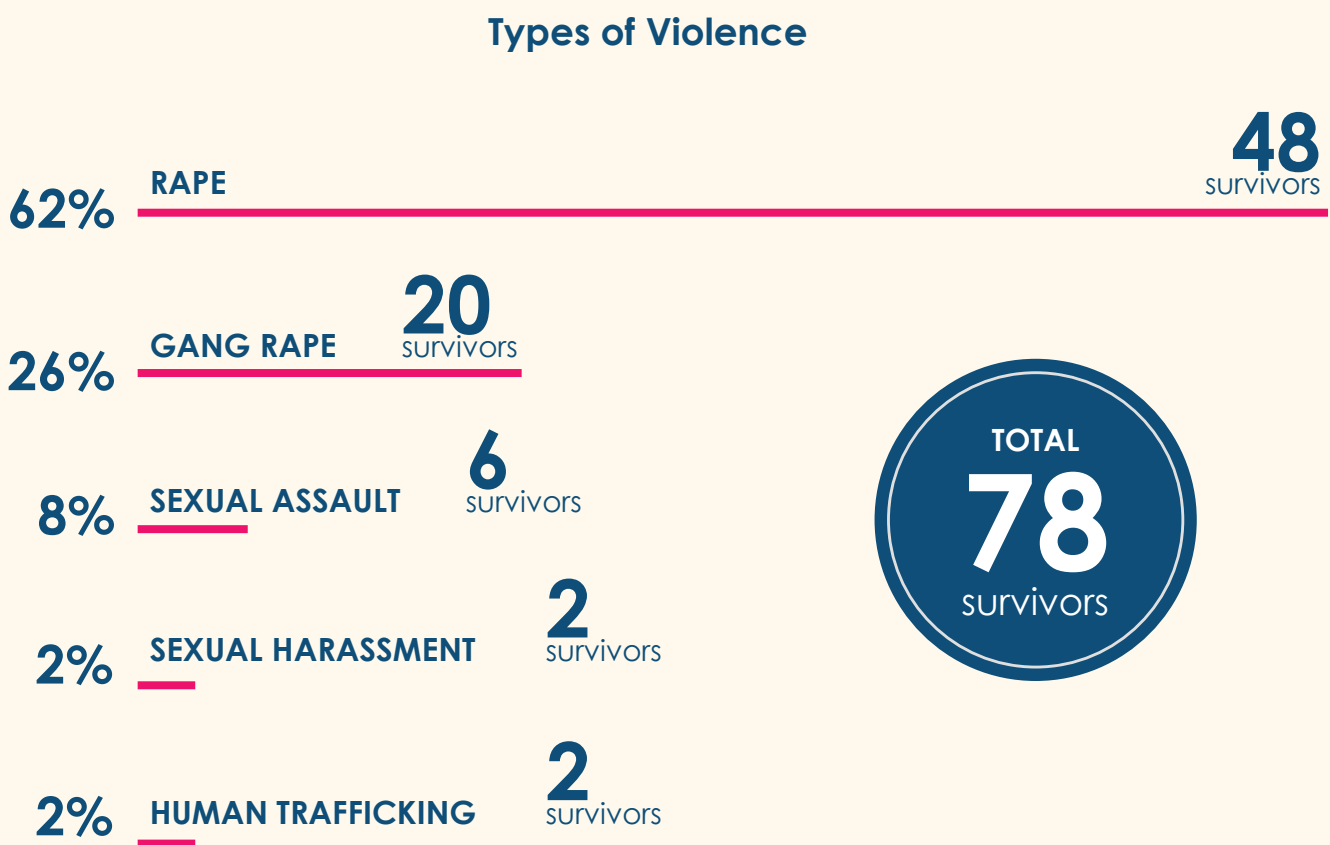
The research was limited to incidents that took place from 2016 to 2021. A total of 44 cases (56%) took place after the February 1, 2021 coup, including all cases from Yangon.

Based on the data collected from this random sampling, women were more susceptible than men and there was an inverse relationship between level of education and experiences of violence. Though data was not complete, unmarried women were more than twice as likely to experience violence as married women. In ethnic areas, members of ethnic minorities were more likely to experience violence, but post-coup data gathered in Yangon demonstrates that Bamar were not immune to violence. Survivors were either Christian or Buddhist as the research team could not gain access to predominantly Muslim areas to document cases there. In general, the presence of security forces, whether in ethnic areas or urban areas post-coup, led to sexual violence. This data points to

a consistent pattern of CRSV across multiple regions, ethnicities and religions, with the military and other security forces using their power, position and long-standing impunity to commit violence.

### 4.1.2 Types of Violence

Survivors experienced a range of violence including rape, rape with more than one perpetrator (gang rape), sexual assault, sexual harassment and human trafficking. The overwhelming majority of cases involved rape or gang rape: 68 out of 78 cases or 88%. Of those 68 cases, 20 were gang rapes with more than one perpetrator; all incidents involving male survivors were gang rape. Of the remaining 10 cases, 6 were sexual assault, 2 were sexual harassment and 2 were human trafficking.



In 54 cases (69%), perpetrators used a weapon to threaten the survivor. Types of weapons included guns, knives and batons. In 8 cases (10%), survivors reported that the perpetrator was under the influence of alcohol or other substances (key informants working in the field estimate this number to be much higher, see Service Provision to Survivors).

### 4.1.3 Detailed Information by Type of Violence

**Rape:** Of the 78 cases collected, 48 (or 62%) were rape. The majority of rape incidents committed by security forces, including Tatmadaw soldiers, in ethnic states took place in areas where Tatmadaw battalions had set up camp. Rapes took place when survivors were walking alone, working on farms or out searching for food outside the village. There were a few instances of rapes occurring at the family home when soldiers from nearby military encampments invaded and raped civilians, sometimes stealing food or other goods.

The majority of rape cases documented in Yangon after the coup were committed by Tatmadaw soldiers and police taking advantage of the unrest following the coup. This turmoil exacerbated the vulnerability and insecurity of survivors, who were generally poor women. In more than three-quarters of Yangon rape cases, survivors were street vendors, factory workers or general workers. Soldiers and police took advantage of women walking alone or in small groups on the street to either bring them to police stations or military outposts on the pretense of questioning or drag them to isolated areas. Once there, survivors were raped at gunpoint and threatened that they would be killed if they told anyone.

In other cases in Yangon, soldiers and police committed rape during “routine” checks. Perpetrators entered private residences or offices on a security-related pretext, such as checking to see if the headcount in their home matched the housing registration or to investigate their involvement in democracy protests. Survivors were removed from their residence or place of work and raped in other locations, such as a military patrol station, police station or another isolated area.

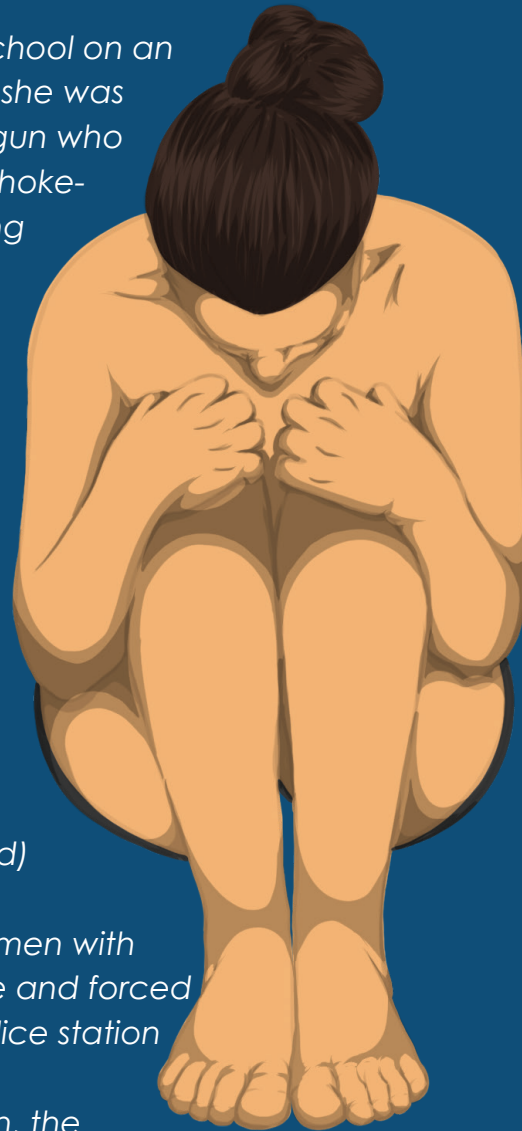
A survivor was raped by a Tatmadaw soldier who intruded into her room in her village hut in the middle of the night and sealed her mouth with a cloth. When the perpetrator ran away, she screamed and woke up her parents. It was very dark so she could not see the face of the perpetrator, but the perpetrator's army shirt was left behind at the scene so they knew he was from the battalion camping in her village. (IDI, woman, Karen state, 18 years old)

While the survivor was going to school on an isolated road in a wooded area, she was approached by a soldier with a gun who pulled her hair and put her in a chokehold. She tried to protest by pulling the perpetrator's hair using all of her force, but she was knocked unconscious by a blow to her head and raped. (IDI, woman, Karen state, 23 years old)

On her way back home at night from work as a street vendor, the survivor was followed by a military patrol soldier. She was dragged away to an empty and isolated place near the train station and raped at gun-point. (IDI, woman, Yangon, 22 years old)

In the middle of the night, policemen with guns invaded the survivor's home and forced her to come with them to the police station to investigate her involvement in democracy protest. At the station, the policeman in charge of the interrogation raped her and afterward threatened to kill her if she told anyone. (IDI, woman, Yangon, 47 years old)

Five women survivors, who worked as street vendors, were dragged at gunpoint into an army truck by eight soldiers. When they reached a remote creek outside of the city, the soldiers raped them and, afterward, threatened to kill them if they told the incident to anyone. (IDI, women, Yangon, 16, 18, 20, 21, 22 years old)



**Gang Rape:** More than a quarter of all total rape cases (n=20 of 68 total rape cases, or 26%) were perpetrated by more than one person. Most gang rapes were committed by Tatmadaw soldiers or police in both ethnic areas and Yangon, though a few were committed by ethnic armed organizations (EAO) in ethnic areas. In Karen state, more than half of the total rape incidents involved more than one perpetrator. All rapes with more than one perpetrator in Yangon were committed by security forces who dragged survivors away at gunpoint from their homes or on their way home from work. The circumstances of gang rapes in ethnic areas and Yangon were similar to the circumstances of rape cases described above.

*When the survivor was foraging for vegetables in the forest while tending her cows, she was approached by two Tatmadaw soldiers who asked her what she was doing. Sensing bad energy, she tried to run away, but they pushed her to the ground and took turns raping her. (IDI, woman, Karen state, 20 years old)*

*When the army came into a village, a family of three wives, two mothers-in-law and three children went into hiding within their home. At night, five soldiers trespassed into their home and rampaged through their items. When they were hiding in the rice storage, one of the wives' six-day-old baby elicited a cry that caught the attention of the soldiers. After being forced to come out of hiding, the three wives were taken away to the army station for questioning. The soldiers told them that they had to remain with the soldiers at the station or they would be shot dead. When they attempted to run away, one woman was caught, taken away to an isolated place and gang-raped by three soldiers at gunpoint. (IDI, woman, Rakhine state, 39 years old)*

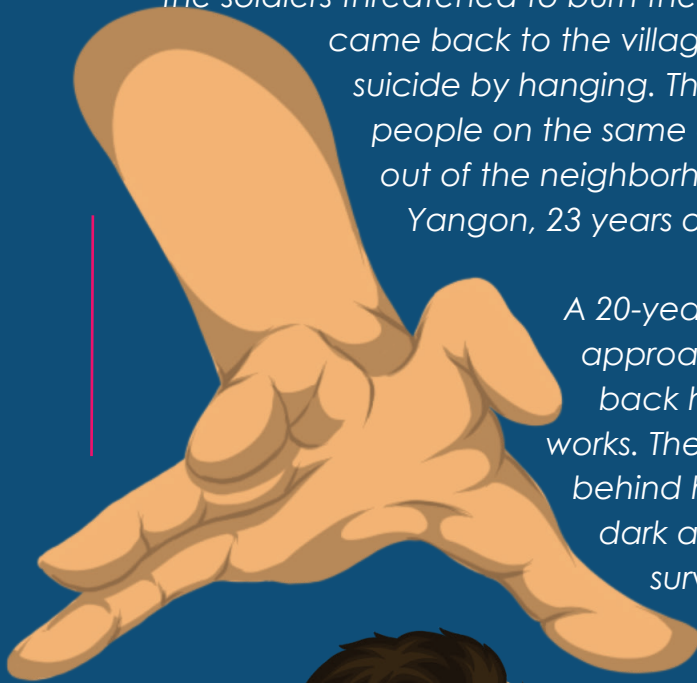


Four soldiers from a nearby battalion came to a survivor's house in a village at night, tied up her husband and children (3 and 4 years-old) at gun point, dragged her by the head into another room and raped her. Afterward, they stole money and rice from her home and left. (IDI, woman, Karen state, 50 years old)

Five soldiers from a group of 20, while on patrol and drunk, intruded into the survivor's home in the middle of their dinner and dragged away two women, aged 23 and 19. The husband of the 23-year-old, who was an older brother of 19-year-old, tried to protest but was shot in the head and died immediately. The girls were taken to a rubber forest where three soldiers raped them at gunpoint. Afterwards, the girls were released mostly without clothes and the soldiers threatened them not to tell anyone. If they or their village retaliated, the soldiers threatened to burn the village to the ground. When they came back to the village, the 19-year-old committed suicide by hanging. The family held a funeral for two people on the same day. The rest of the family moved out of the neighborhood soon after. (IDI, woman, Yangon, 23 years old)

A 20-year-old male survivor was approached by two soldiers on his way back home from the factory where he works. The two soldiers tied his hands behind his back and dragged him to a dark area and raped him twice. The survivor saw the battalion numbers of the soldiers' uniform. (IDI, man, Yangon, 20 years old)

The survivor was walking on an empty mountain road to deliver lunch to her mother at a tea plantation when she was approached by two drunken soldiers. Stalking her, they asked where she was going and promptly put her in a chokehold. They then tied her hands and raped her at gunpoint. She tried to scream for help, but



*they placed their hands over her mouth and threatened to kill her if she made a noise. (IDI, woman, Shan state, 23 years old)*

*When a survivor went back home to her village from the city, where she was attending school, she found her family surrounded by Tatmadaw soldiers. She came in between the soldiers and her parents, who did not speak Burmese, and tried to mediate the situation as the only Burmese speaker in the family. The soldiers pointed their guns at her head and attempted to drag her away. When she begged them to not take her, the soldiers threatened her by firing rounds of gunfire into the air. They dragged her to a mountain creek where she was knocked unconscious in the head and raped. The soldiers later stole valuable goods from her family. (IDI, woman, Karen state, 19 years old)*

*The survivor endured sexual violence and torture repeatedly for five months by prison guards (policemen) at Insein prison where she was sent for her involvement in democracy protests. Her lower body was left paralyzed after being tortured and sleeping on the cold, hard concrete ground. Five months after her release, she was taken away by two policemen for questioning and was constrained and raped repeatedly under a bridge. She passed out after they struck her head. (IDI, woman, Yangon, 21 years old)*

*When the survivor was tending his shop in the middle of the night, he was approached by a few soldiers who were looking for an important figure in the democracy protests. However, after seeing that he was alone, they took advantage and raped him. (IDI, man, Yangon, 40 years old)*

*A survivor was returning home from her vendor work at the bus gate when eight soldiers followed her and dragged her away in their military truck. They took her to an isolated area in the countryside and raped her, threatening to shoot her if she yelled. (IDI, woman, Yangon, 20 years old)*



**Sexual Assault:** Five of the six sexual assault survivors were tortured, verbally and sexually assaulted and severely beaten causing serious injuries during interrogation by security forces in Yangon and Kachin state after the coup. Survivors detained after the coup stressed they had been held in custody for extended periods, in overcrowded and unhygienic interrogation centers and prisons. They were kept incommunicado, unable to contact family and relatives. Women survivors reported being humiliated, groped and manhandled during arrest and while in detention.

*After the survivor led a democracy protest, the police and soldiers broke into her house to arrest her. She attempted to run away, but she was dragged by her hair and breasts and was stomped. She was taken to the police station for interrogation where she was repeatedly beaten and sexually assaulted. Two days later, she was released and forced to sign an affidavit promising not to join the democracy movement again. (IDI, woman, Yangon, 26 years old)*

*At dinner time, soldiers came to the survivor's home and took her away for interrogation. Two days later, she was sent to Insein prison where she could not get in contact with her parents. At prison, she endured violent torture including severe sexual assault. After 8 months, she was sent back home in a taxi along with two other women. Her lower body was left in pain and paralysis. (IDI, woman, Yangon, 33 years old)*

*A group of policemen and soldiers with guns came to her store, asked if she printed out protest signs, beat her up with a baton, and attempted to handcuff her. When her 3 year old son came down the stairs, a soldier tried to shoot him but she intervened. The soldier restrained her and molested her buttocks in front of her son. When she yelled not to do it, the soldier threatened to shoot if she made noises. (IDI, woman, Yangon, 22 years old)*



**Sexual Harassment:** Two survivors reported sexual harassment, including threats, unwanted touching, verbal abuse and threats - one by Tatmadaw soldiers in an ethnic area when the military was stationed near her village and one in detention.

*When a battalion camped in her village, one survivor had to billet two soldiers at her home. One soldier kept crossing physical boundaries (for example, by putting a blanket on her) and also snuck into her bedroom. When she told him to stop, he slammed the floor with his gun and threatened her. The other one dragged her shirt which prompted her to scream. (IDI, woman, Shan state, 50 years old)*

*After being arrested for participating in strikes, the survivor was taken to the detention center where during the interrogation she was verbally abused, harassed, humiliated, ridiculed and threatened at gunpoint by the police and the military personnel, many of whom were drunk. During her detention in jail for an unknown number of days, she was monitored every second from taking a shower to using the restroom. Upon her release, she was threatened to keep her phone number or risk arrest again. (IDI, woman, Kachin state, 24 years old)*



**Human Trafficking:** Two women from a conflict-affected and impoverished ethnic area were the victims of human traffickers who sold them to Chinese men.

*Facing challenges for survival due to armed conflict in the region, the survivor went to China with her friend who promised her a job at a store. When she arrived at the house of the store owner, she was given shampoo and subsequently passed out after using it. She woke up in a stranger's house and realized she had been sold as a bride to a Chinese man, which she later found out was for 60,000 Yuan. She was raped and impregnated, giving birth to a baby a few months later. When the baby was ten months, she was able to escape, and she reported herself to a local police station. After being detained for six months, the Chinese police sent her back to Burma under Burmese police jurisdiction. The total timespan of this incident was three years. (IDI, woman, Kachin state, 24 years old)*



#### 4.1.4 Profile of Perpetrators

Almost three-quarters of incidents were committed by security forces, including military (Tatmadaw) soldiers and officers, border guard forces (BGF), militia and police officers (which are under the control of the military). Of the 78 cases, 54 or 69% were committed by these groups.

Other perpetrators were soldiers affiliated with EAOs, local administrators/village leaders and other actors including religious figures, strangers, romantic partners and civilians posing as militia (who in some cases were taking advantage of conflict and unrest). Of the 78 cases, 3 were committed by EAOs, 8 were committed by local administrators/village leaders and 14 were committed by others.

#### Profile of Perpetrators

##### MILITARY (TATMADAW)

**44** Perpetrators **56%**

##### POLICE

**8** Perpetrators **10%**

##### BORDER GUARD FORCE/ MILITIA

**2** Perpetrators **3%**

##### EAO

**3** Perpetrators **4%**

##### LOCAL ADMINISTRATORS /VILLAGE LEADERS

**7** Perpetrators **9%**

##### OTHER

**14** Perpetrators **18%**



#### 4.1.5 Documented Cases Without Interviews

Once the data collection had gotten underway, data collectors from all areas emphasized that including only cases where survivors could be interviewed would not give a clear enough picture of the situation on the ground. Victims who did not survive would be omitted, which was unfair, and convincing survivors to participate was proving to be extremely challenging, due to survivor fear, societal stigma and logistical challenges engendered by conflict, Covid-19 and the coup. To account for these concerns, the research team asked data collection teams to document serious cases in which survivors were unavailable for interviews.

Comparing this data to survivor interviews revealed a strikingly consistent pattern. Data collection teams documented 27 total cases where the victims/survivors were not available. In 6 cases, victims were raped (including by more than one perpetrator) but did not survive the incident; 16 other rape cases and 1 rape with more than one perpetrator were also documented. In total, 23 of the 27 cases, or 85%, were rape or gang rapes. Survivor data from IDIs put that figure at 88%, which is a remarkably uniform pattern and indicates that rape is used consistently as a strategy to target and intimidate.

The profile of perpetrators was also comparable. Of the 27 cases, security forces, including the military, BGF, militia and police, were the perpetrators in 85% of cases. Data collected from survivors put the figure attributable to security forces at approximately 70%.

This data corresponds closely to the survivor interview data showing that rape is the overwhelming type of violence experienced and that the military and its affiliated entities are the overwhelming perpetrators of violence. Thus, besides giving a voice to these victims and survivors, the data illuminates a similar pattern of violence.

## Documented Cases Without Interviews

RAPED/GANG-  
RAPED AND  
MURDERED

6

RAPED AND  
SURVIVED

16

GANG RAPE  
AND SURVIVED

1

SEXUAL  
ASSAULT

1

SEXUAL  
HARASSMENT

3



### 4.1.6 Contributing Factors to Violence

While each survivor experience is unique, IDIs and KIs provided insight into indicators of CRSV and GBV experienced throughout Myanmar, and the context, factors and circumstances that contribute to increased vulnerability to violence.

**Militarization in Ethnic Areas:** While it may seem tautological to cite militarization in a study of CRSV, survivors and key informants routinely reported increased vulnerability when living or working near military barracks or encampments established temporarily as part of military offensives. This leaves women (and others) vulnerable to house raids, looting and sexual violence as well as other harms, such as forced recruitment and portering which are consistently used by security forces across all areas. Besides soldiers or groups of soldiers venturing out of military encampments, security forces and other authority figures took advantage of the militarization, ensuing conflict and unrest to perpetrate sexual violence.

**Post-Coup Militarization and Repression throughout the Country:** The military's brutal crackdown following the coup has been the major contributing factor to sexual violence in Yangon and has bred a sense of lawlessness throughout Myanmar. Interviewees reported that the military and police are using the unrest and suppressing democratic protests as an excuse – or “free pass” - to hassle and sexually assault civilians. Interviewees made clear that in post-coup Myanmar, everyone is vulnerable to security force abuses, including sexual violence, and that security forces were punishing all of society for democracy protests. It is not only security forces that are taking advantage of the lawlessness; for example, we received reports of civilians committing sexual violence and then threatening to report the survivor to the police as having participated in democracy activities if the survivor told anyone.

Since the coup, arbitrary detentions have been a main strategy of the military junta to suppress dissent and instill fear in civilians. Participants reported that soldiers and police can search any household, seizing at will cash and valuable items during their search, as well as harass and detain civilians. Anyone can be held for any length of time without cause or lodging of charges. Since martial law has been imposed in many areas of the country (including Yangon and ethnic areas), the military has increased its campaign of control, violence and terror in order to quell the democracy movement using any means, including sexual violence on the streets and in detention settings.

Post-coup military road checkpoints, allegedly to monitor protest activities, have enabled security forces to take advantage of those travelling home from work. Five incidents in this research took place when survivors were stopped randomly at such checkpoints.

**Long-Standing Military Impunity:** Members of security forces have enjoyed long-standing impunity so do not fear consequences for abuses since they have rarely been held accountable. Instead, they repeatedly commit the same offenses with a well-founded belief that they are above the rule of law. All respondents emphasized that no one is safe from rape and sexual assault under military rule and there is no place to report violence

committed by security forces – especially after the coup. This complete lack of accountability perpetuates the cycle of violence.

**Gender:** While men were also targeted for violence, the overwhelming majority of survivors were women. Deeply-rooted gender inequality and patriarchal norms within society – intertwined with decades of rule by a male-dominated military - portray women as weak, dependent and inferior to men, and men as dominant, powerful and aggressive. Women are marginalized in society, even in their own communities and by their own families, with men considered to be the primary decision-makers. This societal inequality is a driver of violence against women.

**Poverty:** Many survivors indicated that a lack of economic resources contributed to their vulnerability and that poverty made them powerless within society. Key informants confirmed this assessment, stating that a lack of economic power translated into a lack of political power and clout within communities. This marginalization leads not only to vulnerability to violence but also to reduced likelihood of reporting violence or achieving justice, discussed further under Barriers and Challenges to Reporting Violence.

**Isolation:** In ethnic areas, perpetrators took advantage of survivors being alone in remote locations, such as working on farms or rice paddies or searching for food outside villages, calculating that there would not likely be assistance and/or witnesses nearby. In all areas, travelling alone, either to work or to school, provided another prime opportunity for perpetrators to strike against women as well as men. This led to many situations where survivors did not have any witnesses to the attack, setting up a credibility contest between them and the perpetrators. Since many survivors were poor and without power in the community, they reported that their accounts of events were less likely to be believed.

**Use of Alcohol and Drugs:** Alcohol and other substance abuse was a contributing factor in a number of cases, as 10% of survivors reported that perpetrators were clearly intoxicated at the time of attack.



## 4.2 Reporting of Violence

In this section, **Survivor Reporting** is based on information provided by survivors and **Lack of Justice for Survivors** and **Barriers and Challenges to Reporting Violence** are based on information provided by survivors and key informants. Regarding disclosure and reporting, survivors frequently appeared comforted by unburdening themselves, as if they had been relieved of carrying around a psychic weight. With data collectors as sympathetic, non-judgmental listeners, survivors appeared pleased that someone was recording their story, serving as an ex post facto witness to their suffering. A few survivors, however, noted frustration at having to repeatedly tell their stories without it resulting in any services, assistance or justice.

### 4.2.1 Survivor Reporting

One survivor did not provide information about reporting. Of the 77 remaining survivors, 10 (or 13%) did not report the violence to anyone; all of these cases occurred in Yangon, Shan state or Karen state. The 67 survivors that reported the violence divulged their stories to family members, friends, neighbors, local administrators/village leaders, local CSOs, police, the military and EAOs. Survivors were most likely to report to family members, including 20 who reported only to family members (n=20 or 26% of all survivors), but this likelihood varied by area and was much more likely in Yangon. A small number (4 or 5% of all survivors) opted to report only to friends or neighbors. Note that all survivors who reported to outside third parties had also told their family, friends or neighbors, and in many cases those personal contacts encouraged or brokered the third-party disclosure.

### Survivor Reporting



## Family Members

While survivors were most likely to disclose the incident to family members, in some cases, survivors did not initially inform their family about the incident due to embarrassment, shame, a perception that the family would suffer a loss of dignity or societal stigma. Yet, some survivors could not hide the incident due to its physical aftereffects, such as gynecological trauma or a resulting pregnancy.



*“When I was taken at knife-point by a person wearing plain clothes in a hijacked taxi in late evening on my way home from a friend's place, I was so scared to make a sound. He took me to the military temporary base where he raped me. But I already passed out due to shock and fright before he pushed me down to rape me. When I woke up, he threatened me not to tell anyone, or he will kill me. I was so fearful that I did not tell anyone. My pregnancy from rape made me let my mother know as I need to undergo secret abortion.” (IDI, woman, Yangon, 19 years old)*

*“When I was walking back home from work, a policeman accosted me all along and dragged me into the creek and raped me. Although I was in constant pain as a result of rape, I did not tell anyone initially because of feeling shameful, but my parents found out when I was suffering tremendously from pain in the uterus region.” (IDI, woman, Yangon, 23 years old)*

In cases where the survivor told only family members (n=20 or 26% of all survivors), the survivors and their family members did not disclose the incident to anyone else due to shame, societal stigma and fear of authorities.

### **Outside Third Party Disclosure**

Some survivors reported to local administrators/village leaders in Yangon (post-coup) and in Shan and Karen states (pre-coup). Respondents in ethnic areas reported that bringing cases to local officials did not always result in action due to fear or a lack of political will to confront the military or other powerful perpetrators. One survivor reported that local officials pressured her into informally settling the case, and multiple key informants corroborated the widespread use of insufficient local traditional justice mechanisms.



*“My mother reported to the village head about my incident. But he told my mother to forget and forgive what happened because we will never win the case. He remarked how the soldiers carried guns that could be used to harm us or the villagers. He pointed out how lucky I was in fact for being alive, and not shot to death.” (IDI, woman, Shan state, 23 years old)*

*“I was raped by a village administrator who threatened me not to tell anyone. When I informed the incident to the village leaders, [the perpetrator] threatened to sue me for defamation of his reputation. As he is rich and powerful, he influenced the village leaders who pressured me to drop the case.” (IDI, woman, Rakhine state, 38 years old)*

Post-coup, survivors do not trust local officials affiliated with the military or the SAC, so will not report to them. Some village leaders in ethnic areas have maintained their positions after the coup but they are not opposing the SAC and so are not able to assist survivors. Although all cases reported in Yangon were post-coup, some survivors did opt to report to local administrators who have not resigned because they and residents believe that SAC-appointed replacements will terrorize their neighborhoods and worsen the situation. Thus, these local administrators were more likely to be a trusted resource for survivors.



*“The group of soldiers dragged us (my sister-in-law and me) from our home and raped us in a wooded area. When I arrived back home, my neighbors helped me and reported to the ward administrator. My neighbors are terrified due to the threat by the soldiers to set fire to the village if they protest. The administrator was helpful to me but he cannot do anything because the perpetrators are soldiers.” (IDI, woman, Yangon, 23 years old)*

A handful of survivors reported to the military or police; these cases occurred only in Shan, Karen, and Kachin states and only one of these cases occurred after the coup. As discussed below in **Lack of Justice for Survivors**, the police or military did not resolve the vast majority of these cases satisfactorily. Almost all respondents believed that after the coup it is impossible to file almost any case at the police station - even reporting cases of theft or other crimes is met with negligence, indifference and even mocking from the police. Thus, post-coup there has been a complete breakdown of trust between the people and law enforcement authorities.

Another handful of survivors in Shan and Karen states reported to EAOs. In Karen state, respondents reported that Karen people will only report to – and trust – those who speak their language. However, as discussed below in **Lack of Justice for Survivors**, EAOs were not able to provide a sufficient justice outcome. In addition, in ethnic areas where EAOs and the military

continue to skirmish or where there continue to be inter-ethnic conflicts it can be unclear to whom the violence should be reported.

### **Lack of Justice for Survivors**

Survivors who reported violence rarely achieved a sufficient justice outcome. In one case, the military alleged that courts-martial took place but these proceedings are held in secret so no civilians could attend, provide testimony, confirm the identity of the perpetrators, receive any information about the case, confirm what punishment was assessed or verify whether that punishment was ever carried out.



*“After being gang raped by Tatmadaw soldiers and also being attempted raped to my daughter by the same group of soldiers near my village and also being threatened with death if I tell others, I had to run away with my family to the city where local woman group helped me to file the case with the help of the lawyers. The police refused to accept the case initially but after pressure by the people and woman groups, the police accepted my case for legal action. The military battalion initially denied the allegations and dismissed the incident as a fabrication, but later by order of the military, my case was transferred to a military tribunal where the military announced that perpetrators were sentenced to 20 years imprisonment. However, the court-martial did not release the identity of the perpetrators who received the imprisonment. Because the court-martial was tried and conducted behind the public eyes, I am not sure if the perpetrators received the punishment or not.” (IDI, woman, Rakhine state, 39 years old)*

In a few cases, informal token actions were taken when violence perpetrated by Tatmadaw soldiers was reported to their commanding officers. In one case, the battalion commander of the perpetrator offered an apology and a small financial settlement and in another case the battalion commander apologized and punished the soldier by slapping him but did not provide a financial settlement.



*“When the battalion camped in my village, my family had to host two soldiers at our home. When one of them snuck into my bedroom, I screamed, and he slammed the floor with his gun and threatened me. When I informed the incident to the commander of the battalion, he apologized and compensated me 50,000 MMK (\$20). This is totally unacceptable for me, but I have no chance to receive the fair justice.” (IDI, woman, Shan state, 50 years old)*

*“When I was working at my poultry farm, the soldier, who was stationed in our village, attempted to rape me. He fled when my scream brought my sister’s attention. I informed my uncle who then proceeded to report the incident to the battalion commander stationed near our village. The commander apologized and punished the soldier through a slap across the face.” (IDI, woman, Shan state, 24 years old)*

The majority of cases reported to EAOs involved violence committed by Tatmadaw soldiers in Karen state which were reported to the Karen National Union (KNU). While the KNU has an official justice system, it lacks jurisdiction over Tatmadaw soldiers and the absence of additional witnesses or corroborating evidence makes it difficult to pursue cases. Thus, though the KNU supported the survivors and issued apologies, it was limited in its ability to respond. In another case of rape in Shan state perpetrated by another EAO’s soldiers, that EAO’s commander apologized and provided the survivor with 100,000 MMK (around 65 US dollars) for medical care and promised to punish the perpetrators according to its own rules and procedures. This survivor reported the incident to the regional court and police station, but no action was taken.



*"I reported the incident perpetrated by Tatmadaw soldier to KNU, but they could not do anything due to the lack of forensic evidence. KNU reported to the [Tatmadaw battalion commander] who promised to investigate the matter, but no action was taken." (IDI, woman, Karen state, 35 years old)*

*"Since we live in an ethnic controlled area, it is very hard to attain effective jurisdiction.....In my case, I remembered my perpetrators were three men wearing military boots. However, it has been difficult for me because of no eyewitness and I do not know how to file a complaint and how the cases will be proceeded under EAO's jurisdiction." (IDI, woman, Karen state, 23 years old)*

*"EAO soldiers intruded into our staff housing and dragged me out and raped me. Later, I reported the incident to the village head who reported to the EAO officers. The EAO officer in charge of the soldiers came to me and gave me a personal apology... and informed me that the perpetrators will be prosecuted fully according to their EAO court-martial. I do not know whether they were prosecuted or not. Their military office gave me money 100,000 MMK [around 65 US dollars] for medical care." (IDI, woman, Shan state, 47 years old)*

Two human trafficking cases from Kachin state were the exception as both survivors won criminal suits against their traffickers. Both legal proceedings took over a year, but the traffickers were found guilty and received prison sentences. However, the police only addressed the situation once Chinese authorities urged them to investigate, so they were not motivated by a desire to help trafficked women.





*“After I was sold to a Chinese man, I became pregnant and gave birth to a baby. A year later, I escaped and reported myself to a local police station in China. After I was detained for six months, the Chinese police sent me back to Myanmar and investigated the gang of traffickers. Finally, Myanmar police were able to arrest the traffickers.” (IDI, woman, Kachin, 24 years old)*

In all post-coup cases, there was no chance of accountability given the complete breakdown of the legal system: no trust exists between civilians and law authorities, the legal system is not independent of the military and there are no fair trials. Survivors are also fearful of being arrested for reporting to the police or being extorted or even assaulted again by the police when reporting a crime. In Yangon, no case resulted in an official legal complaint.



*“When the police raped me and my friend, we were fearful to report to the police station because perpetrators are police. So, I have nowhere to report since the people who perpetrated are supposed to represent justice.” (IDI, woman, Yangon, 23 years old)*

*“I was raped by a police officer who recorded my rape case at the police station. Having to experience this twice rape in one day had left me in shock and fear and made me lose trust in any authority. Despite knowing what happened to me and what I had to go through, the second perpetrator chose to assault me. After it happened again, I didn't dare to report my cases to any one and any authority anymore. Even if I report, the incidents repeats, and I have to experience it all over again at the end.” (IDI, woman, Karen state, 27 years old)*

This lack of justice was corroborated by key informants. In the CRSV case in Rakhine state detailed above, a key informant explained that lawyers opted to open the case in a city rather than the rural area where the incident occurred as they thought it would have a better chance of success, but at first police there refused to accept the case. They relented after an advocacy campaign by lawyers, activists and the media but the case was transferred to court-martial and an official statement claimed that the perpetrator was sentenced to 20 years imprisonment with hard labor. However, because the proceedings were held in secret, it is impossible to verify this information or determine if the sentence was ever carried out. In another case not part of this research but known to a key informant, the perpetrator was charged and convicted of a lesser crime, allegedly as a result of bribing authorities. Additional information regarding legal obstacles to achieving justice is provided in Service Provision to Survivors.

#### **4.2.2 Barriers and Challenges to Reporting Violence**

Respondents offered multiple reasons for not reporting incidents - a result of the complicated interplay between conflict, an inadequate justice system, gender inequality and damaging cultural norms. These reasons are not mutually exclusive, with respondents frequently reporting more than one factor influencing the decision to disclose.

**Sense of Shame:** Survivors frequently reported feeling shame and a loss of dignity as a result of the incident, in some cases reporting such an overwhelming sense of shame that they did not even consider reporting. Some survivors expressed shame not only for themselves but on behalf of their families.



*“I lived in the house which is more like a hut without a door. When I was sleeping, a Tatmadaw soldier intruded into my sleeping room in the middle of the night and sealed my mouth with a cloth and raped me. After he ran away, he left his army shirt. Do not want to report to anyone as I am very ashamed losing my virginity being raped and very worried of being humiliated by others.” (IDI, woman, Karen state, 18 years old)*

*“When I was at our farm hut alone by myself, a group of soldiers asked for directions to the village. Then they hit my head by gun, and I fell to the ground unconscious, after then they raped me. I immediately felt shame after I woke up. Because I’ve never experienced it nor heard of it before, I don’t know how to talk about it as I feel so humiliated.” (IDI, woman, Karen state, 24 years old)*

*“A soldier from the temporary patrol station stopped me while I was selling food. Then he forced me to drink a bottle of cold drink. When I mostly lost consciousness, he raped me. When I woke up from fainting, I found myself under a bridge. I do need to keep it confidential for being rape as I do not want my mother to be ashamed. My mother is blind, and we only have each other and she will be hurt by this incident.” (IDI, woman, Yangon, 23 years old)*

**Societal Stigma:** Societal stigma inhibited reporting, with survivors reporting fears that the community would look down on them or their families. For example, one survivor mentioned that she would be unable to get married if community members found out about the incident.



*“I was dragged by three soldiers to their truck while I was walking back to home from school. I tried to run away but passed out after struggling to escape. When I woke up under a tree alone, I realized that I had been raped due to immense pain in my pelvic area. I am feeling shameful to let people know about the incident, then no one will marry me if they know about me. Later, I moved out from my village with my mother.” (IDI, woman, Karen state, 20 years old)*

*“When I was staying at my shop in the middle of the night, a few soldiers came and searched for a man they want to arrest. When they found out that I was alone by myself, they took advantage and raped me. Although I told one friend what happened, I am too ashamed and afraid to tell anyone else especially since I have a family with a wife and kids.” (IDI, man, Yangon, 40 years old)*

**Fear of Reprisals and Fear for Safety:** One of the most frequently cited reasons for not reporting was fear. Survivors were afraid of reporting to the military or the police (which is under the control of the military) as they have a history of perpetrating violence without consequences and post-coup there is deep-seated country-wide fear of security forces.



*“When I reported the incident to the village administrator, nobody wanted to help or be involved with anything related to the military. We all live in fear of the military. My parents are afraid because the soldiers carry guns. Even if I wanted to report my case to someone, they won't be able to do anything because when it comes to the military, everyone in the village is terrified. After all, they have weapons which scares my parents a lot.” (IDI, woman, Karen state, 20 years old)*

Survivors (and key informants) also reported that perpetrators often used force and weapons and threatened to harm or kill them or their families if they disclosed the incident. Thus, fear for their physical safety and fear of reprisals often prevented disclosure.



*“When my father and I were staying at our farm hut, a group of Tatmadaw soldiers broke into our place in the middle of the night and they pushed my father out of the hut by pointing with their guns.... I was crying and begging them to stop. Soldiers threatened to take off my clothes and raped me. We are so frightened that we did not inform anyone. They also threatened me not to inform others or they will kill us.” (IDI, woman, Karen state, 25 years old)*

*“On my way back home from visiting a friend, I was hijacked by the soldier who wore casual clothes by using a knife and he took me to the military patrol station and raped me. I passed out after that. When I woke up, he threatened me not to tell anyone. I was so scared of the soldier that I did not tell anyone. I became pregnant and although I tried to keep it secret, my mother and sister eventually found out and took me to a health clinic where I finally told the truth.” (IDI, woman, Yangon, 19 years old)*

**Lack of Trust in Authorities, Especially Post-Coup:** Survivors reported a lack of trust and faith in the authorities and justice system, especially after the coup. Participants also emphasized that the perpetrators were often those who were supposed to represent justice, such as the police. Many had heard anecdotal stories of other victims who had reported their cases and were met with indifference or the case was simply recorded without any investigation or resolution. Thus, survivors felt that since nothing was done in other cases that were reported, it was useless to report the violence as nothing was likely to be done and their reputations would be damaged (this was also given as a reason for potential interviewees declining to be interviewed for this research project). Thus, the history of inaction and long-standing impunity for state-sponsored violence silenced survivors.



*“Policemen with guns came to my store, forced me to come to the police station for investigation about helping the protest against coup. Then I was raped at the empty room of the police station by threatening to kill me. I cannot report my case to anyone because law enforcement personnel are perpetrating this awful violence. Now we all are left wondering who to call to report violence and even theft when it is the authorities raping, attacking and robbing us.” (IDI, woman, Yangon, 47 years old)*

*“I had been in the prison for five months for participating in democracy protest and I am now mostly paralyzed after being tortured and sleeping on the cold concrete floor. Few weeks after I was released, I was taken by the police for interrogation. On the way I was raped at an isolated place under a bridge on the outskirts of the city and left there. I am now very scared to inform anybody.” (IDI, woman, Yangon, 21 years old)*

**Confidentiality Concerns:** Survivors also related concerns about a lack of confidentiality and privacy during the reporting process. Survivors were uncomfortable being asked questions about sexual violence in public and mentioned that the legal system does not provide adequate protections for survivors, requiring them to repeat their stories in multiple contexts which re-traumatizes them.



*“Woman organization helped me to file my rape incident to the police for legal action. When the police asked detailed questions about the incident, it made me very ashamed to say. I also feel very embarrassed to answer questions by the lawyers in front of many people at the court room.” (IDI, woman, Mon state, 22 years old)*

**Communications Challenges:** Many survivors, especially those in remote areas, do not own a mobile phone, or do not have phone or internet services available in their homes, due to cost or lack of availability. This presents a significant logistical challenge for both reporting the incident and accessing services.

**Forced to Sign a Non-Disclosure Document:** Some survivors of post-coup violence in detention reported that they were forced to sign a non-disclosure statement as a condition of their release.

### 4.3 Service Provision to Survivors

This section is based on interviews with survivors and key informants as well as, where noted, information provided by data collection teams.

#### 4.3.1 Types of Services

Survivors were asked to describe the organized support services they accessed and key informants were asked to describe what services, including referrals, they provided to survivors. The interview questionnaires divided services into: medical or emergency healthcare, including physical examinations and emergency contraception; psychosocial support or counseling, provided by a trained professional; formal or informal legal assistance, including direct legal representation or legal advice; safety and protection support, such as safe houses or witness protection; and livelihood and social services, including money or goods. While data includes only organized service provision, informal service provision from family, friends and community members is discussed where appropriate as it provided a significant source of support for some survivors.

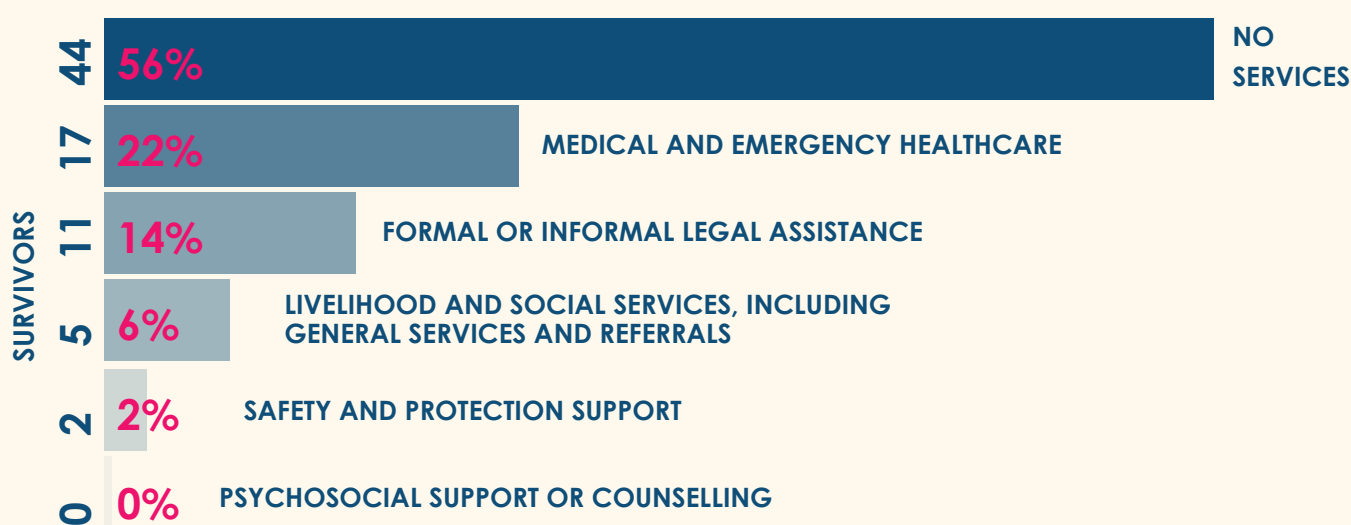
#### 4.3.2 Types of Service Providers

Survivors and key informants identified a variety of service providers, including local women's organizations, local charity and community organizations, legal aid networks, Myanmar-based and international

NGOs, EAOs, local charity health clinics, volunteer health care providers and faith-based organizations and individuals (such as pastors and nuns). No survivors reported service provision from any government organization or department, except for a few survivors who received care from village health clinics run by the Ministry of Health. A few key informants in two states reported working with the Department of Social Welfare pre-coup, but those services were for GBV survivors, not specifically targeted to CRSV survivors. All areas reported that since the coup, there is a complete lack of trust in the authorities and no functioning government to provide any services, not just with respect to CRSV. A consistent theme from key informants, echoing the sentiments of survivors, was that the military junta is focusing only on quashing dissent and is not exercising ordinary govern-mental functions. Most non-governmental service providers are now also fearful of providing services, including INGOs which have had to tread a delicate balance since the coup.

#### 4.3.3 Survivor Data Regarding Service Provision

Some survivors accessed more than one type of service, but more than half (n=44 or 56%) did not access any services. While this qualitative research was undertaken using random sampling in a limited number of areas, this figure indicates that services are frequently not available or not well-known to survivors.





#### 4.3.4 Survivor Information by Service Category

**Medical and Emergency Healthcare:** In 17 cases (22%), survivors accessed medical care, including medical examinations, emergency contraception and treatment and repair of their injuries (e.g. abortion, removal of damaged ovary and uterus). Some survivors tried to hide their injuries initially and sought medical care only when the injuries became so serious they could not be hidden.



*“Although I was in constant pain as a result of rape with insertion of sharp object, I did not tell anyone due to shame and fear for my security because the perpetrator is police. When the pain and fever was miserable, my parent found out about the incident and they brought me to the local clinic where damaged uterus was removed.” (IDI, woman, Yangon, 23 years old)*

*“I passed out after I was raped by two soldiers on my way back home from my factory work. When I woke up from unconsciousness, I had so much pain due to the injury as the result of rape. I had to walk to home with severe pain. When I arrived home, my brother brought me to the local clinic where my anal trauma was treated.” (IDI, man, Yangon, 20 years old)*

Survivors, even those with injuries, often did not seek medical assistance due to stigma, shame or fear of threats made by the perpetrators to hurt or kill them or their family if they disclosed the incident. These were not idle threats as 69% (54 out of 78) were perpetrated by armed security forces with a history of violence against civilians.

Many survivors also mentioned that they did not know where they could find medical assistance due to a lack of information, and also due to inadequate health care services in their area.



*“There is no medical clinic at our village which is situated in remote area far away from other villages. I also didn't know how to receive medical assistance.” (IDI, woman, Karen state, 19 years old)*

**Formal or Informal Legal Assistance:** Survivors accessed some form of legal assistance or advice in 11 cases (14%). However, as discussed above in Reporting of Violence, the legal system almost never provided a satisfactory justice outcome for survivors, particularly after the coup as there has been a complete breakdown of the legal system.

**Livelihood and Social Services:** Livelihood and social service assistance was provided in a few cases by international and local NGOs, including faith-based groups, and other community members. Two survivors received livestock animals and sewing skills from a local NGO. The activities of these types of groups have been curtailed since the coup, as the military has targeted them for surveillance which has had a chilling effect on their ability to provide assistance and forced some to pose as friends or family so as not to arouse suspicion.



*“After I escaped from the Chinese men that I was sold to, I was transferred back to Myanmar by the Chinese police. I suffered paralyzed as I slept on the cold floor at the Chinese prison. When I arrived back home, I was desperate taking care my health and to find job for survival. Finally, I was relieved after I received food and non-food assistance from an organization and also livestock support from a woman's organization.” (IDI, woman, Kachin state, 24 years old)*

*“After the incident, I received some food assistance from a women's group. Whenever they brought food items such rice and oil, they have to pretend like they are our family's friend not to get suspicious from our ward authority appointed by the military.” (IDI, woman, Yangon, 24 years old)*

For the most part, survivors received livelihood assistance from family, neighbors and the community, with neighborhoods coming together to support survivors and their families with money or food (especially in Yangon after the coup).



*“After I was raped by a group of soldiers, they threatened to set the village on fire if anyone helps me. But my neighbors helped me with necessary assistance including food, clothes and enough money to move out from neighborhood.” (IDI, woman, Yangon, 23 years old*

**Safety and Protection Support:** In one state, two survivors of GBV were able to stay at a safe house.

**Psychosocial Support or Counselling:** No survivors reported accessing any professional psychosocial support to help them deal with the aftereffects of the violence. This type of moral and emotional support was provided by family, neighbors and communities.

#### 4.3.5 Survivor’s Identification of Immediate Needs

When survivors were asked to identify their immediate needs after the incident, some declined to answer (7 or 9%) while others offered more than one answer. In over half of cases where information was provided (n=71), survivors identified safety and protection support as their most pressing immediate need (n=37 or 52% of those reporting). This referred to safety not just as service provision, for example access to safe houses, but in the broader sense of bodily integrity. Survivors wanted to be safe and secure in their physical space, for example by having the military removed from their area, leaving the area themselves or being otherwise protected from contact with the perpetrator. The next largest category was medical services (n=23 or 32%), followed by livelihood (9 or 13%) and psychosocial (2 or 3%). In 15 cases (21%), survivors were unsure of their immediate needs, with one explaining that her immediate state of mind was shock, and that she was too overwhelmed to consider accessing services at that time.



#### 4.3.6 Key Informant Data Regarding Service Provision

While survivors frequently reported no knowledge of available services, including in Yangon, key informants reported that they and others provide a variety of services to survivors to the best of their abilities. Key informants highlighted significant challenges to providing services post-coup, which are set forth below under **Barriers and Challenges to Providing Services**.

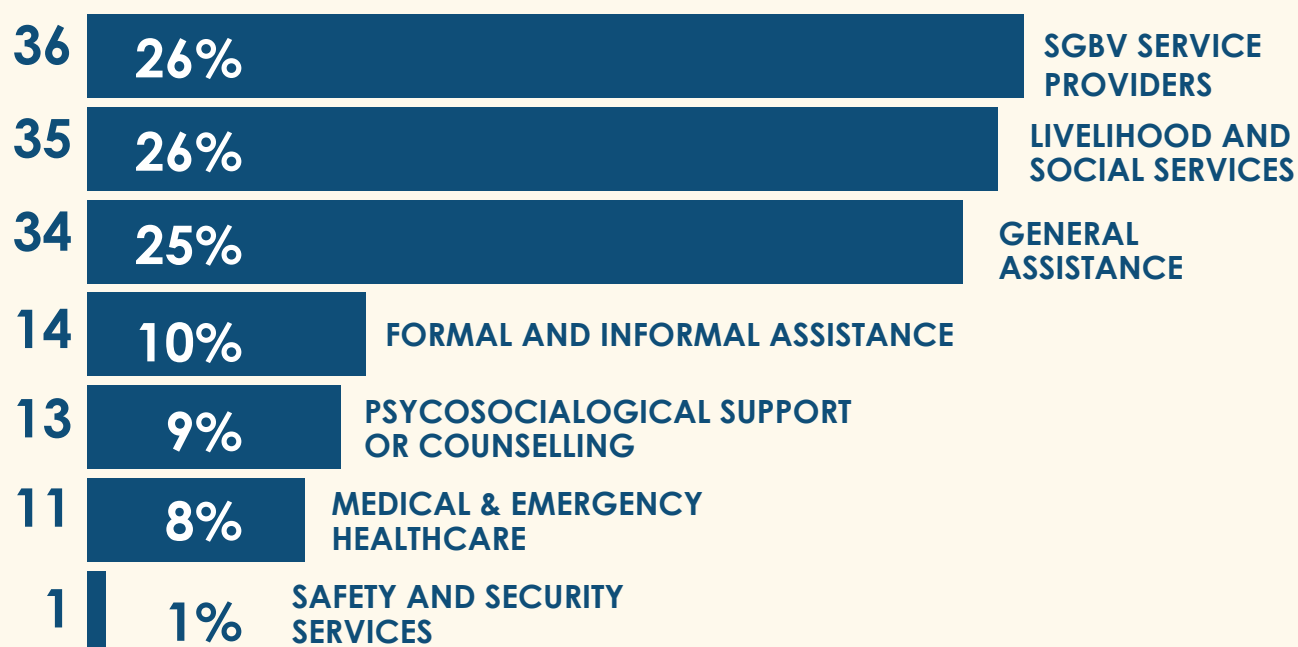
Survivors in more than half of the cases did not access services and no key informant reported working directly with a CRSV survivor which identifies a troubling gap. The disconnect between survivor and key informant perspectives highlights a need to provide and promote services more widely in both urban and remote areas and to allot greater resources to service providers. In addition, the disparity might be attributable to key informants

referring to GBV services generally rather than those available specifically to CRSV survivors, highlighting a need to develop and provide services directly targeted to CRSV survivors. The background of key informants interviewed is presented in the table below.

### KII Respondent List

NO.	SERVICE	TOTAL	PERCENTAGE
1	GBV Services Providers	36	26%
	Local Women Groups Members	24	
	INGO And Local NGO Staff	12	
2	Livelihood And Social Services	35	26%
	IDP Camp/Community Leaders	16	
	Political Party Leaders	3	
	Religious Leaders	8	
	Cultural Leaders	8	
3	General Assistance	34	25%
	Village Administrators	5	
	Local NGO/CSO/CBO Volunteers	29	
4	Formal Or Informal Legal Assistance	14	10%
	Lawyers	10	
	Legal Service Assistance	4	
5	Psychosocial Support or Counselling	13	9%
	Religious Leaders	6	
	INGO And Local NGO Staff	7	
6	Medical And Emergency Health Care	11	8%
	Doctors/Nurses	11	
7	Safety And Security Services	1	1%
	INGO And Local NGO Staff	1	

## KII Respondent List



### 4.3.7 Key Informant Information by Service Category

**GBV Service Providers:** Key informants in this category work at women-led and women-focused CSOs active in raising awareness of GBV and promoting women's rights. They provide assistance to survivors and act as a bridge between international agencies and organizations and the local community as they speak local languages and are already trusted by the community. One key informant who worked at a women's center manages a peer support group to create an environment in which survivors feel safe and supported. Only a few reported delivering education on birth control or reproductive health (to prevent pregnancy).

Some reported experience helping to file complaints at the police station and local courts and also assisting with securing evidence from a medical clinic. Their biggest obstacle is getting help or cooperation from local authorities. Most mentioned that survivors most frequently request protection against the threats of the perpetrators, and that insufficient protection measures cause survivors to suffer from trauma and stigma long after the violence and to face the threat of continued violence.



*“Although we exist to assist the survivors, it is also dependent on the survivors to actively report the incident to us and seek the necessary services. Many chose not to seek the services they need because the perpetrators usually go unpunished, the survivors feel that they can be haunted by the assaults anytime.” (KII, woman, Kachin state, 35 years old)*

**Livelihood and Social Services:** These key informants highlighted that local faith-based and community-based organizations are the only means of support for survivors in many areas. One key informant mentioned a local CSO with an empowerment program called Support for Survivors that teaches them a skill to establish financial independence, for example how to raise and sell pigs, sew clothes or prepare snacks to sell.



*“Due to stigma and shame surrounding sexual violence, the survivors do not like to be treated with special privilege and differentiated from other people. If they do receive help, they prefer getting it secretly and indirectly behind the eyes of the community. However, their preference, which they believe is the best option, is to receive start-up funding to get their livelihood started.” (KII, woman, Mon state, 37 years old)*

**General Service Providers:** Key informants in this category included village leaders or administrators, local CSO employees or individual volunteers who acted as facilitators, connecting survivors to psychosocial support, legal services, medical treatment, safe shelter and other assistance. Many have strong connections to local groups that provide gender awareness training or educating the community about gender and sexual and reproductive health and rights (SRHR). After the coup, survivors can only receive assistance

from individuals, neighbors and the local community as the vast majority of organizations can no longer provide meaningful assistance due to lack of resources and/or fear of the military junta.



*“After the coup, people are purposefully not choosing to receive services run by military administration. NGOs and woman groups have limited resources to provide assistance to the survivors as they did before. As a result, most of the survivors have no support from the assistance of NGOs or women groups as they received before and only have to rely on individual donations or self-help groups.” (Kil, man, Kachin state, 28 years old)*

**Formal or Informal Legal Assistance:** Key informants in this category provided services only to GBV – not CRSV - survivors. Specific legal services provided included assistance opening a case, collecting evidence and advocating to relevant authorities to arrest the perpetrator. Key informant lawyers from one local NGO provide community-based legal awareness trainings to understand the sexual violence legal framework and distribute educational pamphlets that include a phone number to call for assistance. These key informants trained a volunteer team at the village level to assist survivors, for example by showing local residents how to assist survivors with contacting a legal aid network.

The majority of their cases are rape, with most survivors being underage girls. Cases rarely go to trial for a variety of reasons: reluctance to file a formal complaint with the police; anxiety about retaliation by the perpetrator (sometimes due to direct threats); and embarrassment to provide testimony at judicial proceedings for fear that their communities will shame and look down on them. In Rakhine state, lawyers noted that some survivors declined to proceed because they felt that they could not regain what they had lost (their dignity, their livelihood) and did not want to undertake a painful, time-consuming and costly process that, to their minds, would not repair any of their losses.





*“Most survivors are reluctant to seek legal assistance due to fear of retaliation from the perpetrators and also due to mistrust toward organizations that they fear will not keep confidential their incident. They are worried for the community to know their incident and as the result of disclosure, shaming and looking down upon them.” (KII, man, Karen state, 41 years old)*

Other survivors do not have the resources to pursue a court case, which involves many costly and time-consuming hurdles including notifying village authorities, filing a complaint with the police department, securing a medical examination and gathering evidence. These steps are often too difficult to surmount for survivors, who frequently have limited economic resources, causing survivors to have very little faith in the justice system.



*“Survivors are also worried about the cost for access to legal services such as transportation cost required to travel distances to many different locations to access services, and multiple times depending on their cases and also demands of bribery and documentation fees.” (KII, woman, Shan state, 54 years old)*

*“To get to the township courtroom, there are many expenses to consider such as travel cost. If we use own motorcycle, we have to spend gas and give up an entire day for it which is a day of wages lost. Also, because these processes take time, we have to sacrifice time and expenses for food for the day. Attaining justice as the result faces many barriers such as time and money. These cases are not processed quickly either. The courtrooms have many other cases to go through, so it's not like our cases are reviewed every day. When the court takes a long due process, it causes the survivors to give up and not proceed with their cases anymore.” (KII, woman, Kachin state, 45 years old)*

Some key informants mentioned that the use of customary laws in ethnic areas often means that survivors are treated unfairly and that their wishes are not taken into consideration. Village authorities often resolve cases using traditional practices, forcing survivors to accept a small compensation or cleaning the house with a ritual ceremony.



*"In rape and sexual violence cases in ethnic areas, women suffer and get unfair treatment during the process of customary law practiced by the village leaders. Their way of punishment is leg and arm restraints, but even then, the accused is only put in the restraints for 24 hours. The cases usually end up being settled through money from 100,000 to 200,000 kyat (\$56-112 USD). However, prosecution and punishment differ from place to place. When something like this happens, women don't feel safe. After they experience assault, women are more likely to experience it over and over again." (KII, woman, Kachin state, 38 years old)*

Many emphasized that they lacked sufficient funds to provide all necessary assistance to survivors. Some lawyers estimated that they are able to provide assistance in only half of cases due to limited resources and have spent their own money to assist survivors.



*"Free legal clinics have to rely on donors to provide legal services as all of their clients are very poor. When donors cut off the funds or do not extend the project to another year, they faced big challenges to continue to support the survivors." (KII, woman, Shan state, 46 years old)*

Lawyers and legal service providers fear providing help to survivors in cases where the violence was committed by authorities, especially after the coup, due to security force retaliation against and surveillance of legal personnel. Legal service providers also face frequent internet disruptions and must work remotely due to Covid-19 which has hindered their ability to provide legal services. Finally, legal proceedings have been limited or paused in certain locations due to safety and administrative challenges.

Most legal services key informants agreed that survivors were most interested in safety and security. Nevertheless, no key informant in this category mentioned an instance where legal protection measures were given to a survivor they assisted.

**Psychosocial Support or Counselling:** Key informants in this category were either religious leaders, such as pastors or nuns, or individuals working for local and international NGOs. Religious leaders provided prayer, emotional support and comfort to survivors. NGO employees provided mental health counseling support to survivors, utilizing counselling skills, such as how to deal with the anxiety and trauma of sexual violence survivors, provided by their employers. These employees clarified that they were not trained to manage serious cases, however. Other key informants emphasized that very few organizations provide mental health and psychosocial support to survivors due to a lack of trained professionals. Some key informants in one state mentioned that counselling services were available in internally-displaced person camps.



*“We provided counselling for mental support, such as how to handle trauma and depression. We do not have professional skills to provide the professional treatment for serious cases.” (KII, man, Kachin state, 30 years old)*

**Safety and Protection Support:** Safe houses or shelters are available in different regions, and they provide assistance accessing legal services, healthcare and financial support. They are often funded and managed by INGOs and faith-based organizations, but some cannot run at full capacity due to limited resources.



*“The funding from international organization has time limit. For us, it takes times (like a year) to educate people about the safe house. When more survivors want to stay at the safe house after a year, we have no budget to accommodate them. In fact, we need sufficient staff to run the safe house. When we face the shortage of budget, everyone becomes multitaskers e.g. safe house supervisor has to do caretaker duty and even housekeeping duty as well. In addition, we can only allow a limited number of the survivors.” (KII, woman, Kachin state, no age provided)*

The Department of Social Welfare managed some good-quality safe houses funded by international donors, though one key informant reported that survivors did not feel secure living in safe houses due to the lack of privacy in overcrowded facilities (i.e., congested spaces and hallways, not enough bathrooms and bedrooms). Another suggested that survivors feel that living in the safe house distinguishes them as a victim leading to discrimination by the community. Regarding CRSV cases specifically, one key informant felt that fear would prevent CRSV survivors from reporting and accessing protection services.



*“After the incident, some survivors stay at the safehouse for safety, but that leads to shame and disdain from the community, causing the survivors to become depressed. Generally, people undervalue the survivors who have experiences of sexual violence. So, children who are survivors from sexual violence are pressured to drop out of school, and often times, parents do not want their own children to be friends or associate with the survivors who used to stay at the safehouse.” (KII, woman, Mon state, 55 years old)*

**Medical and Emergency Healthcare:** These key informants worked at INGOs and local NGOs, though a few were nurses at government-run village health clinics. Most service provision involved emergency medical care, such as treatment of injuries, pregnancy tests and emergency contraception. Village-level facilities were not equipped for HIV and STI testing, contraceptive provision or post-exposure prophylaxis for HIV prevention. Most survivors are referred by the community or local NGOs. Only one key informant who worked at a government-run facility mentioned once performing a forensic examination on a survivor referred by the police since courts will only accept forensic evidence provided by a government-run hospital.

Key informants noted that survivors frequently did not seek immediate healthcare and sought out services months after the incident, for example if they became pregnant. Their typical survivor profile is young, from a very low-income family, uneducated and with very limited knowledge about SRHR.

Key informants from Yangon stressed that most public health facilities are not functioning after the coup as a vast number of healthcare workers have joined forces with the Civil Disobedience Movement or been targeted by the military junta. Many have left their official positions, providing assistance by volunteering or going underground.



*“Before the military coup, local health clinics used to offer medical services and checkups to survivors’ post-sexual assault. Now, the lawyers and health care workers do not dare to provide service due to fear of the military repercussion including fear of arrest, imprisonment and being shot.” (Kil, woman, Yangon, 49 years old)*

#### **4.3.8 Key Informants’ Identification of Survivors’ Immediate Needs**

Key informants identified a number of priority areas for survivors. Approximately half believed that survivors valued skills-based economic empowerment to help them get back on their feet and rejoin society from a position of power. Other areas highlighted by key informants were providing security and shelter, legal assistance so survivors can prosecute their cases in court and psychosocial support.

#### **4.3.9 Ranking Most Desired Types of Services**

Data collection teams were asked to rank, based on the information gathered from survivors and key informants, the categories of services in order of importance to survivors. All teams believed that safety and security were most important, agreeing that being physically secure and protected from violence, for example by removing the military from the area or providing for the survivor to leave the area, was of prime importance. In Karen state, the data collection team ranked legal services lower not because justice was not desired but because survivors had given up hope of achieving justice so believe there is no point in accessing legal services. Kachin state’s team considered health to encompass both physical and mental health, both of which deteriorated equally after the incident. In Yangon, financial assistance ranked high as most victims were poor and needed financial assistance since they were not able to work after the incident. The ranking by state is presented below.

## Survivors' Immediate Needs (KACHIN)

### SAFETY AND PROTECTION SUPPORT

1st Priority

### MEDICAL AND EMERGENCY HEALTHCARE

2nd Priority

### PSYCHOSOCIAL SUPPORT OR COUNSELLING

3rd Priority

### FORMAL OR INFORMAL LEGAL ASSISTANCE

4th Priority

### LIVELIHOOD AND SOCIAL SERVICES (INCLUDING FINANCIAL ASSISTANCE)

5th Priority

## Survivors' Immediate Needs (KAREN)

### SAFETY AND PROTECTION SUPPORT

1st Priority

### PSYCHOSOCIAL SUPPORT OR COUNSELLING

2nd Priority

### MEDICAL AND EMERGENCY HEALTHCARE

3rd Priority

### FORMAL OR INFORMAL LEGAL ASSISTANCE

4th Priority

### LIVELIHOOD AND SOCIAL SERVICES (INCLUDING FINANCIAL ASSISTANCE)

5th Priority

## Survivors' Immediate Needs (MON)

### SAFETY AND PROTECTION SUPPORT

1st Priority

### LIVELIHOOD AND SOCIAL SERVICES (INCLUDING FINANCIAL ASSISTANCE)

2nd Priority

### FORMAL OR INFORMAL LEGAL ASSISTANCE

3rd Priority

### MEDICAL AND EMERGENCY HEALTHCARE

4th Priority

### PSYCHOSOCIAL SUPPORT OR COUNSELLING

5th Priority

## Survivors' Immediate Needs (RAKHINE)

### SAFETY AND PROTECTION SUPPORT

1st Priority

### FORMAL OR INFORMAL LEGAL ASSISTANCE

2nd Priority

### LIVELIHOOD AND SOCIAL SERVICES (INCLUDING FINANCIAL ASSISTANCE)

3rd Priority

### MEDICAL AND EMERGENCY HEALTHCARE

4th Priority

### PSYCHOSOCIAL SUPPORT OR COUNSELLING

5th Priority



## Survivors' Immediate Needs (SHAN)

### SAFETY AND PROTECTION SUPPORT

1st Priority

### FORMAL OR INFORMAL LEGAL ASSISTANCE

2nd Priority

### LIVELIHOOD AND SOCIAL SERVICES (INCLUDING FINANCIAL ASSISTANCE)

3rd Priority

### PSYCHOSOCIAL SUPPORT OR COUNSELLING

4th Priority

### MEDICAL AND EMERGENCY HEALTHCARE

5th Priority

## Survivors' Immediate Needs (YANGON)

### SAFETY AND PROTECTION SUPPORT

1st Priority

### LIVELIHOOD AND SOCIAL SERVICES (INCLUDING FINANCIAL ASSISTANCE)

2nd Priority

### FORMAL OR INFORMAL LEGAL ASSISTANCE

3rd Priority

### MEDICAL AND EMERGENCY HEALTHCARE

4th Priority

### PSYCHOSOCIAL SUPPORT OR COUNSELLING

5th Priority

### 4.3.10 Barriers and Challenges to Accessing Services

For the most part, survivors and key informants were remarkably consistent across states regarding reasons survivors did not access services or the justice system. These reasons are not mutually exclusive, as respondents mentioned multiple factors inhibiting access.

**Security Concerns and Fear of Reprisals:** The most oft-cited reason for not accessing services or the justice system was fear of reprisals against them or their family by the military, police or other perpetrator (56 out of 78 survivors or 72%). For example, survivors reported that they feared arrest or being extorted by police if they reported the violence.



*“A soldier came to my place in the slums and forced me to go with him because his officer had questions for me. Instead, he dragged me under a bridge and pushed me down with force and raped me. I was shocked and terrified and did not dare to say a word about it to anyone. I wanted to keep my incident confidential as I am fearful of the soldier who did this to me. The soldiers are brutal and I do not know where or how to receive any help especially when the military is involved.” (IDI, woman, Yangon, 22 years old)*

*“After the incident, I was very terrified because my perpetrator was a soldier, so I did not ask for any help. Although I knew the village administrators were scared of the militia due to the weapons they carried, I reported my incident nonetheless to them. But because the village administrators handled my case in secrecy, they did not get the militia involved, and so nothing happened to my case.” (IDI woman, Karen state, 25 years old)*

*“When I was raped by a group of soldiers, my parent and I are ashamed and frightened that we did not want to ask for help. We think of informing the village administrator, but we know that when it comes to the military’s action, no one wants to help. We are scared as they have guns, and they are brutal. So, the whole village is also fearful and frightened to help us.” (IDI, woman, Karen state, 20 years old)*

Security is an even greater concern after the coup. Soldiers and police are ever-present, stopping civilians and controlling travel, such as by erecting road blockades and checkpoints. The military presence and repressive tactics impact both survivors' ability to access services as well as providers' ability to provide services. For example, medical professionals have been targeted by the military junta leading to a breakdown in the healthcare system and forcing providers and patients to go underground.



*“At night after I came back from a civil protest, soldiers and policemen came to my house to interrogate me for organizing the demonstration. They beat my head and breasts. Then they arrested and brought me to the police station for further investigation. There, I was molested by several soldiers and policemen before being released two days later. I was very fearful to be arrested again, and I did not want to access any services due to the fear of the police and the military. Also, I had no information on where to find services when the nationwide protest against the coup was happening.”*  
(IDI, woman, Yangon, 26 years old)

*“Even the charity organization did not have the courage to provide direct assistance to the survivors who are perpetrated by the military. They had to do it secretly. Most of the time, we provided necessary assistance through the community leader in the ward. No one dared to provide directly to the survivor, and the survivors also did not dare to receive the assistance.”* (KII, woman, Yangon, 36 years old)

**Lack of Trust in the Justice System:** Survivors expressed a lack of trust in the justice system and law enforcement institutions and emphasized that there is no rule of law, especially after the coup. Officials, at most, record information but provide no further assistance either due to a lack of options or a lack of will. Survivors also did not have confidence that their testimony would be taken seriously since many incidents happened in remote places without eyewitnesses or corroborating evidence. Survivors reported that they did not believe there were, or ever will be, any opportunities for justice under military rule.



*“In the middle of the night, a group of policemen came to my house and forced me to come along with them to the police station for interrogation. At the police station, the policeman who interrogated me raped me. He also threatened to kill me if I told anyone. I could not report my incident to the police because they were the perpetrators in the first place. I had nowhere to report since the people who perpetrated injustice were supposed to be the ones representing justice. There are no institutions or laws to help me.” (IDI, woman, Yangon, 47 years old)*

*“When I was waiting for a friend near the village road, two men on a motorbike approached and threatened me. Then, they shot me in my feet and raped me behind the thick bushes. I only remembered their military boot and guns. When others found me, they brought me to the village and informed me that the perpetrators were soldiers. I don’t remember the soldiers who raped me, but even if I know them, I do not believe that the rule of law exists nor can justice be pursued under this military rule.” (IDI, man, Karen state, 21 years old)*

*“I didn’t know how or where to get justice for what happened. At the police station, I was raped by a police officer whom I informed to investigate an earlier rape incident, which was perpetrated by a taxi driver. Having to experience rape twice in one day left me in shock and fear and made me lose any form of trust in any authority. Even if I wanted to pursue my case, like if I were to report it at a different place, I will not gain anything from it. It would have been rather useless. I would have just wasted my time and resources and money, and eventually, impacted my work. In addition to these reasons, my life and safety would’ve been put in danger when the perpetrators find out sooner or later.” (IDI, woman, Karen state, 27 years old)*

**Lack of Knowledge about Services:** Over half of survivors (44 or 56%) expressed a lack of knowledge regarding the existence and availability of services. This was mentioned in all areas, including Yangon, but contrasts with key informants’ assessments. In post-coup cases, most survivors reported that they did not bother to search for services because they believed none would be available.



*“A group of soldiers raped me after hitting my head while I was at my farm alone. I felt so shameful when I woke up from unconsciousness. I did not receive any assistance or services from anyone. My village is situated in a remote area and I have never heard of such services. I did not even know that services existed for free. I thought I would have to pay for the services I need.” (IDI, woman, Karen state, 24 years old)*

*“I was stopped by five patrol soldiers on my way back home from my work factory. They asked me to go along with them. When I refused, they forcibly dragged me away to an isolated place. One of the soldiers then raped me at gun-point. I was too scared to yell or move. After an hour, the soldiers let me go. They threatened me not to look back or they will shoot me. When I arrived home, I informed my family. I did not know where to get the services and I also did not think that I can receive the required services during the time of nationwide protests happening.” (IDI, woman, Yangon, 20 years old)*

**Shame, Societal Stigma and Confidentiality Concerns:** Many respondents mentioned that survivors did not want to access services due to shame and societal stigma. Confidentiality was also a significant concern as survivors did not want to access services where the incident might become public knowledge and impact their standing within the community.



*“My friend and I were interrupted by the police on our way back home from work and forced to accompany the officers for “questioning.” The police covered our mouth...and raped us one by one and also did insertion of sharp object in our genitals. We both are very shameful and fearful for their reaction that we did not tell anyone even we have so much pain. However, we did not receive any help due to shame and fear. Because of uterus infection, my friend passed away after two months and I also have to remove my uterus.” (IDI, woman, Yangon, 23 years old)*

**Remote Area:** Survivors often experienced violence in remote areas where poor infrastructure and rough terrain make travel very difficult and expensive so they cannot access services. Moreover, there are no communications facilities such as telephone and internet services. Post-coup road blockades and communications blackouts also impede access.



*“I was raped by a Tatmadaw soldier when I was on my way back to home from school. After the incident, I did not reach out to the health clinic, but even if I did, no one from the clinic could have come to me because I live in a village faraway. The road is also not good. Additionally, when something like this happens, most of the time, people like me do not report to the authorities for services but rather, we have to solve the problem by ourselves.” (IDI, woman, Karen state, 23 years old)*

*“A group of patrol soldiers struck my head, prompting me to pass out. When I woke up, I realized that I was raped, and I discovered that I was kept at a remote place. Soldiers raped me repeatedly for two days. I passed out again. They carried me to the same place they struck me. My family found me and took care of me. I did not receive any services from outside of my family. I live in an ethnic armed group controlled area. I have no idea what kind of services are available. Even if the services are available in some other places, I don't think I can reach out to them as our village is out of network from phone and internet.” (IDI, woman, Karen state, 24 years old)*

**Financial Difficulties or Cost:** Survivors frequently did not have many financial resources to pay for services or travel costs (especially for survivors who live in remote areas) and reported little knowledge of services that might be available free of charge. With respect to the justice system, filing cases at the police station and securing proper documentation requires payment of significant fees (including bribes) and many survivors cannot afford the travel expenses or take time off from work to travel to file a case. Survivors reported that they and their families work just to survive so many do not want to “waste” time and money to file a case where there is no foreseeable

chance of justice. They also felt that because of their poverty they were relatively powerless in society overall and so would never be able to ensure accountability.



*“I really wanted justice for being raped. But I don't dare to look for legal assistance as I can't afford the expenses... I have never heard the story of poor and powerless people get a fair judgement. So, I didn't look for the justice.” (IDI, woman, Mon state, 19 years old)*

*“I do not want to pursue my case in district court. Rather, I want to receive settlement through my village. As a wage worker at the farm, I have to work every day to make ends meet. I sleep only a couple of hours as I am working at a rubber plantation from early morning to late night. Also, even if I wanted to, I cannot afford to go to the court. Since I don't even have a bicycle, I walk miles to even get to the nearest town. My parents are at old age, so they cannot help me.” (IDI, woman, Mon state, 19 years old)*

**Ethnic Armed Struggles:** The presence of multiple armed groups and the military in the same areas left some survivors unsure where (and to whom) to report the incident.



*“I do not know which armed group to contact to report my incident as there are many armed groups at our area.” (IDI, woman, Karen state, 18 years old)*

#### 4.3.11 Barriers and Challenges to Providing Services

Key informants identified the significant negative impacts of the coup on their operations and ability to provide services, necessitating a reduction or cessation of operations.

**Post-Coup Political Repression:** Many key informant organizations have had to discontinue or downsize their programs or move their activities underground due to coup-related pressures. The military junta has imposed increasingly restrictive laws, scaled up surveillance, issued travel restrictions, caused communication difficulties (e.g. disrupted phone and internet service) and increased security and interrogation at checkpoints. One major challenge is that service providers now require approval from the authorities to implement and continue their activities; without such approval, their activities become illegal, which leaves those providing and receiving services at risk of arrest and detention. Key informants in ethnic areas reported that survivors face difficulties finding care and treatment since the military has ordered many international humanitarian NGOs who provide free clinics to suspend their activities.

**Funding Shortages:** All key informants mentioned that their organizations have been dealing with decreased funding from donors after the coup, a problem intensified by the shortage of cash due to a collapse of confidence in the banking system. The suspension of funds by donors has led many to scale down activities, stop running or reduce capacity of some programs or even shut down their offices and suspend activities completely.



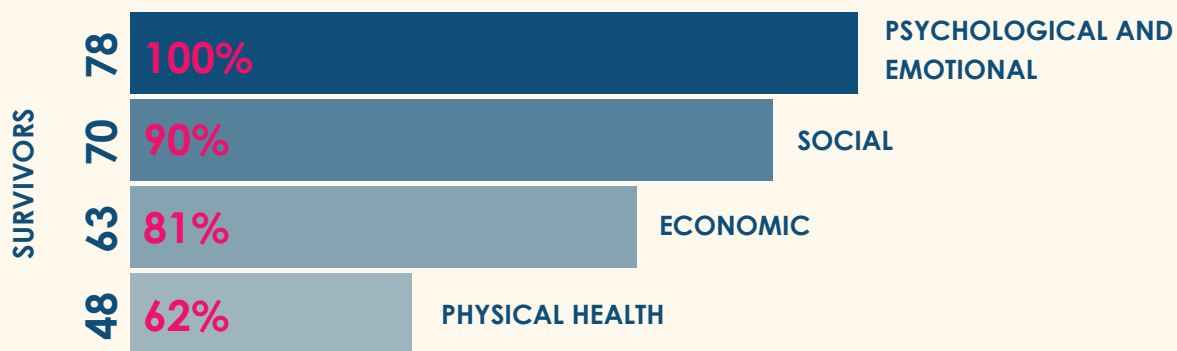
*“When the funding was suspended, we had a big problem in providing for the 20 survivors in the safe house that we ran. These survivors need shelter as they are not safe to stay at their home due to threats from their perpetrators. If they leave the safe house now, they will be in immense danger because the perpetrators might hurt them by taking advantage of the lawlessness under this military rule. In addition, the survivors who live in safe house come from poor background, and therefore, they rely on our help for security, food, medicines, and even assistance for child delivery.” (Kil, woman, Mon state, 37 years old)*



## 4.4 Impact on Survivors

This section draws only from information provided directly by survivors, who all expressed that they still experienced, no matter how long ago the incident occurred, multiple long-lasting impacts that interfere with their daily lives. The impacts have been organized under the following categories: psychological and emotional, social, economic and physical health. Many survivors experienced more than one impact, but the most frequently reported was the psychological and emotional toll from the incident.

### 4.4.1 Types of Impacts



#### *Psychological and Emotional Impact*

All survivors (n=78 or 100%) reported deep and long-lasting psychological impacts from the incident. The most frequently reported psychological impacts (in alphabetical order) were anger, anxiety, bitterness, depression, fear, helplessness, hopelessness, loss of self-confidence, resentment, sadness, shame, shock and thwarted femininity (dishonor).

Survivors reported feeling anxious and not safe in their homes or communities. Survivors reported that they needed time and space to balance their lives and felt traumatized, hopeless and as if they had no future in life. Clinical diagnoses were not made, but survivors reported feeling “depressed” and sad all the time.



*“After what happened to me, I don't feel like living in this world anymore. I feel absolutely at shame. I have planned and tried to kill myself. I have contemplated several times about jumping off the cliff near my home, but my husband is always looking out after me. That incident has left me distraught, worried, and anxious and caused me to live in fear.” (IDI, woman, Karen state, 35 years old)*

*“I was left in shock. I didn't know what to do or how to move forward. I wanted to end my life in fact. Because of this disgusting rapist, I lost all purpose in life which has since become hollow and empty. I feel bad for my father and mother. Even now, my mother still sheds her tears over this. My boyfriend left me at the end.” (IDI, woman, Karen state, 20 years old)*

*“I became pregnant from rape. Although my body was well after giving birth, my mind fell into depression. Now, during the time when I could've done everything, I can't do anything anymore because the branch to my future is now broken. This makes me feel very sad. I want to be an independent person who likes to do things on my own and go everywhere I please, but I can't do those things anymore now that I have a child.” (IDI, woman, Karen state, 18 years old)*

Other survivors reported fear for their own and their family's safety and bodily integrity. Survivors also reported feeling shame about the incident, blaming themselves for allowing the violence to occur and a loss of self-confidence.



*“I was arrested for participating in the democracy protest. Then I was sent to prison and did not get contact with my family. During the interrogation, I was tortured and sexually assaulted for months. After 5 months, I was released. But I live life in constant fear not knowing whether or not they would come and arrest me again. I don't feel safe or secure anymore.” (IDI, woman, Yangon, 23 years old)*

*“Because I feel scared and shameful all the time, I have difficulty even staying alive. I feel very exhausted physically and mentally. I have no desire to talk to or engage with people any longer. I don't want to go back to work either. Slowly, I feel my life slipping away.” (IDI, woman, Yangon, 20 years old).*

*“I feel as if my life has already ended after being raped by two soldiers. I feel dead and barely alive as if my life is rotting away. I face a lot of difficulties and limitations in navigating my life afterward. I have to live with shame every day.” (IDI, man, Karen state, 21 years old)*

*“Because I have lost many nights to insomnia, my physical health has become the worst. I lost a lot of weight, and my face has gotten thinner. I think all of these things are related to my mental health which has been declining ever since. There have been many nights where I can't fall asleep because I hear voices in my head. Even within myself, I've lost a lot of self-confidence.” (IDI, man, Yangon, 40 years old)*

## **Social Impact**

Almost all survivors (n=70 or 90%) reported social impacts, including being too stressed to socialize, not wanting to leave home, feeling scorn from the community and receiving accusations of impurity and dishonor from community members (especially if children were born from rape). In one case, the survivor's boyfriend broke up with her and another felt that she could no longer marry after the incident. Another felt that her friends and

community avoided her, leaving her feeling lonely and desperate. In one case, a survivor initially went back to work but felt that her co-workers viewed her with distaste and shame. Some survivors of gang rape reported that they now only feel comfortable socializing with other survivors.



*"I only stay at home now due to shame. I don't even dare go outside anymore. Because my purity has been tainted, I feel that all the village men now look down on me. I am too afraid to go to social events and Church masses. But some of my parents' friends out there do give me support and comforting words. However, despite their support, I keep thinking about the incident which has caused me to wake up in the middle of the night. My worries and fear of that monster (rapist) doing this to me again has caused me to lose my sleep, and if I do go to sleep, I am not well rested. I find myself crying alone at night." (IDI, woman, Karen state, 19 years old)*

*"Ever since the incident, I have faced many problems in several aspects of my life. Now, I feel like nobody would consider marrying me anymore." (IDI woman, Karen, 20 years old)*

Survivors felt a shift in their family relationships due to humiliation, spousal loss of trust and worry that their family, including children, will be ashamed of them. Disruptions led to permanent fractures; one survivor's husband cut off contact with her and stopped providing support for her and her children. Fear of reprisals, shame and stigma caused some survivors and their families to relocate to another village.



*“I was raped by a police officer who interrogated me for my involvement in the democracy protest. The most difficulty I struggled with is my husband losing his trust and faith in me after the incident. Besides being distressed and anxious, I blame myself for what happened. Because my family is important to me, I learn slowly to become more resilient and also to keep living in order to provide for them.” (IDI, woman, Yangon, 47 years old)*

*“After the incident, my husband did not talk to me anymore and he also stopped providing support for me and my children, leaving me unable to support my family. So, some of my children and I have to work in the farm as a daily wage laborer. I am very worried for my children who are still very young.” (IDI, woman, Rakhine state, 39 years old)*

*“I feel hopeless. Because the child won’t have a father to claim, I am sad. I worry for my child who will be labeled as a father-less child by others for the rest of her life.” (IDI, woman, Mon state, 20 years)*

Survivors who experienced violence post-coup in Yangon reported that neighbors and the community, understanding the brutal tactics employed by security forces, rallied around them. The community showed sympathy and took care of survivors, understanding that the survivors were not to blame and in one case raising money for the survivor to move to another location.



*“After the incident, I stopped selling and going to work due to my weak physical state and feelings of shame. As the result, I have no source of income. However, my neighbors and community supported me by providing me necessary assistance such as food, supplies, and etc. They also gave me verbal and emotional comfort as well.” (IDI, woman, Yangon, 18 years old)*

*“Some people from my community comforted me by saying how the incident might have been inevitable and how it is not my fault. They also provided me oil, rice, clothes and some financial support.” (IDI, woman, Yangon, 23 years old)*

*“My neighbors and community wanted to help me desperately, but they were terrified of the soldiers who threatened to set the village on fire if they helped me. Instead, they collected money to help me move out of the village.” (IDI, woman, Yangon, 23 years old)*

### **Economic Impact**

Survivors overwhelmingly reported an economic impact (n=63 or 81%), as they were unable to resume work, leading to financial difficulties and worry over their, and their families', financial future. A number of survivors were street vendors who were too fearful to continue selling goods, leading to a loss of income and a daily struggle for survival. Other survivors were too ashamed to return to work, reporting that they did not want to face anyone.



*“As a daily wage earner, I depend on people to hire me to work in farms and make my living. The most difficult thing I faced was not getting called to work in their farm by the people anymore. It is not possible for me to change the perception of people. This has made it hard for me to find food for my children and livelihood as the result. What is important for me though is to provide for my family, so I am now working at the farm far away from my village.” (IDI, woman, Shan state, 35 years old)*

*“The most difficult challenges I’ve faced are not being able to go back to work, which has made supporting my livelihood hard, and also finding safety and security in my life.” (IDI, woman, Yangon, 26 years old)*

*“I sold foods at the bus stop before, but after the incident, I am now fearful to go back to the place to sell goods. Now, I have no income and am struggling for survival.” (IDI, woman, Yangon, 20 years old)*

*“Due to my poor mental and physical health, and feeling ashamed, I do not want to face anyone, and I do not want to sell anymore which led to financial difficulties in providing a living for my family.” (IDI, woman, Yangon, 20 years old)*

*“Because I was raped, I feel like everyone looks down on me, which makes me feel shameful. Things like that happen quite frequently. I am not able to continue being a schoolteacher anymore. It’s been hard looking for work, so I have to rely on my mother. Even now, however, it’s been difficult for me to find a job.” (IDI, woman, Karen state, 23 years old)*

### **Physical Health Impact**

Over half of survivors (n=48 or 62%) reported physical impacts, including (in alphabetical order) amnesia, brain fog, breathing difficulties, bruises, crying, fatigue, gynecological issue, injury, inability to focus, physical pain, pregnancy, sleep disorders, tonic immobility, weakness and weight loss.



*“I experienced severe pain from the terrible injury in vagina, which took months to heal back to normal. I always feel fearful, shameful and depressed, and avoid seeing people including my friends. Although it has been a year, I rarely go out and only stay at home.” (IDI, woman, Karen state, 24 years old)*

*“After the incident, I was so painful at the ovary, and I needed surgery to remove it. I feel so shameful and also feel so angry all the time. I lost so much weight, but I have to work for my living and so much worry for not being able to work due to pain. I have no money to get the treatment as ovary removal will cost a lot of money and I can't afford to do it.” (IDI, woman, Yangon, 23 years old)*

*“I don't know what to say anymore. I go day to day trembling in fear. I don't know how to talk to people any longer. Even if I try to speak, my jaw stiffens, and my mouth tightens up. Even now, I can't open my mouth that much as it feels painful to do so.” (IDI, woman, Shan state, 59 years old)*

*“I could not speak or lost the ability to speak [tonic immobility] for many days after the incident.” (IDI, woman, Karen state, 25 years old)*

*“The most hardship I've faced is my health and my mental well-being. I feel shameful now and I feel shameful then. My health is in a deteriorated state. After what happened, my life is filled with anger and pain. My heart especially now has been affected by the incidence as it is left in pain and aches all the time.” (IDI, woman, Shan state, 48 years old)*

#### 4.4.2 Types of Coping Mechanisms

Most survivors mentioned one, or several, coping mechanisms that they used to deal with the incident, which have been categorized below for ease of analysis.

**Positive Thinking and Resilience:** In over a third of cases, survivors reported focusing on positive thinking and a resilient attitude. Survivors reported



reminding themselves to maintain a hopeful attitude, focus on self-compassion, remember that the incident was not their fault and accept that their value was not diminished by the incident. Survivors tried to focus on a determination to keep on living and developing independence and self-reliance.



*"It's the only way to keep alive by maintaining resilience and attempts to forget the incident." (IDI, woman, Yangon, 20 years old)*

*"I try to keep in mind that this incident was not my fault and that my value is not diminished by the incident." (IDI, woman, Karen state, 19 years old)*

*"If the country situation becomes better, I believe that I will get better as well." (IDI, woman, Yangon, 32 years old)*

**Religion and Meditation:** Many survivors reported religion and meditation as a major source of comfort. Survivors reported listening to religious recordings, reading the bible, praying and putting their faith in God to help feel more "stable" and calm.



*"The most difficult thing that I endured was the pain that throbbed all over my body. I am not sure how to be alive. I don't know how to express what I feel. In order to keep my mind calm, I rely on my mother and my prayer to God." (IDI, woman, Karen state, 20 years old)*

*"I have tried to end my life at the beginning but praying and reading bible made me stable day by day." (IDI, woman, Karen state, 35 years old)*

*"I have thought about killing myself. But my mom always stays by my side. She tells me to meditate and pray to keep my mind at peace." (IDI, woman, Karen state, 23 years old).*

**Family:** Family, especially children, inspired survivors to work hard to overcome the incident, with some reporting that they continued to live for the sake of their children or other family members. When survivors received family support, they reported this as crucial to their recovery.



*“When I want to end my life, my husband encouraged me to think about our kids and their future. I could not eat nor sleep for many days. I believe that I am alive today because of my husband and my children.” (IDI, woman, Karen state, 35 years old).*

*“I cannot die yet because I have to be there for my family. That kind of thinking has slowly strengthened my mental resolve. More than that, I try my hardest to forget the incident.” (IDI, woman, Karen state, 27 years old)*

*“I try not to think about this horrible incident and continue to live life for the sake of my children and their futures.” (IDI, woman, Rakhine state, 39 years old)*

*“Looking at my son and daughter’s faces made me realize that I have to keep on living. If my children go to school and become educated, then they will not be taken advantage of and go through what I went through otherwise simply because I was uneducated. My reputation is tainted now. So, I have to make sure that does not happen to my children. Because of these reasons, I keep my mentality strong for my children. I try to leave this behind by focusing on praying. If don’t do that, I will end up thinking about the incident and that will not help me in any way. I have to keep on working to make money for the sake of my children’s future.” (IDI, woman, Shan state, 43 years old)*

**Migration:** Six survivors coped by moving away from their homes to overcome the shadow of the incident; they reported that being with people who did not know their history was comforting.



*"It became too difficult and painful for me to continue living at my hometown, so I decided to move out. I am with my new friends now which do not leave time for me to think about the incident anymore. The new friends do not know about the incident. With my new company, I have learned to forget what happened." (IDI, woman, Kachin state, 20 years old)*

*"I feel very ashamed, so I do not want to live in this place anymore after the incident, so I moved away far from my village to overcome the shadow of the incident." (IDI, woman, Shan state, 23 years old)*

*"Currently, because of what happened, I can't stay at the village any longer. I also can't stand what people are saying about me, so I chose to work somewhere faraway." (IDI, woman, Karen state, 20 years old)*

**Hope for Justice:** Hoping that justice would one day be served gave comfort to other survivors. One survivor reported that she was assisted by the belief that her perpetrators would receive "karmic retribution."



*"I want justice and fairness but knowing poor and powerless people like me will not receive justice as I cannot afford to pay for access to justice. However, I continue to live with hope that justice will be brought to the perpetrator one day. I look forward to the day when the perpetrator will receive his karmic retribution." (IDI, woman, Mon state, 18 years old)*

*"I believe my suffering will be overcome when the perpetrators are brought to justice." (IDI, woman, Karen state, 24 years old)*

*"I keep living with the hope that justice will be served one day." (IDI, woman, Yangon, 22 years old)*

*"I feel as if a dark shadow has tainted my life and now follows me everywhere I go. I have lost interest in working and finding livelihood. However, I believe in continuing living my life until the day my perpetrators are brought to justice." (IDI, woman, Yangon, 20 years old)*

**Work:** While some survivors had difficulty resuming work, others reported that work was helpful to overcome the impacts as it either provided a distraction or was a focus due to economic necessity.



*“I do not want to think about the incident that I focus only on work and prayed and meditated to calm my mind.” (IDI, woman, Karen state, 20 years old)*

*“After the incident, I was always anxious, ashamed, but I have to continue working to support my family as I am a sole breadwinner of the family.” (IDI, woman, Karen state, 27 years old)*

**Avoidance:** Some survivors reported that they tried to ignore, forget and avoid thinking about the incident in order to cope. One reported trying to live like nothing happened to her and another mentioned “swallowing” and “burying” the incident in order to carry on with her life.



*“When I live under the shadow of this nightmare, I always feel dead even I am alive. So, I have to swallow and bury away the frustrations and injustice in order to make a living.” (IDI, woman, Yangon, 20 years old)*

*“I wanted to end my life but stopped later because I realized I should not let this perpetrator dictate my life. I stopped dwelling on negative thoughts, so I do not lose my mind.” (IDI, woman, Karen state, 23 years old)*



# 5

## Recommendations from Survivors and Key Informants

Survivors and key informants were asked to suggest ways to improve the current situation for survivors. Most key informants provided broad, system-wide recommendations but survivors were less comfortable making recommendations, even if they were very clear at other points in the interview regarding their need for services, livelihood assistance and justice. The recommendations are presented below in their own voices without embellishment, but have been loosely categorized, condensed and edited for clarity.

**End military rule:** Military rule must be ended immediately as security forces commit sexual violence as much as they want under military rule. The military takes advantage of the current lawlessness state [i.e. post-coup] to commit abuses, including rape and sexual violence crimes. There are a lot of difficulties due to the state of nation [i.e. the coup] which is getting worse; more lives will be lost until the military is removed from power. Even though everyone from all over the world has asked the military not to commit atrocities, they will not listen. So, the only solution is to cut the root of militarism or to get rid of them. It is not enough to ask the international community to pressure them. It will never happen and the only way is to fight to remove them. The military needs to be stopped since they do not respect any rules or laws including international obligations such as UNSR 1325. So civilians must strongly resist the junta's takeover. When this situation of military rule is over, righteous laws and moral organizations can be established to dismantle the barriers for survivors and justice.

**End long-standing conflicts and post-coup instability:** Everything rests on the political situation and we need stability and peace since conflict creates insecure situations for everyone as there is no rule of law under a conflict situation. We are under no illusion that sexual violence will end completely once the war has ended. Women will still need to be protected from sexual violence even after the conflict.

**End impunity, ensure accountability and bring security forces under civilian control:** The justice system, laws and law enforcement must be improved to provide accountability which will help survivors overcome their trauma and prevent more crimes from happening. There needs to be effective law

enforcement in order to catch the perpetrators and bring them to justice. Because people in power do not investigate, perpetrators are not caught nor brought to justice. Security force perpetrators are aware that most of the survivors who are from vulnerable or disadvantaged communities will be too afraid to complain. Consequently, rape and sexual violence cases perpetrated by security forces continue even under the civilian or elected government with impunity. The complete control of criminal proceedings against military officials by the military itself is a huge barrier to justice so they must be brought under civilian control. One survivor likened soldiers to “animals” and said all civilians need to fight to end impunity and military rule and hold those who commit these kinds of crimes accountable. Another survivor wanted the perpetrators to feel and experience what she went through and another felt that survivors are justified in taking the law into their own hands.

**Establish a rule of law and legal system fair to everyone, including an independent judiciary:** There is no rule of law and the laws and justice system do not protect everyone. The laws are not fair to everyone, including the poor and marginalized people, such as widows. There are no laws to protect powerless people, including in the factories. Ethnic and poor minorities are targeted for violence since they are powerless in society. Survivors of sexual violence deserve justice and rule of law but people in authority do not take action despite their power. If perpetrators regardless of rank and power can be prosecuted according to the law, then the incidents of rape and sexual violence will be reduced. Survivors have to live life in constant fear, and they will not feel safe and secure as there is no protection. So, we need to have law to protect them. The rule of law and democratic governance is required to prevent sexual violence. Judicial independence is also essential for the rule of law.

**Improve the legal system for survivors:** The legal system for survivors must be improved, including by enacting a comprehensive prevention of violence against women law to protect them from all forms of violence and to provide for effective criminal penalties. The legal system must be streamlined so that survivors are not forced to repeat their stories and relive their traumas and so it does not take so much time to handle a case. Survivor stories should

be taken seriously, even survivors with “low status from the IDP camp” and even if the perpetrator is powerful. Adequate legal punishment must also be provided. If perpetrators received adequate punishment for what they committed, violence would not happen again. One survivor felt that true justice can only be achieved if military perpetrators are punished with death.

**Fulfill international legal obligations:** The government must implement the recommendations of the CEDAW committee, including by developing a sufficient action plan. UNSCR 1325 must be followed and integrated into domestic laws to protect women.

**Improve government protection and services:** The government must do a better job of providing necessary assistance to survivors and preventing CRSV and other GBV. The government needs to be helpful to its own civilians, including making sure that it is safe for them to travel around (especially women travelling to and from work). Village administrators also have a responsibility to protect civilians and prevent such terrible crimes from happening. There would be easy access to good services if there were a good government.

**Improve service provision:** There should be more help for survivors. Service providers need to fulfil their duties to provide services, including by lessening obstacles for survivors to access services. As survivors need to prioritize their survival and make ends meet, they need services such as food and livelihood assistance (food insecurity is a main problem for survivors). Some survivors do not have spare time to join any empowerment training or other awareness program (to educate them) because they need to work to survive. Psychosocial support and empowerment alone cannot solve the problems they are facing; they need services to improve their livelihoods such as startup funds for small shops, life skill trainings and other support like providing livestock.

**Improve social re-integration:** Communities need to provide survivors with moral support and help them to socially re-integrate after the incident. Survivors should not feel discrimination and should be warmly welcomed



back to the community.

**Eliminate gender inequality and discriminatory social norms:** We have to change social and cultural norms regarding the role of men and women. We need to educate everyone, including men and boys, about how these norms have impacted the life and rights of women and girls. Changing social norms is as important as removing the military from power because these norms will exist even after the regime changes. So, we will never eliminate conflicts and abuses that are rooted in patriarchal social norms without changing those norms. We need to end discrimination against women in our society to eliminate violence against women and change the mindset of believing in harmful traditional and customary practices.

**Improve education regarding gender, sexual and reproductive health:** Education is vital for everyone, is the most powerful agent for social change and is the key to making changes to discriminatory social practices regarding gender. We have to educate our children within the family about gender and GBV. We have to train children to respect difference, and teach them that everyone is the same regardless of gender (to change internalized gender norms). In Myanmar, we do not have sex education and that is important to lessen GBV cases. The majority of sexual violence and GBV cases occur within poor and uneducated families and communities.

**Eliminate poverty:** The underprivileged community has many psychosocial problems due to poverty so we need to empower them. Providing job opportunities and other services to improve their situation is crucial.

**Address drug and alcohol abuse:** Drug and alcohol abuse is one of the contributing factors of GBV so this issue must be addressed.



# 6

## Conclusion and Recommendations

This report details the lived experiences of survivors of CRSV and GBV in conflict-affected areas of Myanmar. Survivor accounts, as well as key informant perspectives, point to pervasive sexual violence, committed especially by security forces, as well as a lack of support services and deep and long-lasting psychological, social, economic and physical impacts for survivors. Data collected from Yangon after the coup shows security force violence spreading outside of ethnic areas, demonstrating what ethnic groups have long known – that security forces strategically commit human rights abuses, including CRSV, wherever they go.

Participants highlighted that violence and fear are features of daily life with the military junta, with every civilian at risk of security force abuses and perpetrators rarely being held accountable. After the coup, there has been a complete breakdown of the rule of law. This grave situation is a consequence of the long-standing impunity enjoyed by security forces which for decades have committed human rights abuses in ethnic areas without consequences. There can be no improvements until the military is subject to civilian oversight and an impartial and fair legal system and judiciary holds perpetrators accountable.

The findings identify an immediate and pressing need to provide greater support and services to survivors, especially psychosocial services and economic and livelihood opportunities. Local community organizations, which are often the only available and trusted service providers in these dangerous settings, are also at risk; they desperately need increased support, empowerment and funding to continue and expand their programs. Reducing the burdens on survivors, and service providers, also requires societal-level changes to eliminate victim-blaming and address gender discrimination.

Survivor accounts and key informant perspectives should help guide these efforts and inform policy choices regarding how best to support survivors' needs. Local actors must be an integral part of developing, not just implementing, a "survivor-centered" plan as only they understand the current complicated context - continuing country-wide conflict, a security sector which commits rampant human rights abuses with impunity,

a democracy movement fighting for legitimacy, deeply-rooted gender inequality and long-standing ethnic sensitivities. While the coup undeniably makes realizing this goal more difficult, it must not be used as an excuse for inaction or excluding the voices of those most affected who understand the situation best.

### **Recommendations:**

The following recommendations are directed towards international actors and a democratically-elected government and focus primarily on issues raised by this research project.<sup>lxiii</sup> Working with the military is not recommended as the military is not a trusted actor, is unable to exercise normal governmental functions and could use engagement as proof of legitimacy.

### **End Conflict and Support Democracy**

#### **To the international community:**

- Use all means, including international sanctions and a global arms embargo, to end conflict and ensure that security forces cease attacks against civilians and lift humanitarian aid blockades.
- Avoid legitimizing the military junta by refusing to recognize or work with military appointees and support the democracy movement by recognizing only representatives of a democratically-elected government.
- Urge all UN agencies and international NGOs operating in Myanmar to bear witness publicly to the atrocities committed.
- Ensure that survivors and women are a meaningful part of any peace dialogue, and that peace agreements and transitional justice mechanisms provide accountability for human rights abuses, including CRSV.

## **End Impunity and Ensure Accountability**

### **To the international community:**

- Prosecute and hold accountable all perpetrators of CRSV and human rights abuses, including by: funding and supporting international accountability measures, mechanisms and proceedings; supporting a Security Council referral to the International Criminal Court; and ensuring that all efforts mainstream gender and incorporate investigation, punishment and reparations for CRSV, without amnesty.
- Support efforts to subject security forces to civilian oversight, including the establishment of an independent and effective national level mechanism with the power to investigate, punish and provide reparations.

### **To a democratically-elected government:**

- Ensure that all perpetrators of CRSV and GBV are held to account by establishing an impartial and fair rule of law and improving the domestic legal framework, including by passing a comprehensive prevention of violence against women law and amending the Penal Code, Code of Criminal Procedure and Evidence Act to, inter alia: adhere to international best standards; ensure appropriate criminal penalties, civil remedies, rehabilitation and reparations; establish better coordination between justice actors to avoid re-traumatizing survivors; reduce costs and other access challenges associated with legal cases; and eliminate use of traditional justice mechanisms.
- Fulfill all international obligations and recommendations to address and eliminate CRSV and GBV, including those contained in the WPS Resolutions, the JC and under international criminal, human rights and humanitarian law.
- Establish an independent and effective national level mechanism with the power to investigate, punish and provide reparations, and ensure adoption and enforcement of a zero-tolerance policy, for CRSV by state and non-state actors, including by developing a Code

of Conduct and command responsibility.

- Ensure that the judicial system respects survivors' safety, rights and confidentiality, including by providing ready access to protection and safety services and adopting legal protections (including during court proceedings) for survivors and witnesses.

### **Improve Service Provision to Survivors**

#### **To the international community:**

- Eliminate all partnerships with junta-affiliated entities.
- Provide greater and more flexible funding for the local CSOs who are the primary responders to CRSV and GBV survivors.
- Support and fund the development of a survivor-centered, comprehensive CRSV and GBV prevention and response plan, in accordance with UN Security Council Resolution 2467, which ensures access to necessary services, including protection services for survivors and witnesses, and is developed in cooperation with local actors, survivors and service providers.
- Fund targeted services for CRSV and GBV survivors, including “one-stop” service centers and/or safe houses and prioritize funding for service areas including livelihood programs, healthcare services (including reproductive healthcare), legal support, psychosocial support, programs to implement community-based social norm change (including gender sensitivity and awareness trainings and women’s leadership programs) and educational programs regarding gender awareness, SRHR and human rights values.

#### **To a democratically-elected government:**

- Draft and implement, after consultations with local actors, survivors and service providers, a comprehensive survivor-centered CRSV and GBV prevention and response plan, which includes access to services, justice and other protections for survivors.
- Prioritize quality multi-sectoral assistance and protection targeted

specifically for CRSV survivors and their families, including the provision of and adequate funding for immediate and long-term legal, medical, psychosocial, security and livelihood services throughout the country and the establishment of “one-stop” service centers and/or safe houses to provide such services.

- Improve access to services for CRSV and GBV survivors, including by enhancing dissemination of information and outreach throughout Myanmar.
- Train and educate service providers across all disciplines and specialties in standards of appropriate, high-quality survivor care.

### **Address Contributing Factors to CRSV and GBV**

#### **To the international community:**

- Ensure that all funding is gender-sensitive and supports the work of local organizations addressing the contributing factors to CRSV and GBV, including by providing support for economic development and livelihood assistance.

#### **To a democratically-elected government:**

- Eliminate gender inequalities and discrimination, including by developing and implementing a comprehensive national strategic plan for the advancement of women and developing and amending legislation to promote gender equality.
- Ensure that gender is mainstreamed in all governmental policies, including education and health, to avoid reinforcing stereotypical gender norms and provide comprehensive information regarding SRHR, GBV and CRSV.
- Eliminate the culture of victim-blaming and reduce stigma and shame surrounding sexual violence, including by providing gender-awareness education and training to eliminate gender stereotyping, victimization and victim-blaming.
- Develop and implement policies to reduce economic disparities and

provide improved economic opportunities; improve infrastructure in remote areas, including by upgrading roads, transportation, health systems and communications; provide education and services to stem substance abuse.

### **Ethically Document and Investigate CRSV**

#### **To the international community:**

- Coordinate efforts between all UN agencies and mandate-holders and undertake time-bound commitments (e.g., by the end of 2022) to: publicly address and respond to CRSV reports; convene regular meetings to coordinate documentation and accountability efforts; ensure that gender advisory systems are in place; and produce a report on CRSV in Myanmar.
- Increase coordination among and develop information-sharing mechanisms, including by holding regular briefings, between international NGOs, civil society inside and outside Myanmar and UN mandate holders working to advance accountability.
- Support survivor-centered approaches to documenting CRSV, including by developing a Myanmar-specific code of conduct for ethical investigation, alongside efforts to address survivors' and witnesses' needs regarding truth, justice, safety and psychosocial support and develop security and safety protocols and detailed Emergency Risk Assessment plans to ensure maximum protection for survivors, witnesses, data collectors and data.

#### **To a democratically-elected government:**

- Coordinate and cooperate with all international mandate holders working to document CRSV and advance accountability.
- Coordinate among and develop information-sharing mechanisms between international, national and local actors, including by holding regular briefings inclusive of all stakeholders.
- Adopt gender-sensitive investigative and documentation procedures



regarding CRSV, including by ensuring gender-sensitive training of personnel and adoption of codes of conduct and protocols for conducting investigations and systematic documentation that meet international best practices.



<sup>i</sup> In this report, the military's actions of February 1 will be referred to as a "coup" as opposed to an "attempted coup" or "failed coup." This nomenclature is for the sake of simplicity, not to minimize the continued resistance of the Myanmar people or their refusal to acknowledge the military's illegal usurpation of power. Nor does it in any way legitimize the State Administration Council established by the military junta or de-legitimize the authority of the Interim National Unity Government to govern Myanmar.

<sup>ii</sup> In this report, security forces refers to the Myanmar military (or Tatmadaw), Border Guard Forces, paramilitary militia and police, all of which are under the direction and control of the Myanmar military and its Commander-in-Chief.

<sup>iii</sup> United Nations Security Council, Resolution 2467 (2019) (Apr. 3, 2019), S/RES/2467 (2019) available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/118/28/PDF/N1911828.pdf?OpenElement>; OO, Phyu Phyu & Davies, Sara E., Access to Whose Justice? Survivor-Centered Justice for Sexual and Gender-Based Violence in Northern Shan State , Global Studies Quarterly (2021) , pp. 1-10.

<sup>iv</sup> The International Criminal Court criminalized various forms of CRSV in its 1998 Statute of the International Criminal Court (also known as the Rome Statute). To violate the Rome Statute, sexual violence must be committed as part of a widespread or systematic attack directed against any civilian population. UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998, ISBN No. 92-9227-227-6, at article 7(g), 8(b)(xxii) and 8(e)(vi), available at: <https://www.refworld.org/docid/3ae6b3a84.html> [last accessed Apr. 20, 2022]. For further a fuller description of sexual violence crimes, see International Criminal Court, Elements of Crimes (2011) available at: <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>.

<sup>v</sup> UN Security Council, Report of the Secretary-General: Conflict-Related Sexual Violence, S/2021/312 (Mar. 30, 2021), at ¶15 available at: <https://reliefweb.int/report/world/conflict-related-sexual-violence-report-secretary-general-s2021312>; UN Secretary-General, Compendium of the Event to Commemorate the 10th Year Anniversary of the SVC Mandate (Oct. 30, 2019) available at: <https://www.un.org/sexualviolenceinconflict/>.

<sup>vi</sup> UN Women, Frequently asked questions: Types of violence against women and girls available at: <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/types-of-violence>.

<sup>vii</sup> It should be noted, that some survivors interviewed felt that using the term survivor minimized their experiences and did not adequately convey the trauma that they had suffered.

<sup>viii</sup> Independent Commission for Aid Impact, Literature review: Conflict-related sexual violence and sexual exploitation and abuse (Sept. 2020) available at: <https://icai.independent.gov.uk/html-version/psvi-2/#>

<sup>ix</sup> UN Department of Peace Operations, Handbook for United Nations Field Missions on Prevent-

ing and Responding to Conflict-Related Sexual Violence (2020) available at: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/06/2020.08-UN-CRSV-Handbook.pdf>.

<sup>x</sup> Dr. Denis Mukwege Foundation, Sexual violence as a weapon of war, available at: <https://www.mukwegefoundation.org/the-problem/rape-as-a-weapon-of-war/>, [last access Jan. 13, 2022].

<sup>xi</sup> United Nations, Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, S/2019/280 (Mar. 29, 2019) available at: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/report/s-2019-280/Annual-report-2018.pdf>.

<sup>xii</sup> Security Council Resolution 1820, ¶14, S/RES/1820 (Jun. 19, 2008). See also Medawatte, Danushka, Conflict-Related Sexual Violence: The Patriarchy's Bugle Call, *The Georgetown Journal of Gender and the Law*, vol. XXI, pp. 671-703, available at: [https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2020/08/Conflict-Related-Sexual-Violence\\_Patriarchys-Bugle-Call.pdf](https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2020/08/Conflict-Related-Sexual-Violence_Patriarchys-Bugle-Call.pdf)

<sup>xiii</sup> The International Criminal Court criminalized various forms of CRSV in its 1998 Statute of the International Criminal Court (also known as the Rome Statute). To violate the Rome Statute, sexual violence must be committed as part of a widespread or systematic attack directed against any civilian population. UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998, ISBN No. 92-9227-227-6, available at: <https://www.refworld.org/docid/3ae6b3a84.html> [last accessed Jan. 9, 2022].

<sup>xiv</sup> Gaggioli, Gloria, Sexual violence in armed conflicts: A violation of international humanitarian law and human rights law, *International Review of the Red Cross* (2014) at 503, available at: <https://international-review.icrc.org/sites/default/files/irrc-894-gaggioli.pdf>

<sup>xv</sup> United Nations et al., United Nations Field Missions: Preventing and responding to CRSV (2020) available at: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/02/DPO-DPPA-SRSG-SVC-OHCHR-Policy-on-Field-Missions-Preventing-and-Responding-to-CRSV-2020.pdf>

<sup>xvi</sup> Committee on the Elimination of Discrimination Against Women, General recommendation No. 30 (fifty-sixth session, 2013) on women in conflict prevention, conflict and post-conflict situations (2013) available at: <https://www.ohchr.org/en/hrbodies/cedaw/pages/recommendations.aspx>; Women's Initiatives for Gender Justice, *The Hague Principles on Sexual Violence* (2019) available at: <https://4genderjustice.org/test1/>.

<sup>xvii</sup> In 2000, the UN Security Council adopted Resolution 1325 to address how women and girls are differentially impacted by conflict and war, recognize CRSV and call for women to play a critical role in peacebuilding efforts. Resolution 1325 initiated what has come to be known as the Women, Peace and Security Agenda ("WPS Agenda"). Almost two decades and nine additional resolutions later, the WPS Agenda has become one of the main thematic pillars of the Security Council's work. The resolutions are: 1820 (2008), 1888 (2009), 1889 (2009), 1960

(2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019).

<sup>xviii</sup> The office was established by UN Security Council Resolution 1888 (2009). United Nations Security Council Resolution 1888 (2009) ¶14, S/RES/1888 (2009) available at: <https://www.un.org/ruleoflaw/files/N0953446.pdf>; UN Women, Preventing Conflict Transforming Justice Securing the Peace: A Global Study on the Implementation of the United Nations Security Council resolution 1325 (2015) available at: [https://wps.unwomen.org/pdf/en/GlobalStudy\\_EN\\_Web.pdf](https://wps.unwomen.org/pdf/en/GlobalStudy_EN_Web.pdf).

<sup>xix</sup> United Nations Human Rights Council, Universal Periodic Review available at: <https://www.ohchr.org/en/hr-bodies/upr/upr-main>; United Nations Office of the High Commissioner for Human Rights, Committee on the Elimination of Discrimination Against Women available at: <https://www.ohchr.org/en/treaty-bodies/cedaw>; United Nations Office of the High Commissioner for Human Rights, What the Treaty Bodies Do? available at: <https://www.ohchr.org/en/treaty-bodies/what-treaty-bodies-do>.

<sup>xx</sup> Giegling, Jule, A Little Less Conversation, A Little More Action Please: State Reporting and the Treaty Body Review 2020, *Opinio Juris* (Nov. 27, 2020) available at: <http://opiniojuris.org/2020/11/27/a-little-less-conversation-a-little-more-action-please-state-reporting-and-the-treaty-body-review-2020/>; Upr-info, What is the UPR? available at: <https://www.upr-info.org/en/upr-process/what-is-it>;

<sup>xxi</sup> United Nations Research Guides, International Commissions of Inquiry, Fact-finding Missions available at: <https://libraryresources.unog.ch/factfinding>. Some have suggested the creation of a standing commission, rather than ad hoc commissions. Abbott, Kingsley & Zia-Zarifi, Saman, Is It Time to Create a Standing Independent Investigative Mechanism? , *Opinio Juris* (Apr. 10, 2019) available at: <https://opiniojuris.org/2019/04/10/is-it-time-to-create-a-standing-independent-investigative-mechanism-siim/>

<sup>xxii</sup> International Criminal Court, How the Court Works available at: <https://www.icc-cpi.int/about/how-the-court-works>; International Court of Justice, International Court of Justice available at: <https://www.icj-cij.org/en>

<sup>xxiii</sup> International Committee of the Red Cross, How does the ICRC work in detention?, (Oct. 16, 2015) available at: <https://www.icrc.org/en/document/how-does-icrc-work-detention>.

<sup>xxiv</sup> UN Human Rights Treaty Bodies, UN Treaty Body Database: Ratification Status for Myanmar available at: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=119&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=119&Lang=EN).

<sup>xxv</sup> United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html>.

<sup>xxvi</sup> Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 122 countries endorse historic 'Declaration of Commitment to End Sexual Violence in Conflict' (Oct. 2, 2013) available at:

<https://www.un.org/sexualviolenceinconflict/press-release/122-countries-endorse-historic-declaration-of-commitment-to-end-sexual-violence-in-conflict/>; UK Government, A Declaration of Commitment to End Sexual Violence in Conflict (2013) available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/274724/A\\_DECLARATION\\_OF\\_COMMITMENT\\_TO\\_END\\_SEXUAL\\_VIOLENCE\\_IN\\_CONFLICT.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/274724/A_DECLARATION_OF_COMMITMENT_TO_END_SEXUAL_VIOLENCE_IN_CONFLICT.pdf). Specifically, the initiative focused on challenging harmful attitudes towards survivors and victims and working to end the stigma they suffer; delivering better access to justice, healthcare, psycho-social support and livelihood programmes; and improving how security forces and peacekeeping missions prevent and respond to CRSV. UK Government, Preventing Sexual Violence Initiative (2012) available at: <https://www.gov.uk/government/organisations/preventing-sexual-violence-in-conflict-initiative/about>.

<sup>xxvii</sup> Outcome Statement, Oslo Conference on Ending Sexual and Gender-Based Violence in Humanitarian Settings, 24 May 2019 available at: <https://reliefweb.int/report/world/outcome-statement-oslo-conference-ending-sexual-and-gender-based-violence-humanitarian>.

<sup>xxviii</sup> Myanmar National Committee for Women's Affairs, National Strategic Plan for the Advancement of Women 2013-2022 (2013) available at: <https://myanmar.unfpa.org/en/publications/national-strategic-plan-advancement-women-2013-2022>.

<sup>xxix</sup> Joint Communique of the Republic of the Union of Myanmar and the United Nations on Prevention and Response to Conflict-Related Sexual Violence (Dec. 7, 2018) available at: [https://www.un.org/sexualviolenceinconflict/wp-content/uploads/joint-communique/joint-communique-of-myanmar-un-on-prevention-response-to-crsv/Joint\\_Communique\\_of\\_Myanmar\\_UN\\_Prevention\\_Response\\_to\\_CRSV\\_2018.pdf](https://www.un.org/sexualviolenceinconflict/wp-content/uploads/joint-communique/joint-communique-of-myanmar-un-on-prevention-response-to-crsv/Joint_Communique_of_Myanmar_UN_Prevention_Response_to_CRSV_2018.pdf); The Nationwide Ceasefire Agreement between the Government of Republic of the Union of Myanmar and the Ethnic Armed Organisations (Mr. 31, 2015) available at: [https://peacemaker.un.org/sites/peacemaker.un.org/files/MM\\_151510\\_NCAAgreement.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/MM_151510_NCAAgreement.pdf); Military Code of Conduct Between the Government of Burma and Ethnic Armed Organizations in Accordance with the NCA (Nov. 18, 2015) at Ch. 2, ¶17(M) available at: <https://www.peaceagreements.org/viewmasterdocument/1544>.

<sup>xxx</sup> The ten signatories are: The All Burma Students' Democratic Front, Arakan Liberation Party, Chin National Front, Democratic Karen Benevolent Army, Karen National Union, Karen National Liberation Army Peace Council, Pa-O National Liberation Organisation, Restoration Council of Shan State, New Mon State Party and Lahu Democratic Union. See [https://www.ncaseao.org/nca\\_members?page=1](https://www.ncaseao.org/nca_members?page=1).

<sup>xxxi</sup> International Commission of Jurists, Redress and Accountability in Myanmar (2018) available at: <https://www.icj.org/wp-content/uploads/2018/01/Myanmar-GRA-Base-line-Study-Publications-Reports-Thematic-reports-2018-ENG.pdf>.

<sup>xxxii</sup> Myanmar: the Penal Code, 1861 (adopted May 1, 1861) available at: [https://www.burmalibrary.org/docs6/MYANMAR\\_PENAL\\_CODE-corr.1.pdf](https://www.burmalibrary.org/docs6/MYANMAR_PENAL_CODE-corr.1.pdf); Gender Equality Network, Myanmar Laws and CEDAW: The Case for Anti-Violence Against Women Laws (Jan. 2013) available at: [https://www.burmalibrary.org/docs20/Myanmar\\_Law+CEDAW-en-red.pdf](https://www.burmalibrary.org/docs20/Myanmar_Law+CEDAW-en-red.pdf).

<sup>xxxiii</sup> Global Justice Center, FACTSHEET : JULY 2020: Myanmar's Proposed Prevention Of Violence Against Women Law: A Failure to Meet International Human Rights Standards (Jul. 2020) ["GJC Fact Sheet"] available at: [https://www.globaljusticecenter.net/files/20200710\\_Myanmar-POVAWLawAnalysis.pdf](https://www.globaljusticecenter.net/files/20200710_Myanmar-POVAWLawAnalysis.pdf)

<sup>xxxiv</sup> Institute for International Criminal Investigations & Redress, Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Myanmar-Specific Guidance for Practitioners (2018), at 14.

<sup>xxxv</sup> Article 445 also provides amnesty under certain circumstances. See Constitution of the Republic of the Union of Myanmar (2008) at Ch. 7, art.343(b) available at: <https://www.wipo.int/edocs/lexdocs/laws/en/mm/mm009en.pdf>.

<sup>xxxvi</sup> GJC Fact Sheet, *supra* note xxxiii, at 11.

<sup>xxxvii</sup> EAO-perpetrated sexual violence has also been alleged but details are limited. The Shan Human Rights Foundation (SHRF) & The Shan Women's Action Network (SWAN), LICENSE TO RAPE: The Burmese military regime's use of sexual violence in the ongoing war in Shan State (May 2002) available at: [https://www.peacewomen.org/sites/default/files/vaw\\_license-to-rape\\_shrf\\_swan\\_2002\\_0.pdf](https://www.peacewomen.org/sites/default/files/vaw_license-to-rape_shrf_swan_2002_0.pdf); Refugees International, No Safe Place: Burma's Army and the Rape of Ethnic Women (2003) available at: <https://www.refworld.org/docid/47a6eb9a0.html>; Karen Women's Organisation, Shattering Silences (2004) available at: [https://www.peacewomen.org/sites/default/files/kwo\\_shatteringsilences\\_april2007\\_0.pdf](https://www.peacewomen.org/sites/default/files/kwo_shatteringsilences_april2007_0.pdf); Women's League of Burma; System of Impunity: Nationwide Patterns of Sexual Violence by the Military Regime's Army and Authorities in Burma (2004) available at: [https://burmacampaign.org.uk/media/SYSTEM\\_OF\\_IMPUNITY.pdf](https://burmacampaign.org.uk/media/SYSTEM_OF_IMPUNITY.pdf); Shan Women's Action Network, Still Licensed to Rape (2005); Women and Child Rights project and Human Rights Foundation of Monland (Burma ), Catwalk to the Barracks (2005) available at: <https://www.burmalibrary.org/en/catwalk-to-the-barracks-conscription-of-women-for-sexual-slavery-and-other-practices-of-sexual>; Karen Women's Organization, Shattering Silences: Ongoing Rape of Karen Women by the SPDC (2006) available at: [https://www.peacewomen.org/sites/default/files/kwo\\_shatteringsilences\\_april2007\\_0.pdf](https://www.peacewomen.org/sites/default/files/kwo_shatteringsilences_april2007_0.pdf); Women's League of Chin Land, Unsafe State: State-Sanctioned Sexual Violence against Chin Women in Burma (2007) available at: <https://www.peacewomen.org/node/89604#:~:text=Unsafe%20State%3A%20State%20Sanctioned%20Sexual%20Violence%20Against%20Chin%20Women%20in%20Burma,-Thursday%2C%20March%201&text=%22This%20report%20by%20the%20Women's,Chin%20State%20in%20Western%20Burma>; Karen Women's Organisation, State of Terror: The ongoing rape, murder, torture and forced labour suffered by women living under the Burmese Military Regime in Karen State (2007) available at: <https://karenwomen.org/2007/08/27/state-of-terror/>; Women's League of Burma, Same Impunity, Same Pattern: Sexual abuses by the Burma army will not stop until there is a genuine civilian government (2014) available at: [https://womenofburma.org/sites/default/files/2018-06/2014\\_Jan\\_SameImpunitySamePattern\\_English-final.pdf](https://womenofburma.org/sites/default/files/2018-06/2014_Jan_SameImpunitySamePattern_English-final.pdf); Women's League of Burma, If they had hope, they would speak: The on-going use of state-sponsored sexual violence in Burma's ethnic communities (2014) available at: [https://womenofburma.org/sites/default/files/2018-06/2014\\_Nov\\_VAW\\_Iftheyhadhope\\_They-wouldSpeak\\_English.pdf](https://womenofburma.org/sites/default/files/2018-06/2014_Nov_VAW_Iftheyhadhope_They-wouldSpeak_English.pdf); Kachin Women's Association Thailand & Legal Aid Network, Justice

Delayed, Justice Denied (2016) available at: [https://www.burmalibrary.org/docs21/KWAT-2016-01-Justice\\_Delayed\\_Justice\\_Denied-en-red.pdf](https://www.burmalibrary.org/docs21/KWAT-2016-01-Justice_Delayed_Justice_Denied-en-red.pdf); Free Burma Rangers, Rape as a Weapon of War and the Women Who Are Resisting (2019) available at: <https://www.freeburmarangers.org/wp-content/uploads/2019/12/Rape-as-a-Weapon-of-War.pdf?fbclid=IwAR2PjXqvzKdv-jQs9yTsgc18KkPajAQC54HV9lvmet1gYy7-hfS1chmxqINg>. EAO-perpetrated sexual violence is alleged but details are more limited.

<sup>xxxviii</sup> Institute for International Criminal Investigations & Redress, Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Myanmar-Specific Guidance for Practitioners (2018); Global Justice Center, Promises Not Progress: Burma's National Plan Falls Short of Gender Equality and CEDAW (2015) available at: <https://globaljusticecenter.net/blog/20-publications/briefs-and-white-papers/243-promises-not-progress-burma-s-national-plan-for-women-falls-short-of-gender-equality-and-cedaw>.

<sup>xxxix</sup> Gender Equality Network, Behind the Silence: Violence Against Women and Their Resilience: Briefing Paper (2014).

<sup>xi</sup> Women's Refugee Commission, Women's Refugee Commission Welcomes Listing of Myanmar Armed Forces in New UN Secretary-General's Report on Conflict-Related Sexual Violence (Apr. 13, 2018) available at: <https://www.womensrefugeecommission.org/press-releases/wrc-welcomes-listing-of-myanmar-armed-forces-in-new-unsg-report-on-conflict-related-sexual-violence/>.

<sup>xii</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Myanmar, A/HRC/31/13 (Dec. 23, 2015).

<sup>xiii</sup> Committee on the Elimination of Discrimination Against Women, Concluding observations on the report of Myanmar submitted under the exceptional reporting procedure, CEDAW/C/MMR/CO/EP/1 (Mar. 11, 2019); Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined fourth and fifth periodic reports of Myanmar, CEDAW/C/MMR/CO/4-5 (Jul. 25, 2016).

<sup>xliii</sup> Human Rights Watch, US Recognized Genocide Against Rohingya (Mar. 21, 2022) available at: <https://www.hrw.org/news/2022/03/21/myanmar-us-recognizes-genocide-against-rohingya>; United States Holocaust Museum, Burma's Path to Genocide: A Timeline available at: <https://exhibitions.ushmm.org/burmas-path-to-genocide/timeline>.

<sup>xliiv</sup> The Gambia filed a genocide case in 2019 at the International Court of Justice. International Court of Justice, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) (case proceedings begun Nov. 11, 2019) available at: <https://www.icj-cij.org/en/case/178>. The International Criminal Court has also begun a preliminary investigation. International Criminal Court, ICC judges authorise opening of an investigation into the situation in Bangladesh/Myanmar (Nov. 14, 2019) available at: <https://www.icc-cpi.int/Pages/item.aspx?name=pr1495>. While Myanmar had not signed the Rome Statute of the International Criminal Court prior to the coup, the Interim National Unity Govern-

ment on August 20, 2021 submitted a 12(3) declaration accepting the jurisdiction of the ICC. Mizzima News, Myanmar's NUG agrees to ICC scrutiny of military regime (Aug. 21, 2021) available at: <https://mizzima.com/article/myanmars-nug-agrees-icc-scrutiny-military-regime>.

<sup>xlv</sup> The IIMM Mechanism became operational in August 2019 and is currently collecting, consolidating, preserving and analyzing evidence regarding the commission of international crimes, including CRSV, in Myanmar, UN Human Rights Council, Myanmar: UN Fact-Finding Mission releases its full account of massive violations by military in Rakhine, Kachin and Shan States (Sept. 18, 2018) available at:

<sup>xlvi</sup> <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575>; UN Human Rights Council, Report of the Independent International Fact-Finding Mission on Myanmar, A/HRC/39/64 (Sept. 12, 2018).

<sup>xlvii</sup> United Nations, Letter dated 16 January 2019 from the Secretary-General addressed to the President of the General Assembly, A/73/716 (Jan. 21, 2019); UN Human Rights Council, Resolution 39/2 (Sept. 27, 2018).

<sup>xlviii</sup> UN Human Rights Council, Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflict, A/HRC/42/CRP.4 (Aug. 22, 2019), at ¶14 available at: <https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/sexualviolence>. At paragraphs 26 and 27, the FFM suggested that sexual and gender-based violence should be defined “broadly.”

<sup>xlviii</sup> Goldman, Russell, Myanmar Coup, Explained, NY Times (Feb. 1, 2021) available at: <https://www.nytimes.com/article/myanmar-news-protests-coup.html>.

<sup>xlix</sup> VOA News, Myanmar Junta Forms Caretaker Government; Min Aung Hlaing is Prime Minister (Aug. 1, 2021) available at: [https://www.voanews.com/a/east-asia-pacific\\_myanmar-junta-forms-caretaker-government-min-aung-hlaing-prime-minister/6209015.html](https://www.voanews.com/a/east-asia-pacific_myanmar-junta-forms-caretaker-government-min-aung-hlaing-prime-minister/6209015.html).

<sup>l</sup> The Irrawaddy, Myanmar junta sentences Suu Kyi and President U Win Myint to four years in prison (Dec. 6, 2021) available at: <https://www.irrawaddy.com/news/burma/myanmar-junta-sentences-suu-kyi-and-president-u-win-myint-to-four-years-in-prison.html>; BBC, Aung San Suu Kyi: Ousted Myanmar leader jailed for another four years (Jan. 10, 2022) available at: <https://www.bbc.com/news/world-asia-59933706>; Reuters, Myanmar's Suu Kyi handed 5 year jail term for corruption (Apr. 27, 2022) available at: <https://www.reuters.com/world/asia-pacific/myanmars-suu-kyi-handed-5-year-jail-term-corruption-2022-04-27/>.

<sup>li</sup> Walker, Tommy, How Myanmar's Civil Disobedience Movement is Pushing Back Against the Coup, VOA News (Feb. 27, 2021) available at: <https://www.nytimes.com/article/myanmar-news-protests-coup.html>;

Mizzima News, The Long History of Myanmar's Civil Disobedience Movement (Mar. 29, 2021) available at: <https://www.irrawaddy.com/news/burma/long-history-myanmars-civil-disobedience-movement.html>.



<sup>ii</sup> For more information, see <https://gov.nugmyanmar.org/about-nug/>; US Institute of Peace, Myanmar Study Group: Final Report: Anatomy of the Military Coup and Recommendations for U.S. Response (Feb. 1, 2022) available at: <https://www.usip.org/publications/2022/02/myanmar-study-group-final-report>.

<sup>iii</sup> Republic of the Union of Myanmar National Unity Government, Press Release 14/2021 (Sept. 13, 2021) available at: <https://gov.nugmyanmar.org/2021/09/13/press-release-14-2021/>.

<sup>iv</sup> [Lee, Joyce Sohyun et al.](#), Anatomy of a Crackdown, The Washington Post (Aug. 25, 2021) available at: <https://www.washingtonpost.com/world/interactive/2021/myanmar-crack-down-military-coup/>.

<sup>v</sup> Paddock, Richard C., Myanmar's Army is Accused of Massacring Dozens of Civilians, The New York Times (Dec. 26, 2021) available at: <https://www.nytimes.com/2021/12/26/world/asia/myanmar-army-killings.html>; Nichols, Michelle, Outgoing U.N. Envoy says Myanmar has spiraled into civil war, Reuters (Oct. 21, 2021) available at: <https://www.reuters.com/world/asia-pacific/outgoing-un-envoy-says-myanmar-has-spiraled-into-civil-war-2021-10-21/>; Human Rights Watch, Myanmar Coup Leads to Crimes Against Humanity (Jul. 31, 2021) available at: <https://www.hrw.org/news/2021/07/31/myanmar-coup-leads-crimes-against-humanity#>.

<sup>vi</sup> UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, A/HRC/49/76 (28 February–1 April 2022) available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/EN\\_68.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/EN_68.pdf); Office of the High Commissioner for Human Rights, Situation of human rights in Myanmar since 1 February 2021, A/HRC/49/72 (Feb. 25, 2022) available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/A\\_HRC\\_49\\_72\\_AdvanceUneditedVersion.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_49_72_AdvanceUneditedVersion.pdf); UN News, Rights abuses in Myanmar 'deepening on an unprecedented scale' (Dec. 10, 2021) available at: <https://news.un.org/en/story/2021/12/1107642>; UN News, Human rights 'catastrophe' in Myanmar: UN calls for urgent action (Sept. 23, 2021) available at: <https://news.un.org/en/story/2021/09/1100922>; Fortify Rights, Ongoing Crimes in Karen (Kayah) State, May 2021-January 2022 (Feb. 15, 2022) available at: <https://www.fortifyrights.org/mya-inv-rep-2022-02-15/>.

<sup>vii</sup> Assistance Association for Political Prisoners, Daily Briefing in Relation to the Military Coup (June 6, 2022) available at: <https://aappb.org/?p=21351>.

<sup>viii</sup> Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, A/HRC/49/76 (Mar. 16, 2022) available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/EN\\_68.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/EN_68.pdf); Situation of human rights in Myanmar since 1 February 2021: Report of the United Nations High Commissioner for Human Rights, HRC/49/72 (Feb. 25, 2022) available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/A\\_HRC\\_49\\_72\\_AdvanceUnedited-Version.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_49_72_AdvanceUnedited-Version.pdf); Note to Correspondents: UN Special Representative Patten expresses grave concern over reports of sexual violence in detention setting in Myanmar (Jun. 25, 2021) available at: <https://www.un.org/sg/en/content/sg/note-correspondents/2021-06-25/note-correspondents-un-special-representative-patten-expresses-grave-concern-over-reports-of-sexual-violence-detention-setting-myanmar>.

<sup>lix</sup> Women's Peace Network, Violence Against Women and Girls by the Myanmar Military Junta (Feb. 1, 2022) available at: <https://www.womenspeacenet.org/publications/reports;Owen,LauraandAung,KoKo,Myanmarcoup>: The women abused and tortured in detention, BBC (Dec. 9, 2021) available at: <https://www.bbc.com/news/world-asia-59462503>; Kuehnast, Kathleen & Sagun, Gabriela, US Institute of Peace, Myanmar's Ongoing War Against Women (Nov. 30, 2021) available at: <https://www.usip.org/publications/2021/11/myanmars-ongoing-war-against-women>; National Unity Government, Statement regarding the rape of two women from Tidim, Chin state by the junta forces (Jan. 12, 2021) available at: <https://moic.nugmyanmar.org/statement-regarding-the-rape-of-two-women-from-tidim-chin-state-by-the-junta-forces/>; Fishbein, Emily & Lusan, Nu Nu, In western Myanmar, conflict creates new dangers for women (Sept. 27, 2021) available at: <https://www.aljazeera.com/news/2021/9/27/in-western-myanmar-conflict-creates-new-dangers-for-women>.

<sup>lx</sup> The International Protocol on the Documentation and Investigation of Sexual Violence in Conflict sets out technical best practices on how to document and investigate sexual violence for the purposes of international criminal investigations and has separate Myanmar-specific guidance. United Nations, The International Protocol on the Documentation and Investigation of Sexual Violence in Conflict (2017) available at: [https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/06/report/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict/International\\_Protocol\\_2017\\_2nd\\_Edition.pdf](https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/06/report/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict/International_Protocol_2017_2nd_Edition.pdf); Institute for International Criminal Investigations & Redress, Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Myanmar-Specific Guidance for Practitioners (2018). The Murad Code, launched on April 13, 2022 at the United Nations, is a global code of conduct for collecting information from survivors of conflict-related sexual violence. Institute for International Criminal Investigations, Preventing Sexual Violence Initiative, Nadia's Initiative, The Murad Code: Global Code of Conduct for Documenting Conflict-Related Sexual Violence (2020) available at: <https://www.muradcode.com/>; see also Nicholls, Michelle, At U.N. , Nadia Murad launches guidance on collecting rape war evidence Reuters (Apr. 13, 2022) available at: <https://www.reuters.com/world/un-nadia-murad-launches-guidance-collecting-rape-war-evidence-2022-04-13/>. The Murad Code has been criticized for certain shortcomings, such as its "top down" perspective. See Bode, Malin et. Al., Response to Draft Murad Code (Jan. 2021) available at: <https://responsetodraftmuradcode.wordpress.com/>

<sup>lxi</sup> Goldman, Russell, Myanmar's Coup, Explained, New York Times (Feb. 1, 2021) available at: <https://www.nytimes.com/article/myanmar-news-protests-coup.html>.

<sup>lxii</sup> The military uses communications blackouts as part of its tactics, cutting off internet and telephone services as precursors to offensives. VOA, Myanmar Junta Hits Opposition Forces with Communications Blackouts (Apr. 29, 2022) available at: <https://www.voanews.com/a/myanmar-junta-hits-opposition-forces-with-communications-blackouts-/6550158.html>.

<sup>lxiii</sup> Additional recommendations regarding responding to CRSV can be found in the reports of the FFM, IIMM and UNSRSG-SViC. See, e.g., supra notes xlv and xlvii.

