

15th Annual Edition

# BURMA

HUMAN RIGHTS YEARBOOK 2008



HUMAN RIGHTS DOCUMENTATION UNIT  
NATIONAL COALITION GOVERNMENT OF THE UNION OF BURMA



**CHAPTER 17**  
**Rights of Women**

# BURMA

HUMAN RIGHTS YEARBOOK 2008





## 17.1 Introduction

*“We, women of Burma ... reiterate that there can be no advancement of the lives of women and girls in Burma, and no protection and promotion of their rights while the military and its proxy organizations remain in power. There is an urgent need for genuine political change to put an end to the militarized culture in Burma.”<sup>1</sup>*

- Oral Statement by the Women of Burma to the CEDAW Committee

Women in Burma continued to suffer discrimination and violence throughout 2008, despite representatives of the ruling junta, the State Peace and Development Council (SPDC) arguing otherwise. The SPDC states that women in Burma enjoy full rights from the moment they are born and often point to the relatively autonomous role they claim women in Burma have traditionally enjoyed in any discussions on the rights of women. However, traditional patriarchal notions about women’s proper role in society have helped foster a climate that effectively obstructs any advancement towards women’s rights and gender equality. Women’s abilities are seen as limited, and their activities therefore curtailed.<sup>2</sup> In addition, recent history has all but destroyed the collective capacity of Burmese women to attain real equality.

Being a signatory of the CEDAW convention since 1997 (even though Burma has not signed the Optional Protocol), Burma has –at least officially- accepted that women are discriminated against and has agreed to address both direct and indirect discrimination. Both the 1947 and 1974 constitutions (albeit now obsolete) reiterate the principle of gender equality, and some recent legislative and policy measures have attempted to meet specific concerns such as maternity leave entitlements, anti-trafficking laws, and increased healthcare services for pregnant women.

In reality however, these legislative promises ring hollow. Maternity leave for example, is rarely granted or enforced in practice. This is the case even though mothers are legally entitled to 26 weeks of maternity benefits. In addition, the public healthcare system is underfunded due to the SPDC’s unwillingness to spend more than 1.3 percent of the GDP on the country’s health services (this can be compared with the more than 40 percent it spends on the military).<sup>3</sup> This means that those few patients that can afford it attend private healthcare providers, leaving poor women no option but to rely on traditional healthcare. In many cases women are being left completely without access to adequate healthcare. Moreover, due to severe economic mismanagement, which has left Burma one of the poorest countries in the world with over 30 percent of it’s population living under the poverty line, many girls and women are forced to leave the country to pursue work abroad, in the process falling prey to trafficking gangs or ending up working in the so-called 3-D (dangerous, dirty and degrading) jobs.<sup>4</sup> Women rarely receive equal pay for equal work and are severely underrepresented in the civil service and in other decision-making positions.<sup>5</sup> Significantly, since the military coup in 1962 women have been barred from any positions with real political power as these jobs are reserved for the military, which women are all but banned from.

Domestic laws regarding specific crimes often committed against women, such as domestic violence and sexual violence, are sorely lacking: there is no law to address domestic violence and only some sections of the Penal Code dating from 1860 and not changed since, deal with sexual and gender based violence.<sup>6</sup> Recent anti-trafficking laws have been widely criticised for restricting women’s freedom of movement, as women under 25 have been prohibited from travelling to neighbouring countries, leaving many vulnerable to relying on traffickers to cross the borders.<sup>7</sup>

In May 2008 Cyclone Nargis hit Burma, devastating huge areas of Irrawaddy Delta and Rangoon Division. According to UN estimates, 2.4 million people were affected by the cyclone, with nearly 140,000 people dead or missing. The SPDC reacted by blocking emergency relief offered by international organisations and withholding the visas of foreign disaster experts, thus effectively obstructing any real relief efforts. In addition, eye-witnesses reported that the regime used the aid once it reached Burma for their own benefit. Soldiers were seen selling food packets destined for the victims of the cyclone at local markets, pocketing the profits, and villagers described how they had been blackmailed into voting 'yes' in the upcoming referendum in return for aid packages. Women-specific needs were not taken into account once aid-efforts were underway: an estimated 35,000 pregnant cyclone survivors were left lacking safe-delivery options and there was concern that orphaned girls and young women would fall prey to traffickers.<sup>8</sup> Some women and girls, separated from their families, were reportedly offered sex in return for money.<sup>9</sup> In addition, the destruction of homes and farms, as well as the loss of family members, meant that for many surviving women, the future seemed uncertain. The number of female-headed households increased in the aftermath of the cyclone as thousands of women were widowed, but the lack of public assistance meant that many families were left struggling on a daily basis just to survive.<sup>10</sup>

As noted above, the junta went ahead with the planned referendum on the draft constitution in May 2008, despite Cyclone Nargis. According to the SPDC, the people of Burma overwhelmingly voted 'yes' in the referendum for the new constitution, which had been written by a handpicked convention. However, there were numerous accusations of election fraud, including vote buying and the coercion of villagers to vote in favour of the constitution.<sup>11</sup> Opposition groups were also critical of how the new constitution not only fails to address the rights and interests of women but in fact promotes gender inequality. Women will be barred from one-quarter of the legislative seats: 25 per cent of seats in both houses will be reserved for the military, which women, as noted above, is all but banned from. In addition, both the President and the Vice-President must have military backgrounds and experience, thus excluding women from these positions. As people with foreign spouses are forbidden from running for election, Aung San Suu Kyi will be prevented from participating in any future elections.<sup>12</sup>

The majority of people in Burma continue to be left without access to adequate healthcare, as the regime spends less on healthcare than almost any other country in the world. Women and children are worst affected by the lack of health services and as a result, the country has one of the highest rates of maternal and infant mortality in the region. Due to official lack of funding, those who cannot afford private healthcare have to rely on community-based organisations. However, over the last few years especially, both domestic and international organisations and NGOs have had increasingly more restrictions placed on their work. Any organisation not affiliated with the regime risks having its staff members arrested under the Unlawful Associations Act (1975).<sup>13</sup> This has made it even more difficult for people to access health services. In the aftermath of Cyclone Nargis more people than ever were left without access to healthcare, as many local clinics were destroyed in the storm and staff were killed. The lack of trained midwives and care centres means that pregnant women living in hard-to-reach cyclone hit areas were the most vulnerable of cyclone-survivors.<sup>14</sup>

A most troubling aspect of women's rights in Burma has been the continuing reports of widespread gender-specific sexual violence and abuse committed by military forces in the border areas. A significant number of rape cases have been documented since 2002. Their systemic nature has led to concerns of specific targeting of some ethnic and religious groups. However, the junta denies this, and the practices continue with the ostensible sanction of those higher up the command chain.<sup>15</sup>

It is the confluence of all these features of disadvantage and discrimination in the case of ethnic minority women in the border regions, which leaves them the most vulnerable of all. Recognising this, in January 2007 a draft resolution on Burma presented to the United Nations (UN) Security Council urged *inter alia* as follows;

*“Calls on the Government of Myanmar to cease military attacks against civilians in ethnic minority regions and in particular to put an end to the associated human rights and humanitarian law violations against persons belonging to ethnic nationalities, including widespread rape and other forms of sexual violence carried out by members of the armed forces.”*<sup>16</sup>

The resolution was opposed by the SPDC representative and vetoed by China and Russia.<sup>17</sup>

The junta has previously failed to adopt measures aimed at protecting women in the border areas as part of the ‘Platform for Action’ developed at the Fourth World Conference in Beijing, China by the UN Commission on the Status of Women in 1995.<sup>18</sup> More recently, at the 2008 CEDAW meeting, the Burmese delegation refused to recognise any kinds of gender-based discrimination in Burma, even going so far as claiming that it is unnecessary for the regime to define what ‘discrimination’ is since Burmese women already enjoy an equal status to that of men.<sup>19</sup>

The SPDC stance is telling. It cannot merely be accused of failing to do enough. It has not undertaken basic steps to promote gender equality in the public sphere. But further, it fails to act to protect its citizens, including women, when made aware of human rights abuses, thereby further entrenching gender disadvantage and discrimination.



An elderly cyclone survivor from Labutta Township in Irrawaddy Division takes refuge in a relief centre after her home was destroyed by Tropical Cyclone Nargis on 2 May 2008, in which an estimated 140,000 people lost their lives. [Photo: © Reuters]

## 17.2 Women in Politics

*“Under the military regime, practicing democracy and participating in political activities have been classified as “crimes.” Political activists have been severely punished. Yet despite these harsh consequences, I am proud to say that women activists still dare to speak out against injustice. The women of Burma still have the courage to resist unjust laws and repressive rules.”*<sup>20</sup>

-Thin Thin Aung, Women’s League of Burma

Women in Burma have been active in politics since the 1920s, with many women partaking in the independence movement and women running for office in Burma’s first election as an independent country.<sup>21</sup> However, the military regime, in power since 1962, has barred women from gaining any powerful political positions by making the military all-male, thus preventing women from having any real influence at the highest decision making levels.

This has not stopped women from participating in the opposition democratic movement. Thousands of women joined the student movement in 1988 and hundreds were killed after taking to the streets in the protests of that year. A large number of women became active in the National League for Democracy (NLD), the largest opposition party, with 16 women elected to Parliament in 1990, including Nobel Laureate Daw Aung San Suu Kyi. Many female activists were subsequently jailed, suffering torture and sexual abuse or forced to flee the country.<sup>22</sup>

As has been widely publicised, Aung San Suu Kyi is still under house arrest where she has been held on and off since 1989. One other female member of parliament (MP), Dr May Win Myint, is one of two MPs remaining in custody. Dr Myint finished serving a seven and a half year prison term in 2004, but each year since, the military has continued to detain her without charge or trial under Section 10(a) of the State Protection Act.<sup>23</sup>

During the Saffron Revolution in 2007, women again joined in the public protests. Many women activists played leading roles in the uprising and were later forced to go into hiding in order to evade arrest. The Assistance Association for Political Prisoners Burma (AAPPB) reported at the end of 2007 that during the military crackdowns on the public protests, at least 19 women disappeared and 131 women protestors, including six nuns, were arrested. Women’s groups based in exile have described how female protestors were attacked by the so-called special riot police authorised to commit gender-based violence. Women were punched, beaten up, verbally abused and had their sarongs and clothes pulled off by these military-sanctioned forces.<sup>24</sup> At the end of 2008, an estimated 179 women remained imprisoned, including nuns and political activists.<sup>25</sup> In a number of cases, female family members’ including wives, mothers, sisters, daughters, or other relatives of activists who participated in the protests were detained, to induce the activists’ surrender.<sup>26</sup> For example, in September 2008, Daw Tin Tin Win (75) mother of 88 Generation Student Group leader Ko Ant Bwe Kyaw, was arrested in spite of her old age and deteriorating health situation. During the same raid, a sister of well-known monk leader U Gambira narrowly escaped arrest due to her being seven months pregnant.<sup>27</sup>

Burma’s prisons are notoriously poor and women face particular difficulties when imprisoned, including gender-based violence, reproductive health problems, disease, and dire sanitation.<sup>28</sup> At the end of 2008, Burmese jails held 178 women prisoners of conscience. This represents a three-fold increase from the around fifty imprisoned women activists held two years ago.<sup>29</sup> Women prisoners included ten nuns, who were arrested and defrocked during the protests in 2007. Seven of the arrested nuns appeared in court in 2008, charged with ‘defamation of religion’ and sentenced to four years imprisonment.<sup>30</sup> Several of the nuns were elderly and sick, but have received no medical treatment and have

been barred from seeing family or friends.<sup>31</sup> The International Committee of the Red Cross has been denied access to Burma's prisons since 2005, which has led the organisation to publicly denounce the Burmese regime for its treatment of detainees.<sup>32</sup>

## Women's Organizations

In 2008, there were no independent women's rights organizations permitted inside Burma. Instead, there were SPDC-sponsored proxy organisations formed in the late 1990s, such as the Myanmar National Committee for Women's Affairs (MNCWA), and the Myanmar Maternal and Child Welfare Association (MMCWA). In 2003 the Myanmar Women's Affairs Federation (MWAFF) was founded as a successor to the MNCWA.<sup>33</sup> The MMCWA can be considered the main governmental organisation advocating and addressing the interests of women, with branches in all of Burma's states and divisions.<sup>34</sup>

However, these groups are all closely allied with the junta: Daw Kyaing Kyaing, wife of the leader of the SPDC, Senior General Than Shwe, is one of the MWAFF's patrons and Daw Khin Khin Win, wife of Prime Minister General Thein Sein, is its president.<sup>35</sup> Because of this close military connection they cannot be considered independent NGOs.<sup>36</sup> They have been frequently criticised for merely repeating the junta's line on women's issues and furthering the objectives of the military regime.<sup>37</sup>

There have been reports of abuse of power at the hands of the state-sponsored women's organisations. For example, individual members of the MMCWA, in running micro-credit programmes for women, have reportedly been pocketing high interests charged on loans. The MWAFF has forced its members to pay and attend trainings courses that they have arranged.<sup>38</sup> Moreover, both of these organisations have coerced villagers to becoming members, forcing them to pay high membership fees and undertake unpaid work.<sup>39</sup>



Detained opposition leader Daw Aung San Suu Kyi meets with UN Special Envoy Ibrahim Gambari in her Rangoon home in March 2008 where she has been held under house arrest for 14 of the last 20 years. *[Photo: © UNIC Rangoon]*

## Villages in Rural Areas

The impact of the military's presence in rural ethnic areas has had an unforeseen consequence in terms of political advancement of women. Due to the physical risks to village heads from military officers who deal directly with them to obtain labour, goods or money from their village, an increasing number of older women are being appointed to this role, as there is less of a risk that military officers will commit physical assaults upon them. The benefit is limited, however, as this has been employed as a strategy for reducing risk rather than a viable, constructive alternative for female involvement in political life. Furthermore, though the risk of violence and harassment is lessened, it is not eliminated.<sup>40</sup>

On 24 June 2008, for example, three village chairwomen from Kyakawa village, Kawkareik Township, Karen State, were arrested by DKBA Battalion #999 led by Commander Maung Chit Thu and fined 200,000 kyat. The reason for the arrest and the fine remain unknown, but villagers had previously been threatened by the DKBA battalion for allegedly supporting the KNU.<sup>41</sup>

## Women in Politics - Partial list of incidents for 2008

### Arakan State

On 7 August 2008, Mar Mar Oo a leading member of the 88 Generation Student Group, from Taungup Township, was arrested together with other activists.<sup>42</sup>

On 8 August 2008, Ni Ni May Myint, a student and NLD member, from Taungup Township in Arakan State, was arrested for her participation in a peaceful march to commemorate the anniversary of the 1988 uprising. Ni Ni May Myint was sentenced to two and half-years in prison, accused of *"inducing to commit crime against public tranquility and unlawful assembly."*<sup>43</sup>

On 15 August 2008, anti-government protester Myint Thein Chea and his wife Ma Htay Htay were arrested in Arakan State.<sup>44</sup>

### Mandalay Division

On 24 October 2008, NLD organising committee member Win Mya Mya was sentenced to 12 years imprisonment for her participation in the 2007 September protests.<sup>45</sup>

### Irrawaddy Division

On 28 August 2008, NLD Bogale Township Joint-Secretary Mi Mi Sein was sentenced to 30 months in prison for her participation in the Saffron Revolution. She was charged with unlawful assembly and disturbing the public order.<sup>46</sup> Mi Mi Sein was arrested in September 2007, together with nine other NLD members after staging a protest against the increase in fuel prices.<sup>47</sup>

### Magwe Division

On 5 February 2008, three boatwomen from Ywar Tan Shae village, Salin Township, were detained for one night and questioned by the authorities after assisting NLD members. The boatwomen had helped the NLD members reach their chosen destination of Yaynanchaung.<sup>48</sup>

## Rangoon Division

On 23 August 2008, NLD member Sandar from Twante Township was arrested by the Burmese authorities and later sentenced to 13 months imprisonment for obstructing a public servant and obscenity. Sandar's husband claimed the charges were politically motivated, as Sandar had exposed the corruption of public officials in the past.<sup>49</sup>

## Rangoon

On 29 January 2008, Thin July Kyaw was arrested together with her male colleague Nay Phone Latt, a well-known blogger, during a round-up of activists with links to the 2007 September protests. Thin July Kyaw was sentenced to two and a half years imprisonment in Insein Prison.<sup>50</sup>

On 20 August 2008, the SPDC sentenced Nu Nu Swe, mother of student leader Sithu Maung, to six years hard labour in Insein Prison. Nu Nu Swe and her husband were detained in November last year, one month after the arrest of their son, and charged with obstructing police investigations after delaying answering the door to the police who came looking for their son. Nu Nu Swe and her husband were both charged under Sections 353, 225 and 505 of the Penal Code.<sup>51</sup>

On 28 August 2008, NLD member Hla Hla Maw from Hlaingthaya Township was arrested and charged under sections 505 (B), 143 and 147 of the Penal Code. She was sentenced to seven years and six months in prison by the court in Insein prison.<sup>52</sup>

On 4 September 2008, Ma Ei from Mingala Taung Nyunt Township, was sentenced to five years hard labour for her participation in the public protests against the increase in fuel prices in 2007.<sup>53</sup>

On 10 September 2008, well-known female activist Nilar Thein, aged 35, was arrested after a year in hiding. The Burmese authorities wanted her for her activities during the Saffron Revolution. Nilar Thein has previously served two prison sentences for her political convictions and is known as one of the 88 Generation Student Group leaders. Her husband, Ko Jimmy, was arrested in 2007 and Nilar Thein was forced to leave their month-old baby behind with relatives when she fled.<sup>54</sup> Amnesty International has been calling for Nilar Thein's immediate release, claiming that she is at risk of torture and ill-treatment.<sup>55</sup>

On 27 September 2008, nine members of NLD were arrested when they participated in a ceremony to mark the party's anniversary and to commemorate the 2007 Saffron Revolution. Three of the arrested were women, Ma Htet Htet Oo Wai and Daw Shan Ma, both from Shwepyitha Township, as well as an unnamed middle-aged woman.<sup>56</sup>

On 27 September 2008, NLD member Daw Hla Hla May from Hlaingthaya Township, Rangoon, was arrested for her participation in a peaceful protest in which she brandished a banner calling for the release of Aung San Suu Kyi. She was taken to Insein prison, charged under sections 143, 145, 152, 505 and 505(b) of the penal code for illegal assembly, resisting officials on duty, and disturbing the public order.<sup>57</sup>

On 11 November 2008, seven women from the 88 Student Generation Group were sentenced to 65 years imprisonment each. A total of 28 male members of the same group were given the same sentence. Most of the women were arrested in August 2007 after organising protests against the increase in fuel prices. The women imprisoned were:

1. Sandar Min (aka) Shwee;
2. Thin Thin Aye (aka) Mie Mie;
3. Thet Thet Aung;
4. Hnin May Ag (aka) Nobel Aye;
5. Thara Phee Theint Theint Tun;
6. Aye Thida;
7. Ma Nweah Hnin Ye (aka) Noe Noe.<sup>58</sup>

On 11 November 2008, the court in Insein Prison sentenced well-known labour rights activist and NLD member Su Su Nway to twelve years and six months in prison.<sup>59</sup> She was arrested in November 2007 after being caught hanging banners bearing anti-government slogans on public buildings and charged with joining an assembly intended to cause public unrest.<sup>60</sup>

On 13 November 2008, ABFSU member Honey Oo (22) from Tamwe Township was sentenced to nine and a half years in prison for her involvement in the September 2007 protests.<sup>61</sup>



HIV/AIDS activist and NLD member Daw Phyu Phyu Thin. On 5 March 2008, Daw Phyu Phyu Thin, Daw Su Su Nway and Daw Nilar Thein were jointly awarded the Czech Homo Homini award for their “*significant contribution in the field of human rights*”. None of the women were able to attend the awards ceremony; Su Su Nway remained imprisoned, while Phyu Phyu Thin and Nilar Thein had both gone into hiding after the SPDC had tried to arrest them for their leading roles in organizing the September 2007 Saffron Revolution protests. [Photo: © AFP]

## 17.3 Health of Women in Burma

*“States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.”<sup>62</sup>*

- Article 12, Paragraph 1, CEDAW

*“Notwithstanding the provisions of paragraph 1 of this article, State Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.”<sup>63</sup>*

- Article 12, Paragraph 2, CEDAW

Burma has one of the lowest levels of government spending on health care in the world, with the junta directing the majority of the country's GDP towards the military complex. The SPDC only allocated 0.3 percent of GDP in the fiscal year 2007-8 to the Ministry of Health.<sup>64</sup> In other words, this amounts to about US\$0.70 per person.<sup>65</sup> As a result, the majority of people in Burma have been left without adequate healthcare, contrary to Burma's obligations under the CEDAW. Women and children are the worst affected by the lack of a functioning healthcare system: infant and maternal mortality death rates are among the highest in the region.<sup>66</sup>

A World Health Organisation (WHO) study in 2000 ranked Burma 190 out of 191 countries in terms of the gap between its potential health services and its actual performance and Médecins Sans Frontières (MSF) included the country on its list of the top ten humanitarian crises in 2008.<sup>67</sup>

Lack of funding means that increasingly, health has become privatised, with almost 90 percent of services paid for by the patients themselves.<sup>68</sup> People needing urgent medical care have been forced to borrow money at extortionate rates in order to afford the treatment, indebting themselves in the process.<sup>69</sup> This means that most healthcare is out of reach for the poor, particularly those living in rural areas. According to MSF, some of the largest gaps in health services are in Arakan state, in which a large number of the Muslim population is living with malaria and HIV/AIDS. Since this group of people is denied citizenship, they are living under particularly difficult circumstances.<sup>70</sup> In addition, increased SPDC military offensives in border areas have had a direct impact upon the healthcare situation: human rights abuses and forced relocations have resulted in more internally displaced persons (IDPs), who are susceptible to preventable diseases such as malnutrition, malaria, tuberculosis (TB) and other tropical diseases.<sup>71</sup> According to a recent MSF report, Burma has among the highest rates of TB worldwide and the number of deaths due to malaria equals more than half of those in the whole of South-East Asia.<sup>72</sup> (For more information, see Chapter 11: Right to Health).

## Pregnancy and Childbirth

Women frequently face health problems during pregnancy and childbirth, with those living in rural areas and conflict zones disproportionately affected. Those who live far from clinics, or IDPs in hiding from the military, are often forced to give birth in unsuitable, unhygienic conditions without the assistance of trained medical staff. There is little wonder then, that Burma has one of the highest levels of infant and maternal mortality rates in the region.<sup>73</sup> There is little access to family-planning programmes and traditions determine that the issues surrounding reproductive health, and in particular fertility control, is a strictly private matter between a husband and wife. The number of unwanted pregnancies is therefore high and since abortion is illegal in Burma, women are forced to rely on unsafe methods to end their pregnancies. According to UN estimates, unsafe abortions account for half of maternal deaths.<sup>74</sup>

The cost of contraceptives is high, and thus very difficult to obtain in Burma, especially outside urban areas. There have even been reports of smuggling of contraceptives from Bangladesh.<sup>75</sup> Also the costs of childbirth are unsustainable. In 2004, a hospital birth cost 200,000 kyat. As a result, women in villages generally have to rely on the assistance of midwives. Others must save money during their entire pregnancy.<sup>76</sup> In northern Arakan State, the increased pressure by SPDC imposing limits on children and marriage of the Rohingya ethnic minority has led to more unsafe abortions. In addition, there is a scarcity of midwives.<sup>77</sup> In conflict zones of eastern Burma, a recent survey showed that almost 90 percent of pregnant women give birth at home, in most cases without the assistance of skilled staff, leading to an increased infant mortality rate: 91 deaths for every 1000 live births. This can be compared with a national average of 76 across other areas of Burma and just 18 in Thailand. The maternal mortality rate is not much better: almost one in twelve women die during childbirth in Burma.<sup>78</sup>

The after-effects of Cyclone Nargis were particularly hard on pregnant women. The junta restricted the delivery of international aid which could have helped cyclone survivors; it was an approach which exacerbated the risks faced by women in the affected delta region.<sup>79</sup> The United Nations Children's Fund (UNICEF) expressed concerns at the time of the cyclone about the health of pregnant cyclone victims who did not have access to nutritious food. Mental trauma can be very hard on expecting mothers and children but professional psychological support is still lacking in Burma.<sup>80</sup> The United Nations Population Fund reported in June 2008 that around 100 women a day were going into labour in the cyclone-affected areas, where the loss of health centres and skilled midwives meant that women were forced to give birth in unsanitary and potentially hazardous conditions.<sup>81</sup>

Several instances were reported of women dying or falling ill during childbirth, as a result of lack of treatment. For example, on 11 August 2008 a woman carrying twins died after failing to deliver the second child. The woman, Sawlayma Khatun aged 22, had been living in a Rohingya refugee camp and did not have access to proper healthcare facilities. She was referred to a clinic but was denied treatment due to insufficient funds.<sup>82</sup>

## HIV/AIDS

The SPDC's slow response to Burma's HIV/AIDS crises has increased the spread of the disease. Burma is reported to have one of the most serious HIV epidemics in Asia, with many new infections occurring amongst high-risk groups such as sex workers and intravenous drug users. According to a report released by MSF in November 2008, around 240,000 people are living with HIV/AIDS. However, due to the lack of reliable healthcare statistics, it is difficult to ascertain exact numbers.<sup>83</sup> Overall though, there seems to be consensus that the HIV/AIDS prevalence level has decreased from a peak of 0.9 percent in 2000 to 0.7 percent in 2007.<sup>84</sup> Despite the overall decrease, the proportion of women living with HIV/AIDS actually increased from 15 percent in 1990 to 38 percent in 2005, even though, on the whole, fewer women than men carry the virus. In addition, HIV/AIDS' impacts low-risk groups, i.e. female partners and children of men who have engaged in unprotected sex and drug use, and is steadily increasing. This is partly due to the fact that condoms are stigmatised and associated with sex-work. Even if more people had access to condoms, it would be difficult for women to negotiate condom use, as that would be tantamount to accusations of infidelity.

Despite the high numbers of infections, the junta spent only \$200,000 in 2008 on fighting the disease, which roughly corresponds to one tenth of the money they earn each day from the sale of natural gas. International organisations and local community groups provide the majority of medical treatment, but their work is limited and constrained by the Burmese authorities. According to UNAIDS, only 15 percent of those needing antiretroviral treatment (ART) are receiving it and the majority of HIV-positive pregnant mothers are not receiving any assistance at all to prevent transmission of the virus to their unborn children.<sup>85</sup> In sum, medical treatment is only provided to a fraction of those who need it, and estimates show that around 25,000 people will die in Burma from AIDS in the next year unless they are given sufficient care.<sup>86</sup> For the vast majority of people who do not have access to free ART treatment, they are forced to live without recourse to expensive pharmaceutical treatment, the costs of which is out of reach for most people living in Burma today. Many families become indebted while trying to pay for the treatment and often cannot keep up with the costs.<sup>87</sup>

The rural areas, which hold 70 percent of the population, have been the worst hit by the HIV/AIDS epidemic. The rates are highest in the Shan and Kachin states of Northern Burma.<sup>88</sup> Expanded mining projects in these areas see increased numbers of men in mining camps, where drugs are readily available, reportedly given to mining employees in order to encourage longer working hours. The authorities seem to turn a blind eye to the drugs trade as they levy taxes on their businesses, even though the high levels of intravenous drug use means that HIV/AIDS is spreading fast and far. Limited job opportunities and low wages mean that many women in the mining areas turn to sex work as a means of supporting themselves.<sup>89</sup> Lack of health information and lack of condoms lead to unsafe-sex practices, thus exacerbating the HIV/AIDS epidemic. Men working in the mines, upon return to their villages and families, spread the virus.<sup>90</sup> Also, the secondary viruses which most frequently lead to HIV death, tuberculosis and malaria, are highly prevalent in the northern and border regions. These are preventable diseases, but due to the lack of health information and treatments, as well as increased hindrances by the junta for NGO access to these areas, they contribute to increased numbers of deaths.<sup>91</sup>

The threats and arrests of HIV/AIDS activists in Burma aggravate the crisis. In 2007, well-known AIDS-activist Phyu Phyu Thin was arrested and later forced to go into hiding. In early 2008, she was awarded the Czech Homo Homini award, together with two other Burmese female activists.<sup>92</sup> Phyu Phyu Thin is still in hiding, wanted by the Burmese authorities because of her involvement in the Saffron Revolution.<sup>93</sup>

Widespread human rights abuses by the junta fuel the spread of HIV/AIDS: sexual violence, forced displacement, and entrenched discrimination against those who have or are believed to be at risk of infection, remain important features of any discussion of HIV/AIDS in Burma.<sup>94</sup>

## 17.4 Women and Forced Labour

Burma is a signatory to the 1930 ILO Convention No 29 on Forced Labour, which explicitly prohibits the employment of women in forced labour. Burma is also a signatory to CEDAW, which requires state parties to eradicate government policies that hinder the development and advancement of women. In spite of these obligations under international law, one of the most widespread violations of human rights in Burma is the sustained practice of the military government to utilise forced labour in meeting its infrastructure and military goals. In rural ethnic regions this frequently leads to internal and external displacement; with the regular demands for unpaid labour jeopardising family and village livelihoods and exacerbating the humanitarian crisis.<sup>95</sup>

The types of forced labour reported include: portering; land-clearing, road and military camp construction; participating in profit-making ventures for SPDC personnel such as: tending rubber, sugar, coconut plantations; sentry duty around military camps or the village; as well as obligatory recruitment into SPDC controlled organisations such as the USDA, MMCWA or MWAF. Portering is especially risky for women, as it often involves carrying heavy loads without adequate food, water, and sanitation for menstruating or pregnant women. In addition, women often have to cook for the troops at night, and sleep without shelter, and remain at increased risk of sexual assault.<sup>96</sup>

The junta continues to deny its use of force labour, however the systematic nature of the demands: quotas required from villages and households, the requirement for troops to 'live off the land', the number of public projects upon which forced labour is used; and the extent of the measures employed by villages in response to cope with these demands, belies these denials.<sup>97</sup> Village heads report that labour requirements are almost constant and one village may need to service a number of SPDC commands in the area simultaneously.<sup>98</sup> Much international criticism has been voiced, particularly given the country's accession to the 1930 ILO Convention No 29 on Forced Labour.<sup>100</sup> However, no prosecutions of military personnel have occurred in Burma, and there have only been a limited amount of cases brought against civilian officials.<sup>99</sup> Whilst more prevalent in SPDC controlled-areas, villagers in ceasefire areas controlled by SPDC-allied military groups such as the Democratic Karen Buddhist Army (DKBA) and the Karen Peace Force (KPF) report similar demands. (For more information, see Chapter 7: Forced Labour and Forced Conscription).

The military's practices have led to increasing demands upon women. First, as discussed above, there are more women village heads appointed to the difficult position of meeting military demands for labour or taxes.<sup>100</sup> This has exposed women to greater risks of abuse by military officers demanding forced labour from their villages.

Second, either in order for male householders to continue earning the necessary income for the family, or because males have already been killed, or to meet competing demands from different troops, females and sometimes children are sent to meet the forced labour quota required, regardless of age or whether the woman is pregnant or a new mother.<sup>101</sup> This has led to the more physically demanding tasks traditionally imposed upon males – clearing brush, portering, message running, road-building – falling upon women. Sometimes children are brought with them, but otherwise are left to fend for themselves at home. Furthermore, even if only men are forced to meet the labour requirements, women are required to carry the greater burdens of usual rural life, such as tending fields in addition to keeping house and looking after children.

Lastly, women face increased risk of sexual violence, especially when isolated from their communities during forced labour. A report released by the Karen Women's Organisation (KWO) in February 2007 contained details of human rights abuses committed by the military against Karen women, including rape and torture, in addition to other forced labour requirements, and little has changed for the women in these areas over the course of 2008.<sup>102</sup> The report echoes the findings of an earlier report, released in 2005, that documented 37 incidents of sexual violence against 50 women and girls living in Mon State. The victims were raped at night and forced to work for SPDC troops during the day.<sup>103</sup>

Reports show that forced labour was widespread throughout Burma and remained a problem, especially for women and girls, throughout 2008. For example, in southern Mon State the use of forced labour by local authorities and members of the armed forces increased in the first half of the past year. The use of forced labour was related to the construction of two pipelines and the types of labour enforced on the villagers included building bridges, carpentering, brick making, and forced recruitment into the military forces. Women and children were commonly coerced into stockpiling material for the constructions that were underway, as well as participating in guard-duty.<sup>104</sup> The ILO reported continuous use of forced labour throughout Burma and expressed concerns about the threats and arrests of labour rights activists.<sup>105</sup>

On 11 July 2008, SPDC Infantry Battalion (IB) #427 forced 23 villagers, of which three were female, from Ri-Dah village, Tavoy-Ye Township and Daw Mu Leh village, Shadaw Township, to serve as porters. The villagers had to carry food to the military camp based near Htay-yu Mountain, an eight-hour walk by foot, and were ordered to walk in front of the soldiers in order to clear mines and protect the troops from attacks by insurgent-groups.<sup>106</sup>

On 11 November 2008, well-known labour rights activists Su Su Nway was sentenced to twelve years and six months in prison. Su Su Nway was the first Burmese citizen to have filed a successful complaint against the use of forced labour in Burma. Due to her political activism, she has been arrested and attacked by SPDC-affiliated groups on several occasions. She is currently in solitary confinement in Insein Prison and has been denied both family visits and medical treatment for her heart condition.<sup>107</sup> Amnesty International expressed grave concerns over the state of her health and urged the SPDC to immediately release her from prison.<sup>108</sup>

On 11 December 2008, villagers, including 30 women, from the Sha-si-boh village tract in Tantabin Township, Rangoon Division, were forced by troops from LIB #149 to carry heavy loads to the Htee-nya-pei-lo military camp. The military camp is located several hours walk by foot from the villager's homes.<sup>109</sup>

## 17.5 Trafficking and Prostitution

### Trafficking

Under its legal obligations to the CEDAW, the SPDC is required to “*take all appropriate measures ... to suppress all forms of traffic in women.*”<sup>110</sup> Nevertheless, trafficking of persons in Burma continues to be a serious problem. Persons are trafficked out of Burma for purposes of forced labour, domestic servitude, and/or sexual exploitation. In addition, internal trafficking within Burma, principally for forced labour, remains rife. In 2008, the US Department of State placed Burma on Tier 3 – the worst category for human trafficking – due to the country not complying with minimum standards and efforts to counteract the practice.<sup>111</sup>

In 2008 women and children continued to be trafficked from Burma for the commercial sex industry into surrounding countries such as: Thailand, China, Bangladesh, India, Malaysia, South Korea, and Macau.<sup>112</sup> Some victims of trafficking were economic migrants lured by false promises of good jobs and better opportunities. Other cases involved the forcible movement of persons across borders. As a result of poverty resulting from years of economic mismanagement by the military junta, friends and family members of the victims can often be tempted by the ‘agent’s fees’ offered by the traffickers.

In Burma, it is primarily Shan, Kachin and other ethnic minority women who are trafficked across the northern border, Karen and Mon women being trafficked across the south, and those from Arakan State who are being trafficked to Malaysia for labour by boat. The trip by boat is a dangerous one and families frequently experience not hearing from their loved ones ever again.<sup>113</sup>

There have been reports of Burmese women being trafficked from refugee camps in neighbouring countries. For example, on 3 July 2008, eleven ‘long-neck’ Padaung women, men and children went missing from their villagers in Mae Hong Son Province, Thailand, allegedly trafficked by business men to tourist-spots in the south of Thailand. The Padaung’s freedom of movement has been severely restricted by the Thai authorities who deny the women wearing brass-rings a chance to resettle in third countries. Several Padaung women have expressed their discomfort at being held as low-paying tourist attractions, and for being prevented from leaving their villages.<sup>114</sup>

### Trafficking of Women to China

In 2005, the Kachin Women’s Association of Thailand (KWAT) documented trafficking of Kachin women to China, ostensibly for work but instead being forced into prostitution. Half of the trafficked women were forced to marry Chinese men. In 2008, a new report was released by KWAT entitled “*Eastward Bound*” in which an update on the issues covered in the 2005 report, is offered. According to KWAT, more women than ever were forced to leave Burma due to spiralling living-costs and an increase in the extraction of natural resources which pushed people off their lands. The failure of the regime to issue ID cards to members of ethnic groups makes women and girls vulnerable to traffickers whose help they need to cross the borders. Again, almost half of the women trafficked were forced to marry Chinese men and a fifth of women who left their homes have simply disappeared. Many were under the age of eighteen, some as young as fourteen. Two cases documented by KWAT involved the trafficking of pregnant women, with the purpose of buying the women’s babies.<sup>115</sup>

## Anti-Trafficking Measures

The SPDC has taken some steps to counter external trafficking of persons, albeit largely inefficient ones. In 2005, an Anti-Trafficking in Persons Law was enacted by the regime and there have been a number of prosecutions under it since. In August 2007, it was reported that the junta was setting up more border liaison officers to curb human trafficking in Tachilek, Myawaddy, Kawthaung and Muse. The junta also announced a national 5-year plan to eliminate trafficking. However, the regime's anti-trafficking measures have been criticised for simply restricting the migration of young women and girls, thus making them more vulnerable to traffickers and in addition, forcing them to leave the country illegally.

Under the new laws, the price of passports for young women have increased, thus making it even more difficult to obtain legal means by which to travel across the borders. This means that upon returning to Burma they are at risk from arrest by the Burmese authorities. There have also been several documented cases of false arrest under trafficking charges, and the extortion of money by public officials.<sup>116</sup> For example, young women living in Eastern Shan State need a recommendation letter from the MWAFF in order to migrate to the border. Ostensibly this is done to safeguard women from traffickers but as the cost of this letter is beyond the range of most people, it appears that the MWAFF is merely extorting money rather than offering any kind adequate protection or support. Similarly, the local authorities in many areas of Burma have reportedly been taking money from households from which people have left without receiving official approval.<sup>117</sup> In July 2008, many overseas employment agencies based in Rangoon were banned from helping women finding legal work abroad, thus leaving women even more at risk from trafficking.<sup>118</sup> For women returning home after being trafficked, there is always the risk of being ostracized from the community. Lack of information means that women are often blamed for what has happened to them, and the patriarchal belief that a woman must be 'pure' in order to marry, further stigmatises women. This leads to many women choosing to not report cases of trafficking.<sup>119</sup> The continuing high incidence of trafficking seems to indicate the laws are failing to effectively deal with the problem.

## Prostitution

Although prostitution is prohibited by law and punishable by three years in prison, its prevalence has grown in the restaurants, bars and massage parlours on the edges of the larger cities of Burma, in border towns and in the townships that have become established near mining, large infrastructure and forestry industry locations. There are also a number of bonded prostitution rackets operating in Burma. It is reported that many brothels operate with the consent of police or military officials, who receive large payments of so-called protection money from the brothel owners or are run by military personnel themselves.<sup>120</sup> Women working on the streets are forced to bribe police officers in order to escape arrest. In relative terms, prostitution is financially lucrative, but the profession comes with grave physical safety and health risks. HIV/AIDS is prevalent among prostitutes who find it difficult to insist on condom-use when they cannot afford to lose any customers, and rape and sexual assaults are common.

In 2008 the sex industry saw particular expansion in the aftermath of Cyclone Nargis.<sup>121</sup> Women from the affected delta-regions, many of them underage, left their homes for Rangoon in 2008 to work in the city's many massage parlours or karaoke bars.<sup>122</sup> Outside the cyclone affected regions, increasing numbers of young women were driven into prostitution due to the deteriorating economic situation inside Burma.<sup>123</sup> Many were also forced to go abroad to make their living as prostitutes in one of Burma's neighbouring countries. The border towns of Thailand and China have recently seen a sharp increase in the number of brothels and massage parlours.<sup>124</sup>

## 17.6 Violence against Women

United Nations Security Council resolutions 1325 (2000) and 1829 (2008) assert a duty on all states to prevent sexual and other violence against women in situations of armed conflict.

UNSC Resolution 1325 calls on;

*“all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict,” and, “Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions.”*<sup>125</sup>

Through Resolution 1820 the Security Council, noting;

*“that women and girls are particularly targeted by the use of sexual violence... Recalling its condemnation in the strongest terms of all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children.”*<sup>126</sup>

Throughout 2008 women from Burma remained highly vulnerable to violence at the hands of the state authorities. The perpetuation of male dominated military rule has fostered a climate of impunity whereby acts of violence against women are allowed to go unchecked. As such rape, torture and killing of women by SPDC military officers has continued unabated.<sup>127</sup>

Not even in refugee camps into which women and girls have fled for safety can women's security be assured. On 17 April 2008, an 18-year old woman was raped whilst fetching water. The girl, living in Dum Dum Meah refugee camp, was with a group of other refugees when forcibly abducted by a pair of local men, one of who raped her. The rapist was immediately caught as people nearby came to the girl's rescue, but upon demanding that action be taken against him, the refugees were detained for two hours. A couple of weeks before this assault, an 11-year old girl was attacked by local youths when she was fetching water. She luckily escaped due to the intervention of refugees nearby.<sup>128</sup>

On 7 May 2008, a 22-year old woman from Nayapara village in Maungdaw Township was travelling to Dum Dum Meah refugee camp to visit her brother when she was raped by two local youths. The rapists, identified as Amir Hussain and Sayed Alam from Zadi Moura village, dragged the woman into the jungle and raped her. After the assault, local villagers helped the woman to the camp where she reported the rape to the elders, but no further action was taken.<sup>129</sup>

On 3 June 2008, a 25-year old woman living in Dum Dum Meah refugee camp, Cox's Bazaar district, was raped by a local youth. The woman had been on her way to fetch water when she was attacked and raped. People nearby rushed to her aid upon hearing her screams for help. The rapist was identified as Sayedullah (22) from Dum Dum Meah village. He has been accused of committing another five rapes and was in custody at the time of writing.<sup>130</sup>

On 9 September 2008, a fourteen-year-old girl living in quarter-11, Zone-B of Umpiem Mai Refugee Camp on the Thai-Burma border was raped. The girl had left the house she shared with her parents to go to the bathroom but was raped by a 20-year old man, who later agreed to pay 20,000 baht to the girl's parents in order to evade imprisonment.<sup>131</sup>

On 16 September 2008 a 25-year-old woman was brutally gang-raped in front of her child in Lada Refugee Camp in Bangladesh. She became unconscious during the ordeal and was robbed of her money and earrings. The woman was later admitted to a local hospital in a critical condition.<sup>132</sup>

## Violence against Women in Ethnic Minority Areas

*“...under the military regime, which is holding absolute power with no rule of law, no women or girls – young or old, laypersons or nuns - are safe, whether in war zones, ceasefire or non-conflict areas, in isolated mountainous areas or in plain regions. Nearly all military rapists - whatever their rank - go unpunished, fostering the climate of impunity and escalating violence.”*<sup>133</sup>

- Oral Statement by the Women of Burma to the CEDAW Committee

The Burmese military regime sanctions systematic sexual violence against women and girls from ethnic minority groups as a way to subdue and destroy ethnic communities and strengthen military rule. The perpetrators often go unpunished, partly because many victims are too scared to report the crime. Some victims of sexual violence have been killed after the assault in order to eradicate any evidence of the crime.<sup>134</sup> Surviving victims of sexual violence are sometimes divorced by their husbands and ostracized from their communities, as they are seen as ‘shamed’ women.<sup>135</sup>

A large number of complaints of sexual violence perpetrated against women and girls of ethnic minority groups by members of the armed forces have been regularly documented since 2002. In that year, the Shan Human Rights Foundation (SHRF) and the Shan Woman’s Action Network (SWAN) released a report entitled *License to Rape*, which documented 175 rape cases in Shan State. The report documented that some were tortured over a period of months; 61 percent were gang raped, and one in four of the rapes ended in murder. Since then, several other reports followed, documenting the violence against women in other ethnic areas. In March 2003, Refugees International published *No Safe Place*, a report confirming and supporting the evidence presented in *License to Rape*. The report detailed incidents of rape and sexual violence in other non-Shan ethnic areas including Karen, Karenni, Tavoy, and Mon areas. The report indicated that rape occurs in conjunction with increased militarisation and other human rights abuses. In April 2004, the Karen Women’s Organization (KWO) released *Shattering Silences*, documenting 125 cases of rape perpetrated by soldiers of the Burma Army over a period of 16 years from 1988 to 2004 in Karen areas. High-ranking officers committed half of the rape cases documented, 40 percent were gang rapes and in 28 percent of the cases the women were killed after being raped. In September 2004, the Women’s League of Burma (WLB) released *System of Impunity* documenting 26 cases of rape, which transpired over a two-year period from 2002 to 2004 in all seven ethnic states.

In March 2007, the Women’s League of Chinland (WLC) released the report, *Unsafe State*, documenting 38 cases of rape at the hands of the Burmese military and close to army bases over a five-year period finishing in 2006.<sup>136</sup> Cheery Zahau, from the WLC spoke at the UN about the report, describing the circumstances of many rapes as being extremely brutal, sometimes leading to death; half being gang-rapes and one third being carried out in the military camps.<sup>137</sup> The report also included allegations of the rape of young female children, and the consequences of these actions being transmission of STDs, pregnancy and social stigmatisation. No prosecutions were undertaken, and at times the officers involved were of senior rank. The report described a culture of impunity amongst SPDC troops.<sup>138</sup>

In February 2007, the Karen Women's Organisation (KWO) published its report, *State of Terror*, documenting human rights abuses perpetrated by SPDC troops upon Karen women between 1981 and 2006 (most cases occurring since 2002). It included reports of more than 4,000 cases of forcible relocation, forced portering of those who were heavily pregnant (causing miscarriages) or breastfeeding, murders, rape and torture in over 190 villages by troops from over 40 battalions.<sup>139</sup>

Reported incidents of gang-rape and sexual assault by SPDC soldiers in 2008 reveal the patterns of gender-based violence previously reported were still continuing across the country in all of the ethnic states in disturbingly similar circumstances. These crimes were usually committed in tandem with other human rights abuses in militarised areas, such as forced labour; including portering or domestic duties, torture, beatings, extortion and denial of food, water and shelter.<sup>140</sup>

The correlation between sexual assault upon women and military incursions have led some, such as the CEDAW Committee, to accuse the Burmese regime of using sexual violence as a weapon of war against ethnic minority women. The regime has also been staunchly criticised for the culture of impunity that has legitimised violence against women.<sup>141</sup> A significant number of acts of sexual violence, torture and rape against women have occurred against women who are themselves or whose family members are said to be active in armed opposition groups. This feature of the violence has long been identified by representatives of the various Burmese opposition women's groups, who have urged the UN to charge the junta before the International Criminal Court.<sup>142</sup>

Evidence suggests a strong link between a military presence, for example, as part of government infrastructure works such as pipelines and dam projects, and increases in sexual and physical violence along with other human rights abuses such as dislocation, land confiscation, forced labour, extortion, torture, rape and killings.

## **Violence against Women throughout the Country**

The CEDAW Committee reports that there is a high prevalence of violence against women and girls in Burma, including widespread domestic violence. There are no laws specific to domestic violence or spousal abuse and the government maintains no statistics of these crimes. Rape is illegal but spousal rape is not, unless the wife is under 14 years of age. The prevalence of gender-based violence and the lack of reported incidents seem to suggest that the violence is socially legitimised. The few cases that are reported are often settled outside of court, with the offenders not having to serve any time in prison.<sup>143</sup>

Prostitutes have to face the threat of rape and violence from both customers and authorities, and have nowhere to turn if they have been attacked. Credible reports from NGOs and statements from prostitutes suggest that prostitutes taken into police custody are sometimes raped or robbed by police officers.<sup>144</sup>

A 2007 survey revealed that women in areas of eastern Burma considered domestic violence, physical assault, threats from the authorities and forced or early marriage as the most common types of violence. In Karenni State, domestic violence was most significant; whilst in Shan State forced marriage and physical assault of women was more prevalent. Threats of violence were greatest however in relocation sites and mixed administration areas where SPDC troops were stationed close by.<sup>145</sup>

## Physical Violence against Women - Partial list of incidents for 2008

### Arakan State

On 10 March 2008, Fatema Khatun (16) and Somuda Begum (14) were abducted by local Bangladeshi villagers after they crossed the Bangladesh-Burma border with their families in search of work. The families of the abducted girls went to the nearest village and reported the incident, but no action was taken and they were not able to ascertain the whereabouts of their daughters.<sup>146</sup>

### Chin State

On 9 June 2008, school teacher Ma Aung Pa (26) and student Ma Rari (18) from Pao Moe village were kidnapped by five armed men in Paletwa Township. The men, who only spoke Burmese, entered the village and initially demanded 7 million kyat from village elders. When the leaders were only able to raise 2 million kyat, the armed group took the two women with them as hostages. The villagers lodged a complaint with the local police station in Sinowa village, but no action was taken. At the time of the report villagers were still trying to raise the ransom money in order to free the women.<sup>147</sup>



One of the more horrific cases of sexual violence from 2008. The mutilated body of 15-year-old Kachin schoolgirl, Nhkum Hkawn Din who was gang raped, tortured, killed and mutilated by SPDC army soldiers in Bhamo Township of Kachin State on 27 July 2008. The girl's head was cleaved in with a blunt object, her throat had been slashed, her eyes gouged out, and she had been stabbed seven times in her abdomen and vagina. It is not known if she had sustained these injuries while still alive or post mortem. [Photo: © BSS]

## Kachin State

In late October 2008, a Shan woman working as a prostitute died from severe internal injuries after spending the night with a customer. The young woman met her client at a Russian mineral exploration camp in Tarmakhan, but after returning from her work she had to be admitted to the hospital in Hpakant, where she died. Examination of her body showed that the woman had sustained injuries to her vagina, cervix and uterus. No action was taken against the Russian client.<sup>148</sup>

## Shan State

On 20 December 2008, Naang Khawng (12) and her brother Zin-Ta (28) from Wan Hurng village in Ho Paang village tract were robbed and assaulted by 15 SPDC soldiers from IB #246, led by Sergeant Thein Aung. Naan Khawng and her brother were driving an ox-cart on their way to a mill, but were stopped by the soldiers who began interrogating the siblings about the activities of Shan soldiers. The siblings were tied up to their cart and their cow was stolen by the soldiers. The sibling's father later filed a complaint at the military base, but the commander at the base denied any wrong-doing.<sup>149</sup>

## Sexual Violence against Women - Partial list of incidents for 2008

### Arakan State

On 3 May 2008, two policemen went to Aung Seik Pyan village tract in Nasaka area No 4, and raped a widow living there. The authorities were informed of the crime and the pair was arrested the same day, but later fled. They were re-arrested. Local villagers suspect the perpetrators were set free on purpose.<sup>150</sup>

On 23 November 2008, Daw Aung Tha May (45) was raped and murdered whilst she was guarding saplings of teak at her nursery. Daw Aung Tha May's throat had been cut. The authorities suspect local villagers of the crime, but no one had been arrested at the time of the report.<sup>151</sup>

### Chin State

On 8 June 2008, Ngun Chin (13) and Par Ku (14) from Thangtlang were raped in the house of a lawyer, by the lawyer himself and a SPDC Army Major. Major Soe Thaik Aung of the Light Infantry Battalion #268 and lawyer U Myint Phone detained the girls in the lawyer's house and raped them. After police had rescued the two teenage girls, one of them had to be hospitalized in order to receive treatment for the severe injuries she suffered from the assault. A complaint was filed with the local police who arrested the two men.<sup>152</sup>

On 10 August 2008, Captain Khant Kyaw from LIB #304 stationed in Lailenpi village attempted to rape two women on their way to the village. Daw Si Si (66) and her daughter (27) came across the Captain who was on patrol duty. Upon seeing the women, Captain Khant Kyaw told his soldiers to leave and, at gunpoint, forced the women to undress and tried to rape them. The women resisted and the Captain fired his gun in the air, after which his soldiers returned to the scene. Captain Khant Kyaw then abandoned his attempt and the women proceeded to Lailenpi village where they reported the incident to a local women's group. The women's group informed the camp commander about the rape attempt, after which the Captain decided to compensate the women monetarily with 200,000 kyat extorted from guests staying in the village.<sup>153</sup>

## Kachin State

On 7 July 2008, 15-year-old schoolgirl Nhkum Hkawn Din from Bhamo Township was raped, tortured and murdered by Corporal Aye Thein and two of his colleagues from LIB #437 based in Momauk Township. Witnesses testified that they had seen Burmese soldiers following the girl, who was on her way to bring rice to her brother when the assault took place. Nhkum Hkawn Din was found three days later near an army checkpoint, her body naked and mutilated: her eyes had been gouged out, her skull crushed beyond recognition, her throat had been slit and there were multiple stab wounds to her body. In addition, after the rape, it was clear that she had been further violated by knives. The preceding photograph shows Nhkum Hkawn Din's horrifically mutilated body as it was found.<sup>154</sup>

On 30 December 2007, Hpaumyang Kai (32), a mother-of-three, was raped and murdered in Nawngmi village by a Burmese soldier under the command of Sergeant Tun Tun, based in Myitkyina Township. Hpaumyang Kai's body was found on the outskirts of the village eight days after the rape. The soldier accused of the crime was interrogated but later released and no further action was taken against him.<sup>155</sup>

## Magwe Division

On 3 August 2008, a woman was sexually assaulted whilst visiting two travelling fortune tellers. The male fortune-tellers were in their twenties and from Mandalay. They were charged with luring a woman into illicit intercourse and sentenced immediately to seven years prison under section 366 of the penal code, without being given access to lawyers. The pair was to serve out the sentence in Nyaung U prison.<sup>156</sup>

## Mon State

In December 2008, a ten-year old girl from Han Gan village was raped by a former Burmese soldier. The girl was staying at the perpetrator's house along with other students attending evening classes with the ex-soldier's wife. After one of the classes, as the girl was sleeping in bed, the perpetrator carried her to another room and raped her. His wife was away at the time. The girl didn't dare to say anything about the assault but after while her grandmother sensed something was wrong and found out about the rape. A hospital check-up confirmed that the girl had been assaulted and the ex-soldier was arrested.<sup>157</sup>

## Tenasserim Division

On 13 August 2008, a 50-year old woman was abducted and held for five days. During this time, she was continuously raped by 25 soldiers from Light Infantry Battalion #282, as a punishment for being reportedly affiliated with an armed rebel group.<sup>158</sup>

On 13 November 2008, a 17-year old Mon girl was gang raped in Yebyu Township, by seven Burmese soldiers (including the unit's captain) from LIB #107. The girl had been working at her family's betel nut plantation when the assault took place. After the rape, the family left the village due to their fear of the soldiers.<sup>159</sup>

## Shan State

On 13 January 2008, an 18-year-old girl from Nawng Zum village, Mong Ping Township, was raped by a patrol of SPDC troops from LIB #528. The girl was on her way back home from selling goods at nearby markets when the soldiers stopped her and asked for cigarettes and cheroots. Upon hearing that she had sold all her goods, the soldiers got upset and Sergeant Tin Aye raped her whilst his troops stood guard. After the assault, the Sergeant robbed the girl of all the money she had earned during the day, around 40,000 kyat in total. The assault was reported to the village leaders, but they were too afraid of the SPDC troops to take any further action.<sup>160</sup>

On 24 May 2008, a 21-year-old woman from Nam Mawn village in Nawng Saang village tract of Kunhung Township was gang raped by SPDC troops from IB #246. The woman was returning to her village for dinner but ran into a patrol of around thirteen soldiers from IB #246. The soldiers stopped the woman for questioning and then proceeded to rape her one by one. The woman returned to her parents' farm after the gang-rape. She told them about the assault but they were too afraid to report it to authorities.<sup>161</sup>

On 21 June 2008, Nang Nu (24) was raped by a group of 6 soldiers led by Lieutenant Tat Kyaw from Kunhing-based Infantry Battalion #246, Company 3. Nang Nu was on her way home from the market when the assault took place. The rape was not reported to the authorities as the victim and her family were too afraid of the soldiers. The soldiers who raped Nang Nu were on duty to provide security for military trucks.<sup>162</sup>

On 8 October 2007, three girls aged 17, 18 and 20, from Khur Nim village were raped by soldiers from LIB #516 based in Nam Hsan Township. The girls were out gathering firewood and edible nuts when three soldiers stopped them. The soldiers accused the girls of being wives of Shan soldiers and raped them at gunpoint. The parents of the girls and the village elders did not report this crime to the authorities as they were too afraid of suffering reprisals.<sup>163</sup>

## Pegu Division

On 27 December 2008, a seven-year old girl was raped and murdered by a Burmese soldier from LIB #350. The girl, from Maubin village in Nyaunglebin Township, was playing outside her house around 5 pm when the soldier entered the village. A short while later, villagers heard the girl scream and her uncle ran to her. He found the girl dead, with three gunshot wounds to her chest. It was also obvious the girl had been raped. The battalion commander refused to investigate the assault.<sup>164</sup>

## Irrawaddy Division

On 5 September 2008, Captain Kyaw San Win of the logistics corps stationed in Labutta, attempted to rape a female doctor (40). The doctor was working on a touring medical ship, carrying 30 medical staff, which was stationed in the harbour at Labutta for the night. The Captain boarded the ship and entered the cabin of the female doctor on the pretext of checking her registration. The doctor shouted for help and people nearby came to her rescue and managed to eject the army captain from the ship. The soldier later returned with his soldiers, shouting abuse and threatening to sink the ship. The local township authorities took the Captain to an army camp where he was detained.<sup>165</sup>

## 17.7 Discrimination against Women

### Rural Areas

According to the Women of Burma, the traditional cultures of Burma's ethnic groups are patriarchal. Women are seen as secondary to men, and their roles as child-bearers and wives are emphasised in customs and behaviours as well as in the new constitution. There are no laws that address discrimination, and the new constitution does not encompass any legislative measures to deal with direct or indirect discrimination in the public and private sphere.<sup>166</sup> The CEDAW Committee expressed concerns that Burma's new constitution is, because of this, incompatible with the CEDAW Convention. The Committee also noted with concern that customary laws in Burma that discriminate against women are still in force, especially with regards to women from ethnic groups.<sup>167</sup>

Forced displacement usually affects the most vulnerable of populations; women, children and minorities.<sup>168</sup> The CEDAW Committee reports that women living in rural Burma are facing multiple discrimination and disadvantages. The rates of poverty and illiteracy are higher for rural women, and there is great difficulty for women to access health services and educational opportunities.<sup>169</sup> Traditional women's work, such as weaving, is often location-specific. Moreover, compensation for land confiscation and movement is usually paid to men rather than women. Additional pressures from military activities and abuses give rural women limited capacity to advance past survival: the need to obtain food, find fuel, wood and water and other tasks become priorities. These variables combine with negative stereotypes that often prevent women from participating in community-level decision-making processes. Also, negative outcomes of impoverished and transient lifestyles, such as prostitution and trafficking, abound.<sup>170</sup> This in turn contributes to further discrimination against women.



Women and children are seldom spared from performing heavily manual labour for the military. This photograph clearly shows a woman and a number of girls performing forced labour for the regime in Arakan State. *[Photo: © Narinjara News]*

## Education and Employment

There are no laws against sexual harassment in Burma and, as noted above, traditional concepts of the woman's role continue to be prominent.<sup>171</sup> Women remain underrepresented in most traditionally male occupations, including the civil service, and are effectively disqualified on the basis of their gender from some professions, including the military. As noted above, the new constitution does not ensure an equal representation of women within the legislative, executive and judicial branches, and many women's groups have voiced concerns that Article 352, allowing the government to appoint men to positions that are "*suitable for men only*", could be used to prevent the appointment of women from any professions that are seen as too hazardous.<sup>172</sup>

Less girls than boys attend school in Burma, as most families prefer to pay for a son's education, than a daughter's. When girls do enrol in school, they rarely finish their education as many daughters are forced to drop-out in order to supplement their families' income by working. In addition, parents living in rural areas are reluctant to send their daughters to school as the lack of village schools mean that the girls have to travel a long way by themselves. Due to the limited budget spent on education, there is on average only one school for every 25 villages. Many parents fear that their daughters will be vulnerable on their walk to and back from school to attacks by Burmese soldiers.<sup>173</sup>

## Marriage

The CEDAW Committee reports that Rohingya women face multiple forms of severe discrimination, including the restriction on marriages and pregnancies, which violates Rohingya women's human rights. All members of the Rohingya ethnic minority require permits to get married; however permission is costly and usually delayed by years. There is also restriction on how many children a Rohingya woman can have. If a Rohingya is found to have gotten married and/or have had children before permission is granted, they are arrested.<sup>174</sup>

For example, in September 2008, Rohingya woman Momtaz Begum (20) was arrested by the Burmese border security forces for allegedly having a love-affair, without having obtained permission to do so from the authorities. Momtaz Begum denied the allegations, but was nevertheless detained in Nasaka camp and severely beaten by Commander Major Win of Nasaka Area No 6, in Maungdaw Township. She was released after her parents paid the Commander 1.3 million kyat.<sup>175</sup>

On 20 July 2008, Shomjeda Begum (24) was arrested and detained in a Nasaka camp in Maungdaw Township. Shomjeda Begum had gone to stay with her parents after her husband abandoned her, but had not informed the authorities about her movements. After two days in custody, Shomjeda was released after paying the authorities 300,000 kyat, with a promise to pay another 200,000 at a later date.<sup>176</sup>

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- <sup>174</sup> Sources: “Minorities in Burma,” MRGI, October 2007; “UN Human Rights Experts Urge Burma to Address Discrimination against Rohingya,” *Kaladan News*, 3 April 2007; “Concluding Observation of the Committee on the Elimination of Discrimination against Women,” CEDAW, 7 November 2008.
- <sup>175</sup> Source: “Woman Arrested For Love Affair with Youth,” *Kaladan News*, 10 October 2008.
- <sup>176</sup> Source: “Woman Detained In Maungdaw Nasaka Camp Released,” *Kaladan News*, 23 July 2008.



The Human Rights Documentation Unit (HRDU) is the research and documentation division of Burma's government in exile; the National Coalition Government of the Union of Burma (NCGUB). The HRDU was formed in 1994 to document the human rights crisis confronting the many and varied peoples of Burma, and to defend and promote those internationally recognised human rights that are inherent and inalienable for all persons irrespective of race, colour, creed, ethnicity or religion. To this end, the HRDU published the first *Burma Human Rights Yearbook* in 1995 to comprehensively document the systematic and egregious nature of the human rights abuses being perpetrated in Burma throughout the previous year. This report, the *Burma Human Rights Yearbook 2008*, represents the 15<sup>th</sup> annual edition of the *Burma Human Rights Yearbook*, which, combined with all previous editions collectively comprise well over 10,000 pages of documentation and provide an unbroken historical record spanning the past one and a half decades.

All editions of the *Burma Human Rights Yearbook* and all other reports published by the HRDU can be viewed online on the NCGUB website at <http://www.ncgub.net> as well as on the Online Burma Library at <http://www.burmalibrary.org>. Any questions, comments or requests for further information can be forwarded to the HRDU via email at [enquiries.hrdu@gmail.com](mailto:enquiries.hrdu@gmail.com).

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