



Searching for justice in the law: Understanding access to justice in Myanmar

Findings from the Myanmar Justice Survey 2017

Funded by:



European Union

Implemented by:



.....

**Searching for
justice in the law:
Understanding access
to justice in Myanmar**

.....

Findings from the Myanmar Justice Survey 2017

Searching for justice in the law: Understanding access to justice in Myanmar

Findings from the Myanmar Justice Survey 2017

ISBN [online version] 978-0-86355-917-4

ISBN [print version] 978-0-86355-918-1

Suggested citation:

MyJustice (2018), Searching for justice in the law: Understanding access to justice in Myanmar.

British Council, London.

Readers are encouraged to reproduce material from MyJustice reports for their own publications, as long as they are not being sold commercially. As copyright holder, British Council requests due acknowledgement and a copy of the publication. For online use, we ask readers to link to the original resource on the MyJustice website.

© British Council 2018

Disclaimer:

The contents of this publication can in no way be taken to reflect the views of the European Union.

Contents



	Acknowledgements	2
	Abbreviations	2
	Figures and boxes	3
EXECUTIVE SUMMARY	About the Myanmar Justice Survey	4
	Central findings	5
	Conclusions and recommendations	9
INTRODUCTION	Objectives of the Myanmar Justice Survey 2017	11
	Definitions	11
	Methods	12
	Limitations	13
	Who was surveyed?	16
PERCEPTIONS OF JUSTICE AND THE LAW	What is justice?	19
	Justice and human rights	21
	Justice and the rule of law	24
LEGAL AWARENESS	What do people know of the law?	29
	Where do people obtain information?	35
WHO PROVIDES JUSTICE?	The role of different actors in justice issues	40
	Interaction between local and formal systems	42
	Coordination among local actors	43
	Perceptions of actors working on justice issues	43
	Formal actors	46
	A strong preference for local actors	48
	Lack of suitable forums	50
DISPUTES AND PATHWAYS TO RESOLUTION	How frequent are disputes?	54
	What types of disputes do people face?	56
	Disputes by household characteristics	58
	Experiencing multiple disputes	62
	Community level disputes – and under-reporting	62
	Pathways to dispute resolution	66
	Individual rights versus communal interests	66
	Taking no action	69
	When action is taken	72
VULNERABILITY, GENDER AND THE LAW	Identifying the disempowered	77
	Do vulnerable women deal with their justice issues differently?	80
CONCLUSIONS AND RECOMMENDATIONS	Conclusions	83
	Recommendations	85
RESEARCH METHODOLOGY	Overview	88
	Research design	88
	The Myanmar Justice Survey 2017	89
	MyJustice Baseline Survey 2017	91
	Analysis and integration of methods	93

Acknowledgements

.....

The Myanmar Justice Survey 2017 was conducted by MyJustice, a programme seeking to enhance access to justice for the people of Myanmar. MyJustice is funded by the European Union and implemented by the British Council. The survey was conducted in 2017 by TNS KANTAR. Elaine Chan, Leanne McKay and Lise Dahl provided substantive input to the research design, along with valuable insights from Yangon Justice Centre, Jose M Arraiza (Norwegian Refugee Council), Teona Aslanishvili (UNICEF) and Tim Millar (Namati). The initial data analysis was conducted by TNS KANTAR. Mathew Zurstrassen undertook further detailed data analysis and was the primary drafter of this report in close cooperation with the MyJustice team. Seluz Fahik provided further support in data analysis during the drafting stage.

MyJustice conducted data validation sessions with various stakeholders to understand the data and identify potential strategic areas for influence, particularly relevant in a changing policy environment in Myanmar. Consultations were held with key government representatives from: the Office of the Supreme Court of the Union, Union Attorney General's Office, the Union Coordination Body on Rule of Law Centres and Justice Sector Affairs, the Ministry of Home Affairs, the Board of Legal Studies and the parliamentary Commission on Legal Affairs and Special Issues. In addition, MyJustice held data validation workshops with Myanmar-based organisations, think-tanks and individuals: the United Nations Development Programme, Sai Ye Kyaw Swar Myint (People's Alliance for Credible Elections), Myat Thu (Yangon School of Political Science), Myat Thet Thitsar (EMREF) and Mul Yin Haung Nyo (BBC Media Action), and received valuable comments from Professor Stephen Golub. The MyJustice team provided extensive input throughout the process, particularly Susan Lee, Swati Mehta, Vijaya Nidadavolu, Maung Maung Nyein Chan, Zaw Myat Lin, Tet Nay Tun, Jason Potter, Hang Za Thawn and Caitlin Reiger. Data visualisation and design was provided by Bridge, Myanmar.

Abbreviations

-
- 10HH** ten household head
 - 100HH** hundred household head
 - CBO** Community-based Organisation
 - EAO** Ethnic Armed Organisation
 - FGD** Focus group discussion
 - GAD** General Administration Department
 - MJS** Myanmar Justice Survey 2017
 - MBS** MyJustice Baseline Study 2017
 - NGO** Non-Governmental Organisation
 - NLD** National League for Democracy
 - OSCU** Office of the Supreme Court of the Union
 - PPS** Probability proportionate to size
 - UAGO** Union Attorney General's Office
 - UNGA** United Nations General Assembly
 - W/VTA** Ward/Village Tract Administrator

Figures and boxes



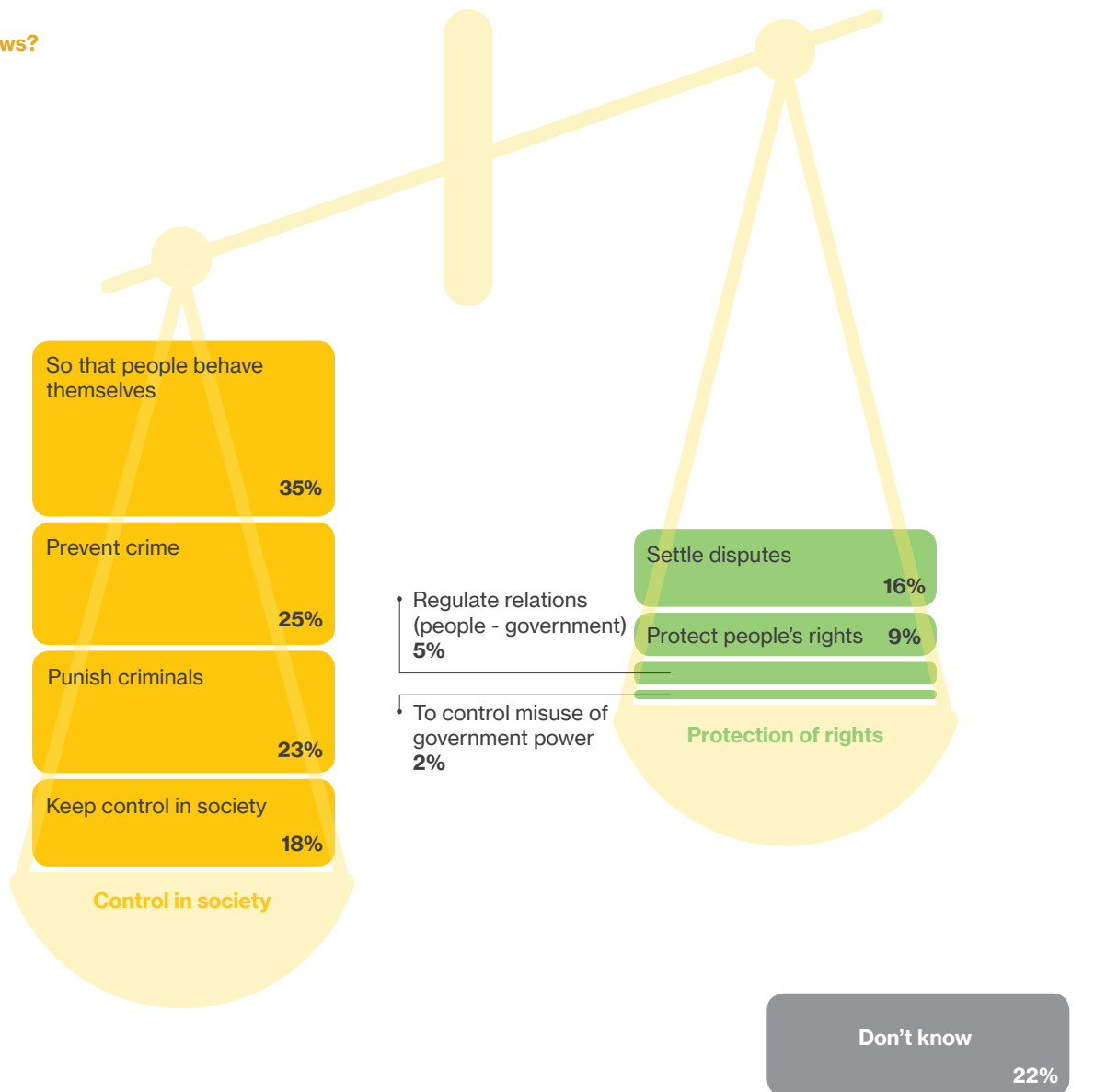
Figure 1	Why do we have laws?	4
Figure 2	Are the following statements true or false?	5
Figure 3	In your community, who is most responsible for...?	6
Figure 4	If you have experienced one or more disputes, what type of dispute were they?	7
Figure 5	Percentages of the population who answered 'don't know'	8
Figure 6	Myanmar Justice Survey (MJS) 2017 sample structure	14
Figure 7	MyJustice Baseline Study (MBS) 2017 sample structure	15
Figure 8	People involved in justice issues should be treated with fairness and respect	19
Figure 9	Injustices can befall people and there is nothing they can do about it because it is their fate	20
Figure 10	Don't know responses for knowledge of human rights	22
Figure 11	How have the following situations changed compared to five years ago?	23
Box 1	The command role of the law	24
Figure 12	Why do we have laws?	25
Figure 13	How have justice sector institutions changed over the last five years?	26
Figure 14	Are the following statements true or false?	29
Figure 15	Distribution of respondents by the number of correct answers to 17 true or false legal questions	31
Figure 16	Are the following statements true or false? (Police)	33
Figure 17	Are the following statements true or false? (Women's rights)	34
Figure 18	Where do you get information about the law and rights?	35
Figure 19	Who is most responsible for the following tasks?	40
Box 2	Plural legal systems in Myanmar	42
Figure 20	Which of the following terms would you identify with these justice actors?	44
Figure 21	Which of the following terms would you identify with the police?	46
Figure 22	Which of the following terms would you identify with judges?	47
Figure 23	Which of the following terms would you identify with W/VTAs?	49
Figure 24	Which of the following terms would you identify with no actor at all?	51
Box 3	Comparisons with findings in other countries	54
Figure 25	Has anyone in your household experienced a dispute in the last two years?	55
Figure 26	What type of dispute(s) did you experience?	57
Figure 27	Issues reported per household (by monthly income)	58
Figure 28	Issues reported per household (urban/rural)	59
Figure 29	Issues reported per household (ethnicity)	60
Figure 30	Issues reported per household (religion)	61
Figure 31	Comparison of disputes reported in the household against those reported in the community	63
Figure 32	Comparison of types and levels of justice issues experienced in the MJS and MBS	66
Figure 33	It is better to settle issues or disputes within the community than in court?	67
Figure 34	People have the right to seek to use the state courts as an alternative to customary practices	67
Figure 35	Matters within the family are private and should not be brought into the public domain	68
Figure 36	Communal harmony is more important than individual rights	68
Figure 37	Did you take action on the dispute you have reported? If not, why didn't you?	70
Figure 38	What actor did you use to resolve your dispute?	73
Figure 39	How satisfied are you with the process of resolving an issue when the following actors are involved?	74
Figure 40	What is the best way to settle these issues?	75
Figure 41	Proportions of 'don't know' responses to salient questions	77
Figure 42	Disaggregation of 'don't know' responses	78
Figure 43	Dispute pathways for vulnerable women	80
Figure 44	Overall sample structure	90

Executive summary

About the Myanmar Justice Survey

In 2017 MyJustice conducted the largest statistically significant survey on justice issues in Myanmar. 3,565 people over the age of 18 were randomly selected for the survey from across all regions and states in Myanmar. This report presents the main results of this nationwide survey.

Figure 1
Why do we have laws?



Central findings

Perceptions of justice and the law

Across Myanmar there is a common understanding that justice is based on principles of fairness and equality. This view is held by the vast majority of the population (92%). Similarly, 85% believe that the needs of vulnerable people should be taken into consideration in delivering justice.

People do not, however, recognise the law, or the work of justice sector institutions, as providing access to justice. For most, laws exist to maintain control and social order: so that people behave themselves (35%); to prevent crime (25%); and to punish criminals (23%). Fewer than one in three people see law playing a legitimising role, such as dispute settlement (16%) and the protection of rights (9%). One in five people do not know the purpose of the law. These views suggest that people see their relationship with the state in terms of its authority over them, rather than focused on protecting their rights.

Legal awareness

Overall, people have a good idea of what the laws contain. Lack of awareness is not as great a barrier to accessing justice as is commonly presumed. Over 83% of the population can correctly answer a majority of questions covering a range of legal issues, as illustrated in Figure 2.

The research suggests that people's knowledge of the criminal law is shaped more strongly by personal experiences, or the experiences of others, than by what the law says.

People identified their primary sources of information on laws and rights as television (48%) and Facebook (17%). One in five people either do not know of (14%), or do not have (6%), any sources of information.

Figure 2
Are the following statements true or false?

Statement	Answered correctly	Don't know
Every child has a right to primary education (TRUE)	98.9%	0.5%
Police can arrest anybody, anywhere, anytime without any reason (FALSE)	86.3%	3.4%
The Constitution of Myanmar contains provisions to protect the right to property (TRUE)	61%	32.5%
A man has the right to prohibit his wife from working (FALSE)	57.8%	5%
Newspapers and other media have the right to decide what news stories they publish (TRUE)	41.4%	27.6%
The State is the ultimate owner of the land and can do anything it wishes with regards to land, without any restrictions (FALSE)	30.4%	51.2%
An arrested person must prove that he/she is innocent (FALSE)	3.4%	4.1%

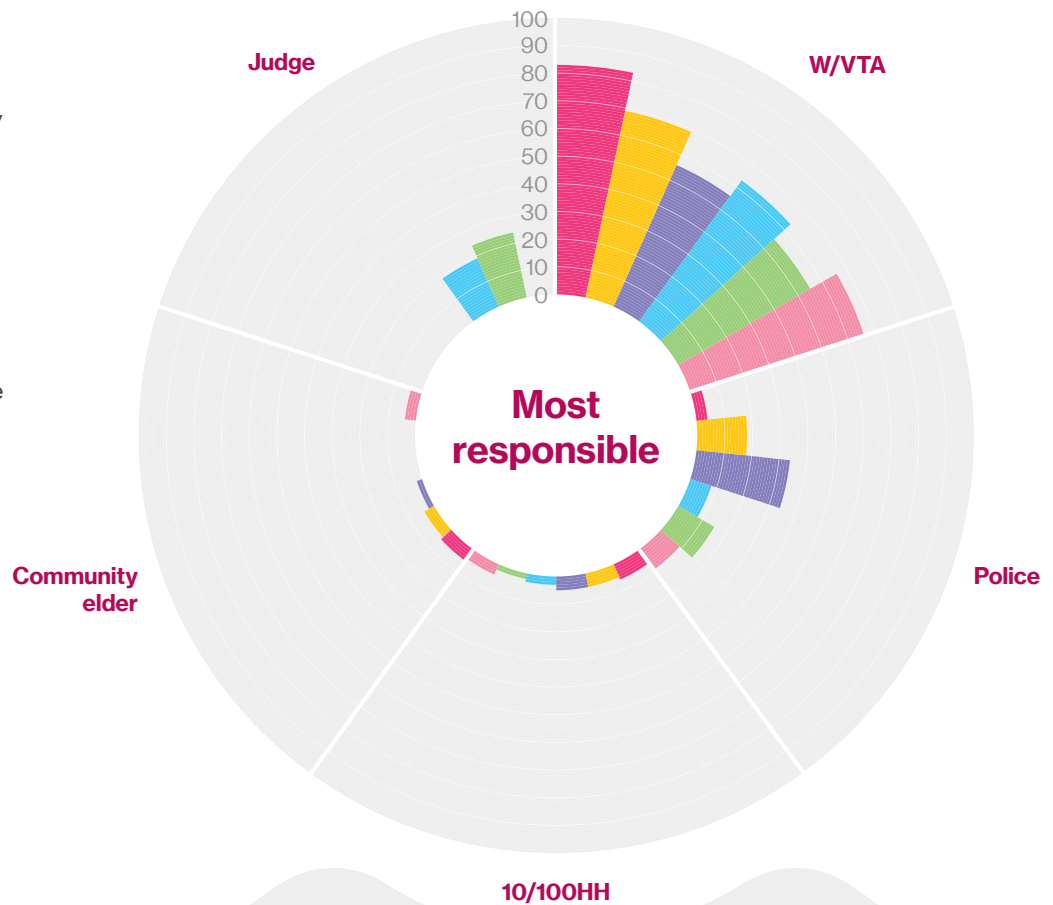
Who provides justice?

Local actors, in particular the Ward/Village Tract Administrators (W/VTAs), are the most prominent in providing justice. Most people identify the W/VTA as the primary actor in terms of: maintaining safety; preventing and investigating crime; determining guilt; administering punishment; and resolving issues. Other local actors – ten and hundred household heads (10/100HH) and community elders – are viewed as playing supporting roles to varying degrees. Justice sector officials are identified as being involved only when it comes to investigating crime, determining guilt and enforcing punishment.

A significant number of people do not have confidence that anyone can provide access to justice: 40% of the population report that no actor is affordable, 28% claim that no one will provide services without asking for unofficial fees and 18% cannot identify anyone who will resolve disputes without bias. These figures indicate that many people struggle to identify legitimate and fair justice providers.

Figure 3
In your community, who is most responsible for...?

- Maintaining safety and security
- Preventing crime
- Investigating crime
- Determining guilt or innocence
- Punishing those guilty of crime
- Settling issues between people



Disputes and pathways to resolution

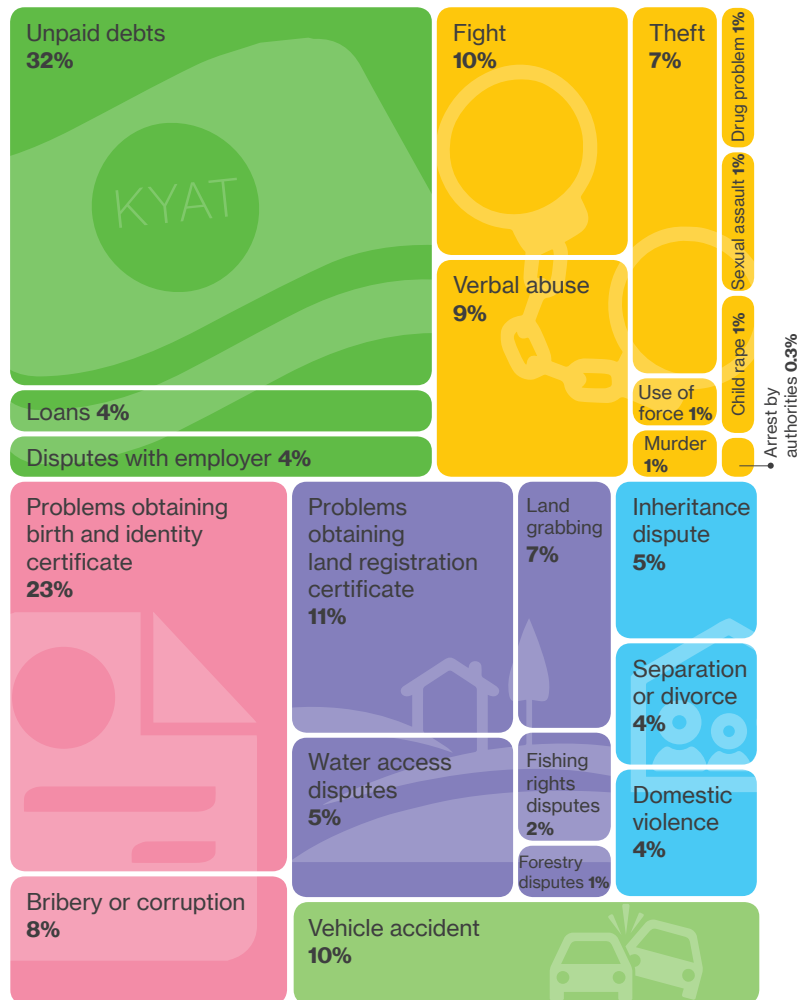
One in six people (17%) report that they, or someone in their household, have experienced a dispute in the last two years. Most of these disputes are closely linked to people's economic security and social wellbeing: unpaid debts (32%); problems obtaining birth or identity documents (23%); and land-related issues (18%). Different demographic groups, including ethnic and religious, reported varying types and frequency of disputes.

Nearly half the people reporting disputes do not take action. Of those who do, most seek to settle their disputes through the W/VTA. Whether or not people take action and the type of action they do take, varies significantly according to the type of dispute. People are much more likely to take action on matters relating to legal identity and land compared to, for example, unpaid debts.

If people experience domestic or communal issues, they usually approach the W/VTA. With more serious or criminal problems, people show a clearer preference for engaging the police. For administrative disputes, people are less likely to know who to approach.

Figure 4
If you have experienced one or more disputes, what type of dispute were they?

- Economic
- Administrative/Government
- Crime & Violence
- Land & Natural Resources
- Family
- Accident

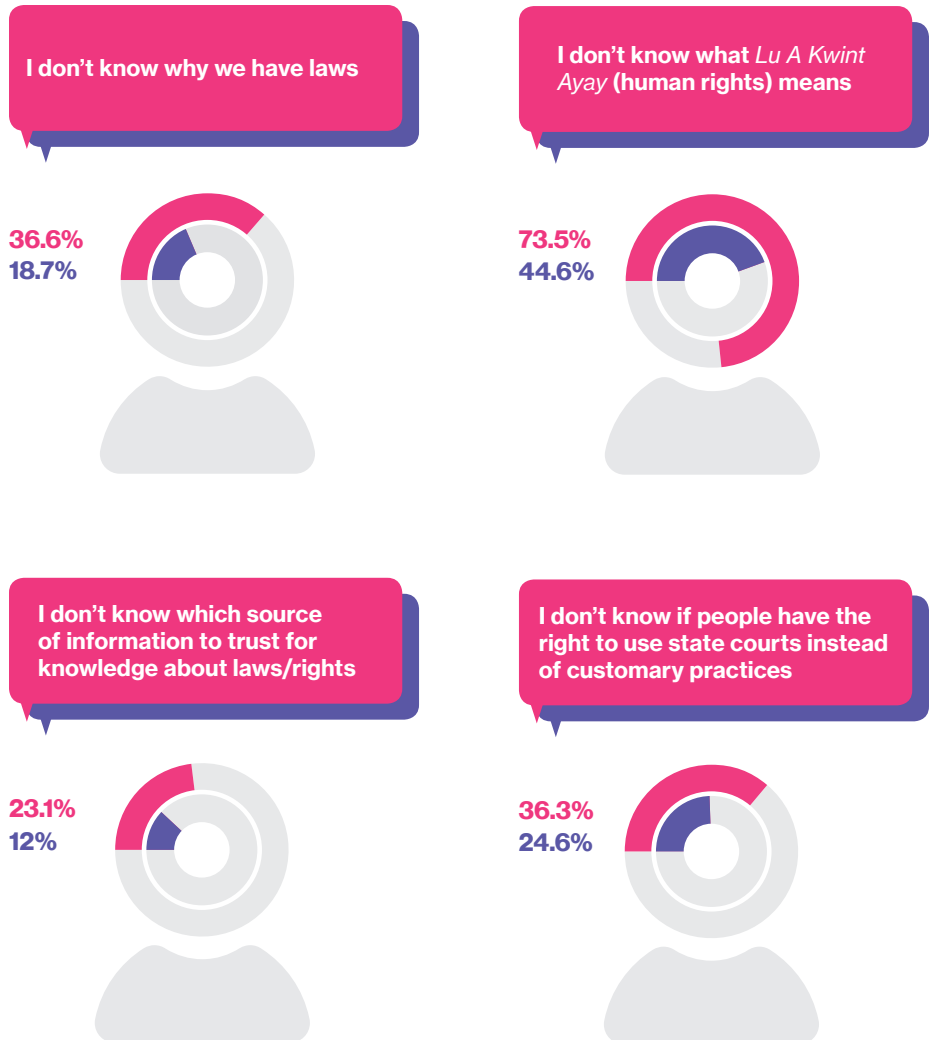


Vulnerability and the law

The Myanmar Justice Survey 2017 (MJS) shows that particular groups have less knowledge across a range of questions, indicating that they are more vulnerable and disempowered in relation to justice issues. In addition to specific ethnic and religious minorities, these groups include people with low education, people in rural areas and women. Combining these factors produces more significant disparities. Women from rural areas with only a primary school education or less (18%) are twice as likely as the general population not to know why laws exist, the meaning of human rights or where to access information about laws. Global research indicates that lack of empowerment in relation to the law is both a result and a cause of vulnerability. More research is needed to understand the implications of this disempowerment.

Figure 5
Percentages of the population who answered 'don't know'

- Women with low education from rural areas
- Other respondents



Conclusions and recommendations

To improve access to justice in Myanmar, justice sector reforms should demonstrate real change, justice should be part of local governance and justice should go hand-in-hand with poverty reduction.

Justice sector reforms should demonstrate real change

The research highlights that people's perceptions of justice have been shaped by their experience.

Overcoming these perceptions and building public confidence and trust in the justice system requires implementing concrete steps to ensure people have access to fair justice processes.

There is a need to develop the evidence base on what works and what does not in relation to building legal awareness.

Justice should be part of local governance

Most people will continue to seek justice services and resolve disputes within their local community.

Justice sector reforms need to explicitly acknowledge the work of local-level actors, in particular the W/VTA, and develop plans that connect justice services and aim at improving the quality, coordination and oversight of different actors.

The local governance agenda needs to acknowledge the justice-related roles of local actors and provide them with the right skills and oversight to effectively undertake their functions in accordance with the law. Local governance frameworks need to be appropriately structured to provide equal access to fair, affordable and inclusive justice services.

Justice should go hand-in-hand with poverty reduction and building durable peace

The findings identify the negative impact a lack of justice can have on the livelihoods of the poor and vulnerable. They also identify the fact that the vulnerable are disempowered in terms of their access to the avenues necessary to address justice issues.

Justice sector reforms should explore ways to integrate justice services with other basic services (such as health and education) to ensure equitable service delivery, including for those affected by conflict.

Introduction

Issues of justice and the rule of law have featured prominently in the long road to democracy in Myanmar. Under the military government, injustices and abuses of power fuelled an opposition that emphasised the rule of law as an aspiration and a core tenet of any dialogue on reform. The political transition, especially from 2011, included a range of measures designed to increase confidence on justice issues: political prisoners were released; efforts were made to address long-standing land confiscation disputes; justice sector institutions developed strategic plans.¹ In 2015, the National League for Democracy (NLD) won the national election on a platform of building a fair and just system of government by, among other things, establishing a judicial system that is 'fair and unbiased' and government institutions that 'support the rule of law'.² More recently, the Government's 'Myanmar Sustainable Development Plan' prioritises the promotion of justice and the rule of law as both a strategic end in itself and a core part of promoting peace and national reconciliation.³

The process of building a society based on the rule of law is a complex and challenging one. It requires reform of justice sector institutions as well as deeper changes to established practices and attitudes. The rule of law not only underpins the functioning of the judiciary, but of the executive and legislative branches of government as well. There is a growing body of evidence globally that suggests that fostering the rule of law and access to justice enables equitable development, poverty reduction and sustainable peace.⁴ For these reasons, building rule of law also needs to address issues of fairness and justice across all government agencies at all levels.

Efforts to improve access to justice need to be built on an understanding of how people actually experience justice and how it affects their lives. As Nobel Laureate Amartya Sen has put it, this means focusing 'questions of justice, first, on ... what actually happens; and second, on ... enhancements of justice (rather than trying to identify perfectly just arrangements)'.⁵

Until recently, assessing what actually happens has been a challenge in Myanmar. Policymaking was not participatory or transparent, was driven by national security considerations and reliable official data was not available.⁶ Research efforts faced constraints in obtaining permissions, accessing target audiences, triangulating and validating data and ensuring ethical principles to protect respondents.

Myanmar's transition has opened space for research on wide-ranging issues central to the country's development, including issues of justice and the law. There is now a growing evidence base to draw from. In the justice sector, this includes an expansion in both academic literature and reports by legal and international development organisations. Reports drawing from qualitative research examining the experiences of justice seekers across a broad range of specific issues are increasingly available.⁷ So too are institutional assessments and targeted surveys.⁸

¹ Union Attorney General's Office (UAGO), 'Moving Forward to the Rule of Law: Strategic Plan 2015 – 2019'; Office of the Supreme Court of the Union (OSCU), 'Advancing Justice Together: Strategic Plan (2015 – 2017)'.

² NLD, '2015 Election Manifesto: Authorised Translation', Yangon, 2015.

³ Government of Myanmar, 'Myanmar Sustainable Development Plan (Working Draft)', Yangon, February 2018.

⁴ As evidenced by the inclusion of access to justice as part of Goal 16 of the Sustainable Development Goals of 2030 Agenda, agreed to by all member states of the United Nations, including Myanmar. See also, UNGA, 'Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels', (A/RES/67/1), 30 November 2012; World Bank, World Development Report 2011: Conflict, Security and Development, Washington DC, 2012.

⁵ Sen, Amartya, *The Idea of Justice*, Boston, 2011.

⁶ See Crouch and Lindsey, 'Introduction: Myanmar, Law Reform and Asian Legal Studies', in Crouch and Lindsey (eds), *Law, Society and Transition in Myanmar*, Oxford, 2014.

Objectives of the Myanmar Justice Survey 2017

This report adds to the available literature by presenting the findings of the Myanmar Justice Survey 2017 (MJS). It is Myanmar's first comprehensive nationwide survey on perceptions about, and the understanding of, justice and the law.

The MJS has the following main objectives:

1. To assess the general population's awareness of their rights, legal processes and justice;
2. To better understand perceptions of, and experiences with, legal issues in relation to justice;
3. To improve the quality of justice services in Myanmar by providing evidence for policymakers, justice service providers and development partners.

The research seeks to provide a better understanding of perceptions of legal, justice and rights issues in Myanmar. It investigates how people's views of justice relate to their understanding and awareness of the law and the roles of different institutions and actors. It also examines the types of disputes and justice-related problems people have, and the choices they make regarding seeking information about them. Where possible, the research aims at placing an understanding of justice issues in the broader context of social, political and economic change taking place. The report examines how people engage with justice issues across all regions and states, to expand the knowledge base for policymakers – to help them improve access to justice, both as an end in itself and as a means to equitable development and sustainable peace across the country.

Definitions

There are many definitions and categories of justice actors. No categorisation is perfect or complete. This report uses the following terminology:

Local-level institutions are defined as all actors active at the village tract level or below. The report avoids classifying these as 'non-state' or 'informal' actors.

Justice sector institutions are defined as government institutions with jurisdiction on law and justice issues. This includes the courts, prosecutors (in Myanmar referred to as law officers) and the police.

For those unfamiliar with Myanmar, the report refers to a number of actors who play vital roles at a local level.⁹ The lowest level of government administration in Myanmar is referred to as the ward or village tract. Wards exist in urban areas whereas village tracts are in rural areas and cover a number of villages (normally ranging in number from two to eight).

Governance in Myanmar villages is structured according to groups of ten households. Each group appoints a **ten household head** (in this report referred to as the 10HH). Groups of ten are then combined to form a group of roughly 100 households. These groups also nominate a leader who often acts as a village leader and is referred to interchangeably as **100 household head (100HH)** or **village administrator**.

⁷ See, for example, Denney, Bennett and San, 'Making Big Cases Small and Small Cases Disappear: Experiences of Local Justice in Myanmar', Yangon, 2016; Kyed, Helene Maria, 'Justice Provision in Myanmar: Reforms need to consider local dispute resolution', DIIS Policy Brief, 2017; and Justice Base, 'Voices from the Intersection: Women's Access to Justice in the Plural Legal System of Myanmar', Bangkok, 2016.

⁸ See, for example, IBAHRI, 'The Rule of Law in Myanmar: Challenges and Prospects', London, 2012; Justice Base, 'Behind Closed Doors: Obstacles and Opportunities for Public Access to Myanmar's Courts', London, 2017; and UNDP, 'Access to Justice and Informal Justice Systems in Kachin, Rakhine and Shan States', Yangon, 2017.

⁹ More detailed information on local-level governance mechanisms in Myanmar can be obtained from Arnold and Saw, 'Administering the State in Myanmar', Asia Foundation Discussion Paper 6, 2014; UNDP, 'Mapping the State of Local Governance in Myanmar: Background and Methodology', Yangon (date unknown); and the World Bank's 'Livelihoods and Social Change: Qualitative Social and Economic Monitoring in Myanmar' series.

Each ward or village tract is represented by a **Ward or Village Tract Administrator** (in this report referred to as W/VTA). The position is regulated by law under the Ward and Village Tract Administration Law of 2012.¹⁰

Methods

Myanmar Justice Survey 2017

MyJustice conducted the Myanmar Justice Survey (MJS) between June and August 2017. The overall sample size is 3,565 respondents, which is representative at the national level. Further detail is contained in Annex 1.

The number of respondents per state/region is allocated proportionally according to population.¹¹ A purely random approach was used to select townships in each state/region. Townships currently experiencing conflict were excluded to ensure the safety of researchers. Wards and villages were randomly selected, with the number per township determined using a probability proportionate to size (PPS) approach.¹² Twelve respondents were interviewed in each ward/village tract using a two-step process to identify respondents.

1. Households were selected using a systematic sampling approach to ensure representative coverage across the whole village.
2. Respondents within the household were randomly selected.¹³

Slightly less than 2% of respondents were replaced because allocated household members could not be contacted or were not willing to participate in the MJS.¹⁴ Respondents were provided with the option of participating in their local language. In total, 110 surveys were issued in a language other than Myanmar.

MyJustice Baseline Study 2017

This report draws primarily from the MJS findings, but is supplemented by a more geographically targeted baseline study: the MyJustice Baseline Study 2017 (MBS). The MBS includes a similar quantitative survey and qualitative research in 20 townships covered by MyJustice programme activities. This report draws from the MBS quantitative and qualitative research to validate the accuracy of the MJS and test assumptions for information analysis. In particular, specific sections of the report present findings from an extra subset of questions on actual dispute resolution experiences covered in the MBS quantitative survey. All quotes throughout the report are from the qualitative research. Annex 1 contains further details on these support tools.

In addition, MyJustice held a series of validation workshops in Nay Pyi Taw and Yangon to test the findings and deepen the analysis. These included consultations with representatives from different government institutions,¹⁵ members of parliament, civil society organisations and development partners.

¹⁰ The 2012 Ward and Village Tract Administration Law removed all legal reference to the position of village administrator/100HH. However, the position was re-introduced following amendments to the law in 2017.

¹¹ Several smaller regions/states were purposively over-sampled to ensure sufficient respondents for analysis. The findings were subsequently weighted to account for the over-sampling.

¹² Five villages across Magway and Sagaing Regions were replaced as they were inaccessible due to flooding.

¹³ A Kish grid approach was used to ensure the randomised selection of household members.

¹⁴ Replacement rates were higher in Kachin, Shan, Chin, Kayin, Rakhine and Mon (3–5%) mainly because selected individuals had migrated for work.

¹⁵ These included the Office of the Supreme Court of the Union, Union Attorney General's Office, the Union Coordination Body on Rule of Law Centres and Justice Sector Affairs, the Ministry of Home Affairs, the Board of Legal Studies and the parliamentary Commission on Legal Affairs and Special Issues.

Limitations

MyJustice acknowledges that this research has several limitations.

3. The MJS represents people 18 years old or over at the national level. The randomised sampling process has resulted in sample demographics that are mostly consistent with Myanmar's National Census (see following section). The representativeness of the sample becomes weaker as the analysis examines more specific groups.¹⁶
4. As the sample did not cover townships affected by active conflict, this exclusion affects demographic representation, especially in terms of ethnicity and religion, as conflict areas are more likely to be inhabited by people from ethnic and religious minorities.¹⁷ Active conflict is also likely to shape people's perceptions of justice and their views on different justice actors. People in conflict-affected areas, for example, are likely to have greater interaction with ethnic armed organisations (EAOs) and therefore stronger views on their roles. The research is likely to under-report these views and is less able to illuminate the links between conflict and justice in Myanmar.

Given these limitations, the research identifies some significant variations based on ethnicity, region/state and religion but they should be viewed as tentative, and further research is needed. For example, the non-Bamar population comprises numerous ethnic groups with significant variations between them.¹⁸ The small sample size for each group affects representativeness and increases the margin of error.¹⁹ Significantly, breakdown by ethnicity does not necessarily correlate with breakdowns by regions and states, as respondents from particular ethnicities may not reside in those areas.

5. In rural areas, the primary sampling unit for the MJS is the main village in the village tract²⁰ (the 'tract village') where the village tract office is located. All respondents in rural areas, therefore, live in tract villages. This raises several considerations for the analysis. Because tract villages are generally the largest and most accessible, the MJS does not cover the most remote villages in those tracts. In addition, in rural areas, the W/VTAs are elected by the 10HH. More often than not they are from the tract village and also act as the 100HH. This may result in an over-emphasis on W/VTAs, as they may be more accessible to people living in tract villages than for those living in non-tract villages.
6. The nature of the survey itself can affect how respondents answer. Discussing these things can be a delicate matter, especially in a country that is still transitioning from authoritarian rule. This needs to be taken into consideration in interpreting the data. Combined with the framing of questions, the sensitive nature of the survey can lead to overly passive or positive responses. Similarly, as most people do not report direct experiences with justice issues, the MJS used perception questions to understand people's views. Responses to questions about perceptions often differ to responses to questions about actual experience. To mitigate these risks, researchers gave respondents confidentiality assurances. Researchers were trained on research ethics and the use of non-judgmental approaches as part of their comprehensive preparation.

¹⁶ Findings across regions and states, for example, have margins of error varying from +/-4.68% (for Yangon) to +/- 8% (across eight regions/states). Annex 1 includes more detailed information on representation across variables.

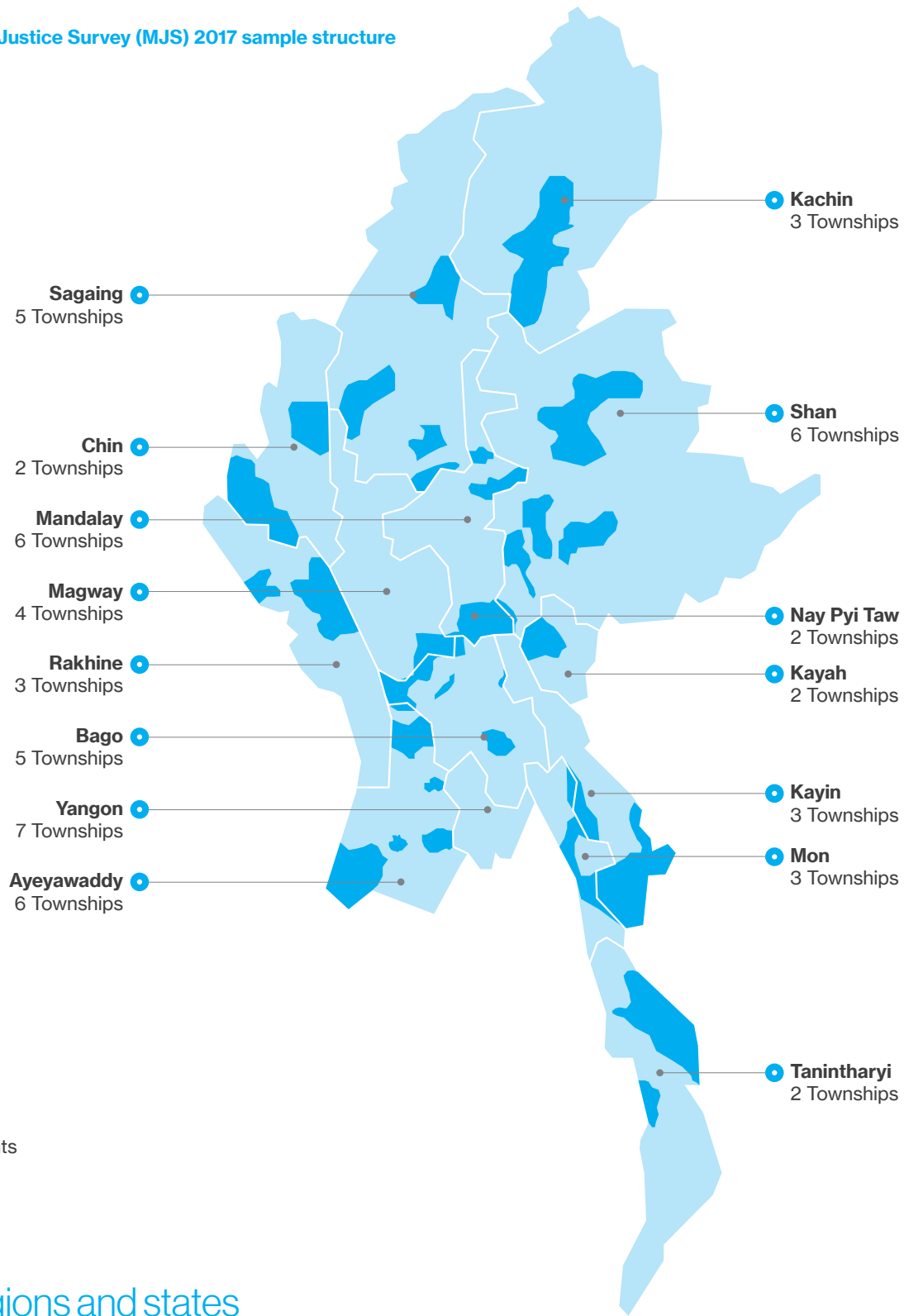
¹⁷ The MJS does, however, cover townships that are classified as conflict-affected but do not have ongoing security risks. For a more detailed discussion on the effects of conflict and geographic scope in Myanmar see Burke, Adam et al., 'The Contested Areas of Myanmar: Subnational Conflict, Aid and Development', The Asia Foundation, Yangon, 2017.

¹⁸ For this reason there is limited analysis comparing Bamar with non-Bamar populations.

¹⁹ Respondents were provided with 140 different ethnic groups they could identify with. The non-Bamar ethnic groups were further clustered. The largest cluster of ethnic minorities is Shan, comprising 9% of the overall sample.

²⁰ All villages in Myanmar are clustered into village tracts (generally comprising between two and eight villages).

Figure 6
Myanmar Justice Survey (MJS) 2017 sample structure

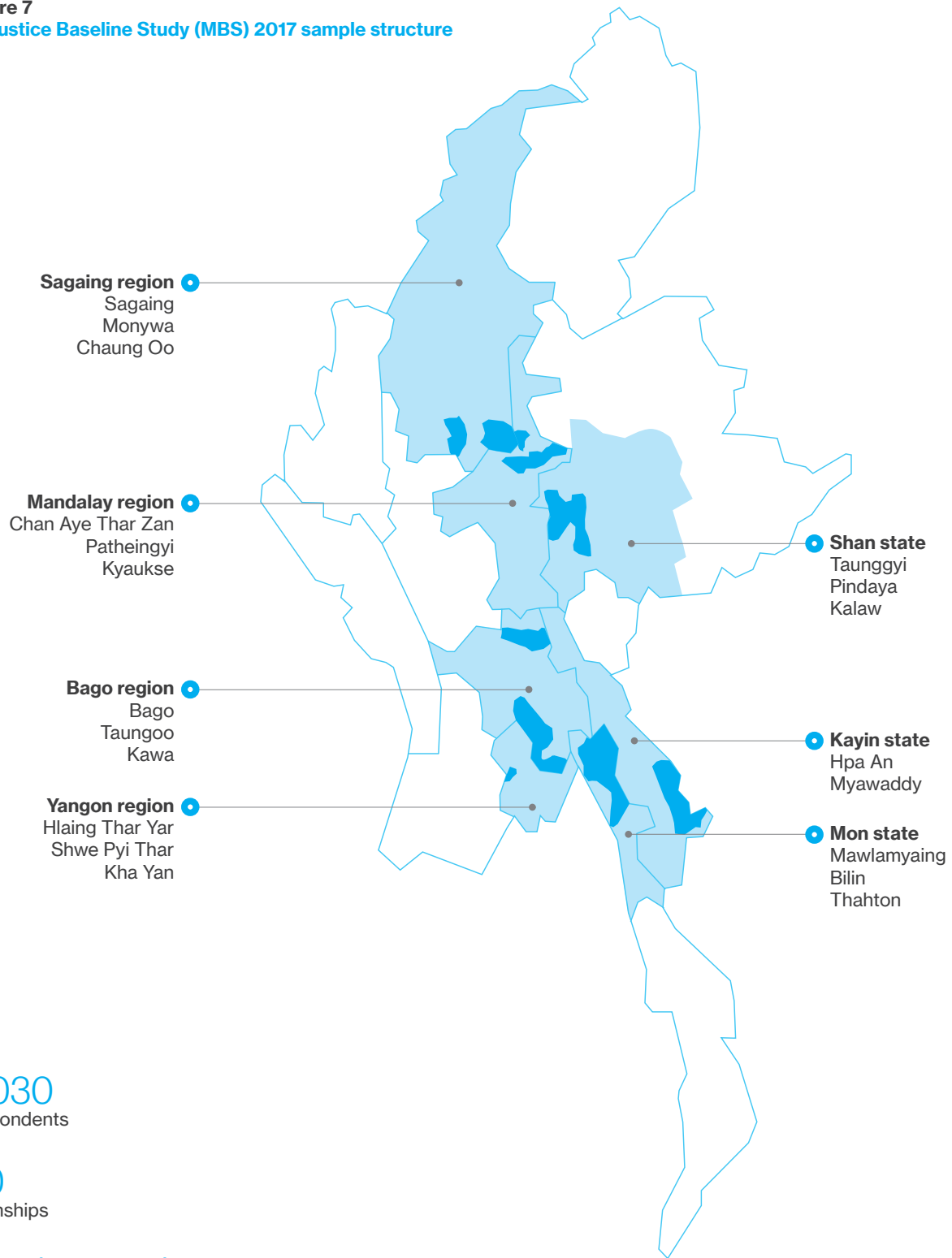


3,565
 respondents

59
 townships

All regions and states

Figure 7
MyJustice Baseline Study (MBS) 2017 sample structure



3,030
respondents

20
townships

7 regions and states

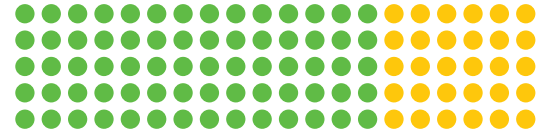
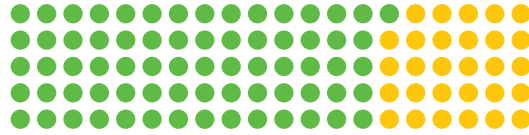
Who was surveyed?

MJS

Census 2014²¹

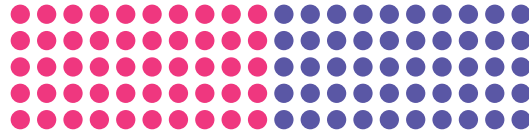
Urban/Rural

- Rural
- Urban



Gender

- Female
- Male



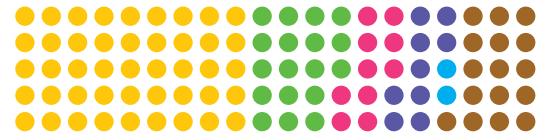
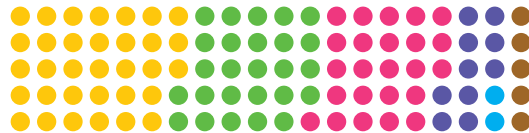
Age²²

- 18-29
- 30-39
- 40-49
- 50-59
- 60+



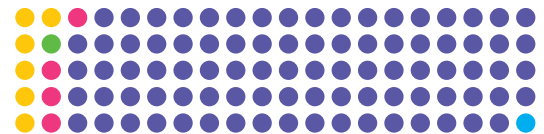
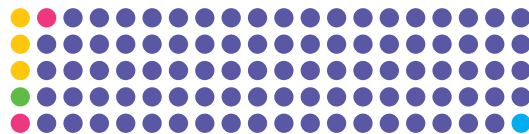
Education²³

- Primary school
- Secondary school
- High school/vocational
- Graduate
- Other
- None



Religions²⁴

- Christian
- Hindu
- Muslim
- Buddhist
- Other

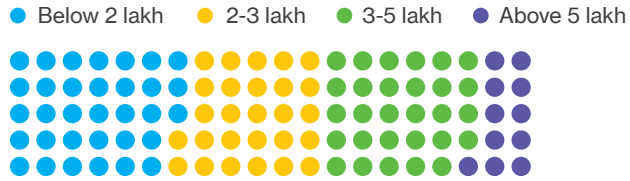


Possession of national ID card²⁵

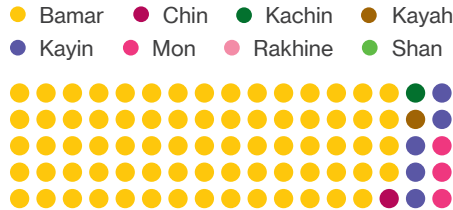
- National registration card
- Citizenship scrutiny card
- Other
- None



Household Monthly Income²⁶



Ethnicity²⁷



²¹ Comparison to the census figures is indicative only and in some areas the comparison is less beneficial. Census figures are nationwide, including townships that were not included in the MJS due to security concerns, and capture the entire population from infants upwards (the MJS only includes people older than 18).

²² Census figures based on Table A-6a: Population by urban/rural, sex and five-year age groups. Author's calculation based on removal of age group 19 and below. The first age bracket for the census is 20–29.

²³ Census figures based on Table D-6a: Population 25 years and over by highest level of education completed and sex. Census figures show higher proportion of population have 'none' or 'primary school' education. This is likely to be a result of both the age cut off (18 versus 25) and the fact that the census is nationwide whereas the MJS did not target areas with security concerns (where access to education is more likely to be a problem).

²⁴ There are differences between MJS and census information on religion (census findings on ethnicity is not available), reflecting the fact that the MJS was not conducted in areas with security concerns (predominantly areas where ethnic/religious minorities live).

²⁵ Census information based on Table G-1: Population ten years and above by type of identity card and age group. Figures drawn from population categories 20–24 and over (author's calculation). There is a noticeable difference between the MJS and the census information here, likely to be explained mainly by the MJS not being undertaken in areas with security concerns. The possession of national identity documents is likely to be lower in these areas.

²⁶ For analytical purposes the report clusters household income across these categories. As a comparison, the World Bank identifies 26.1% of the population as being below the poverty line and 16.0% as being 'Near Poor'. World Bank, 'An Analysis of Poverty in Myanmar: Part 1 – Trends between 2004/05 and 2015', Yangon, 2017.

²⁷ Respondent ethnicity is clustered around main ethnic groups. This represents the origin of the ethnicity of respondents rather than the region or state where they are living.

Perceptions of justice and the law

This section examines what justice means according to people across Myanmar. The links between justice, the rule of law and human rights are discussed. In theory, these concepts are closely aligned and mutually re-enforcing. Definitions of the rule of law, such as those adopted by the United Nations (UN), invariably include reference to just laws, equal treatment and application of the law and conformity with human rights standards. The UN has noted that 'human rights, the rule of law and democracy are interlinked and mutually reinforcing'.²⁸ These findings are consistent with emerging literature examining links between justice and the rule of law in Myanmar.²⁹

Central themes

.....

- **Across the country people have strong and largely common views on what justice means.**
- **Justice is not viewed as connected with the law. People do not associate the role of the law with the protection of rights or the delivery of justice; they see it functioning primarily to maintain order and control society.**
- **While people identify some positive changes over the last five years in relation to protection of rights and engagement with the government, improvements are less evident in relation to justice sector institutions.**

What is justice?

Respondents were asked whether or not they agreed with a number of questions focusing on the meaning of justice. The questions covered aspects of justice, including fair and transparent process, equal treatment and access to neutral decision-makers. Respondents were asked what they believe justice should mean rather than what it means in practice.

The vast majority of the population in Myanmar has similar views on what justice means. Over 91% of respondents fully agree that justice requires treating people with fairness and respect. Similarly, 85% of respondents believe that the needs of vulnerable people should be taken into consideration in delivering justice.

The strength of these views holds for all demographics and is consistent with other research in Myanmar, such as a 2014 civic values survey where 90% of the population either strongly or somewhat agreed that all citizens should have equal rights under the law.³⁰

Figure 8
People involved in justice issues should be treated with fairness and respect

Fully agree, agree, disagree, fully disagree, don't know (choose one)
 Disaggregated by: gender and urban/rural



To be fair without favouring anyone.

– Community member, female (Buddhist), Kawa

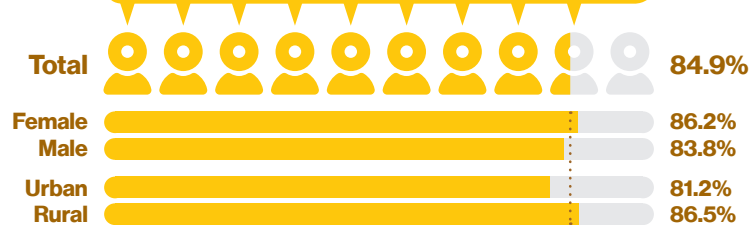
It is about being fair without discrimination.

– Community member, female (Muslim), Mawlamyaing

People should not be oppressed because they have a different religion.

– Community member, male (Christian), Hpa-An

I fully agree that the manner in which justice issues are settled should take into account the special needs of vulnerable people



MBS focus group discussions (FGDs) provided space for slightly more nuanced differentiations. ‘Equality’ was the term most closely linked to the concept of justice across Myanmar. Most respondents equated justice with people being treated fairly and equally. Justice was also commonly defined by people to cover what it is not: for example, not corruption or not discrimination. People from ethnic or religious minorities were, however, more likely to express their understanding of justice and equality explicitly to include issues of non-discrimination.

²⁸ UNGA, ‘Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels’, (A/RES/67/1), 30 November 2012. See also Wagner, R, Rule of Law and the Post-2015 Development Agenda (report prepared for UNDP Rule of Law Team), March 2013; report of the United Nations Secretary-General, In larger freedom: towards development, security and human rights for all (A/59/2005), March 2005.

²⁹ See Freeman-Prasse, E, ‘Conceptions of Justice and the Rule of Law’ in Steinberg, D (ed), Myanmar: The Dynamics of an Evolving Polity, Boulder, 2015.

³⁰ The Asia Foundation, ‘Myanmar 2014: Civic Knowledge and Values in a Changing Society’, Yangon, 2014, p. 74.



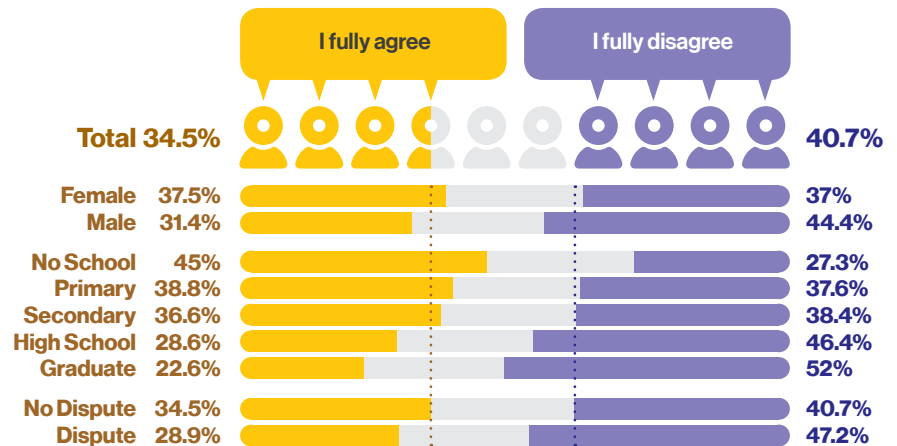
There is much greater variation among people's views as to whether or not justice is something within their control. Just over a third of people believe that injustices depend on fate, whereas 41% fully disagree with this statement. This trend did not change according to religious affiliation, despite the relevance of fate in Buddhist beliefs. Women are more likely than men to see injustice as something that is beyond their control (38% versus 31%). Similarly, the less education a person has, the less empowered they are likely to feel in being able to deal with justice issues: 43% of women with no or primary school education see justice as a matter of fate; compared with 35% of men with similar levels of education.

People with recent experience of a justice issue are less likely to say that injustice is due to fate. Almost half (47%) fully disagree with that statement, compared to 41% of the rest of the population.

Figure 9
Injustices can befall people and there is nothing they can do about it because it is their fate

Fully agree, agree, disagree, fully disagree, don't know (choose one)

Disaggregated by: gender, level of education achieved and whether respondent has experienced a dispute or not.



- Finding 1** People have strong and largely common views on what justice means. A majority associate the concept of justice with fair process, equality and non-discrimination.
- Finding 2** People from ethnic or religious minorities are more likely to link justice to notions of equal treatment and non-discrimination.
- Finding 3** Women and less educated people are more likely to perceive injustice as linked to fate, suggesting less empowerment.

Justice and human rights

The research explores the relationship between people's awareness of human rights, fundamental rights guaranteed under the 2008 Constitution and changes relating to human rights over the last five years. Knowledge about rights is superficial: while almost 90% of people have heard of the term, they are less capable of explaining its meaning. There are also significant variations primarily across ethnic groups. Despite limited knowledge, a majority of people claim to have seen improvements in protection of rights over the last five years.

Knowledge of the term 'human rights' is lowest for people with no formal education (72%) or from certain ethnic minorities, ethnic Mon (71%) and Shan (73%),³¹ possibly a result of language limitations.

Exactly half of respondents familiar with the term 'human rights' cannot define what it means. The research asked if people can name rights identified in Myanmar's 2008 Constitution. Though awareness of the Constitution is high (91%), the vast majority (85%) are not able to name any of the rights it guarantees. These figures demonstrate that people have been exposed to the concept of human rights but have limited capacity to explain its actual meaning or legal recognition.

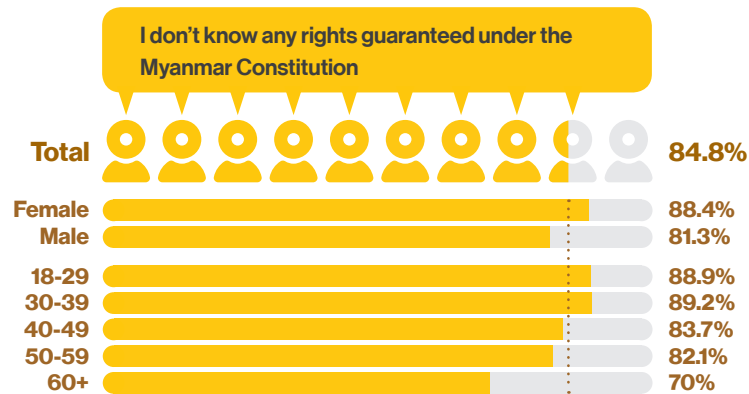
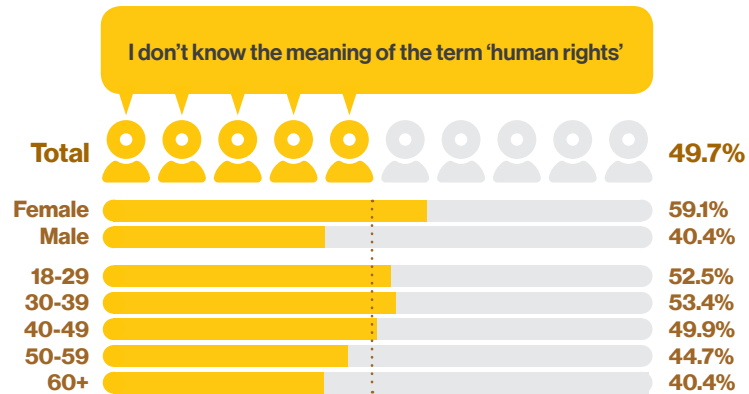
The figures show variations across most demographics, the most noticeable relating to age, gender and ethnicity. Although limited awareness remains high overall, it is even more prevalent among younger age brackets. Approximately 90% of people aged between 18 and 39 are not able to name any rights. This figure decreases progressively, to 70% of the population above 60. In 1988 Myanmar's 1974 Constitution was suspended. Constitutional issues were largely absent from public debate until the late 1990s and the development of the 2008 Constitution. This period of constitutional vacuum, coupled with changes in the education system, may explain the lower knowledge and engagement on constitutional rights for the younger generation.

Although the sample size is limited, the variations across ethnic minorities are sufficiently noticeable to warrant further exploration. Similar to the levels of knowledge regarding the term 'human rights', people from Mon and Shan ethnic groups are less likely to be able to name rights under the Constitution. At the opposite end of the scale, a greater proportion of respondents from Kayah or Kachin ethnic groups can provide a meaning for the term 'human rights' (although 36% and 41%, respectively, do not know). However, the proportion of respondents of Kachin ethnicity who cannot name a right under the Constitution is also much lower than the average (63% versus 85%). Establishing reasons for these differences requires further research. Possible explanations might include the role of non-government organisations (NGOs) across ethnic groups, or access to information about human rights among ethnic minorities who may have spent time outside of Myanmar either as migrants or refugees.

³¹ Figures on ethnicity need to be treated with some caution because of the smaller sample for ethnic minorities.

Figure 10
Don't know responses for knowledge of human rights

What do you understand by the term 'human rights';
 What rights are guaranteed under the Myanmar constitution? (open questions)
 Disaggregated by: gender, age



Muslims are not as free as in the past. A small case that should end easily can become a big problem these days.

– Community member, male (Muslim), Chan Aye Thar Zan

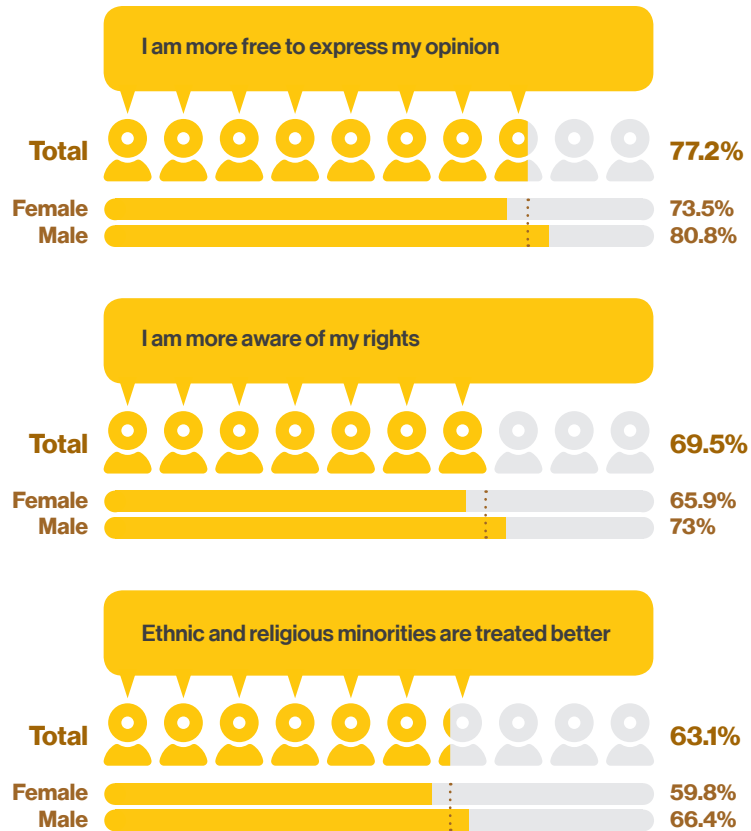
Among those who offer a definition of human rights, most people identified the right to freedom (approximately one in three people). This is also the right identified by the most respondents as being guaranteed under the Constitution (5%) and may be explained by constraints on this right in the past. Other rights people identify in their understanding of the term 'human rights' include the right to equal treatment, the right to freedom of expression and the right to justice. Approximately 15% of Muslims identify the right to freedom of religion as a right under the Constitution, substantially higher than the 2% of the population in general who do so. This suggests that people are more familiar with the rights most directly affecting their lives.

Although detailed knowledge of rights is low, most people perceive an improvement in protection of rights over the last five years. Over three-quarters of the population see improvements in their ability to freely express their opinion.

Similarly, 70% of the population see an increase in awareness of rights. Variations by gender are the most prominent, with men being more optimistic than women. Most of these differences can be explained by responses indicating a greater lack of knowledge among women about perceived changes.

Figure 11
How have the following situations
changed compared to five years ago?

Better, worse, the same (choose one)
 Disaggregated by: gender



63% of the population believe there have been improvements in treatment of ethnic or religious minorities. People from ethnic minorities are likely to be slightly more positive, with over 67% agreeing. People of Bamar ethnicity are less likely to voice an opinion, with 18% not knowing if there have been improvements, compared to 7% of people from ethnic minorities.

Finding 4 Although people are familiar with the term 'human rights', few know what the term means or are able to identify specific rights.

Justice and the rule of law

People in Myanmar link the law to maintaining order rather than serving justice. This is consistent within the context of prolonged authoritarian rule, where the law is used primarily as a coercive tool for regulating society. The World Bank's World Development Report: Governance and the Law 2017 (WDR) includes a focus on the different roles of the law and how these roles are important for understanding a transition towards the rule of law (see Box 1 below). This is relevant to explaining the findings of the MJS.

Box 1

The command role of the law

The role of law

The WDR 2017 includes a focus on the role law plays in governing societies. The report identifies several functions of the law.

The coercive power of the law: the law shapes the way people act through the threat of sanctions or punishment. People change their behaviour to act legally rather than risk fines, imprisonment or others forms of punishment.

The coordinating power of the law: in this approach, the law aims at setting aspirations and moving people's actions towards them. The WDR includes the example of smoking bans, where the law progressively shifts changes in behaviour.

The legitimising power of the law: the third way in which law can be used to regulate society is by reflecting social norms and, thereby, encouraging voluntary compliance. In this scenario people conform with the law because it is how society expects them to behave. This requires institutions regulating the law to act fairly and be trustworthy.

According to the WDR, focusing on the different roles of law, and how groups and individuals use law to promote their interests or shape behaviour, is important for understanding how countries transition towards the rule of law.³²

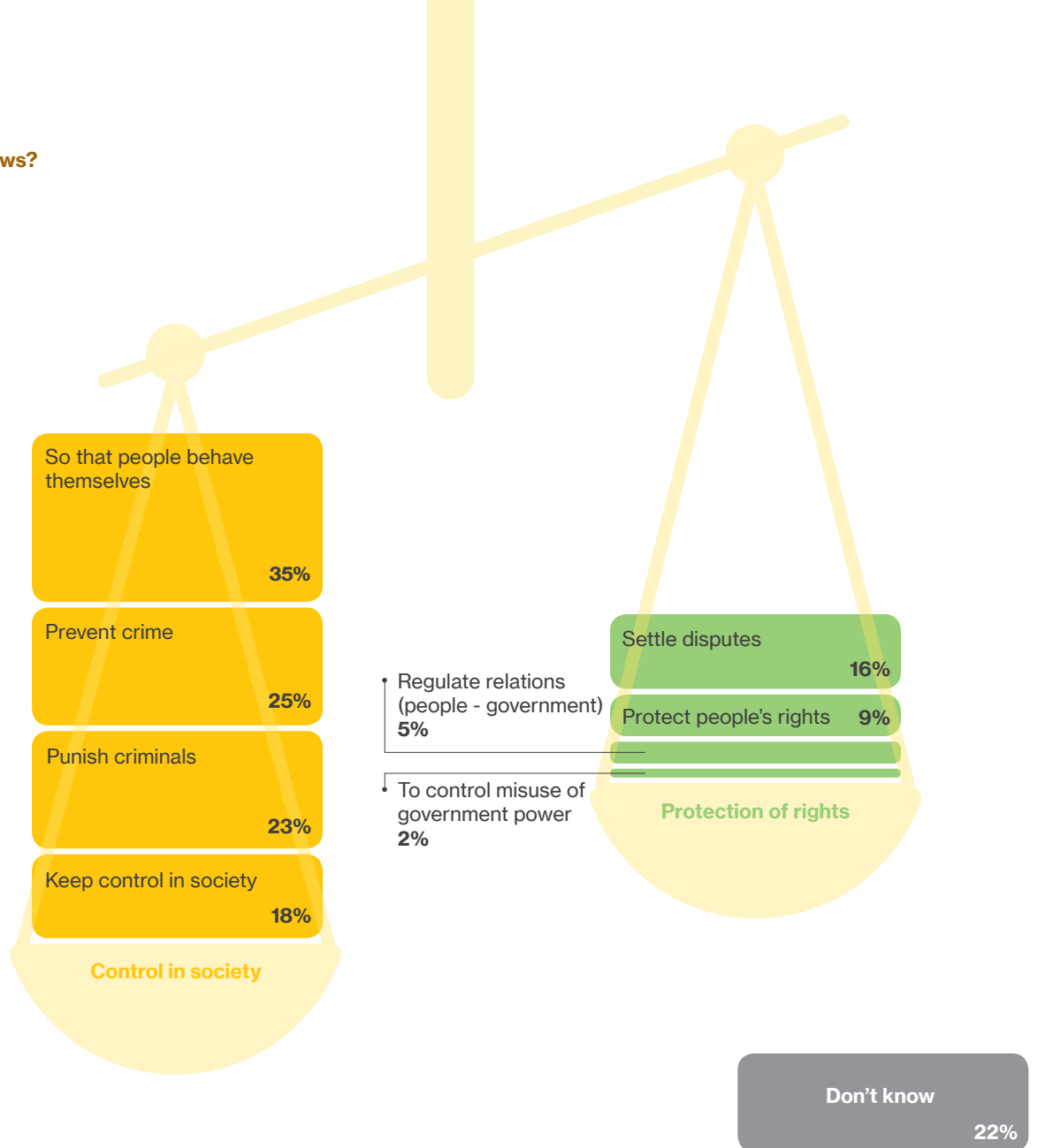
Despite the democratic transition to date, people in Myanmar overwhelmingly focus on law's coercive or command functions. This is sometimes described as 'the rule by law' rather than the 'rule of law'.³³ The Government of Myanmar has emphasised the importance of 'establishing executive and judicial systems that support the rule of law'.³⁴ Achieving this means building trust and respect in justice sector institutions and moving towards a more 'legitimising power' in which the control behaviour is balanced with the protection of individual rights.

³² World Bank, Governance and the Law: World Development Report 2017, Washington DC, 2017.

³³ See, for example, Cheesman, N, Opposing the Rule of Law: How Myanmar's Courts Make Law and Order, Cambridge University Press, 2015.

³⁴ NLD, '2015 Election Manifesto: Authorised Translation', Yangon, 2015.

Figure 12
Why do we have laws?

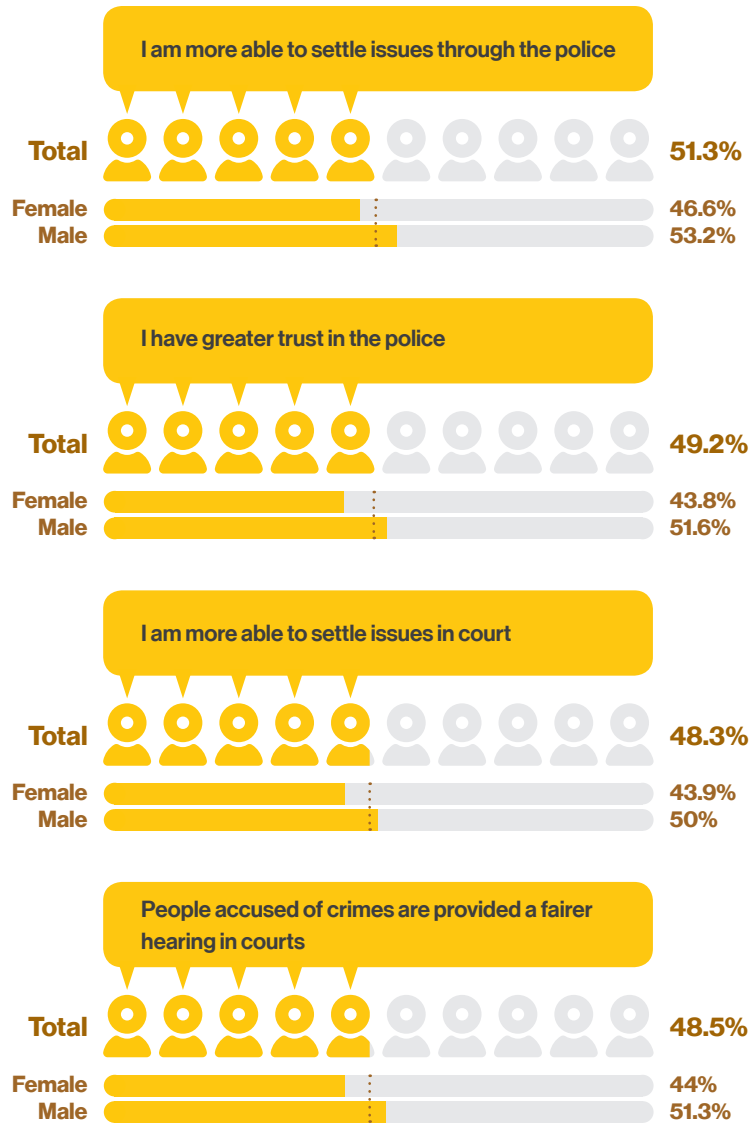


The vast majority of people who express a view on the role of law describe it as coercive, as illustrated in Figure 12. This perspective is highest in well-educated people (graduate degree – 48%); the elderly (over 60 years old – 43%); people earning over five lakh per month (42%); and men (41%).

Over one in five people don't know why laws exist, indicating a broader lack of engagement with mechanisms of government. These figures are highest for people with no formal education (40%). They are also slightly higher for people under 30, low income earners and women.

Figure 13
How have justice sector institutions
changed over the last five years?

More, less, the same, don't know (choose one)
 Disaggregated by: gender



Only a small minority view the law's role as regulating state–society relations or helping people protect their rights. Approximately only 15% of the population view the law in a way that is consistent with the definition of legal empowerment: that is to say a framework that supports people by protecting their rights (9%) and guides government interactions with society (5%). The findings also emphasise how people intrinsically link the law to its criminal jurisdiction functions, exhibiting limited consideration of the broader functions, such as ensuring equitable access to government services or supporting economic development.

These findings, combining a coercive view of the law with limited engagement with justice sector institutions, are consistent with people's perceptions of changes in those aspects over the last five years. Compared to progress in other areas, justice sector institutions are the lowest ranked in terms of improvement since the transition. Approximately half the population identify that the work of the police and the courts has improved as illustrated in Figure 13. In other areas this is higher, with over 70% identifying improvements. Questions relating to the work of justice sector institutions also receive more 'don't know' responses, suggesting that the general population may be less aware and engaged with the work of justice sector institutions, rather than having strong opinions on a lack of improvement. The only exception to this is for trust in the police; a high proportion of people feel that there has been little change (34%) rather than not knowing.



Finding 5 People do not view justice as connected to the law. People view the law as primarily focused on maintaining control.



Finding 6 A sizeable minority of the population do not know why laws exist.

Legal awareness

An understanding of people's levels of knowledge about the law in Myanmar is important. Access to justice frameworks assume that people either have knowledge of the law or know where they can obtain information about it. There is a greater likelihood that people will act on their rights if they know what they are, know the law and know how to access legal services.

It has generally been assumed by government officials, justice sector actors, development partners and other stakeholders, that a lack of knowledge about the law among people explains the limited use of, and trust in, justice sector institutions. This in turn results in a lack of the rule of law.³⁵ The findings related in this section challenge this assumption. The study asked community members a broad range of questions to ascertain levels of familiarity with the law and rights contained in Myanmar's legal framework. This section explores patterns in responses to those questions and examines the sources of information that people have access to or perceive to be most effective for strengthening legal awareness.

Central themes

- **Legal awareness levels may not be as significant a barrier to access to justice as commonly presumed: over 75% of the population are broadly familiar with the law as it relates to a range of areas affecting people's lives.**
- **Collective experience is more influential than education on these matters in shaping awareness of how the law functions.**

³⁵ See, for example, UAGO, 'Moving Forward to the Rule of Law: Strategic Plan 2015 – 2019' Yangon, 2015, which states 'The people of Myanmar want justice but there is a limited knowledge and understanding of duties, responsibilities and rights related to law.' See also Cheesman, N, 'That Signifier of Desire, the Rule of Law' 82(2) Social Research, 2015, pp 267–90, for a broader discussion on the technocratic versus political approaches to strengthening the rule of law in Myanmar.

What do people know of the law?

A lack of legal awareness is commonly cited as a primary obstacle to the rule of law in Myanmar. Yet the research provides mixed findings on levels of legal awareness across Myanmar. There are clear indications that most people are broadly familiar with core parts of the legal system and the laws that are most likely to directly affect their lives. However, there are particular groups in Myanmar whose legal knowledge is more limited. Despite this, people don't appear to identify an increased awareness of the legal system as relevant to their day-to-day existence. The previous section showed people have strong views on the meaning and importance of justice. Findings across this section re-affirm this, with generally accurate responses where questions relate to principles of fairness.

The study sought responses to a number of true and false statements across a range of legal topics (see Figure 14). The questions were selected to reflect things important to people's rights and livelihoods. Responses indicate that most people have a reasonable level of knowledge about laws and rights in relation to everyday life. Overall, 83% answer a majority of questions correctly. This includes over 25% answering more than 75% of questions correctly.

Figure 14
Are the following statements true or false?

True, false, don't know (choose one)

Table continues on next page

Statement	Answered correctly	Don't know
Every child has a right to primary education (TRUE)	98.9%	0.5%
All persons accused of a crime have a right to be represented by a lawyer (TRUE)	91.4%	5.8%
A woman has the right to file a report with the police against physical violence by her husband (TRUE)	90.3%	3.2%
All persons whose land has been taken by the government have a right to compensation or to have land returned to them (TRUE)	87.5%	9.2%
Women have equal rights to men (TRUE)	87.5%	5%
It is illegal for a factory to employ a child below 14 (TRUE)	86.8%	3%
Police can arrest anybody, anywhere, anytime without any reason (FALSE)	86.3%	3.4%
A man is entitled to beat his wife (FALSE)	83.7%	3.5%
People have the right to make critical statements about public officials' conduct if they believe them to be true (TRUE)	82.0%	10.9%

Figure 14 (Continued)

Statement	Answered correctly	Don't know
Police cannot keep a person in custody beyond 24 hours without permission from the court (TRUE)	77.4%	10.4%
In serious offences like murder, children can be sentenced to life imprisonment (FALSE)	70.2%	12.6%
The Constitution of Myanmar contains provisions to protect the right to property (TRUE)	61%	32.5%
A man has the right to prohibit his wife from working (FALSE)	57.8%	5%
Police can force a suspect to confess crime (FALSE)	49.6%	11.8%
Newspapers and other media have the right to decide what news stories they publish (TRUE)	41.4%	27.6%
The State is the ultimate owner of the land and can do anything it wishes with regards to land, without any restrictions (FALSE)	30.4%	51.2%
An arrested person must prove that he/she is innocent (FALSE)	3.4%	4.1%

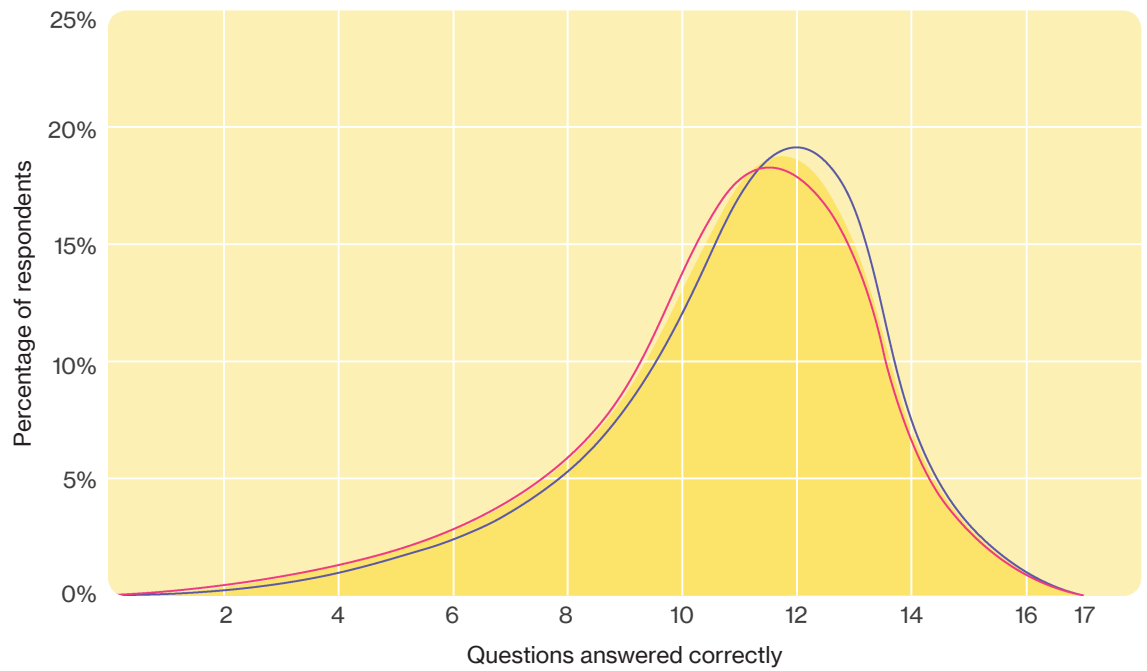
The proportion of correct responses rises with education levels. Over 41% of people with graduate education correctly responded to over 75% of the questions. People from higher-income households, men and people living in urban areas have a slightly higher knowledge of the law compared to the rest of the population.

People with low education and women are less likely to be able to answer the range of questions correctly. Approximately 31% of people with no formal education and 22% with a primary school education answered most questions incorrectly. Similarly, women are almost twice as likely as men to answer more questions incorrectly or not at all. The same correlation does not exist for income levels: figures are roughly the same.

Figure 15
Distribution of respondents by the
number of correct answers to 17 true or
false legal questions³⁶

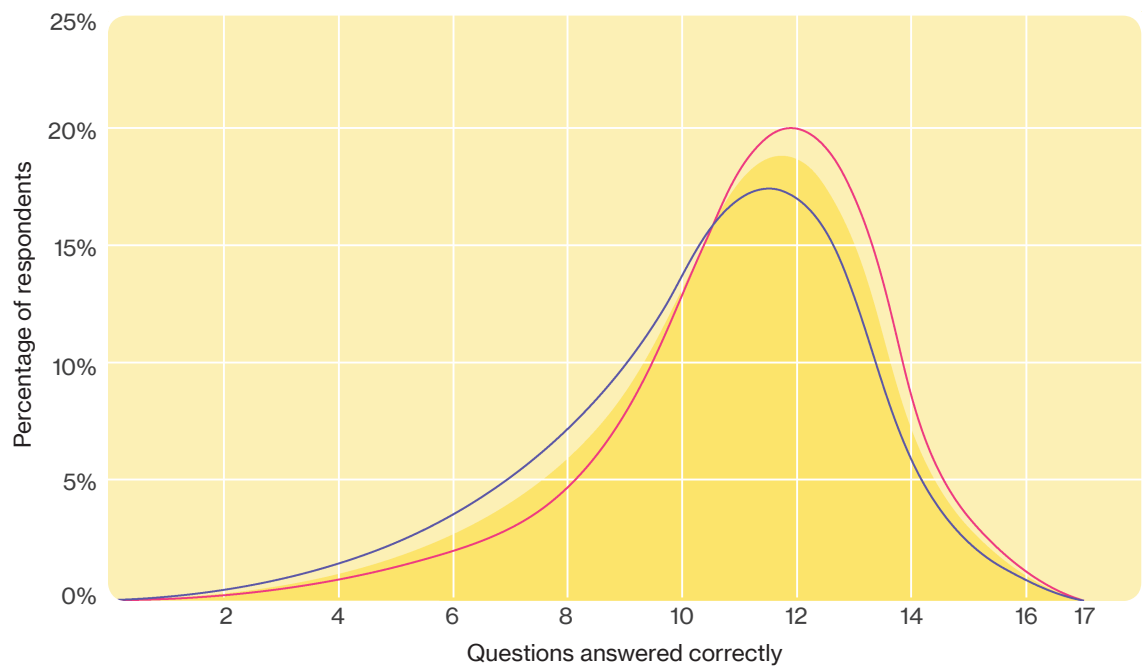
Urban/Rural

- Total
- Urban
- Rural



Gender

- Total
- Female
- Male

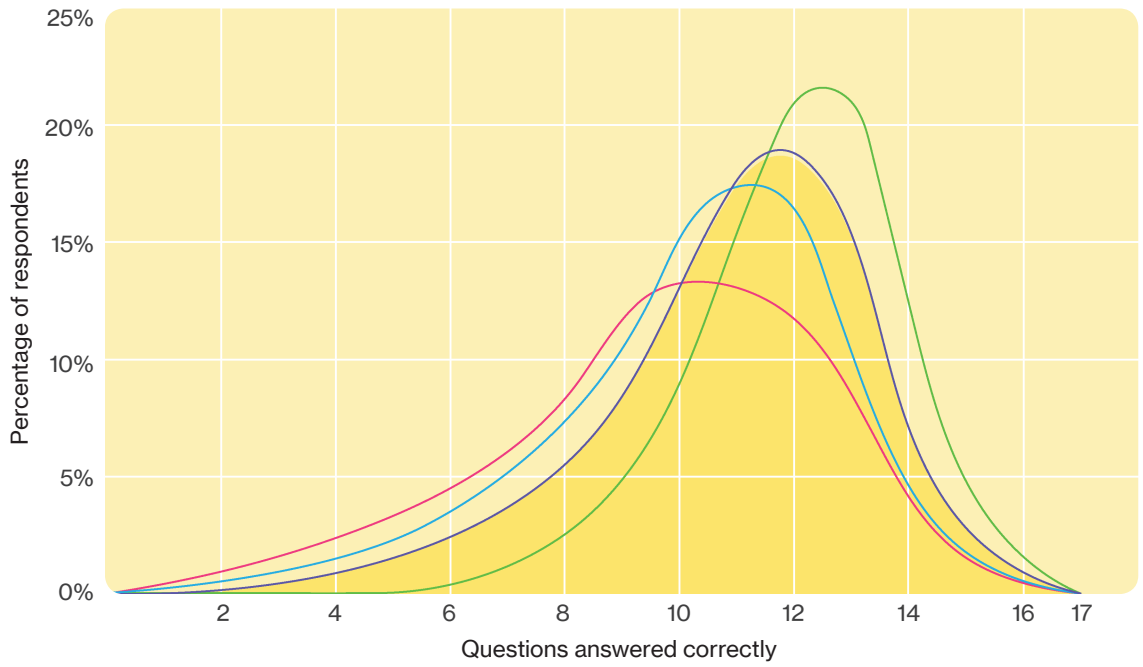


³⁶ Inaccurate responses include 'don't know' and 'did not respond'.

Figure 15 (Continued)

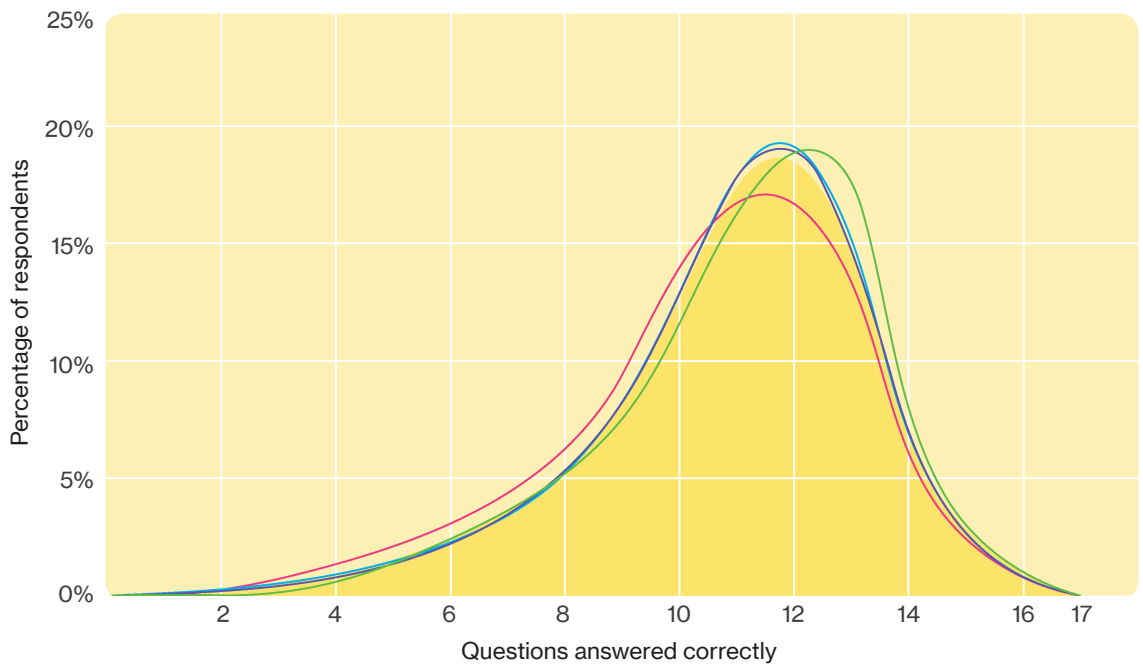
Education

- Total
- No formal education
- Primary
- Secondary
- High school/graduate



Household income

- Total
- Below 2 lakh
- 2-3 lakh
- 3-5 lakh
- Above 5 lakh



The broad range of issues covered, and the true/false nature of the statements, makes it difficult to draw individual conclusions. However, there are several identifiable trends.

Questions that relate broadly to people’s rights in general and concepts of what would appear fair have the highest accurate response rates. Each of the top five questions within this category have accurate response rates over 85%. This is consistent with findings on people’s views of justice from the previous section: across the population people strongly believe they should be treated fairly.

The responses, however, indicate that in practice these views can be undermined. Responses to questions relating to police authority underline the idea that people in Myanmar view the law as coercive and that their perception of its role is shaped by this view – rather than one in which the role of law supports the delivery of justice. Figure 16 shows that knowledge of specific criminal law provisions is poor: there are a high rate of incorrect responses for issues fundamental to people’s liberty, for example the right not to be subject to arbitrary arrest. Half of the population either believe the police can force suspects to confess a crime (38%) or don’t know (12%). Similarly, 92% of the population believe it is up to an individual to prove their innocence. These responses suggest that people’s understanding of the law is shaped primarily by their, or their community’s, experiences of how the law is applied in practice.

Figure 16
Are the following statements true or false? (Police)

True, false, don’t know (choose one)

Statement	Answered correctly	Don’t know
Police can arrest anybody, anywhere, anytime, without any reason (FALSE)	86.3%	3.4%
Police cannot keep a person in custody beyond 24 hours without permission from the court (TRUE)	77.4%	10.4%
Police can force a suspect to confess crime (FALSE)	49.6%	11.8%
An arrested person must prove that he/she is innocent (FALSE)	3.4%	4.1%

Four questions relate to women’s rights as illustrated in Figure 17. There are no significant variations between men and women in their understanding of the issues, and their response patterns are similar, although women have slightly higher rates of ‘don’t know’ responses. More broadly, women are much more likely to respond to questions directly relevant to their lives (questions about their rights or the rights of children) compared to the more general questions in the panel (for example relating to land or criminal law), where their ‘don’t know’ rate is invariably 5% above that of men.

Figure 17
Are the following statements true or false? (Women's rights)

True, false, don't know (choose one)
 Disaggregated by: gender

Statement	Answered correctly		Don't know	
	Female	Male	Female	Male
A woman has the right to file a report with the police against physical violence by her husband (TRUE)	89.3%	91.4%	3.6%	2.7%
Women have equal rights to men (TRUE)	87.1%	87.9%	5.5%	4.6%
A man is entitled to beat his wife (FALSE)	83.8%	83.6%	3.7%	3.2%
A man has the right to prohibit his wife from working (FALSE)	56.2%	59.3%	7.1%	5.4%

Although both men and women demonstrate high rates of awareness about rights in cases of domestic violence, they also believe private matters should be settled in the family. The MJS also asked respondents if family matters should be dealt with in public. The vast majority of the population (96% female, 94% male) believe that these issues should remain private.³⁷

- Finding 7** The majority of the population are broadly knowledgeable on the central legal issues of most relevance to their lives.
- Finding 8** As education levels decrease so does legal awareness. Women also have lower overall rates of awareness.
- Finding 9** People's knowledge of the law is shaped primarily by collective experience of how it has been administered in Myanmar's recent history.
- Finding 10** Perceptions of the criminal justice system demonstrate low awareness of the fundamental rights of those accused of crimes.

³⁷ See also, Gender Equality Network, 'Behind the Silence: Violence Against Women and their Resilience in Myanmar', Yangon, 2015. Although that report argues that the distinction between private and public is less obvious in relation to community institutions, which are, in some instances, also viewed as more private than justice sector institutions.

³⁸ These findings do, however, need to take into consideration that the question is generic in nature, identifying sources of general information about laws and rights. It does not ask about actual experience in accessing information, nor does it examine whether or not people consult different sources depending on the type of justice issue.

Where do people obtain information?

The research explores how people access information about justice issues. The MJS asked people what sources of information they use to obtain knowledge about laws. It also posed more specific questions in relation to knowledge of information campaigns and awareness of legal aid.

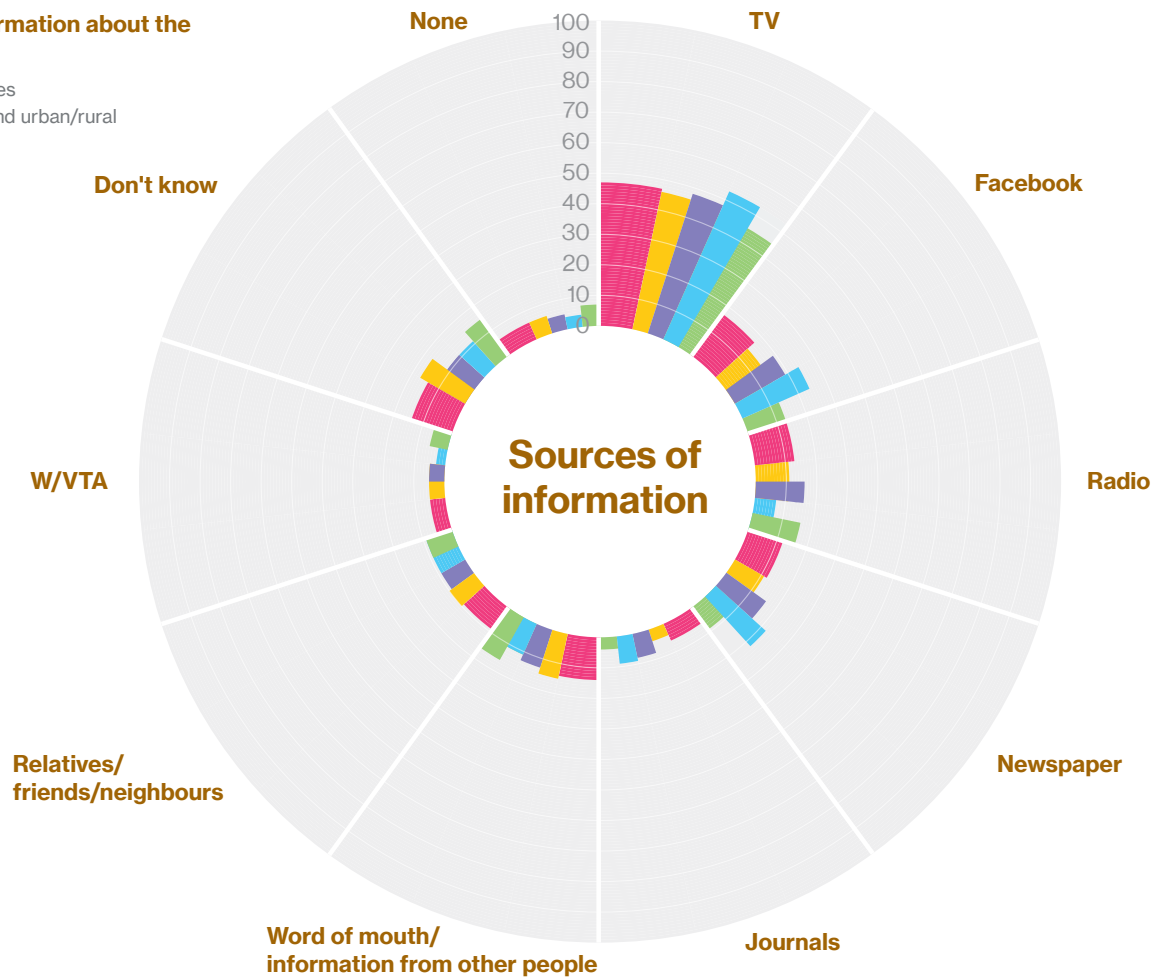
People's responses to how they access information about laws and human rights are arranged into three broad categories: mass media, including social media; personal networks; and no access.

Mass media, mainly television and to a lesser extent Facebook, is identified as the most commonly accessed source of information about laws and human rights by the majority of the population. Figure 18 shows that just under half claim to access information through television and at least one in ten people view Facebook, radio and newspapers as important sources of information. People in urban areas are much more likely to access information through media, including social media. The only exception to this is use of the radio, which remains prominent in rural areas. Similarly, younger people and people with higher incomes are more likely to rely on television and Facebook.³⁸

Figure 18
Where do you get information about the law and rights?

Shows only top ten responses
Disaggregated by: gender and urban/rural

- Total
- Female
- Male
- Urban
- Rural





Religious leaders try to avoid resolving disputes as much as they can. They attend religious ceremonies and funerals. But resolving disputes is not their job.

– Community member, male, Hpa-An

Nobody wants to give advice to me. I want to consult with people and ask for their advice. There is nobody who wants to help us.

– Community member, female, Chaung Oo

We need an association that can give us legal advice. We are just ordinary people and we do not know about the law. We can get in trouble if we do not know the law.

– Community member, male, Hpa-An

If there are organisations that would help me, I would report to them. I also want to get help from human rights organisations as I have been unfairly persecuted.

– Community member, male, Hpa-An

Informal local networks are identified as a source of information by just under one-third of the population. This includes people who obtain information through word of mouth (14%) and through relatives or friends (10%). People with graduate education and those in the highest income bracket are the only groups less likely to rely on informal networks.

Only 5% of the population identify W/VTAs as sources of information on laws and rights. Even fewer people access community leaders (2%) and 10/100HH (1% each) for information and no one identifies religious leaders as a source of information. The low levels of reliance on local leaders for accessing information requires further exploration. Existing literature suggests that community leaders and village officials play a prominent role in guiding people through the justice system.³⁹ The findings from this study suggest that their role is more narrowly defined.

One explanation is that they navigate justice pathways and resolve disputes rather than providing advice or information. This is consistent with findings elsewhere in the research, where a similar proportion (just under 10%) see the W/VTA as an actor whose role it is to provide advice on justice issues. Alternatively, the hypothetical nature of the question may have led to answers that are aspirational rather than consistent with actual practice.

Approximately one in five people either do not know where to get information (14%) or have no source for it (6%). Women are more likely not to know compared to men (17% versus 11%). The same applies for people living in rural areas, with primary school or no formal education or in low income categories.

The findings also show that few people access organisations above the village level or those providing legal support for information. No government, legal service provider or civil society organisation, is identified by more than 2% of the population. Slightly less than 2% identify paralegals and government publications as a source of information. Regional variations in accessing paralegals for information indicate that the presence of networks can potentially provide people with alternative sources. For example, in Tanintharyi State and Ayeyarwaddy Region over 5% identify paralegals as an option. Less than 1% identify lawyers, NGOs and rule of law or justice centres as a source of information.

The lack of access to legal information through legal service providers is consistent with a low level of knowledge about these services – less than 20% of the population have heard of them. Better-off people (28%) and people with graduate education (34%) are most likely to be familiar with the concept. 82% of respondents who know of the term 'legal aid' don't know any organisation that provides these services.

Similarly, few people can recall legal awareness campaigns (8%). Just under half of these are campaigns organised by the police.⁴⁰ The MBS highlights that it is difficult to interest people in legal information sessions because people do not see the practical benefits of these campaigns. More memorable public activities are generally focused on day-to-day difficulties relating, for example, to health or education.

³⁹ See, for example, Denney, Bennett and San, 'Making Big Cases Small and Small Cases Disappear: Experiences of Local Justice in Myanmar', Yangon, 2016; Kyed, Helene Maria, 'Justice Provision in Myanmar: Reforms need to consider local dispute resolution', DIIS Policy Brief, 2017.

⁴⁰ At the time of the fieldwork for the survey there was also an active advertising campaign by police targeting problems such as road safety and petty crime.



We cannot organise people to come to discussions. They are interested only in their own work. They do not care much about law, justice and politics.

– Community leader, male, Taunggyi

Further work is needed to understand the links between the information channels people use. The findings highlight the lack of adequate information or media platforms for effectively distributing accurate legal information consistent with people's needs. Coupled with the popularity of television, this points to a need to adopt a two-fold approach: ensuring information disseminated through mass media is accurate; and providing more targeted information for some groups and issues.

People have very little knowledge about the law and they are not interested in information sessions either.

– Community leader, male, Taunggyi



Finding 11 Television (followed by social media) is the most trusted source of information about laws and rights.



Finding 12 Approximately one in five people either have no source of information or do not know where to get information about law and rights.



Finding 13 Few people access legal services or civil society for information. One in five know about legal aid, but the majority of those people do not know how to access it.

Who provides justice?

The previous section has shown that a lack of knowledge of the law and rights is significant, but is not the central constraint to accessing justice in Myanmar. Access to justice also relies on people being able to call on institutions or individuals who can provide assistance and help navigate the system. These institutions need to be trustworthy and have legitimacy in order for people to want to use them.

There is a strong preference for using local actors. This is driven on the one hand by greater trust in these actors, and on the other, by an awareness of the risks, uncertainty and potential costs associated with approaching actors beyond the village tract level. These findings are consistent with both the growing literature on justice institutions in Myanmar⁴¹ and research on the importance of non-state institutions in a comparative context.⁴²

A theme consistent across all locations and groups is that people turn to one actor more than any other, the W/VTA. The W/VTA in effect plays the role of a gatekeeper, determining which problems can be dealt with in communities and which need to be referred to formal institutions.

Formal institutions are used as a last resort. However, they maintain influence through 'the shadow of the law'. This is where decisions from the formal system create incentives for parties to negotiate resolutions informally.⁴³ Findings from the MBS 2017 highlight how local actors often use the threat of referral to justice sector institutions to assist resolution at the community level.

This section looks at perceptions about the role of different actors in relation to justice issues. It then focuses on their legitimacy. The high levels of trust and accessibility of local-level institutions is contrasted with perceptions of formal justice institutions.

⁴¹ See, for example, UNDP, *Access to Justice and Informal Justice Systems in Kachin, Rakhine and Shan States: Consolidated Report*, UNDP, Nov. 2017; and World Bank, *Livelihoods and Social Change in Rural Myanmar*, QSEM Reports, 2012-17.

⁴² See, for example, Albrecht et al., 'Perspectives on Involving Non-State and Customary Actors in Justice and Security Reform', IDLO and DIIS, 2011.

⁴³ This evolved as a concept where the formal justice system provided certainty, enabling parties to negotiate outside court with a knowledge of what the outcome would be were they to go to court (see, for example, Fitzpatrick, S. *The Economics of Courts and Litigation*, Edward Elgar Publishing, 2008; and CLEP, *Making the Law Work for Everyone (Vol II)*, UNDP, 2008). The inverse can also apply, where uncertainty generated from the formal system incentivises parties to find alternative solutions.

Central themes

- **The W/VTAs are perceived as being the primary actors people turn to for help, either resolving problems locally or deciding which ones are reported beyond the village.**
- **There is a universal, strong preference for dealing with things locally and keeping them away from justice sector institutions.**
- **People have higher levels of confidence in local-level institutions across all indicators.**
- **A significant number of people are not confident that any actor will provide affordable services, not ask for unofficial fees or act neutrally in settling disputes.**

The role of different actors in justice issues

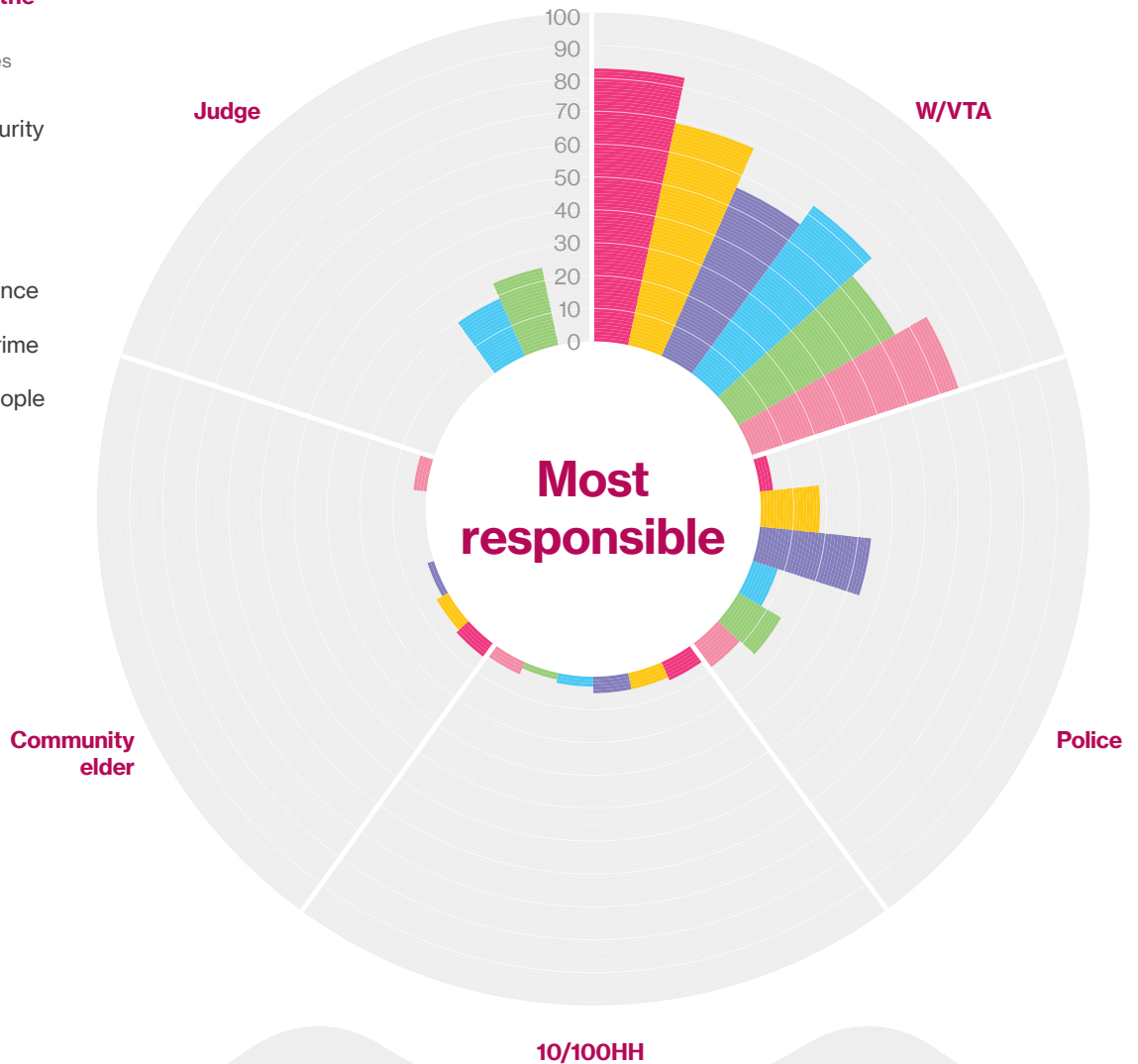
The research asks how people view the role of actors, both at the local level and beyond, across six different justice-related tasks: maintaining security; preventing crime; investigating crime; determining guilt/innocence; punishment; and settling issues.

The most commonly identified actors across most tasks are: the W/VTAs, 10/100HH and community elders at the local level; beyond the village, the police and, to a lesser extent, judges.

Figure 19
Who is most responsible for the following tasks?

Shows first, second and third choices

- Maintaining safety and security
- Preventing crime
- Investigating crime
- Determining guilt or innocence
- Punishing those guilty of crime
- Settling issues between people





The W/VTA is informed first. He will issue a transfer letter to the police to come and arrest the suspects.

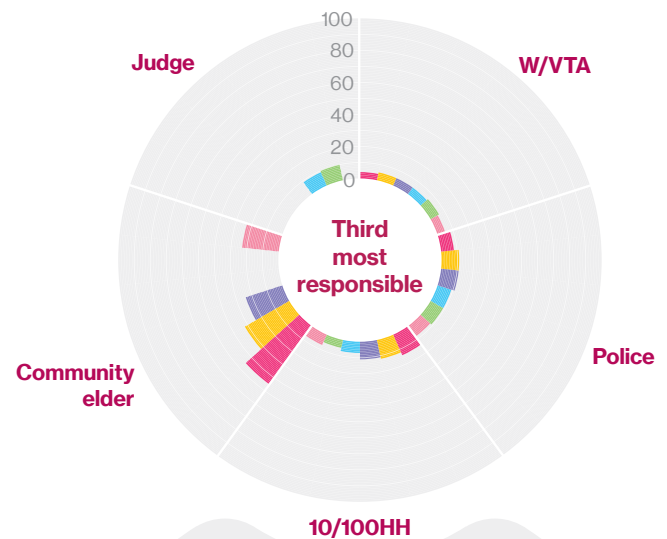
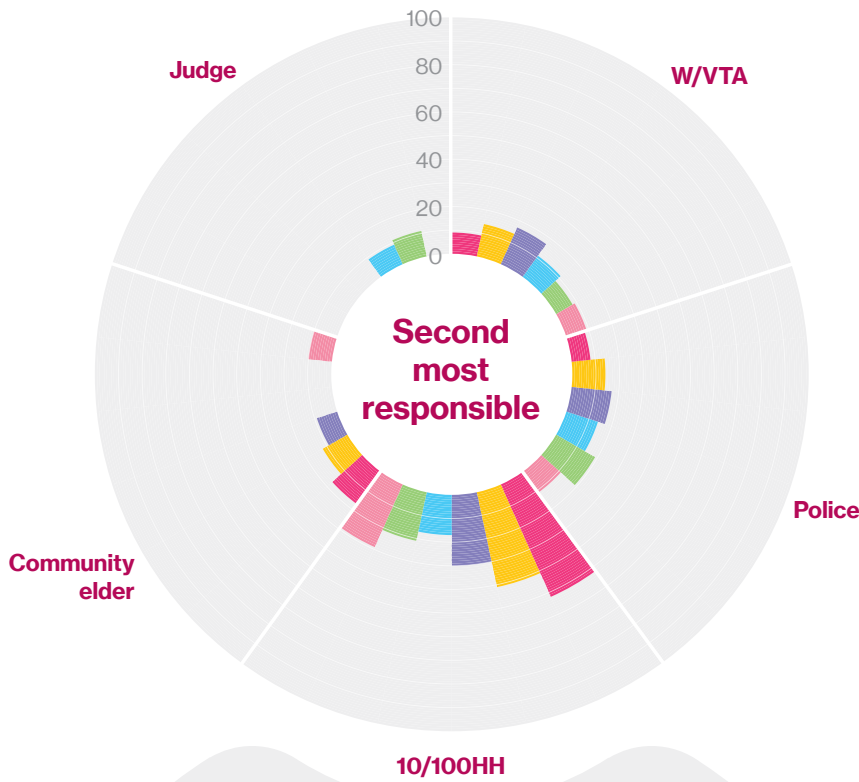
– Community member, female, Bago

For small cases, we inform the 10 or 100HH. He will tell us not to make the problem any bigger. Sometimes he will beat or scold people to punish them. He threatens that he will send the case to the police, so that most cases end at him.

– Community member, female, Hlaing Thar Yar

A majority of people see the W/VTA having the most responsibility for each of the six tasks identified, even those normally associated with the criminal justice system, such as investigating crimes and enforcing sentences. 83% of the population perceive the W/VTA as primarily responsible for maintaining security, whereas only 54% of people see them most responsible for punishing people guilty of crime.

People do not view the W/VTA as working alone despite their importance. Most people also identify other actors, suggesting a more nuanced understanding of the relationship between different actors in addressing justice issues. The police and judges are perceived as playing the primary role by over 20% of the population in four of the six tasks identified. Over 70% also identify at least one second actor playing a role in each of the different tasks and at least half the population identify a third.



Box 2
Plural legal systems in Myanmar



I need help from the 10/100HH to make decisions. They know the community well. I would ask them to investigate the issue and then I make a decision based on what they find.

– W/VTA, male, Kawa

In many countries, formal justice systems co-exist with other types of local mechanisms. This co-existence is often referred to as legal pluralism.

These systems can have important attributes: they are accessible; often have high social legitimacy due to the role of local leaders; and are focused on consensus outcomes, with decisions consistent with local norms. However, they do not always conform with human rights principles; the consensus nature means the rights of vulnerable people can be compromised; and they reinforce existing power imbalances.⁴⁴

Given the important role these systems play, initiatives to strengthen the rule of law often include a focus on understanding how they operate and, where necessary, improving the quality of justice they deliver and links with the formal system.

The role and influence of non-state systems varies across and within countries. Understanding the local context is particularly important in Myanmar, where there are multiple, often overlapping actors – resulting from Myanmar’s ethnic and religious diversity, recent history of authoritarian rule and the influence of EAOs in conflict-affected areas. The role of non-state or local actors is particularly influential as people avoid formal institutions.⁴⁵

Local actors include those with some authority derived from the state – W/VTA and village administrators. They also include village institutions such as village elders and respected persons (VERPS), committees established to manage land, water and other local resources and religious or customary leaders. Local elites and actors drawing support from EAOs can also play an important role.⁴⁶

Interaction between local and formal systems



When there is a problem, the W/VTA, 100HH and community elders discuss together how to resolve it. It is actually quite open and inclusive.

– Community leader, male, Thalon

Judges are identified by only one fifth of the population as playing a primary role in determining guilt or innocence and punishing people. A sizeable minority also see the police playing a primary role in investigating (34%) and preventing crimes (19%). With the exception of maintaining safety and security, at least 20% of the population also identify either police or judges as playing a support role across all tasks. This indicates that, although people do not view justice sector actors as having primary responsibility across different justice issues, their role is not insignificant.

The MBS 2017 provides a more detailed description of the role of formal justice sector actors and the interaction that occurs between local actors and the formal system. First, consistently, respondents identify the work of the W/VTA as determining which problems should be solved within the community and which needed to be referred to the police or officials beyond the village or ward. In numerous interviews, people referred to the role of W/VTAs in communicating with police to investigate crimes or police requesting support from W/VTAs to apprehend suspects.

⁴⁴ See, for example, International Council on Human Rights Policy, *Plural Legal Orders and Human Rights*, Geneva, 2009; Harper, E, *Customary Justice: from Program Design to Impact Evaluation*, IDLO, 2011.

⁴⁵ Freeman-Prasse, E, ‘Conceptions of Justice and the Rule of Law’ in Myanmar: *The Dynamics of an Evolving Polity*, 2015. See also literature on the extensive influence of village networks under authoritarian rule in Myanmar in the context of limited government service delivery locally, for example, Scott, J, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*, Boston, 2009; and World Bank, *Post-Nargis Social Impacts Monitoring*, Yangon, 2008.

⁴⁶ See Kempel, S, ‘Village Institutions and Leadership in Myanmar: A View from Below’, unpublished report for UNDP, 2012; and McCartan, B & Jolliffe, K, ‘Ethnic Armed Actors and Justice Provision in Myanmar’, The Asia Foundation, 2016.

Coordination among local actors

The MBS also revealed another relationship between formal and other justice actors. Many community members and local leaders described how local leaders use the potential threat of reference to the formal system as a central aspect of convincing people to resolve things locally. This is consistent with Myanmar's recent history of authoritarianism; the common understanding of the implications of the coercive nature of the law and the risks of involving formal justice actors lead people to accept whatever alternative local solutions may exist.

Other local-level actors are seen as supporting the work of the W/VTA on justice-related tasks. At least 20% of the population view the 10/100HH as playing a secondary role across all tasks.⁴⁷ People also identified other community leaders and elders as being actively involved in maintaining safety and security and preventing crime.

These figures show a consultative approach to addressing justice issues locally. While most identify the W/VTA as the actor with the most influence, he (invariably a man) is dependent on the support of other local leaders.⁴⁸ The MBS shows that these leaders often act as the first point of call for community members and subsequently enable the interaction with the W/VTA. Interviews also show that local leaders are consulted by the W/VTA in decision-making processes. This consultative approach and the community's acknowledgement of the interaction between local leaders helps to explain the strong legitimacy of W/VTAs.

Perceptions of actors working on justice issues

The study asks a range of questions about the strengths and weaknesses of different actors involved in justice issues. The questions cover seven indicators measuring:

- **Access:** the actor is accessible locally, is affordable and speaks a language that people can understand;
- **Legitimacy:** the person can be relied on and treats people with respect;
- **Trust:** they will act in a neutral manner and not be influenced by money.

Local actors are viewed considerably more favourably than those above the village tract level. No actor is viewed by a majority of the population as being affordable. Other indicators, namely neutrality and incorruptibility, also have low rates of agreement.

Finding 14 The W/VTA is identified by a majority of the population as the primary actor across all justice-related tasks.

Finding 15 The W/VTA acts as a gatekeeper between communities and the formal system. The threat of referral to the formal system is often used to encourage resolution at the local level.

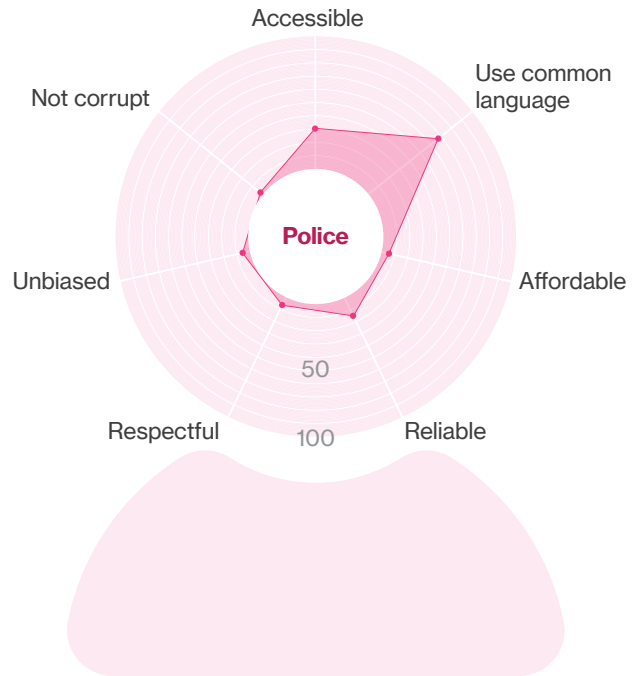
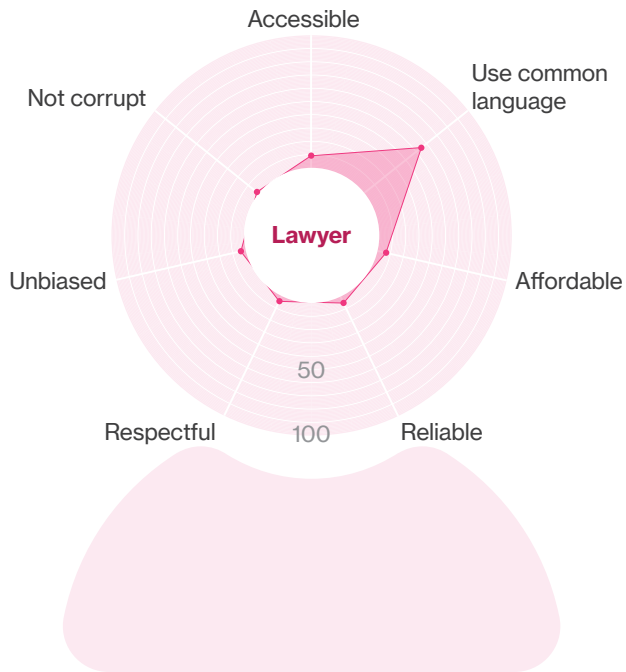
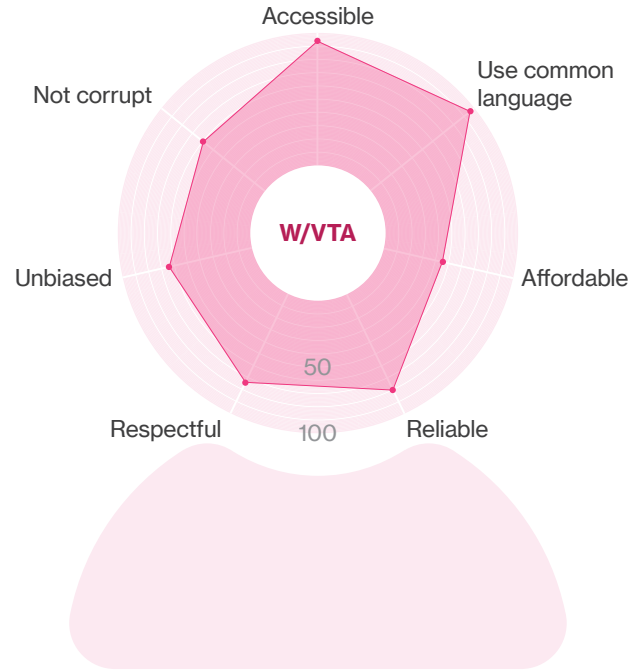
Finding 16 At the village level, people view the W/VTA as acting in a consultative manner with other local leaders.

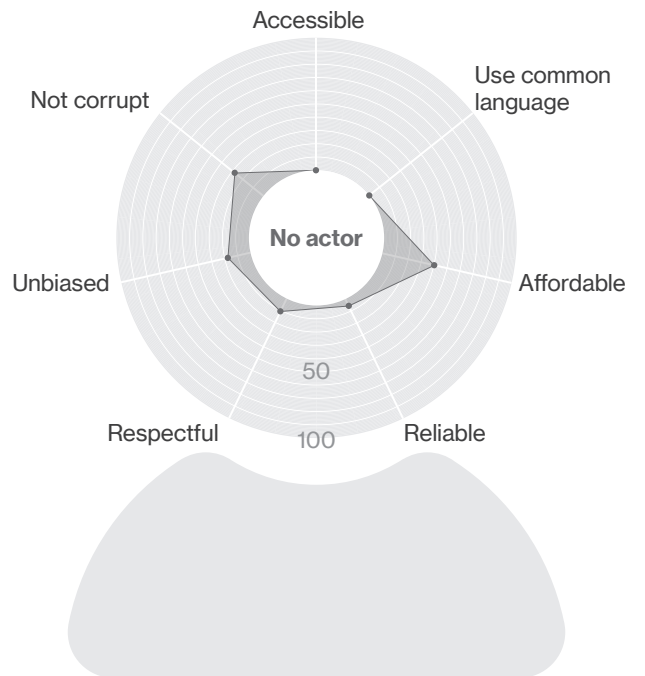
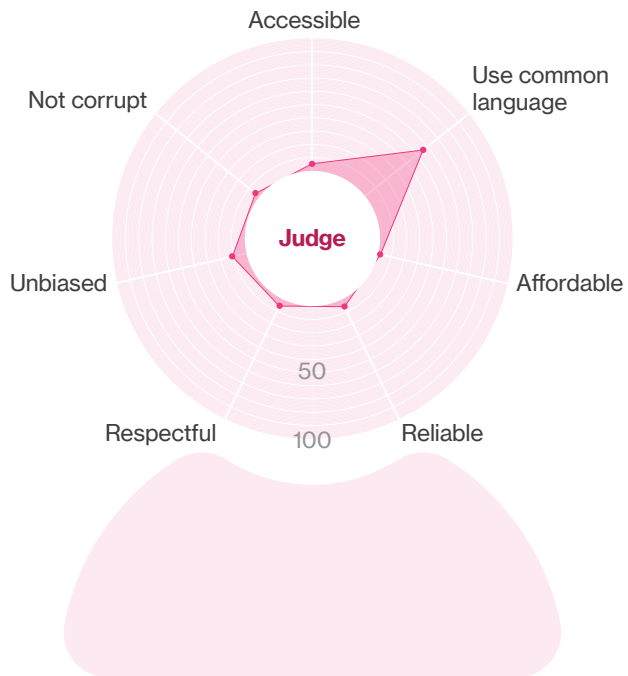
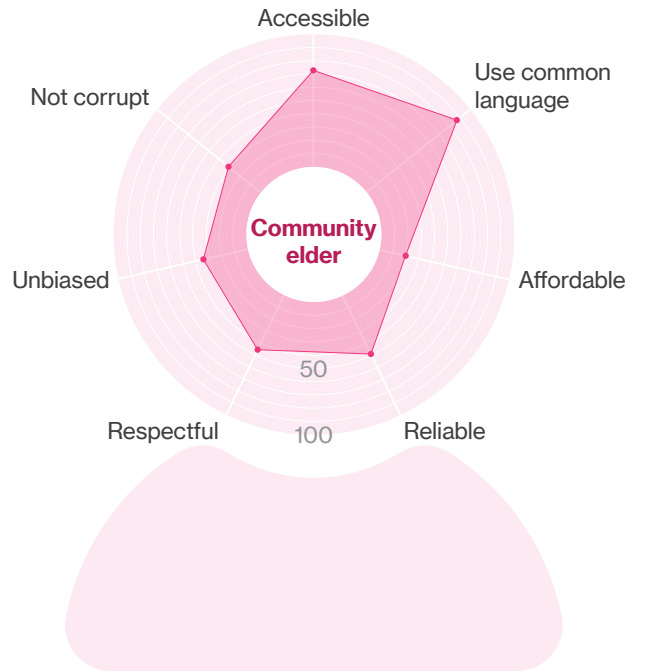
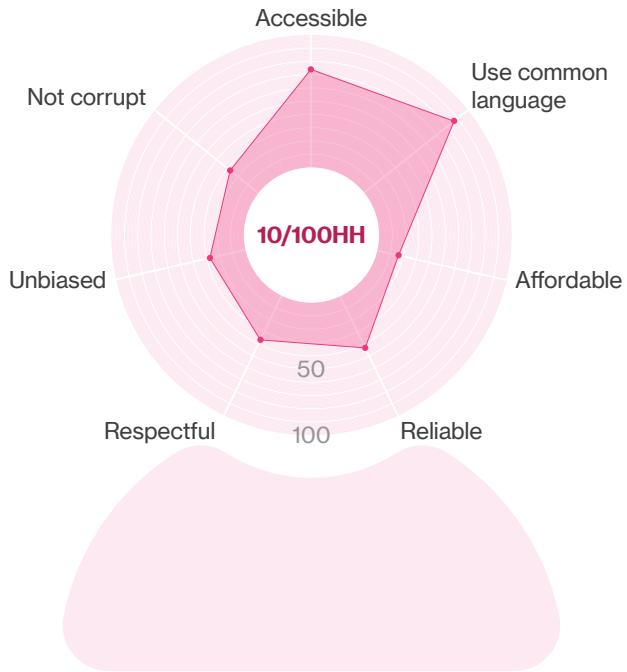
⁴⁷ As discussed in the methodology section it is possible that the role of the W/VTA vis-à-vis the 100HH is over-represented in the survey findings in rural areas due to the selection of tract villages, where the W/VTA is most likely to reside, as the main sampling unit.

⁴⁸ It is estimated that only 42 of the 16,785 W/VTAs (0.25%) across Myanmar are women. See UNDP, 'Women and Local Leadership: Leadership Journeys of Myanmar's Female Village Tract/Ward Administrators', Yangon, 2015.

Figure 20
Which of the following terms would you identify with these justice actors?

Choose all terms that apply
 Shows percentage of respondents that answered positively for each term





Formal actors



The court favours those who have money and neglects those who do not.

– Community member, male, Bilin

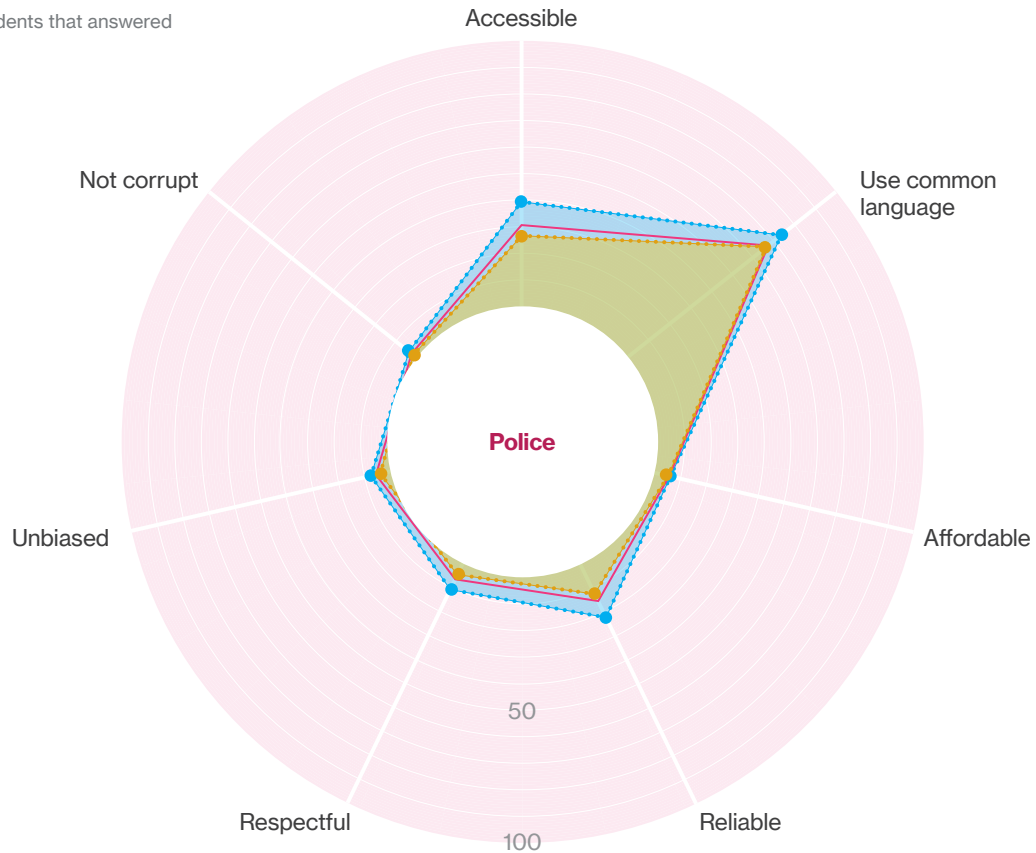
Actors above the local level are viewed as distant from everyday difficulties. The main actors people see as relevant in providing justice services are the police, judges and, to a much lesser extent, lawyers.⁴⁹ Confidence in all of these actors is low. With two exceptions, no actor working at the township level or above is viewed as providing services effectively across each of the indicators by more than 20% of the population. The first exception is in relation to language: a majority of people state that the police (68%), lawyers (55%) and judges (55%) are able to provide services in a language they can understand. Secondly, almost a third of the population (31%) identify the police as being accessible.

People in urban areas are somewhat more likely to use these formal actors, especially the police. In urban areas, approximately 10% more people than in rural areas identify formal actors as accessible, speaking a familiar language and being reliable. The greater trust in police in urban areas corresponds to lower confidence in W/VTAs, suggesting that community members view these actors as playing similar roles dependent on the context.

Figure 21
Which of the following terms would you identify with the police?

Choose all terms that apply
Shows percentage of respondents that answered positively for each term
Disaggregated by: urban/rural

- Total
- Urban
- Rural



⁴⁹ The research does not provide options for the identification of officials from government departments such as the Township Administrator from the General Administration Department (GAD).



I asked a lawyer to represent me and realised it would cost 500,000 kyat. I didn't want to spend so much for a small return or go to court as it takes time.

– Community member, female, Bago

Uncertainty about the cost and time is the primary reason why most people avoid formal justice actors. No more than 5% of the population view either police or judges as being affordable or 'clean' (unlikely to ask for an unofficial payment).

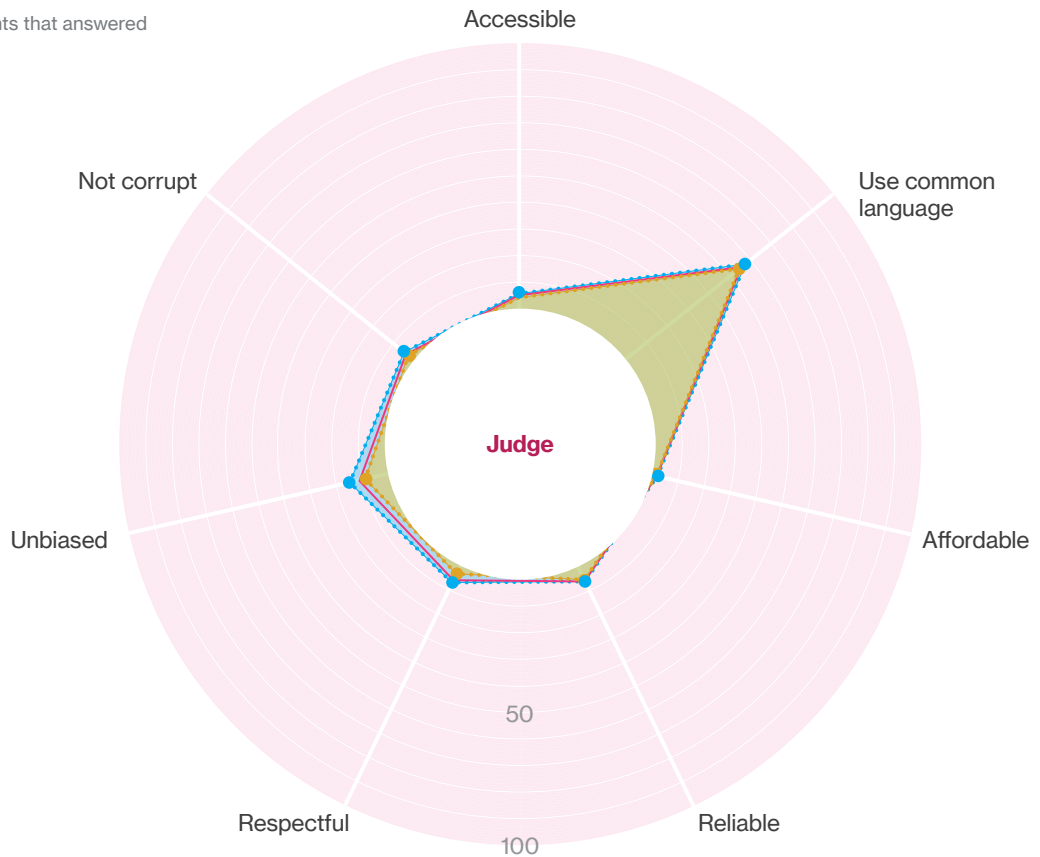
The MBS research also confirmed that many people fear that dealing with police or courts will become a long process, which reduces confidence in the formal system.

Finding 17 Justice sector actors are perceived as removed from everyday difficulties, particularly in rural areas. This appears to be mainly driven by a perception that taking action will be costly, time consuming and unpredictable.

Figure 22
Which of the following terms would you identify with judges?

Choose all terms that apply
Shows percentage of respondents that answered positively for each term
Disaggregated by: urban/rural

- Total
- Urban
- Rural



A strong preference for local actors



The W/VTA is king here. We elected him and he has responsibility to resolve issues. We voted for him because he is fair and a man of integrity.

– Community member, male, Bilin

W/VTAs are more effective in carrying out their duties because they are official. Community leaders can only resolve issues of friends or relatives.

– Community member, male, Bilin

Whenever there is a fight, the W/VTA is informed first. He never lets the case reach the police. Most of the time, he comes directly and solves the problem. It gets resolved every time.

– Community member, male, Chan Aye Thar Zan

People view local actors in a significantly more positive light than actors beyond the village level. The W/VTAs, followed by community elders and 10/100HH, register the highest confidence levels across more indicators than all others, including those from the formal justice system.

The W/VTA is seen to enjoy the highest levels of confidence across all indicators. The MBS indicates that this influence results from the combination of social legitimacy, reinforced in recent years through a form of direct election for their position,⁵⁰ and the power they exercise as bestowed on them by the state.

There is less confidence in the neutrality, accountability and cost of W/VTAs compared to their other attributes. Only half of the population view the W/VTAs as being affordable and just over 60% view them as being incorruptible and unbiased. The MBS interviews re-affirm these findings. Respondents emphasise the central role of W/VTAs but highlight mixed experiences as to their ability to handle cases fairly and equally. In particular, a number of respondents identify the potential for W/VTAs to side with parties with more power or from better socio-economic backgrounds, marginalising vulnerable members of the community. As the quotes to the left indicate, confidence in W/VTAs can vary even within the same township. W/VTA positions are held by individuals and are intricately linked to local politics. Their legitimacy can depend on the quality of the individuals in the position, local context and their capacity to fairly represent different groups.

In urban areas, although W/VTAs are still perceived as being accessible, at least 10% less of the population view them as providing reliable assistance or treating people with respect. These variations are even more noticeable in relation to perceptions of neutrality ('unbiased') and accountability ('not corrupt'), highlighting the weakening of reliance on local-level leaders in urban areas.

Although previous studies have highlighted the importance of other informal leaders in the provision of justice, this research indicates these actors have less influence.⁵¹ Except for indicators of accessibility, other prominent community leaders, namely 10/100HH and community elders, are identified less than half as often as W/VTAs as playing a role across justice issues. Two factors may explain this: as discussed earlier in this section, multiple actors seem to be consulted at the local level but that people view the W/VTA as a final arbitrator or decision-maker; unlike W/VTAs, other local actors have no formal authority from the state to represent the interests of the community. As a result, people seem to choose to directly involve the W/VTA in their justice issues.⁵²

Finding 18 Local actors, in particular the W/VTAs, are more trusted than others in providing justice. This is mainly due to their legitimacy in the community.

⁵⁰ In December 2013, W/VTAs were identified through a form of election process for the first time. Elections were through a closed ballot with each 10HH in a village tract or ward having the right to vote.

⁵¹ Kempel, S, 'Village Institutions and Leadership in Myanmar: A View from Below', unpublished report for UNDP, 2012. Although these findings are similar to other research from MyJustice that identified the plurality of justice actors starting at the W/VTA level – see Denney, Bennett and San, 'Making Big Cases Small and Small Cases Disappear: Experiences of Local Justice in Myanmar', Yangon, 2016.

⁵² As is discussed in the methodology section, one potential limitation of the survey is that only tract villages are sampled. This raises the distinct possibility that the W/VTA resides in most of the villages sampled and, as such, the role of village administrators is vested in the W/VTA. Reporting of the role of village administrators may therefore be under-represented.



I reported the case to the village administrator. He said that he would take care of it but he didn't because the other side is a rich family and they have a good relationship with him.

– Community member, female, Bilin

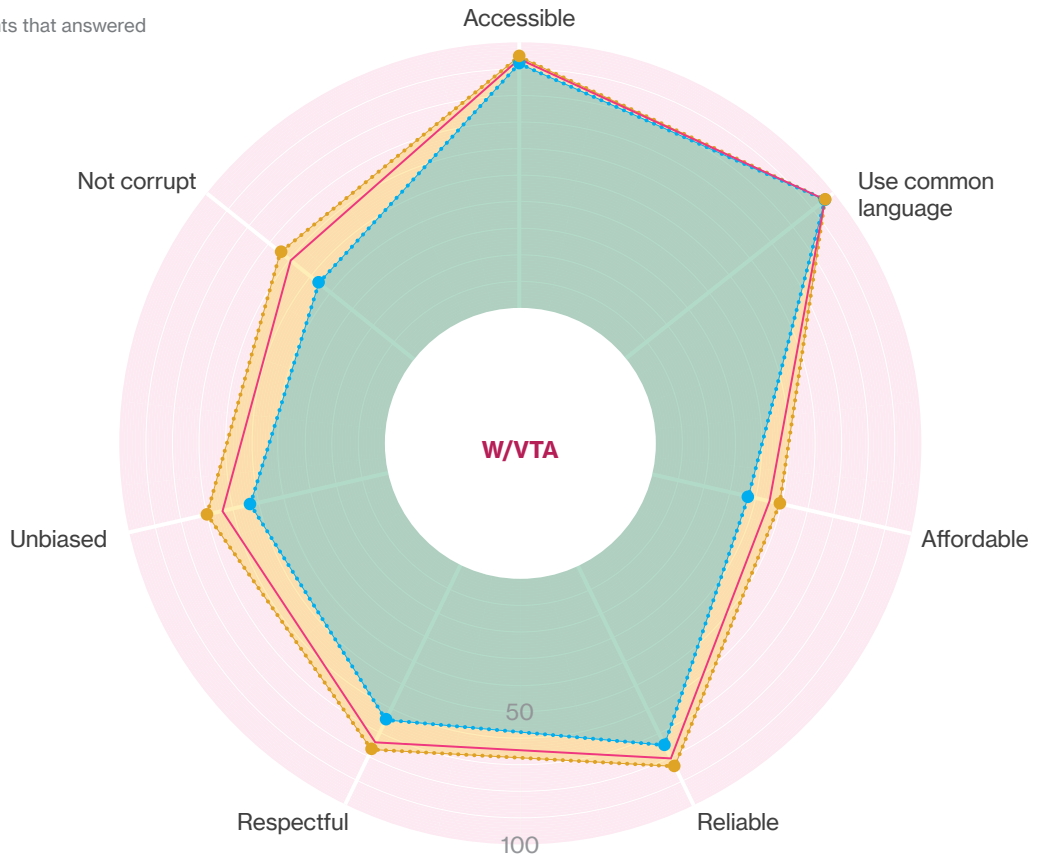
The W/VTA doesn't discriminate. He will negotiate between two sides and make the right decision, whether [they are] rich or poor.

– Community leader, male, Bilin

Figure 23
Which of the following terms would you identify with W/VTAs?

Choose all terms that apply
Shows percentage of respondents that answered positively for each term
Disaggregated by: urban/rural

- Total
- Urban
- Rural



Lack of suitable forums

Aside from those mentioned above, no other justice provider is perceived positively in providing access to justice by more than a tenth of the population, with the exception of 'language'.⁵³ People identified lawyers as only minimally accessible (8%), affordable (7%) and reliable (6%). People even see religious leaders (10%) and community-based groups or NGOs (7%) as only minimally accessible.

This suggests there is a lack of appropriate options available for community members when faced with justice issues. A sizeable proportion of the population, almost 40%, identify that no actor is affordable. Just over a quarter of people claim no actor would provide services without asking for unofficial fees and almost one in five people state that no actor would be unbiased. These figures are noticeably higher in urban areas, where 46% cannot identify an actor with affordable services and 38% state that all actors claim unofficial fees.

Given the limited alternative actors and the prominence of the W/VTA, the research suggests there may also be the potential for abuse of power or a lack of appropriate checks and balances at the local level. Accountability mechanisms, appropriate training and carefully considered approaches to further regulation are needed to mitigate these risks.

Finding 19 A sizeable proportion of respondents do not identify any actor as being affordable, accountable (likely to not request unofficial fees) or unbiased.

⁵³ Respondents are asked to comment across 11 types of actors for each indicator. At least 40 per cent of the population state that all actors, with the exception of EAOs, work in a language they can understand.



Frankly speaking, 10HH and 100HH do not do anything.

– Community member, female, Bago

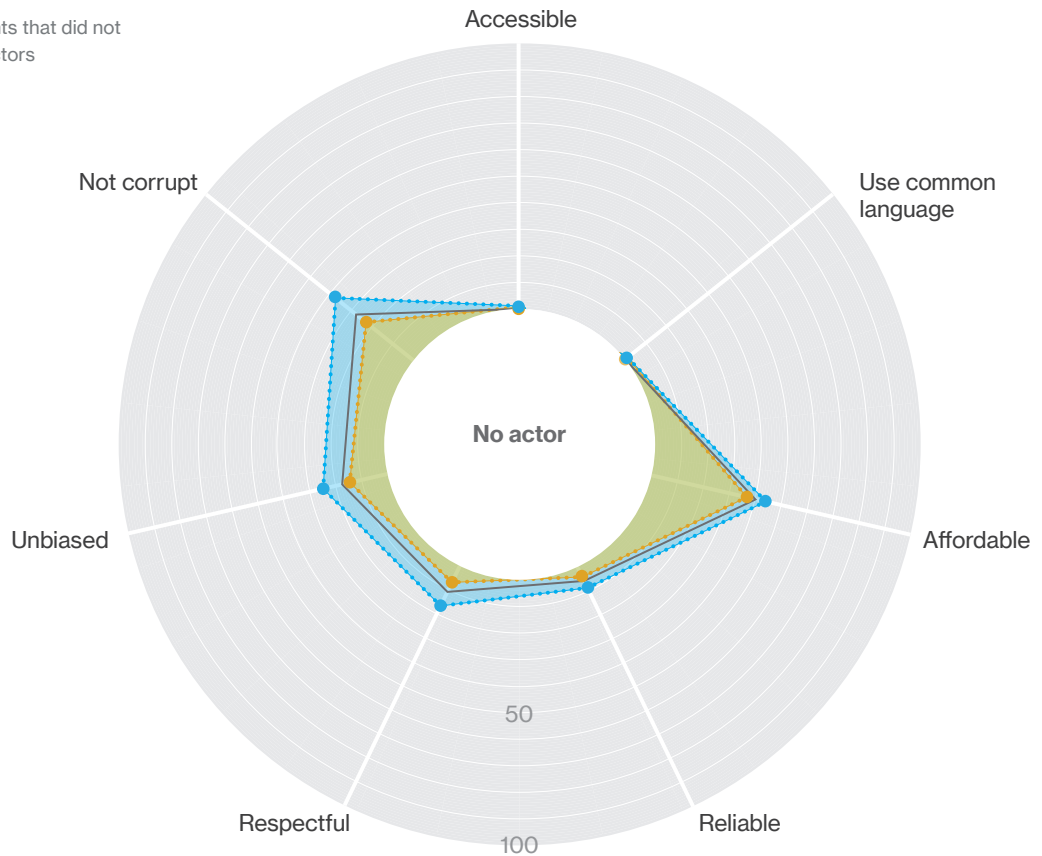
If we skip reporting to them [W/VTAs], they would get angry. If we go somewhere else first, we would be told to go back to the ward administrator.

– Community member, female, Mawlamyaing

Figure 24
Which of the following terms would you identify with no actor at all?

Shows percentage of respondents that did not identify a term with any of the actors
Disaggregated by: urban/rural

- Total
- Urban
- Rural



Disputes and pathways to resolution

Approximately 17% of the population report that they, or someone in their household, have had at least one form of justice issue or dispute in the last two years. These levels are consistent with findings from similar studies in other developing countries. The types of dispute experienced by people vary considerably, with the most observable variations related to socio-economic status and location. A small proportion (5%) of people report experiencing multiple disputes. This is consistent with evidence from elsewhere indicating that legal problems are frequently interlinked and, for vulnerable groups, experiencing one problem increases the likelihood of being at risk of additional problems.⁵⁴ When reports of actual disputes experienced by households are compared to findings on disputes experienced more broadly in the community, it is revealed that domestic issues and other issues involving social stigma are likely to be significantly under-reported.

The section examines the levels of justice issues experienced by households across Myanmar and the types of dispute that people face. It then analyses the options available to people seeking to resolve justice issues, including pathways taken from actual experiences (from the MBS qualitative research), to present a picture of dispute resolution choices.

⁵⁴ Pleasence, P et al., *Causes of Action: Civil law and Social Justice*, London, 2004.

Central themes

- **Almost one in five households have experienced some form of justice issue in the last two years.**
 - **Almost half the disputes related to economic interests or government services, primarily outstanding loans and lack of access to legal identity.**
 - **Certain types of disputes seem to be underreported, namely those with the potential to shame families (domestic violence, unpaid loans, etc.).**
- **Approximately half the people experiencing a justice issue will choose not to take action or report the issue.**
- **There is a strong preference for resolving disputes outside the formal system and in accordance with social or communal norms.**

Box 3 Comparisons with findings in other countries

There is a growing body of evidence on disputes and dispute resolution processes both in developing and developed countries. The studies allow some comparison.

In Asia, a representative survey of respondents in two provinces (Maluku and Aceh) in Indonesia, conducted in 2009, showed approximately 13% of households in Aceh and 16% of households in Maluku had directly experienced disputes in the previous two years. The most common disputes related to distribution of aid/government services, land ownership/use, theft and access to identity cards.⁵⁵

Further afield, a recent study in Tunisia⁵⁶ found that 41% of people experienced a dispute within the previous four years, double the time span of this report. The study does not define if it reports individual or household experiences. The most serious problems related to employment, access to services, land, crime and social security.

Studies from developed countries tend to indicate significantly higher rates of reporting for legal problems. A study of legal needs in Australia, for example, found that exactly half the population reported experiencing at least one legal problem in the previous 12 months, including 22% reporting three or more problems. Higher rates of reporting are in part a result of capturing disputes that may not commonly be perceived as justice issues in developing countries (consumer disputes were the most common issue reported in the Australian study) and may also indicate a more forthright willingness to disclose complaints.⁵⁷

Several factors tend to influence reporting rates, including: the definition of 'dispute' used in the survey; the period of time covered; and whether the question relates specifically to the respondent or to the respondent's household.

How frequent are disputes?

Almost 17% of Myanmar's population report that their households experienced at least one type of justice issue or dispute in the last two years.⁵⁸ The vast majority of people (83%) claim not to have faced a dispute affecting their household as illustrated in Figure 25.⁵⁹ Of those experiencing disputes, almost 4% report that their households faced two types of disputes and 2% faced three or more. Overall these numbers are consistent with findings from similar studies in developing countries, although lower than reports from more developed countries.

⁵⁵ World Bank, 'Community Access to Justice and Conflict Resolution in Aceh and Maluku', October 2009.

⁵⁶ Heijstek-Ziemann et al., 'Justice Needs in Tunisia – 2017: Legal Problems in Daily Life', HiIL, 2017.

⁵⁷ Coumarelos, C et al., 'Legal Australia-Wide Survey: Legal Need in Australia', Sydney, 2012.

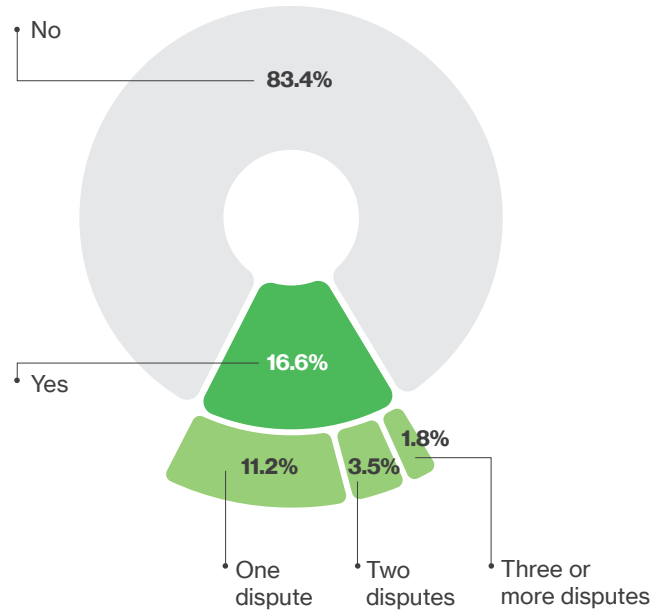
⁵⁸ Respondents are asked if they, or someone in their household, have personally experienced some justice issues / disputes in the past two years. This section uses the term 'dispute' to capture all responses.

⁵⁹ The survey provides a list of 23 different types of justice issues/disputes. Each type requires a 'yes' or 'no' response. As such, the survey does not capture the potential of households experiencing multiple disputes involving the same type.

⁶⁰ Whereas most of the demographic findings are individual, responses cover whole households. Under-reporting by the elderly, for example, does not mean they experience fewer disputes, as the actual disputes may have included others in their household.

Figure 25
Has anyone in your household experienced a dispute in the last two years?

If so, how many disputes?
 Shows percentage of total respondents



The distribution of people experiencing disputes is broadly in line with overall demographic representation. Where variations exist, they are driven by higher or lower rates of reporting and depend on the type of issue. The reasons for this are discussed below. The most observable variations are as follows:⁶⁰

- Households earning less than three lakh a month comprise 59% of the population but 53% of households that report a dispute experience.
- Inversely, people from households with the highest monthly income are more likely to report disputes, representing 17% of households with disputes but only 12% of the population.
- People with education beyond high school are more likely to report experiencing some form of dispute. They represent 10% of the population but 13% of the households reporting disputes.
- Younger people are more likely to report a dispute in their household. People between the ages of 18 and 29 represent 25% of the sample, but 39% of the people reporting disputes.
- Inversely, only 5% of people reporting disputes are over 60 years old although this group makes up 11% of the population.
- Women are more likely than men to claim that their households have experienced disputes (53% versus 47%).
- Bamar respondents claim their households experienced disputes slightly more frequently than non-Bamar respondents. Although the Bamar comprise 74% of the population they represent 77% of households reporting disputes.

One in every twenty people experienced multiple disputes. While noting the small size of this sample, those households experiencing two justice disputes over the preceding two years were from urban areas (34% of people experiencing multiple disputes versus 29% of the overall panel); Muslim (7% versus 2%); or from high income households (10% versus 5%).

Overall, 65 respondents (2%) experienced three or more disputes at the household level in the last two years. Two households reported experiencing seven justice issues each. Men households are significantly more likely to report experiencing multiple justice issues, representing 17% of respondents identifying this, while accounting for only 3% of the sample. Approximately 25% of the households that claim three or more disputes have diplomas or university degrees, although this category only covers 10% of the population. These people are also higher income – 23% of this group earn five lakh or more (12% of the sample). This indicates that higher income households either have more economic interests, for example money-lending, that may become subject to disputes or, as is identified in the comparative literature discussed above, may be more likely to assert their legal rights.

Finding 20 Almost one in five households report experiencing at least one form of justice issue or dispute in the last two years.

What types of disputes do people face?

As illustrated in Figure 26, the most common types of disputes involve unpaid debts and access to legal identity documents. Overall, 5% of the population claim someone in their household was owed money and just under 4% claim someone in their house experienced difficulty accessing legal identity documents such as birth certificates or ID cards. For all other types of disputes, reporting is under 2%, although 3% of people report land disputes relating to either confiscation or registration.⁶¹

Issues directly affecting the ability of households to earn a living or improve their livelihoods are those most commonly reported. Approximately 40 per cent of people reporting disputes identify experience with economic disputes. Also common are disputes relating to access to administrative services (30 per cent) and land (18 per cent).

“

People who have money will lend money and people who are poor will borrow it.

– Community member, male, Bago

Men and women report disputes in their households at broadly the same rate. Women are twice as likely to identify family disputes as an issue: over 1% of women identify inheritance disputes compared to 0.6% of men; domestic violence (1% versus 0.3%); and separation or divorce (1% versus 0.4%). Women may see these issues as more significant to their lives than men. However, the overall low numbers of reported disputes in these categories mean that these findings require further research and analysis.

⁶¹ Land disputes are potentially under-reported. The list provided to respondents provides for either 'land confiscation' or 'land registration' as forms of land disputes. However, there are a range of land transaction, boundary and land use disputes that are potentially equally common. If respondents do not associate these with confiscation or registration disputes it is possible that the survey does not document them.

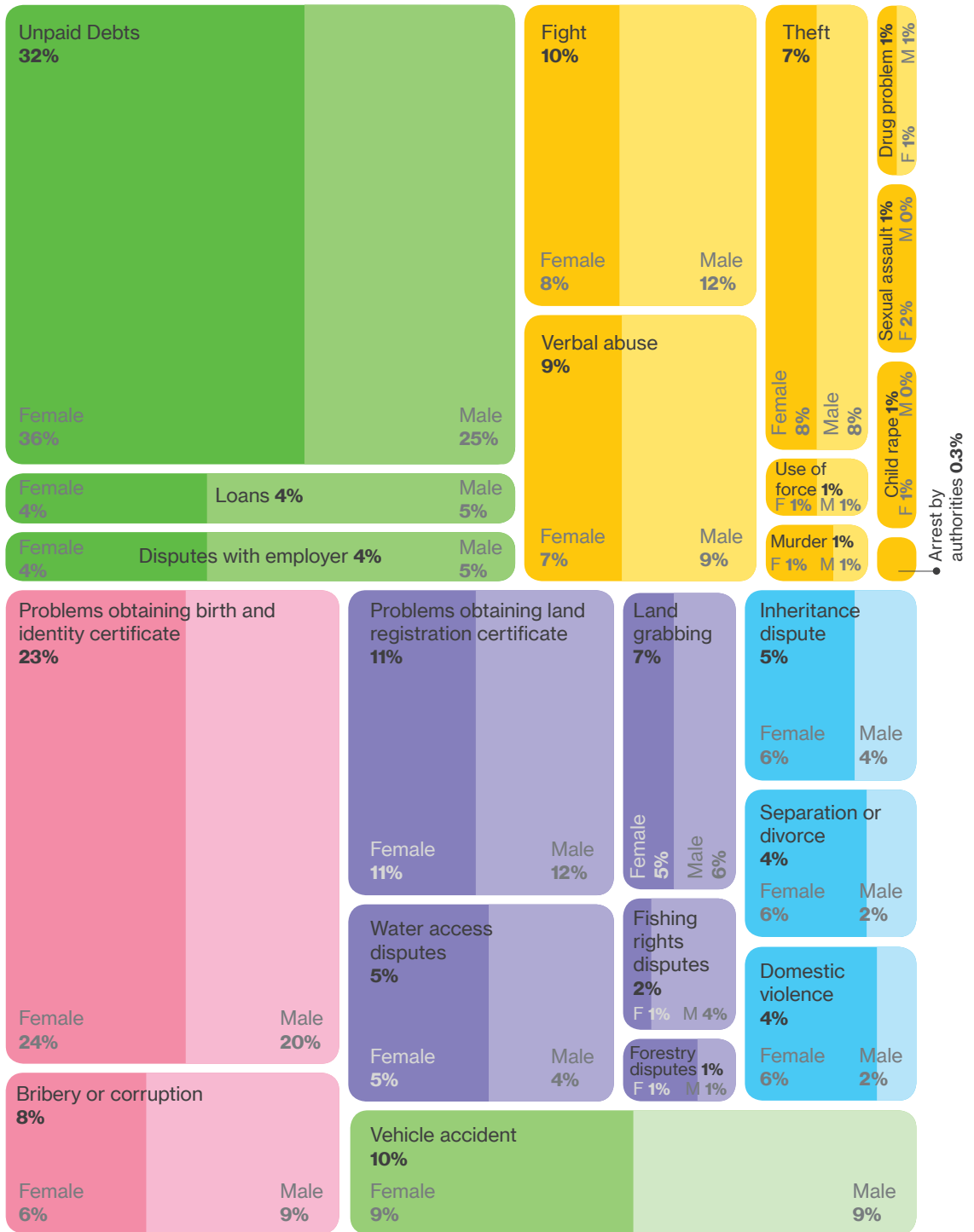
⁶² Given the low levels of reporting, types of dispute are analysed as a proportion of the overall reported disputes, rather than across the population in general.

Figure 26
What type of dispute(s) did you experience?⁶²

Choose from list (multiple responses allowed)
 Shows percentage of total disputes reported
 Disaggregated by: gender

n=572

- Economic
- Crime & Violence
- Family
- Administrative/Government
- Land & Natural Resources
- Accident



Disputes by household characteristics

The research compared types of disputes across household categories: urban/rural; reported income; ethnicity; and religion.

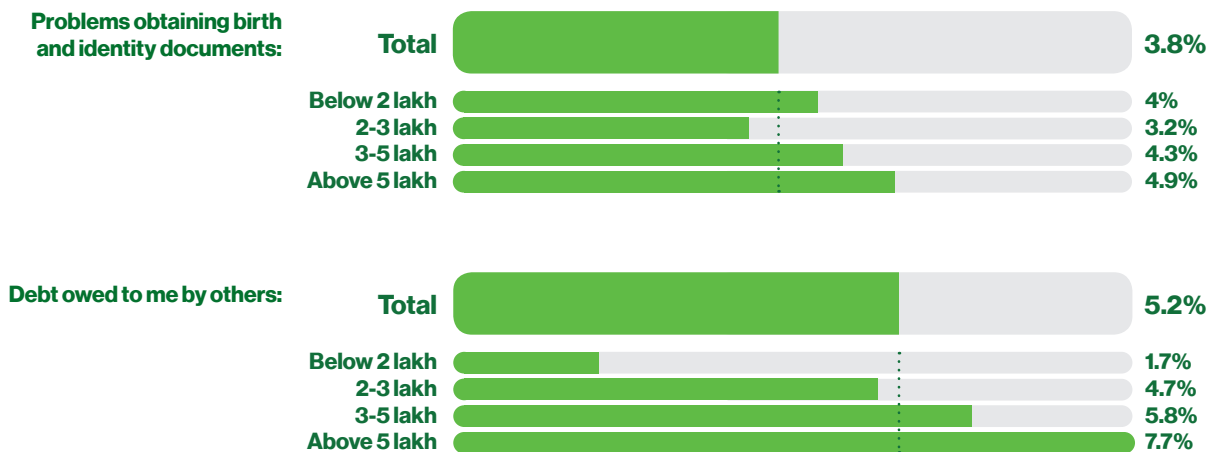
The poor experience different types and levels of disputes than those who are better off. Households claiming income below three lakh per month reported fewer disputes, potentially indicating a lack of capacity or voice in identifying or standing up against justice grievances. The main issue this group reports at similar or slightly higher rates than the average is 'fighting'.

People in the highest reported income category are much more likely to report experiencing disputes, these being mainly related to livelihoods: being owed outstanding loans; problems securing land registration; and problems related to legal identity. The higher rate of disputes relating to legal identity compared to the overall average is noteworthy because international experience indicates that this is predominantly a challenge faced by the poor.⁶³ It may indicate that this is a broader problem in Myanmar but that people with higher incomes view this as a justice issue rather than part of the status quo.

People living in urban areas experience slightly higher numbers of disputes than those in rural ones; particularly problems related to obtaining legal identity and, to a lesser extent, land registration. This may suggest difficulties with access to government services in urban areas and could be influenced by under-recognised domestic migration to urban areas.⁶⁴

Figure 27
Issues reported per household (by monthly income)

Disaggregated by monthly income level
Shows only top three per income bracket



⁶³ See UNDP, Making the Law Work for Everyone: Report of the Commission on Legal Empowerment of the Poor, UNDP, 2008.

⁶⁴ The lower rural figures are also likely to be influenced by limitations in accessing townships with security concerns. These townships may face higher legal identity-related issues as they are inhabited by ethnic minorities and may have service delivery issues.

Figure 27 (Continued)

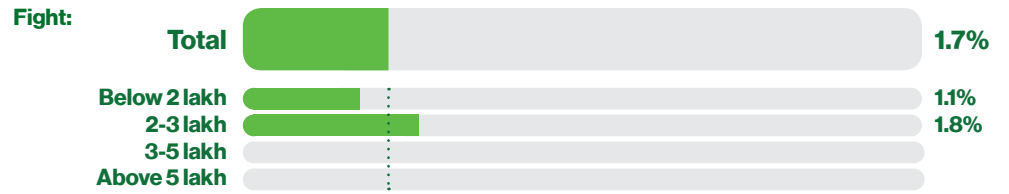
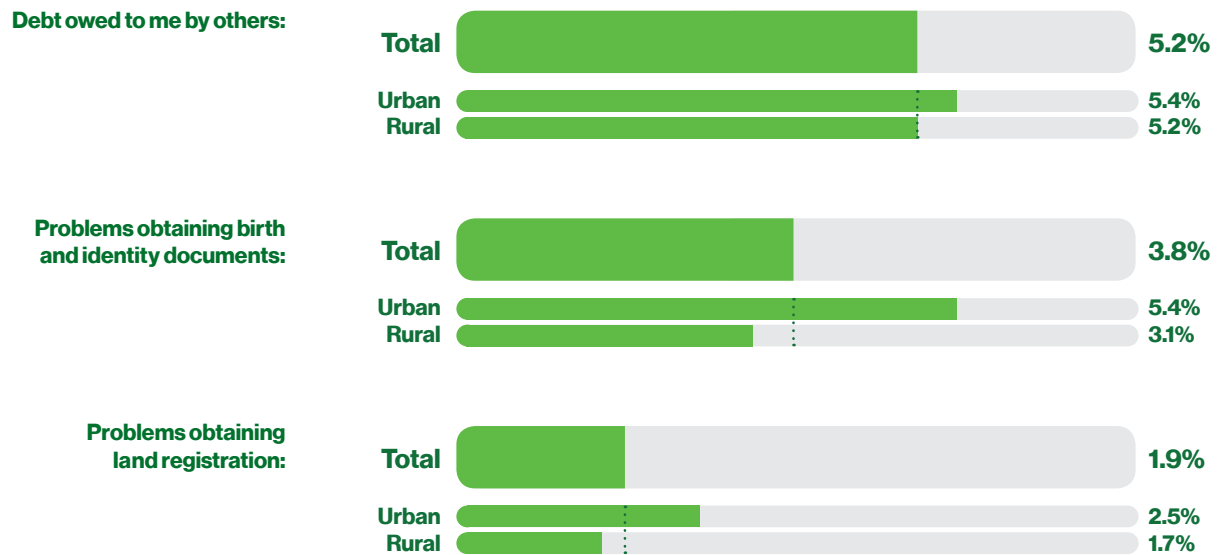


Figure 28
Issues reported per household
(urban/rural)

Disaggregated by urban/rural
 Shows only top three per urban or rural

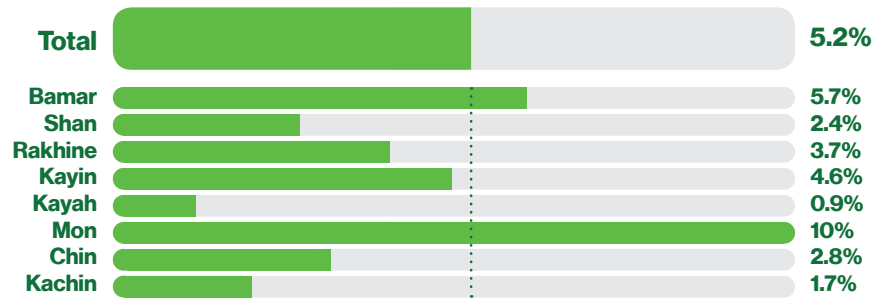


There are sizeable variations across different ethnic and religious groups. However, since these sample sizes are small, the findings are tentative and require further research. Based on this evidence, Mon and Kachin people are noticeably more likely to experience disputes relating to government services, such as access to legal identity or land certificates. This contrasts with Kayah and Chin people who report much lower levels of experience with justice issues. Variations across ethnicity may represent either actual experience or be influenced by cultural norms associated with reporting disputes.

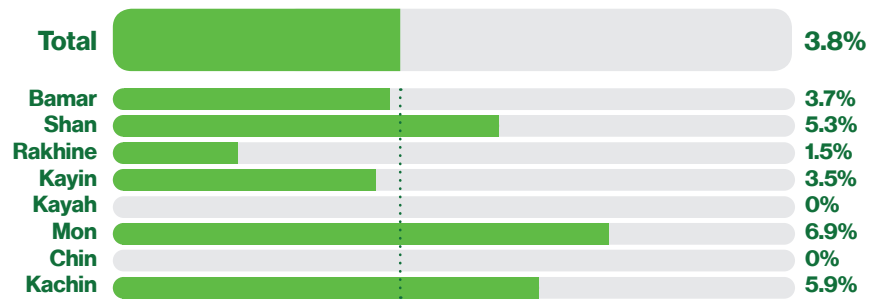
Figure 29
Issues reported per household
(ethnicity)

Disaggregated by ethnicity
 Shows only top three issues

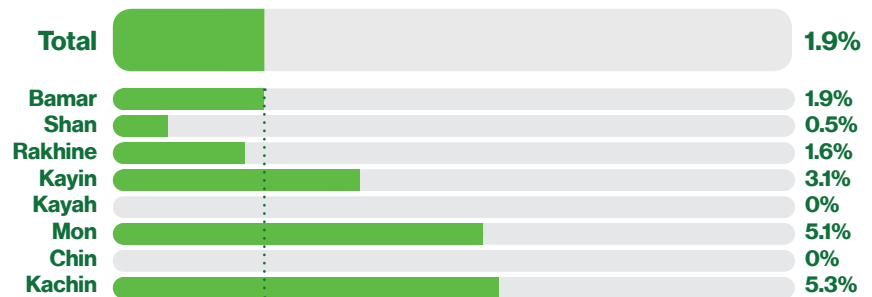
Debt owed to me by others:



Problems obtaining birth and identity documents:



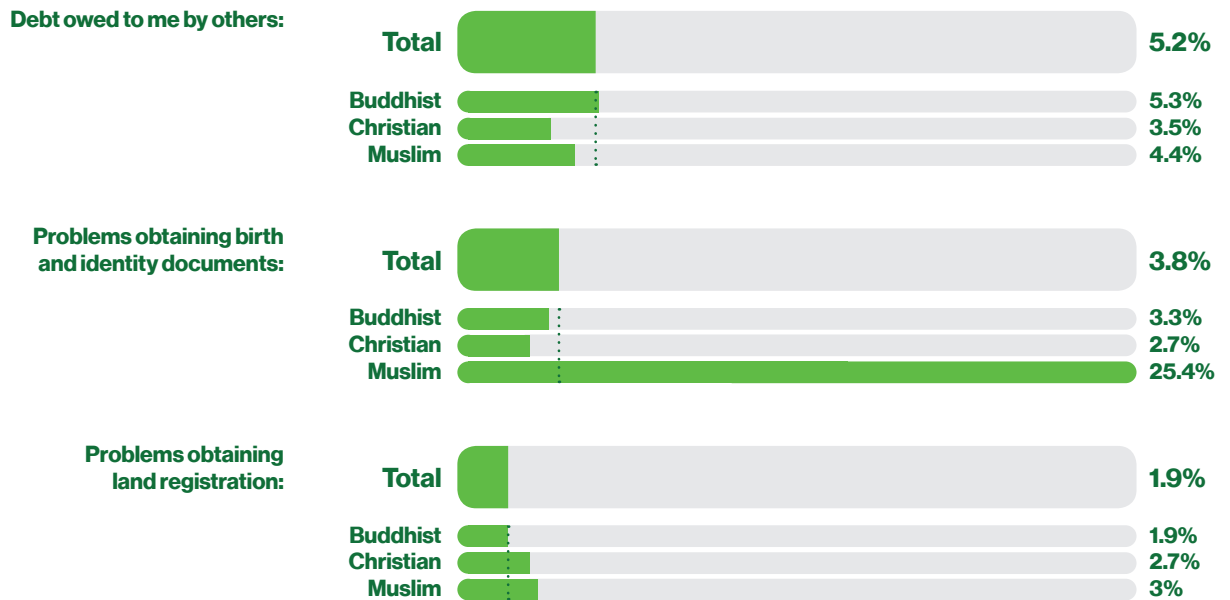
Problems obtaining land certificate:



There are also differences across people with different religions. Muslims report significantly more frequent experiences of justice issues, in particular in relation to government services. One quarter of Muslims identify issues with accessing legal identity documents for someone in their household in the last two years. This also leaves people vulnerable to other forms of grievances, such as requests for informal payments.

Figure 30
Issues reported per household
(religion)⁶⁵

Disaggregated by religion
 Shows only top three issues



- **Finding 21** Reported disputes are closely linked to broader socio-economic and livelihood issues. The most common reported issues are unpaid debts, accessing legal identity documents and land-related disputes.
- **Finding 22** The types of disputes experienced vary by demographic groups.

⁶⁵ Hindu and Other are not documented as the overall number of respondents are too small (seven and three respectively).

Experiencing multiple disputes



First, they said they would issue National Registration Cards(NRCs) for all so I went there with household registration and birth certificates. Then, they said they would only issue them to Buddhists and, if we wanted to get them, we would have to pay 400,000 kyat through a broker.

– Community member, female (Muslim), Mawlamyaing

A small proportion of the population (5%) report experiencing multiple disputes. Experiencing multiple problems can be a result of coincidence, but it may also suggest areas of vulnerability. Some types of problems may expose households to additional problems, so that a single incident has multiple consequences.

For example, exactly half of the households who have experienced an incident of bribery or corruption have also faced issues related to their legal identity, and 21% have faced issues with land registration. The research indicates that ethnic or religious minorities face greater vulnerability in relation to administrative disputes.⁶⁶ Three-quarters of Muslim households reporting experiencing two or more disputes have been subject to bribery or corruption, and all of these households have also faced challenges with legal identity documents.

There are also links between acts of violence and social disorder. Of the 2% of the population experiencing ‘fighting’, one-fifth have also experienced verbal abuse (this is potentially a reference to the same issue). A similar number also report disputes related to unresolved debts, perhaps also evidence of the risk of some financial disputes escalating into violence or social disorder.

Finding 23 Particular groups appear more likely to experience multiple disputes, indicating potential vulnerability.

Community level disputes – and under-reporting

Reporting disputes at a household level limits the potential to analyse their prevalence and effects within communities. The MJS also asks about knowledge of disputes at the community level over the last two years. Social order problems, along with vehicle accidents, are the most prominent types of issues reported in the community. Overall, half of the respondents are aware of verbal abuse occurring in their village. High levels are also reported for fighting (40%), vehicle accidents (34%) and theft (29%). Verbal abuse and fighting are seen as more widespread, compared to other disputes within communities.

When the statistics were broken down by village, in over 45% of communities a majority of respondents identify that verbal abuse has been an issue within the last two years.⁶⁷ Fighting is identified by a majority in just under a third of villages (29%). The higher levels of reporting on social order issues are particularly noticeable from respondents of Bamar ethnicity. For verbal abuse and fighting, Bamar respondents are at least 10% more likely than non-Bamar respondents to report this as an issue in their community.

⁶⁶ These findings are consistent with other research in this area, including UNDP, Consolidated Summary Report: Access to Justice and Informal Justice Systems in Kachin, Rakhine and Shan States, UNDP 2017 and Denney, Bennett and San, ‘Making Big Cases Small and Small Cases Disappear: Experiences of Local Justice in Myanmar’, Yangon, 2016.

⁶⁷ There are 12 randomly selected respondents in each village or ward sampling unit.

Figure 31
Comparison of disputes reported in the household against those reported in the community

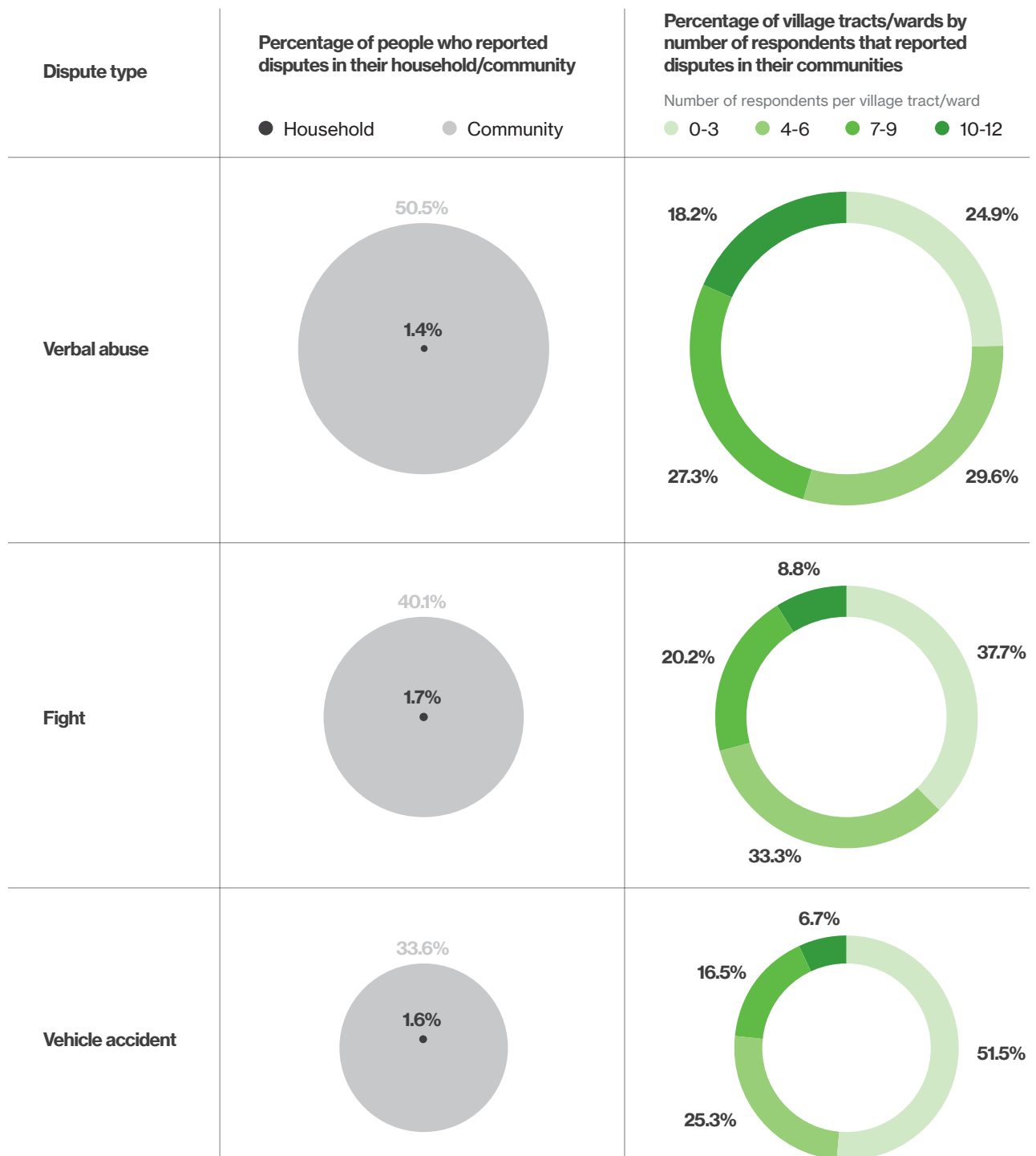
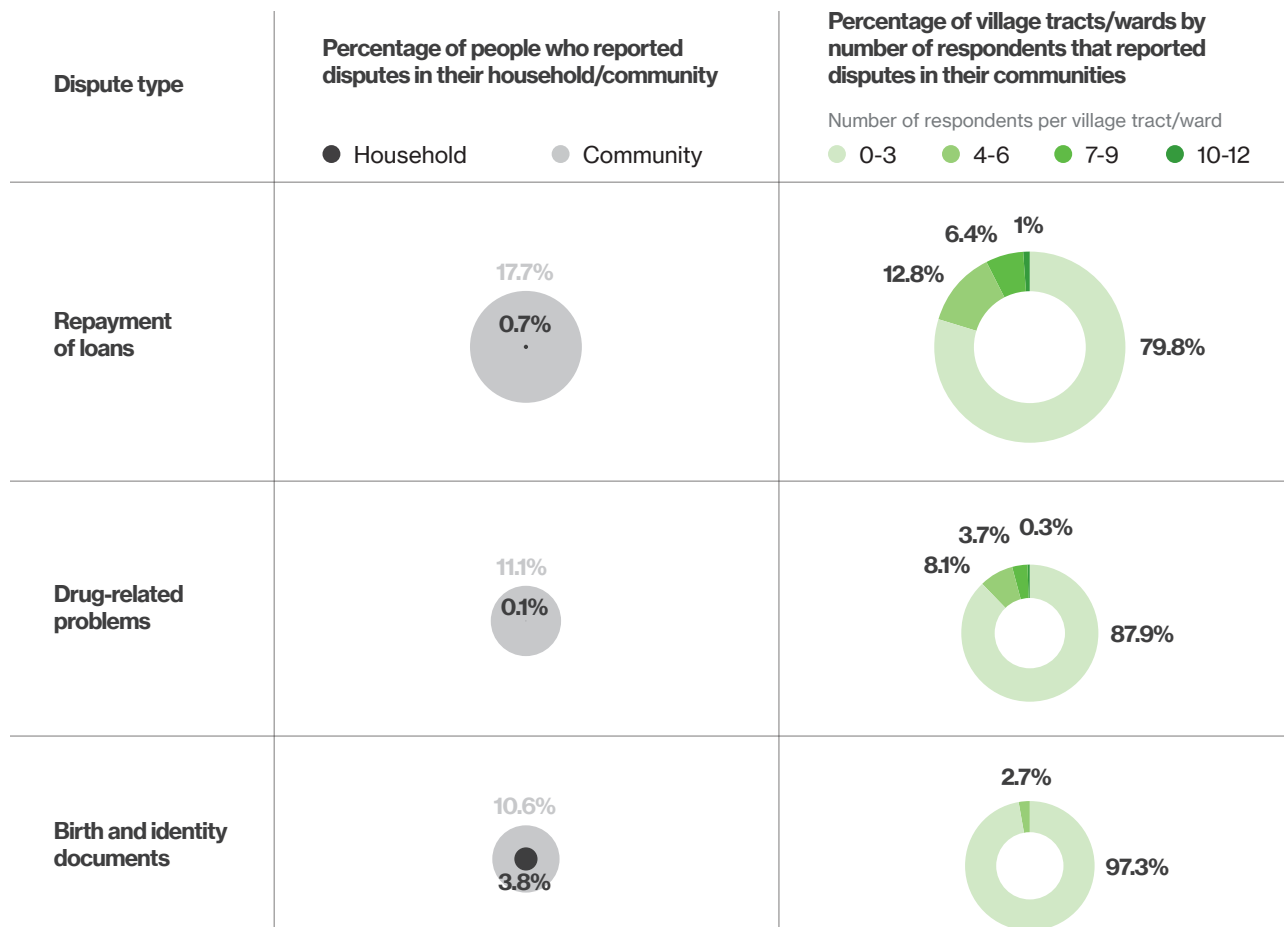


Figure 31 (Continued)





Some disputes are likely to be under-reported, especially if they may cause embarrassment to the family. For example, levels of reporting at the community level are much higher than reports of direct experience by households for divorce (25% versus 0.7%), domestic violence (22% versus 0.6%); repayment of loans (17.7% versus 0.7%) and drug issues (11.1% versus 0.1%).

Although one in ten acknowledge that issues relating to legal identity documents occur within their community, in almost all villages (97%) only a small number of respondents (fewer than four out of twelve) are aware that this is a problem. This indicates that the problem is widespread geographically but only affects a minority in each location and remains out of view for most others. To a lesser extent, the same applies for drug-related problems.

Finding 24 Reporting on communal-level disputes indicates that some issues may be under-reported at the household level. These appear predominantly to be issues that bring social shame: domestic violence, separation/divorce, outstanding debts and problems with drugs.

Pathways to dispute resolution

The MJS asked respondents about their perceptions of dispute resolution pathways, not specifically in relation to their own experiences. The MyJustice Baseline Survey 2017 (MBS) was conducted in parallel with the MJS. It covered townships where MyJustice is operating. Although not representative, the range of disputes identified in the baseline are broadly consistent, both in type and level, with the justice issues reported in the MJS. This section presents the findings from this baseline survey as it included extra questions on dispute resolution pathways and choices.⁶⁸

Figure 32
Comparison of types and levels of justice issues experienced in the MJS and MBS

Shows only disputes reported by over 1% of respondents in the MJS



This analysis highlights how people perceive different options for resolving justice issues in the MJS and compares this with actual experiences identified through the MBS. The analysis highlights variations across the three most common forms of dispute: unpaid debts; birth and identity documents; and land (land registration and land grabbing combined).

Individual rights versus communal interests

People expressed a clear preference for using local mechanisms rather than justice sector institutions to resolve disputes. Consistent with other research, this research also suggests this is because people prioritise the importance of social harmony and communal interests over individual interests in resolving disputes.⁶⁹ The results demonstrate the continuing strong influence of community networks in Myanmar, the influence of social stigma on how individuals seek justice and the perception that justice sector actors are removed from the daily lives of most people.

⁶⁸ Given variations in methodology and representativeness of the sample, this section does not analyse findings across different demographic characteristics.

⁶⁹ Denney, Bennett and San, 'Making Big Cases Small and Small Cases Disappear: Experiences of Local Justice in Myanmar', Yangon, 2016.

Over three-quarters of the population fully agree with the proposition that issues should be settled in the community rather than in courts. Support for this view is consistent across most groups. The most noticeable variable is higher support in rural rather than urban communities (81% versus 69%).

Inversely, less than half the population believe that people have the right to use state courts instead of customary practices. Consistent with findings in earlier sections, a significant minority of the population (26%) don't know if they have the right to use the formal system, indicating a lack of familiarity with state institutions. People with no formal education (36%), primary school education (30%) and women (30%) are even less familiar with this right.

Figure 33
It is better to settle issues or disputes within the community than in court

Fully agree, somewhat agree, somewhat disagree, fully disagree and don't know (choose one)

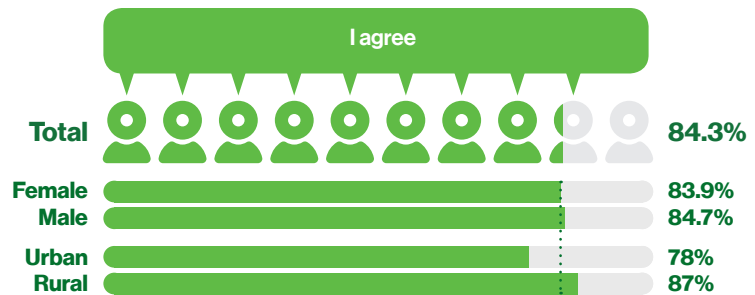
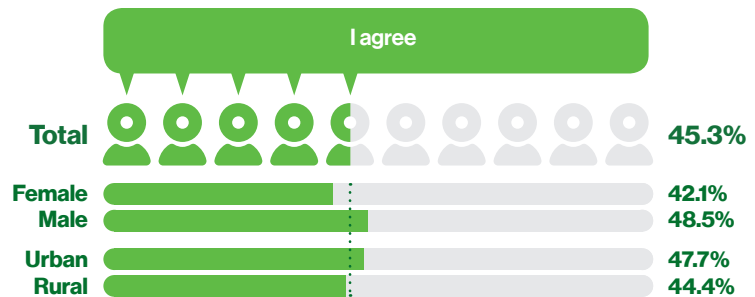


Figure 34
People have the right to seek to use the state courts as an alternative to customary practices

Fully agree, somewhat agree, somewhat disagree, fully disagree and don't know (choose one)



If a thief is caught, the person would get tied up and need to walk in the village to shout and admit that he/she is a thief, apologise for stealing and promise not to steal again. That would prevent the person from stealing again. This is a customary practice.

– Community Member, female, Taunggyi

Nine out of ten respondents either fully agree or somewhat agree that social harmony outweighs individual rights in finding solutions. Almost everyone (93% ‘fully’ and 4% ‘somewhat’) also agree that family issues should be resolved privately. People living in rural areas have slightly stronger views on the importance of communal interests – the most noticeable variable across different groups.

Figure 35
Matters within the family are private and should not be brought into the public domain

Fully agree, somewhat agree, somewhat disagree, fully disagree and don't know (choose one)

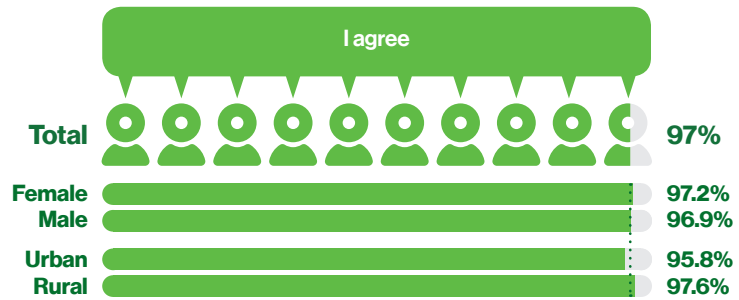
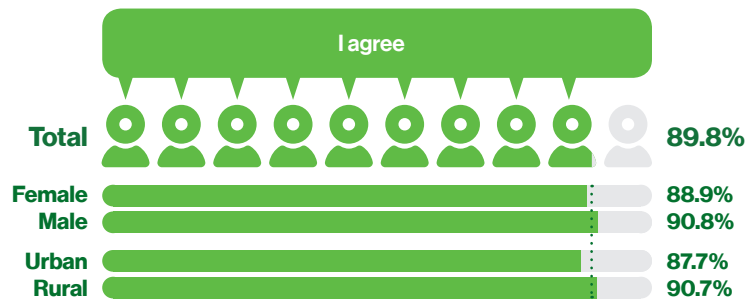


Figure 36
Communal harmony is more important than individual rights

Fully agree, somewhat agree, somewhat disagree, fully disagree and don't know (choose one)



These figures appear to contradict legal awareness findings where the vast majority know that women have the right to report private issues such as domestic violence. People may acknowledge rights exist through the formal legal system but the potential to exercise them is outweighed by social norms that encourage consensus and reducing social stigma for family units. Responses may also reflect survey bias, whereby the questions may have encouraged an emphasis on social harmony.

Finding 25 People prefer to resolve disputes locally and prioritise the maintenance of social harmony.

Taking no action



This may not be a problem [to report]. However, the trustee lives in our neighbourhood and he may never speak to me again.

– Community member, female, Bago




I don't want to tell the W/VTA nor anyone else because I'm embarrassed. I haven't even told my aunt because I'm afraid that the neighbours would know about it and gossip. I am concerned about damaging the image of our family.

– Community member, female, Chan Aye Tharzan

In almost half of the disputes reported in the quantitative element of the MBS (44%), people took no action to resolve them.⁷⁰ Respondents are more likely to take action on disputes around issues that affect their day-to-day lives.⁷¹ Three-quarters of respondents report taking action when disputes were related to land and a similarly high proportion (68%) took action on disputes related to legal identity. On the other hand, less than one-third of respondents tried to resolve disputes relating to money owed to them, suggesting that the effort required to seek justice outweighs the potential outcome.

The type of dispute also influences why people do not take action. Across the board, people most commonly chose not to act because escalating the dispute is viewed as more problematic than letting it go: the dispute was not important enough (28%); it required time (17%) or money (13%). Social norms also influence why people decided not to take action: they either wanted to minimise tension (13%) or viewed the dispute as fate or karma (9%).

The most common reason for not taking action in relation to disputes involving government administration is a lack of empowerment. Over 40% of people not taking action on their land registration or confiscation issues claim that they did not know who to approach or what to do. This proportion is similarly high for people with legal identity issues that they have not pursued. For all other main types of dispute, less than 10% of people provide this as a reason.

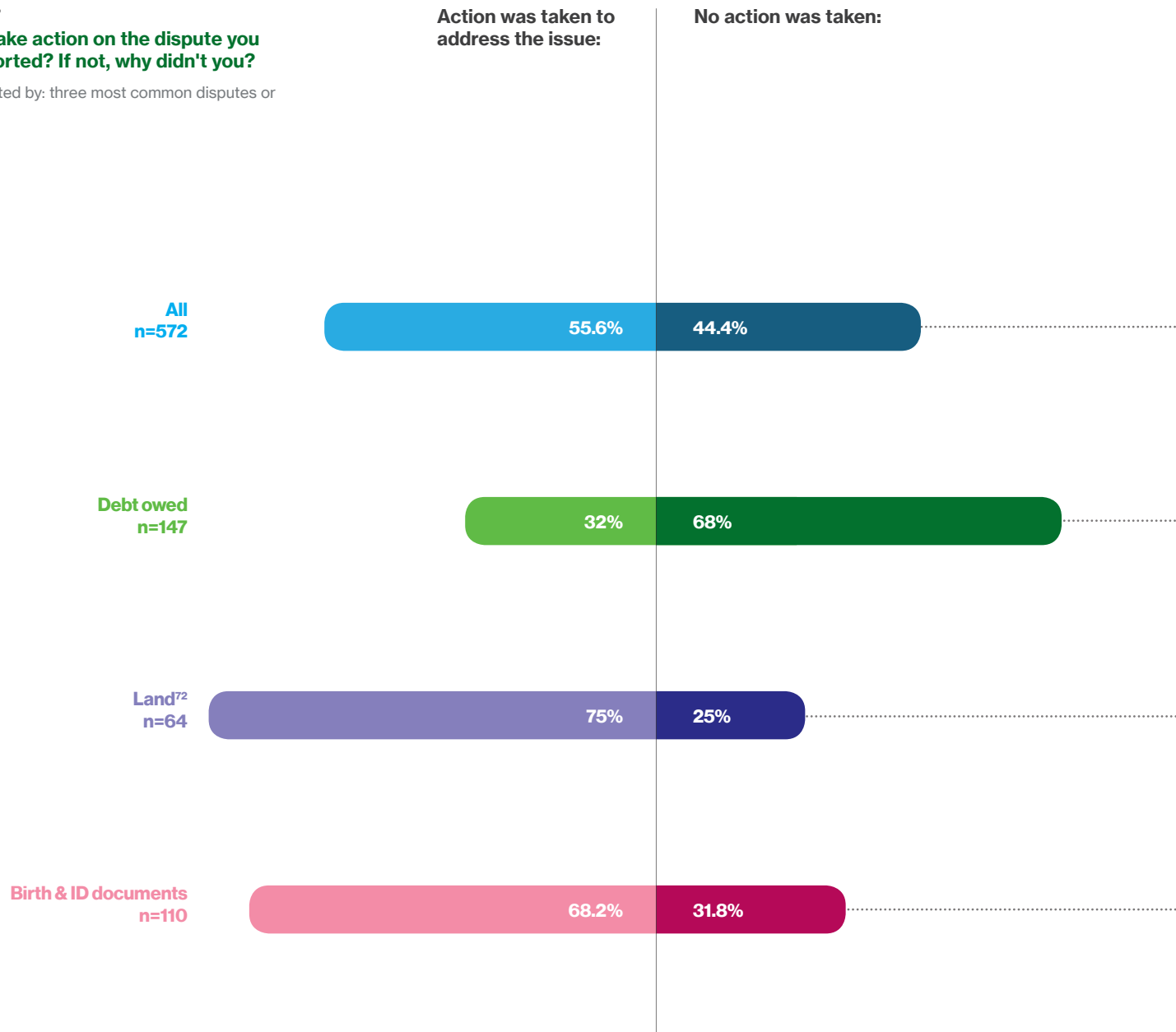
-  **Finding 26** Dispute resolution pathways, including deciding whether or not to take action, vary significantly depending on the type of dispute.
-  **Finding 27** Approximately half the people experiencing a dispute choose not to take action or report their dispute.
-  **Finding 28** Although serious disputes are more likely to be reported, the decision whether to take action is influenced by people's knowledge and confidence in available options.

⁷⁰ Note that the survey questions assume that the respondent was the primary driver in the dispute or justice issue reported. It is possible, however, that the respondent is a defendant or accused for many of these disputes or is primarily passive, with the other party instigating many actions. Given the focus of the questions, it is difficult to discern where this is the case or how it impacts on decision-making about pathways to dispute resolution.

⁷¹ The research does not specifically ask how significant an impact particular types of dispute have on people's wellbeing. The quantitative element of the MBS asks respondents to identify reasons for not pursuing disputes and the responses provide some indication of the significance or otherwise of different types of dispute.

Figure 37
Did you take action on the dispute you have reported? If not, why didn't you?

Disaggregated by: three most common disputes or issues



⁷² For all analysis relating to land, this refers to land grabbing and problems with obtaining land registration documentation combined.

Most common reasons for not taking action (only those above 8% listed):



When action is taken

When people choose to take action on their disputes, just over half (52%) go to the W/VTA in the first instance. This report has already noted that people perceive the W/VTA to be the most prominent justice actor. In practice, it seems people are slightly more likely to approach actors above the W/VTA. Over one-quarter of respondents claim to have first approached either a government official or someone working in the justice sector. A number of respondents seek to resolve their issues directly with the other party (9%) or through family or friends (4%).⁷³

While just over 50% of people involve the W/VTA, the other actors likely to play a role vary significantly depending on the type of dispute. People are much more likely to seek direct negotiation or engage a lawyer when debt issues are involved, reflecting the commercial/private law nature of the dispute. For theft (41%), vehicle accidents (33%) and fighting (22%) people directly engage with the police. One-third of people dealing with legal identity issues first approach immigration officials, highlighting that access to justice is not only relevant to justice sector institutions.

The MBS did not find that people forum shop or seek alternative options for resolving justice issues. It would appear that, of the vast majority of people who take action, very few escalate or appeal this process: nine out of ten respondents claim they took only one action to resolve the dispute and they did not take further steps. This potentially indicates that there are limited options available to people.⁷⁴ The survey does not, however, explore more fully the range of actors who may be involved in particular dispute resolution approaches or how they interact. Given that over 40% of dispute resolution processes take over one month, with 17% taking more than a year, it is possible that a range of actors are involved in different ways but that respondents do not identify this process as requiring multiple steps or that they engaged primarily with the first person they approached throughout.

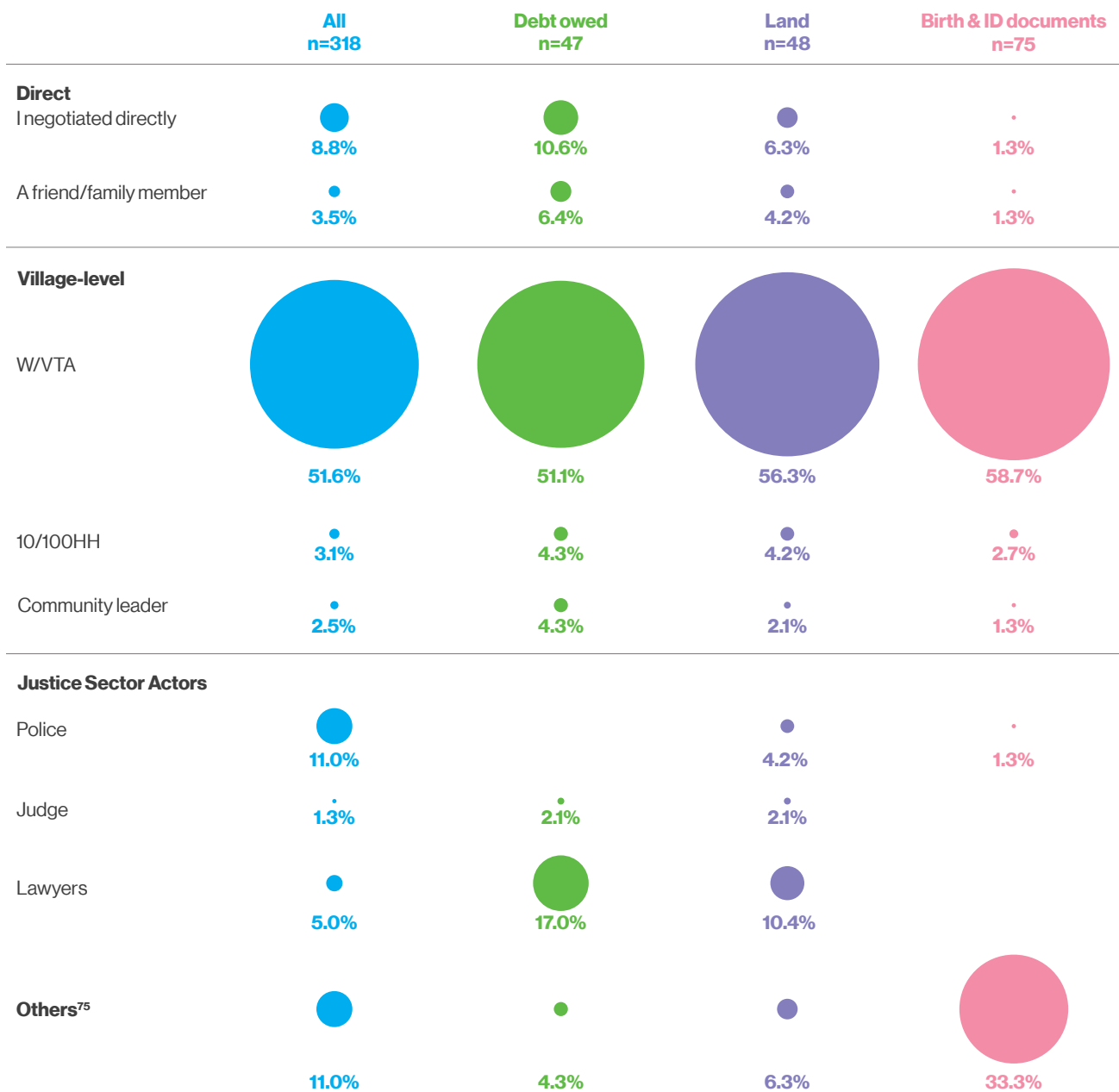
⁷³ This figure is likely to represent significant under-reporting. The survey does not ask different questions related to direct negotiation and other steps actors take. A more targeted survey covering three states/regions in Myanmar identified that two-thirds of respondents directly negotiated with the other party before seeking assistance through third parties. That survey had a standalone question on direct negotiation before providing respondents with a choice of other actors. See UNDP, Consolidated Summary Report: Access to Justice and Informal Justice Systems in Kachin, Rakhine and Shan States, UNDP 2017.

⁷⁴ Other literature suggests forum shopping or appeals against decisions are more common. See, for example, UNDP, Consolidated Summary Report: Access to Justice and Informal Justice Systems in Kachin, Rakhine and Shan States, Yangon, 2017. This could relate to the nature of the questionnaires and how respondents differentiate between a process that involves multiple, separate steps or several actors active in what is viewed as a single step.

⁷⁵ Where respondents answer Other, enumerators are able to note the more precise reason: the vast majority are regarding birth and identity documents, and refer to the la wa ka (immigration office).

Figure 38
Which actor did you use to resolve your dispute?

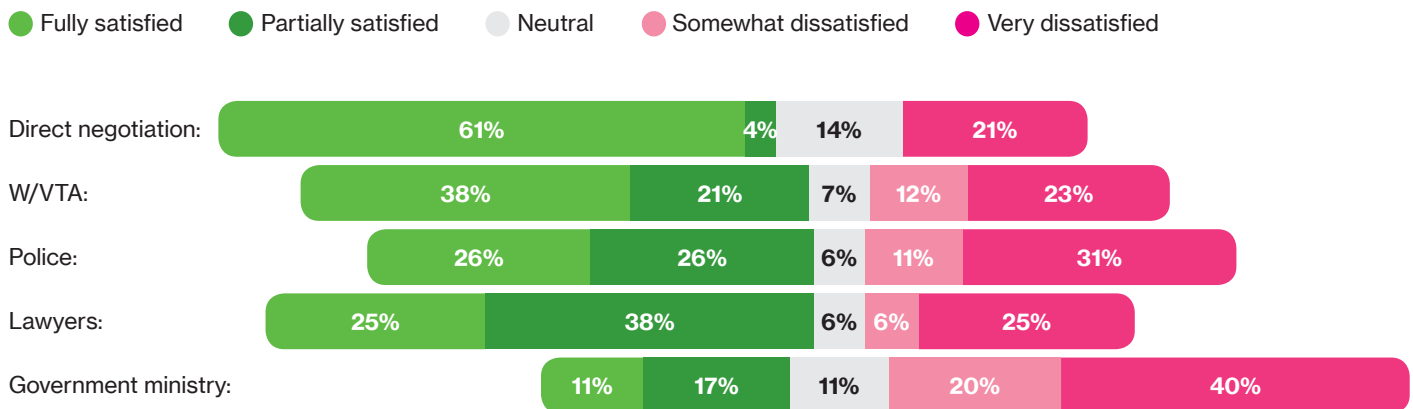
Disaggregated by: three most common disputes or issues



People are most satisfied with direct negotiation. This potentially indicates that these types of cases are likely to be less complicated and have fewer significant implications for people’s wellbeing. The involvement of the W/VTA, police or lawyers leaves similar numbers of people fully or partially satisfied (50–60%). Although the overall numbers are small, this highlights some discrepancies between people’s perceptions of dispute resolution actors (where the W/VTA commands a substantial degree of trust) and actual experiences. People have low positive experiences with other government officials, with only 28% being partially or fully satisfied. Similarly, engaging these government officials and, to a lesser extent, police results in higher negative experiences.

These findings are supported by other questions in the survey, where respondents identified the most appropriate actor for settling a range of different hypothetical problems (see Figure 40). For community-level disputes, W/VTAs are identified as the best way to settle the problem. Police are identified for more serious criminal cases although, in practice, this appears to occur through the W/VTA. Consistent with findings on processing legal identity disputes, most people don’t know the best way to resolve disputes involving the government or employers.

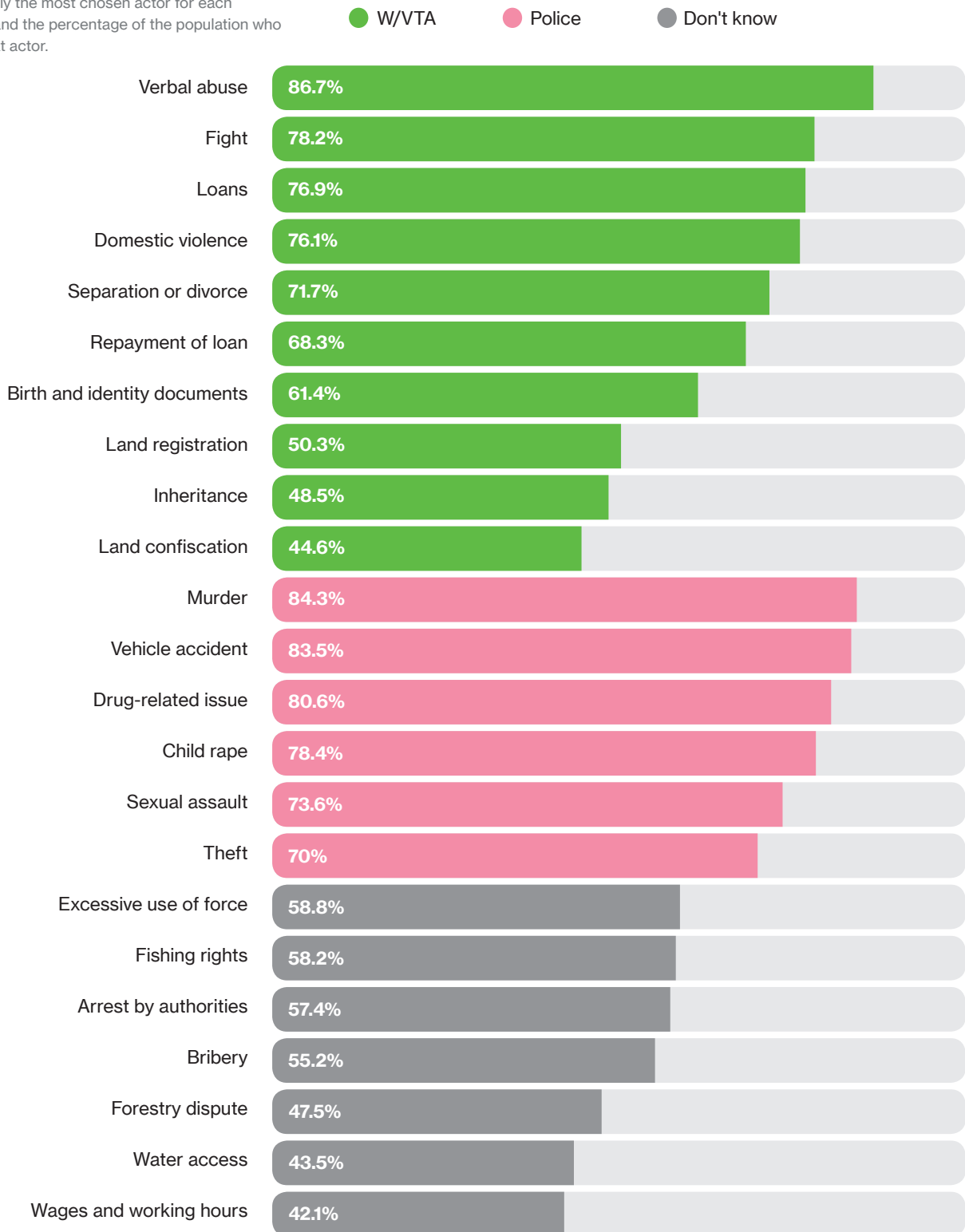
Figure 39
How satisfied are you with the process of resolving an issue when the following actors are involved?



Finding 29 There is limited evidence that people forum shop or seek to use multiple options in attempting to resolve disputes, perhaps indicating that limited choices are available.

Figure 40
What is the best way to settle these issues?

Shows only the most chosen actor for each problem and the percentage of the population who chose that actor.



Vulnerability, gender and the law

The research focused on the ability of people to access justice through their knowledge of the law, their access to appropriate forums and their experiences in resolution of justice issues. Although a sizeable minority of people did not respond to central survey questions, the research could not explore why this was so. This section offers some initial analysis of who did not respond and possible reasons why. MyJustice hopes this will encourage further research on who might be more vulnerable to injustices and specific measures that might address this challenge.

Central themes

.....

- **Particular groups are more vulnerable than others to injustice and face constraints in their ability to seek redress. These include particularly women from rural areas with low education who are among the least empowered when engaging with the law.**
- **Other groups, including specific ethnic minorities, may be in a similar position. More work is needed in understanding how vulnerability plays out for other minorities.**
- **More research is also needed to understand the practical implications of this lack of empowerment for vulnerable groups.**

Identifying the disempowered

Where people are legally empowered they are able to use the law to protect and advance their rights and interests as citizens.⁷⁶ This research suggests that there is a sizeable minority of people who may lack the confidence or knowledge to use the law to protect or advance their interests.

This section uses statistical analysis⁷⁷ to identify which groups are more at risk of being disempowered. Across the study at least a tenth, in some cases much more, of the population either are not able to provide a response or do not respond to a number of important questions covering: legal knowledge; access to information; ability to access suitable forums; and dispute resolution pathways.⁷⁸

Figure 41
Proportions of 'don't know' responses to salient questions

Disaggregated by urban/rural gender, education, vulnerable (rural, female, primary or less education) or non-vulnerable (the rest) and Bamar or other ethnicities



Three particular groups are significantly less likely to be able to respond to the questions described in Figure 41: people who have no formal education or only completed primary school; women; and those living in rural areas. A significant proportion of people with a primary school education are not able to identify a single actor in which they have confidence to deal with difficulties in an unbiased manner. This trend is not affected by gender, but, unlike other statistical analysis undertaken in this section, people living in urban areas are significantly more likely to not be able to identify an actor.

⁷⁶ See CLEP, Making the Law Work for Everyone: Report of the Commission on Legal Empowerment of the Poor, UNDP, 2008. This refers to people having the legal status to claim rights and the capacity to advocate for their claims.

⁷⁷ A Chi-Square test is used to determine statistical significance of responses of salient groups compared to the rest of the population.

⁷⁸ The approach identifies at least one question from each of the preceding sections where the 'don't know' rate is higher than 10% and the question focuses on a general principle (as opposed to asking about knowledge on specific areas of law).



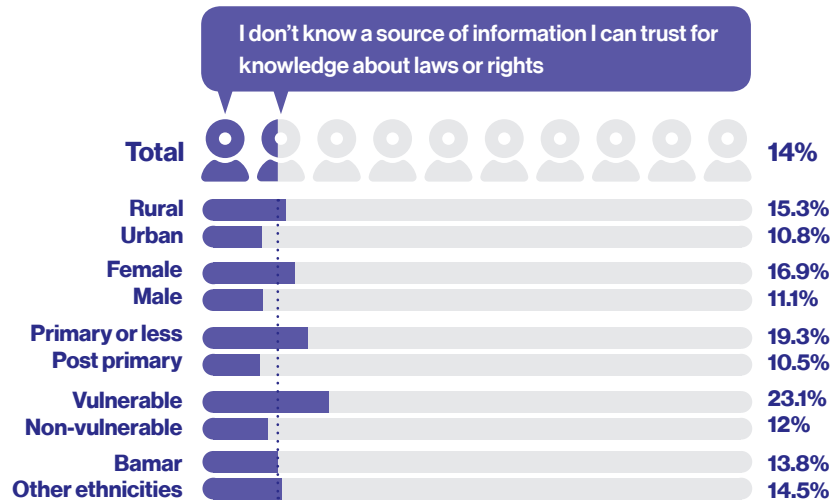
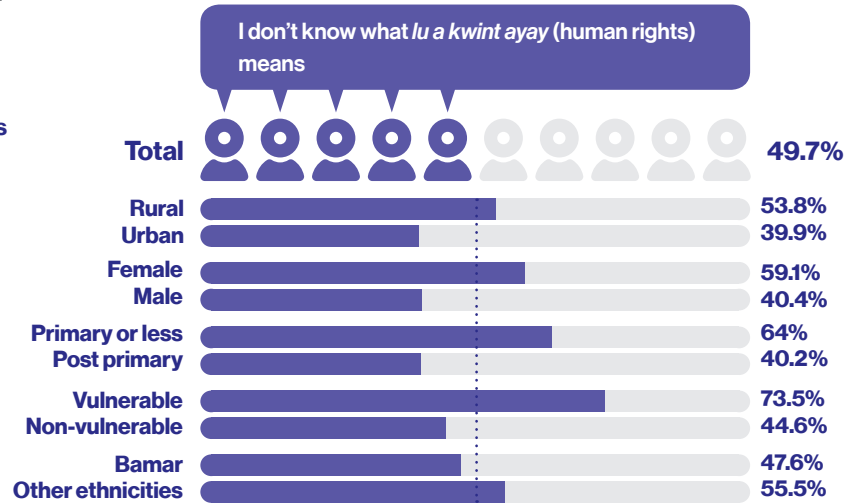
Once, there was a community talk about human rights. Most of the men from our village went there. Women did not go, as we were told we did not need to.

– Community Member, female, Taunggyi

These groups combined are likely to be amongst the most disempowered. Comprising almost 18% of the overall adult population – or half of all women in rural areas – the analysis indicates that women living in rural areas and with no education or only primary school education are significantly less aware of central aspects of justice compared to the rest of the population. They are twice as likely not to know why laws exist or the meaning of human rights and also twice as likely not to know where to access information about laws. Over a third of these women do not know that state courts can be used compared to 25% of the rest of the population.

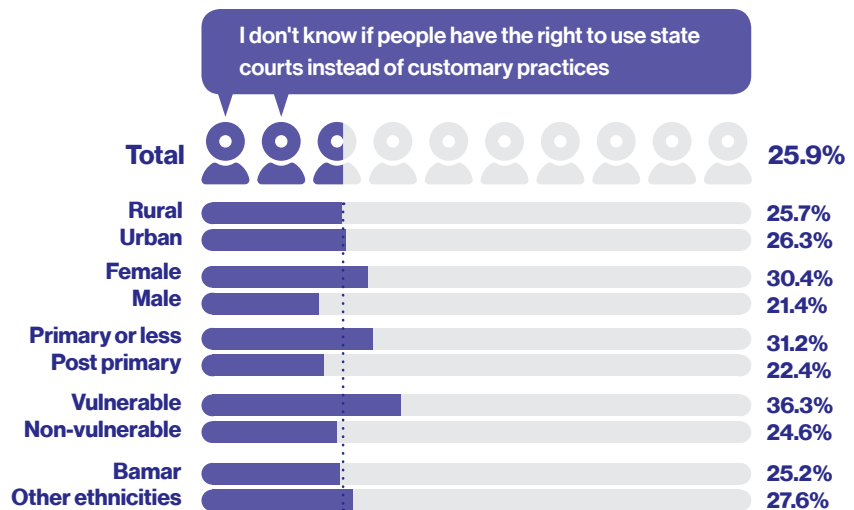
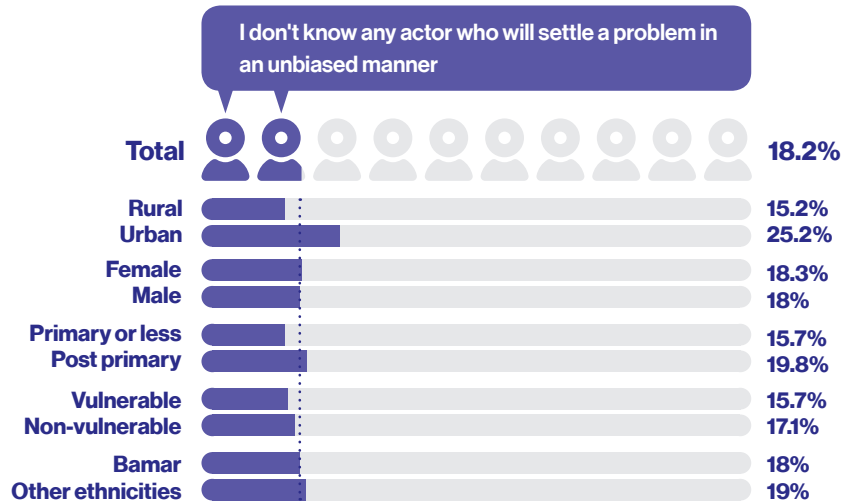
Figure 42
Disaggregation of 'don't know' responses

Disaggregated by urban/rural gender, education, vulnerable (rural, female, primary or less education) or non-vulnerable (the rest) and Bamar or other ethnicities



Although the sample size is small, Mon and Shan people seem less likely to have knowledge about laws, whereas Chin and Rakhine people seem more familiar with differing aspects of justice provision than Bamar people.⁷⁹ Further research is needed on how the ethnic background of people affects how they access justice.

Finding 30 Women from rural areas with low education are statistically significantly less empowered when engaging with the law than the rest of the population.



⁷⁹ For most ethnic minorities the sample is below 5% overall.

Do vulnerable women deal with their justice issues differently?



I don't like them [decision makers] favouring rich people and neglecting the poor.

– Community member, female, Kyaukse

The analysis focuses on trying to understand who are the most disempowered and the implications on their ability to access justice based on the actual dispute pathways reported by vulnerable people – in this instance women from rural areas with little or no education.

Although there are few noticeable differences in the number or types of disputes faced by this group, they did report slightly fewer experiences (16%) of disputes than the overall average of 19%. These women are over twice as likely to report separation or divorce (1.7% versus 0.6%).

Less educated women from rural areas are more likely than the overall average to claim that action has been taken relating to their dispute (60% versus 45%). Where action has not been taken, they are more likely to identify social norms as the reasons. Over a third of the group not taking action identify karma (20%) or embarrassment (17%) as the main reasons, whereas only 13% of the rest of the population identify either of these reasons.

There are noticeable differences in the actors that these women engage when deciding to take action. Almost 90% of lower educated women from rural areas seek to either resolve disputes directly with the other party or at the village level, compared to 71% overall. Most noticeably, these households rely more extensively on the W/VTAs and are less likely to report their justice issues to the police (4% versus 12%) or government ministries (4% versus 9%).

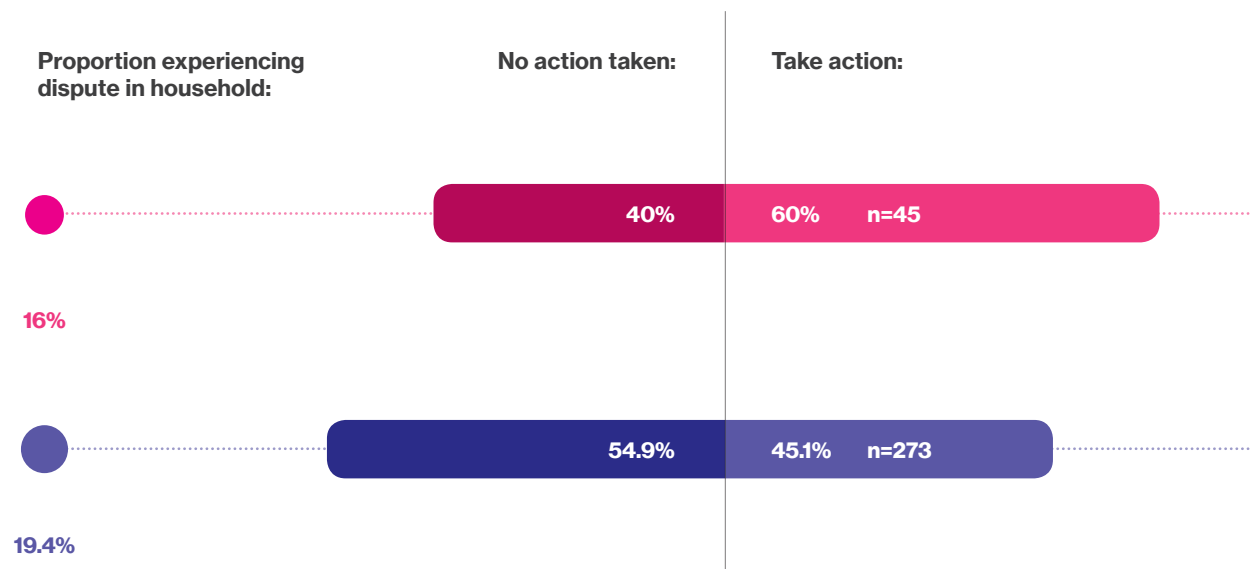
Further research is needed to better understand this 'compounded disempowerment' and to identify appropriate strategies to improve universal access to justice, including for the most vulnerable.

Figure 43
Dispute pathways for vulnerable women

Vulnerable defined as women from rural areas with primary or less education; non-vulnerable defined as the rest.

Data from MBS 2017

- Vulnerable
n=470
- Nonvulnerable⁸⁰
n=2560



⁸⁰ All respondents who are not classified as vulnerable (i.e. NOT lower educated women from rural areas).



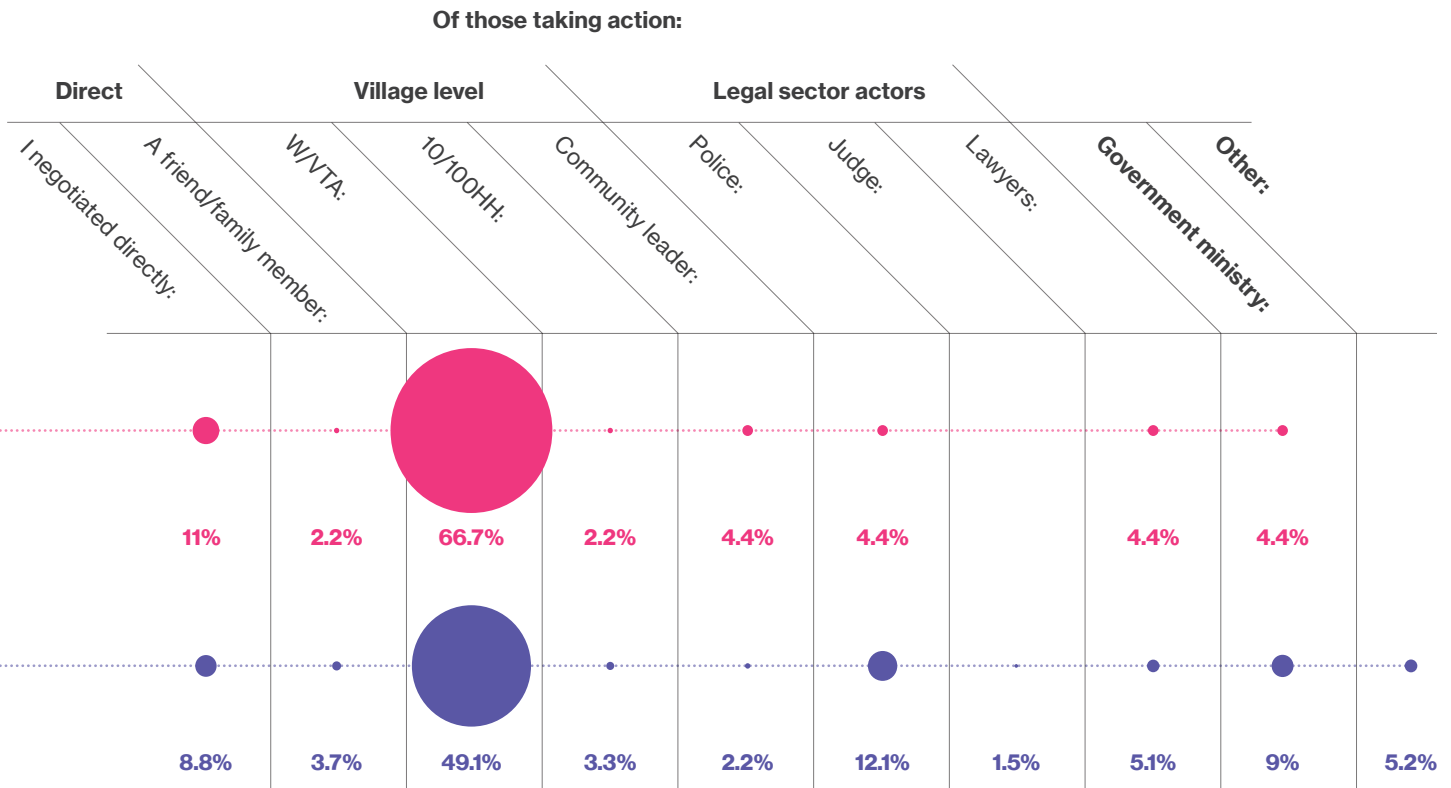
Nobody wanted to give me any advice. I wanted to consult with someone and ask for advice but nobody would help us. They would say that I would not understand what to do. I only met with those kinds of people.

– Community member, Female, Chaung Oo

Many husbands live and get married with other women when they work overseas. For the wives, they know nothing will happen if they ask for help so they just go back to their parents' house.

– Community member, female, Thaton

Finding 31 The lack of empowerment in relation to justice amongst poorly educated rural women is likely to compound their vulnerability



Conclusions and recommendations

The Government of Myanmar has acknowledged the importance of building a just and fair government with institutions that support the rule of law.⁸¹ This report offers insights and suggestions for Government, justice sector institutions, civil society and legal and development actors to build a more equitable justice system in Myanmar.

Conclusions

Justice and the law: People's views are shaped by experience.

People draw on their own experiences, the experiences of those around them and the perceived experience of the population as a whole. These collective experiences are more influential in determining how people perceive justice in Myanmar than what is written in the law. It is crucial to understand what actually happens and how that affects people's lives. Efforts to improve justice need to be built on concrete steps to improve those experiences.

People in Myanmar commonly understand the concept of justice to be about equality and fairness. Few, however, connect the role of the law to promoting a fair and just society or protecting people's rights. Instead, the law is viewed as a tool to maintain order and control. This affects how people engage with the law and with justice sector institutions.

People's reliance on justice providers is primarily determined by their confidence in the quality of services provided.

The findings challenge a common perception that a lack of awareness among the general population is a central constraint to building a system that supports the rule of law. Most people have a reasonable knowledge of the law, especially as it relates to their rights and affects their day-to-day lives. Mass media is identified consistently as the most important source of general information about the law and rights. More research is needed to understand the most effective ways to provide access to information in response to specific legal needs faced by different groups across the country.

Justice sector institutions, such as the courts, law officers and police, are viewed as distant from everyday realities. Even where people are aware of the law and their rights, the findings indicate that most people avoid these institutions and either rely on local actors or do not take action at all. Uncertainty about the predictability, cost and timelines of the process is the main reason why people avoid justice sector institutions.

Justice services are delivered locally.

People rely on local actors, primarily the W/VTA, to provide justice. The W/VTA commonly acts as the gatekeeper for determining which issues are dealt with locally and which are referred to the formal system.

Some people feel they cannot access justice services at all. Even where people seek justice locally, a sizeable minority of the population have concerns about the lack of access to affordable, neutral or trustworthy justice services at any level.

⁸¹ See Union Attorney General's Office (UAGO), 'Moving Forward to the Rule of Law: Strategic Plan 2015 – 2019'; Office of the Supreme Court of the Union (OSCU), 'Advancing Justice Together: Strategic Plan (2015 – 2017)'. The new NLD-led administration has also prioritised the rule of law. See Government of Myanmar, 'Myanmar Sustainable Development Plan (Working Draft)', Yangon, February 2018.

The MyJustice Baseline Research 2017 confirms that accessibility does not necessarily equate to just outcomes and that more vulnerable groups may be less well served by local actors. The W/VTA's influence may also limit access to appropriate alternatives for some.

The findings emphasise the importance of justice sector reforms that acknowledge and understand the roles of the multiple actors involved in performing justice functions. This is consistent with recent Government of Myanmar statements about the influence local actors and administrative departments have on people's experiences of justice.⁸² Acknowledging the roles of multiple actors also requires looking at the interaction between them, ensuring there are appropriate checks and balances across the system and addressing gaps in access.

Issues of justice and poverty are closely linked.

The Government of Myanmar recognises the importance of building institutions that support the rule of law and promote a fair and just government. This is consistent with an expanding global evidence base that accepts access to justice as a sustainable development goal.⁸³

The research confirms the importance of access to justice as a prerequisite for sustainable poverty reduction and equitable social and economic development. Most disputes people face have a direct link to their livelihoods. They affect people's land rights, limit their ability to claim outstanding loans, restrict access to government services and increase vulnerability to requests for illicit payments. The research also shows that people perceive financial wellbeing as influencing justice outcomes. A sizeable minority do not perceive any justice actor as affordable. Findings from both MJS and MBS highlight how people view actors as influenced by money.

Specific groups are significantly more likely to be disempowered and unable to engage on justice issues. Evidence from other countries suggests that this lack of legal empowerment risks increasing their vulnerability and entrenching poverty across generations.⁸⁴

A lack of effective access to justice services can reduce confidence in government institutions overall, as it undermines accountability and equity in the delivery of government services.

The Government notes that the effectiveness of economic development and poverty reduction programmes depend on ensuring people are treated equally and fairly. This is also of critical importance in conflict-affected areas to ensure that development efforts support rather than undermine durable peace.⁸⁵

Recommendations

1. Justice sector reforms should demonstrate real change

To improve access to justice in Myanmar, justice sector reforms should demonstrate real change, connect with local governance and go hand-in-hand with poverty reduction and building durable peace.

Building public trust and social legitimacy should be at the centre of justice sector reform initiatives: they need to focus on implementing concrete steps to improve people's experience of justice processes. One such approach is to develop a sector-wide justice strategy that outlines short-, medium- and long-term steps to improve access to justice. The March 2018 conference hosted by the Justice Sector Coordination Body provided an important first step in this direction.

Specific confidence-building measures need to be designed for the criminal justice system. These could focus on ensuring proper implementation of the law, including to protect the rights of the accused and other fair trial rights.

Government and civil society partners can work together to document what produces the best results in legal awareness programmes. Well-targeted and innovative approaches can integrate research, and knowledge-building activities can be tested, reviewed and expanded.

Awareness activities should not only focus on communities but also build awareness among justice sector actors about community rights, needs and challenges.

⁸² See 'Speech by State Counselor to Conference on Justice Sector Coordinating for Rule of Law', Nay Pyi Taw, March 2018.

⁸³ Access to justice is listed in Sustainable Development Goal 16.

⁸⁴ See Goodwin, L and Maru, V, 'Working Paper: What do we know about Legal Empowerment? Mapping the Evidence', Namati, 2014; and CLEP, Making the Law Work for Everyone (Vol I), UNDP, 2008.

⁸⁵ See 'Strategy 1.3: Promoting justice and the Rule of Law' in Government of Myanmar, 'Myanmar Sustainable Development Plan (Working Draft)', Yangon, February 2018.

2. Justice should be part of local governance

Justice sector reforms should recognise the reality of multiple actors involved. This requires a two-fold strategy.

1. Justice sector reforms should explicitly acknowledge the work of local actors, in particular W/VTAs, and develop plans that connect justice services to improve the quality, coordination and oversight between different actors.
2. Local governance policy should take account of the fact that many of the tasks of local actors are justice-related. This means ensuring local governance frameworks are appropriately structured to provide all people with equal access to fair, affordable and inclusive justice services. It also means building in adequate checks and balances to ensure accountability.

Local governance structures need to be developed using the best available policy and research advice, and need to be constantly monitored and improved to build optimal justice service delivery. Given findings on variations across this study, further research needs to assess how mechanisms operate across different contexts and which groups are constrained from adequately accessing services (and why).

The Government (including justice sector institutions), with support from civil society and development partners, should prioritise strengthening the capacity of local actors to effectively undertake their tasks in accordance with the law.

3. Justice should go hand-in-hand with poverty reduction and building durable peace

Access to justice needs to be at the forefront of the Government of Myanmar's efforts to reduce poverty, support equitable social and economic development and build durable peace. This is entirely consistent with the Government's emphasis on building a just and fair system based on the rule of law.

In practice, this means looking at opportunities to integrate justice service reforms with efforts to increase access to other basic services, such as education, health and social services. An improvement in the work of justice service providers is likely to have an impact on how people perceive other institutions providing basic services and, in turn, have an impact on people's interaction with the state. Specific policies and programmes are needed to directly support the needs of Myanmar's most vulnerable communities, including those affected by conflict. Further research is necessary to better understand the needs and experiences of specific vulnerable groups and ethnic minorities, including those in conflict-affected areas.

Research methodology

Overview

Research for this report took place from June to August 2017 and made use of multiple methods; it drew primarily from quantitative findings which were supplemented with qualitative research. The quantitative findings provide a representative picture of how people view justice and the law across Myanmar and what differences in perceptions and understanding exist between different groups. The qualitative research provides an opportunity to explore in more depth why different groups may view and experience the law differently. Overall, three sources of information have been used:

The report draws primarily from a knowledge, attitudes and practices (KAP) survey – the Myanmar Justice Survey 2017 (MJS) – on perceptions and understanding about justice and the law. The survey has been administered to 3,565 respondents covering 59 townships across all states and regions in Myanmar. It is representative at the national level, by gender and by urban/rural distinction. At the national level the survey has a +/- 1.64 per cent margin of error at a confidence level of 95 per cent.

This report also draws, in specific sections, from the MyJustice Baseline Survey 2017 (MBS). The survey is limited to 20 townships purposively selected from MyJustice programme areas.

Qualitative research was conducted in the 20 townships to supplement the MBS, which covers 120 key informant interviews and 20 FGDs. Respondents were purposively selected to represent local leaders (W/VTAs and community leaders) and people with experience of the justice system.

Methodologies for each of these sources are described in detail below. All of the research, and the initial round of information analysis which informed this report, was conducted by Kantar TNS.

Research design

MyJustice designed the research with the primary objective of assessing the level of legal, justice and rights awareness among the general population in Myanmar; to understand what people's perceptions of justice and the law are, how they obtain information about their rights and their level of legal knowledge, what types of disputes they face and how they view the role of different actors in resolving disputes. The research aims at informing both policy and programming on access to justice issues in Myanmar. In addition, the baseline research in MyJustice operational areas provides information on change and the effectiveness of programme interventions.

The Myanmar Justice Survey 2017

The research is structured around the following central themes:

- **Legal awareness:** This includes questions relating to awareness of the role of the law, the existence and constitutional guarantees of rights and levels of knowledge on different areas of law. It also includes views on changes in the provision of justice services over the last five years. Questions also examine how people obtain information about the law and their rights, including their awareness of legal aid services.
- **Perceptions of justice:** A range of questions examine people's concepts and perceptions of justice. They also examine how well people understand the justice system and the role of different actors in the delivery of justice services.
- **Paths to justice:** The research examines the levels and types of disputes directly experienced by respondents or members of their households. It contrasts this with a broader knowledge of disputes at village level. Additional research looks at the actors that people turn to and their experiences in the dispute resolution process.

The research design draws from a growing body of literature on perceptions of justice and the law.⁸⁶ As with the research undertaken by the MyJustice programme, there is a growing reliance on these studies to assist governments and practitioners in improving access to justice for citizens. These studies provide a more reliable evidence base on which to develop policies, deliver services that are based on identifiable needs and address constraints experienced by users of justice systems.

Sampling strategy

The MJS was designed to allow statistically valid inferences to be made at the national level and, with varying margins of error, across a range of variables including gender, states/regions, urban/rural and education.

The sample design was proportionally allocated according to the population living in each state and region. As this allocates less than 150 respondents, considered a minimum sample for conducting analysis, to states or regions with populations below 3% of the overall population, the sample was increased to 150 in those states/regions to enable analysis.⁸⁷ As a result the total sample size is n=3,565.

Sampling procedure

The required number of townships was determined based on the need for an average of 60 interviews per township. Fifty-nine townships were selected in total. Townships located in conflict zones were replaced for safety reasons.

The number of wards and village tracts selected within townships were determined using a probability proportionate to size (PPS) approach.⁸⁸ PPS means that larger wards/village tracts are proportionately more likely to be selected for interview. To offset the bias, exactly the same number of individuals were selected for each ward/village tract. In this way, individuals in large wards/village tracts had a smaller probability of being sampled than individuals in smaller wards/village tracts. In village tracts, interviewing was conducted only in one village – the tract (main) village.

⁸⁶ See, for example, ABA, 'Access to Justice Assessment Tool', New York, 2012; UNDP, 'Access to Justice Assessments in the Asia Pacific: A Review of Experiences and Tools from the Region', Bangkok, 2012; and Coumarelos, et al., 'Legal Australia-Wide Survey: Legal Need in Australia', Law and Justice Foundation of NSW, 2012.

⁸⁷ These states/regions are Kayah, Chin, Nay Pyi Taw, Tanintharyi, Kayin and Kachin. In the analysis process, findings have been subsequently weighted to readjust the sample proportionally to the population.

⁸⁸ A total of five villages across Magway and Sagaing Regions have had to be replaced as they were inaccessible due to flooding.

Figure 44
Overall sample structure

	Townships	Ward	Respondents (Urban)	Village Tracts	Respondents (Rural)	Total	Proportion of sample ⁸⁹	Confidence interval (at 95%)
Yangon	7	26	308	11	131	439	12.3%	+/-4.68%
Ayeyawaddy	6	4	52	26	317	369	10.4%	+/-5.10%
Mandalay	6	11	128	20	240	368	10.3%	+/-5.26%
Shan	6	6	83	22	264	348	9.8%	+/-5.50%
Sagaing	5	5	54	22	263	318	8.9%	+/-5.75%
Bago	5	5	64	19	226	290	8.1%	+/-6.41%
Magway	4	3	35	17	199	234	6.6%	+/-5.13%
Rakhine	3	2	25	10	125	150	4.2%	+/-8.00%
Mon	3	3	42	9	108	150	4.2%	+/-8.00%
Kachin	3	5	54	8	96	150	4.2%	+/-8.00%
Kayin	3	3	33	11	117	150	4.2%	+/-8.00%
Tanintharyi	2	3	36	9	114	150	4.2%	+/-8.00%
Nay Pyi Taw	2	4	49	8	101	150	4.2%	+/-8.00%
Chin	2	3	31	10	119	150	4.2%	+/-8.00%
Kayah	2	3	38	9	112	150	4.2%	+/-8.00%
Total	59	86	1032	211	2533	3565	100.0%	+/-1.64%

In each ward or village tract, twelve respondents were interviewed. First, households were selected. In village tracts, interviewers started from the corner of the village and selected households at a predetermined interval (based on village population divided by twelve) to cover the whole village. In wards, interviewers selected four start points per ward and conducted three interviews per start point. The start points were purposively selected to ensure good coverage across the wards. Interviewers moved in a random walk based on the right-hand rule.

Within each selected household, a respondent was identified using a Kish grid approach to ensure that the sample falls in line with the population. If the selected respondent was not available, appointment times were set up to conduct the interview at a later date. Households were revisited up to two additional times and, if both visits were unsuccessful, the household was replaced. Where this occurred, or where respondents were not willing to partake in the MJS, households were replaced with a neighbouring house. The replacement rate was slightly less than 2%, with Shan State (12%), Kayin State (9%) and Chin State (8%) having the highest replacement rates.

⁸⁹ As noted above, sample size has been increased to 150 respondents for regions/states with under three per cent of the population. As a result, the sample broadly reflects distribution across regions/states as captured in the National Census, however regions/states with larger populations are slightly under-represented and the inverse applies for regions/states with smaller populations.

Respondents were provided with the option of having the survey interview conducted in their local language. In total, 110 surveys covering just over 3% of respondents were issued in a language other than Myanmar.

Survey implementation

The MJS was implemented by a team of 50 enumerators who had all participated in a five-day training course. This included three days of class-based training to gain knowledge on the background, objectives and familiarity with research questions, as well as a two-day pilot to practise interview skills.

The questionnaire was uploaded on tablets and enumerators entered responses directly, reducing the risk of information entry error.

Research teams identified three main challenges with the fieldwork.

1. Responses are self-reported and often affirmative – which may reflect perceived desirability rather than actual knowledge or practices. Researchers were trained to minimise bias by using non-judgemental approaches and to assure survey respondents of their confidentiality.
2. The sensitive nature of this study's subject matter affected the behaviour of both interviewees and researchers. In some cases, respondents were very reluctant to openly share their views. In other cases, respondents expected help with their difficulties from enumerators, who felt disempowered to do so.
3. The full questionnaire is lengthy, with interviews lasting well over one hour. This affected the enthusiasm and level of concentration of respondents.

MyJustice Baseline Survey 2017

For the quantitative research, this survey is similar to the MJS in terms of design, sampling strategy and implementation, with several important exceptions.

Whereas the MJS is designed to be representative of the population in Myanmar as a whole, the quantitative part of the MBS was targeted specifically at townships where MyJustice was either operational or had plans to implement activities. As a result, 20 townships were purposively selected. The aim is to better understand and set a benchmark for reviewing performance in townships where programme interventions occur. The MBS quantitative research covers 3,030 respondents, evenly distributed across townships.⁹⁰ The sample size provides 95% confidence level with an interval of +/-6.71% for each township based on an observed proportion of 50%.

1. The MBS quantitative study includes an extra subset of questions. These ask about actual dispute resolution experiences for respondents who identify that they, or someone in their household, have been directly affected by a justice issue or dispute in the preceding two years.⁹¹ A total of 572 respondents in the baseline survey (or 19%) identify personal experience with a dispute at the household level and respond to the additional subset of questions. These responses provide insight into actual experiences in dispute resolution pathways.

This report uses this specific information from the quantitative part of the MBS only in the 'Disputes and pathways to resolution' section and in parts of the following section, 'Vulnerability, gender and the law'.

⁹⁰ With the exception of Bago Township where the population size is considerably larger – so the sample is increased to 340 respondents.

⁹¹ The MJS ends at this question.

Qualitative research is also included as part of the MBS, to provide information on community knowledge, attitudes and practices, to both deepen and triangulate quantitative information. The design for the qualitative element of the MBS focuses on trying to obtain a breadth of views from parties familiar with the justice system – W/VTAs, community leaders and community members who have previously experienced a justice issue or dispute.

The qualitative and quantitative parts of the MBS were conducted in each of the same 20 townships. The research comprises three components:

1. Four key informant interviews were conducted with W/VTAs (two) and community leaders (two) in each township. These interviews explore the roles and responsibilities of W/VTAs and community leaders in relation to their justice tasks, their links with formal institutions and challenges local leaders face in managing disputes and justice issues. In total 80 respondents were interviewed through this component.
2. Four detailed interviews were conducted with community members in each township (80 in total). Respondents selected have previously experienced a justice issue or dispute, with 40% seeking resolution through the formal justice system and 60% via local mechanisms. Efforts were also made to ensure representation by gender, economic demographic and age. Respondents were identified through a snowballing approach with inputs from community leaders and others in the community.
3. In each township an FGD was held to explore people's understanding of the concept of justice, their expectations of both formal and local justice actors and considerations in the decision-making process about how disputes are resolved. Each FGD comprises representatives of a particular target group. The approach has been designed to ensure at least one FGD was held with different critical target demographics from a range of gender, age, socio-economic and religious backgrounds. As with interviews with community members, respondents were identified through a snowballing approach with inputs from community leaders and others.

For each of these components, interviewers follow a broadly defined questionnaire covering a range of topics. The approach allows interviewers to ask follow-up questions and explore problems in more depth. Interviews and FGDs were recorded on tape and transcribed into English.

This report draws from the transcripts of both the FGDs and key informant interviews to provide a more nuanced understanding of the national MJS findings. The report does this in two ways:

1. In certain areas where the qualitative research helps to explain the quantitative findings, the report makes reference to the former.
2. The report uses a range of quotes from community members and local leaders to contextualise the narrative. All quotes attributed to respondents throughout the report are sourced from the qualitative part of the MBS.

Analysis and integration of methods


Combining quantitative and qualitative research provides opportunities to draw on advantages from both methods. Quantitative findings allow statistically valid inferences at the national level and across various demographic categories.

Qualitative methods provide a more detailed explanation of the why. For example, one question in the quantitative part of the MBS shows that people normally view the W/VTA as being a primary contact for justice issues but also engaging other local leaders. The qualitative part provides more of an understanding of how these actors interact and the reasons why people access them.

The MJS forms the core of this report and was the starting point for the analysis. Initial analysis in the form of presentations on the MJS and a draft MBS report combining both quantitative and qualitative findings were prepared by the company implementing the survey, Kantar TNS. Findings from the MJS were presented to a range of stakeholders at verification workshops. Stakeholders included representatives from the UAGO, the Supreme Court and the General Administration Department (GAD), the Ministry of Home Affairs; Members of Parliament; legal experts and representatives from civil society and international donors with expertise on justice issues.

The MBS findings were included to explore certain themes in more depth and explain any points of variation.



 The Strand Mansion, No. 24, 1st Floor (left),
39th Street, Kyauktada Township,
Yangon, Myanmar

 +94-1-370-933 Ext 3111 and 3112

 myjustice@mm.britishcouncil.org

 www.myjusticemyanmar.org

 <https://www.facebook.com/myjusticemyanmar/>