



Justice Denied in the Face of Violence

**Sexual and Gender-Based
Violence and Access to Justice**

SHAN WOMEN'S ACTION NETWORK | JULY 2026



The Shan Women's Action Network (SWAN) was established on 28 March 1999 by an informal network of Shan women active along the Thai-Burma border responding to the needs of displaced Shan people with the aim of working together for social and political change in Burma. SWAN is one of the founding members of the Women's League of Burma (WLB), an umbrella organization comprising 13 women's organizations representing diverse ethnic, political, and historical backgrounds.

Vision

SWAN is envisioning Union of Burma, as a federal democratic country, premised on social and political justice, gender and ethnic equality.

Mission

SWAN is committed to strengthening gender equality and justice for all women of Burma in their struggle for social and political rights through community-based actions, research and advocacy among Shan communities and through networking with local, national and international women.

Objectives

- P**romoting the rights of women and children
- O**pposing exploitation of, and violence against, women and children
- W**orking together for peace and freedom
- E**mpowering women for a better life
- R**aising awareness to preserve natural resources and the environment

TABLE OF CONTENTS

1	<u>Executive Summary</u>
3	<u>Case Analysis and Findings</u>
5	<u>Analysis on Access to Justice</u>
6	<u>Introduction</u>
8	<u>Background of the Report</u>
10	<u>Methodology</u>
12	<u>Overview of SGBV in Burma/Myanmar</u>
13	<u>Analysis of Documented SGBV Cases in Shan State</u>
14	<u>A. Domestic violence and Intimate Partner Violence</u>
17	<u>B. Rape and Attempted Rape</u>
21	<u>C. Sexual Harassment and Sexual Exploitation</u>
23	<u>D. Abuse by Social Norm and Victim Blaming</u>
25	<u>E. SGBV Cases Involving Murder, Death, or Self Harm</u>
26	<u>Vulnerable Groups</u>
28	<u>Perpetrators</u>
29	<u>Impact of Ongoing Conflict on SGBV</u>
30	<u>Access to Justice</u>
33	<u>Access to Justice and Justice Responses in SGBV cases</u>
37	<u>Access to Other Services and Involvement of Civil Society</u>
39	<u>Consolidated Findings and Analysis</u>
40	<u>Recommendations</u>

List of Abbreviations

AA	Arakan Army
CBO	Community-based organization
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CRSV	Conflict-related sexual violence
CSO	Civil society organization
ERO	Ethnic Resistance Organization
MNDAA	Myanmar National Democratic Alliance Army
NGO	Non-governmental organization
RCSS	Restoration Council of Shan State
SGBV	Sexual and gender-based violence
SHRF	Shan Human Rights Foundation
SSPP/SSA	Shan State Progress Party/Shan State Army
SWAN	Shan Women's Action Network
TNLA	Ta'ang National Liberation Army
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Programme
UWSA	United Wa State Army
WLB	Women's League of Burma

Executive Summary

SWAN has been documenting human rights violations committed by the Burmese military junta since its establishment. In 2002, the Shan Human Rights Foundation (SHRF) and SWAN jointly released the report *Licence to Rape*¹, documenting sexual violence committed by the regime's troops in Shan State. SWAN has continued to monitor and analyse issues affecting women in Shan State through regular documentation and reporting, with a particular focus on sexual and gender-based violence (SGBV).

Sexual and gender-based violence (SGBV) in Burma/Myanmar is shaped primarily by two factors: deeply entrenched patriarchal norms and the impact of militarization.² It is not militarization alone that has fuelled these violations. Pre-existing patriarchal gender norms have also contributed significantly to the prevalence and persistence of SGBV across Burma/Myanmar.

This report on SGBV and access to justice in Shan State, Burma/Myanmar sheds light on the wide range of SGBV cases committed by both civilians and military personnel. It examines the challenges survivors face in seeking justice and highlights the barriers that continue to impede access to effective remedies and accountability.

1 <https://searchlibrary.ohchr.org/record/1612>

2 Human Rights Myanmar, "Sex-based Violence in Myanmar," 29 January 2025, <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/cfs/new-frontier/subm-sr-violence-against-cso-94-hr-myanmar.pdf>.

70

**cases of rape and
attempted rape**

10

**cases of sexual
harassment**

172

**cases of Sexual and
Gender-based Violence**

30

children

1

**case of sexual
exploitation**

2

**cases of abuse
by social norm**

Case Analysis and Findings

Between 2022 and 2025, SWAN's data collectors documented a total of 172 SGBV cases. The report divides SGBV cases into five sections:

- (1) domestic violence and intimate partner violence;**
- (2) rape and attempted rape;**
- (3) sexual harassment and exploitation;**
- (4) abuse by social norm; and**
- (5) cases involving death.**

The highest number of cases comprised domestic violence and intimate partner violence, with a total of 89 cases. In most of these cases, perpetrators were husbands and boyfriends, and in some cases the husband inflicted violence on both his wife and children. While most of these cases were reported to the village head, action was taken intermittently and often dismissed as a family matter. Divorce was granted in very few cases, and oftentimes the case would be entirely dismissed or resolved with simple apprehension on the perpetrator.

70 cases of rape and attempted rape were documented as well, with 30 survivors being children. All rape cases involved an element of coercion and compulsion, either through relational power dynamics, threats, or physical violence. "Formal" legal process and prosecution of perpetrator was more common in rape cases than in others. Other forms of repercussions on the perpetrators involved detention and punishment by ethnic resistance organizations (EROs) or the military junta, and financial compensation ordered by the village head.

Following were 10 cases of sexual harassment, one case of sexual exploitation, and two cases of abuse by social norm. Notably, three cases of sexual harassment were committed by the soldiers of the military junta, which occurred at the checkpoint or during an inquiry and search. As for the abuse by social norm, while two cases of abuse by the village heads on pregnant women were documented, it should be noted that markedly more cases of SGBV involved an element of abuse by social norm, including in domestic violence and rape cases.

There were also SGBV cases that have led to fatal outcomes such as killing or suicide of the victim. Seven cases ended in homicide, and at least seven cases ended in suicide or attempted suicide, which highlight the devastating impact of SGBV on the victim.

The report notes two especially vulnerable populations, children, and women with mental, intellectual, and physical disabilities. At least 40 cases involved survivors under the age of 18, and in at least 12 cases the survivor was a person with disability. Due to the intersection of physical, social, and systemic vulnerabilities, children and people with disabilities face a disproportionately high risk of SGBV, and often their testimonies are more easily dismissed and discredited in the justice system.

Finally, it should be noted that SGBV escalates during emergencies, including armed conflict.³ In a substantial number of documented cases, the perpetrators were soldiers from either the military junta or ERO. In some cases, the forced displacement by the conflict also facilitated SGBV and impeded the victim's access to justice, creating a vacuum of justice system.

3 UNICEF, "Gender-Based Violence," <https://www.unicef.org/protection/gender-based-violence-in-emergencies>.

Analysis on Access to Justice

Only around half of the 172 cases had a recorded resolution or action. The operation of justice system in these cases was assessed through (1) How people access justice (reporting mechanism); (2) What is people's perception of the system; and (3) How the system actually operates (whether and where the matter actually gets resolved).⁴

In at least 70% of cases where there was a record of reporting, the initial reporting was made to the ward/village head, village administrator, or other local authorities. People were often discouraged from making the report due to public shame and security concerns. Where the reporting was made, the following actions varied based on which justice system was accessed.

Community-based ruling usually focused on financial compensation and dispute settlement. In cases where the case was not taken forward, it was due to the local authorities' dismissal of the complaint because they deemed it a family matter, did not find the survivor's testimony to be credible, or was influenced by the perpetrator who was in a position of power. What is important to enhance access to justice at the community level is community sensitization on SGBV, as well as gender balance in the community leadership.

Cases were addressed either through direct reporting or through escalation from the village level, with local authorities or Ethnic Resistance Organizations (EROs) sometimes adjudicating cases according to their own governance structures and regulations. In many areas, however, the "formal" existing legal system has largely ceased to function. As a result, survivors of SGBV perpetrated by members of armed groups stationed in the areas faced a heightened risk of cover-ups, impunity, and intimidation. Consequently, existing justice mechanisms were among the least accessed by survivors, largely due to a lack of trust in these mechanisms and fear of retaliation.

Civil society organizations (CSOs) and community-based organizations (CBOs), while not a direct actor of access to justice, play a crucial role for survivors of SGBV. In many of the SGBV cases, the survivors reached out to CSOs and CBOs for food and childcare, healthcare, transportation, counselling, and birth support. Also, CSOs and CBOs sometimes liaised with the police and local authorities to support the victim/survivor in accessing justice.

⁴ This framework has been adapted from research by the United Nations Development Programme (UNDP) on access to justice in Myanmar, including Shan State. UNDP, "Consolidated Summary Report: Access to Justice and Informal Justice Systems in Kachin, Rakhine and Shan States," 2017, p. 2.



INTRODUCTION

Political Context

Since the military coup on 1 February 2021, Burma/ Myanmar has experienced a sharp deterioration in the human rights situation. The military junta has continued to commit widespread human rights violations across the country, including arbitrary arrests, killings, torture, and the forced displacement of civilians. Peaceful protesters, civil servants, healthcare workers, and teachers who joined the nationwide Civil Disobedience Movement (CDM) were met with violent crackdowns by the military.

The security situation further worsened after the military junta enforced the People's Military Service Law in 2024, making compulsory military service a reality for many young men and women. At the same time, reports indicate that forced recruitment has also been carried out by several armed groups operating in conflict-affected areas. As militarization increases and civic space continues to shrink, women and girls are facing greater risks of violence, exploitation, and other forms of abuse.

Shan State, which has endured decades of armed conflict, has become even more unstable due to ongoing clashes between the two main Shan ethnic resistance organizations (EROs), the Restoration Council of Shan State (RCSS), and the Shan State Progress Party/Shan State Army (SSPP/ SSA), along with other EROs: the United Wa State Army (UWSA), the Ta'ang National Liberation Army (TNLA), and the Myanmar National Democratic Alliance Army (MNDAA). The continued fighting has forced many communities to flee their homes and disrupted livelihoods across the Shan State.

The launch of Operation 1027 by the Brotherhood Alliance on 27 October 2023 had a profound impact on the conflict in northern Shan State. The operation resulted in the capture of numerous towns and military bases across northern Shan State. However, the military junta responded with intensified airstrikes, artillery attacks, and other military offensives, causing widespread civilian casualties and destruction. Thousands of families have been displaced, while many others continue to struggle with rising food prices, loss of income, and limited access to basic services.

Civilians living in conflict-affected areas continue to face multiple forms of exploitation. Communities have reported arbitrary taxation, forced recruitment, and the expansion of online scam operations and drug-related activities, all of which have further weakened local livelihoods and security. At the same time, China's political influence, economic interests, arms support, and cross-border trade continue to shape developments in the region.

As conflict and militarization deepen, women are carrying an increasing share of the social and economic burden. With many men recruited into armed forces or displaced by conflict, women are becoming the primary providers for their families while also facing heightened risks of gender-based violence, insecurity, and economic hardship.

Background of the Report

Shan Women's Action Network (SWAN) has been continuing to monitor and analyse pressing issues facing women in Shan State through its regular documentation and quarterly reports. In 2002, SWAN, together with the Shan Human Rights Foundation (SHRF), published a report entitled "Licence to Rape: The Burmese Military Regime's Use of Sexual Violence in the Ongoing War in Shan State." The report detailed 173 cases of rape and other forms of sexual violence committed by the Burmese army involving 625 women and girls. The report analyses rape as a "weapon of war" utilized systematically by the Burmese army.

The current report brings attention to the broader pattern of sexual and gender-based violence (SGBV) in Shan State in recent years. This report looks at the wide array of SGBV cases committed by both state actors and non-state actors, documented by SWAN over the span of four years between 2022 and 2025. Especially in light of the military coup of 2021 and the ongoing conflict among the military junta and EROs, this report looks into the cases from a point of view that takes into consideration the conflict-ridden reality in which the people of Shan State have been living.

This report reaffirms SWAN's ongoing commitment to advancing evidence-based advocacy and strengthening protection mechanisms to uphold the rights of women and girls in Shan State. This report examines the justice mechanisms, if any, that were used to address each documented case of sexual and gender-based violence (SGBV), and assesses whether they provided survivors with meaningful access to justice and adequate support. Through an analysis of these cases, the report identifies key gaps and challenges within the existing justice systems operating in Shan State and offers recommendations to strengthen accountability, enhance survivor-centred responses, and improve access to justice for women and girls.

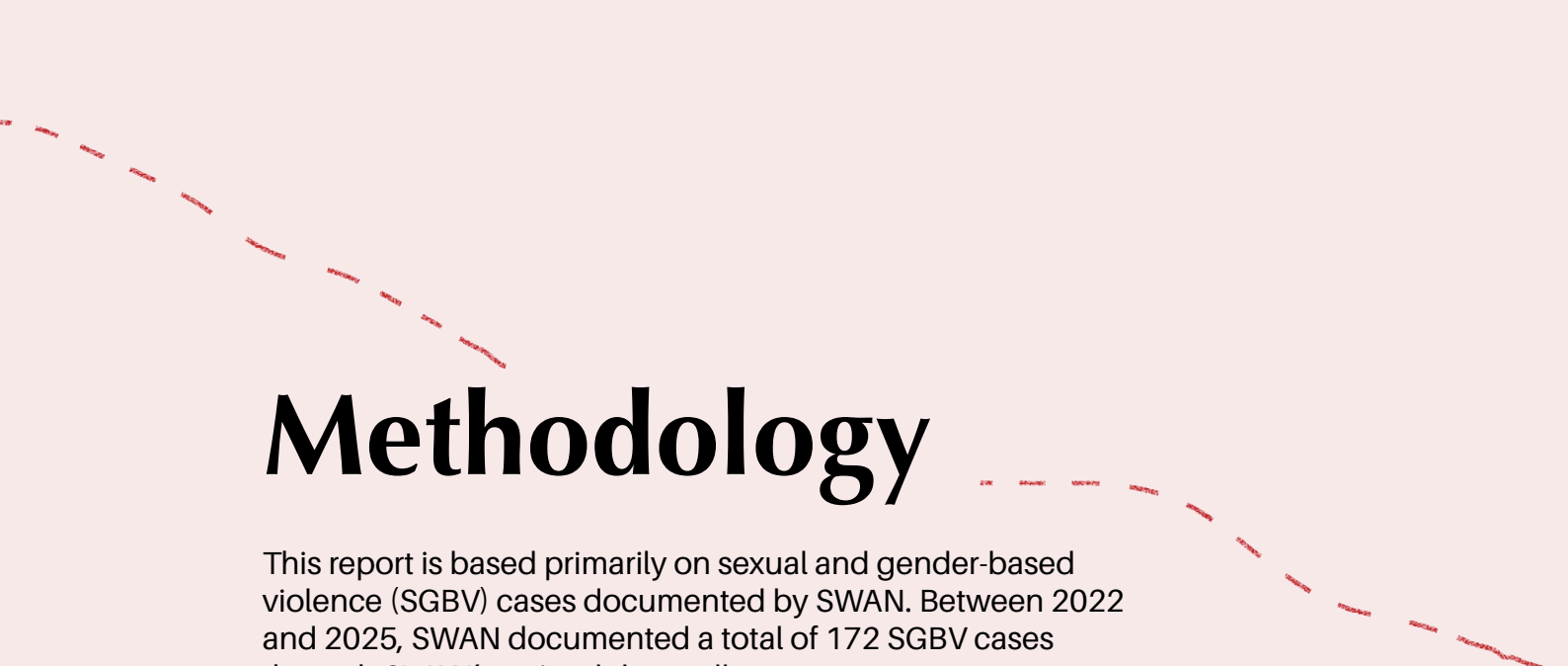


Licence to Rape:

THE BURMESE MILITARY
REGIME'S USE OF SEXUAL
VIOLENCE IN THE ONGOING
WAR IN SHAN STATE

The report detailed 173 cases of rape and other forms of sexual violence committed by the Burmese army involving 625 women and girls. The report analyses rape as a "weapon of war" utilized systematically by the Burmese army.

Published by Shan Human Rights
Foundation (SHRF) and Shan Women's
Action Network (SWAN) | 2002



Methodology

This report is based primarily on sexual and gender-based violence (SGBV) cases documented by SWAN. Between 2022 and 2025, SWAN documented a total of 172 SGBV cases through SWAN's trained data collectors.

SWAN adopts a survivor-centred and feminist approach to documentation. Most cases come through listening to survivors and while providing support. Because SWAN's data collectors are trusted in the communities, survivors usually approach them directly to share their experiences or seek assistance. Follow-up of seeking more information is conducted only with the survivor's informed consent, while adhering to the "Do No Harm" principles. To avoid re-traumatizing and/or endangering the survivors, the following measures were taken:

- **Survivors were carefully consulted about a safe location for in-person interviews.**
- **Data collectors and/or focal points did rapid assessments of the survivors' medical/psychological condition prior to conducting the interviews.**
- **If survivors were not comfortable reporting details of an incident, then data collectors and/or focal points stopped the interview immediately.**
- **Data collectors made referrals for support services for survivors after conducting comprehensive risk-assessments.**
- **Data collectors carefully consulted with local community-based organizations (CBOs), civil society organizations (CSOs), and non-government organizations (NGOs) to determine the most appropriate support services based upon the aforementioned risk-assessments.**

When documenting the cases, some of the basic information such as the geographical location, profile of the victim/survivor as well as of the perpetrator, date of report, and date of incident were identified. The details of each case included the incident, reporting mechanism, legal compensation and/or action (if any), and services needed and/or accessed.

The “Do No Harm” principles were adhered to in analysing the cases as well, ensuring that the collected cases are kept confidential and secure. The cases were only shared through encrypted channels, and everyone involved in the research including the main author of this report agreed to adhere to SWAN’s safeguarding and protection policies, as well as the policy of confidentiality. Throughout the report, no one’s names are used for their security and privacy.

Other than the cases documented by SWAN and consultation with SWAN staff implementing programs, this report also utilizes publicly accessible secondary sources for a deeper analysis on access to justice in SGBV cases. Secondary sources have been compiled and analysed for a background knowledge on the situation of Shan State, as well as a comparative analysis on access to justice using similar systems.

Finally, while this report most commonly uses the term “perpetrator” to refer to someone who has committed SGBV, it uses the term “survivor” for those who have survived from SGBV, and the term “victim” for those who were killed or deceased after the SGBV.

ANALYSIS OF SEXUAL AND GENDER-BASED VIOLENCE (SGBV) CASES IN SHAN STATE

Overview of SGBV in Burma/Myanmar

SGBV in Burma/Myanmar is marked primarily by two factors, the deeply entrenched patriarchal norms and the impact of militarization.⁵ SGBV comprises a wide range of violations such as sexual violence including rape, sexual harassment, domestic and intimate partner violence, and gender-based killings. These forms of violence are widely used in Burma/Myanmar as part of the “military strategy and structural oppression” and are largely targeted to ethnic minority women, including Rohingya, Kachin, Karen, and Shan women.⁶ Since the military coup of February 2021, Women’s League of Burma (WLB) documented more than 550 cases of SGBV as of November 2025.⁷

Meanwhile, SGBV is also exacerbated by the rigid gender norms that have already been prevalent in the country.⁸ These patriarchal gender norms also allow for a culture of impunity on the perpetrators committing SGBV, obstructing access to justice in many of these cases. Layered with cultural stigma and shame that survivors and their families often have to endure, there is a strong reluctance to report SGBV incidents to relevant authorities.⁹ Further, the limited and constantly deteriorating national system on health, justice, and social welfare means that women and girls often face an obstruction in accessing justice or support to escape SGBV, and CSOs and women’s rights organizations have to fill in a critical gap to provide this support with limited budget and in restricted civic space.

5 Human Rights Myanmar, “Sex-based Violence in Myanmar,” 29 January 2025, <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/cfis/new-frontier/subm-sr-violence-against-cso-94-hr-myanmar.pdf>.

6 Ibid.

7 Women’s League of Burma, “Seeking Justice and Accountability”, 3 November 2025, <https://www.womenofburma.org/reports/seeking-justice-and-accountability>.

8 Human Rights Myanmar, “Sex-based Violence in Myanmar,” 29 January 2025, <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/cfis/new-frontier/subm-sr-violence-against-cso-94-hr-myanmar.pdf>.

9 Cate Buchanan, “Constitution Brief: Preventing Gender-Based Violence in Myanmar,” International Institute for Democracy and Electoral Assistance, March 2022, p. 4.

Analysis of Documented SGBV Cases in Shan State

The following types of SGBV were recorded in documentation: domestic violence, intimate partner violence, rape, attempted rape, child rape, statutory rape, marriage rape, gang rape, sexual harassment, sexual exploitation, abuse by social norm, and murder. This report divides these SGBV cases into five sections:

- (1) **domestic violence and intimate partner violence;**
- (2) **rape and attempted rape;**
- (3) **sexual harassment and exploitation;**
- (4) **abuse by social norm; and**
- (5) **cases involving death.**

It is to be noted that while the cases have been categorized into one primary type of violence only (with the exception being cases involving murder), it is possible that they comprised other types of violence as well.

TABLE LISTING EACH TYPE OF VIOLATION AND NUMBER OF CASES

Violation Type	Number of Cases
Domestic Violence	70
Intimate Partner Violence	19
Rape (Total)	70
Statutory Rape ¹⁰	10
Child Rape	22
Marital Rape ¹¹	1
Gang Rape	3
Attempted Rape	9
Sexual Harassment	10
Sexual Exploitation	1
Abuse by Social Norm	2
Cases Involving Murder	7

¹⁰ https://www.law.cornell.edu/wex/statutory_rape

¹¹ https://en.wikipedia.org/wiki/Marital_rape

A. Domestic violence and Intimate Partner Violence

Domestic violence refers to violence that occurs in a household, where the survivor/victim and the perpetrator are living in the same household. The perpetrator can be a spouse, parent, parent-in-law, sibling, or any other family members. Intimate partner violence, which is one manifestation of domestic violence, is violence perpetrated by an intimate partner or ex-partner.¹² Both of these forms of violence can include both physical and mental violence, including manipulation, exploitation, and threatening behaviour; it also often takes the form of SGBV.

Of the 172 documented cases in Shan State, the highest number of cases (89) comprised domestic violence and intimate partner violence. While rape and sexual violence in marriage are also a form of domestic violence, for the purposes of this documentation, cases involving marital rape were only counted toward cases of rape.

In a majority of cases, perpetrators were husbands and boyfriends, with some cases being perpetrated by parents and parents-in-law, siblings, and sons. Sometimes, the husband inflicted violence on both his wife and children. In all domestic violence including intimate partner violence cases but three, the survivors were women and/or children. Two cases involved wives inflicting violence on their husbands. In another case, the son, an ERO soldier, inflicted violence on his father in southern Shan State.

In most of the cases, the perpetrators were men—husband, boyfriend, or father—except for the two cases where the wives inflicted violence on their husbands, and a few cases where the mother-in-law was complicit in the violence committed by her husband or son against the daughter-in-law. In two cases of intimate partner violence where the perpetrators were husbands, women killed their husbands while acting in self-defence. It is notable that both of these women were arrested by the police, with at least one of them going under trial, while it is seemingly rare for cases of intimate partner violence to be taken up by the police or end in detention of the perpetrator. The woman under trial has received free legal aid.

Only two cases have records of leading to police arrest or prison sentence of the male perpetrators. One man who killed his wife in Eastern Shan State was arrested by the police. Another man who cut his wife's hand with a knife while intoxicated was reported to

12 UN Women, "FAQs: Types of Violence against Women and Girls," 17 November 2025, www.unwomen.org/en/articles/faqs/faqs-types-of-violence-against-women-and-girls.

the village administrator and the ERO, upon which he received a one-month prison sentence by the ERO.

Most of the cases were reported to the village head and resolved there, although action was taken only intermittently and often dismissed as a family matter. The decision made by the village head in intimate violence cases involving husbands as perpetrators was usually one of the three—divorce was allowed for the benefit of the survivor, divorce was not allowed, or divorce was not allowed but with some apprehension on the husbands. In one case where the report was made to a village administrator, the wife who was physically assaulted was not granted a divorce and forced to settle, and even blamed for not preparing the meals for her husband. In at least three cases, the survivors sought legal support in order to seek divorce.

Some of the cases involved intimate partners coercing the other party into sex through false promises of marriage, and afterward not taking responsibility for the relationship, or for pregnancy of the woman. In many of the cases involving intimate partner violence, where women were coerced or deceived into having premarital sex, women and their families have reported feeling shame, which have led to lack of immediate action or reporting in some cases. Instead, most of these cases were reported as women sought support from SWAN or other community-based services.

When women were pregnant, they faced a serious dilemma, as many of them reported fearing that they would be kicked out as per their village's rule prohibiting pregnancy outside marriage. In at least two documented cases, women who became pregnant outside marriage were made to pay compensation to the village, and even hold a traditional apology ceremony in one of the cases. Only three documented cases have had recourse of financial compensation from the perpetrator to the survivor, and some others where the village gave the perpetrator the option of marrying the women or paying compensation.

One notable aspect is the rate of substance abuse in the cases of domestic violence including intimate partner violence, with more than 10 cases involving drug or alcohol abuse, and perpetrators committing violence while under the influence of drugs or alcohol. In some of the cases, the perpetrators even forced the survivors into using drugs with them. The concerns with drug addiction in Shan State have been raised before, including the complicity of officials in its circulation as well as its negative impact on the community and family relationships.¹³

13 United Nations Development Programme (UNDP), "Consolidated Summary Report: Access to Justice and Informal Justice Systems in Kachin, Rakhine and Shan States," 2017, https://emref.org/sites/emref.org/files/publication-docs/undp_mm_access_to_justice_and_informal_justice_systems_research_consolidated_summary_web.pdf, p. 18.

Domestic Violence

EASTERN SHAN STATE, OCTOBER 2023

Neighbours in Ho Nar Village had grown used to the sound of arguments coming from the couple's home. Nang Hseng (not her real name) a woman in her sixties, would sometimes flee the house after a fight, only to return days later. No one imagined it would end the way it did. On the morning of October 11, the couple argued again. By the time their daughter arrived from a nearby village, alerted by worried neighbours, her mother was already dead. Her father had killed her with a knife and carried her body to a stream to dispose of it.

"We have never experienced anything like this in our village before," a resident said.

The suspect was arrested by the village headman and local police, who also recovered the body. For those who knew her, the hardest part was knowing the signs had always been there and that nothing had stopped it from happening.

B. Rape and Attempted Rape

Rape and sexual violence are regarded the most significant form of discriminatory violence against women.¹⁴ Coercion is an essential element of rape, and it extends beyond physical force. Psychological oppression or abuse of power, often imbued with the gender dynamics, can also create a coercive environment in which the survivor's "consent" is fundamentally compelled.¹⁵ This is especially true when it comes to perpetrators who have had pre-existing relationships with the survivors, or perpetrators who are in a position of power, whether that be political, military, or even personal.¹⁶ With this in regard, it also cannot be emphasized enough that rape and sexual violence do not only have physical, sexual, and reproductive impact on the survivor, but also devastating mental health implications.¹⁷

SWAN documented both cases of attempted rape and rape, and sub-categorized rape cases further into statutory rape, child rape, gang rape, and marriage rape. A total of 70 cases of attempted rape and rape were documented during the period covered, making them the second most common form of SGBV after domestic and intimate partner violence.

All survivors of rape and attempted rape above the age of 18 were women (with one 10-year-old boy as a survivor as well), while all perpetrators were men. Of 70 documented cases of rape, at least 22 cases were on children, with the youngest being three years old. Also eight out of 10 statutory rape cases, cases where the survivor legally cannot give consent regardless of whether they were verbally and/or physically willing, involved children under the age of 18, meaning that children were victimized in a total of 30 cases.

While only one case of marital rape was recorded, this is due to the fact that many cases that were primarily categorized as domestic and intimate partner violence have included aspects of sexual violence that were not captured in the categorization, as well as that marital rape itself may be underreported (and even less accounted for) since it is not recognized by law in Burma/Myanmar.

14 Amnesty International, "Rape and Sexual Violence: Human Rights Law and Standards in the International Criminal Court," March 2011, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/06/report-rape-and-sexual-violence-human-rights-law-and-standards-in-the-international-criminal-court/ior530012011en.pdf>, pp. 7, 19.

15 Ibid, p. 19.

16 Ibid, pp. 22-24.

17 World Health Organization, "Violence against Women," 25 March 2024, <https://who.int/news-room/fact-sheets/detail/violence-against-women>.

Perpetrators comprised a wide range of individuals, from family members (including husbands and fathers), acquaintances, neighbours, to soldiers of the military junta. Sometimes the perpetrators were in a position of power or closely connected to the military junta or village elders, in which case the survivor or her family almost certainly could not access justice.

All of these cases involved an element of coercion and compulsion, and oftentimes relational power dynamics—such as boyfriend and girlfriend, guardian and child, or soldier and civilian. Sometimes direct threats were used after the assault to discourage the survivor from seeking support, such as threats to kill her or her family, or to expose what had happened. In one case, the perpetrator recorded a video of the assault and threatened to share it, and offended the survivor repeatedly. The financial dependence may also discourage survivors from reporting the case, as in one example where a girl with mental disability was raped by her sister's husband, but the family did not file any complaint due to their financial dependence on the perpetrator.

Of nine attempted rape cases, only one case saw some form of resolution, which was a financial compensation to the survivor decided according to the village rule. In another case of attempted rape and murder, the Chinese police arrested and interrogated a suspect due to the incident taking place in the border area between Shan State and China.

“Formal” legal process and prosecution of perpetrator, albeit still limited, took place more frequently with rape cases than with any other type of SGBV. In at least 16 cases, there was indication that the case was being processed according to law, that an investigation was ongoing, or that the perpetrator was arrested and formally punished. All of them except two were cases of child rape, gang rape, or rape that ended in murder of the victim.

In at least five cases the perpetrator was arrested and detained by EROs or military junta. In three of these cases the perpetrators were soldiers, although in one case in southern Shan State the perpetrator was an ERO soldier being prosecuted according to ERO law. In another case, a soldier was sent to military prison for rape. Notably, however, the ERO also warned the village of consequences should the news be shared outside. Finally, in one case where a civilian was prosecuted by ERO for raping his own daughter, the punishment he received was to serve as a soldier for lifetime.

In rape cases, the most common form of judgment was a village ruling on financial compensation to the survivor. In one case where an ERO soldier raped and killed a woman in southern Shan State, a financial compensation of 200,000 kyat (USD 100) was paid for the funeral costs of the deceased. In a few cases, the punishment on the perpetrator was meant to be a contribution

to the village rather than to the survivor. In one case in northern Shan State, the village administrator imposed a fine of 400,000 kyat (USD 200) in a rape case that was perpetrated by an ERO soldier, not for the survivor herself but as a source of income for the village. In another case in southern Shan State, the village imposed community service on the perpetrator, involving him in village road construction.

Sometimes the village head apprehended the perpetrator and made him promise never to do it again, although it is not indicated in any of the cases whether any other form of protection measure was taken to ensure that the survivor was not exposed to additional harm. In most of the cases, where the perpetrator was not arrested or detained, there was very little effort made to keep perpetrators away from survivors for their safety. Only in one rape case where the survivor was a woman with intellectual disability, the village head advised her to be cautious and not travel anywhere alone. The perpetrator was not detained or arrested but was instead ordered to perform community service with a warning. It should also be noted that the perpetrator was her neighbour and employer and thus, the fundamental power dynamics layered by their proximity in distance and their relationship were not addressed in resolving this case.

In some cases the resolution was to marry off the survivor to the perpetrator. In one case, for example, the village elders decided that the perpetrator should marry the survivor that he raped for her "dignity." The perpetrator did not agree to marry the survivor, and upon the wish of the survivor's parents, he paid financial compensation instead. It can be noted that the survivor's opinion was not taken into consideration in settling this case.

In a few cases the survivor was exposed to secondary harm from her family or community. In at least three cases, the survivors were ordered to pay financial compensation to their village for "false accusation," "insufficient evidence," or "reputational damage to the village." In one of these cases, the survivor was reportedly distressed by this outcome and had to access medical treatment for the physical and mental damage of the assault.

The secondary harm also manifested in social exclusion and domestic abuse. In one case, a woman with mental disability was raped repeatedly by multiple unidentified offenders and became pregnant a few times. The village administrator expelled the survivor and her family from the village for violation of village customary law for her pregnancy outside marriage, but there is no record of whether there was any investigation into the sexual violence or whether any of the perpetrators was identified. In another case, a woman who was raped by her sister's husband was discredited and beaten by her sister after she reported the case to ERO.

Rape by the military junta's soldiers

NORTHERN SHAN STATE, JULY 2023

It was around 10 PM when two soldiers of the military junta entered Suan Lone village. They went from house to house. In the first, they dragged the husband outside and raped his wife, a pregnant woman. In the second, they forced a sleeping couple to open the door at gunpoint, then raped the wife, a mother of two in her thirties, beating her when she tried to resist.

Before leaving, the soldiers warned both women they would be killed if they spoke out. As one local women's rights activist put it, "the ongoing conflict has left women too frightened to go anywhere, speak, or say anything".

C. Sexual Harassment and Sexual Exploitation

Sexual harassment includes any unwelcome sexually determined behaviour and communication, and it can impose psychological impact as well as health and safety issues on the survivor.¹⁸

During the period covered, 11 cases of sexual harassment and exploitation were recorded across five different townships. It has to be noted that other forms of violations, such as domestic violence including intimate partner violence and rape, were often preceded by or layered with sexual harassment and exploitation, and the actual case number may be much higher.

Most of the sexual harassment cases involved physical harassment, such as grabbing of private parts or forcefully kissing the survivor. Perpetrators varied, including family, neighbours, strangers, and soldiers of military junta and EROs. All of the survivors of sexual harassment were women. In one case of sexual harassment, however, the husband of the survivor was killed by the perpetrator, an ERO soldier, when he raised objection to his behaviour.

In most of these cases, there were no consequences on the perpetrators. In a few cases, survivors reported to ERO, village elders, or the police, with no action in most of them. In one case that took place in northern Shan State, an ERO held the perpetrator of sexual harassment, but no further action was specified. In another case that took place in Hsipaw Township, when the survivor reported the case of sexual harassment from a random man outside the window, the village head could not take any action due to the lack of evidence and the perpetrator's denial. Instead, the village head dismissed the case saying that the survivor was not raped, and treated her with contempt and disrespect.

Three cases of sexual harassment involved the soldiers of the military junta. In two of them, soldiers assaulted women by grabbing their chests at the checkpoint. In another, a woman was harassed by the soldiers of the military junta during an inquiry and search. It is notable that no action was taken by the police or the village in any of these cases, and in one case it was noted that this was specifically due to the perpetrator being a soldier.

18 Committee on the Elimination of Discrimination against Women (CEDAW), "General Recommendation No. 19: Violence against Women," 1992, art. 11.

Sexual Harassment and Violence at a Military Checkpoint

SOUTHERN SHAN STATE, JANUARY 2023

Nang Kham (not her real name) and her friend were travelling by motorcycle when they reached a military checkpoint on a main road in southern Shan State. With no alternative route, they had no choice but to continue.

Soldiers ordered them to dismount. As they pushed their motorcycle through, a soldier grabbed Ma Hlaing's friend, a woman in her early twenties, in front of bystanders. When she cried out, the soldier kicked her with his boot. She fell to the ground, sustaining injuries to her knees, elbows, and face. No one intervened.

The physical injuries were compounded by shame. The young woman stopped leaving her home afterwards. When they reported the incident to the local police, officers said nothing could be done and turned them away.

The case reflects a wider pattern of military personnel using sexual violence at checkpoints as a deliberate tactic to intimidate and harm women, with total impunity.

D. Abuse by Social Norm and Victim Blaming

Two cases were recorded as abuse by social norm in this report, but it is to be acknowledged that many cases of SGBV documented in this report include some form of abuse by social norm and victim blaming. In both of the cases specifically categorized as abuse by social norm, the abuse came from the village heads who antagonized and ostracized the women who got pregnant without being married.

This pattern is not isolated to these two cases only, but applies to many cases of domestic and intimate partner violence, as well as rape, where the survivor is blamed instead for their “indecent” and “violation” of village customs and gender norms. In some cases, survivors were the ones ousted by the village according to the village customary law where the perpetrators were not held accountable.

Because many cases are resolved through village customary law and process, this means that the survivors often face community scrutiny shaped by deep-seated patriarchal norms. This often leads to the survivors feeling shame and fear of the community finding out what happened, which does not only have a mental impact on the survivors directly but may also contribute to their hesitation in using any formal reporting line.¹⁹

19 Such mental impact of SGBV on the survivor has been an important factor covered in the previous SWAN report as well. See SWAN, “Licence to Rape: The Burmese Military Regime’s Use of Sexual Violence in the Ongoing War in Shan State,” 2002, pp. 22-23.

Social Norm and Victim Blaming

NORTHERN SHAN STATE, APRIL 2022

A young woman became pregnant by her boyfriend, a soldier from one of the ethnic armed forces, before they were married. Unwilling to take responsibility, he used his transfer to another duty station as an opportunity to cut off all contact, leaving her unable to arrange the marriage. As her pregnancy became visible, the village head declared that she had violated village customs and brought shame on the community. He threatened that unless someone took responsibility for the child, she would be banished from the village.

The case was eventually settled after she paid compensation, and she was allowed to remain in the village. But the matter had already become public, and the humiliation made it impossible for her to continue living there. She left to start a new life elsewhere.

E. SGBV Cases Involving Murder, Death, or Self Harm

SGBV including violence against women can lead to fatal outcomes such as killing or suicide of the victim.²⁰ According to SWAN's documentation, a total of seven cases—three domestic violence cases, two rape cases including one of a child, one case of attempted rape, and one sexual harassment case—ended in homicide. In most of the cases, the victim of SGBV was the one who was killed, except in the case of sexual harassment where the husband of sexual harassment survivor was killed by the perpetrator when he protested. In two other cases of intimate partner violence, the perpetrator died while the survivor was acting in self-defence.

As previously discussed, the mental impact of SGBV is significant, which may lead to suicide attempt and completion of it.²¹ In four cases of domestic violence, the victim committed suicide. In at least three rape cases, including one case of child rape and another case of a woman with intellectual disability, the victim inflicted self-harm and attempted to commit suicide. In these cases, except in the case of child rape, access to justice is not evident.

20 World Health Organization (WHO), "Violence against Women," 25 March 2024, <https://who.int/news-room/fact-sheets/detail/violence-against-women>.

21 Correlation between women's suicide attempts and violence against women was previously studied. See generally Karen Devries et al., "Violence against Women Is Strongly Associated with Suicide Attempts: Evidence from the WHO Multi-country Study on Women's Health and Domestic Violence against Women," *Social Science & Medicine*, vol. 73, no. 1, pp. 79-86, July 2011.

Vulnerable Groups

This report has also documented and analysed many cases where SGBV was inflicted on people, mostly women and girls, that are more vulnerable due to age or disability. It has been noted that children and people with disabilities face a disproportionately high risk of SGBV due to an intersection of physical, social, and systemic vulnerabilities.

A. Children

Violence against and abuse of children are handled strictly by both international laws such as the Convention on the Rights of the Child and domestic laws. This is in recognition of their limited agency and awareness, especially when it comes to SGBV. Especially a limited perception of what constitutes sexual abuse can increase the vulnerability to victimization.²² Experience of SGBV can expose children to childhood trauma, health issues, early pregnancy, and social harm.²³ Further, the breach of trust at an early age, especially if the perpetrator was someone that they knew and depended on, can socially isolate them early in life, exposing them to more social harm.²⁴

Children under the age of 18 were victimized in at least 40 cases of SGBV out of 172, in addition to cases of domestic violence in which children were abused along with their mothers. In seven cases of intimate partner violence where children were the primary survivors, the perpetrators were always their boyfriend or husband. The most common type of abuse here was deceit for sexual purposes, exploitation, and social stigma.

As already discussed above, at least 30 children were subjected to rape or attempted rape. The perpetrators were most commonly people that the survivors already knew, and oftentimes were close to, such as their boyfriends, family members, family friends, and neighbours. In a couple occasions, the children were also financially dependent on the perpetrators, or receiving payment from them in return for their labour.

22 United Nations Children's Fund (UNICEF), "Violence against Children," <https://www.unicef.org/protection/violence-against-children>.

23 Ibid.

24 Ibid.

B. People with Mental, Intellectual, and Physical Disabilities

Women and girls with disabilities face a distinct intersection between disability-based discrimination and SGBV.²⁵ The risk is also higher as they are more likely to be excluded from safe space.²⁶ Especially girls with disabilities can experience up to 10 times more violence than their peers without disability, especially from their own family and community.²⁷ Research indicates that this is due to a “structural vulnerability rooted in ableism,” intersection of social positions, economic and social exclusion, and power imbalance.²⁸

In at least 12 out of 172 cases, the survivor was a person with disability. The most common form of disability was mental or intellectual disability, and in a couple cases the survivors had physical disabilities such as cerebral palsy and speech impairment. It is notable that in a few of these cases, deception was used against the survivors with mental or intellectual disability.

One challenge that women and girls with mental or intellectual disability have faced is that their words are more likely to be discredited by the community, and sometimes they are not able to identify the perpetrator. In one case, for example, a woman with intellectual disability and speech impairment was raped by her uncle. Her aunt, however, discredited her testimony due to her disability and defended her husband, even verbally abusing the survivor. In this case, the survivor received no support or justice, as her words were not trusted and there was no physical evidence.

In another case, a survivor of rape was not able to identify the perpetrator due to her mental disability. Instead, she would point at whomever was in front of her. As she was pregnant as a result of rape, the parents and the village head decided to wait until the baby is born to match the baby’s face and identify the father.

In addition, there were also cases where the victim possibly developed mental health issues due to experiencing SGBV, primarily domestic violence and child rape. In these cases the survivors manifested different symptoms such as outbursts, detachment, and avoidance of people.

25 World Bank Group, “Brief on Violence against Women and Girls with Disabilities,” December 2019, <https://documents1.worldbank.org/curated/en/864511600841231218/pdf/Brief-on-Violence-Against-Women-and-Girls-with-Disabilities.pdf>, p. 3.

26 Ibid.

27 Ibid.

28 Kyara J. Liu, “Gender-Based Violence among People with Disabilities: Qualitative Insights on Sexual and Reproductive Health Impacts Across the Life Course,” *Journal of Interpersonal Violence*, pp. 1-28, 2025, p. 2.

Perpetrators

PERPETRATOR TYPE (%)

SGBV was perpetrated most often by people that the survivors already knew, and likely close to. Spouses and intimate partners were the most common perpetrators of SGBV, with almost half of all documented cases having been inflicted by them. Non-spousal family members also perpetrated SGBV in at least 10% of the cases, most predominantly domestic violence and rape.

Soldiers, from both EROs and the military junta, were also common perpetrators identified in almost 15% of the cases. While a small number of these incidents involved intimate partner violence where the soldier was also a husband or a boy partner, the majority were cases of rape and sexual harassment occurring during civilian inspections and investigations. Soldiers were usually prosecuted under the military junta or ERO governance, but survivors were frequently excluded from the process, often receiving no information regarding the outcome or further actions taken.

Finally, while religious and village authorities represent a small percentage of documented cases, they constitute a category of perpetrators that appears effectively immune to the justice system. Cases involving them were frequently dismissed due to their social status or connection to those in power, reinforcing a culture of impunity.

49.1%

SPOUSE AND
INTIMATE PARTNER

14.9%

SOLDIER OF ERO
OR MILITARY JUNTA

10.3%

FAMILY (NON-SPOUSE)

7.4%

FRIEND, NEIGHBOUR,
OR ACQUAINTANCE

4%

MONK AND WARD/VILLAGE
HEAD, OTHER LOCAL
AUTHORITIES

14.3%

OTHERS OR UNKNOWN

Impact of Ongoing Conflict on SGBV

SGBV escalates during emergencies, including conflict, as the society's ability to protect women and girls deteriorates.²⁹ With more men being conscripted by EROs or the military junta, women take a bigger economic burden, while the social and justice system does not operate as usual to respond to the violence and abuse that they may be exposed to.

There is substantial literature on the gravity and severity of conflict-related sexual violence (CRSV) in Burma/Myanmar, including SWAN's report "Licence to Rape" specifically focusing on the CRSV committed by the Burmese military as well as the physical, mental, and social impact it has had on the survivors.³⁰ CRSV and SGBV are perpetrated by both the soldiers of military junta and the EROs, and have been committed for various reasons such as instilling fear, punishing civilians, or fulfilling individual desires.³¹

The documented cases show a non-negligible rate of involvement of the soldiers of military junta in SGBV perpetration, and in some cases they committed these violations in their station and while conducting the search of civilians.

Furthermore, some of the cases also reflect other ways in which the conflict has impacted SGBV cases and access to justice. In one case, for example, the survival of child rape was not able to report the case as the village elders have fled due to the conflict. This shows a vacuum of justice system caused by the conflict, inhibiting the access itself.

In other cases, the conflict either directly or indirectly increased the vulnerability of women and girls to SGBV, such as a woman who was displaced by the conflict who was subjected to attempted rape by a soldier of military junta. In another tragic event, an ERO held a grandmother hostage after the grandsons escaped forced recruitment. The grandfather, enraged by this, beat his daughter, which led to her suicide. These incidents show the impact that the conflict and the heightened militarization and tension in the region have had on the SGBV survivors.

29 UNICEF, "Gender-Based Violence," <https://www.unicef.org/protection/gender-based-violence-in-emergencies>.

30 SWAN, "Licence to Rape: The Burmese Military Regime's Use of Sexual Violence in the Ongoing War in Shan State," 2002, p. 1.

31 Legal Action Worldwide, "'They Thought We'd Stay Silent': Survivors of Brutal Sexual Violence Fight Impunity in Post-Coup Myanmar," December 2025, pp. 16, 23.

Access to Justice

International Obligations and Justice System in Burma/Myanmar and in Shan State

A. International Obligations

Burma/Myanmar as a country is obligated to abide by the international laws that it has signed and ratified. Some of the major relevant international treaties that Burma/Myanmar has ratified include the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (ratified on 22 July 1997), the 1989 Convention on the Rights of the Child (CRC) (ratified on 15 July 1991), and the 2006 Convention on the Rights of Persons with Disabilities (CRPD) (ratified on 7 December 2011).

According to CEDAW, all States parties shall take measures to eliminate discrimination against women and girls, which includes GBV.³² States parties have the obligation to prevent, investigate, and address all acts of discrimination against women and girls, by both State actors and non-State actors.³³

Both CRC and CRPD prohibit exploitation, violence, including SGBV, and impose State obligation to take “legislative, administrative, social, educational and other measures” to protect children and people with disabilities from these human rights violations.³⁴ In addition, States have an obligation to take appropriate measures for the recovery and rehabilitation of those who have been victimized by such violations.³⁵

32 “Convention on the Elimination of All Forms of Discrimination against Women,” CEDAW, “General Recommendation No. 19 on Violence against Women; CEDAW, “General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19, CEDAW, “General Recommendation No. 33 on Access to Justice

33 CEDAW, “General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19,” CEDAW/C/GC/35, 26 July 2017, paras. 22-26.

34 United Nations, “Convention on the Rights of the Child,” *United Nations Treaty Series*, vol. 1577, November 1989, arts. 19, 34; United Nations, “Convention on the Rights of Persons with Disabilities,” *United Nations Treaty Series*, vol. 2515, December 2006, art. 16.

35 Ibid.

While the classification of the non-international armed conflict in Burma/Myanmar may be more nuanced and complicated, both the military junta and EROs are evidently bound by Common Article 3 (on conflicts not of an international character) of the Geneva Conventions to which Burma/Myanmar is a State party, as well as the customary law of armed conflict, which strictly prohibits them from exerting any violence on civilians.³⁶

B. The Criminal Justice System

Burma/Myanmar's criminal justice system is based on statutory laws inherited from the British colonial period. Punishment and prevention of crimes are governed by two principal statutes in Burma/Myanmar, which are the Penal Code and the Code of Criminal Procedure. The Penal Code of 1861, which was influenced by India's Penal Code during the British colonial rule, has a few provisions outlawing sexual violence.³⁷

Causing "hurt" such as "bodily pain, disease or infirmity" as well as using "criminal force and assault" are penalized under the Penal Code.³⁸ Rape is treated as a separate crime under the Penal Code, when a sexual intercourse is forced on a woman without her consent, and it is punishable by up to 10 years in prison.³⁹ The act constitutes rape regardless of whether the person consents, when she is under the age of fourteen. The law, however, does not acknowledge marital rape unless the wife is under the age of thirteen.

Some other sections under the Penal Code regarding SGBV are as follows. If a person causes harm or death of the other while acting in self-defence to an assault, including rape, the person is protected by law.⁴⁰ Further, sexual intercourse by deceit of marriage is also punishable by up to 10 years in prison.⁴¹

Even before 2021, people had already avoided the "formal" legal system and instead preferred local dispute resolution

36 Geneva Conventions I-IV, 1949, common art. 3; Su Myat Thwe & Rosa-Lena Lauterbach, "Anything Other than a Classic NIAC: Examining Myanmar's Legal Battlefield," *Articles of War*, 9 December 2025, <https://lieber.westpoint.edu/anything-other-than-classic-niac-examining-myanmars-legal-battlefield/>.

37 U Tu Jar, "The Criminal Justice System in Myanmar," *Keio Law Journal*, no. 27, October 2013, pp. 55-62, p. 58.

38 Penal Code of Myanmar, 1861 (last amended in 2021), <https://myanmar-law-library.org/topics/myanmar-labour-health-and-safety-law/penal-code-1861.html>, secs. 319, 325, 349-350, 353-358.

39 Ibid, secs. 375-376.

40 Ibid, sec. 100.

41 Ibid, sec. 493.

mechanisms as a form of justice system.⁴² The judicial and criminal justice system have become further detached from people's everyday lives since the military coup in 2021, as the focus of the criminal justice system has shifted to serving an "explicitly militarized set of institutions."⁴³ The previous judicial reforms and system were abandoned with the establishment of the military junta, establishment of military tribunals, and amendment of laws by the military junta, likely imposing an even bigger emphasis on the community-based justice system.⁴⁴

C. Community-based Justice System

In Burma/Myanmar, local actors, especially the ward and village administrators, as well as household heads and community elders, are the most prominent actors in access to justice.⁴⁵ People often rely on community leaders and village officials to navigate the justice system, they do not necessarily rely on these same actors for access to information on the justice system.⁴⁶ Local actors play a bigger role in resolving and mediating disputes and rather than providing information.

In Shan State, pre-2021 while "formal" judicial recourse is not adequately accessed, community mechanisms for justice revolve heavily on mediation, compensation, and rehabilitation, largely led by village heads and elders.⁴⁷

42 Helene Maria Kyed, *Everyday Justice in Myanmar: Informal Resolutions and State Evasion in a Time of Contested Transition*, NIAS Press, 2020, p. 2

43 Lynn Thar Yar & Andrew M. Jefferson, "Enduring Commitment: A Study of Lawyering under Authoritarian Conditions in Post-coup Myanmar," *Justice, Power and Resistance*, vo. 9, no. 1, pp. 45-60, July 2025, p. 46.

44 Ibid.

45 MyJustice, "Searching for Justice in the Law: Understanding Access to Justice in Myanmar - Findings from the Myanmar Justice Survey 2017," British Council, 2018, p. 6.

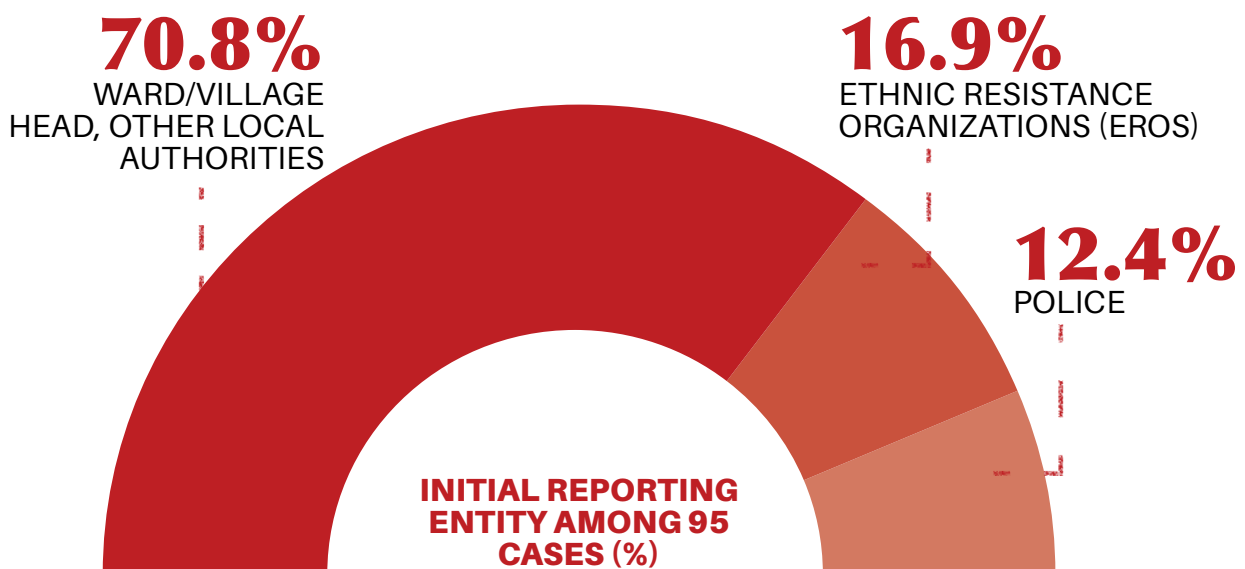
46 Ibid, p. 36.

47 Pyidaungsu Institute, "Local Governance Structures in Myanmar's Ethnic States" (Working Document), November 2015, p. 70.

Access to Justice and Justice Responses in SGBV cases

Among the 172 documented cases, only around half of them have a recorded resolution or action, either due to the lack of one or the difficulty with following up on each case. To assess the operation of the justice system in these cases, this report uses the following framework: (1) How people access justice (reporting mechanism); (2) What is people's perception of the system; and (3) How the system actually operates (whether and where the matter actually gets resolved).⁴⁸

An analysis of cases shows that among those where there was a record of reporting, a large majority (at least 70%) was made to the ward/village head, village administrator, or other local authorities. In about 17% and 12% of cases with a reporting, the report was made to the ERO and the police respectively. Also, in some of the cases the report was made to more than one entity, where it was made to the ward/village/local authorities and the ERO or the police consecutively.



⁴⁸ This framework has been adapted from research by the United Nations Development Programme (UNDP) on access to justice in Myanmar, including Shan State. UNDP, "Consolidated Summary Report: Access to Justice and Informal Justice Systems in Kachin, Rakhine and Shan States," 2017, p. 2.

As for the perception of people on access to justice, the cases have shown that people were often discouraged from making the report for various reasons related to public shame and security concerns, both of which are closely intertwined with the patriarchal gender norms.

The lack of reporting and follow-up action was primarily due to survivors' fear that their families or communities would discover the abuse, feelings of shame, the dismissal of the perpetrator's violence by family members as a rightful of "punishment or discipline," and concerns for "further complications". In many cases, survivors also requested confidentiality because of security concerns, particularly when they continued to live in the same household or community as the perpetrator.

People's confidence in and understanding of the system are an important factor in access to justice. Previous research has shown that regarding the justice system in Shan State, while people showed the strongest trust in the community leaders and members as actors of the justice system, women showed a lower level of trust in the overall system.⁴⁹ Further, when it comes to legal literacy regarding SGBV, almost half of the people surveyed believed that a woman can report a case to the police only when she experienced physical violence.⁵⁰ Only around 38% of the respondents answered that women could also report to the police in case of receiving threats but not direct physical violence.⁵¹

The operation of the system can be assessed based on whether and where an action was taken after the initial reporting, and what kind of action it was. Where no action was taken or justice was achieved after the initial reporting, the rationale and the pattern were quite consistent regardless of where the reporting was made. When an action was taken, however, the nature of the action and consequences varied depending on where the reporting was made.

49 UNDP, "UNDP Access to Justice and Informal Justice Systems Research Shan State: One Acre of Land Is Better than Nothing," 2017, p. 23.

50 Ibid, pp. 27-28.

51 Ibid.

A. Community-based Settlement and Mediation

In more than 60 cases, it has been recorded that a report was made to the village head, ward head, village administrator, or other local authorities. Usually village intervention came first even if the report was also made to the ERO or the police, but if the case could not be resolved with mediation or settlement, it was referred to or conjoined by the ERO or the police.

At the village level, a decision was made according to the village rules. Village rules or customary laws should be understood as a set of rules and procedures that prescribe and punish the violation of customs, or any actions that disturb the “balance and peace of a traditional community.”⁵²

When a village ruling was made, the actions were usually focused on compensation and dispute settlement, such as ordering the perpetrator to pay financial compensation to the survivor or the community, making them sign an agreement to never do it again, ordering divorce or marriage between perpetrator and survivor, and monitoring the perpetrator and survivor relationship afterward. While these rulings adhere to the purpose of village rules to maintain the “balance and peace” of the community, they do not provide a recourse beyond financial compensation for the survivors where a settlement with the perpetrator is not possible.

This is clear when reviewing cases where an action was evidently not taken. Out of the 60 plus cases where the reporting was made at the local level, in almost a quarter of them the relevant authorities did not take an action. The reasons largely fell into three categories: (1) mostly in domestic violence cases, because the village head and elders believed the case was a family matter; (2) because the village head and elders could not find any physical evidence, and they did not find the survivor’s words to be credible; and (3) because the perpetrator was in a position of power, or related to someone powerful.

52 Aria Zurnetti & Nani Muliati, “Customary Criminal Law Policy on Domestic Violence Settlement through Restorative Justice,” *Cogent Social Sciences*, vol. 8, no. 1, pp. 1-12, 2022, p. 5.

B. EROs and 'Formal' Justice Actors

SGBV cases were sometimes addressed by Ethnic Revolutionary Organizations (EROs) or the military junta, either through direct reporting or following escalation from the village level. These authorities settled the cases in accordance with their respective governance structures and regulations. Their approaches differed from village-level mechanisms, as they generally placed greater emphasis on punishment of the perpetrator.

The jurisdiction extends to both soldiers of the armed groups and civilians, although documentation shows that there is a higher chance of cover-up or impunity if their own soldiers have been involved. In a few cases, with a couple of which where a compensation has been made, the armed groups threatened the family or village of the victim/survivor to not share the news outside. Even when the arrest and detention of the perpetrator had been made, the survivors were less likely to be informed about the procedure or the outcome of the process.

The police played a limited role in providing access to justice for survivors. In many cases, no action was taken even if the incident was reported directly to them. The police was more likely to take action and investigate in more grave cases such as child rape or SGBV involving murder. One case documents the involvement of the Chinese police as well, in a case of attempted rape and murder in the border area, where the Chinese police investigated the perpetrator in coordination with ERO and youth groups due to the gravity of the case.

Finally, the formal court system was rarely accessed, only being utilized for divorce in domestic violence cases and cases of self-defence. In these cases, women were able to access legal aid that supported them with the divorce or the trial process.

Access to Other Services and Involvement of Civil Society

As SWAN operates in a network of CSOs and CBOs, it also joins efforts with other organizations and youth groups for providing support to the survivors. In many of the cases, the survivors or their families reported the case first to the healthcare workers, or lawyers' groups, and sought their advice. In others, they were referred to SWAN or other CBOs for support, a large majority of which was for basic needs such as food and childcare, healthcare, transportation, counselling, and birth support. The healthcare workers also have done regular check-ups and provision of contraceptives, including for SGBV survivors with mental and physical disability and/or restricted mobility.

CSOs, CBOs, and youth groups work with each other organically, and they play a supporting role in the survivors' access to justice as well. In a few documented cases, the CSOs, CBOs, and youth groups have worked alongside the police and local authorities during investigation and for liaison with the survivors. Especially where further support is needed for action and settlement of grievances, they help connect the survivors with local authorities, for mediation with the village heads, community members, and perpetrators, as well as access to ERO governance.



Consolidated Findings and Analysis

The findings reveal a persistent pattern of sexual and gender-based violence (SGBV) in Burma/Myanmar, particularly in Shan State, driven by the intersecting impacts of armed conflict, militarization, and patriarchy. Domestic violence, intimate partner violence, and rape were the most frequently documented forms of SGBV, reflecting how the culture of violence takes place in both private and public spheres.

The documented cases show that survivors' access to justice is shaped not only by the availability of justice mechanisms but also by gender norms, public shaming, and power dynamics. These factors influence how a case is perceived by communities, how it is reported, and how it is processed within the justice system, regardless of which system is used.

Among the documented cases, community-based justice mechanisms were the most frequently used. While these mechanisms were often more accessible and trusted than “formal” institutions, they generally prioritized mediation, social harmony, or financial compensation over survivor-centred justice and accountability. This was particularly evident in intimate partner violence cases, where decisions frequently reflected prevailing gender norms and favoured reconciliation or the interests of the perpetrator rather than the rights and safety of the survivor.

Formal justice mechanisms, including police investigations and court proceedings, were more commonly pursued in severe cases such as child rape or gang rape. However, survivors continued to encounter significant obstacles, including delayed or inadequate responses, fear of stigma, and concerns about retaliation. Justice mechanisms administered by EROs faced similar challenges, with unequal power dynamics between armed actors and civilians, and the broader effects of ongoing conflict undermining survivors' confidence and access to justice.

In conclusion, the findings demonstrate that no single justice mechanism consistently provides survivors with safe, accessible, and effective remedies. Strengthening access to justice requires more than institutional reforms; it demands addressing the underlying social norms and gender inequalities that perpetuate violence and impunity. This includes promoting gender-sensitive and survivor-centred approaches across all justice systems, improving the capacity of authorities to respond to SGBV, strengthening accountability mechanisms, and advancing women's leadership and meaningful participation in justice and peacebuilding processes.

Recommendations

Therefore, SWAN makes the recommendations as follows:

To EROs

- Adopt and enforce clear policies prohibiting sexual and gender-based violence (SGBV), including conflict-related sexual violence (CRSV), sexual exploitation, abuse, and harassment committed by members of EROs, and ensure perpetrators are held accountable.
- Ensure that civilians particularly women and girls are protected from violence, including SGBV, and impose a strict gender sensitivity training on their soldiers and local administrators.
- Clearly define the jurisdiction and responsibilities of ERO governance and justice mechanisms in handling SGBV cases, particularly those not involving ERO personnel, and ensure transparent procedures while respecting survivors/victims' confidentiality and safety.
- Increase women's meaningful participation in ERO's governance, justice system and decision-making bodies, and strengthen cooperation with women's organizations in policy development, prevention, and survivor support.
- Collaborate to de-escalate and end conflict, which has been contributing to the exacerbation of SGBV and increased vulnerability of women and girls.

To Local Authorities

- Establish and implement transparent, survivor-centred reporting and justice procedures that ensure serious SGBV offences, including rape and child sexual abuse, are formally investigated and prosecuted rather than resolved through informal mediation, customary settlements, or financial compensation.
- Strengthen the capacity of local administrators, justice actors, and service providers through regular training on gender equality, survivor-centred approaches, trauma-informed responses, and prevention of SGBV.
- Increase women's meaningful participation and leadership in local governance, justice and decision-making structures through gender-responsive policies and institutional reforms.
- Strengthen cooperation with women's organizations and community-based organizations to improve prevention, referral pathways, survivor support services, and access to justice.
- Address discriminatory social norms, victim-blaming, and gender bias in administrative and justice practices, ensuring survivors' rights, dignity, confidentiality, and safety are fully respected.

To Donors

- Allocate and provide more funds for community-based and survivor-centered services, including safe shelters, healthcare, psychosocial support, legal aid, and case management.
- Provide sustained technical assistance and institutional capacity strengthening for local governance and justice actors, including monitoring and documentation, survivor referral systems, case management, and coordination mechanisms.
- Support long-term efforts to strengthen gender-responsive governance and accountability mechanisms within community-based justice systems and local institutions.
- Invest in women's economic empowerment, livelihood, social protection programme for women and survivors of SGBV to reduce vulnerability, strengthen resilience, and enhance survivors' ability to seek justice and recovery

To the International Community

- Reject any political process that lacks legitimacy, inclusivity, accountability, and respect for human rights, and ensure that all international engagement with Burma/Myanmar prioritizes civilian protection and meaningful participation of women and ethnic communities.
- Increase coordinated political and diplomatic pressure on the Burma/ Myanmar military junta to end attacks against civilians, cease all forms of sexual and gender-based violence (SGBV), arbitrary detention, forced recruitment, and other serious violations of international human rights and humanitarian law.
- Support international accountability mechanisms, including the UN Independent Investigative Mechanism for Myanmar (IIMM) and universal jurisdiction cases against perpetrators of atrocity crimes; efforts to refer the situation to the International Criminal Court (ICC).
- Implement coordinated international efforts to implement targeted sanctions against the military junta and military-owned businesses, and entities supporting military operations, while enforcing effective arms embargoes.
- Increase direct support to local civil society organizations, particularly women-led and ethnic women's organizations, through flexible and long-term funding.
- Support inclusive peacebuilding and political dialogue that ensures the full, equal, and meaningful participation of women, ethnic nationalities, and survivors of conflict, in line with the Women, Peace and Security (WPS) Agenda.
- Increased support for the implementation of the Women, Peace and Security (WPS) Agenda, particularly UN Security Council Resolution 1325 and subsequent resolutions.



The Shan Women's Action Network (SWAN) was established on 28 March 1999 by an informal network of Shan women active along the Thai-Burma border responding to the needs of displaced Shan people with the aim of working together for social and political change in Burma. SWAN is one of the founding members of the Women's League of Burma (WLB), an umbrella organization comprising 13 women's organizations representing diverse ethnic, political, and historical backgrounds.

SWAN is committed to strengthening gender equality and justice for all women of Burma in their struggle for social and political rights through community-based actions, research and advocacy among Shan communities and through networking with local, national and international women.

KENNERI@SHANWOMEN.ORG
WWW.SHANWOMEN.ORG

/   **@shanwomen**

