

## Assessing the Implication of Rohingya Community and Myanmar (Burma) Conflict on Women's Human's Rights: A Systematic Review and Meta-Analysis

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### ABSTRACT

**Background:** *Women's rights initially received very little emphasis at the international level. Principally, attaining equality between women and men, and eliminating all forms of discrimination and violence against women are fundamental human rights. In conflict, women around the world nevertheless regularly suffer violations of their human rights throughout their lives, and realizing women's human rights has not always been given a priority. Therefore, the current review is aims to assess the implication of Rohingya community and Myanmar (Burma) conflict on women's human's rights and health issues.*

**Methods:** *All relevant and available studies addressed in related to the issues in current context were identified and document review was undertaken. Both quantitative and qualitative studies were comprehensively and comparatively analyzed using documenting analysis.*

**Results:** *The review demonstrated that the conflict especially the Rohingya crisis is one of the worst human rights' disasters of the modern world. The Rohingya issue is not only evolving on identity crisis which leads to persecution and discrimination, but also to the deprivation of the fundamental human rights of women's and results a serious health problems including GBV.*

**Conclusion:** *The conflict has far-reaching effects on women's enjoyment of their human rights, whether civil and political or economic and social. Despite increased global efforts to combat gender-based violence in conflict and post-conflict settings, women continue to be subjected to gender based violence such as rape, sexual slavery or sex trafficking, forced impregnation or miscarriages, and sexual abuse such as forced nudity, kidnapping, strip searches and other publicly humiliating and violating acts in conflicts. Therefore, the international community should work together to stop the violations of women's human rights as recommendations.*

**Keywords:** *Gender based Violence, Health, Conflict, Women, Human rights*

### INTRODUCTION

Women's rights are human rights which become an important rallying cry for women around the world in the 1990's. It expresses both women's determination to claim our full birth right as one half of humanity and our exasperation that such an obvious assertion has taken so long to gain international acceptance. As the recognition of women's and girl's human rights has grown over the past decade, so too has the need for more works that explore and expound upon their meaning. The idea that women's rights are human rights is at once both simple and complex. Women's rights initially received very little emphasis at the international level. One of

the early bodies established in the young UN was the Commission on the Status of Women, which was set up in 1948. But the first draft of the Universal Declaration of Human Rights exhibited a fair degree of gender insensitivity by starting off its first article with the statement "All men are brothers" [1].

Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination. The United Nations has a long history of addressing women's human rights and much progress has been made in securing

women's rights across the world in recent decades. However, important gaps remain and women's realities are constantly changing with new manifestations of discrimination against them regularly emerging. Some groups of women face additional forms of discrimination based on their age, ethnicity, nationality, religion, health status, marital status, education, disability and socio-economic status among other grounds. These intersecting forms of discrimination must be taken into account when developing measures and responses to combat discrimination against women [2]

Is to offer a basic understanding of the human rights of women as a whole, but because of the wide variety of issues relevant to women's human rights, it should not be considered exhaustive. In 1967, United Nations Member States adopted the Declaration on the Elimination of Discrimination against Women, which states that discrimination against women is an offence against human dignity and calls on States to "abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women". The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the General Assembly in 1979. Its preamble explains that, despite the existence of other instruments, women still do not enjoy equal rights with men[3].

The Convention defines discrimination in its article (1) as "... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

Importantly, the Convention adds new substantive provisions to the other instruments which also deal with equality and non-discrimination. Article 5 establishes that in addition to recognizing women's legal equality and promoting their de facto equality. States should also strive to eliminate the social, cultural and traditional patterns that perpetuate harmful gender stereotypes and to create an overall framework in society that promotes the realization of women's full rights [2]. The

Convention on the Rights of the Child (art. 2) and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (art. 7) also prohibit discrimination based on sex. The Convention on the Rights of Persons with Disabilities (art. 6) recognizes the multiple discrimination that women with disabilities are subjected to, and requires State parties to address this by taking "all appropriate measures to ensure the full development, advancement and empowerment of women" in the enjoyment of their human rights.

In its general recommendation No., (25) (2000) on gender-related dimensions of racial discrimination, the Committee on the Elimination of Racial Discrimination, which oversees compliance with the International Convention on the Elimination of All Forms of Racial Discrimination, also recognized the gender dimensions of racial discrimination and said it would "endeavor in its work to take into account gender factors or issues which may be interlinked with racial discrimination." The Committee against Torture, which monitors the Convention against Torture and other cruel, inhuman or degrading treatment or punishment also regularly, addresses issues of violence against women and girls (ibid). We can understand that, the Myanmar and Rohingya community conflict leads several consequences of political, socio economic and cultural values of people rights. Human rights are severely deteriorated in conflict due to little attention given by national and international community. Having this reason, women's, children's and girls are victimized in severe in the intra state conflict between Myanmar and Rohingya community. Therefore, this paper gives a critical attention to human rights violation of women's in intra-state conflict of Myanmar (Burma) and Rohingya community.

### **Situation of Women's Human Rights in Conflicts and Crises in the World**

In armed conflict or political strife, violence against women takes severe forms. During the past decade, much international attention has been paid to the link between gender-based violence and conflicts. Conflict has far-reaching effects on women's enjoyment of their human rights, whether civil and political or economic and social. Despite increased global efforts to combat gender-based violence in conflict and post-conflict settings, women continue to be subjected to gender-based violence in publicly

humiliating and violating acts in conflict and post-conflict. Different studies reminds that, human rights of women before and after conflict is violated, but the types of conflict is intra state conflict since the conflict is between Myanmar and Rohingya community in which is found in one country. Studies also have shown that while men and boys are also victims of gender-based violence, women account for the vast majority of those affected. The Committee on the Elimination of Discrimination against Women recognized, in its general recommendation No. 19 (1992) [4] .

The finding of showed that approximately one in five refugees or displaced women in complex humanitarian settings experienced sexual violence. However, this is likely an underestimation of the true prevalence given the multiple existing barriers associated with disclosure. The long-term health and social consequences of sexual violence for women and their families necessitate strategies to improve identification of survivors of sexual violence and increase prevention and response interventions in these complex settings[5].

The adoption by the Security Council of resolution 1325 (2000) on women, peace and security also represents a landmark in recognizing and addressing conflict-related gender-based violence. The resolution recognizes the devastating impact of conflict on women and girls, and reaffirms the need to implement fully existing international humanitarian and human rights law obligations protecting the rights of women and girls during conflict. It focuses on four main areas: prevention, participation, protection, and relief and recovery. It also urges States to take special measures to protect women and girls from gender-based violence during conflict, and end impunity by prosecuting those responsible for crimes during conflict. Furthermore, the resolution calls for increased representation of women at all levels of decision-making, and in all mechanisms for the prevention, management and resolution of conflicts, and for gender mainstreaming in peacekeeping operations.

In follow-up resolution 1820 (2008), the Security Council recognizes that sexual violence may impede the restoration of international peace and security and is often used as a tactic of war. It stresses that, sexual violence should be excluded from any amnesty provisions in a peace process and that equal access to justice

should be ensured for victims of sexual violence. The subsequent follow-up resolutions have focused on preventing and responding to conflict-related sexual violence, and called for inter alia, the appointment of a special representative on sexual violence in conflict, a team of experts and women protection advisers to advise governments and peacekeeping missions in dealing with sexual violence. Global indicators track the implementation of resolution 1325 (2000) have been developed, as well as new monitoring and reporting mechanisms for conflict-related sexual violence.

## **METHODOLOGY**

All relevant and available documents addressed in related with the implication of Rohingya community and Myanmar conflict on women's and girls' rights in current context were identified and document review was undertaken. The main sources considered in the document search were books, journals, policy and strategies documents, both international and regional human rights conventions and laws. Exhaustive reviews of the identified documents were arranged following an initial assessment of their titles and abstracts or summary. Both quantitative and qualitative data was comprehensively and comparatively analyzed using documenting analysis. Different available qualitative and quantitative studies regarding the issues are reviewed based on the context where is accessible in different link. The quantitative data are mostly indicates the numerical aspects in current situation of Myanmar and Rohingya community conflict whether the no, of displaced individuals or died persons during or after conflict especially women's and girls. Whereas, the qualitative data for the purposes of indicating the point of views or perspectives regarding the issues from different studies.

## **Description of the Study Area**

The Rohingya, who numbered around one million in Myanmar at the start of 2017, are one of the many ethnic minorities in the country. Rohingya Muslims represent the largest percentage of Muslims in Myanmar with the majority living in Rakhine state. They have their own language and culture and say they are descendants of Arab traders and other groups who have been in the region for generations. But the government of Myanmar, a predominantly Buddhist country denies the Rohingya citizenship and even excluded them from the 2014 census, refusing to recognize

them as a people. It sees them as illegal immigrants from Bangladesh. Since the 1970s, Rohingya have migrated across the region in significant numbers. Estimates of their numbers are often much higher than official figures[8]. In the last few years before the latest crisis, thousands of Rohingya were making perilous journeys out of Myanmar to escape communal violence or alleged abuses by the security forces. Risking death by sea or on foot nearly 700,000 has fled the destruction of their homes and persecution in the Northern Rakhine province of Myanmar (Burma) for neighboring Bangladesh since August 2017. The United Nations described the military offensive in Rakhine, which provoked the exodus, as a "textbook example of ethnic cleansing". Myanmar's military says it is fighting Rohingya militants and denies targeting civilians. The **Rohinga** crisis is one of the worst human rights' disasters of the modern world. In many ways, it is a replay of the Nazi terrorization. The **Rohingyas** are one of the most vulnerable populations in the world by any reckoning. Their plight generally goes unnoticed by the world at large, even though some rights activists say their persecution amounts to ethnic cleansing [7]. Due to the deliberate isolation, they have been socially, financially and politically excluded from being citizens of Myanmar. Professor William Schabas described Rohingya in his report as the "prime facie victims of the crime against humanity and persecution for decades" that included "the deprivation of fundamental human rights and forced displacement using expulsion and other coercive means." Muslim Rohingyas are the product of legal and political process of the Myanmar government that does not consider them as a part of its native population. The question is why the Myanmar government and majority of Rakhine people regard the Rohingyas as unwanted in Myanmar? They are unwanted in the land they were born and they are no longer welcomed in the places they took refuge. In Myanmar the government tells them they have no right and no place. In Bangladesh, the government says they don't belong here. They are like out of the frying pan into the fire [7].

### **Location of Myanmar**

Geographically, Myanmar is a country in Southeast Asia bordering the Andaman Sea and the Bay of Bengal south. It is bordered in north and northeast by China, in east by Laos and Thailand, in west by Bangladesh and the Indian

states of Nagaland, Manipur and Mizoram. The country is also known as Burma and called the Golden Land. The country covers an area of 676,578 km<sup>2</sup>, making it almost twice the size of Germany or slightly smaller than the U.S. state of Texas. Probably, the highest elevation in both Myanmar and Southeast Asia's is Mount Hkakabo Razi (Khaka- Borazi) at 5,881 m (19,295 ft) located in Kachin state near the country's northern border with China, about 110 km (70 mi) north of Putao. Burma's main rivers are the Chindwin (the 'Mighty Chindwin') and the Irrawaddy (Ayeyarwady). Myanmar has a population of 51.4 million people (2014 census). Largest city, former capital, and the economic center of Myanmar is Yangon. Since 2005 Burma's new capital is Naypyidaw, a planned city in central. Spoken languages are Burmese (official). Kachin, Kayah, Karen, Chin, Mon, Rakhine, and Shan are regional languages. Rohingya, the language of the Rohingya people from Rakhine State is spoken by about 1.3 million. According to the United Nations, the Rohingya are one of the most persecuted minorities in the world. In 2017 hundreds of thousands Rohingya fled from western Myanmar into neighboring Bangladesh because of the repression and violence they face in Myanmar [8]

### **Myanmar and Rohingya Conflict History**

Myanmar is one of the longest running conflicts, with the roots of ethnic tensions going back generations. During the Mrauk-U dynasty (1430-1785) the Rohingya lived peacefully together with the Buddhist Arakanese and Burmese. However, in 1785 Buddhist Burmese invaded Arakan, also known as Myanmar's western state of Rakhine, and executed or drove out the Muslim Rohingya ethnic group into Bengal, which was then in the British Raj in India. During the first Anglo-Burmese War from 1824 to 1826, the British took control of Arakan and incentivized Bengali farmers to move back to Arakan. This high influx of migrants from British India created ethnic tension with the mostly Buddhist Rakhine in the area, which is still felt today (5). Due to this history, many Rakhine dispute the claim that Rohingya have a distinct ethnic heritage and historic association to the Rakhine State, because the Rakhine view the Rohingya as 'Bengali' and therefore they do not have religious, cultural or social ties to Myanmar and the state of Arakan (6). Myanmar (Burma), a country notorious for its harsh military rule that resulted in decades of

human rights violations including genocide, recruiting child soldiers and carrying out systematic rape, has been under major political reform since the current government took office in 2011. Civil liberties have been increased and many political prisoners, most notably Aung San Suu Kyi, have been released. However, despite these promising steps it remains doubtful whether the country and especially its military establishment have cleaned their act for good [9]. This recent outbreak of violence and the ensuing discrimination of the Rohingya Muslim minority are just bringing to light a century-long oppression of this ethnic minority, which is considered by the Burmese government as an immigrant group and thus not eligible for citizenship. Particularly alarming is the involvement of the military and the police in the abuses given Burma's history.

While, Myanmar is a multi-ethnic and multi-religious country, the Bamar (Burmese) nonetheless comprise almost 70(%) percent of the country's total population. Of the many ethnic groups in Myanmar, the Muslim Rohingya is mainly centered in the Rakhine (Arakan) State, which borders Bangladesh. Although the position of these people as a distinct ethnic group was recognized by the UN government (1948-1962), the introduction of the 1982 Citizenship Act by the country's military government, however have rendered them stateless([10]. Since the end of its military rule in 2011, the international community has rewarded Myanmar for perceived political and economic reforms. Still, Burma's transition to democratic governance is beset by an unfortunate human rights record and marred by state-sanctioned violence against members of its minority Rohingya Muslim population.

This review is explores the implication of Rohingya and Myanmar conflict's on women's human rights. It argues that the group is experiencing human rights violations that are specific to its identity and have yet to be adequately recognized and addressed. These violations emanate from discriminatory population control regulations, gender based violence, human trafficking, hard labor, and educational inequality [11]. I argue that such a perspective has not yet been examined in legal scholarship and discourse. This review further argues that official Burmese policies and normative practices targeting the country's Muslim population continue to compromise Burma's local, regional, and global security

interests. To help protect those interests and prevent further human rights violations, this review also proposes a number of related legal and policy recommendations.

### **Current Situation of Myanmar and Rohingya Crisis and Its Consequences on Human Rights**

Rohingyas' arriving in an area known as Cox's Bazaar - a district in Bangladesh - say they fled after troops, backed by local Buddhist mobs responded by burning their villages, and attacking and killing civilians. Rohingya crisis: Refugees tell of house by house' killings. At least 6,700 Rohingya including at least 730 children under the age of five were killed in the month after the violence broke out, according to Medecins Sans Frontiers (MSF). Amnesty International says the Myanmar military also raped and abused Rohingya women and girls. The government which puts the number of dead at 400 claims that "clearance operations" against the militants ended on 5 September, but BBC correspondents have seen evidence that they continued after that date. At least 288 villages were partially or totally destroyed by fire in northern Rakhine state after August 2017 according to analysis of satellite imagery by Human Rights Watch. The UN says the Rohingya's situation is the "world's fastest growing refugee crisis". Before August, there were already around 307,500 Rohingya refugees living in camps, makeshift settlements and with host communities according to the UNHCR. A further 687,000 are estimated to have arrived since August 2017. Most Rohingya refugees reaching Bangladesh - men, women and children with barely any belongings have sought shelter in these areas setting up camp wherever possible in the difficult terrain and with little access to aid, safe drinking water, food, shelter or healthcare. The largest refugee camp is Kutupalong but limited space means spontaneous settlements have sprung up in the surrounding countryside and nearby Balukhali as refugees keep arriving. While numbers in the Kutupalong refugee camp have reduced from a high of 22,241 to 13,900, the number living in makeshift or spontaneous settlements outside the camp has climbed from 99,495 to more than 604,000[12].

### **Current Situation of Rohingya Conflict with Myanmar Army**

The Rohingya people have become a symbol of human rights violations. Persecuted in Myanmar and expelled on their flight to Bangladesh, the

Burmese authorities use law and force to oppress this ethnic-religious community. In the country, the predominance of one ethnic group over the other, emphasizing their differences, has made a dynamic of constant repression. Saving the distances, this situation may remember one of the Tamils in Sri Lanka. According to the United Nations High Commissioner for Refugees (UNHCR), the Rohingya crisis is one of the longest in the world and one of the most neglected. That is why in December of last year the UN passed a resolution urging Myanmar to give Rohingyas access to citizenship, most of which are classified as "stateless"[2]. The consolidates existing data (limited in some areas) on gender equality and women's rights in critical areas of women's lives, which are the basis of the National Strategic Plan for the Advancement of Women (NSPAW): livelihoods, participation in the economy, education, health care, violence, women's leadership, political participation, and the peace processes[14].

## **RESULTS**

### **Effects of Myanmar and Rohingya Community Conflict on Human Rights of People**

The human rights situation deteriorated dramatically. Hundreds of thousands of Rohingyas fled crimes against humanity in Rakhine State to neighboring Bangladesh; those who remained continued to live under a system amounting to apartheid. In addition, the army committed extensive violations of international humanitarian law. Authorities continued to restrict humanitarian access across the country. Restrictions on freedom of expression remained. There was increased religious intolerance and anti-Muslim sentiment as well as impunity persisted for past and ongoing human rights violations.

#### ***Internal Armed Conflict***

Fighting between the Myanmar Army and ethnic armed groups intensified in northern Myanmar. The Army committed wide-ranging human rights violations against ethnic minority civilians, including extrajudicial executions and other unlawful killings, enforced disappearances, arbitrary detentions, torture and other ill-treatment and forced labor[14].

#### ***Lack of Humanitarian Access***

Both the civilian government and the military continued to severely and arbitrarily restrict

humanitarian access, placing hundreds of thousands of people at risk.

#### ***Refugees and Internally Displaced People***

Civilians were displaced as a result of conflict, violence and natural disasters. More than 106,000 people remained internally displaced by the conflicts in northern Myanmar. Some 120,000 people mostly Rohingya continued to live in squalid displacement camps in Rakhine State where they have been confined for five years following violence in 2012.

#### ***Prisoners of Conscience***

Despite prisoner amnesties in April and May, prisoners of conscience remained in detention. The authorities continued to use a range of vaguely worded laws that restricted the rights to freedom of expression, association and peaceful assembly to arrest and imprison people solely for peacefully exercising their rights.

#### ***Freedoms of Expression, Association and Assembly***

The rights to freedom of expression, association and peaceful assembly remained subject to severe restrictions. There was a surge in the number of people charged with "online defamation" under Section 66(d) of the 2013 telecommunications act following national and international pressure, parliament adopted minor amendments to the law. However, "online defamation" remained a criminal offence.

#### ***Freedom of Religion and Belief***

There was a sharp rise in religious intolerance and anti-Muslim sentiment in the wake of the August attacks in Rakhine State. The government exacerbated the situation by both allowing and directly producing hate speech inciting discrimination and violence in print and online. State media published derogatory anti-Rohingya articles; government officials published inflammatory posts on social media.

#### ***Corporate Accountability***

Thousands of families living near the Letpadaung copper mine in Sagaing region remained at risk of losing their homes and farmland under plans to expand the project. Villagers living close to the mine continued to protest against the project. In March, at least 10 people were injured after police fired rubber bullets at a group of villagers protesting about the impact of trucks transporting materials to the mine. According to local authorities, six police officers were wounded.

### **Death Penalty**

Courts continued to impose death sentences under legal provisions allowing for the imposition of the death penalty. No executions were carried out.

### **Lack of Accountability**

A persistent culture of impunity remained for human rights violations committed by the security forces. Most perpetrators of past and current human rights violations, including crimes under international law that had not been held accountable for their actions. The government failed to adequately investigate and hold to account perpetrators of serious human rights violations in Rakhine State, including crimes against humanity by protesters sing catapults.

### **International Scrutiny**

In March the UN Human Rights Council (UNHRC) established an independent, international Fact-Finding Mission to “establish the facts and circumstances” about human rights violations and abuses, in particular in Rakhine State. The Council requested the Mission to present its findings in September 2018. The move was met with strong opposition by the government, which disassociated itself from the investigation and refused to allow the team into the country [14]. Plagued by decades of military rule, suppression of political dissent, and one of the world's longest running conflicts, Myanmar (also known as Burma) was long viewed as a pariah by the international community. In the wake of the 2010 general elections, the human rights situation has become more complex. Fighting has diminished and the political arena has opened up in significant ways. Violent abuses continue in conflict zones, however and uncertainty remains on many fronts about the future. Major rights questions persist about whether, for example, the rule of law will take hold and what will be done about past abuses. Since 2004, the International Human Rights Clinic has engaged with human rights issues in Myanmar ranging from high-level policy advocacy (both public and private) to major documentation efforts and humanitarian interventions [13].

### **Effects of Conflict on Human Rights of Women's in Rohingya Community and Myanmar**

The effects of conflict to the rights of women's in Myanmar and Rohingya are severe. Principally, it endangers women's physical, social, emotional and mental health with violation of international law. It can understand that, in the event a woman opts to remain in the country after violating the rule, the child is deprived of any legal status. As a result, the child cannot access education, receive official permission to travel, marry or acquire any property. Burmese officials may also arrest and detain the Child (Human rights watch, *supra* note 44, cited in [11]).

### **Why Gender-Based Violence is Always?**

As previously mentioned, Rohingya women have also experienced anti-Muslim violence in ways that are unique to their gender. Amid escalating conflict, rights groups have noted increasing reports of rape from Muslim women and girls in recent years. The following accounts illustrate the current situation: gender-based violence involving the Rohingya has intensified, disrupting families and communities. Moreover, attempts to seek refuge abroad compound the risk to women and girls of rape, exploitation and trafficking. To be sure, sexual assaults against Rohingya women are by no means a new phenomenon. Burmese security forces have engaged in such human rights violations for a number of years. But as the violence has escalated so too have gendered assaults. Since June 2012, for example, the communal strife in Arakan State included numerous instances of Buddhist extremist's gang raping Muslim women. More recently, Burmese security forces repeatedly raped 30% of Rohingya women and girls in a small Arakanese village with at least 1 up to 13 year-old woman left in critical condition [11].

Similar assaults against Rohingya and other Muslim women have also occurred in Rakhine State, as recently documented by the UN Special Rapporteur Ojea Quintana in his report to the Human Rights Council in March 2013. Most recently, in February 2014, a sixteen-year-old Rohingya girl alleged that Burmese authorities raped her following the murder of more than fifty local Muslims. Human rights advocates have expressed concern that GBV attributed to entrenched gender bias as well as ethno-religious prejudices will further

exasperate already escalating communal violence in the region. Moreover, it is important to recognize that such attacks disrupt families and communities as they frequently result in instances of internal displacement. Survivors of sexual assault particularly by Burmese soldiers are re-victimized by communities fearful of official retribution should the victims decide to report their assaults [11].

### **Violence and Human Trafficking of Muslim Women and Girls**

Burma's record on human trafficking has prompted the US to place it on a Tier 2 Watch List for two consecutive years. The Watch List is reserved for countries that fail to comply with minimum standards from preventing trafficking to investigating and prosecuting perpetrators of the crime to protecting victims as set forth in the Trafficking Victims Protection Act (TVPA). In fact, both men and women have been subject to forced labor by Burmese security forces. But women have been reportedly forced into prostitution and sexual slavery as well. Such human rights violations have penetrated Myanmar's borders with neighboring countries such as Thailand and Bangladesh which have been forced to absorb the swelling number of Rohingya refugees. Indeed, political and economic factors in Burma render it a source country for traffickers as tens of thousands Rohingya flee including women and children [11].

### **Discrimination, Societal Abuses, and Trafficking in Persons Women**

#### ***Rape and Domestic Violence***

Rape is illegal but remained a significant problem, and the government did not enforce the law effectively. Spousal rape is not a crime unless the wife is younger than 13 years. Police generally investigated reported cases of rape but there were reports police investigations were not sensitive to victims. Civil society groups continued to report police in some cases verbally abused women who reported rape, and women could be sued for impugning the dignity of the perpetrator. Domestic violence against women including spousal abuse remained a serious problem. Abuse within families was prevalent and considered socially acceptable. Spousal abuse or domestic violence was difficult to measure because the government did not maintain statistics and victims typically did not report it.

Laws prohibit committing bodily harm against another person, but there are no laws specifically against domestic violence or spousal abuse unless the wife is younger than 14. Punishment for violating the law includes sentences ranging from one year to life in prison, in addition to possible fines. Overlapping and at times contradictory legal provisions complicated implementation of these limited protections.

#### ***Sexual Harassment***

The penal code prohibits sexual harassment and imposes fines or a maximum of one-year's imprisonment for verbal harassment and a maximum of two years' imprisonment for physical contact. There was no information on the prevalence of the problem because these crimes were largely unreported.

#### ***Discrimination***

By law women enjoy the same legal status and rights as men, including property and inheritance rights and religious and personal status, but it was not clear if the government enforced the law. The law requires equal pay for equal work, but it was not clear if the formal sector respected this requirement. NGOs reported sectors such as the garment industry did not comply. Poverty affected women disproportionately. The law governing hiring of civil service personnel states nothing shall prevent the appointment of men to "positions that are suitable for men only," with no further definition of what constitutes positions "suitable for men only." Customary law was widely used to address issues of marriage, property, and inheritance, and it differs from the provisions under statutory law [15].

### **Current Situation of Women's and Girls' Rights in Myanmar and Rohingya Community**

Justice for women and girls in Burma remains elusive particularly with regard to violence related to armed conflict. Sexual violence by the military and to some extent ethnic armed groups has been frequent, and the renewed violent clashes in Kachin and Northern Shan States have exacerbated the problem. Such crimes are facilitated by a near total lack of accountability, and no institutionalized complaint mechanism. Few prosecutions have been publicly reported, despite allegations of more than 115 cases of sexual violence perpetrated by the Burmese army since fighting renewed [16].

In October and November, media and local groups reported numerous incidents of rape and other sexual assault of Rohingya women and girls committed by security forces during the “clearing operations” in Maungdaw district. The government denied all reports of sexual violence, and the military lockdown has prevented independent investigations into the abuses. This suppression is emblematic of the military’s long-standing refusal to seriously investigate cases of sexual violence [16]. Women in conflict zones and displaced or stateless women are especially vulnerable to abductions, enforced disappearances, sexual violence, and exploitation. Despite their central role in human rights and democracy activism in Burma, women have been marginalized in the government’s various peace process initiatives, and their concerns have been noticeably absent from the negotiations. Women made up less than 10 % of participants in the peace process, and women’s rights groups were sidelined at the 21st Century Panglong Conference. Women hold only 13 % of seats in the new parliament; only one woman sits on the 18-person cabinet, and only 0.25 % of village-level administrators are women [16].

### **Review of Legal Instruments on Human Rights Regarding Myanmar and Rohingya Community Conflict**

From the preceding discussion, it can be concluded that while human rights violations in Myanmar has generally received ample attention from various segments of the international community, nonetheless there has been a sort of inertia when it comes to responses especially on the Rohingya issue. This in turn gives an impression that while the international community has been extremely vocal on human rights violations against Myanmar’s other ethnic minorities, it may appear that the reaction to the Rohingya issue has been limited. One reason for such inertia relates to the fact that while most of the country’s democracy proponents and ethnic minorities are well-linked to transnational advocacy groups, the Rohingya still lack such a connection in the said direction. Living in what is considered as the poorest state in an impoverished country (Yoshikawa & Teff, 2011: 1); the Rohingya people are often denied access to education such that many are illiterates [17].

Protecting women’s human rights at all times, advancing substantive gender equality before, during and after conflict and ensuring that women’s diverse experiences are fully integrated into all peace building, peacemaking, and reconstruction processes are important objectives. The Committee reiterates that States parties’ obligations continue to apply during conflict or states of emergency without discrimination between citizens and non-citizens within their territory or effective control, even if not situated within the territory of the State party. The Committee has repeatedly expressed concern over the gendered impacts of conflict and women’s exclusion from conflict prevention efforts, post conflict transition and reconstruction processes and that reports of States parties do not provide sufficient information on the application of the Convention in such situations [4].

The African (Banjul) Charter on Human and Peoples’ Rights was adopted in 1981 by the Organization of African Unity. Its article (2) prohibits discrimination on any grounds including sex in the enjoyment of the rights guaranteed by the Charter. Article (18) specifically mentions the obligation of African States to “ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions”[18]. The Charter’s Protocol on the Rights of Women in Africa (Maputo Protocol) was adopted in (2003). In 1993, the World Conference on Human Rights was held in Vienna. It sought to review the status of the human rights machinery in place at the time. Women’s rights activists mobilized to ensure that woman’s human rights were fully on the agenda of the international community under the rallying cry “Women’s Rights are Human Rights.” Particularly around the issue of violence against women, civil society activists organized tribunals to put the spotlight on violations of women’s rights, previously unaddressed because they were considered part of the private sphere, taboo or simply accepted as an inevitable part of women’s lives. The Conference was successful in adopting the Vienna Declaration and Programme of Action, which stated that “the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights”

(para. 18) and placed particularly heavy emphasis on eliminating all forms of GBV. Importantly, the Programme of Action also called for “the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism” (para. 38).

According to ACHPR (1986), the Charter of the Organization of African Unity stipulates that “freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples”. *Under Art (3)* every individual shall be equal before the law and every individual shall be entitled to equal protection of the law. In addition, *Art (4)* human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right. *Art (5)* stipulated that every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited. Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily [19].

Adopted during the Fourth World Conference on Women in September (1995), the Beijing Declaration and Platform for Action focused on 12 areas concerning the implementation of women's human rights and set out an agenda for women's empowerment. It builds on the results of the previous three world conferences on women, but is considered a significant achievement in explicitly articulating women's rights as human rights. The Platform for Action includes a series of strategic objectives to eliminate discrimination against women and achieve equality between women and men. It involves political and legal strategies on a global scale based on a human rights framework. The Platform for Action is the most comprehensive expression of States' commitments to the human rights of women. Subsequent reviews of the implementation of the Beijing Declaration and

Platform for Action have revealed that although significant progress has been made in some areas of women's human rights, “discriminatory legislation as well as harmful traditional and customary practices and negative stereotyping of women and men still persist” particularly in family, civil, penal, labor and commercial laws or codes, or administrative rules and regulations [20].

The Human Rights Council is the main intergovernmental body of the United Nations to promote and protect human rights. With 47 States elected by the General Assembly, the Human Rights Council has regularly held special panels on women's rights and the integration of a gender perspective since its creation in 2006. The universal periodic review (UPR), a procedure established at the creation of the Council also presents important opportunities for assessing States' compliance with their international obligations related to the human rights of women. Under this mechanism, the human rights situation in all United Nations Member States is reviewed every four and a half years. Women's rights are among the most frequently raised issues in the UPR recommendations.

Both State and non-State actors commit this violence. With the intent of intimidating and humiliating the adversary, rape and sexual violence are also routinely used by all parties to conflicts as a tactic of war. Moreover, during conflict; domestic violence and sexual abuse also increase dramatically. Violence against women both during conflict and post-conflict can be seen as a continuum of the discrimination women experience in peacetime. Conflict exacerbates pre-existing patterns of discrimination based on sex and put women and girls at heightened risk of sexual, physical and psychological violence.

The underlying causes of violence both in peace and in conflict are the same: historically unequal power relations between men and women systemic or structural causes such as gender-based discrimination and a patriarchal value system. In addition, conflict causes an acceptance of higher levels of violence, and in the post-conflict phase deeply rooted inequalities that existed before the conflict are

aggravated. Thus, the end of conflict does not translate into an end to the violence those women and girls endure. Women continue to suffer from the medical, physical, psychological and socioeconomic consequences of the violence suffered during conflict long after it has ended. The stigma associated with sexual violence is ever-present, in conflicts and in their aftermath. Violence against women and girls also spikes in post-conflict societies, owing to the general breakdown of the rule of law, the availability of small arms, the breakdown of social and family structures and the "normalization" of sexual violence as an additional element of pre-existing discrimination [1, 2,8, and 12].

On 18 December 1979, the CEDAW was adopted by the United Nations General Assembly. By the tenth anniversary of the Convention in 1989, almost one hundred nations have agreed to be bound by its provisions. The convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the CEDAW is the central and most comprehensive document. Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.

The present document spells out the meaning of equality and how it can be achieved. In so doing, the convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights. In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human

dignity". As defined in article (1), discrimination is understood as "any distinction, exclusion or restriction made in Art no. 1 the basis of sex...in the political, economic, social, cultural, civil or any other field". The Convention gives positive affirmation to the principle of equality by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men"(article 3)[3].

The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations. The legal status of women receives the broadest attention. Concern over the basic rights of political participation has not diminished since the adoption of the Convention on the Political Rights of Women in 1952. Its provisions, therefore, are restated in article (7) of the present document, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level (article 8).

CEDAW (1979) (Art, 1) for the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. Art (7) States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right[3].

International Covenant on Civil and Political Rights (1976) Article (49) the States Parties to the present Covenant, considering that, in accordance with the principles proclaimed in the

Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Recognizing that these rights derive from the inherent dignity of the human person, recognizing that, in accordance with the UDHR, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights, considering the obligation of States under the Charter of the United Nations to promote universal respect for and observance of human rights and freedoms[21].

## **DISCUSSIONS**

### **The Implications of the Findings with Other Studies**

Countries suffer from many different consequences of violent conflict. Violent conflict kills people in different ways although it is often difficult to estimate how many. Civilians and soldiers are killed in combat; people die because of a higher prevalence of diseases and an increase in violent crime. Wars forces to mass migration and has economic consequences. It leads to unemployment and loss of income owing to disruption of economic activity, destruction of infrastructure, uncertainty, increased cost of doing business, and capital flight [22].

Despite the fact that due to conflict, across the world, violence against women and girls remains one of the most serious – and the most tolerated – human rights violations. It is not acceptable. It is not inevitable. It can be prevented [23]. The study stipulated that gender-based violence (GBV) is a major public health and human rights problem with multiple sexual and reproductive health complications worldwide. However, gender-based violence (GBV) refers to all forms of violence that happen to women or girls and men or boys because of unequal power relations between them and the perpetrators of such violence. It derives from cultures, norms, social structures, and gender norms that influence women's vulnerability to violence [24, 25]. Despite the growing recognition of GBV as public health and human rights concern, as well as the obstacle it poses for development, it continues

to have an unjustifiable low priority on the international development agenda [24].

World Health Organization (WHO) has also recognized gender-based violence as a heavy health burden for women aged 15 to 44 years, similar to the risk posed by HIV, tuberculosis, infection during childbirth, cancer and heart disease. Gender-based violence has profound adverse consequences on women's physical, mental, and reproductive health. It is one of the most widespread human rights abuses that endangers the physical integrity and emotional well-being of victims particularly women and girls across the world [26]. No country is untouched by gender-based violence. It is on our streets, in our homes, schools, work places and institutions. Globally, at least one in every three women is beaten, coerced into sex or abused in her lifetime [27].

In fact, in terms of gender consideration both men and women have been subject to forced labor by Burmese security forces. But women have been reportedly forced into prostitution and sexual slavery as well. Such human rights violations have penetrated Myanmar's borders with neighboring countries such as Thailand and Bangladesh which have been forced to absorb the swelling number of Rohingya refugees. Indeed, political and economic factors in Burma render, it a source country for traffickers as tens of thousands Rohingya flee including women and children [11].

It can be deduced that, violence against Women and Girls (VAWG) is one of the most systematic and widespread violations of human rights globally. It may occur against any woman or girl regardless of nationality, age or socio-economic status. In Ethiopia, violence against women and girls continues to be a major challenge and a threat to women's empowerment. Women and girls face physical, psychological and sexual abuses that undermine their health and ability to earn livelihoods; disrupt their social systems and relationships; and particularly for girls, robs them of their childhood and education. Ethiopia has adopted national and regional policies and legal frameworks on prevention and response to VAWG, including the Convention on the Elimination of All Forms of Discrimination against Women (1981), Beijing Platform for Action (BFA) of 1995 and national instruments – the revised Family Law (2000), the revised

Criminal Law (2005), among other national strategies [28]. Nonetheless, women in Ethiopia are still subject to various forms of sexual and gender-based violence (SGBV). The existing power imbalance between women and men hampers women and girls' development, health, physical and mental wellbeing. Studies have indicated that a large proportion of Ethiopian women are subject to FGM or cutting, early marriage and domestic violence along with the widespread acceptance of violence against women by the society [29]. Several studies stipulated that reducing violence against women including HTPs: given the significant impact VAW has on the exercise of fundamental human rights of women including limiting their opportunities, it will continue to be a key priority area for intervention [28].

### **CONCLUSIONS AND RECOMMENDATIONS**

Women around the world nevertheless regularly suffer violations of their human rights throughout their lives, and realizing women's human rights has not always been given a priority. From the preceding discussion, it can be concluded that while human rights violations on women's and girls in Rahikine state of Myanmar has generally received little attention from various segments of the international community, nonetheless there has been a sort of inertia when it comes to responses specifically on the Rohingya issue. This in turn gives an impression that while the international community has been extremely vocal on human rights violations against Myanmar's other ethnic minorities, it may appear that the reaction to the Rohingya issue has been limited. It can be showed that violence against women and girls is one of the most systematic and widespread violations of human rights and leads the long term consequence on health issues of women.

Still, severe human rights problems persist, evidencing the country's struggle with democracy as oppressed members of ethnic and religious minority groups' fight for survival. Burmese officials would do well to recognize that such conditions will depress foreign investment, political development, and wider diplomatic acceptance. The status quo-bject poverty, gender-based and anti-Muslim violence, discriminatory laws and policies will continue to undermine progress for Myanmar and the region. Indeed, Burmese success as a burgeoning democracy in the Southeast Asian

region is intimately linked to the status and experiences of its ethnic and minority groups. Without dramatically modified laws and policies ones that respect the rights of all irrespective of race, ethnicity, religion or gender it remains unclear whether Myanmar will succeed on the path to becoming the democracy to which it aspires. From the review, it can be concluded that the implication of conflict between Rohingya community and Myanmar (Burma) government leads Rohingya women and girls are the biggest example of human rights violation in recent time. Therefore, the international community should forces the Myanmar government for political and economic reforms to end of military rule and human rights violation at all. Reminding the above points, building on the foundations of good legal/ policy frameworks as well as institutional structures, the recommended action points in the short run are: scaling up of observed good practices throughout the country, ensuring implementation of adequate punishment, strengthening of the multi-sectorial collaboration to fight VAW as well as ensuring sustainability of social mobilization efforts to end VAW in conflicts as a whole

### **ABBREVIATIONS**

**GBV:** Gender Based Violence; **VAWG:** Violence against Women and Girls; **CEDAW:** Convention on the Elimination of Discrimination against Women, **WHO:** World Health Organizations; **HTP:** Harmful Traditional Practices; **UDHR:** Universal Declaration of Human Rights

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EK has been the principal writer of the manuscript. The author has conducted the selection of available studies for systematic review, drafts the first structure of the study, read and wrote based on the guidelines and the standards of the journals. Finally, all procedures and tasks throughout the development of the manuscript has been carried out by the author solely.

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