



POLICY PAPER

After the Dark, I Bloom Like a Flower: Recognition and Healing for Rohingya Survivors of Sexual and Gender-based Violence

— I lost everything, my husband, my sons. The military slit their throats. When I close my eyes, I see my husband and my sons. I saw the military kill someone else's baby. After they raped me, I just lay on the ground; I couldn't do anything. I cry rivers of tears; I won't be able to stop crying until I get my dignity, until I get justice for my husband and my children.
[Nesrine, Workshop on River of Life, Camp 13, 19 March, 2019.]

The ICC has all the documentation, so they should take the initiative to ensure that we will be safe and sound, that we can get back to our land, get back our rights and get back to our country.
(Farida, Workshop on Tree of Conflict, Camp 13, 5 September, 2019)



Background

The UN Fact-finding Mission on Myanmar (FFM), created in March 2017 by the Human Rights Council, made a finding that the Myanmar military forces (known as the Tatmadaw) committed genocide against the Rohingya in Rakhine State. In its report launched in 2018 and 2019, the FFM found that military clearance operations resulted in at least 10,000 deaths, mass violence including systematic rape, led to more than 700 thousand people fleeing their homes into Bangladesh. Spiraling from bad to worse, the Tatmadaw seized power in an illegal coup in Myanmar on 1 February 2021, as the COVID-19 pandemic took hold in the region. Since then, more than a million Rohingya refugees in Bangladesh have continued to live with the uncertainty of return, in difficult conditions.

Since early 2019, Asia Justice and Rights (AJAR), together with Liberation War Museum (LWM), has been working with Rohingya women in the refugee camps, engaging them in a dialog on human rights and justice and developing distance-learning participatory action research tools that have withstood the challenges of the pandemic.

This series of briefing papers outlines the key lessons learned and themes that have been articulated by more

than 100 women who have been actively engaged in our program. AJAR and LWM have conducted more than 100 workshops from 2019 to the present, adapting our participatory action research tools, such as [Stone & Flower: A Guide to Understanding and Action for Women Survivors](#), to the conditions in the camps. Since COVID-19 restrictions were introduced in March 2021, we have integrated video-based distance learning with these women's groups, allowing for dialog within family and close community circles in accordance with lockdown rules. During this process, we have transcribed some of the key messages and responses from the women, as part of identifying issues raised by the groups. In this policy brief, we focus on issues of access to justice and urgent support for survivors of sexual and gender-based violence (SGBV.) All names have been changed for this report.

Supporting Survivor Empowerment through Holistic, Long-term Engagement is Key

— *The military shot a long shell on my house and burnt it down. Everywhere people were running, screaming and crying; we were terrified. I saw many people crossing the border by boat and over the mountains. I witnessed many dead bodies floating in the river during my journey from Myanmar to Bangladesh.*
(Maya, Workshop on Memory and Hope, Camp 1, 31 March, 2019)

They took everything, even my dignity ... I was raped by the military when I was six months pregnant, and the baby died. My grandfather was also killed by the military.
(Lara, Distance-Learning Video Exchange, 13 March, 2021)

For many SGBV survivors, the incidents of SGBV took place within the context of other crimes: arson, abduction, torture, killings, the loss of property, a long history of discrimination, etc. In listening to women survivors, it is important to allow women to be in control of the disclosure of their experiences. Time and resources are needed to build relationships of trust. Adapting AJAR's participatory tools and teaching these methods to local Rohingya and Bangladeshi facilitators has enabled genuine engagement and participation. Using more generic terms like "violence against women" and open-ended processes that do not prioritize one type of violation over another, allows for a more organic sharing of experiences and also counters the stigmatization of SGBV. Survivors are able to articulate what happened to them in their own terms, including how they see how and why this happened, and what their priorities are.

Although there are strong reasons for quick documentation of the atrocities, these urgent measures must be accompanied with long-term empowerment programs. After more than two years of being involved in AJAR and LWM's human rights education programs, women survivors have spoken about how efforts to educate and empower them are crucial in an environment full of uncertainties.

— *When the moonlight falls on a flower, it starts to bloom. My life is like this. After the dark memories of my life, I'm blooming like a flower. The moonlight is my knowledge which makes me stronger and more confident day by day.*
(Lara, Workshop on Hand-Mapping, Camp 1, 24 December, 2019)

We lost many things; we were raped many times, by the military. But NO more. We are strong, we can overcome. Everything will be fine; do not lose your spirit.
(Elham, Postcard Writing Workshop, 27 March, 2019)

Truth and Acknowledgement are the Foundation

Women survivors have articulated how acknowledgment of what took place, the truth about the discrimination and violence they experienced, is the foundation for rebuilding their lives and a future for their community. With their increased confidence and understanding of the complex international justice mechanisms, women survivors have chosen to speak out against denial and silencing.

- *There are many people who don't want to know about us, don't want to hear our story, to learn about our situation, our history. If the international community could do more to promote justice for us, then the whole world could learn about us. The people who deny our truth, our experience, our rights, they won't do it.*
(Lara, Workshop on Justice Mechanisms, Camp 1, 29 October, 2019)

Women survivors continue to articulate the importance of acknowledgement of what took place-, its root causes and the ripple-effect of its impact as part of a solution for the future.

- *I lost my dignity. The military raped me. I feel sad remembering how badly they treated us. Just because we are Muslim, they can torture us. We are not Bengali; we are Rohingya, citizens of Myanmar. We want recognition of that.*
(Khadija, Human Rights Workshop, Camp 1, 28 September, 2019)

The military killed my father, burnt my house. I had to leave my land; we lost our property. My Myanmar sisters' dignity was stolen by the military who raped many women. It was the Myanmar military that forced us to come to Bangladesh.
(Lana, Human Rights Workshop, Camp 1, 7 September, 2019)

I am [a] survivor of genocide. I fled to Bangladesh on 25 August 2017, and became a refugee. We want justice and rights. We want a safe zone under UN protection. We want gender and race equality. We want freedom and liberty.
(Nawal, Workshop on Memory and Hope, Camp 13, 31 March, 2019)

Justice and Reparations are Inseparable Remedies

Most of the women express their demand for justice, identifying the military, religious extremists, and key officials in the Myanmar government as responsible for the violations perpetrated against them and the architects of discrimination more broadly.

- *They are responsible for everything. The Myanmar government discriminated against us, didn't consider us Myanmar nationals and then forced us to seek refuge in Bangladesh.*
(Dalila, Workshop on Tree of Conflict, Camp 13, 30 September, 2019)

When talking about justice, women include different forms of remedies in their vision of justice. Some women spoke about the restitution of rights that were taken away.

- *I had everything in Myanmar but had to leave. I lost my house, garden, equipment, goats, land. Now I have nothing left to lose. The Myanmar government, the military forced us to come to Bangladesh. I want justice for it. If we do get back our rights, then I will go back to my country. It's been a long time that we have been deprived of our rights. So, if we try and return without having our rights restored, there is no guarantee that anything will change.*
(Hanifa, Human Rights Workshop, Camp 13, 26 September, 2019)

I had a house, pets, property, land. I lost everything. The generals are responsible for all this. We want justice from the ICC.

(Bushra, Workshop on Justice Mechanisms, Camp 13, 26 September, 2019)

Others specifically include the right to education--a major area of attention--as part of their vision of justice and a better future for their children.

— *The Myanmar military tortured us, and I want justice. I want education for the children. I want our rights.*
(Bayan, Workshop on Tree of Conflict, Camp 13, 30 September, 2019)

I lost my house, cows, goats, my children's future. I am so worried about them. I want to go back to my country as soon as possible and start a new life there. But first there must be justice from the ICC.

(Hawa, Workshop on Justice Mechanisms, Camp 13, 26 September, 2019)

Many survivors spoke about their hope for protections that would ensure non-recurrence, including the recognition of their citizenship.

— *I was forced to leave my own country; the houses were razed to the ground; all our belongings destroyed. If someone loses their house, they can always rebuild it. But it is a matter of fact that when someone loses their country, they lose everything.*

(Marya, Human Rights Workshop, Camp 1, 7 September, 2019)

The military set our house on fire while my mother, who was deaf, and I were still inside. When she realised what was happening, it was too late. She couldn't move because she was in shock. ... I managed to run away from the house, but my mother couldn't move. ... We are not Bengali. Myanmar considers us Bengali, but we are Rohingya and we belong to Myanmar. We want recognition, and we want to go home.

(Karima, Workshop on Tree of Conflict, Camp 1, 24 December, 2019)

The principle of non-discrimination is very important, but Myanmar doesn't follow this principle. They deny our rights; they discriminate against us. If they don't change their view of us, then we Rohingya have to be like floating flowers with nowhere to put our roots. Without justice, it is like being chained up and being asked to live normally.

(Loulia, Workshop on Hand Mapping, Camp 1, 24 December, 2019)

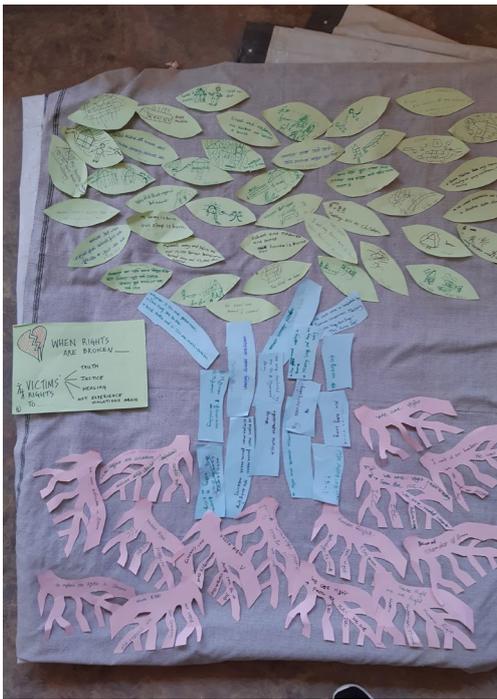
Many Hope for Intervention and Engagement by International Community

As the women begin to understand the significance of the crimes committed against them they recognize and understand the obligations that exist for action by the international community. They are speaking out about the need for justice action, and taking a more holistic view of the remedies that they seek.

— *There are many people who don't want to know our story, our situation, our history. Organisations such as the ICC should ensure that the whole world knows about the situation of the Rohingya. The people who deny our truth can no longer get away with it. ... I had a sister who was mentally ill. Because of the conflict, I was unable to bring her with me. I had to leave her in Myanmar. Some people from the Buddhist community murdered her. I miss her.*

(Khalida, Workshop on Justice Mechanisms, Camp 1, 29 October, 2019)

The ICC has all the documentation so they should take the initiative to ensure that we will be safe and



sound, that we can get back to our land, get back our rights and get back to our country.

(Farida, Workshop on Tree of Conflict, Camp 13, 5 September, 2019)

Survivors are growing frustrated with the lack of decisive action against the perpetrators from the international community -- frustrations that are compounded by restrictions on travel due to the pandemic and uncertainty introduced by the February 2021 coup in Myanmar.

— *We want our rights back; the international community shouldn't listen to the generals of Myanmar.* (Nadia, Workshop on Tree of Conflict, Camp 1, 1 October, 2019)

| *An activity called the Tree of Conflict, where the Rohingya women express their thoughts and feelings regarding their current situation.*

Recommendations to International Justice and Human Rights Mechanisms

— *It's been years now, and there is still no resolution, no sign that we will return to our country. I don't want to say any more about this situation – the world's leaders should make the effort to solve our problems as soon as possible.*

(Farida, Distance-Learning Video Exchange, 15 June, 2020)

Now four years since the exodus of 25 August 2017, listening to the voices of survivors has become even more urgent. With deteriorating conditions in the camps due to fires, floods and the pandemic, women survivors are speaking out about their vision of holistic remedies. The international community has invested in the long journey towards international justice, with the establishment of multiple mechanisms. But working in conjunction with civil society, more has to be done to develop and implement remedies that are articulated by survivors.

Guided by the voices and experiences of the women, AJAR issues the following recommendations to the international community:

- Advance initiatives that provide urgent and interim measures to help repair the lives of survivors, such as the Global Survivors Fund (GSF) and the United Nations Voluntary Fund for Victims of Torture (UNVFVT). Survivors need immediate assistance; they cannot (nor should they have to) wait for the government(s) and individuals responsible for the atrocities they suffered to be held to account before they receive the economic, psychological, emotional and social support they require. Initiatives like GSF and UNVFVT provide interim reparations, both in collective and individual form, that can have life-changing impacts on survivors, their families, and communities, but such initiatives require robust and ongoing financing from the international community.

- Invest in long-term empowerment programming. Survivors in Cox's Bazar have seen many instances of short-term engagement and programming by governments and internationally-supported CSOs. These waves of engagement tend to center around times when one or more of the justice mechanisms is in the spotlight or immediately after further disaster (e.g. fire, flooding, etc.) strikes the camps, but once the moment passes, so too does the programming, taking with it any stability or trust that was forming. Support of multi-year programming that allows survivors to develop a sense of trust and security and to achieve healing and other impacts that cannot take place overnight is, thus, greatly needed.
- Support efforts to enhance understanding of the justice mechanisms. There is better understanding now in the camps of what the various justice mechanisms are, but many survivors still do not understand how they work (e.g. what an investigation entails, why only certain individuals are being contacted, why interviews are being conducted in the manner that they are, what types of outcomes can be expected from the different justice mechanisms, etc.). Clarification of such issues will not only help survivors to engage more effectively with the mechanisms but it will allow for the mechanisms to function better as well.
- Support the justice mechanisms, such as the International Criminal Court (ICC), the International Court of Justice (ICJ), and the Independent Investigative Mechanisms for Myanmar (IIMM) to work efficiently and with as much transparency as possible. Given that justice already feels long overdue to the survivors and the pandemic and coup are causing further delays, it is critical that the mechanisms communicate as much as possible to survivors about the activities underway.
- Support Bangladesh in the provision of assistance and resources, including education, to those in the camps. The February 2021 coup in Myanmar and the pandemic have cast further uncertainty on when the Rohingya will be able to return to Myanmar in a safe, dignified, and voluntary manner. Accordingly, it is vital that Bangladesh receive the financial and logistical support needed to ensure not only the health and safety of the Rohingya but also their access to education and livelihood opportunities.
- Support pro-democracy efforts in Myanmar. Survivors consistently voiced a desire to return to a truly democratic Myanmar, where they are recognized as citizens and their rights are fully respected. Pro-democracy efforts currently underway in Myanmar include a commitment to recognizing the citizenship and rights of the Rohingya. The international community can and should stand with the National Unity Government (NUG) and the democratic movement, as it seeks an inclusive, democratic future for Myanmar.
- Maintain pressure on ASEAN to give effect to the right of Rohingya survivors to an effective and enforceable remedy, as recognized under Article 5 of the ASEAN Human Rights Declaration. Even if Rohingya survivors cannot obtain justice right now in Myanmar, their calls for justice should not fall on deaf ears. The international community should seek to ensure that ASEAN member states allow for the exercise of universal jurisdiction for serious human rights violations.