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**UNDP Access to Justice and
Informal Justice Systems Research**

YANGON REGION

Snapshot Study

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A street of downtown Yangon, Photo by Aung Myat Htay

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Management Specialist); Zaw Min Naung (Field Officer); Hnin Marlar Htun (Programme Associate); Nway Nway Lwin (Rule of Law Officer); Natalie Matranga (Rule of Law Officer); Leo Twiggs (Rule of Law Officer); and Zaw Lawt (Field Officer). Scott Ciment (UNDP Chief Technical Advisor on Rule of Law in Myanmar), Emma Morley (Team Leader, Democratic Governance) and Jessica Price (Programme Analyst, Democratic Governance) also provided valuable inputs to the research study.

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FOREWORD

In Myanmar, the justice sector is playing an important role in the country's democratic transition. Underlying the work of the courts, the law officers and the police – and most other government agencies that provide some form of justice service – is the recognised need to rebuild and strengthen the trust and confidence that people have in formal systems of governance. People's expectations for fair, equitable and rights-based treatment are clearly rising and progress can in part be measured by how much trust and confidence the Myanmar people have in the formal justice system.

This report, "Access to Justice and Informal Justice Systems Research in Yangon Region, begins to define what people's expectations are for civil and criminal justice services in Myanmar, and how formal and informal processes are used at the grassroots level when conflicts arise. Its dialogue-interview methodology with individuals, families and groups in informal settings, allows us to access hard-to-obtain data that can better inform future justice sector development planning. It also allows us to understand the perspectives of people who have little faith that their cases will be dealt with fairly during voluntary or involuntary interactions with the justice system. This low level of trust causes people to rely largely on informal methods of dispute resolution, which can produce equitable results, but whose outcomes do not always align with legal, due process or human rights norms.



To rebuild trust, measurable progress needs to be made by the government to improve the quality and fairness of all actors and agencies involved in the justice sector. Understanding people's perceptions and expectations of the justice system is a necessary early step that Myanmar must fully explore if it wants to develop responsive solutions to the justice needs of all its citizens, including the most vulnerable and marginalised.

Finally, let me thank all the people in Yangon Region who agreed to be interviewed for this report. We hope that this report will help policy-makers, development partners, civil society and all other stakeholders in creating a rights-based and capable justice system in Myanmar.

Peter Batchelor
Country Director
UNDP Myanmar



CHAPTER 1

INTRODUCTION

Photo: High Court Building in downtown Yangon

The United Nations Development Programme (UNDP) Myanmar supports programmes to strengthen the rule of law and increase access to justice in Myanmar. For UNDP and its development partners to support justice sector reform in Myanmar requires a baseline understanding of how people seek access to justice through formal and informal justice systems, and of people's perspectives on those who have a role in the justice system. Accordingly, UNDP Myanmar commissioned a research study on access to justice and informal justice systems in Myanmar in Rakhine State, Kachin State, Shan State and Yangon Region.

The research sought to answer three main questions:

1. How do people seek access to justice?
2. What are people's perceptions of, and trust and confidence in, the formal justice system?
3. What is the range of informal justice processes that exist in the local area, and how do they operate?

The first phase of the study was completed in Rakhine in October–November 2015 and the second in Kachin in January–February 2016. The third phase was planned to begin in Shan in March 2016. However, due to unexpected delays in starting the fieldwork, UNDP commissioned an additional, limited phase to be conducted in Yangon during the delay, between March and May 2016. This report summarizes the data collected from Yangon, the commercial, social and intellectual centre of Myanmar.¹

The research was conducted in four urban townships in Yangon. Unlike the study in Rakhine, Kachin and Shan States, the Yangon study took only a quantitative approach, using the same structured interview questionnaire administered at the household level in Rakhine, Kachin and Shan.² Given the specific selection of study sites and respondents, the findings describe only the study sample. Statistically significant comparisons cannot be made among research respondents, and the findings cannot be generalized to any wider population.

1 For the state reports, see: UNDP Myanmar (2017) Access to Justice and Informal Justice Systems Research: Rakhine State; Access to Justice and Informal Justice Systems Research: Kachin State; Access to Justice and Informal Justice Systems Research: Shan State.

2 One of the main limitations of the research was the limited cooperation of respondents in the communities studied. There are two potential reasons for the unexpectedly low rate of cooperation: (i) low levels of trust of strangers, and (ii) respondents' limited time. The first was particularly relevant in Ward 5 of Kamaryut Township, where one household had previously been robbed by people disguised as market surveyors. As a result, the researchers were advised to visit homes only after having been introduced by someone from the ward administration. This caused delays as proceeding with the work was dependent on the availability of ward administration staff. Many potential respondents declined to be interviewed, citing busy schedules. Most rejections occurred when researchers introduced themselves and the study. However, those who agreed to be interviewed were very cooperative and dedicated to the study.



CHAPTER 2

CHARACTERISTICS OF STUDY SITES AND RESPONDENTS

Photo: Man burning trash in a ditch near railway tracks. (Photo by Sunra Lambert-Baj)

OVERVIEW OF STUDY SITES

The study was conducted in four selected townships in Yangon Region: Tamwe, Pabedan, Kamaryut and Hlaing Thar Yar. Pabedan and Kamaryut Townships are in the western district of Yangon, Tamwe in the eastern district and Hlaing Thar Yar in the northern district. The study sites were specifically selected on the basis of their wide socio-economic and cultural diversity. In each township, two wards were visited, with 32–36 household interviews conducted in each ward.

Tamwe and Pabedan are located in the downtown areas of Yangon city, and have greater religious and cultural diversity than the other study sites. Kamaryut is located near the middle of Yangon, where the city begins to become more rural, and Hlaing Thar Yar is located on the

Pabedan is located in the downtown area of Yangon. The two wards studied in Pabedan are socio-economically and culturally diverse. Ward 8 is adjacent to the well-known Bogyoke Market. There are two mosques and one Hindu temple inside Ward 8. Similarly, Ward 4 is next to a large wholesale market, Thein Gyi Market. Ward 8 is middle class, while the residents of Ward 4 are of lower-middle and low income.

Kamaryut is one of the busiest areas of Yangon. It contains “Hledan Junction”, from which all four areas of Yangon can be accessed. Yangon University is located in the township. Wards 2 and 5 of Kamaryut are included in the study. In terms of religion, both wards are quite homogeneous as the majority of the residents are Buddhists. Ward 2 is near Yangon University and Ward 5 is near a famous wholesale market, Sin Ma Lite. The area’s residents are mostly of lower-middle and low income.

Hlaing Thar Yar is one of the satellite towns of Yangon. Most of its residents are migrant workers, many of whom work in the factories in the Hlaing Thar Yar industrial zone. The township contains many slums. Ward 7 contains the main market, Mee Kwak Market, which is relied on by most workers in the area. The residents of Ward 7 are mostly workers who earn low wages. Ward 5’s population is more mixed, with residents of of lower-middle and low income.

Table 2.1: Sample Size by Township

Township	Household Structured Interviews
Tamwe	64
Pabedan	68
Kamaryut	64
Hlaing Thar Yar	72
TOTAL	268

outskirts of Yangon.

Of the two wards studied in Tamwe, Tamwe Gyi (Ka Ga) has more middle class respondents than Pathein Nyunt (Sampya). The former is located at the junction of Tamwe, and has wide socio-economic and cultural diversity. The latter is near the Ma Hlwa Kone intra-township railway station, where residents tend to be more uniformly of lower-middle and low income.

RESEARCH RESPONDENTS

A total of 268 adult respondents (134 males and 134 females) were interviewed in eight wards of four Yangon townships (Table 2.2). The average age of respondents was 47 years; the youngest was aged 18 and the oldest 75. Nearly three quarters (71%) of the respondents were currently married, at the time of the interview. More than three quarters (208 respondents,

(77.61%) identified their head of household to be male; 60 respondents (22.39%) identified their head of household to be female.

Cultural Characteristics

Respondents identified their ethnicity and religion.³ With regards to ethnicity, respondents' answers were reclassified into six categories:

Bamar, Chinese, Indian/Hindu, Muslim/Islam, Mixed⁴ and Other⁵. The distribution of respondents by ethnicity and sex is presented in Table 2.2.

In relation to religion, respondents identified themselves variously as Buddhist, Christian and Muslim. The distribution of respondents by township and religion is presented in Table 2.3.

Table 2.2: Respondents by Ethnicity and Sex

Ethnicity	Sex		TOTAL
	F	M	
Bamar	95	90	185
Chinese	7	3	10
Indian/Hindu	6	4	10
Muslim/Islam	14	15	29
Mixed	7	9	16
Other	5	13	18
TOTAL	134	134	268

Table 2.3: Respondents by Township and Religion

Township	Religion			TOTAL
	Buddhist	Islam	Christian	
Tamwe	47	17	0	64
Pabedan	39	29	0	68
Kamaryut	62	0	2	64
Hlaing Thar Yar	72	0	0	72
TOTAL	220	46	2	268

3 In response to open-ended questions, with no prompting.

4 The category "Mixed" includes respondents who identified their ethnicity as being of two or more ethnic groups, including Bamar-Rakhine, Muslim-Bamar, Chinese-Bamar, Kayin-Muslim, Indian-Bamar, Pakistan-Bamar, Indian-Bengali, Mon-Bamar-Muslim and Chinese-Bamar-Karen.

5 The category "Other" includes all other specific ethnicities, including Chin, Kayin, Mon, Rakhine, Shan, Suri and Kyolia. Fewer than 10 responses were recorded for each category.

Education Levels and Myanmar Language Literacy

For purposes of analysis, respondents' answers regarding their completed levels of education were reclassified into seven categories: None, Primary school⁶, Middle school⁷, High school⁸, Matriculation⁹, College/Undergraduate¹⁰ and Other¹¹. The distribution of respondents across all education levels is presented in Figure 2.1.

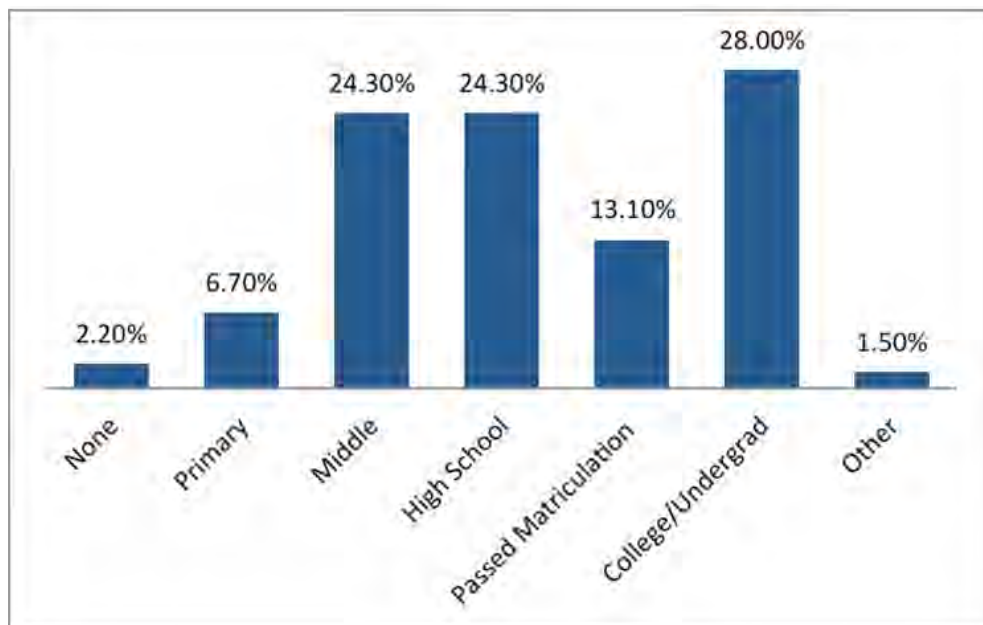
The highest proportion of respondents (28.0%) had had some level of education at college/undergraduate level. Nearly one quarter (24.3%) had had middle school education and the same proportion (24.3%) had had high school education. Only 2.0% of respondents had never had any formal or non-formal education.

Respondents from Hlaing Thar Yar generally had the lowest levels of education. By contrast, nearly half the respondents from Tamwe (45.0%) had received at least some education at college/undergraduate level.

Fewer female respondents than male respondents had had high school education. Notably, however, more female respondents (16.0%) had received some college/undergraduate education than had male respondents (11.9%).

Respondents indicated whether they were able to read a newspaper and write a letter in Myanmar language. A very large majority of respondents (97%) reported being able to do both, with a nearly even split between female (48%) and male (49%) respondents. Only five respondents (1.9%) – all females from Hlaing Thar Yar

Figure 2.1: Levels of Education



6 Defined to include having passed any level between grades 1 and 4.

7 Defined to include having passed any level between grades 5 and 8.

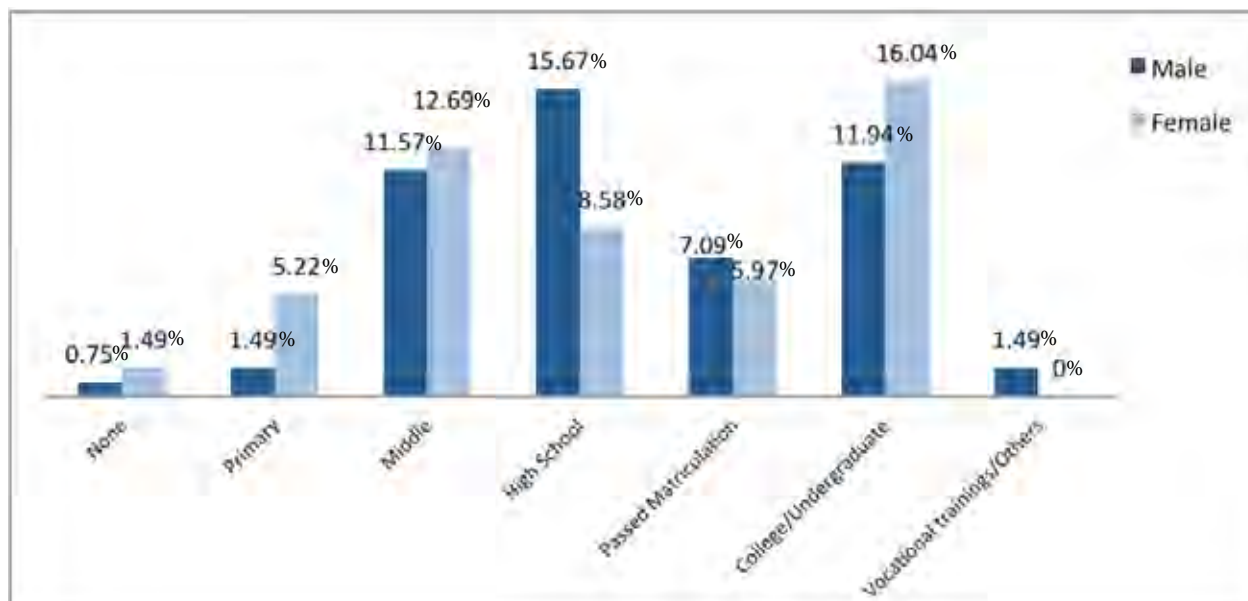
8 Defined to include having passed any level between grades 9 and 10.

9 Defined as having passed grade 11.

10 Defined to include those currently at, and those graduated from, a tertiary education institution at undergraduate level.

11 Defined to include non-formal education.

Figure 2.2: Levels of Education by Sex



– indicated that they were unable to either read or write in the Myanmar language.

Persons with Disability

A small minority of respondents (6.0%) reported having a person with at least one type of disability within their household. These included physical, visual, hearing, speech and/or mental disabilities or impairments.

Income and Household Assets

The approximate levels of respondents’ monthly household income are presented in Figure 2.3.

Just under half the respondents (46.3%) reported having a household income of between Ks.50,000 and Ks.300,000 per month. Over half (53.4%) reported having a household income of between Ks.300,000 and Ks.800,000 per month.

Respondents’ primary sources of household income were small businesses involving trading, buying and selling (approximately 30% of respondents), small businesses involving the provision of services (18%), full-time employment (15%) and small-scale production (non-agriculture products) (10%). More than half the respondents did not have secondary sources of household income.

Figure 2.3: Monthly Household Income levels



In terms of household assets, almost all respondents reported having a mobile phone (94.8%) and/or a television set (92.2%). A very large majority (70.5%) had a refrigerator (Figure 2.4).

Mass Media Exposure and Access to Information

Respondents indicated their levels of exposure to mass media by stating how often per week they watched television, listened to the radio and read newspapers or journals (Figure 2.5). They revealed an uneven pattern of engagement with mass media.

Almost two in three respondents (61.6%) reported watching television every day or almost every day but slightly less than half (45.1%) reported reading newspapers or journals every day or almost every day. Three-quarters (76.1%) reported never listening to the radio in the course of a week.

Consumption of mass media varied somewhat by sex. Male respondents were twice as likely as female respondents to regularly listen to the radio (67% of males, 33% of females) and considerably more likely than female respondents to regularly read newspapers and journals (56% of males, 44% of females) (Figure 2.6).

Figure 2.4: Household Assets

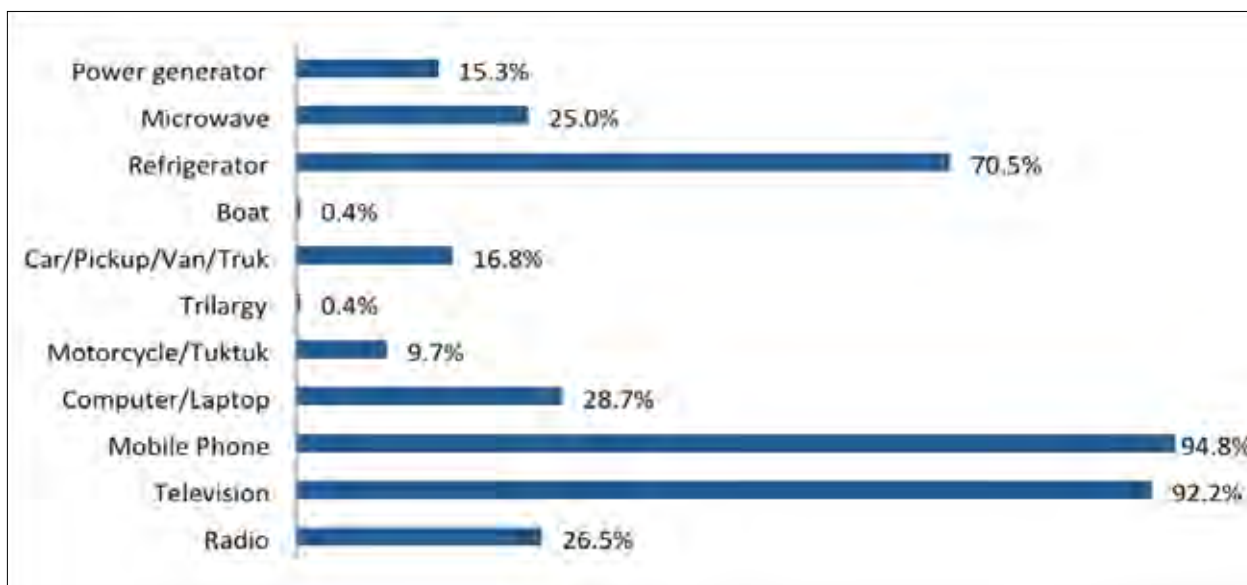
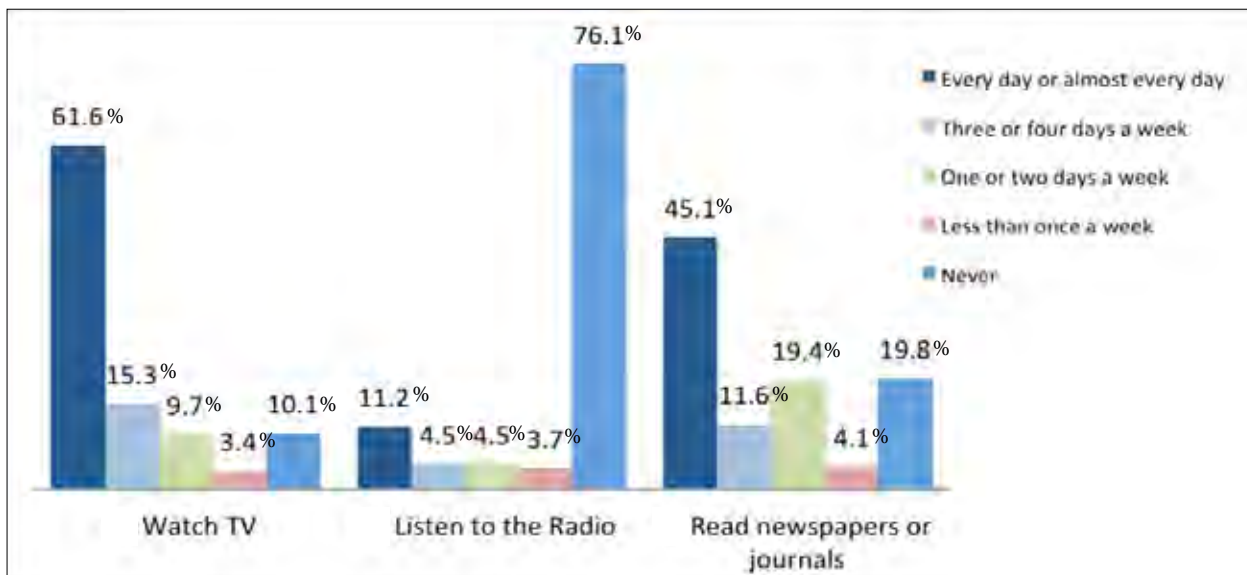


Figure 2.5: Mass Media Exposure



The most common source of information was family/friends/neighbours (90% of respondents). Other important sources were television (85%), journals (75%), newspapers (73%) and mobile phones (61%) (Figure 2.7). This indicates that a high proportion of respondents have diversified sources of information.

Use of the Internet as a source of information was less common in Hlaing Thar Yar (36% of respondents) and Kamaryut (44%) than in Pabedan (52%) and Tamwe (63%). Accessing information via Facebook and mobile phones was less common in Kamaryut and Hlaing Thar Yar than in the other two townships (Table 2.4).

Figure 2.6: Mass Media Exposure by Sex

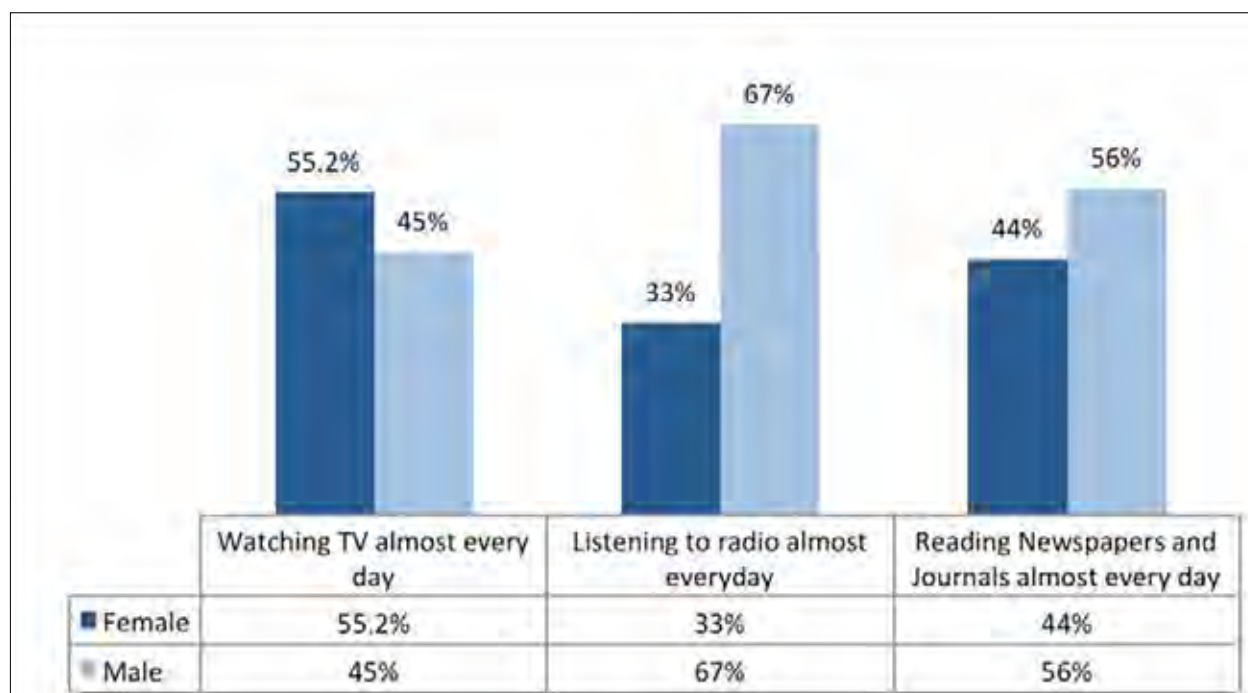
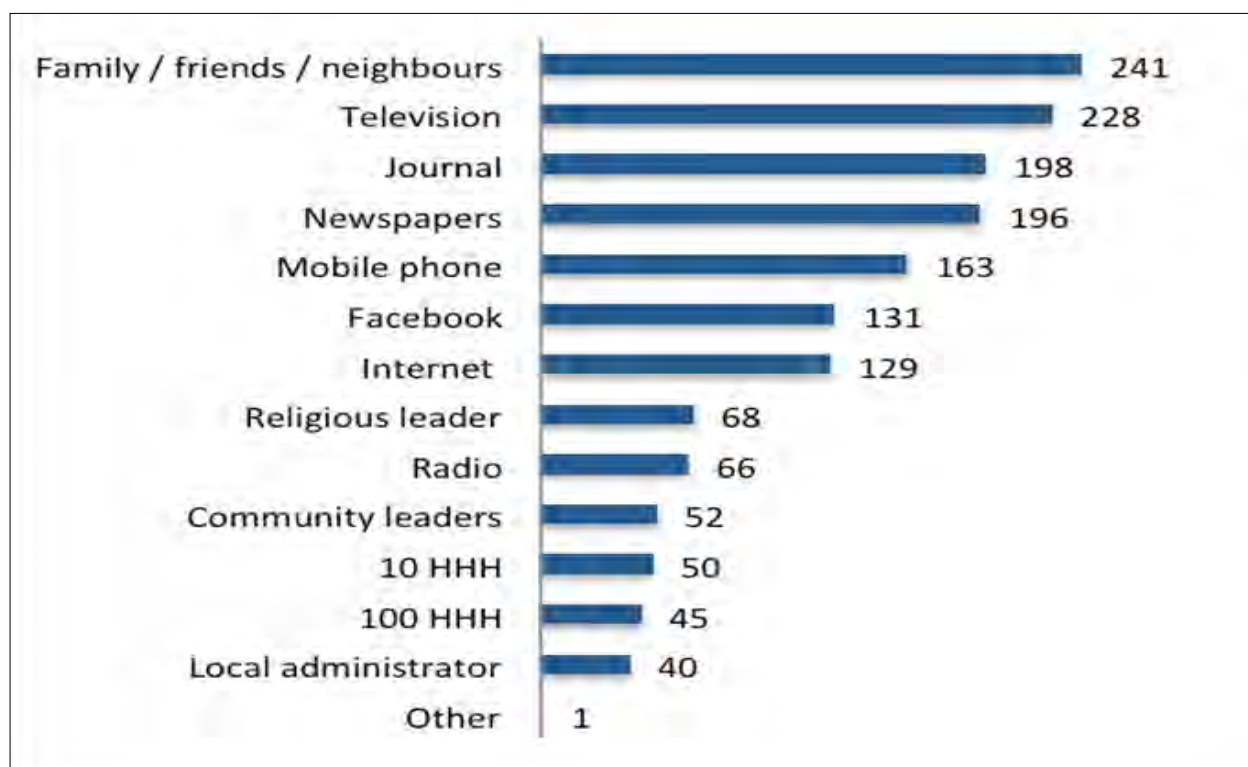


Figure 2.7: Access to Information



Respondents also indicated the main languages in which they received information.¹² Nearly all respondents (99.6%) reported that they primarily received information in the Bamar language. Approximately 15% reported receiving information in English as a secondary language. Of these, almost half (48%) were from Tamwe and 40% from Pabedan, and 60% were female.

Access to Services

The fact that all respondents were resident in townships of Yangon was reflected in the relative ease with which they could access important services. The majority of respondents

Township facilities were generally further away. Approximately one third of respondents needed between 5 and 15 minutes to reach the township office of the General Administration Department (GAD), township police station and township court, and slightly more than one third of respondents needed up to 30 minutes (Table 2.5).

The majority of respondents reported that travelling to visit the ward administrator, the nearest police station and the nearest religious leader did not cost any money. A little over half the respondents reported incurring no costs in

Table 2.4: Access to Information via Social Media by Township

Means/channel of access	Tamwe	Pabedan	Kamaryut	Hlaing Thar Yar
Internet (computer/smartphone)	62.5 %	51.5 %	43.8 %	36.1 %
Facebook	59.4 %	54.4 %	42.2 %	40.3 %
Mobile phone	81.3 %	60.3 %	45.3 %	56.9 %

(68.7%) reported that they needed 5 minutes or less to reach their ward administrators. By contrast, less than 27% of respondents were able to reach the nearest police post in 5 minutes or less, with 41% requiring up to 15 minutes. To reach the nearest religious leader, 40% of respondents needed five minutes or less.

accessing public institutions in the township (Table 2.6).

Main Sources of Support

When they need help, almost two thirds of the respondents (61%) turn to family/relatives. One

12 Researched via open-ended questions, with no prompting.

Table 2.5: Time Required to Access Services

Time	Ward Administrator	Police Post	Religious Leader	Township GAD	Township Police	Township Court
5 minutes or less	68.7%	27.2%	40.3%	9.3%	9.3%	3.0%
Over 5 to 15 minutes	29.5%	41.0%	39.6%	34.0%	34.0%	35.1%
Over 15 to 30 minutes	1.9%	24.6%	21.3%	38.8%	38.8%	42.2%
Over 30 to 45 minutes		1.1%	1.9%	3.4%	26.1%	4.9%
Over 45 min. to an hour		3.0%	3.7%	3.4%	3.4%	3.4%
Over an hour			2.6%	3.0%	3.0%	3.4%

in three (34%) turn to friends or colleagues. Significantly, 39% reported that they had no one from whom they could receive assistance. Among those who identified having sources of help, a large majority (90%) indicated that these sources are not affiliated to a political party and

almost two thirds (63%) reported that their possible sources of support were of relatively higher economic status. The highest proportions of respondents reported that their sources were engaged in trading (33%) and small business (20%).

Table 2.6: Travel Costs to Access Services

Cost	Ward Administrator	Police Post	Religious Leader	Township GAD	Township Police	Township Court
No cost	97.4%	71.6%	85.8%	51.5%	53.0%	50.4%
Ks.500 or less	0.4%	7.1%	2.6%	16%	17.2%	15.3%
Over Ks.500 to Ks.1500	2.2%	12.7%	1.9%	14.9%	14.9%	15.3%
Over Ks. 1500 to Ks.3000		6.7%	7.5%	8.6%	9.3%	10.4%
Ks.3000 to Ks.5000			0.4%	0.4%	0.4%	0.4%

Table 2.7: Travel Costs to Access Services by Township (kyats)

Cost	Ward Administrator	Police Post	Religious Leader	Township GAD	Township Police	Township Court
Tamwe	16	623	111	728	695	839
Pabedan	0	0	59	0	33	37
Kamaryut	52	192	72	283	271	321
Hlaing Thar Yar	28	528	615	891	949	909

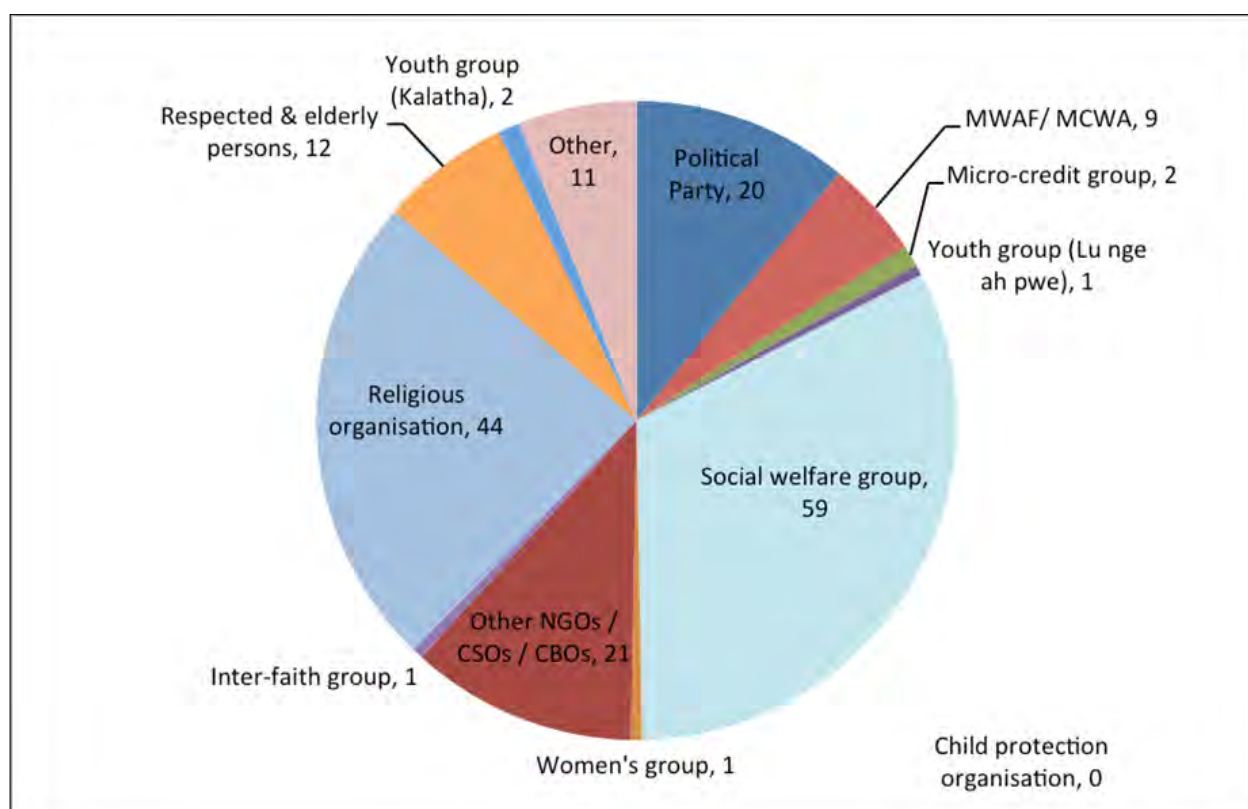
Slightly more female respondents (42%) than male (36%) indicated they do not have any sources of support. More male respondents (26%) reported friends/colleagues as a source of support than did female respondents (15%).

religious organizations, non-governmental organizations, civil society organizations (CSOs) and community-based organizations (CBOs); and political parties (Figure 2.8).

Involvement in Community Organizations

Well over one third of respondents (101 of 268 respondents, 38%) reported that at least one of their household members was involved in a community-based organization. These organizations included social welfare organizations,

Figure 2.8: Household Participation in Community-based Organisations





CHAPTER 3

PERCEPTIONS OF JUSTICE AND LAW

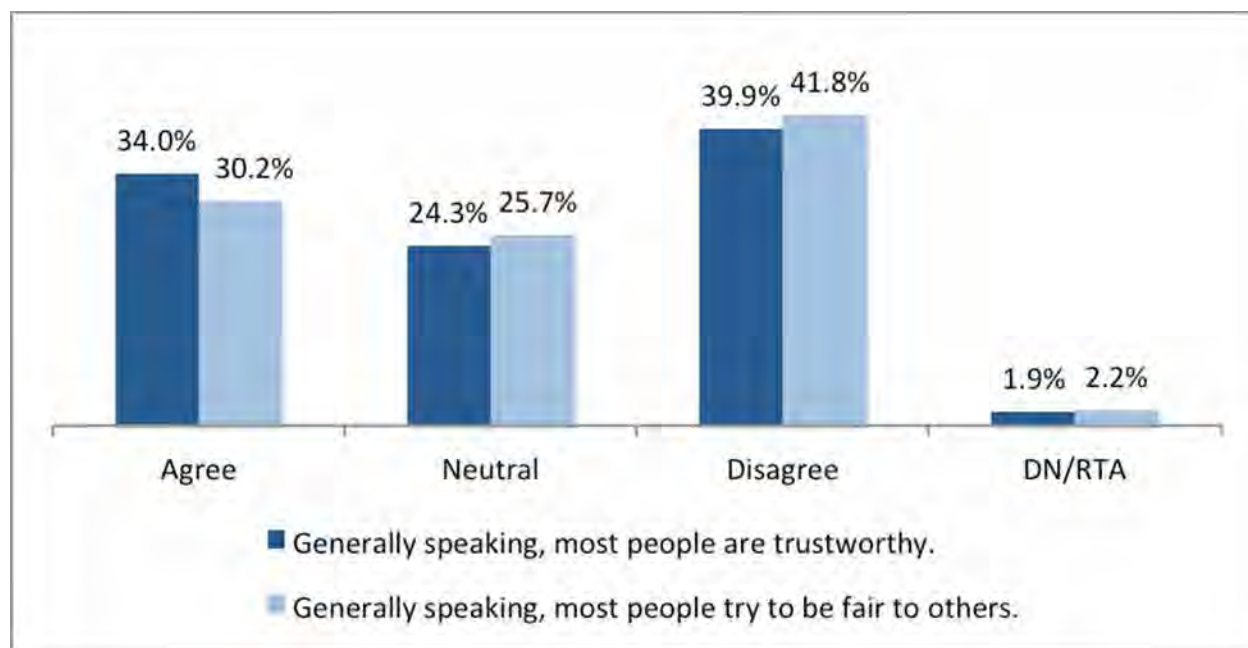
Photo: Man walking through Bogyoke Market, one of the landmarks of Yangon. (Photo by Sunra Lambert-Baj)

SOCIAL TRUST

Respondents indicated their perceptions of two characteristics associated with social value: trustworthiness and fairness (Figure 3.1).¹³

Responses from male and female respondents were reasonably consistent. On the question of whether most people are trustworthy, 35.7% of

Figure 3.1: Social Trust: Trustworthiness and Fairness



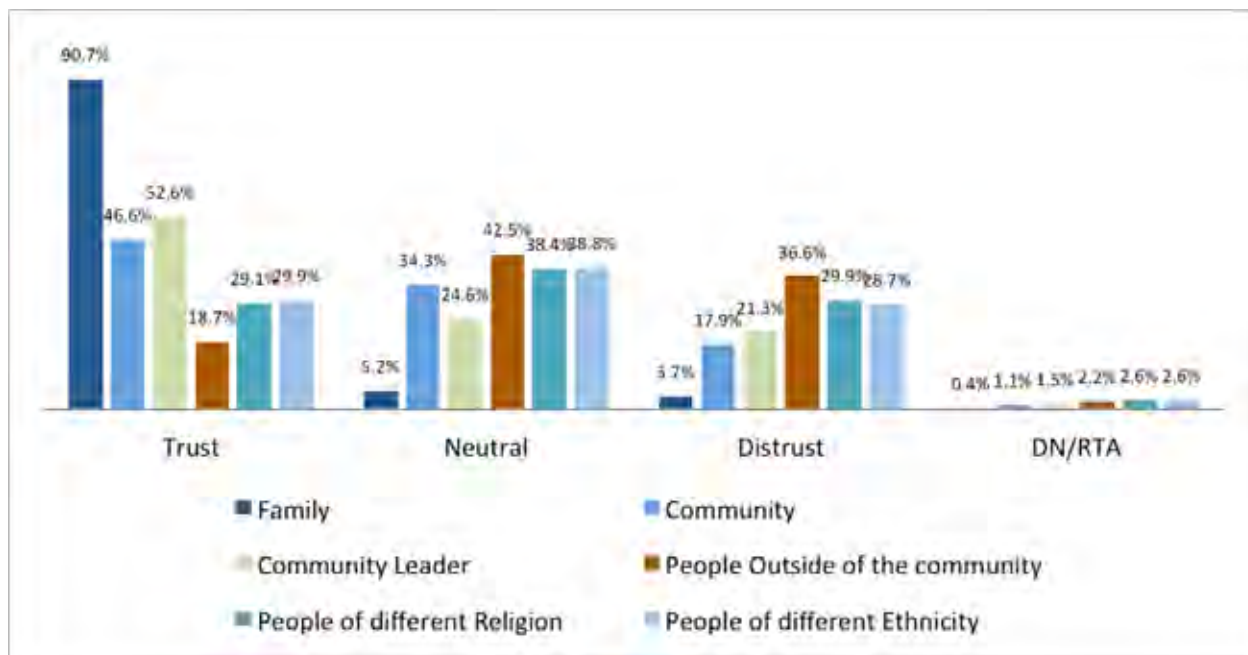
Levels of social trust appear to be lowest in Tamwe Township: only 18.8% of respondents from Tamwe reported that they generally believed most people to be trustworthy, and only 15.6% of respondents from Tamwe reported that they generally believed most people try to be fair to others. Respondents from Hlaing Thar Yar were fairly evenly split on the matter of trustworthiness: 44.4% of respondents from Hlaing Thar Yar agreed and 41.7% disagreed that most people are trustworthy. On the question of whether most people try to be fair to others, 50.0% of respondents from Hlaing Thar Yar disagreed.

female respondents and 32% of male respondents agreed, while 40% of both female and male respondents disagreed. Similarly, on the question of whether most people try to be fair to others, 32% of female respondents and 28% of male respondents agreed, while 43% of females and 40% of males disagreed.

Respondents also indicated the extent to which they trust or distrust various categories of people: family and relatives; neighbours, friends and people within the community; community leaders; people outside the community; people

¹³ Respondents were asked the extent to which they agreed or disagreed with two statements on trustworthiness and fairness. Their responses were recorded on a seven-point Likert scale: "Agree strongly"; "Agree somewhat"; "Agree a little"; "Neither agree nor disagree"; "Disagree a little"; "Disagree somewhat"; "Disagree strongly". To simplify analysis, the responses "Agree strongly", "Agree somewhat" and "Agree a little" are combined as "Agree", and the responses "Disagree a little", "Disagree somewhat" and "Disagree strongly" are combined as "Disagree".

Figure 3.2: Social Trust: Trust in Others



of a different religion; and people of a different ethnicity (Figure 3.2).¹⁴

Overall, respondents demonstrated remarkably low levels of trust in others. The very large majority who trusted family (90.7%) was more than double the proportion that trusted any other category of people, except for community leaders (52.6%)¹⁵. Less than half the respondents (46.6%) indicated trust in members of their own community. Fewer than 30.0% trusted people of different religion or ethnicity from their own, and a very low proportion (18.7%) trusted people from outside their community. Similar proportions of respondents positively distrusted those of different religion and ethnicity, and twice as many (36.6%) distrusted as trusted people outside their own community. Notably, consistently higher proportions of respondents declared themselves to be neutral on the matter of trust in others.

Female respondents demonstrated slightly lower levels of social trust than did male respondents, particularly with regards to friends and people of different religion or ethnicity than themselves. However, females were more likely than males to trust people outside their community (Table 3.1).

14 Respondents were asked the extent to which they trusted each of the given categories of people. Their responses were recorded on a seven-point Likert scale: “Trust very much”; “Trust somewhat”; “Trust a little”; “Neither trust nor distrust”; “Distrust a little”; “Distrust somewhat”; “Distrust very much”. To simplify analysis, the responses “Trust very much”, “Trust somewhat” and “Trust a little” are combined as “Trust”, and the responses “Distrust a little”, “Distrust somewhat” and “Distrust very much” are combined as “Distrust”.

15 28% of respondents indicated “Trust a little”; 19.4% indicated “Trust somewhat”; only 5.2% indicated “Trust very much”

Table 3.1: Social Trust: Trust in Others by Sex

Category of people	Male	Female
Family	91.8%	89.6%
Relatives	65.7%	67.9%
Neighbours	59.7%	53.7%
Friends	64.9%	56.7%
People within the community	47.0%	46.3%
Community leaders	52.2%	53.0%
People outside the community	17.9%	19.4%
People of different religion	35.8%	22.4%
People of different ethnicity	36.6%	23.1%
Average	52.4%	48.0%

PERCEPTIONS OF JUSTICE

While the study did not explore respondents' understanding of justice as a concept, it sought their perspectives on eight important dimensions of justice (as expressed in a series of given statements):

- informal vs. formal pathways to justice;
- the principle of equality, and the State's responsibility to protect and defend human rights;
- the right to seek remedy;
- private vs. public authority;
- transitional justice (in a conflict-affected society);
- due process;
- gender equality;
- individual rights in relation to communal harmony and cohesion (Table 3.2).

Table 3.2: Perceptions of Justice

Dimensions of Justice	Statements	Agree*
FORMAL vs. INFORMAL	(a) Some disputes are best settled in the courts.	20.9%
	(b) It is better for most disputes to be settled within the community.	64.2%
EQUALITY	(a) Every person deserves equal care and concern by the government regardless of religion or ethnicity.	89.9%
	(b) The majority ethnic or religious population should receive more care and concern from the government than minority ethnic or religious groups.	6.37%
FATE vs. REMEDY	(a) Injustices can befall people, and there is nothing they can do about it because it is their fate.	9.0%
	(b) When injustices befall people, they can get help from others to obtain a remedy and to ensure a fair outcome.	84.7%
PRIVATE vs. PUBLIC	(a) Matters within a family are private and internal to it, and a married man has complete authority over his spouse and children.	47.8%
	(b) A community sometimes has the responsibility in certain circumstances to intervene in the household matters of others.	35.1%
TRANSITIONAL JUSTICE	(a) Old problems that happened in the past should not be revisited, and everyone should focus on building a new Myanmar.	61.6%
	(b) Old problems that happened in the past must be addressed, so that we can build a new Myanmar.	28.7%
PROCESS vs. OUTCOME	(a) Being fairly treated throughout a process is more important than obtaining a favourable outcome.	96.6%
	(b) Obtaining a favourable outcome is more important than being treated fairly during a process.	2.2%
GENDER	(a) Men and women have equal value, but women have greater responsibility to care about culture and tradition.	4.5%
	(b) Men and women have equal value, and both have equal responsibility to care about culture and tradition.	94.8%
INDIVIDUAL vs. COMMUNITY	(a) Individual rights must be as respected as communal harmony.	60.2%
	(b) Asserting individual rights is selfish, and maintaining communal harmony and agreement must be prioritised.	34.3%

* Total responses to each pair of statements do not add up to 100% as some respondents chose “both” statements, some chose “neither”; others refused to answer and some others indicated that they did not know which statement was more aligned to their personal views.

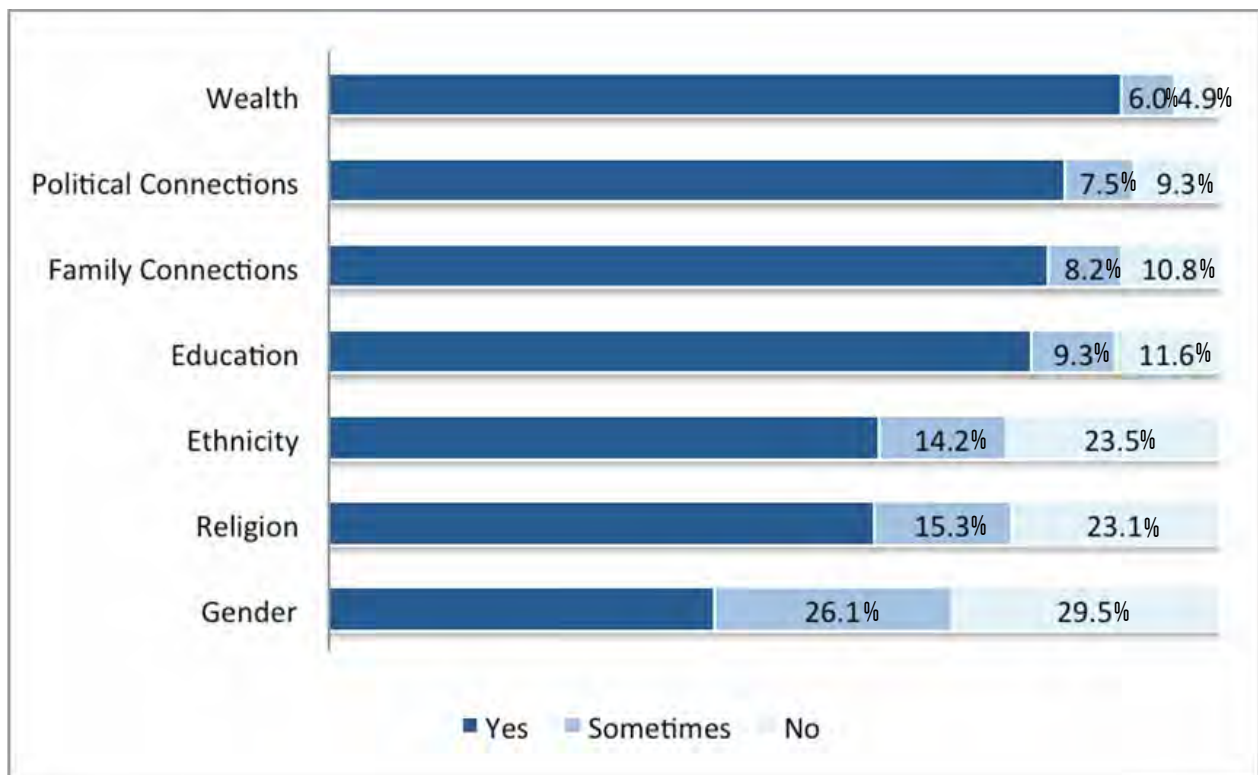
Respondents overwhelmingly agreed that being fairly treated was more important than obtaining a favourable outcome (96.6%), and that men and women have equal value, with equal responsibility to care about culture and tradition (94.8%). Large majorities also indicated that they believed every person deserves equal care and concern by the government regardless of religion or ethnicity (89.9%) and that people are able to seek help and obtain a remedy and fair outcome following an injustice (84.7%). Nearly two thirds of respondents (64.2%) indicated a preference for disputes to be solved locally. Clear majorities believed that old problems from the past should not be revisited (61.6%) and that individual rights are as important as communal harmony (60.2%).

Female respondents (69.4%) were more likely than male respondents (59.0%) to prefer disputes to be settled within the community. Just half the male respondents (50.0%) and fewer

female respondents (45.5%) agreed that a married man has complete authority over his family, and more female (39.6%) than male (30.6%) respondents agreed that a community sometimes has a responsibility to intervene in household matters. Female respondents (35.8%) were more likely than male respondents (26.9%) to agree that asserting individual rights is selfish and maintaining communal harmony must be prioritized. With respect to transitional justice, male respondents (64.9%) were somewhat more likely than female respondents (58.2%) to think that the past should not be revisited and everyone should focus on building a new Myanmar.

Respondents also indicated what they thought about factors that might be considered to determine how well a person is treated in Myanmar society: education, wealth, ethnicity, gender, religion, family connections and political connections (Figure 3.3).

Figure 3.3: Factors Affecting Treatment in Society



Very large majorities of respondents believed that wealth (88% of respondents), political connections (81%), family connections (80%) and education (78.7%) determine how well a person is treated in Myanmar society. Large majorities also considered religion (60.8%) and ethnicity (60.8%) to be a factor. Considerably less than half the respondents (42.5%) believed that gender is a factor that determines how well a person is treated in Myanmar society.

Slightly more female respondents than male respondents believed education and gender (and to a lesser extent, family connections and political connections) determine how a person is treated in society. More male than female respondents indicated that they believed eth-

nicity and religion determined how a person is treated in society (Table 3.3).

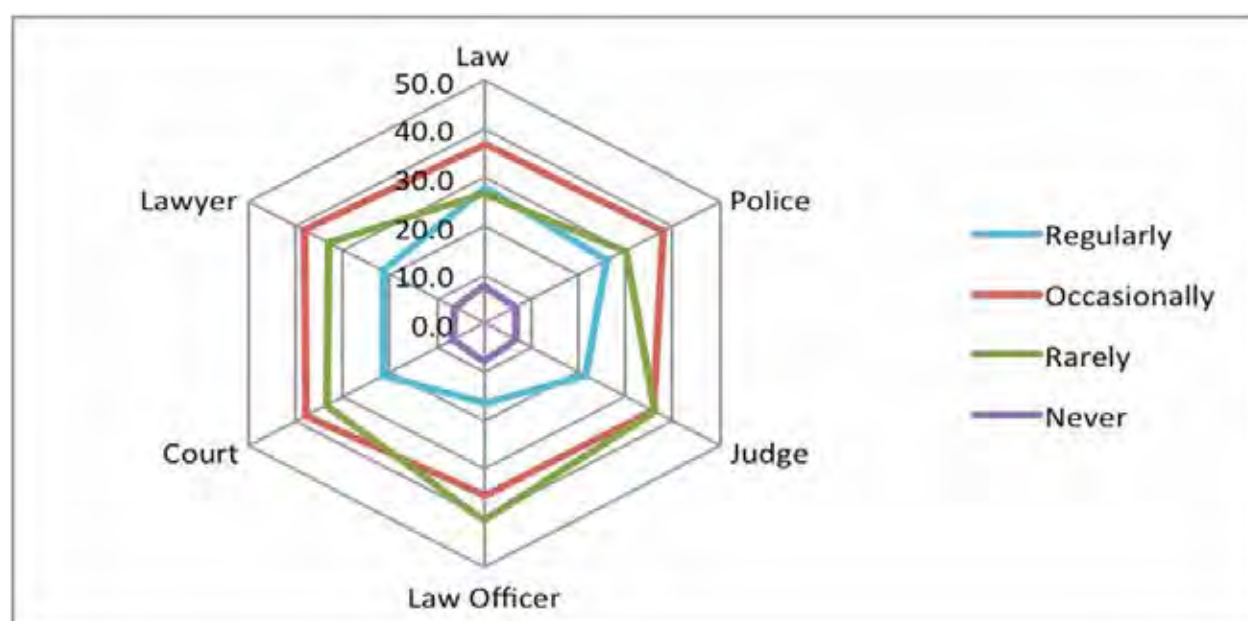
PERCEPTIONS OF LAW

While the study did not seek to test respondents' legal knowledge, it sought to understand their perceptions of how the justice system functions, or how it would work in given circumstances. Respondents indicated how often they heard or used certain words – “law”, “police”, “judge”, “law officer”, “court” and “lawyer” – in day-to-day conversation. The results (Figure 3.4) give some indication of respondents' relative engagement with the formal justice system (on this basis).

Table 3.3: Treatment Factors by Sex

Determinant Factor	Male	Female
Education	75.40%	82.10%
Wealth	89.60%	87.30%
Ethnicity	63.40%	58.20%
Gender	39.60%	45.50%
Religion	63.40%	58.20%
Family connections	78.40%	81.30%
Political connections	79.10%	82.10%

Figure 3.4: Words in Daily Conversation



These urban respondents demonstrated rather high levels of engagement with the terminology of the formal justice system. The words “law” (28% of respondents) and “police” (26%) were heard or used regularly in daily conversation. When occasional use was included, roughly three fifths of respondents reported regular or occasional use of the words “law” (64.9%), “police” (63.4%), “lawyer” (60.1%), “court” (59.7%) and “judge” (57.1%). Over half the respondents (51.9%) reported hearing or using “law officer” regularly or occasionally in daily conversation.

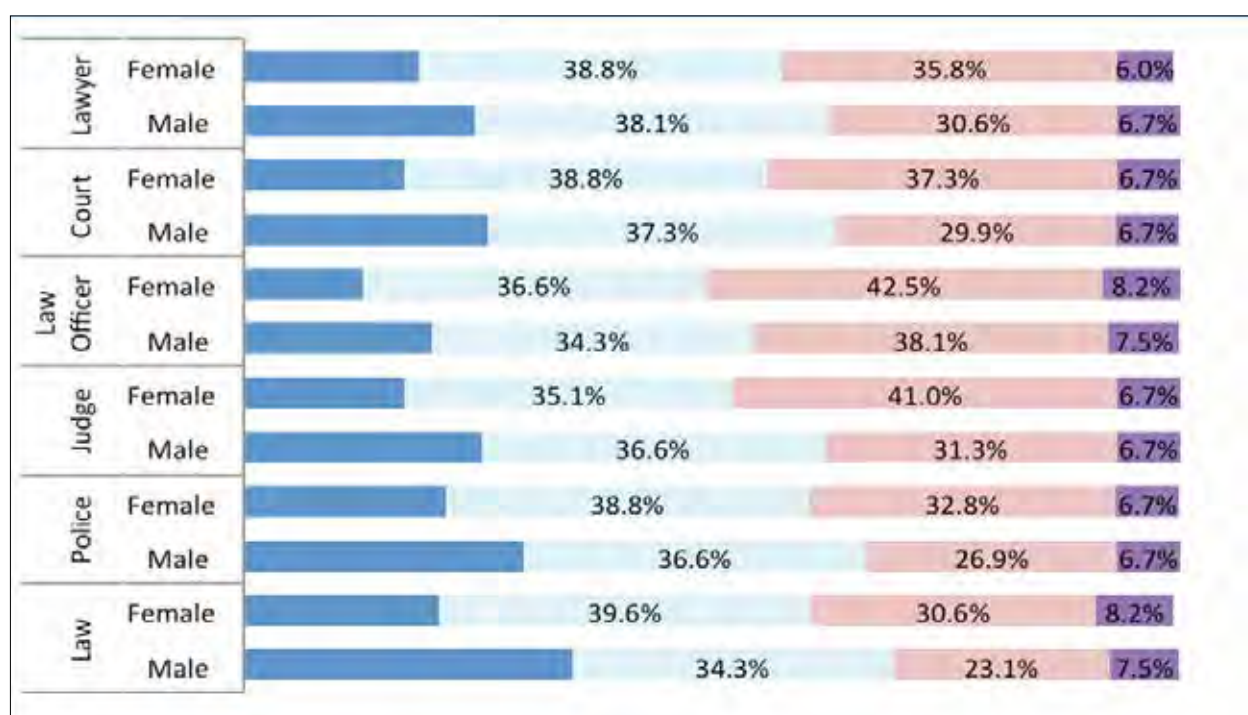
Respondents in Pabedan and Hlaing Thar Yar reported higher levels of exposure to these words than respondents in Kamayut and Tamwe. Respondents from Hlaing Thar Yar, who had the lowest levels of education overall, were significantly more likely than others to report regular exposure to these words (Table 3.4).

Male respondents had higher levels of exposure to all these words than did female respondents (Figure 3.5).

Table 3.4: “Regular” Use of Words in Daily Conversation by Township

Word	Tamwe	Pabedan	Kamaryut	Hlaing Thar Yar
Law	9.40%	30.90%	23.40%	45.80%
Police	4.70%	30.90%	18.80%	45.80%
Judge	6.30%	27.90%	15.60%	33.30%
Law officer	1.60%	22.10%	14.10%	26.40%
Court	9.40%	25.00%	18.80%	31.90%
Lawyer	9.40%	29.40%	17.20%	29.20%

Figure 3.5: Words in Daily Conversation by Sex



Respondents then indicated their understanding of four propositions regarding particular legal provisions (as expressed in a series of given statements) (Table 3.5). This cast some light on their perceptions of the law and how it operates

in Myanmar. However, it is important to note that it is not possible on the basis of the results to disentangle respondents' (presumed) lack of legal knowledge from a lack of implementation of the law.

Table 3.5: Perceptions of Law

Dimensions of Justice	Statements	Agree*
CHILD LABOUR	(a) In Myanmar, it is illegal for children under 12 years of age to be working in teashops.	34.7%
	(b) In Myanmar, children who are 12 and above can choose and decide to work in teashops.	41.4%
EQUALITY BEFORE THE LAW	(a) In Myanmar, every person has equal rights before the law.	16.4%
	(b) In Myanmar, not all people have equal rights before the law.	76.5%
VIOLENCE AGAINST WOMEN	(a) According to national law, only when a woman has experienced physical violence can she report it to the police.	50.4%
	(b) According to national law, women who receive threats to their safety can also report to the police.	38.4%
LAND RIGHTS	(a) When pursuing a land claim, the strongest claim is an official paper land certificate.	53.4%
	(b) When pursuing a land claim, an official paper land certificate is not regarded as a stronger claim than a community-recognised ancestral land claim.	33.2%

* The totals of each pair of statements do not add up to 100% as some respondents chose "both" statements, some chose "neither", others refused to answer and some others indicated that they did not know which statement was more aligned to their personal views.

On the issue of child labour, the largest proportion of respondents (41.4%) thought that, in Myanmar, children aged 12 and above can “choose and decide” to work in teashops. Nearly 35% agreed that it is illegal for children under 12 years of age to be working in teashops. Notably, almost one quarter of the respondents were unsure or confused on the issue: 11.9% agreed with both statements and 10.4% with neither. The 1951 Shops and Establishments Act (s. 8) stipulates that “no person who has not attained the age of 13 years shall be required to work in any shop, commercial establishment or establishment for public entertainment.”

Over three quarters (77%) of the respondents perceived that not all people have equal rights before the law in Myanmar. In this regard, the 2008 Constitution contains potentially contradictory provisions: on the one hand, the rights of equality, liberty and justice are guaranteed only to citizens (Art. 21(a)), and on the other, equal rights before the law and equal legal protection are guaranteed to any person in the Union (Art. 347).

In relation to violence against women, half (50.4%) of the respondents thought that a woman could only report to the police when she has experienced physical violence; only slightly more than one third (38.4%) thought that a woman could report to the police having received threats to her safety.¹⁶ It might be assumed that the 6.7% who agreed with both statements understood the law.

Over half (53%) the respondents thought that an official paper land certificate is the strongest piece of ownership documentation to have when pursuing a land claim; only one third (33.2%) believed that a community-recognised ancestral land claim provides an equally strong claim.

¹⁶ Penal Code, 1861, s. 503.



CHAPTER 4

DISPUTES AND CONCERNS ABOUT JUSTICE

Photo: Street vendor selling snacks and cigarettes at a railway station in Yangon. (Photo by Sunra Lambert-Baj)

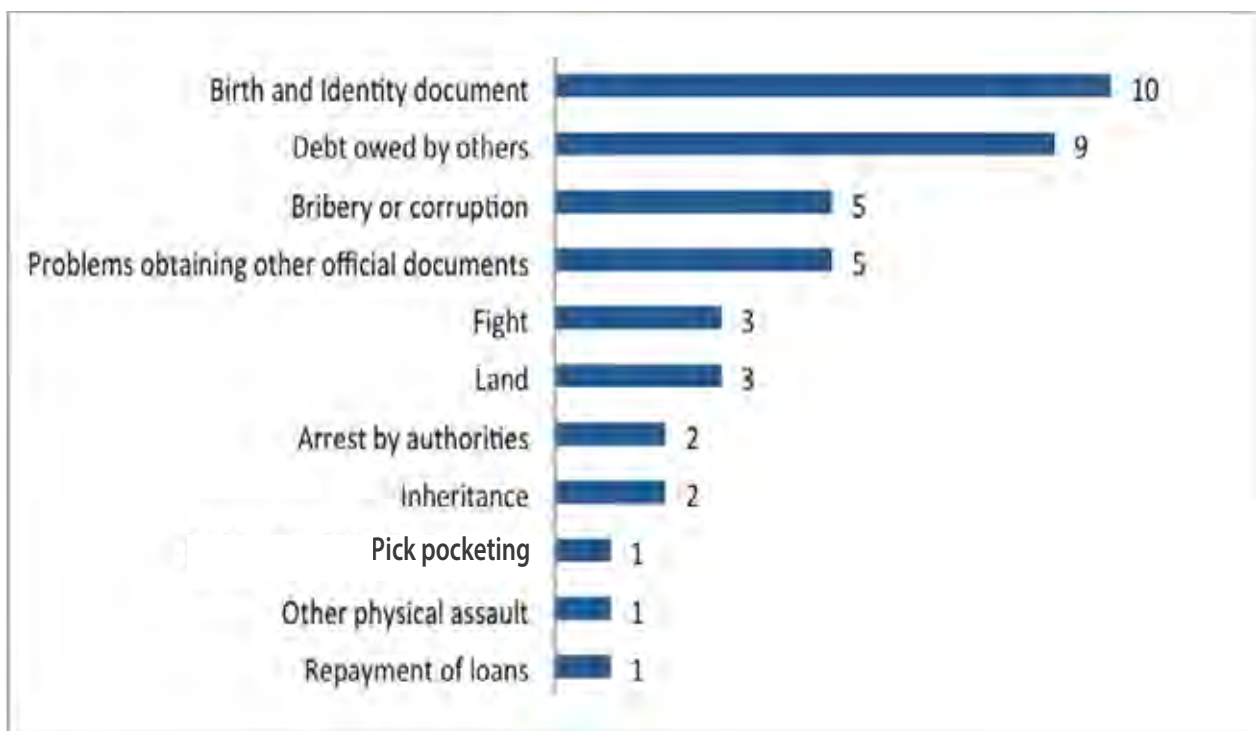
The previous chapter indicated that respondents are familiar with the justice system in an everyday context. How, then, do they go about seeking resolution to their disputes and concerns about justice?

This chapter identifies the main disputes and concerns about justice that arose at both the individual/household and community levels that had taken place (or were ongoing) in the local area over the preceding 12 months, describes respondents' involvement in them and identifies their priority concerns about justice.

TYPES OF DISPUTES

Just 33 of the 268 respondents (12%) stated that their household had experienced at least one dispute in the course of the previous 12 months. These disputes included 12 types of dispute on a given list.¹⁷ The most common disputes related to problems obtaining birth and identity documentation (10 respondents) and bribery or corruption (9) (Figure 4.1).

Figure 4.1: Types of Disputes

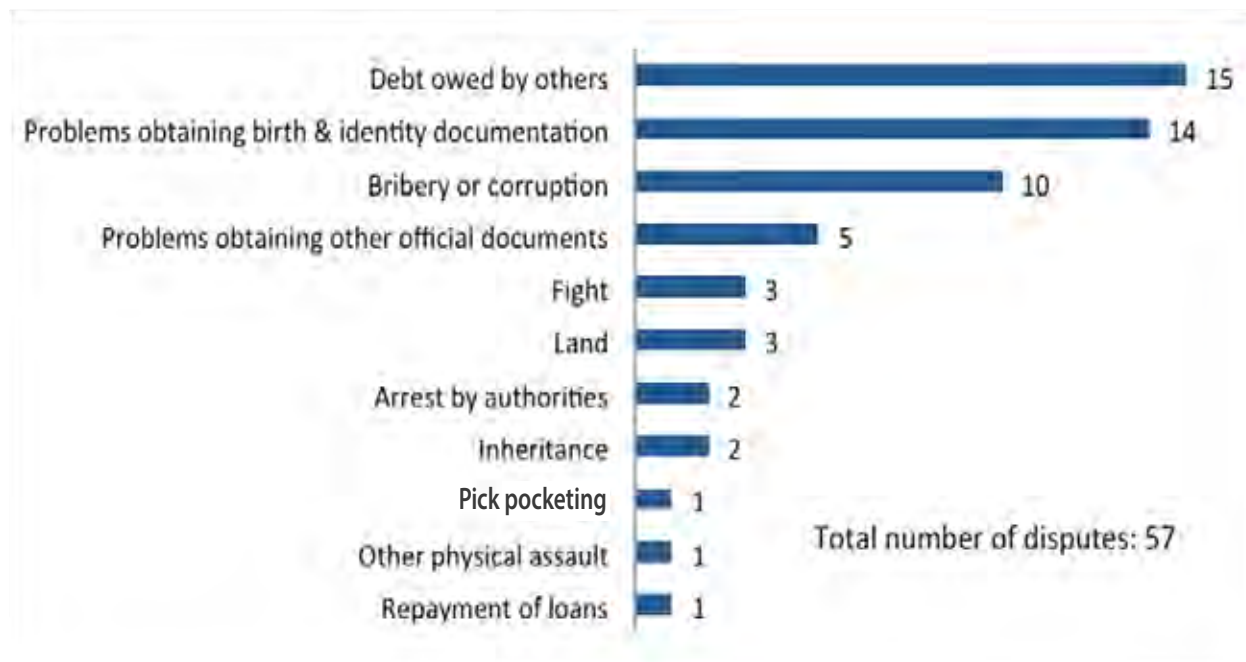


17 Natural resources: land, water, forestry (including forest products), fishing rights; Administrative issues: problems obtaining birth and identity documentation, land registration certificate, other official documents; Family disputes: separation or divorce, child guardianship, inheritance, domestic violence; Labour disputes: working hours or wages; Financial problems: repayment of loans, debt owed by others; Crimes: robbery, trespass, sexual assault, other physical assault, fight, human trafficking, drug-related problems; Disputes with authorities: bribery or corruption, arrest by authorities.

INCIDENCE OF DISPUTES

These 33 respondents reported having been involved in 57 disputes (Figure 4.2).

Figure 4.2: Incidence of Disputes

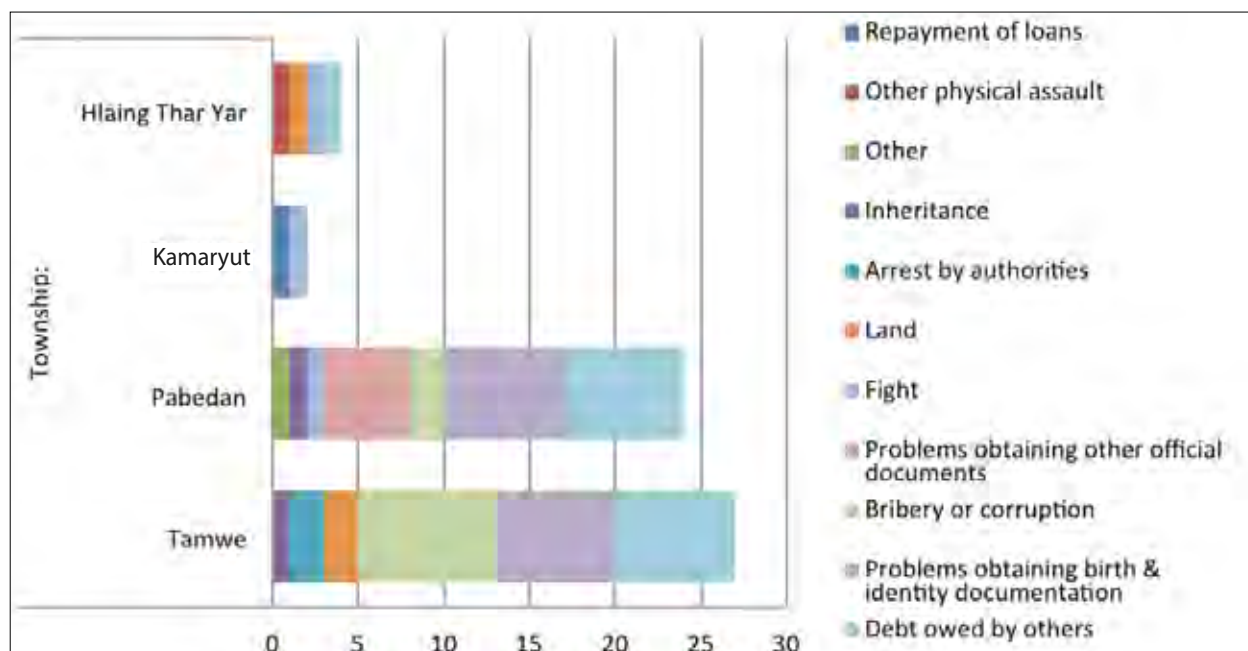


Disputes over debt owed by others (15 of 57, 26%) and problems obtaining birth and identity documentation (14 of 57, 25%) occurred significantly more often than any other types of dispute. Also significant were disputes arising from bribery or corruption (10 of 57, 18%). Less common were disputes over problems obtaining other official documentation (5, 9%), land (3, 5%) and fights (3, 5%).

Many more disputes were reported by respondents in Tamwe (27 disputes, 47%) and Pabedan (24 disputes, 42%) than elsewhere (Figure 4.3). Only four disputes (7%) were reported by respondents in Hlaing Thar Yar and two disputes

(4%) by respondents in Kamaryut. These lower figures likely represent underreporting related to issues of social trust, rather than less experience of disputes.

Figure 4.3: Incidence of Disputes by Township

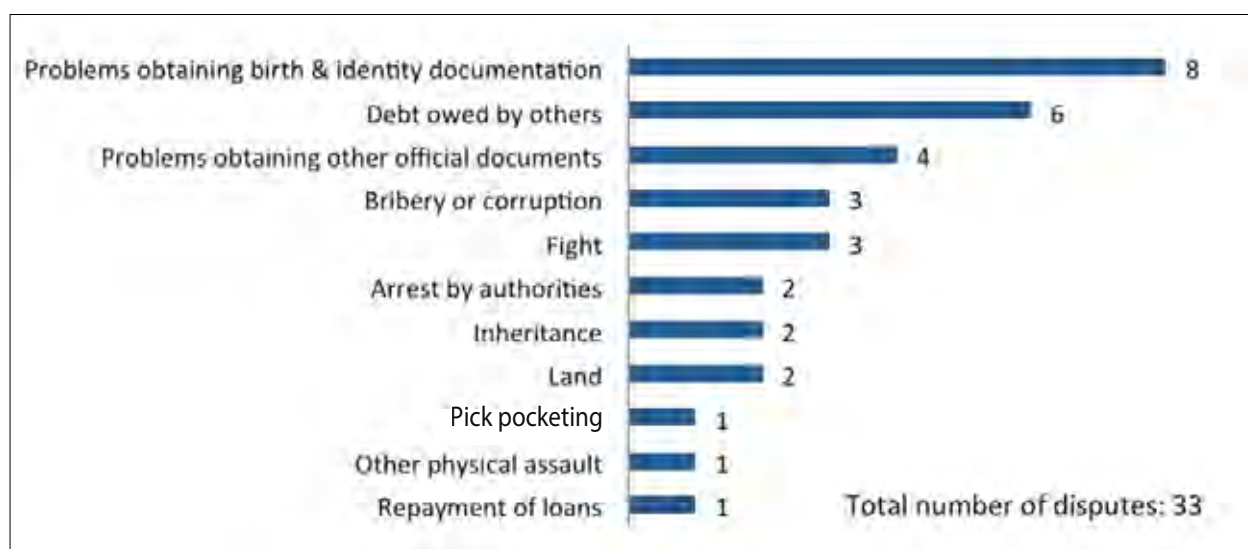


PRIORITY CONCERNS ABOUT JUSTICE

The 33 respondents who had been involved in a dispute during the previous 12 months indicated which they considered to be the most important (Figure 4.4).¹⁸ This information was used to track the settlement trajectories of the

disputes causing the greatest concern (Chapter 5, Figure 5.1). Problems obtaining birth and identity documentation were considered the most important, followed by disputes over debt owed by others.

Figure 4.4: Priority Concerns About Justice

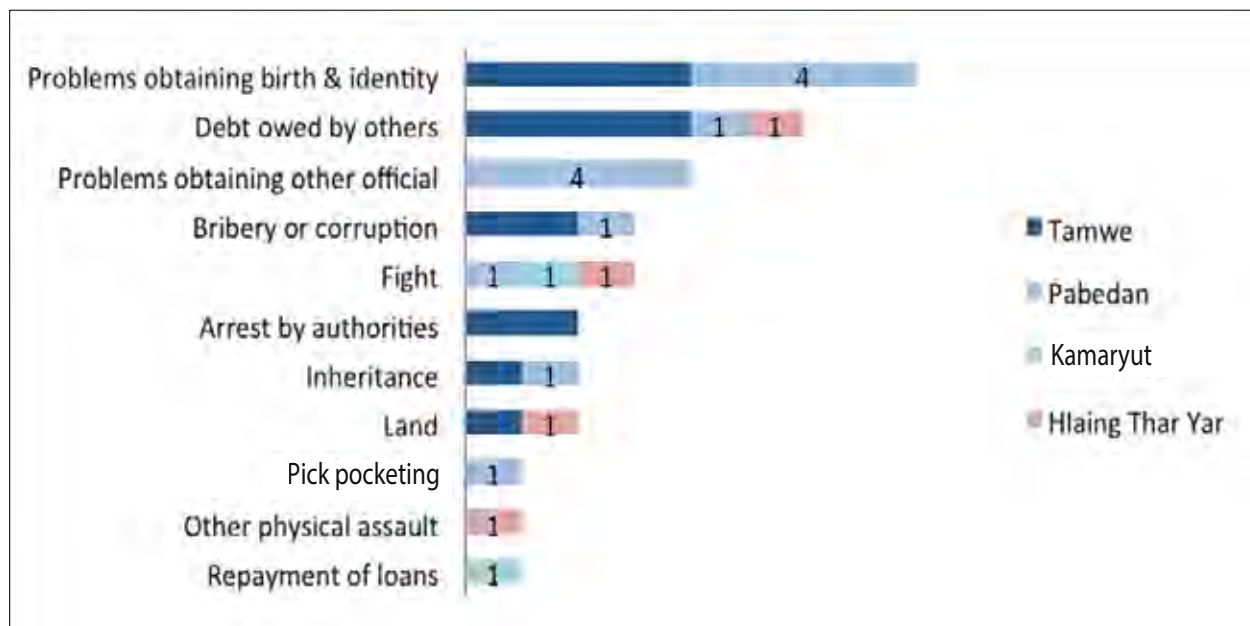


18 For the 47 respondents who had experienced only one dispute over the previous 12 months, the single dispute was recorded as the most important problem.

All eight respondents who identified obtaining birth and identity documentation as their priority concern were from Tamwe and Pabedan, and the four who identified obtaining other official documents as their priority concern were also from Pabedan (Figure 4.5).

uals in their own communities as the opposite party. With respect to problems obtaining other official documents, the township immigration office, township GAD, traffic police and Special Police Information Unit were each cited by one respondent. Of the 10 respondents citing

Figure 4.5: Priority Concerns About Justice by Township



All eight respondents who identified problems obtaining birth and identity documentation as their priority concern identified the township immigration office as the party with whom they were in dispute. Of the 15 respondents for whom debt owed by others was their priority concern, nine identified individuals living in other communities and five identified individ-

bribery and corruption as their priority concern, four identified the local administration, four identified the township immigration office and one identified the traffic police as the opposite party.



Photo: View from the Shwe Dagon Pagoda. (Photo by Aung Myat Htay)



CHAPTER 5

DISPUTE SETTLEMENT

TRAJECTORIES

Photo: Street night market at China Town in Yangon. (Photo by Aung Myat Htay)

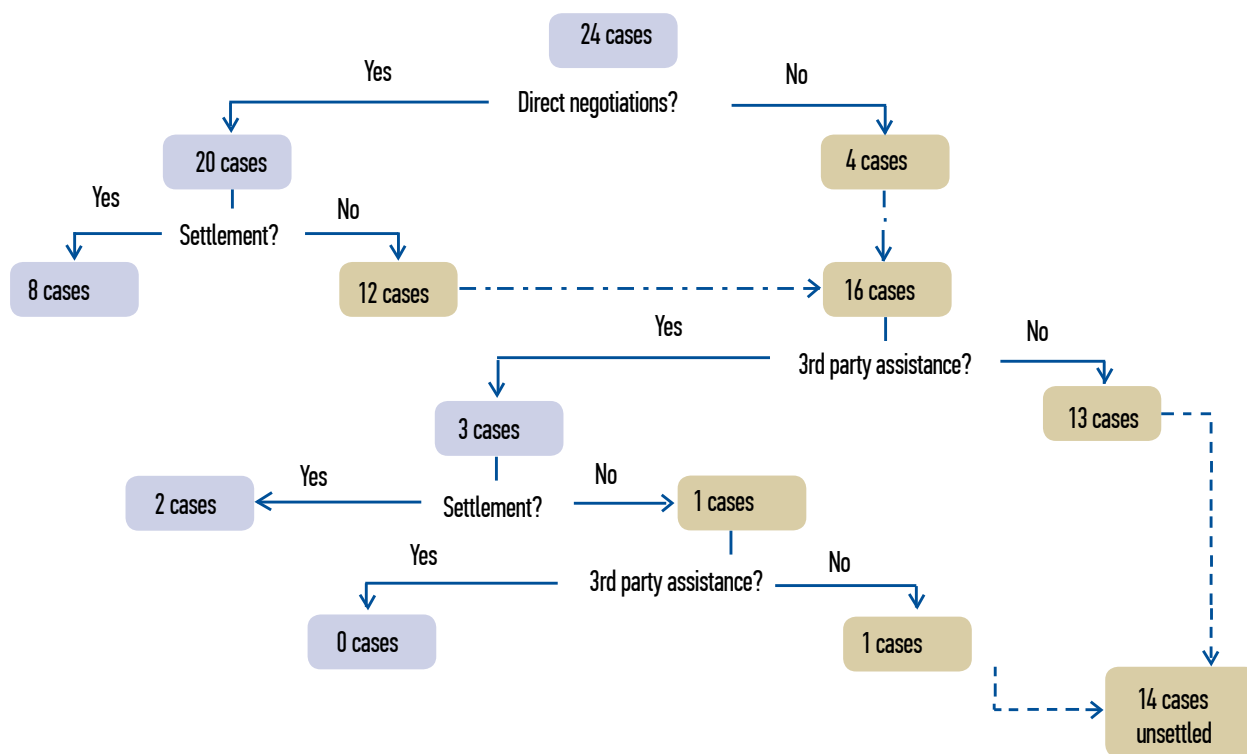
This chapter is concerned with the 33 disputes respondents identified as being of priority concern. It describes how settlement of those disputes was attempted, and sometimes achieved. It also considers respondents' recourse to local and district-level third parties for assistance to settle their disputes and concerns about justice. In the great majority of matters of priority concern (27 of 33, 82%), respondents negotiated directly with the other party to the dispute. Almost half (12) of these matters were settled through negotiation, with or without the assistance of a third party.

The five types of dispute of greatest concern¹⁹ together accounted for almost three quarters

(24 of 33, 72.7%) of all priority concerns. Figure 5.1 summaries the settlement trajectories of these 24 disputes. In a large majority of these (20 of 24, 83.3%), complainants attempted to settle the dispute by direct negotiations in the first instance; only eight of the disputes were settled. Where initial negotiations were not attempted or unsuccessful (16 disputes), three complainants went on to seek assistance from a third party, which led to the settlement of two more disputes.

No settlement was reached in 14 cases – 58.3% of the 24 disputes of greatest priority concern.

Figure 5.1: Attempts at Settlement of Priority Concerns



19 Problems obtaining birth and identity documentation (8 of 33), debt owed by others (6), problems obtaining other official documents (4), bribery or corruption (3) and fight (3).

Regarding the eight disputes that were settled, four respondents reported they were not satisfied with the outcome, for reasons including: “higher financial cost than it should be”, “unnecessary procedures” and “unfair outcome[s]”. The other four respondents reported being satisfied with the outcome because their problems were “quickly solved” or “solved”, but they still had to bear extra financial costs and long waiting periods.

Of the three respondents who sought assistance from a third party, two sought assistance from a ward administrator and reported their cases settled, and one sought help from officials at the township immigration office and reported the case not settled.

In 13 of the 16 priority cases not negotiated to a conclusion, the complainant did not seek help from anyone or did not take any action. These respondents gave various reasons, including:

- It would cost too much (6 instances);
- It would only be a waste of time (4 instances);
- The respondent did not know what to do/who could help (2 instances);
- It was not important enough (2 instances).

Respondents also considered six hypothetical disputes and indicated how they would resolve them.

The first two scenarios involved a neighbour frequently stealing fruit from your garden and a friend being unable to repay you a significant debt. In response to these, the highest proportions of respondents stated they would not take any action (Scenario 1, 38%; Scenario 2, 49%) or chose self-reliance to resolve the situation (37% in both scenarios). In response to the third scenario, in which a female friend is regularly

subject to domestic violence, the highest proportion of respondents (27%) opted for self-reliance in attempting to resolve the situation, while 16% would not seek assistance from anybody. However, some respondents would first seek help from a third party (Myanmar Women Affairs Federation, 15%; village administrator, 18%). If their first responses were unsuccessful, approximately 16% of respondents indicated that they would go to the police as a second option.

In the fourth scenario, in which your motorcycle is destroyed in a traffic accident, 37% of respondents stated they would first seek help from the traffic police and 29% would rely on themselves to resolve the situation. As a second course of action, 15% of respondents would seek assistance from the township police and 14% from the township court. In response to the fifth scenario, in which your family suspects your 17-year-old niece has been trafficked out of the area, 41% of respondents would first approach the township police for help, while almost one quarter (23%) would first seek help from the district-level human-trafficking police. If unsuccessful in their initial responses, 26% of respondents stated they did not know whom they could approach next. In the sixth scenario, concerning a private land-boundary dispute, 27% of respondents identified the village administrator as their first point of assistance. Other sources of assistance were self-reliance (16%), the Land Records Department (14%) and the municipal administration (11%). Notably, 27% of respondents stated they would have no one from whom to seek help if their first appeal was unsuccessful.

In general, women were less likely to seek help from justice institutions and more likely to seek help from the ward administrator. In the scenario involving debt owed by a friend, male and female respondents equally would either ask the ward administrator for help or not take any

action. But if the first option were unsuccessful, a larger percentage of female respondents (38.1%) than male respondents (24.4%) would not take further action. In the scenario involving domestic violence, more male respondents (19.4%) than female respondents (12.7%) would not take any action, and female respondents were more likely (20.9%) to seek help from the ward administrator than male respondents (13.3%). If that were unsuccessful, more female respondents (13.2%) than male respondents (4.8%) would not know whom to turn to next, which suggests a gender-based knowledge gap. In the scenario regarding human trafficking, male respondents were much more likely to seek help from the township police (males, 44%; females, 38.8%) and district-level human-trafficking police (males, 33.6%; females, 19.4%), while females were much more likely to seek help from the ward administrator (females 15.7%; males 6.7%). If the first option were unsuccessful, male respondents (33.6%) were much more likely than female respondents (14.9%) to take no further action.



CHAPTER 6

ATTITUDES TOWARDS THE JUSTICE SYSTEM AND JUDICIAL ACTORS

Photo: People offer candle lights and incense, and say prayers in early morning at the Shwe Dagon Pagoda. (Photo by Sunra Lambert-Baj)

It has been established that respondents in Yangon attempted to resolve their disputes locally, often by themselves, and largely without success. This chapter describes respondents' attitudes towards the formal justice system, and perceptions of those who have a role in the provision of justice services – judges, law officers, the police and community leaders. It proposes an indicator of public trust in these key judicial actors and considers how respondents would respond if judicial officers behaved in a discriminatory manner. It also reports on respondents' expectations and perceptions of accountability by public officials.

ATTITUDES TOWARDS THE JUSTICE SYSTEM

To gauge respondents' attitudes towards the justice system generally, the study sought their perspectives on three indicative matters, which related to bribery or corruption, access to the formal court system and the function of the law in a specific context (Table 6.1).

Table 6.1 Attitudes Towards the Justice System

Subject	Statements	Agree*
BRIBERY	(a) Public officials are not paid enough, so it is acceptable for them to ask for additional payments.	33.2%
	(b) Public officials are meant to serve the public, and it is not acceptable for them to ask for additional payments.	56.0%
ACCESS TO FORMAL COURTS	(a) Having knowledge will increase people's access to the (government) courts.	55.6%
	(b) Having personal connections with officials will increase people's access to (government) courts.	34.0%
FUNCTION OF THE LAW	(a) The law protects the interests of the rich and powerful.	37.7%
	(b) The law prevents abuses by the rich and powerful.	48.9%
	Both	7.1%
	Neither	3.0%
	DNK	3.0%

* Total responses to each pair of statements do not add up to 100% as some respondents chose "both" statements, some chose "neither"; others refused to answer and some others indicated that they did not know which statement was more aligned to their personal views.

A clear majority of respondents (56.0%) agreed that it is not acceptable for public officials to ask for additional payments, while one third thought it acceptable because public officials are not paid enough. Notably, 8.2% agreed with both statements.

A clear majority (55.3%) also thought that having knowledge will increase people’s access to the formal courts, while one third thought that having personal connections would do so. Almost 5.0% agreed with both statements.

Almost half the respondents (48.9%) agreed that the law prevents abuses by the rich and powerful, while a sizeable minority (37.7%) agreed that the law protects the interests of the rich and powerful and 7.1% agreed with both statements. Both statements could be interpreted as demonstrating the belief that legislation, properly administered, can or should protect the rights of ordinary people. If so, a potential 93.7% of respondents could be said to hold such a view.

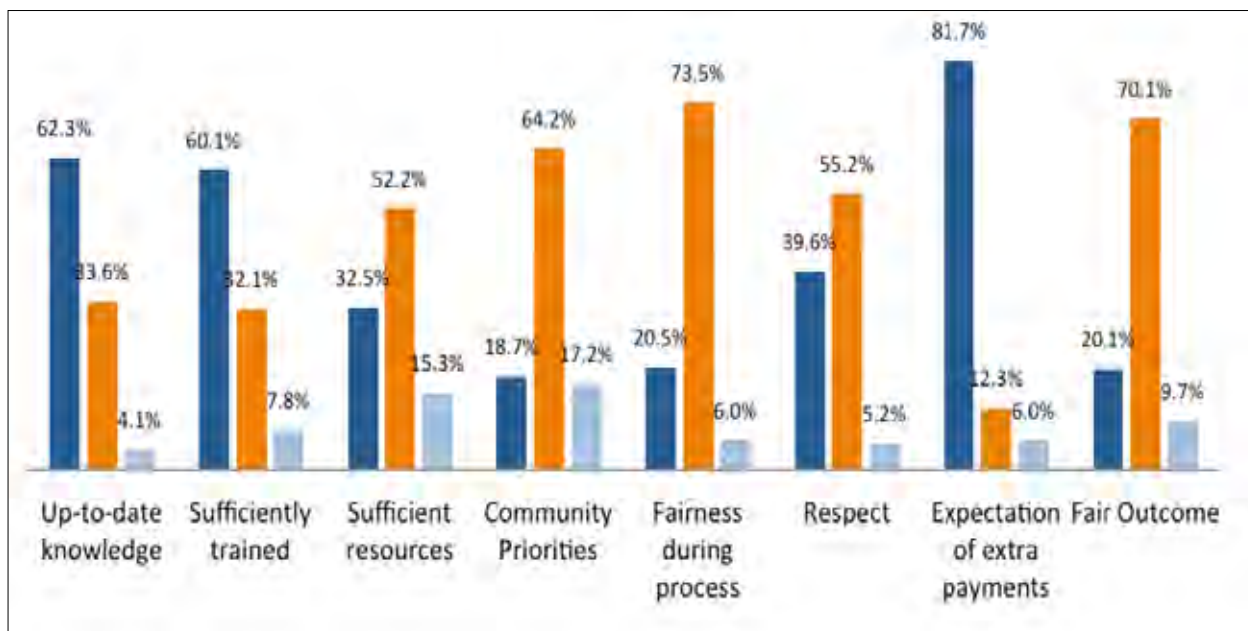
PERCEPTIONS OF JUDICIAL ACTORS

The study also explored respondents’ perceptions of formal justice sector actors – specifically, judges, law officers and the police – as well as community leaders.²⁰ In this context, competence was defined to include up-to-date knowledge, sufficient training and adequate resources, and whether the actor possessed the right intentions to do what the public trusts them to do. The notion of right intention, which relates to shared values, included alignment with community priorities, respectful treatment, fair treatment and outcomes, and no expectation of additional payments for services.

Judges

Overall, respondents expressed confidence in the competence of judges, but were less assured that judges’ values aligned with shared values such as fairness, respect and a lack of corruption (Figure 6.1).

Figure 6.1: Perceptions of Judges



20 Note that Ward and Village Tract Administrators have formal dispute settlement roles, as provided in the 2012 Ward or Village Tract Administration Law.

Clear majorities of respondents perceived judges to have up-to-date knowledge (62.3%) and sufficient training (60.1%), but more than half (52.2%) thought that judges did not have sufficient resources to carry out their responsibilities.

In relation to shared values, over half the respondents believed that judges would not treat them with respect (55.2%). Even more believed that judges are not aligned with community priorities (64.2%) and would not come to a fair outcome if a dispute were brought before them (70.1%). Almost three quarters (73.5%) believed that judges would not be fair when resolving disputes and 81.7% believed that judges would expect additional payments for their services.

Law Officers

Respondents' perceptions of law officers were similar to their perceptions of judges (Figure 6.2).

Respondents generally perceived law officers to have up-to-date knowledge (63.8% of respondents) and to be sufficiently trained (59.7%). More than half (52.2%), however, thought that law officers did not have sufficient resources to carry out their responsibilities.

In relation to shared values, more than half the respondents (51.9%) thought that law officers would not treat them with respect. Around two thirds believed that law officers are not aligned with community priorities (64.6%) and that they would not come to a fair outcome if a dispute were brought before them (69.0%). Almost three quarters (71.3%) of respondents believed that law officers would not be fair when resolving disputes, and 80.6% believed they would expect additional payments for their services.

Police

Respondents' perceptions of the police broadly matched their perceptions of judges and law officers (Figure 6.3).

Figure 6.2: Perceptions of Law Officers

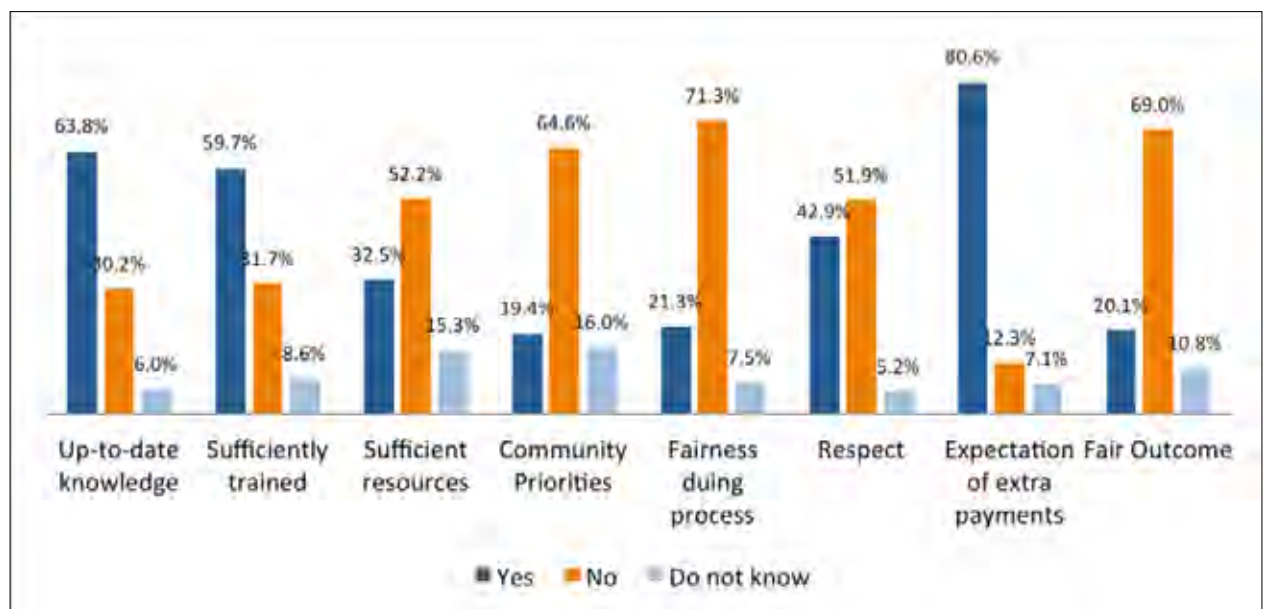
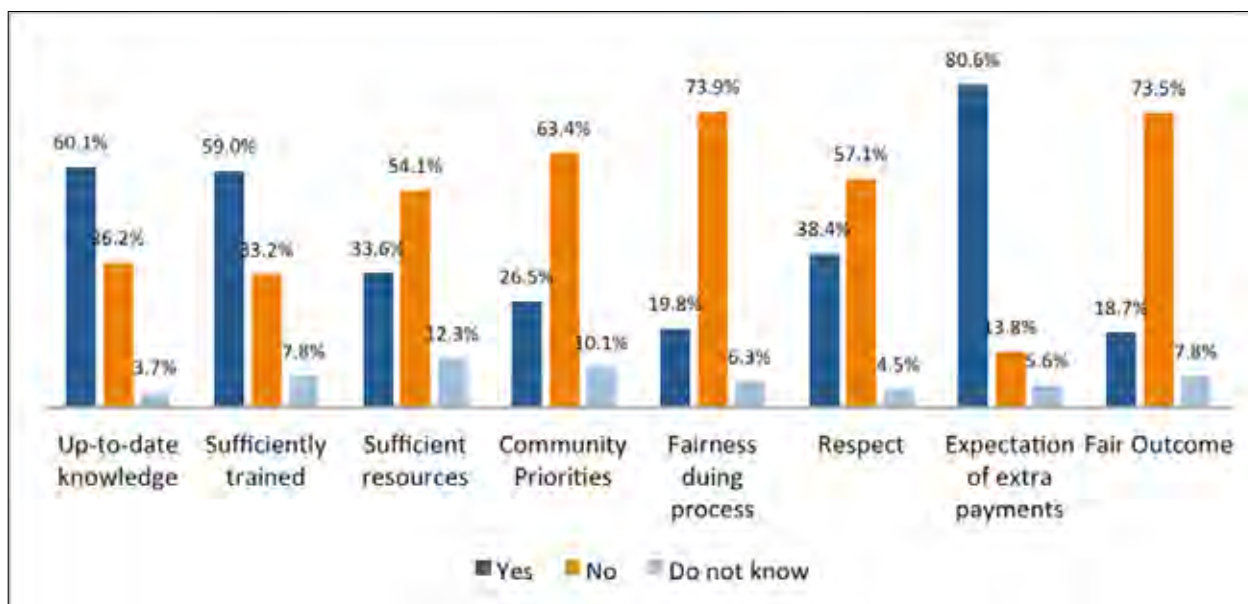


Figure 6.3: Perceptions of the Police



Respondents generally perceived the police to have up-to-date knowledge (60.1% of respondents) and to be sufficiently trained (59.0%), but more than half (54.1%) thought that they did not have sufficient resources to carry out their responsibilities.

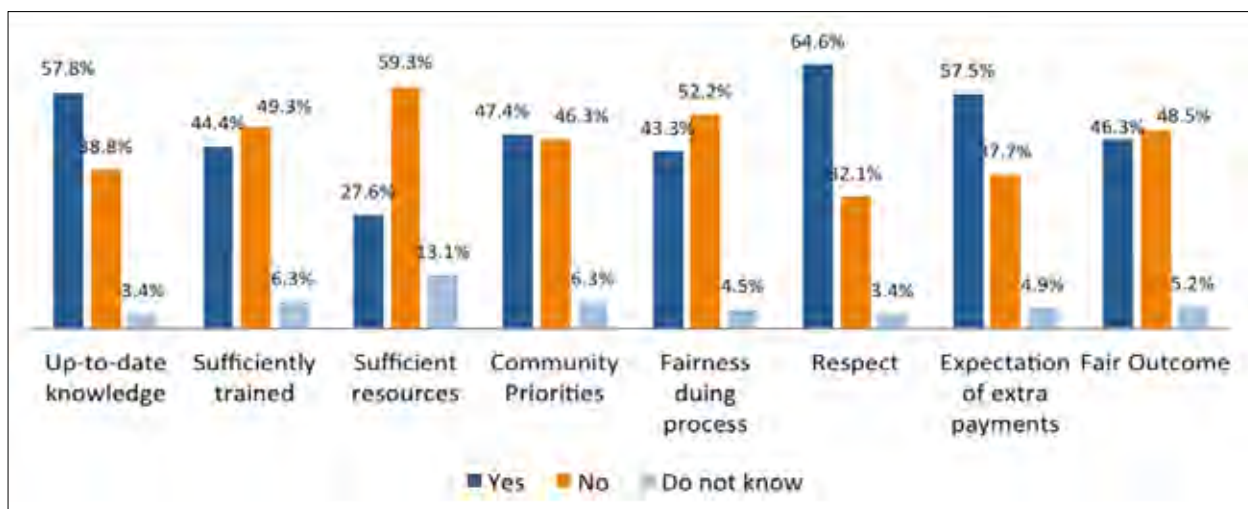
In relation to shared values, more than half (57.1%) believed that the police would not treat them with respect. A large majority (63.4%) believed that the police are not aligned with community priorities. Almost three quarters of respondents believed that the police would

not be fair when resolving disputes (73.9%) and would not come to a fair outcome (73.5%). A large majority (80.6%) believed that the police would expect additional payments for their services.

Community Leaders ²¹

Respondents' perceptions of community leaders differed significantly from their perceptions of judges, law officers and the police (Figure 6.4).

Figure 6.4: Perceptions of Community Leaders



²¹ The Myanmar version of this term translates to ward and village leaders, and was otherwise not defined for research respondents. It would, however, be understood to include local administrators.

A clear majority of respondents (57.8%) thought that community leaders had up-to-date knowledge, although a significant minority (38.8%) thought the opposite. Almost half the respondents (49.3%) thought that community leaders did not have sufficient training, while a sizeable minority (44.4%) thought they did. A large majority (59.3%) thought that community leaders did not have sufficient resources to carry out their responsibilities.

In relation to shared values, respondents were somewhat more positive towards community leaders than they were towards judges, law officers and the police. This is seen most clearly in the majority of respondents (64.6%) who

Female respondents had slightly more positive attitudes than males towards all actors. However, more females than males expected all judicial actors, including community leaders, to expect additional payments for their services.

Public Trust in Judicial Actors

A composite trust indicator was constructed (on the basis of responses represented in Figures 6.1 to 6.4) to indicate respondents' trust in judges, law officers, the police and community leaders²² (Table 6.2).

Respondents demonstrated uniformly very low levels of trust in judges, law officers and the po-

Table 6.2: Trust in Judicial Actors

Actors	Trust Indicator
Judges	15.7%
Law officers	15.7%
Police	16.0%
Community leaders	32.1%

believed that community leaders would treat them with respect. However, less than half the respondents believed that community leaders are aligned with community priorities (47.4%), that they would be fair when resolving disputes (43.3%) and would come to a fair outcome (46.3%). Notably, a large majority (57.5%) believed that community leaders would expect extra payments for their services.

lice. Community leaders were most trusted, by a considerable margin, although the indicator of trust in community leaders (32.1%) was lower than the proportion of respondents who elsewhere indicated that they trusted community leaders (Figure 3.2).

On average, female respondents indicated higher levels of trust in judicial actors (25.4%) than did male respondents (18.3%).

22 A respondent was considered to trust a particular justice sector actor if she/he answered "Yes" to at least two of the three questions relating to the actor's competence, and to at least three of the five questions relating to the actor's right intentions.

Table 6.3: Trust in Judicial Actors by Sex

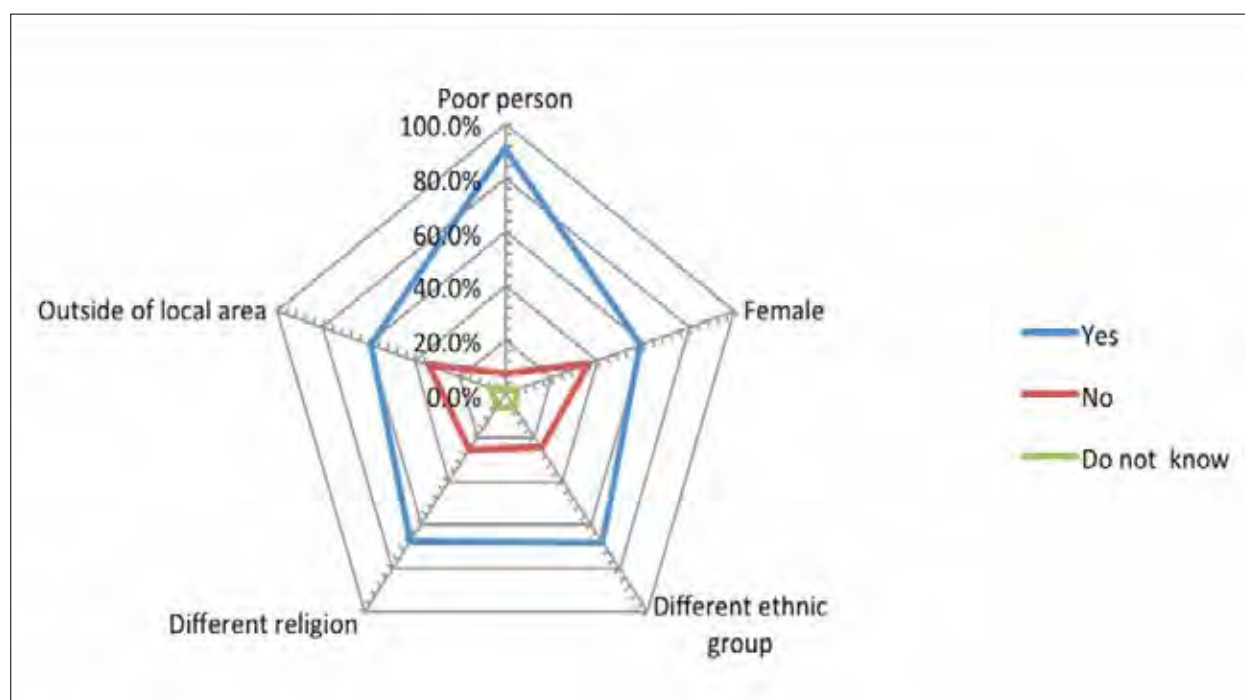
Actors	Trust Indicator	
	Male	Female
Judges	14.9%	18.3%
Law officers	13.5%	23.3%
Police	13.9%	23.3%
Community leaders	30.8%	36.7%
Average	18.3%	25.4%

PERCEPTIONS OF UNEQUAL TREATMENT

The study sought to gauge the extent to which respondents believed that people would or would not be treated equally in the justice system. Respondents were asked to imagine a scenario in which two suspects who are equal-

ly suspected of committing a crime have been detained and charged by the authorities. They were then asked whether, if one of the suspects had certain characteristics, it would place them at a disadvantage (Figure 6.5).

Figure 6.5: Perceptions of Unequal Treatment



The characteristic of being poor was considered much more disadvantageous than any other in respect of a person's treatment by authorities when charged with a crime. An overwhelming majority (91%) of respondents thought that a suspect who was poor would be placed at a disadvantage. Just over two thirds thought that a suspect from a different ethnic group (68.7%) or a different religion (67.5%) than that of a public official would be placed at a disadvantage. A clear majority (59%) thought that a female suspect or a suspect from outside the local area would be placed at a disadvantage.

ATTITUDES TO ACCOUNTABILITY

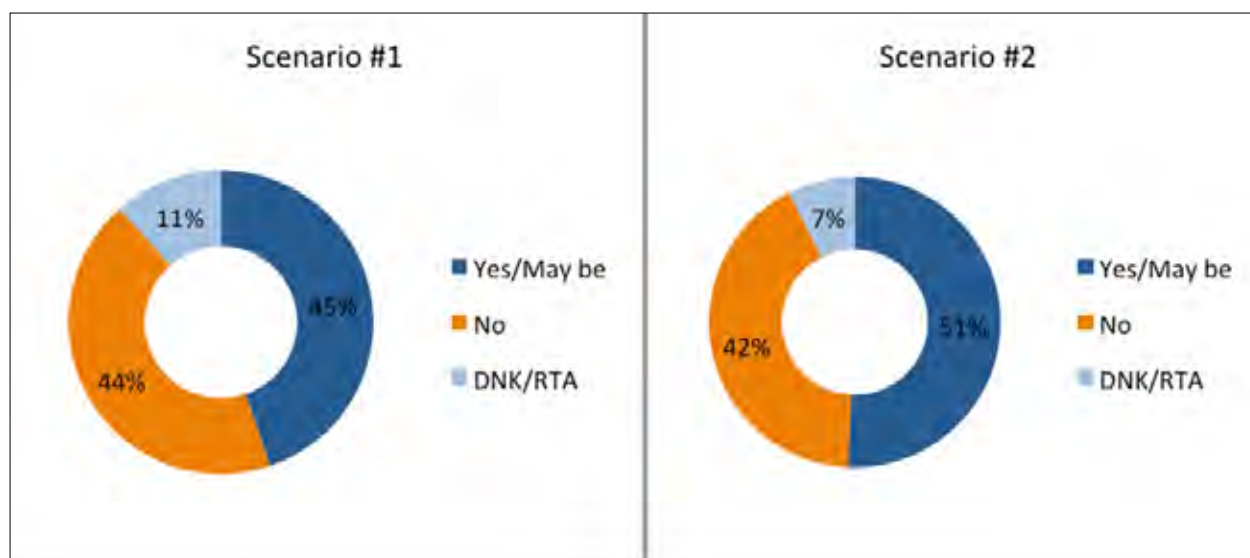
The study explored respondents' attitudes to holding government officials to account, by testing their tendency to report or not report corrupt practice. Respondents were asked what

they would do in two hypothetical situations in which officials asked for extra payment: (i) a local official asking Ks.300,000 of a person wishing to register their land; and (ii) a township official asking Ks.150,000 of a person wishing to renew their identity documentation.

In respect of the first scenario, respondents were almost evenly split between those who would or might report the incident and those who would not. In respect of the second scenario, slightly more respondents indicated they would report the incident than would not (Figure 6.6).

Respondents from Pabedan were much less likely than others to state that they would or might report each hypothetical incident (Pabedan: Scenario 1, 24%; Scenario 2, 21%. Other townships: Scenario 1, 49%–56%; Scenario 2: 56%–68%).

Figure 6.6: Attitudes to Accountability



Those respondents who would or might report each incident were most likely to report to the parent department. Over half (55%) the respondents who would or might report the first incident would report it to the township Land Records Department and almost three quarters (72%) of those who would or might report the second would report it to the township immigration office.

“Reporting” respondents had similar expectations of the outcomes of their reporting in each scenario. The majority of respondents (Scenario 1, 53%; Scenario 2, 51%) expected action to be taken against the officials involved. Small minorities (Scenario 1, 7%; Scenario 2, 15%) expected not to have to pay extra after reporting the incident.²³ Almost one quarter of respondents (Scenario 1, 24%; Scenario 2, 21%) thought that reporting would not have any impact. Small minorities (Scenario 1, 10%; Scenario 2, 7%) expected that reporting would result in further delays.

The more than 40% of respondents who would not report either incident gave various reasons for this response. Among them, a significant proportion identified corruption as a factor that inhibited attempts at securing accountability (Scenario 1, 48%; Scenario 2, 59%). Some commented on the entrenched nature of the problem and the structural dimensions of corruption (e.g., “The registration is needed, so we will pay as they demanded”; “We need the documents, so we have to pay”. “He demanded [extra money] because he is a government employee and it is a usual practice in their office, so I will pay”). Others stated that they would pay what was asked of them in order to secure what they required (e.g., “It is important to acquire the land registration, so I will pay and will not make any complaint”; “The certificate will be earned only

if I pay the money, so I will pay”; “It is me who needs the ID, so I will pay and will not report.”). One in five “non-reporting” respondents were fearful of reporting. Some (Scenario 1, 21%; Scenario 2, 15%) were fearful of or reluctant to deal with formal institutions (e.g., “We don’t want to deal with courts and police stations, so we are not going to report”; “I don’t want to be complicated with ... dealing with officials, so we would not report”). A few (Scenario 1, 8%; Scenario 2, 3%) were afraid that reporting would create problems for themselves or their families. Small minorities of respondents (Scenario 1, 15%; Scenario 2, 8%) stated that they would not report because reporting would not make any difference.

Among those who would not report either incident, female respondents were most likely to cite their fear of dealing with formal institutions as the reason for not reporting, and male respondents were most likely to cite systemic corruption.

23 Respondents likely think that “official actions” would not be taken, but that an informal warning from senior officials would stop officials asking for extra money.



Photo: Yangon aerial view from Mawtin Tower. (Photo by Aung Myat Htay)



CHAPTER 7

SUMMARY OF FINDINGS

Photo: Bo Ta Htaung Jetty, Yangon. (Photo by Aung Myat Htay)

SOCIAL TRUST

Levels of social trust appear to be quite low. Only about one third of respondents agreed that “Generally speaking most respondents are trustworthy” (34%) and “Generally speaking most respondents try to be fair to others” (30%), and significantly more disagreed (40% and 42%).

PERCEPTIONS OF JUSTICE

In the main, clear majority opinions emerged on the given statements based on eight dimensions of justice (the exception being the private vs. public dimension):

- Formal vs. informal: 64% of respondents indicated a preference for disputes to be resolved locally.
- Equality: 90% of respondents agreed that every person deserves equal care and concern by the government regardless of religion or ethnicity.
- Fate vs. remedy: 84% of respondents agreed that people can get help from others to obtain a remedy and ensure a fair outcome following an injustice.
- Private vs. public: 48% of respondents indicated that matters within a family are private, and that a married man has complete authority over his family; however, 31% agreed that a community sometimes has the responsibility in certain circumstances to intervene in the household matters of others.
- Transitional justice: 62% of respondents agreed that problems that occurred in the past should not be revisited, and that everyone should focus on building a new Myanmar.

- Process vs. outcome: 97% of respondents preferred being treated fairly throughout a process to receiving a favourable outcome.
- Gender: 95% of respondents agreed that men and women have equal value, and both have equal responsibility to care about culture and tradition.
- Individual vs. community: 62% of respondents agreed that individual rights must be as respected as communal harmony.

Higher proportions of female respondents (69.4%) than male respondents (59.0%) preferred disputes to be settled within the community. Half the male respondents and somewhat fewer female respondents (45.5%) agreed that a married man has complete authority over the family. More female than male respondents (39.6% vs 30.6%) agreed that a community sometimes has a responsibility to intervene in household matters. More female than male respondents agreed that communal harmony must be prioritised over individual rights (35.8% vs 26.9%). With respect to transitional justice, male respondents were more likely than female respondents to think that the past should not be revisited (64.9% vs 58.2%).

Very large majorities of respondents thought that wealth (88%), political connections (81%), family connections (80%) and education (78.7%) determine how well a person is treated in Myanmar society. A majority (60.8%) cited ethnicity and religion as determining factors and slightly less than half (42.5%) cited gender.

PERCEPTIONS OF LAW

Words heard or used in daily conversation gave an indication of respondents’ engagement with the justice sector. Roughly three fifths of respondents reported regular or occasional

use of the words “law” (64.9%), “police” (63.4%), “lawyer” (60.1%), “court” (59.7%) or “judge” (57.1%). Over one quarter of respondents heard or used the words “law” or “police” on a regular basis.

Respondents’ agreement with statements about certain provisions of the law did not always indicate that they understood the law:

- **Child labour:** 44% of respondents agreed that, in Myanmar, children aged 12 or more can “choose and decide” to work in teashops.
- **Equality before the law:** 77% of respondents agreed that not every person has equal rights before the law in Myanmar.
- **Violence against women:** Half (50.4%) the respondents thought that a woman can only report being threatened to the police after she has experienced physical violence; just over one third (38.4%) thought a woman could report any threat to her safety to the police.
- **Land rights:** Over one half (53%) of respondents regarded having an official paper land certificate as the strongest piece of documentation to have when pursuing a land claim; one third (33.2%) believed that a community-recognised ancestral claim is equally strong.

PRIORITY CONCERNS ABOUT JUSTICE

- 33 of 268 respondents had been involved in 57 disputes in the course of the previous 12 months.
- The most common disputes were over debt owed by others (15 disputes, 26%) and problems obtaining birth and identity documentation

(14, 25%). Ten disputes concerned bribery or corruption, five concerned problems obtaining other official documentation, three were over land and three concerned fights.

- Respondents identified state officials as the opposing party in problems obtaining birth and identity documentation, bribery or corruption, and problems obtaining other official documents. Disputes over debt were between respondents and other individuals.

DISPUTE SETTLEMENT TRAJECTORIES

- Most respondents involved in disputes (82%) first attempted to resolve their dispute by direct negotiations. Nearly half of these disputes (12 of 27) were settled.
- In 20 of the 24 matters of priority concern, respondents attempted direct negotiations, and eight of these disputes were settled.
- Where initial negotiations were not carried out or were unsuccessful (16 cases), the respondents sought third-party assistance in only three cases. Two of these cases were settled. Overall, 14 of the 24 disputes of greatest concern (58.3%) remained unsettled.
- In half the cases settled through negotiations, respondents reported dissatisfaction with the outcome.

ATTITUDES TOWARDS THE JUSTICE SYSTEM

Respondents' general attitudes towards the justice system emerged from their responses to given statements on three indicative matters:

- **Bribery:** 56% of respondents agreed that public officials are meant to serve the public, and that it is not acceptable for them to ask for additional payments, while 33% agreed that public officials' demands for extra money are acceptable as they are not paid sufficiently, and 8.2% agreed with both statements.
- **Access to formal courts:** 55.6% of respondents agreed that having knowledge will increase people's access to the (government) courts, while 34% agreed that having personal connections with officials will increase people's access to government courts.
- **Function of the law:** 49% of respondents agreed that the law prevents abuses by the rich and powerful, 37.7% agreed that the law protects the interests of the rich and powerful, and 7.1% agreed with both statements. This suggests that potentially 93.7% of respondents believe that legislation, properly administered, can or should protect the rights of ordinary people.

ACCESS TO JUSTICE: KEY RECOMMENDATIONS

Regarding the formal administration of justice:

- Ensure that all formal justice sector actors, including local administrators, are sufficiently equipped to carry out

their functions, including by providing the necessary training on: substantive equality; gender sensitivity and gender equality; rule of law principles; fair trial and due process; accountability; mediation principles; international standards related to the administration of justice; etc.

- Establish an independent mechanism to ensure that civil registration is equitable, rights based and enforceable.

Regarding transparency and public information:

- Publicise in an accessible manner all relevant official fee schedules and processing times for various government services at the township and ward/village tract administration offices.
- Disseminate information on the functioning of the criminal justice system.

Regarding accountability and combating corruption:

- Increase the accountability and transparency of all government ministries/departments/agencies by making publicly accessible information available on internal oversight structures, as well as mechanisms and processes for public complaints or grievance redressal.
- Increase trust in, and citizen satisfaction with, the formal justice and administrative law systems through improved decision-making skills and enhanced procedures that allow for people to: (a) be heard while their cases are adjudicated either in court or at a government agency; and (b) appeal decisions made through quasi-judicial administrative offices within the Government.
- Ensure the independence and accountability of the judiciary in line with international standards, including by ensuring financial autonomy and adequate

resources, objective and transparent appointment criteria, judicial accountability and security of tenure.

- Develop and implement a comprehensive plan for police reform, encompassing and sequencing the interrelated areas of: law and policy framework; oversight and accountability mechanisms; recruitment and training; and infrastructure and facilities.

Regarding gender and legal protection of women:

- Ensure that all formal justice sector actors receive the appropriate training and sensitisation on gender equality and highlight in particular the legal protection of women and other vulnerable groups.
- Hold forums to bring together government/justice officials and community members in order to discuss legal protection of women, including gender-based violence.
- Reinforce that domestic violence/gender-based violence complaints can only be withdrawn when it is in the best interests of justice, through training, rules revision and legal amendments, to prosecutors, judicial officers and law enforcement officials.

Regarding substantive equality and non-discrimination:

- Ensure that all justice sector officials and public servants receive training on substantive equality, non-discriminatory treatment and respect for diversity, prior to commencing duties and as part of their continuous professional development.

- Provide training on fair trials, including equality before the law and non-discrimination, and hold forums to bring together government/justice officials and community members in order to discuss strengthening fair trial rights in Myanmar.

Regarding land:

- Build on, and further efforts at, developing a centralised land registry that equally recognises ancestral/traditional/customary land tenure.

Regarding poverty and debt:

- Explore judicial remedies to allow minor money claims to be adjudicated at low cost, swiftly and in a manner that reduces illegal and unfair lending practices.
- Expand financial services that are responsive to the needs of the poor.




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