

COVID-19: The Impact on Gender-Based Violence and Peace in Myanmar

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By: Victoria Chan

When Myanmar recently held its general election in November 2020, the world watched as State Counsellor Aung San Suu Kyi was re-elected for a second term. Her victory stood in the background of the ongoing COVID-19 pandemic, which has reached all corners of the world for close to one year. With strict lockdowns, curfews and other movement restrictions in place, women and girls around the world have suffered immensely as the subjects of gender-based violence (GBV) to a much greater extent than before the inception of the pandemic. As many are forced to stay home and avoid physical contact with members outside of their own households, these environments are ripe for domestic abuse, assaults and incidents of GBV. Such realities are especially exacerbated by the pandemic in Myanmar where women and girls who have experienced GBV have endured increased instances of domestic violence and, in turn, decreased access to essential services amidst ongoing internal conflict between ethnic groups. This article will argue that the Myanmar Government has failed

to protect women and girls adequately from instances of GBV and it continues to do so by using the COVID-19 pandemic as an opportunity to exacerbate conflicts amongst its people. It is only when peace is attained in Myanmar that women and men can work together to promote the significance of women's roles in society and address pressing issues such as GBV. First, this article examines the cultural landscape in Myanmar and the traditional gender roles that remain prevalent in today's society which have led to GBV. It then sets out the difficulties with the Myanmar Government's response to GBV as well as the international community's continuing efforts to pressure the country to seek change. Finally, this article analyzes the impact of the COVID-19 pandemic on women and girls in Myanmar, who have survived GBV, and the resulting response from the international community. With the most recent military coup that took place in Myanmar, there may be a long way to go before any real changes can materialize.

1) Diversity and Traditions In Myanmar

Although Myanmar held its first general election in 2010, which was considered a "sham" election, the remnants of decades of military rule persist, much to the detriment of women and girls. There are over 130 ethnic groups in Myanmar. Such diversity has given rise to a rich culture that is also plagued with internal conflict amongst Ethnic Armed Organizations (EAOs) and the Myanmar military, known as the Tatmadaw. The fleeing of over 740,000 Rohingya to refugee camps in Bangladesh beginning in 2017 is but one example of such conflicts that stem from decades of discrimination. What is more, although democratic elections have begun to take place in Myanmar, the government is still largely controlled by the Tatmadaw. Indeed, as of February 2021, the military staged a coup and has usurped power from the civilian government, claiming the most recent elections in 2020 were the result of fraud, despite there being no evidence to found this allegation. As a result of the Myanmar government's lack of transparency and tumultuous history, it has been difficult to gather accurate data and statistics, specifically as it pertains to GBV.

Myanmar culture is historically patriarchal where the man traditionally provides income for the household and makes decisions for the family. In contrast, women's roles are focused on care-giving responsibilities, which include childcare, household work and other non-paid labour such as managing the general well-being of the family, keeping order and discipline and providing for the overall happiness of the family unit.

Due to the power dynamics and traditional gender roles in Myanmar culture, the issue of GBV is not widely discussed. Such traditional roles are likely a contributing factor to the fact that Myanmar has historically recorded high rates of domestic violence; such data is likely underreported given that an issue like GBV is generally seen as a private family matter. The Myanmar Demographic and Health Survey from 2015 to 2016 notes that 15% of women in Myanmar have experienced physical violence since age 15 and 3% have experienced sexual violence. Since the beginning of the COVID-19 pandemic, Myanmar, like many parts of the world, has been the subject of lockdowns, curfews and restrictions on movement throughout the country. Incidentally, hotlines established to assist victims of GBV have reported an increase of domestic violence. Myanmar's response to GBV at the national

level is even more important now with the additional pandemic-related challenges that women and girls face at home.

2) A History of Conflict

National Level

In a national survey completed from 2015 to 2016, it was found that amongst women in Myanmar, 21% of married women have experienced spousal violence (whether it is physical violence or emotional violence). In terms of the composition of Myanmar's workforce, although women represent 63% of the country's civil servants, less than 30% hold senior leadership roles. Moreover, women hold only 10.5% of seats in the national parliament, which is less than half of the global average. It therefore cannot be said that the composition of Myanmar's national parliament accurately reflects the views and experiences of women, particularly those who have suffered from GBV. Moreover, women overwhelmingly manage most household responsibilities and daily activities that affect social, economic and political aspects of life, yet they are not granted an equal opportunity as their male counterparts in important decision-making roles that impact the country as a whole.

On a national level, there needs to be greater government backing and financial support for the initiatives operating at the grassroots level to assist those in most need across Myanmar. Given the political tensions that have persisted in Myanmar' history and the various divisions between EAOs, civil society organizations, have repeatedly called upon the Myanmar Government to cease conflicts between the Tatmadaw and EAOs. Now more than ever is peace essential to keep both the Myanmar Government accountable and transparent.

International Pressures

The international community has recognized the dire situation of women in Myanmar. For example, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) has made significant efforts to hold Myanmar accountable for its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was ratified by Myanmar in 1997. In February 2019, Myanmar submitted its latest report to the CEDAW Committee. On March 18, 2019, the CEDAW Committee, in its concluding observations of the report, expressed concern over, inter alia, Myanmar's Constitution that affords immunity to government officials and guarantees the autonomy of the military, thereby perpetuating impunity for allegations of sexual violence against women and girls. This is especially concerning in the wake of the allegations against the Tatmadaw for inflicting genocide against the Rohinya people and other crimes such as sexual assault and rape against these women and girls. Accordingly, the CEDAW recommended Myanmar establish civilian jurisdiction over human rights violations.

Further, Myanmar's Penal Code has an antiquated definition of "rape", an offence committed only by a man and limited to vaginal penetration between a man and woman and exempts marital rape. Moreover, the burden is on the victim to prove she did not consent to rape. In this regard, the CEDAW

recommended that Myanmar's Penal Code adopt a definition of violence against women, including rape and other forms of sexual and GBV, in accordance with the CEDAW and international standards. Although the Myanmar Government introduced the Prevention of Violence Against Women bill into Parliament in 2013, it has remained stalled for years. It is significantly deficient in protecting the rights of survivors of GBV and has yet to come into force.

In November 2019, an investigation commenced at the International Criminal Court into the alleged crimes committed against the Rohingya people from Myanmar. Further, The Gambia filed a claim before the International Court of Justice alleging that Myanmar committed "genocidal acts" that "were intended to destroy the Rohingya as a group" through mass murder, rape and destruction of communities. In another instance, a human rights groups filed a lawsuit before the courts in Argentina under the international legal principle of universal jurisdiction alleging State Counsellor Aung San Suu Kyi and senior officials in the Tatmadaw committed genocide against the Rohingya people. The court's initial dismissal of the lawsuit was overturned in June 2020.

It should also be noted that the Independent Investigative Mechanism for Myanmar (IMM) was established to collect and analyze evidence of the most serious international crimes and violations of international law in Myanmar since 2011. The IMM is currently taking steps to preserve evidence of crimes like those involving GBV. For instance, the IMM is establishing the necessary infrastructure to collect evidence and develop efficient documentation practices. With respect to proceedings, the IMM will seek to take all feasible steps to protect the safety and security of witnesses deemed to be at risk.

While international communities have begun to cast international pressure on Myanmar, more needs to be done to focus on women and girls who have been discriminated against all of their lives. For example, the CEDAW Committee needs to continue to monitor the situation in Myanmar and seek further support for women on the ground. The CEDAW Committee should also work with civil society organizations to help adduce evidence before the courts in domestic assault proceedings at the local level, specifically as it pertains to survivors and victims of GBV. Due to the inadequate record-keeping in Myanmar, such international and public proceedings are essential to providing a record against which the Myanmar authorities can be held accountable. In a similar vein, bodies like the IMM will need to develop its databases so that statistics and evidence can be preserved as trustworthy and reliable evidence that can be relied on in court proceedings.

3) Immediate Responses to GBV Before and During the Pandemic

Prior to COVID-19, survivors of GBV already faced several hurdles that were difficult to surmount. Civil society organizations such as the Women's League of Burma, provided safe houses for survivors of GBV. However, survivors faced challenges in reaching these safe houses given that many had to travel far distances from homes located in remote areas, and/or leave behind their children. Once women reached the safe houses, it was necessary that medical services and psychological support were made available in various languages given the diversity of this country. In the aftermath of a sexual assault, survivors would inevitably have to decide whether they wanted to bring their

perpetrators to justice, many of whom were their spouse, in a public forum where issues of GBV are traditionally perceived as private matters. Legal fees, transportation costs to courthouses, food and accommodation would create further deterrents. Most of all, if survivors decided to provide testimony in court, they would risk being victimized yet again, but this time in a public forum, due to the nature of sexual assault trials that typically attack and scrutinize victims' conduct, instead of the alleged perpetrator. Not only do the survivors have to relive their assault in a public form, but they must also recount such traumatizing details months and sometimes years after the fact. The difficulties in seeking justice against a sexual assault assailant are challenging at best.

When the first positive cases of COVID-19 were reported in Myanmar, the Tatmadaw used this time of uncertainty and escalated conflicts with EAOs in Rakhine, Chin, Kayin, Karen and Northern Shan states. As noted by the Women's League of Burma in April 2020, these conflicts have resulted in deaths, extrajudicial arrests, human rights abuses and more than 3,000 civilians being forced to flee their homes – all while widespread lockdowns and curfews were imposed in an effort to prevent the further spread of the virus. Although the Tatmadaw announced a four-month unilateral ceasefire to span from May to August 2020, under the pretext of enabling the country to combat the pandemic, various states were excluded from the ceasefire, such as Rakhine and Chin states.

Even prior to the ceasefire, conflicts were perpetuated between the Tatmadaw and the Arakan Army, a predominantly Buddhist military, which has sought greater autonomy in Rakhine state since 2009. As mentioned above, the Tatmadaw has also been accused of inflicting genocide on the Rohingya people, native to Rakhine state since August 2017. It goes without saying that the ethnic divides and conflicts in Myanmar run deep. In the wake of the global pandemic, it is apparent that the Tatmadaw has taken advantage of these unprecedented times to inflict further chaos domestically.

The historically complex divides amongst ethnic groups in Myanmar has already been detrimental to women and girls living in a conservatively patriarchal country. Tensions have increased further due to COVID-19 as many have lost employment and income, being forced to stay at home under lockdown, curfews and movement restrictions. This means that women and girls, who are forced to stay home, are trapped in an environment that is conducive to incidents of GBV with very little support or means of reaching assistance such as victims' hotlines or immediate medical care. The Tatmadaw has taken advantage of this situation by inflicting further conflicts and unrest amongst different states, and, as of most recently, with the civilian government.

Above all, Myanmar needs to end conflicts between the Tatmadaw and EAOs, and adhere to the Nationwide Ceasefire Agreement. Only once peace is attained, then stakeholders and members of civil society can work together to foster a cohesive and prosperous future where women are afforded equal opportunities to men in decision-making roles that impact the political and economic future of this country. With a greater appreciation of women as equals to men, it is hoped that issues such as domestic violence and GBV will diminish over time.

As countries around the world have grappled with establishing a “new normal” with the onset of the global pandemic, civil society in Myanmar has worked closely with survivors of GBV in several ways to combat the spread of this evil. For instance, the Karen Women’s Organization, a civil society organization representing Karen women, have advocated for vulnerable communities and individuals directly affected by the pandemic by sewing thousands of masks; organizing the purchasing and packaging of hygiene items; and creating emergency food packs distributed in a socially-distanced manner to households in Karen State. Other civil society organizations have distributed pamphlets to raise awareness; engaged communities through podcasts and videos; used Facebook (Myanmar’s popular primary source of information) to host live stream events that enable constructive engagement around the issue of access to justice; and worked with customary and traditional justice leaders in GBV in various states. Moreover, organizations like UN Women and Care have worked with members of civil society in Myanmar to gather first-hand data from women, focusing on the effects of the pandemic on their daily lives. In addition, the Gender Equality Network released several briefs addressing Gender Advocacy and domestic violence resources for women in the context of COVID-19, which have been made available in various minority languages to broaden the reach of their audience.

There has also been some limited recognition of the issue of GBV in Myanmar within government. Law enforcement agencies have received training on how to effectively respond to GBV. However, more needs to be done especially as the global pandemic lingers on. Given the strict lockdowns, curfews and loss of jobs and income resulting from the pandemic, people have been denied access to essential services and they have been forced to remain at home, thus, experiencing increased substance abuse and domestic conflicts in the household.

At the international level, United Nations agencies like the United Nations Office on Drugs and Crime have met with civil society organizations and members of the Myanmar government to discuss strategies for stronger coordination and more effective responses to GBV in light of COVID-19. Greater emphasis was placed on addressing GBV in a holistic manner so that survivors can access essential services in the aftermath of sexual assaults and perpetrators face repercussions through the justice system. However, there is still much more that needs to be done.

CONCLUSION

The world is currently witnessing initial attempts to distribute vaccines against the COVID-19 virus. In less than one year, the world was introduced to this novel virus, recognized the danger of this fatal disease and worked to find a solution that could potentially bring everyone back to some sense of a normal life. Yet tensions between various ethnic groups in Myanmar have persisted for decades resulting in far more conflicts and casualties than the pandemic has produced. During this time, women and girls in Myanmar have suffered discrimination simply on the basis of their gender, which is something beyond their control. Although women in Myanmar are traditionally responsible for the overall management of the household, they have suffered immensely and they continue to be victimized with the additional pressures resulting from an unprecedented global pandemic – being

confined at home, sometimes under curfew, where they are more prone to being the subjects of GBV. It is time for the world to come together to hold the Myanmar government accountable for atrocities committed. They can no longer be shielded by their military to defy international conventions and obligations to which the country is bound. Women are essential to bringing about peace in Myanmar, and this needs to be recognized both nationally and internationally.

This article does not reflect the views of the Public Prosecution Service of Canada, the Government of Canada or the Women's League of Burma.

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