



CASE STUDY

Comparative Research on Gender & Reparations in South-East Asia: *Myanmar*



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ABOUT ASIA JUSTICE AND RIGHTS

Asia Justice and Rights (AJAR) is a regional human rights organisation based in Jakarta, Indonesia. AJAR works to increase the capacity of local and national organisations in the fight against entrenched impunity and to contribute to building cultures based on accountability, justice and willingness to learn from the root causes of mass human rights violations in the Asia Pacific region.

PHOTOS

1-2: Burmese women shared her stories through participatory research with Asia Justice and Rights to explore how women experience conflict and state violence, and in its aftermath, struggle to survive in situations where impunity is the norm.

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INTRODUCTION

The goal of this paper was to identify lessons from the region on gender-sensitive reparations policies, in order to develop policy recommendations and advocacy strategies. The case study focuses on Myanmar, and research was conducted between 2021 and 2022 in Myanmar, the Philippines, Thailand, Indonesia, and Timor-Leste. Given the situation in Myanmar, research was limited, with a significant part reviewing relevant literature. For security reasons, there were only limited direct consultations, with the majority of interviews online.

CONTEXT

Gender inequality and violence against women

Myanmar is a deeply patriarchal society, and discrimination against women is widespread. The country ranks 148 of 189 in the United Nations' Gender Inequality Index.¹ This context leads to a high prevalence of gender-based violence and violence against women, affecting the health, well-being, and livelihoods of women from all ethnicities, communities, and income groups.

Conflict-related gender-based violence

Women have been particularly exposed to, and are disproportionately affected by, gender-based violence in the context of armed conflicts, high militarisation, and political repression.² Civil society

organisations have long documented the use of sexual and gender-based violence against ethnic communities by the Myanmar army, in particular the use of rape as a weapon of war, and a tactic to hurt and humiliate girls, women, and men.³ Various UN bodies have repeatedly drawn attention to the history of Myanmar's security forces perpetrating sexual violence, including highlighting that *"sexual and gender-based violence was a hallmark of the Tatmadaw's operations"*.⁴

It has been widely reported that Rohingya women and girls were targeted for exceptionally brutal methods of killing, torture, rape, and sexual violence. The UN documented that each of the three waves of extreme violence against the Rohingya (2012, 2016, and 2017) was accompanied by systematic and widespread sexual and gender-based violence, integral to the Tatmadaw's strategy.⁵ The UN Fact-Finding Mission concluded that *"the sexual violence perpetrated against women and girls that began on 25 August 2017 was a [...] factor that indicated the Tatmadaw's genocidal intent to destroy the Rohingya people"*.



Burmese women had to bear the brunt of loss and trauma when the fighting broke out in their village. They lost their family members, their home, and their livelihood. © Asia Justice and Rights/Anne-Cécile Esteve

1 <http://hdr.undp.org/en/content/gender-inequality-index-gii>

2 "Unheard Voices, Qualitative Research on Conflict-Related Sexual Violence in Myanmar (2016-2021)", June 2022, Anonymous (limited distribution); "Gender Profile for Humanitarian Action, and across the Humanitarian-Peace-Development Nexus: Rakhine, Kachin and Northern Shan, Myanmar", January 2019, UN Women, available here (hereafter "UN Women Gender Profile, 2019")

3 "License to Rape", Shan Human Rights Foundation (SHRF) and Shan Women's Action Network (SWAN), 2002; "Same Impunity, Same Pattern", Women's League of Burma (WLB), 2014; "Access to Justice for Women Survivors of Gender-based violence committed by state actors in Burma", WLB and AJAR, 2016; "A Far Cry from Peace", Kachin Women Association Thailand (KWAT), 2016; "Suffering in Silence?", Karen Human Rights Group (KHRG), 2018

4 FFM SGBV Report 2019

5 FFM SGBV Report 2019; and UN Secretary-General, March 2018, "Report of the Secretary-General on Conflict-Related Sexual Violence", UN Doc S/2018/250 2018, par. 25.

Although women and girls are disproportionately affected, conflict-related sexual violence in Myanmar is also perpetrated against men and boys, but incidents are under-reported due to fear of stigmatisation, reprisal, and ostracism.⁶ The UN Fact-Finding Mission documented sexual violence and sexual humiliation in the context of detention of men in Kachin and Shan States, suspected of being members of ethnic armed groups.⁷ This sexualised form of torture in detention, as well as incidents of rape, were also documented concerning the attacks on the Rohingya.⁸

Gender-based violence in 2021 and 2022

Recently, the repression of the anti-coup movement by the military shows that sexual and gender-based violence continues to be used as a brutal tool to intimidate and maintain power. Women bear the brunt of the violence, and reports indicate that members of security forces manhandled, groped, and verbally harassed female protesters. Particularly



The survivors shared their thoughts of the reason why, when it comes to reparation, they should be involved in the decision-making. © Asia Justice and Rights/Anne-Cécile Esteve

concerning is the differential treatment of women during interrogation and detention in the form of sexual violence and misogyny. There are reports of sexual abuses behind bars, including beatings on genitals and sexual threats, highlighted by the Special Advisory Council for Myanmar, “*sexual and gender-based violence remains a brutal strategy employed by the junta to terrorise and punish the civilian population*”.⁹

LEGAL AND INSTITUTIONAL FRAMEWORK

Note: Following the 2021 military coup, the domestic legal framework applicable in Myanmar is complicated and evolving. The military's State Administration Council, or SAC, which attempts to hold power by force, aims to continue to apply the 2008 Constitution and laws enacted during decades of military-dominated legislatures. On the other hand, the Committee Representing the Pyidaungsu Hluttaw, or CRPH, a body made of ousted parliament members elected in the 2020 election, has repealed the 2008 Constitution, passed a Federal Democracy Charter in March 2021, and formed an interim National Unity Government, or NUG. The legal framework described in this paper refers mainly to the laws that existed before the 2021 coup.

Justice

Domestic mechanisms

Even before the coup, military control, entrenched gender discrimination, as well as gaps in the legal and judicial systems, allowed state actors to perpetrate gender-based violence with impunity¹⁰.

⁶ FFM SGBV Report 2019

⁷ FFM SGBV Report 2019

⁸ FFM SGBV Report 2019; and <http://opiniojuris.org/2020/06/18/characterisation-of-sexual-violence-as-a-womens-issue-in-the-rohingya-crisis-a-response-to-david-eichert/>

⁹ <https://specialadvisorycouncil.org/2021/05/sac-m-junta-continues-to-use-sexual-and-gender-based-violence-to-terrorise-civilian-population/>

¹⁰ “Access to Justice for Women Survivors of Gender-based violence committed by state actors in Burma”, AJAR/WLB, 2016, available here (hereafter “AJAR/WLB Access to Justice paper, 2016”)

Prosecutions

Sexual and gender-based violence is rarely prosecuted, especially when committed by members of the security forces. Before the coup, only a few cases had been brought to court, with only a handful of convictions, but with no transparency and accountability regarding the process and the sentences.¹¹ The lack of accountability for such human rights violations has been widely documented by local and international civil society groups, as well as by various United Nations bodies.¹²

Myanmar's legal and institutional framework, including corruption and interference by the military, meant that security forces have full control over the investigation and prosecution of crimes committed by their personnel¹³. Prosecutions and convictions in military and police courts were rare, and punishment was inadequate in comparison to the seriousness of the crimes. Even when cases were handled within the civilian justice system, military interference made it difficult for sensitive cases to move forward.¹⁴

These challenges were even more exacerbated in relation to crimes committed against the Rohingya. In May 2020, the President's Office formed the "Criminal Investigation and Prosecution Body" to investigate and prosecute cases in Rakhine State based on the recommendations of the Independent Commission of Enquiry, or ICOE. However, given that the ICOE dismissed evidence of sexual violence, it could be assumed that none of the cases would ever include charges of sexual and gender-based violence.

Other accountability or truth-telling mechanisms

Other mechanisms established by past governments are said to lack independence and impartiality. This includes the Myanmar National Human Rights Commission, or MNHRC, which lacks credibility, independence, transparency, and capacity, and cannot be relied upon to provide justice for sexual

and gender-based violence committed by the State. The Commission is not compliant with the Paris Principles on National Human Rights Institutions. The FFM found that the MNHRC is "*not yet an effective mechanism for pursuing accountability of the Tatmadaw*".¹⁵

Since 2012, the Myanmar government has established eight commissions or bodies in relation to events in Rakhine State. An example is the Advisory Commission on Rakhine State led by Kofi Annan, which made recommendations serving as a roadmap to resolving the crisis. However, recommendations were never followed, and the 2017 "clearance operations" against the Rohingya erupted the day after its release.

The latest example is the ICOE, set up in July 2018, with the mandate to "*investigate the allegations of human rights violations and related issues, following the terrorist attacks by ARSA*". The ICOE issued its final report in January 2020, just before the International Court of Justice issued its decision on the provisional measures in *The Gambia v. Myanmar*. Serious concerns over its independence and impartiality have been highlighted, including statements from the government and the ICOE members that show bias and conflicts of interest. Its findings contradict reporting made by U.N. bodies and civil society groups, which question its reliability. So far, only the Executive Summary and some annexes have been released. Regarding sexual and gender-based violence, the ICOE's Executive Summary unconditionally rejects allegations of sexual violence, and states: "[t] here were no credible statements on allegations of gang rape committed by Myanmar's security forces. Although some interviewees mentioned rape cases, these were all second-hand information heard from someone else."

International mechanisms

The failure of domestic mechanisms to provide justice to victims has opened the way for international mechanisms to address human

11 "Seeking Justice: An analysis of obstacles and opportunities for civil society groups pursuing accountability for human rights violations in domestic courts in Kachin and Northern Shan States", July 2020, KWAT /AJAR, available here (hereafter "KWAT/AJAR Seeking Justice report, 2020"); AJAR/WLB Access to Justice paper, 2016

12 CEDAW Concluding observations on the combined fourth and fifth periodic reports of Myanmar, 25 July 2016, available here

13 KWAT/AJAR Seeking Justice report, 2020; AJAR/WLB Access to Justice paper, 2016

14 KWAT/AJAR Seeking Justice report, 2020; AJAR/WLB Access to Justice paper, 2016

15 Independent International Fact-Finding Mission on Myanmar, report to the Human Rights Council, "Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar", Human Rights Council, 17 September 2018, A/HRC/39/CRP.2, available here

rights violations committed by the military, with limitations regarding their respective mandates and jurisdictions. These processes do include a specific focus on sexual and gender-based violence.

The International Fact-Finding Mission on Myanmar, or FFM

The FFM, created by the Human Rights Council, operated from 2017 to 2019. It was mandated to establish the facts of alleged human rights violations and abuses since 2011, in particular in Rakhine, Kachin, and northern Shan States. The FFM published several reports, and determined that the Myanmar military committed genocide against the Rohingya in Rakhine State, and war crimes and crimes against humanity in Kachin and Shan States. In September 2019, the FFM released a thematic report entitled “Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts”.

The Independent Investigative Mechanism for Myanmar, or IIMM

The IIMM established in August 2019, is based in Geneva and mandated to gather evidence and prepare the prosecution of perpetrators. The mandate is ongoing, meaning it can collect evidence of crimes taking place now and in the future. The IIMM is monitoring the post-coup violence and collecting evidence of crimes committed in this context, and is providing evidence to the ICC in relation to its current investigation.

The IIMM stated that sexual and gender-based crimes will be “at the heart of their work”, and that they will consider multiple reports “when selecting and prioritising the incidents and cases to which it will devote resources”. The IIMM is committed to having personnel with expertise in sexual and gender-based violence. For example, the Deputy Head, before joining, was the Director of the UN Team of Experts on the Rule of Law and Sexual Violence in Conflict, and the staff includes a Gender and Child Rights Advisor.

The International Criminal Court, or ICC

The ICC is consumed with the “Bangladesh/Myanmar situation”, in relation to an investigation of alleged crimes committed against the Rohingya which took place at least in part on the territory of Bangladesh (Bangladesh being a State Party, unlike Myanmar). In theory the ICC is competent for crimes such as rape,

torture and sexual violence, which may constitute war crimes, crimes against humanity, and genocide. However, the ICC is limited by the criteria that part of the crimes has to have taken place in Bangladesh. It is unsure whether the Prosecutor will be able to prosecute sexual crimes committed against the Rohingya, because he would need to prove that part of the crimes occurred in Bangladesh. However, these violations can be included as acts that resulted in the commission of other crimes, for example the crime of humanity of deportation or persecution.

The International Court of Justice or ICJ

There is currently a case against Myanmar at the ICJ for alleged violations of the Genocide Convention in relation to crimes committed against the Rohingya. The case was brought in 2019 by The Gambia, which is, like Myanmar, a party to the Genocide Convention. Acts of genocide are acts committed with intent to destroy a national, ethnical, racial or religious group. For example, one of the prohibited genocidal acts is called “causing serious bodily or mental harm to members of a group”, which includes rape and other acts of sexual violence. However, it is unknown yet whether the ICJ judges will be open to a more progressive interpretation of genocide than they have used in the past. So far, the ICJ has tended to prioritise killing as the genocidal act, putting aside non-killing acts like sexual violence.

Universal jurisdiction in Argentina

On 13 November 2019, human rights groups filed a criminal lawsuit in a court in Argentina under the principle of universal jurisdiction, alleging that the government and military of Myanmar committed crimes against humanity and genocide against the Rohingya. On 26 November 2021, the Federal Criminal Court in Argentina confirmed that it would launch the case. With regards to sexual and gender-based violence, the complaint included sexual crimes, and made reference to the FFM’s report. The complaint alleged that crimes of rape, sexual slavery, and sexual violence were committed that amount to crimes against humanity.

Gender-based violence

The constitutional framework

Before the coup, Myanmar's legal and institutional framework meant that the military and police had full control over the investigation and prosecution of crimes committed by their personnel. The controversial amnesty clause in Article 445 of the now-defunct 2008 Constitution has always been interpreted by successive military regimes as providing officials blanket amnesty for all crimes committed in the course of official duties, including gender-based violence.¹⁶ However, this article should be interpreted restrictively, and exclude immunity for “serious criminal acts”, such as those that violate national or international law and, by definition, are outside the scope of “their respective duties”.¹⁷

In addition, the 2008 Constitution gave the military the right to independently administer all affairs of the armed forces,¹⁸ and established permanent military tribunals.¹⁹ The Commander-in-Chief had ultimate authority over tribunals, and there was no right of appeal to the Supreme Court or other civilian bodies.²⁰

Legal provisions governing actions by security forces

The 1959 Defence Services Act stipulates that soldiers who commit crimes of murder, homicide, and rape should be tried in a civilian court rather than a court-martial, unless they were “on active service”.²¹ However, instances where soldiers have been transferred to civilian courts remain rare.²² With regard to the police, the 1995 Myanmar Police Force Maintenance of Discipline Law provides for special

police courts to prosecute offences committed by police officers, and it is understood that human rights violations by police officers, including sexual violence, are prosecuted under those rules.²³

On 26 May 2021, the NUG issued a military Code of Conduct for the People's Defence Force, or PDF, which makes direct reference to the prohibition for combatants to sexually harass women and children. However, the Code does not prohibit amnesties for those combatants that commit sexual violence. The wording needs updating to align with international definitions and ensure it includes all forms of sexual violence, such as sexual slavery, human trafficking, and forced marriage.²⁴

Domestic laws on gender-based violence

Pre-coup domestic law in Myanmar contains some rules that protect from sexual and gender-based violence. Even though the laws are not very progressive and do not respect international law standards, some forms of sexual violence are criminalised. Perpetrators of rape and sexual exploitation can be punished under civilian law. Myanmar military law prohibits rape but soldiers are rarely prosecuted.

The 1860 Myanmar Penal Code prohibits rape and other forms of sexual assault. However, the Penal Code contains many outdated provisions, and does not ensure victims of sexual violence full rights to reparations. The definition of rape in Section 375 is limited, vague, and does not meet international human rights standards. For example, it does not include rape of men, or rape in marriage.

Since 2014, a Draft Prevention and Protection of Violence against Women Law or PoVAW Law, has been developed and discussed. The draft law fails to meet international standards and does not address

16 AJAR/WLB Access to Justice paper, 2016

17 AJAR/WLB Access to Justice paper, 2016; see also WLB, “Same Impunity, Same Patterns”, January 2014, p.29.

18 Article 20(b).

19 Articles 293 and 319.

20 Article 343(b).

21 Section 72.

22 KWAT/AJAR Seeking Justice report, 2020

23 For more information, see the analysis in: International Commission of Jurists, *Achieving Justice for Gross Human Rights Violations in Myanmar, Baseline Study* (2018), p.12, and Asian Legal Resource Centre, *Written statement to the UN Human Rights Council, UN Doc A/HRC/29/NGO/44* (2015), para 3.

24 “Recommendations for effective international support to gender equality and women's rights in Myanmar”, June 2021, Anonymous (limited distribution) (Hereafter “Recommendations for international support to gender equality, 2021”)

legal deficiencies in Myanmar's domestic law. For example, it contains problematic and antiquated definitions of crimes from the Penal Code, and does not include a definition of conflict-related sexual violence. The draft law does not explicitly include crimes committed by the military. Although women's

organisations were consulted, it is reported that *"efforts to ensure this law was CEDAW-compliant hit roadblocks, with repeated dilution to appease conservative forces including the Tatmadaw, who refused to accept a modern definition of rape and any measures that would remove impunity for perpetration of such crimes"*.²⁵

International law

Myanmar is bound by the following international bodies of law:

The Convention on the Elimination of Discrimination against Women, or CEDAW, 1979

States have an obligation to take steps to stop discrimination against women, which means anything that prevents women from full protection and fulfilment of their rights. CEDAW includes women's political, economic, social, cultural, and civil rights. The CEDAW Committee clarified that the Convention encompasses protection against sexual and gender-based violence. Myanmar is party to this Convention.

Convention on the Rights of the Child, 1989

States have to protect children from sexual abuse, and from torture or other cruel, inhuman, or degrading treatment or punishment. Governments must do everything they can to protect and care for children affected by armed conflict. Myanmar is party to this Convention.

Convention on the Prevention and Punishment of the Crime of Genocide, 1948

Rape and sexual violence can be a constitutive act of genocide. States must not commit genocide, and must prevent and punish genocide. Myanmar is party to this Convention.

Geneva Conventions, 1949

Rape during conflict is a violation of the law of war. Women are protected against "attacks on their honour", in particular against rape. Governments have an obligation to protect women against rape during armed conflict, and to prosecute perpetrators. Myanmar is party to these Conventions.

Recommendations of the CEDAW Committee

The Committee on the Elimination of Discrimination against Women is a group of independent experts in charge of the oversight of the CEDAW Convention. They have issued "General Recommendations" which clarify the obligations of states in relation to violence against women. Regarding violence against women in conflict, states have the obligation to develop legislation to prevent it, investigate and punish it, and ensure women's access to justice, reparations and support. These recommendations are considered authoritative statements for state parties to the CEDAW Convention like Myanmar.

Declaration on the Elimination of Violence against Women, 1993

This Declaration was proclaimed by the United Nations' General Assembly. It lists women's basic human rights to life, equality, security, health, work, and freedom from discrimination and torture. It recognised that violence against women violates women's rights and fundamental freedoms and called on states and the international community to work toward the eradication of violence against women. This Declaration is not legally binding on Myanmar, but is considered to have authoritative force.

²⁵ Recommendations for international support to gender equality, 2021

Resolutions of the United Nations Security Council

In landmark Resolution 1325 on Women, Peace and Security in 2000, the UN Security Council stated that all parties to armed conflict should take special measures to protect women from all forms of violence, particularly sexual violence and violence during conflict, and that states must end impunity and prosecute those responsible for serious crimes. The UN Security Council has since adopted several other resolutions on the topic, starting with Resolution 1820 in 2008, which recognises conflict-related sexual violence as a tactic of war and an obstacle to peace and security. These resolutions are legally binding on Myanmar.

Customary international law

Customary international law are rules that come from “a general practice accepted as law”. These rules are legally binding on all countries. For example, the CEDAW Committee has declared that the prohibition of gender-based violence against women has evolved into a principle of customary international law, binding all countries. Regarding international humanitarian law, or the laws of war, the International Committee of the Red Cross keeps a database of those rules which have reached the status of customary law. Rape and other forms of sexual violence are prohibited under customary international humanitarian law.

International criminal law

Under international criminal law, certain acts of serious atrocities are prohibited and perpetrators can be prosecuted. It deals with the criminal responsibility of individuals. The core crimes under international law are genocide, war crimes, crimes against humanity and aggression. It is now well-recognised that sexual violence can constitute a war crime, a crime against humanity, or an act of genocide. Those crimes are included for example in the Rome Statute of the International Criminal Court.

Myanmar's commitments to advance gender justice

Past governments took action to promote gender equality, women's empowerment, and gender justice:

National Strategic Plan for the Advancement of Women 2013-2022

This plan is a document describing the strategic priorities of the Myanmar government in terms of female empowerment, gender equality, and the realisation of women's rights. The plan is aligned with the Beijing Platform for Action and contains 12 priority areas for accelerating CEDAW implementation. However, this plan fails to adequately protect women from sexual and gender-based violence: it legitimises discriminatory provisions of the 2008 Constitution that perpetuate gender inequality, it fails to address gender-based violence in conflict, and it fails to meaningfully address impunity for perpetrators of sexual violence in conflict. In addition, implementation of the plan was extremely slow before the 2021 coup, and it remains to be seen what will happen at its expiration in 2022.

Declaration of Commitment to End Sexual Violence in Conflict

In 2015, Myanmar endorsed this international declaration, which contains a set of practical and political commitments to end the use of rape and sexual violence as a weapon of war, and the culture of impunity for those who commit these crimes. No concrete steps were taken to implement these commitments into domestic law.

Joint Communiqué with the U.N. Special Representative on Sexual Violence in Conflict

In 2018, the Government of Myanmar signed a joint communiqué with the Special Representative of the Secretary-General on Sexual Violence in Conflict on behalf of the United Nations. The Communiqué committed the Myanmar military to address six key priorities to prevent and ensure accountability for sexual violence in conflict. The Communiqué requires the Myanmar military to issue clear orders prohibiting sexual violence and to ensure that alleged violations are quickly investigated and prosecuted. So far, no concrete actions have been taken on this basis to ensure accountability for sexual violence crimes.

Government departments

The Department of Social Welfare had a “Women Section” involved in promoting welfare for women through “preventive, protective and rehabilitative measures”. The Department collaborated with some international organisations and local civil society groups for the provision of services to women, but its capacity was limited. Direct case management or provision of services was minimal, and the quality of its work controversial. In many cases, the Department referred women to local groups, without providing funding for their work. Since the coup, local groups have stopped collaborating with the Department.

2.3. Reparations

The Judiciary

The Myanmar Penal Code and the Code of Criminal Procedure include provisions aimed at facilitating the delivery of reparations and remedies. However, authorities do not implement them in practice and there is no accountability for this lack of compliance with the law.²⁶ As access to justice for victims of human rights violations is practically non-existent, there is limited precedent for the provision of effective remedies for victims of criminal acts, particularly when such crimes involve human rights violations by State actors.

In addition, victims do not have the option of bringing a claim before an administrative court, as there is no administrative law nor tribunals.²⁷ Disputes between the public and the administration are generally handled informally by local leaders or through the General Administration Department, or GAD.

Finally, military and police courts are used for handling human rights violations committed by security forces, but the laws governing military and police procedures do not encompass the provision of remedies and reparations.²⁸

Other institutions with a potential reparations mandate

In theory, the Myanmar National Human Rights Commission, or MNHRC, when responding to a complaint and making recommendations to relevant government authorities following evidence that human rights violations have taken place, must address concerns related to remedies and reparations.²⁹ But the MNHRC can only make recommendations as to how other government bodies might provide redress and has no power to ensure their implementation.³⁰ In addition, the MNHRC’s capacity to handle human rights violations committed by security forces is limited, and has become irrelevant since the coup. Even before the coup, the MNHRC lacked credibility, independence, transparency, and capacity, and could not be relied upon to provide justice for sexual and gender-based violence committed by State actors.

Before the coup, GAD managed the Ward Tract or Township offices, which were the main way for people to interact with the authorities. Disputes at the local level were handled by the GAD, rather than the judicial system. This applied to land rights disputes, which typically went through a non-judicial arbitration process. Local administrators had significant formal and informal powers and were rarely held accountable. Because of a lack of independence, GAD was not in a position to address human rights violations, and did not provide effective access to justice for victims. In addition, although in theory administrators had power to facilitate the provision of remedies or reparations through mediation, in practice they almost never did. Since the coup, the authority of former local administrative systems is disputed and parallel systems of governance are emerging in some areas.

26 Achieving Justice for Gross Human Rights Violations in Myanmar, 2018, International Commission of Jurists (ICJ), available here (hereafter “ICJ 2018 Myanmar Report”)

27 ICJ 2018 Myanmar Report

28 ICJ 2018 Myanmar Report

29 ICJ 2018 Myanmar Report

30 ICJ 2018 Myanmar Report

REPARATIONS AND ASSISTANCE PROGRAMS

Lack of government action

Lack of reparations policies and isolated steps

No official reparations mechanisms have been established regarding human rights violations committed by state actors.³¹ In theory, Myanmar criminal law has some provisions facilitating remedies and reparations, but they are not used in practice, and laws governing security forces do not mention them.³² There is limited precedent for the provision of effective remedies or reparation for victims of criminal acts.³³ Although “financial compensation” has been paid by the army to some victims, it was done without acknowledging the atrocities. In the face of economic hardship, many victims took these ‘assistance’ packages in order to survive. The end result was a process akin to the military buying victims’ silence; doing nothing to rebuild trust between victims and perpetrators.³⁴

There have been isolated steps taken by authorities that can amount to reparations, but no systematic or meaningful policy has been in place. Some actions have been taken regarding land confiscation, but this remains very limited.³⁵ Another example includes in May 2017, 28 Burmese expatriates had their citizenship reinstated after having lost it due to taking foreign citizenship or residency.³⁶

Limited government initiatives for assistance

Service provision by official institutions was extremely limited even before the coup. Public services have been severely neglected by military-backed governments.³⁷ For example, spending on healthcare and education in 2014 represented less than 3% of GDP.³⁸

The government’s Department of Social Welfare included a “Women Section” involved in promoting welfare for women through “preventive, protective and rehabilitative measures”. Government efforts included an “anti-trafficking task force”, and the Ministry of Health worked with international organisations to increase capacity in terms of quality and availability of response services for gender-based violence. Generally, the capacity of these institutions was limited, and the quality of their work was controversial. Since the coup, most local groups have stopped collaborating with these institutions.

Civil society’s ‘reparative’ assistance

In the absence of government services, civil society actors have taken the lead in responding to people’s needs, including community-based organisations, and international agencies. It is useful to categorise them into three groups: services provided under the general humanitarian and development aid framework; services provided specifically to respond to violence against women; and services provided by human rights organisations working under a transitional justice framework.

Humanitarian and development aid

The assistance provided under the humanitarian and development aid framework does respond to

31 Interestingly, there has been a war reparations agreement between Myanmar and Japan in 1954: <https://www.irrawaddy.com/specials/on-this-day/day-japan-signed-war-reparations-myanmar.html>

32 ICJ 2018 Myanmar Report

33 ICJ 2018 Myanmar Report

34 YOU CANNOT IGNORE US: Victims of human rights violations in Burma from 1970 – 2017 outline their desires for justice, Reparations Working Group / ND-Burma, 2018, available here (hereafter “RWG 2018 Report”)

35 Myanmar Case Study, Transitional justice, ND-Burma / AJAR / TJAN, 2017, available here

36 Myanmar Case Study, Transitional justice, ND-Burma / AJAR / TJAN, 2017, available here

37 Recommendations for international support to gender equality, 2021

38 Recommendations for international support to gender equality, 2021

some needs of victims of human rights violations. For example, many people living in IDP camps may be considered victims of human rights violations, including women survivors of conflict and gender-based violence committed by the State. Many community-based organisations provide essential services, especially in remote areas. International and UN agencies are often involved in provision of humanitarian assistance, at least through funding, coordination, and capacity-building. They often work in conjunction with local civil society. The types of assistance and services provided vary, and can cover a broad range of needs. In IDP camps in Kachin State for example, this may include financial support, medical care, food, shelter, sanitary, water, electricity, and vocational trainings and, in limited cases, psychosocial support.

In the Rohingya camps, international and Bangladeshi NGOs, UN agencies, and government authorities, collaborate to provide aid. All households receive shelter materials, basic food rations, and other household items, and have access to basic health care. There are “victims’ centers” which offer services, including to women victims of violence. However, services are seen as inadequate, and access to livelihoods, education, and health care is lacking. NGO volunteers receiving stipends is one of the main forms of livelihood. Generally, this type of assistance is provided for humanitarian purposes, not linked to human rights violations. Their “reparative” value is limited, but lessons may be learnt from efforts to make those services gender-sensitive and transformative³⁹.

Service provision for violence against women

In the face of negligence by government to provide services to victims of gender-based violence, civil society has stepped into the void. Marginalised ethnic communities, and in particular ethnic women’s grassroots organisations, are at the forefront of this service provision.⁴⁰ In 2016, AJAR and EI found that the vast majority of service providers were civil society organisations (72%).⁴¹ A lot of their work

may be classified as ‘prevention’ services, such as educational services and resources focused on gender equality and/or preventing and eliminating violence against women, including awareness-raising activities.⁴²

In terms of support to victims, local groups try to support survivors’ access to health through referrals, and by providing funds to cover medical costs, although resources are limited. Services sometimes include psychosocial support in the form of self-help, mediation, or counselling. A few groups are able to provide safe housing and emergency support for women who had to flee their community. Many groups provide support for police reporting and investigations, in the form of accompaniment and public advocacy, and some specialised groups are able to provide legal assistance. Finally, some groups provide vocational trainings and facilitate income generating activities.

International and UN agencies have programs addressing GBV prevention and response, and sometimes work in collaboration with local groups. Some initiatives include setting up women and girls centers, which provide basic psychosocial support, sometimes more intensive mental health support, and livelihood activities, in addition to GBV case management and referrals. Some local women’s organisations provide these types of services within a transitional justice and reparations framework. This intersectionality is true in particular of women’s ethnic organisations promoting accountability for human rights violations committed by the state.

As with other types of assistance provided by civil society, the extent to which these services can be seen as ‘reparative’ is unclear, given they are not necessarily provided with an explicit acknowledgement of the link with human rights violations.

Assistance within a transitional justice approach

In the absence of efforts by the government on reparations, civil society has taken the lead to try and remedy the harm caused to survivors of human rights

39 UN Women Gender Profile, 2019

40 Recommendations for international support to gender equality, 2021; “Violence Against Women (VAW) Prevention & Response Services & Access in Myanmar”, AJAR/EI, 2016, available here (hereafter “EI/AJAR Access to Services report, 2016”)

41 EI/AJAR Access to Services report, 2016

42 EI/AJAR Access to Services report, 2016

violations. A number of civil society organisations have developed expertise relating to transitional justice, including documentation, commemoration, and trauma healing, and emergency assistance. Some of these initiatives include women survivors of GBV.

Since the early 2000s, human rights documentation has been a key focus of civil society. Many groups have independently published reports and briefings exposing human rights violations. In recent years, many have shared information with the FFM and IIMM. Between 2015 and 2021, civil society groups tested the waters with a range of truth-telling initiatives and commemorative events.⁴³ Key events included commemorating the war in Kachin State and remembering the rape and murder of two Kachin teachers, the 88 Generation Peace and Open Society's Uprising Museum, the Assistance Association for Political Prisoners Museum, truth-telling symposiums with former political prisoners in Yangon, Mandalay and central Myanmar, and 88 memorials in Taunggyi and Bago.

In addition, civil society and victims' groups have taken the lead in reparative assistance through the provision of services to survivors.⁴⁴ Assistance provided by local groups has included financial support, educational stipends, health care, mental health support, as well as employment opportunities.⁴⁵

In addition, AJAR and several women's organisations, have implemented projects with women survivors that seek to address victims' needs in a holistic way. These small projects, which include trauma healing, self-care, documentation, advocacy, skills development, as well as livelihood activities and emergency assistance, are seen as empowering by women survivors as they build resilience within their communities.

This type of assistance provided by civil society, can be considered as 'reparative', depending on how it is linked to past human rights violations. As some groups pointed out, the lessons learned by civil society in providing these forms of reparative assistance can serve as a blueprint for future reparations policies.⁴⁶

Gaps

Limited resources in a sea of needs

While this research identifies gaps in categories of victims left out of assistance efforts, stakeholders highlighted that the challenge is civil society's ability to reach out, given scarce resources. This leads to areas of the country with no support.

A crucial element missing is rehabilitation that includes economic empowerment and mental health support. It is hard to access, because of the lack of mental health professionals and because local organisations do not have the necessary skills to provide appropriate psychosocial counselling.

Support to men victims of sexual violence

Groups known for handling SGBV cases are overwhelmingly women's organisations. LGBT groups might provide support to LGBT male victims, but those groups are limited to the main urban areas. More mainstream groups, such as former political prisoners, do not seem to have a specific response to sexual violence cases, as they say men rarely talk about it. In general, men are less likely to see that support is lacking. Only SGBV response providers supported by international organisations are able to handle such cases. More research is needed to identify what services are accessible to men, and what their needs are.

Similarly, in the refugee camps for Rohingya, where sexual violence against men is underreported, services to male survivors are lacking, due in part to cultural and linguistic understanding of sexual violence.⁴⁷

Violations committed by ethnic armed organisations

The vast majority of human rights violations have been perpetrated by the military, and to a lesser extent by ethnic armed organisations. Stakeholders highlighted that where violence against a civilian has been perpetrated by a local ethnic armed group,

43 Myanmar Case Study, Transitional justice, ND-Burma / AJAR / TJAN, 2017, available here

44 Myanmar Case Study, Transitional justice, ND-Burma / AJAR / TJAN, 2017, available here

45 Myanmar Case Study, Transitional justice, ND-Burma / AJAR / TJAN, 2017, available here; RWG 2018 Report

46 RWG 2018 Report

47 <http://opiniojuris.org/2020/06/18/characterisation-of-sexual-violence-as-a-womens-issue-in-the-rohingya-crisis-a-response-to-david-eichert/>

the local women's organisation does not dare speak out, raising concerns that survivors violated by ethnic armed groups are not provided support.

GENDER-SENSITIVE ASPECTS OF REPARATIONS AND ASSISTANCE

One of the goals of this research was to identify whether the specific needs of women survivors of gender-based violence are addressed in assistance programs.

Criteria for receiving assistance

There are no criteria that explicitly seek to exclude categories of victims, with the exception that women's organisations often do not extend their mandate to supporting male victims. Assistance programs are generally available to everyone who falls within the mandate of the service provider. In refugee camps for example, services such as health care are theoretically provided to everyone.

Women survivors are specifically targeted by programs focusing on violence against women. Some ethnic women organisations support all types of survivors, including of domestic violence, harassment, trafficking, or conflict-related violence. The limitation is their capacity to cover survivors in all areas, but criteria are rarely used to exclude women from receiving assistance. A practical limitation is that ethnic women's organisations might not be able to provide support to a victim of crimes committed by their local ethnic armed group.

Groups that provide reparative assistance within a transitional justice framework, outside of women's organisations, make no specific efforts to ensure women are targeted and included. For example, the main survivors' group in the country, the Assistance Association for Political Prisoners, or AAPP, does not have criteria to ensure that women former political prisoners are proactively included in its initiatives, and there is no strategy to identify them during data collection.

Before the coup, it was estimated that around 5% to 10% of political prisoners were women. AAPP's

policy does not discriminate based on how much time people spend in detention. However, in practice assistance is often not provided to political prisoners who have spent only a little time behind bars. This might have led to misunderstandings among people who felt that AAPP failed to recognise them as former political prisoners. Given how important public acknowledgement is for former political prisoners, specific efforts by AAPP to identify women could go a long way to ensuring a gender-sensitive approach to reparative assistance. While there is a policy to prioritise women and children the use of resources, this generally targets wives of political prisoners, not political prisoners themselves.



With the decades-long armed conflicts in Myanmar, women have been particularly exposed to high militarisation and political repression.
© Asia Justice and Rights/Anne-Cécile Esteve

Services vs needs

Violence against women

Groups responding to violence against women, provide services addressing the needs of women survivors, but gender-specific needs are not necessarily addressed. For example, AJAR and EI already found that *“while existing health facilities offer treatment of physical injuries and generalised medical testing, they do not take specific measures to identify and address the specific needs of VAW survivors (for example, by providing emergency contraception and HIV post-exposure prophylaxis (PEP); collecting and analysing medical forensic evidence to help with prosecution against perpetrators; providing basic psychological counselling; and by providing referrals to other service providers.)”*⁴⁸

Respondents noted the inadequacy of psychosocial support services provided to Rohingya women in Bangladesh. There were concerns that “victims’ centres” use approaches that do not make women feel “comfortable”, because staff are Bangladeshi, rather than Rohingya, and lack appropriate training. Participatory methodologies that provide safe spaces for women survivors to speak out are better suited to support women in sharing their experiences in a secure and comfortable way.

A crucial element of support to women survivors is helping them become economically independent. However, while limited livelihood activities are available, survivors of VAW are not always prioritised for income-generating initiatives, and programs for long-term livelihood opportunities are lacking.

Humanitarian aid

Within the humanitarian and development sector, efforts have been made by international and UN agencies to make the provision of services more gender-sensitive. These initiatives are referred to as “gender mainstreaming in humanitarian action”.⁴⁹ For example: *“To address gender-specific vulnerabilities and improve health outcomes for all, humanitarian actors in Myanmar are promoting improved consideration for gender in needs assessments, and gender mainstreaming across the humanitarian program cycle to enhance gender-responsive humanitarian action in health. Some positive examples to date include multi-sectoral action focused on menstrual hygiene (Health, WASH, GBV, Education); delivery of mobile [Sexual and Reproductive Health] SRH Services during acute emergencies; development of MOHS Clinical Guidelines for GBV Survivors; and collaboration between the health cluster and GBV sub-sector to develop referral pathways for GBV survivors and support health workers to refer survivors.”*⁵⁰

Respondents highlighted that the capacity to offer gender-sensitive services depends on the level of awareness of gender issues among the leaders, and that this is often a problem given that most leaders are older males. Examples were given of houses built for IDPs that were not practical for women, because of the absence of segregated bathrooms, or of trafficking survivors guarded by men at police stations. In these

examples, the intervention of women with a gender analysis helped improve the responses.

Civil society’s reparations initiatives

Within groups that provide reparative assistance to survivors within a transitional justice framework, outside of women’s organisations, there are no specific efforts to ensure women are included, and there are not necessarily programs specifically addressing women’s needs. Support to women survivors is mostly seen as being within the domain of women’s organisations. For example, AAPP does not have programs specifically addressing women’s needs. Limited efforts have been made to include a specific focus on women’s needs in documentation initiatives, including for advocacy purposes, and a new policy aims to increase women’s employment and leadership within the organisation.

A small women-led survivor-led grassroots organisation, Vimutti Women organisation, or VWO, has developed projects specifically targeting women former political prisoners. However, VWO does not have a gender analysis to specifically address gender-specific needs, beyond filling the gaps left by male-led organisations in terms of acknowledgement to former political prisoners.

Many ethnic women’s organisations who provide support to women victims of general “civilian” violence, such as domestic violence and rape, also assist victims of human rights violations. They do not make a distinction in how services are provided, apart from specific advocacy regarding accountability for crimes by the military. Although their work is not always framed as providing ‘reparative’ assistance linked to human rights violations, these organisations are spearheading reparations for women survivors. Much should be learned from their experience, but they should not be considered as the sole depository of the mandate to provide reparations to women survivors. Mainstream human rights groups, including networks of women’s organisations, should also consider it their mandate.

This applies in particular to the Reparations Working Group, or RWG, an initiative established in 2015, led by ND-Burma, aimed at bringing together

48 EI/AJAR Access to Services report, 2016

49 “Gender mainstreaming checklists for humanitarian action – Myanmar”, March 2020, Gender in Humanitarian Action Workstream, UN Women, available here (hereafter “UN Women Checklist 2020”); UN Women Gender Profile, 2019

50 UN Women Checklist 2020

groups working on transitional justice issues, including human rights organisations, former political prisoners' groups, and ethnic women's organisations. In 2018, RWG produced an assessment of victims' needs based on interviews with survivors and former political prisoners, including victims of violence and land grabs.⁵¹ The report analyses the impact of human rights violations and the reparation needs of victims, and civil society's efforts to meet those needs. The report's recommendations include ways to address guarantees for non-recurrence, symbolic satisfaction, compensation, restitution, criminal justice, and rehabilitation. This report was an important in efforts to put the issue of reparations on the political agenda. At the same time, the limited

any initiative aimed at policy recommendations on reparations, and fails to look at the impact of gender-based violence crimes. While some of these shortcomings may be explained by challenges relating to documentation and data collection, civil society organisations need to increase their capacity and willingness to tackle these issues and ensure their work includes a gender perspective.

ACCESS, INCLUSION AND PARTICIPATION

Analysing assistance from a gender perspective requires looking at the barriers to access services, and how they can be mitigated, as well as issues around inclusion and participation of survivors.

Access to services

Barriers and challenges

Barriers to access to services for women survivors of gender-based violence include:⁵²

- **Geographical location:** Services are mostly available in urban centers, and difficult to access for victims living in remote areas, due to lack of secure transport. It is challenging for women's organisations to reach some areas, exacerbated by the pandemic. Rohingya communities face state-imposed restrictions as a result of discriminatory policies, which impedes access to services. Militarisation in ethnic areas limits access to basic services. In the camps in Bangladesh, services are in the main camps, far from where people reside.
- **Lack of available services:** Services to survivors are provided by local civil society groups with limited resources. They face challenges in terms of funding and staffing. Access to health care is extremely limited, even more so for vulnerable groups, and for people living in remote areas. In



In some assistance programs, women continue to be mothers and dependents on the income of men. However, some others can level up to make women equal with men, by giving them awareness about psychosocial support and vocational training. © Asia Justice and Rights/ Anne-Cécile Esteve

sample of victims interviewed and the loose methodology mean that the “needs assessment” might be interesting from a qualitative perspective, but less from a ‘scientific’ research perspective. A more comprehensive survey needs to be undertaken to explore issues, and participatory methodologies need to be used that put victims at the center.

The report does not assess issues from a gender perspective, which should be a critical component of

51 YOU CANNOT IGNORE US: Victims of human rights violations in Burma from 1970 – 2017 outline their desires for justice, Reparations Working Group / ND-Burma, 2018, available here (hereafter “RWG 2018 Report”)

52 EI/AJAR Access to Services report, 2016; AJAR/WLB Access to Justice paper, 2016; UN Women Checklist 2020; “Unheard Voices, Qualitative Research on Conflict-Related Sexual Violence in Myanmar (2016-2021)”, June 2022, Anonymous (limited distribution)

Rakhine, Rohingya face the additional challenge that some hospitals do not accept Rohingya patients.

- **Access to information:** Limited knowledge of legal rights and available services, constitute an obstacle to accessing assistance.
- **Communication:** Communication facilities are lacking, particularly in rural areas and IDP camps. Women cannot access information about essential services or communicate with service providers.
- **Security risks:** In cases involving police or military, survivors put themselves at risk if they report violence, which hinders their capacity to seek support. In these cases, it is difficult for women's organisations to intervene. The coup exacerbated these security challenges.
- **Language:** Ethnic minorities do not necessarily speak Burmese, which impedes access to services. Unequal access to education impact language skills for women, which affects their ability to access assistance. This is documented in Rohingya communities.⁵³
- **Gender roles:** Due to gender and social norms, some women are unable to access assistance, and are not included in consultations. Women's domestic responsibilities and their gender roles constitute a burden, as they impede women's participation in other activities, as well as their access to services such as health, education, and livelihoods.⁵⁴ Cultural and religious practices restrict women's movements, for example Muslim communities, which is a barrier for accessing assistance.
- **Stigma:** Fear of stigma from service providers, community members, families, and friends detract women survivors from seeking support.
- **Trauma:** Lack of capacity to deal with trauma and provide counselling is a challenge in terms of *do no*

harm approaches. The lack of capacity of health and security providers to handle people with trauma in a compassionate way is an obstacle.

- **Privacy needs:** In hospitals, the lack of private waiting rooms make them inappropriate for victims of sexual violence.
- **Lack of awareness in the community:** lack of awareness about gender-based violence, especially among local leaders, is an obstacle to women accessing services.
- **Property rights:** Women's right to own land is insecure, including in Rakhine State, with even further repercussions for Rohingya women, who are doubly discriminated against due to their lack of citizenship. This creates obstacles to reclaim their property.⁵⁵
- **Lack of services for male survivors:** The absence of services dedicated to male victim, constitutes an obstacle to assistance. In the camps in Bangladesh, this remains a serious gap, as few services are set up to receive male survivors in a sensitive manner.⁵⁶

Examples of measures to facilitate access

A key element of women's organisation strategies around violence against women is to provide awareness raising within their communities as part of prevention efforts, and to facilitate provision of assistance. Stakeholders highlighted the importance of targeting men and boys in education efforts. Awareness-raising activities are important in terms of letting the community know what types of services are available.

To overcome security and privacy challenges for opening a crisis centre for women victims, a local women's ethnic organisation reported establishing a "library" as cover. To protect the privacy and safety of their clients, some service providers take measures,

53 UN Women Gender Profile, 2019

54 UN Women Gender Profile, 2019

55 "While women retain equal rights under the 2008 Constitution to enter into land-tenure contracts and to administer property, in practice, women are often not able to defend their rights in the absence of a husband. Women are further denied equal access to, or control over land due to religious customary laws that govern matters of succession, inheritance, and marriage. The Farmland, the Vacant, Fallow and Virgin Lands Management Act, 2013 requires the land to be registered in the name of the head of household and a mechanism for joint ownership of property between husbands and wives is not available in the current legislative framework. This in turn imposes additional barriers on displaced Rohingya women without husbands seeking to reconstitute land and property. [...] [Kachin] Women are further denied their right to access and owning land due to discriminatory social customs, which particularly impacts female-headed IDP households attempting to reclaim land they fled from." UN Women Gender Profile, 2019

56 <http://opiniojuris.org/2020/06/18/characterisation-of-sexual-violence-as-a-womens-issue-in-the-rohingya-crisis-a-response-to-david-eichert/>

such as confidentiality agreements, safe data storage, sound-proof rooms, private spaces in courthouses, or security measures around safe houses.⁵⁷

Inclusion and participation

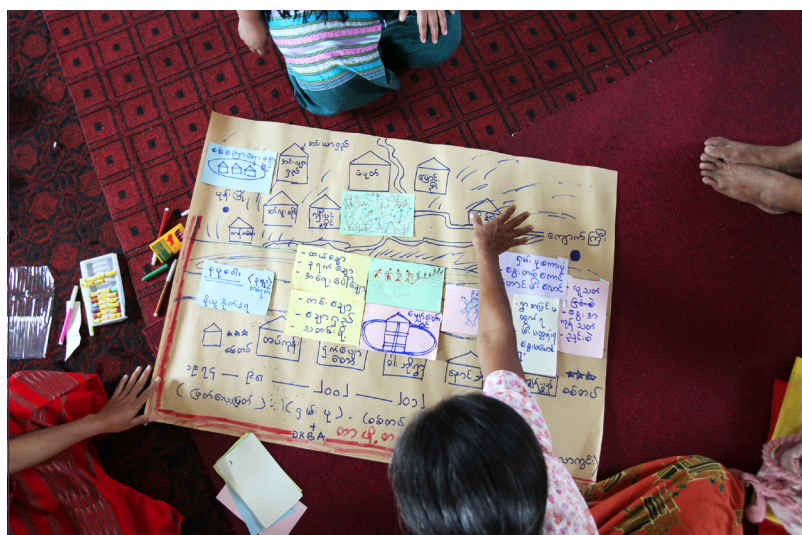
One of the goals of this research was to analyse the extent women survivors participate in decision-making regarding design of assistance programs.

Limitations

Generally, women have little decision-making power, both within the family and the community, and in public life. This translates into a lack of inclusion of women in consultations to design assistance programs. Within the family and community, men are often considered the main decision-makers. Women's limited power affects their ability to influence decision-making processes outside the home, such as with community leaders, local authorities, aid workers, and service providers, where heads of households are consulted.⁵⁸ While women's organisations are active within civil society and are able to influence policies, generally women's leadership is very low in decision-making at camp, village, township and state levels.⁵⁹

In the camps in Bangladesh, Rohingya are not significantly involved in decision-making about humanitarian assistance. Rohingya continue to be regarded by humanitarian agencies as passive beneficiaries of aid. At the time of writing, no Rohingya has been present at sector coordination meetings in which most NGOs participate under UN leadership. At these meetings, humanitarians coordinate and plan services for health, food security, shelter, protection, and other humanitarian sectors.

AAPP has historically been led by men, however, a new policy aims to increase women's participation, including in the senior leadership. At the end of 2021, however, there was only one woman at the Executive Committee level. While there are a significant



Many survivors long to have decision-making position and lead the process of reparations, since, in their words, they know much about the people like them. © Asia Justice and Rights/Anne-Cécile Esteve

number of women employed in the organisation (around 35%), they are mainly in the counselling section, and not in senior decision-making positions.

In addition, the report produced by the RWC regarding a victims' needs assessment and recommendations on reparations did not integrate the views of women survivors. This highlights the need for more comprehensive and systematic surveys to explore issues, and for participatory methodologies that put victims at the center of discussions.

Examples of participation

Some women's organisations include community consultations as part of their strategic planning process. For example, a leader of a Kachin group explained that they organise consultation meetings in villages twice a year, and plan programs based on the results. They select a number of villages, and consult both village leaders and local women's groups. They conduct a meeting after project completion, to get feedback. International

57 EI/AJAR Access to Services report, 2016

58 UN Women Gender Profile, 2019

59 Within the humanitarian sector for example, it has been found that "in a limited number of camps and host communities, women's support groups and women's forums currently exist but their current functioning has proven to be not sufficient to support all women's issues and promote women's meaningful representation, participation and leadership. Even when women are involved in the Camp Coordination and Camp Management committees, they are often not engaged in decision-making positions, and remain in junior or administrative positions. [...] Women's limited involvement in village and camp level decision-making has been identified as resulting in key protection gaps as well as overall gaps in effective and accountable camp management and local community decision-making." UN Women Gender Profile, 2019

organisations report conducting assessments and some form of community consultations before engaging, but it is unclear to what extent this impacts the design of programming. Some organised groups of women survivors have started to emerge, including VVO. Their activities, as well as their capacity, are limited, but interesting lessons may be learnt in terms of participation and inclusion of women survivors in reparations processes.

THE TRANSFORMATIVE POTENTIAL OF REPARATIONS AND ASSISTANCE

One of the questions this research poses is: how can reparations programs be used as potential transformative tools to address gender inequalities, gender discrimination, and the root causes of sexual and gender-based violence? Reparations should contribute to changing social and economic conditions that may have led to individual's victimisation, and can therefore be an important opportunity to transform structural and cultural inequalities between men and women.

Awareness raising and political advocacy

When asked how to address root causes of gender inequalities and discrimination through assistance programs, local activists inevitably mention advocacy and awareness raising, which is one pillar of their work. Indeed, socio-cultural beliefs and practices that promote gender inequality and discrimination not only perpetuate violence against women, but also inhibit survivors' access to prevention and response services.⁶⁰ Holistic interventions that engage community leaders who can influence the harmful attitudes and practices must be a key aspect of an integrated response.⁶¹

Local activists speak of the unsurmountable challenges to change the mindsets of their communities when it comes to violence against women and gender inequality. An activist illustrated this by the fact that her organisation is able to do advocacy work around denouncing sexual violence by the military, including at the international level, and receive recognition from their community. But important challenges remain when it comes to addressing sexual violence within the community, because the community refuses to engage in this matter. Sexual violence is taboo and impossible to challenge patriarchal attitudes to gender.

Men, especially older men, have a hard time accepting that violence against women, especially domestic violence, is a crime. Local groups report that after awareness-raising and counselling sessions with women, they are often criticised by men for "making women fight with men". Small progress was made thanks to the recognition that women activists are helping women victims of sexual violence perpetrated by local authorities, the military, and ethnic armed organisations.

Nevertheless, gender stereotypes are so deeply ingrained in people's minds, that activists report it is difficult to "educate those men". Some progress has been made with younger generations, but older men refuse to take part in awareness-raising activities. Women's activists reflect that awareness efforts have been too limited in targeting mostly women, which does not help changing the mindsets of men. They are aware of the strategic need to target men in awareness efforts, and some suggest creative ways to do so. An example is to conduct seemingly unrelated activities on a topic that would be of interest to the community, such as access to education, and insert knowledge on gender inequality as part of the process. With the need to target policymakers and political leaders, some activists link gender to political discussions on federalism and nation-building.

Stakeholders highlighted the need to target ethnic armed organisations for gender awareness trainings, as they have power within communities, and could make a difference if they stood against discrimination.

60 EI/AJAR Access to Services report, 2016

61 EI/AJAR Access to Services report, 2016

The challenge to transform gender norms and root causes of injustice through service provision

It proved difficult to formulate questions around how the provision of services can be transformative. It might be because vocabulary used in the context of local activism resonates with the strategies around advocacy and awareness raising. For women's organisations, it belongs to this area of work, rather than to support and assistance. Another reason might be the limited feminist conceptualisation of how assistance can be transformative, rather than just providing services to address immediate needs.

In most cases, stakeholders have shown awareness of the need to provide assistance in a way that does not reproduce patterns of discrimination, however, some women's organisations themselves reproduce harmful gender practices in the provision of support to victims.⁶² In addition, socioeconomic empowerment through livelihood is clearly identified as a way to help women out of situations of dependance, and leads to transforming the social conditions in which violence took place.⁶³

In the camps in Bangladesh, many Rohingya women have taken on volunteer work with NGOs that provide assistance to the camp community. This has started to change gender dynamics, and given women more agency. Beyond that there is limited conceptualisation of how the provision of assistance could transform the root causes of violence against women. Strategic reflections always go back to awareness raising, educating men, and advocacy, but those are seen as a different area of work than assistance to victims. In the vocabulary of international organisations, there is a programming distinction between "prevention" and "protection", although there are efforts to try and gender mainstream all aspects of programming.

There are small-scale projects and activities that promote survivor empowerment in a holistic way. The "package" includes trauma healing, self-care, acknowledgement, documentation, advocacy, skills development, as well as limited livelihood activities

and emergency assistance. There is a need to go beyond trauma and self-care, to move past the stage where survivors keep talking about their own experiences. Adding capacity-building around topics such as gender, feminism, structural oppression, women's leadership, and intersectionality helps women survivors analyse how they organise, do advocacy, and take action. Some small-scale pilots have taken place to empower women survivors, by building their resilience and capacity, and supporting them to organise. Survivors identify the key elements as the psychosocial and livelihood components.

Finally, reparations programs need to aim to change institutions, policies, and practices. For example, in terms of medical care, reparations policies should not only ensure the provision of healthcare to women survivors, but improve the quality of healthcare overall, address discriminatory practices, and transform healthcare institutions.⁶⁴

It is understandable that it is more difficult in the Myanmar context to identify ways that assistance programs may be transformative, since structural change through state intervention has for decades been a remote prospect. This type of transformation could more easily be sought within the framework of official reparations initiatives than within the 'assistance' landscape, since the involvement of a government would open the way to interventions addressing structural issues.

LESSONS LEARNED

Stakeholders' views on reparations for women survivors and victims of gender-based violence

Types of reparations

During interviews, stakeholders were asked to choose three types of reparations to help design a reparations program for women survivors. They

62 EI/AJAR Access to Services report, 2016

63 UN Women Gender Profile, 2019 about "Raising the Curtain", Gender Equality Myanmar, 2015

64 See also FFM SGBV Report 2019, par. 271

were invited to pick from a list of specific forms of reparation, and explain their reasons for doing so. Answers from 16 people were collected, including three survivors and 13 members of local and international civil society organisations.

The sample is extremely small, the methodology very loose, and the interviews did not include explanations about reparations. Therefore, no conclusions can be drawn from the answers. Nevertheless, the answers give an insight into stakeholders' priorities.⁶⁵

Immediate urgent support	4
Financial compensation (money)	6
Health services	5
Housing	4
Provision of legal documents	1
Livelihood/employment opportunities	10
Training/education	3
Trauma support / counselling	9
Assistance for repatriation/return	2
Legal aid	2
Other	0
No answer	2
Total	48

Livelihood opportunities

Livelihood opportunities was the most common choice of respondents. Socio-economic empowerment through livelihood is not only seen as a top priority for addressing women survivors' needs, but also for transforming inequalities⁶⁶. Livelihoods were highlighted as being particularly important to restore the dignity of victims, as it allows them to be acknowledged and recognised by their families. This is true of former political prisoners, who are looked down upon when they are not able to provide for their families after their release. One female former political prisoner said that when male political prisoners come home, even if they have no job, they are still considered the head of the family and get acknowledgement, while women do not get this type of respect because of cultural norms.

According to data collected by AJAR, Rohingya women in the camps in Bangladesh are concerned about their ability to live sustainably and generate income, and express the need for skills development and income-generating activities.⁶⁷

Trauma support

The need for psychosocial support, counselling, or other mental health services was the second most common choice of respondents.⁶⁸ A male representative of the RWG said psychosocial support is the primary need of women survivors of sexual violence because of shame, stigma, and social exclusion. Truth-telling events might help with trauma healing by providing space for relating their experiences and providing a form of recognition to survivors. Respondents noted that mental health is

65 Opening The Box: Women's Experiences of War, Peace and Impunity in Myanmar, AJAR, 2015, available here; Speaking Truth for Peace: Women's Experiences of War and Impunity in Myanmar, 2018, available here; Myanmar Case Study, Transitional justice, ND-Burma / AJAR / TJAN, 2017, available here; YOU CANNOT IGNORE US: Victims of human rights violations in Burma from 1970 – 2017 outline their desires for justice, Reparations Working Group / ND-Burma, 2018, available here; "The Case for Transformative Reparations for Conflict-Related Sexual Violence in Rakhine State at the Asean Intergovernmental Commission on Human Rights", Samantha Bradley, Asia-Pacific Journal on Human Rights and the Law, 2019 (hereafter "Bradley, Transformative Reparations for the Rohingya, 2019"); EI/ AJAR Access to Services report, 2016

For example, a member of an international organisation working closely with local groups had identified the following types of reparations that could be relevant to the Myanmar context: "a number of measures, from health care for injuries and illnesses caused by the violations, psychosocial counseling programs, livelihood training, education, and other rehabilitative measures to direct monetary compensation", "restoration of citizenship and its accompanying rights", "access to education, health care, and other state services for the displaced", "providing identity cards and other legal documents, like land titles", "livelihood needs that must be addressed with a combination of education/vocational training, financial support, and employment opportunities". (Opening Up Remedies in Myanmar, A. Thomson, International Center for Transitional Justice (ICTJ), 2015, available here)

66 See Recommendations for international support to gender equality, 2021 for current opportunities to support livelihood

67 Documentation of participatory activities conducted by AJAR in the camps in Bangladesh in 2019-2020

68 See Recommendations for international support to gender equality, 2021 for current opportunities to support mental health

important for the community in the long term, given how long communities have been confronted with violence and trauma.

Financial compensation

Financial compensation was chosen by a number of respondents. Interestingly, it was chosen mainly by survivors and activists working with Rohingya, but rarely by members of civil society in Myanmar. One survivor, an IDP, chose this form of reparation because *“we live in poverty, and we have no clues for our income generation during this nightmare circumstance”*.

Many civil society groups acknowledged that survivors want financial compensation as a form of reparations, but most said that they would not choose it themselves because it is hard to implement fairly, and is not sustainable. Some noted it depends on people’s needs. The RWG report indicates that *“many victims asked for some form of compensation, most commonly to cover healthcare and education costs”*.⁶⁹

Health services

Health assistance was chosen by a number of respondents. One respondent believed that the provision of health services should be the top priority, because survivors cannot do anything without health.

Immediate urgent support

The option “immediate urgent support” was understood differently by respondents, and not chosen by many. One respondent noted the need to have a fund for emergency assistance, without limitations, because “we don’t know when a case will happen so we need to stand by and be ready for them”.

Housing

Housing was chosen by a few respondents, mostly in relation to displaced persons who had fled war

and wanted a safe place to live. During interviews, respondents raised the need for more safe houses for women victims of violence, which is an important gap in service provision.⁷⁰

Training and education

Training was not chosen by many respondents. One mentioned it in the context of former political prisoners needing vocational trainings to get a proper job and become independent. Another, in the context of IDPs from ethnic minorities, who did not have a chance at a formal education, and yet another mentioned education for victims’ children as “compensation”. According to data collected by AJAR, education and training is an important demand of Rohingya women in Bangladesh camps.⁷¹

Assistance for repatriation

One of the issues systematically highlighted in work on reparations and transitional justice is that government that wants to provide justice and reparations to its people has to create conditions for safe and dignified return of all conflict-affected displaced persons.⁷² Very few respondents chose repatriation. However, it should be noted that respondents working with Rohingya in Bangladesh acknowledged that repatriation is at the heart of Rohingya demands. According to data, there is a strong desire return to Myanmar.⁷³ This was one of the remedies sought in The Gambia’s application to the International Court of Justice’s case against Myanmar.⁷⁴

Legal aid

Legal aid was chosen by only two respondents. It was noted that interpretation services should be included in legal assistance as survivors from ethnic areas do not speak Burmese.

⁶⁹ RWG 2018 Report

⁷⁰ See *“Invest in safe houses and strengthen safe house procedures”* in Recommendations for international support to gender equality, 2021; See also EI/AJAR Access to Services report, 2016

⁷¹ Documentation of participatory activities conducted by AJAR in the camps in Bangladesh in 2019-2020

⁷² Opening The Box: Women’s Experiences of War, Peace and Impunity in Myanmar, AJAR, 2015, available here; Speaking Truth for Peace: Women’s Experiences of War and Impunity in Myanmar”, 2018, available here; Opening Up Remedies in Myanmar, A. Thomson, International Center for Transitional Justice (ICTJ), 2015, available here; Myanmar Case Study, Transitional justice, ND-Burma / AJAR / TJAN, 2017, available here

⁷³ Documentation of participatory activities conducted by AJAR in the camps in Bangladesh in 2019-2020

⁷⁴ See “The Rohingya Genocide Case: Who is Entitled to Claim Reparations?”, Dimitrios A. Kourtis, *Opinio Juris*, 2019, available here

Provision of legal documents

The need for legal documents was mentioned by only one respondent in relation to people who have lost or abandoned their ID documents when fleeing persecution. It should be noted that respondents working with Rohingya in Bangladesh acknowledged that the restoration of citizenship rights, including the provision of documentation, should be a key element of reparations for the Rohingya. According to data, the right to citizenship is most frequently referred to by Rohingya women in the camps in Bangladesh.⁷⁵

Symbolic reparations

Symbolic reparations was not one of the options in this question. No respondent mentioned it as an alternative, but some mentioned it during interviews. Acknowledgement and recognition are often highlighted as a priority, sometimes as a precondition for trauma healing. This is especially true for former political prisoners, but also for survivors of conflict-related violence, such as relatives of people tortured, raped, and killed or disappeared.

One of the priorities highlighted when discussing reparations and transitional justice, is the fact that government should provide initial reparations by publicly recognising past violations. This was a central expectation of civil society towards the past NLD government. Recent efforts by the NUG to acknowledge past violations against the Rohingya and other ethnic groups, as well as to document and make public current atrocities committed by the military, are particularly interesting. A key element of discussions around truth and acknowledgement is the fact that it is essential to provide an official

definition and recognition of the category of political prisoners. Regarding women former political prisoners, some respondents highlighted that women more than men need an acknowledgement of their status as political prisoners, as they are often overlooked and forgotten.

The RWG report indicates that *“victims often said they wanted some form of symbolic satisfaction from the government or perpetrators to help them heal the psychological wounds of the past and rebuild their lives”*.⁷⁶ One respondent reflected on the fact that existing museums and memorials are often centering on men's experiences, and an easy way to undertake transformative reparations initiatives would be by highlighting women's experiences. However, the same respondent noted that symbolic reparations might not be the most meaningful form of reparations: *“In other countries, you hear ‘to hell with monuments’*”.

A gender-sensitive approach to reparations

In addition to appropriate reparations, respondents were asked for their recommendations to make future reparations policies gender-sensitive. The following highlight the key issues from discussions.

Understanding the victimisation of women

From discussions with stakeholders, there is a need to deepen civil society's analysis of what a survivor is. More research is needed to increase understanding of the gendered impact of human rights violations, including a more nuanced analysis of the need to prioritise violations for reparations. In

75 Documentation of participatory activities conducted by AJAR in the camps in Bangladesh in 2019-2020

76 RWG 2018 Report

77 While discussing how reparations could be integrated in the peace process-related political dialogue, a member of an international organisation working closely with local groups had expressed the view that *“there are two groups of victims who are priority targets for reparative measures that could be discussed during political dialogue and included in a final agreement: displaced persons (both internally displaced persons and refugees) and victims of serious human rights violations, including torture and sexual violence”*. (Opening Up Remedies in Myanmar, A. Thomson, International Center for Transitional Justice (ICTJ), 2015, available here)

During their regular meetings and workshops since 2015, the members of the Reparations Working Group (RWG) had spent significant amount of time discussing which types of human rights violations and which categories of vulnerable groups should be considered as priorities for future reparations. Five categories that were identified early on included: killings, torture, sexual violence, enforced disappearance and “property rights”. The issue of displacement and IDPs was systematically highlighted by ethnic organisations, and therefore included in lists of violations. The 2018 RWG report divides victims in three categories: victims of conflict-related violence (such as killings, sexual violence, etc.), land grab victims, and former political prisoners. (YOU CANNOT IGNORE US: Victims of human rights violations in Burma from 1970 – 2017 outline their desires for justice, Reparations Working Group / ND-Burma, 2018, available here)

particular, through these prioritisation exercises⁷⁷, the victimisation of women is too often subsumed into either their experience of sexual violence, or their relative's experience. Women survivors often define themselves through what happened to their husband (e.g., torture, killing) or their children (e.g., rape). This means they define themselves as indirect victims, rather than direct victims of 'looser' forms of violations such as displacement, loss of land and property, and structural violence. This often comes from the language used by civil society activists themselves.

It is necessary to move beyond this to have a more nuanced understanding of women's victimisation, and include it in reflections on prioritisation of violations. By reducing priority violations for reparations to bodily harm (killing, sexual violence, torture), there is a risk of overlooking women's experience of mass violence. To remedy this, more research should be undertaken of the gendered impact of human rights violations, and women survivors should be empowered to analyse the structural aspects and the specificities of their victimisation as women.

Ensuring an inclusive approach

There is a concern that the work of civil society on the issue of reparations, which will feed into future policy-making, is not inclusive. Some worry that a small group of elite activists will be making decisions, and that it is particularly concerning given the lack of gender sensitivity within these groups.

Stakeholders call for active inclusion of women in policy discussions, as well as increasing men's awareness of gender issues. It is noted that women should be given the opportunity to be proactive and stand for women's rights. There should be gender quotas in all institutions to promote women's participation, and the institutionalising of feminist approaches⁷⁸. In addition, men should "*consider gender equality principles at every level of the process*", on reparations, and discussions on federalism and nation-building. The emergence of youth as a

powerful force within the recent pro-democracy movement is seen as an opportunity to foster feminist thinking.

There is a demand to broaden the data used for advocacy. In particular, recommendations on policy-making need to be based on extensive good quality research, inclusive of all groups, including consultations with victims and women.⁷⁹ One respondent acknowledged that, while civil society actors claim to be acting on behalf of survivors, survivors are not participating at the decision-making level. She recognised the need to include survivors in the functioning of civil society groups, to "*practice victim participation in the community*", in order to ensure survivor-centred approaches to reparations. One survivor said: "*I recommend survivors hold a decision-making position and lead the process of [reparations]. As we, the survivors, know about people like us, the process would be more effective and efficient.*"

Providing holistic support for empowerment

Promoting women survivor empowerment in a holistic way should be an integral part of reparations programs, through projects that address the various needs of victims, and support them to organise strategically. In addition to addressing trauma⁸⁰ and socioeconomic needs, such projects should aim at building women's capacity⁸¹ around topics such as gender, feminism, structural oppression, women's leadership, and intersectionality. This will support analysis on how they can organise and take collective action within their communities, including to be part of the design and implementation of reparations.

Tackling structural inequalities

Reflections within civil society show that reparations programs need to aim to change institutions, policies, and practices. For example, in terms of medical care, reparations policies should not only ensure the provision of healthcare to women survivors, but should improve the quality of healthcare, address discriminatory practices, and transform institutions.

78 See also Feminist Practice in Burma; Recommendations for international support to gender equality, 2021

79 See also EI/AJAR Access to Services report, 2016: "*The common approach should be survivor-centered – meaning that concrete measures should be taken to integrate survivors' own experiences and input within all initiatives and strategies.*" See also FFM SGBV Report 2019, par. 271

80 See also "*Measures aimed at satisfaction to foster healing and reintegration of victims in their communities*" in Bradley, Transformative Reparations for the Rohingya, 2019

81 See also EI/AJAR Access to Services report, 2016

Gender mainstreaming assistance to survivors

In addition to collecting views on reparations, the research identified lessons and recommendations about how to ensure that assistance is gender-sensitive, which may apply to services provided as reparations.

Recommendations from gender justice programs

Past analysis of civil society's work on gender justice led to clear recommendations to ensure adequate funding of programs related to violence against women and women's rights⁸², and ensure they are directed towards local organisations⁸³, as well as to support gender budgeting⁸⁴. Recommendations include building the capacity of service providers: *"Develop and implement gender sensitivity training for justice personnel and public officials, in particular law-enforcement personnel and health-service providers, in order to ensure that they are sensitised to all forms of violence against women and can provide adequate gender-sensitive support to victims"*.⁸⁵ There is also a need to increase awareness and public information regarding services available to women survivors.⁸⁶

Specific recommendations have been made to make service provision for VAW more gender-sensitive:

- "Invest in infrastructure and equipment that will assist in the provision of VAW-specific services, along with targeted training and skill-building of employees to provide these services."⁸⁷

- "Ensure court room and legal proceedings are gender-sensitive and survivor-centered."⁸⁸
- "Prioritise VAW survivors as recipients of socioeconomic support services in communities, particularly in communities that have been displaced. Diversify the range of socioeconomic support available to VAW survivors, including short-term financial grants to help with immediate health, counseling, legal and shelter expenses, and longer-term training focused on women's economic empowerment/independence."⁸⁹

Lessons learned from humanitarian action

The UN Fact-Finding Mission on Myanmar, in its report on sexual and gender-based violence, recommended the international community *"work with development and humanitarian agencies to lay the foundation for justice and accountability, including, but not limited to, reparations, through their work"*.⁹⁰

Useful lessons to identify potential opportunities for gender-sensitive reparations can be drawn from the experience of groups providing humanitarian aid and other types of services. Many services or types of support that would be provided to victims in the context of reparations policies would be similar to the services and assistance provided in the context of humanitarian assistance or the development sector. UN and international agencies have made significant efforts in relation to what they refer to as "gender mainstreaming in humanitarian action", and identify concrete actions to be taken at different stages of the process to make assistance gender-sensitive.⁹¹

82 Feminist Practice in Burma, 2020; Recommendations for international support to gender equality, 2021; FFM SGBV Report 2019, par. 268 and 279

83 EI/AJAR Access to Services report, 2016

84 "Policies and practices to allocate resources that address the barriers to women's participation in organisations and programming are necessary components of any gender-just organisation. Gender budgeting includes the provision of resources for child-care, as well as flexibility in office hours and a child-friendly workplace. It means providing money to make travel safer for women — allowing them to travel for work in pairs, for example. It means strategic decisions and priorities to ensure that no woman in the organisation or involved in their activities is left behind or excluded. Gender budgeting is vital to advancing women's active participation and leadership in civil society and donors should offer technical and financial support as needed." Feminist Practice in Burma, 2020

85 AJAR/WLB Access to Justice paper, 2016

86 EI/AJAR Access to Services report, 2016

87 EI/AJAR Access to Services report, 2016

88 EI/AJAR Access to Services report, 2016

89 EI/AJAR Access to Services report, 2016

90 FFM SGBV Report 2019

91 UN Women Checklist 2020

For example, in the context of planning and programming, work on needs assessments needs to ensure appropriate data is collected regarding sex, age, and disability within affected populations, in order to identify the most vulnerable groups.⁹² They recommend gender balance in the assessment teams, and an analysis of the gender breakdown and gender capacities of service providers, as well as a systematic analysis of the barriers to access services for certain groups such as women. Recommendations extend to all stages of the work, including strategic planning; equal participation of women in program design; support to managers of service providers to create gender-responsive services and guarantee equal access; targeted outreach strategies to women excluded from access to services; and so on.

Efforts to ensure gender-responsive services extend to resource mobilisation, for example around distinct needs of women and girls, and gaps in service provision. Regarding implementation, efforts include trying to ensure gender balance in staff of service providers, and training them in the care of women survivors of gender-based violence. There is a recognition of the need to engage men and boys in community awareness activities regarding gender-related protection issues, and to “promote positive masculinities”. There are also efforts to set up gender-responsive feedback mechanisms in the context of monitoring and evaluation, such as conducting gender-segregated focus group discussions with community groups.

The efforts in “gender mainstreaming in humanitarian action” have led to the identification of specific concrete actions that can be taken in the various aspects of service provision under different types of assistance (health, education, food, shelter, WASH, gender-based violence prevention, and response).⁹³

RECOMMENDATIONS

THE PATH TO A TRANSFORMATIVE REPARATIONS POLICY IN MYANMAR

Develop civil society’s feminist capacity to work on reparations by:

- Gender-mainstreaming civil society’s work on reparations, by ensuring that gender issues and a women’s rights perspective are always included;
- Recruiting men activists and male-led organisations to work on gender justice and women survivors’ rights, and to advocate for gender equality and women’s rights;
- Building awareness, understanding, and analysis capacity of men and women activists working on transitional justice issues through trainings, to develop common strategies for gender-inclusive reparations;
- Supporting women’s organisations to encourage mixed organisations and networks working on transitional justice to integrate efforts and expertise on survivors’ rights.

Learn lessons from humanitarian and development work in terms of gender-mainstreaming services by:

- Inviting actors from the humanitarian and development sector to share their experience with civil society groups working on reparations;
- Conducting a small specific study to write up lessons learned and identify recommendations applicable to reparations.
- Learn lessons from reparations processes in other countries, in particular in Asia, by:
- Sharing findings of TJAN regional comparative study on gender and reparations with Myanmar stakeholders;
- Promoting exchanges between Myanmar stakeholders and counterparts in other Asian countries and beyond;

92 All the following examples are taken from UN Women Checklist 2020 and UN Women Gender Profile, 2019

93 UN Women Gender Profile, 2019

- Exploring lessons learned on best practices in engaging with, consulting and co-designing reparations or other assistance measures with victims of violations, and on innovative state/civil society partnerships to deliver interim reparations and assistance to victims in the absence of a judicial or legislative framework for reparations programs.

Consult women survivors and victims of gender-based violence on reparations by:

- Conducting a broad survey across groups of different backgrounds, geographical locations, ethnicities, and victimisations, to identify needs, desires and expectations on reparations, with a specific focus on the gendered impact of human rights violations and the needs of women survivors and victims of gender-based violence;
- Conducting a participatory action research with women survivors that includes knowledge-building on transitional justice, reparations and feminism; assessment of gendered impact of violence, needs and expectations on reparations;

as well as analysis, organising and planning for gender-sensitive reparations projects; through participatory and inclusive methodologies;

- Convening meetings and events of victims groups, civil society and key policy-makers to share experiences and lessons learned and foster commitment to reparations.

Advocate for gender-sensitive policy-making on reparations by:

- Engaging policy-makers, civil society actors, and influencers from Myanmar's democracy movement's institutions on the issue of gender and reparations, through sharing of learning materials, meetings and briefings;
- Offering technical assistance for policy development on reparations based on lessons learned from other countries;
- Supporting civil society groups to raise awareness and educate key stakeholders on gender equality and women's rights by gender-mainstreaming political discussions.