

7. Rights of Women

7.1 Introduction

Both the 1947 and 1974 constitutions of Burma codify principles of sexual equality, and the ongoing State Peace and Development Council (SPDC) controlled constitution drafting process maintains the right to equality as a guiding principle. Furthermore, Burma became a signatory to the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997. By acceding to the Convention, Burma is bound under international law to “*pursue by all appropriate means and without delay a policy of eliminating discrimination against women,*” with Article 1 defining discrimination against women as:

“Any distinction, exclusion or restriction made on the basis of sex which has the purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of the 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.”

CEDAW further establishes criteria on the promotion, fulfilment, respect and protection of the rights of women, which States Parties are obliged to adhere to.

In 1995, the UN Commission on the Status of Women put forth the Beijing Declaration and developed a Platform for Action at the Fourth World Conference in Beijing, China. The Platform for Action is “*an agenda for women's empowerment*” by both supporting CEDAW as well as furthering the Nairobi Forward - Looking Strategies for the Advancement of Women along with other related UN resolutions. The Platform for Action prescribes specific action to be taken by governments and civil society in “*areas of critical concern,*” which include poverty, health, education, violence against women, women in armed conflict, women and the economy, power and decision-making, institutional mechanisms for the advancement of women, human rights, media, the environment and the girl-child.¹ Whilst the SPDC signed the Platform for Action, it initially only acknowledged five of the twelve areas in developing a national plan for action while adding a sixth, culture, which was not included in the Platform for Action. The junta's initial five areas of concern included economy, education, the girl-child, health and violence against women. The SPDC later included environment and media in 2000.²

Despite its domestic and international obligations, the ruling military junta in Burma has consistently failed to secure the rights enumerated in these instruments for its female population, regardless of assertions from the regime that “*Myanmar women have been enjoying equal rights from the beginning of civilisation*”.³ In September 2005, Burma was ranked 129th out of a total of 177 countries evaluated for the United Nations Development Program's *Human Development Report 2005*'s Gender Empowerment Measure (GEM). The GEM calculates gender inequality by analysing economic participation and decision-making, as well as political participation and decision-making and power over economic resources.⁴

2006 was marked by continuing gender inequality as well persistent and serious human rights violations perpetrated against Burmese women, primarily by agents of the state, including; political harassment, forced labour, arbitrary execution, torture, systematic sexual violence,

and trafficking. Whilst women have been the specific targets of particular abuses, such as rape, the effects of abuses traditionally directed at men, or other indiscriminate abuses, necessitate examination in relation to women, as traditional gender roles coupled with community responses to such abuse have led to specific and changing effects of such practices on women.⁵

Women in Burma are particularly affected by the regime's disproportionate spending on the military and its economic mismanagement. The SPDC's inadequate spending for infrastructure, healthcare and education has lent to reinforcing traditional female roles while preventing them from accessing avenues through which they would be able to change their status, such as education and political participation. Poverty continues to disproportionately affect women within Burma. Those who do work do not receive equal pay for equal work on a consistent basis, and though they are legally entitled to receive up to 26 weeks of maternity benefits; this right was frequently not granted throughout 2006. Women continued to be underrepresented in traditional male occupations, and were effectively barred from some professions including the military which is all pervasive within Burmese society. As all roles of political importance are assumed by the military, the opportunities for women to gain positions of influence are thus largely restricted.⁶

Healthcare and health information is frequently inadequate or unattainable, particularly in rural and ethnic areas, exacerbated by the squeezing of funding to pay for increased militarization. These shortcomings have led to problems during pregnancy and childbirth due to the inability to attain or afford pre- and post-natal care. Women are left vulnerable to unwanted pregnancies, unsafe abortions, maternal mortality, as well as sexually transmitted diseases, a problem further compounded by increasing occurrences of trafficking in women, rape and prostitution.

Women of ethnic minorities continue to be the most vulnerable to human rights abuses and discrimination at the hands of the SPDC. In ethnic minority regions; healthcare and education are severely under funded and underdeveloped, and ethnic minority women are subject to forced relocation, labour, and portering in war zones, as well as physical, psychological, and sexual abuses. Forced marriage has also been reported, often following the rape of that woman by the soldier she is then forced to marry. Furthermore, the military's offensives and abuses have led to the large scale displacement of the population, leaving access to basic services, food security, and security of the person even more unattainable for rural women.

7.2 Women in Politics

“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:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.”

-Article 7, CEDAW.

Burma, as a State Party to CEDAW, has an obligation to ensure women's ability to participate in the political process. However, 2006 marked a continuation of the SPDC's failure to comply with their international obligations and secure these rights for Burmese women. In reality, the entire population of Burma continues to be denied access to a genuine democratic process. Nevertheless, Burmese women remain particularly disenfranchised and discriminated against. Whilst traditional cultural norms have tended to regard women as less capable than men, and have always created barriers against women in the public sphere, the militarization of society has had a weighted effect on Burma's female population. Women are precluded from joining the military, and as such prevented from rising to positions of influence within the country.⁷

The junta's tight control over civil society means that female participation in non governmental organisations (NGOs) is also severely curtailed. The Beijing Declaration and Platform for Action, adopted in 1995, emphasises that:

“The participation and contribution of all actors of civil society, particularly women's groups and networks and other non-governmental organizations and community-based organizations, with full respect for their autonomy, in co-operation with Governments, are important to the effective implementation and follow-up of the Platform for Action.”⁸

However, in 2006, there remained no independent women's rights organisations within the country.⁹ In their place the junta has instituted a number of Government Organised NGOs (GONGOs) to approximate the functions of such independent groups. Membership of these groups is coerced, with towns and villages often having quotas imposed upon them, and individuals having to pay for the privilege of membership. (For more information see Chapter 12 Freedom of Movement, Association and Assembly.)

One such group, the Myanmar Women's Affairs Federation (MWAFF) boasts of possessing over 2.6 million members.¹⁰ However, the organisation is widely considered to be little more than a propaganda mouthpiece for the policies of the ruling junta. Most of the leaders of the MWAFF are the wives or family members of top SPDC officials, and it is notable how often

the rhetoric of the MAAF mirrors that of the regime. On Women's Day in July 2006, MAAF President, Than Than Nwe, the wife of Prime Minister Gen. Soe Win, claimed that:

*"Myanmar women have achieved the momentum of advancement and security of life under the peace and tranquillity of the State [and] prevalence of law and order due to economic development and improved communication."*¹¹

The MAAF has also condemned the decision to refer Burma to the United Nations Security Council, which they stated would have a negative impact on Burmese women; accused exiled women's rights groups of "dancing to the tune of western nations" when reporting incidents of rape; and profited from draconian movement restrictions placed on women in Shan State through a system of payments required to circumvent such restrictions.¹² (For more information see below sections on Trafficking and Violence against Women).

Despite the obstacles facing women in participating freely in the political sphere, many have played a significant role within the Burmese democracy movement, leading to hundreds being gunned down during the brutal repression of the 1988 uprising. Subsequently, several women raised to prominent leadership positions in the newly formed independent political parties, including Nobel Laureate, Daw Aung San Suu Kyi, of the National League for Democracy (NLD). Sixteen women were elected to Parliament in the 1990 elections and, like their male counterparts, continue to be denied the opportunity to carry out their mandate by the SPDC.



On 31 August 2006, Su Su Nway of Burma was awarded the 2006 John Humphrey Freedom Award by the Canadian NGO Rights & Democracy. She was chosen from a field of 100 candidates nominated by human rights groups around the world. She had been released from SPDC detention in 2006 following strong pressure from the ILO, after originally being arrested for filing "false complaints" against SPDC officials for their role in forced labour practices. [Photo: DVB]

Women's continued participation in political movements leaves them open to harassment, intimidation and detention by the authorities. Since 1988 there have been around 200 female political prisoners in Burma. Whilst 2006, saw the release of Su Su Nway, in the face of

increasingly strong pressure from the ILO, (for more information see Chapter 1 Forced Labour and Forced Conscription and Chapter 2 Arbitrary Detention) Su Su Nway herself cautioned that *“there are many still struggling for justice who remain in detention.”*¹³ Included in this number is Burma’s most prominent political prisoner, Daw Aung San Suu Kyi. Her third term of house arrest was again extended by another year in May 2006.¹⁴ As a result, 2006 marked the tenth year out of the last 17 that Daw Aung San Suu Kyi has remained in detention.

At the village level, the Karen Human Rights Group have documented an increase in the participation of Karen women in the public sphere as a direct result of SPDC abuses, with many women now taking on the role of village head. Within such a heavily militarised zone, one of the key responsibilities of this role is to conduct negotiations with the military on behalf of the village. Men are considered more vulnerable in this role, and are frequently harassed, intimidated or attacked by the military. Women are considered less likely to suffer violence, and the traditional Burmese cultural practice of displaying respect for older women often puts them in a stronger negotiating position vis-à-vis the military, than a male counterpart. As a result, in some villages the position of village head is rotated around the women in the village. In this way, some Karen women have become empowered and more confident, and have subverted many traditional cultural perceptions of the role of women. In response, the SPDC has at times forced villages to reinstall a man in the position of village head, and increased pressure on its officers to ensure that they assert their authority over female village heads. Furthermore, less risk does not mean no risk, and the position of village head remained one vulnerable to persecution and targeting by the authorities. In 2006, village heads were frequently detained by the *tatmadaw* (SPDC armed forces), and sometimes beaten for failing to comply with their demands. The position of village head has, also, often resulted in the amassing of a large personal debt, as liability for SPDC demands is placed upon the incumbent of this position.¹⁵

The National Convention, the military run constitution drafting process, has been on going for many years now and is heavily controlled and manipulated by the SPDC, who seek to reserve 25 percent of future parliamentary seats for the military, leading Christian Solidarity Worldwide to describe the process as *“simply a rubber stamp for the SPDC’s own agenda”*.¹⁶ Whilst the drafting process maintains the right to equality as a guiding principle, it is unknown whether anything more than a nominal acknowledgment of women’s equality will be legislated for. However, it seems unlikely, given the regime’s continued assertions that such measures are unnecessary as Burmese women *“have no need to demand their rights for they can enjoy their rights on equal terms with men.”*¹⁷ As recently as the 30 November 2006, Chief of Police, Brig-Gen Khin Yi, stated that *“53% of its (Burma’s) total population are women and our traditional norms and culture place them on an equal footing with men.”*¹⁸ Currently, only five percent of the delegates to the National Convention are women.¹⁹ Thus, the drafting process itself can be seen to both mirror and reinforce gender discrimination within Burma.

Burmese women’s organisations in exile have long argued that the interests of women must be a central element in any process of drafting a new constitution. Women should therefore be involved at every stage of the drafting process. A broad-based movement of opposition groups is currently involved in the drafting of a constitution, separate from the SPDC-controlled process, and based on a federal democratic system. The Women’s League of Burma (WLB), an umbrella organisation of Burmese women’s rights groups in exile, is serving as the principle women’s representative in this alternative process, and seeks to

encourage the “*acceptance of principles and practices of gender equality as well as the meaningful participation of women in decision-making processes*”.²⁰ As part of their constitution-drafting process, the WLB have established a number of criteria that they believe would improve the status of women in Burmese life. They stress:

- The importance of any government in Burma recognising the principle of the advancement of women, and making a commitment to the removal of all barriers hindering women from achieving equality with men.
- Adopt a minimum 30 percent quota for women at all levels of government. The WLB believe that this is the most effective strategy to immediately bring about women’s representation at the levels of government where, traditionally, their advance has been prevented.
- Adopting a proportional representation system of government within a federal, democratic Burma, which would swiftly increase women’s and minority group’s representation in government, where they have been traditionally marginalised.
- A Ministry for Gender Equality should be formed to provide support for women, by ensuring that gender equality policies are followed and that women have a venue to pursue their grievances.²¹

It is the belief of the WLB that the historical traditions of gender inequality are so entrenched in Burmese cultural belief that the establishment of legal equality will be a nominal triumph only, and carry little weight in ensuring that women assume their rightful place as equal citizens. Only through a campaign of positive discrimination and affirmative action can women be quickly advanced to the higher levels of policy-making, where they can make the necessary changes to ensure true equality, and a state of genuine democracy in Burma.²²



This 44 year old village headwoman in Pa'an Township of Thaton District was detained by local DKBA Brigade #333 forces in February 2006. They slapped her in the face, extorted 100,000 Kyat in cash from her, and ordered her to show them the houses of people connected to the KNU.
[Photo and caption: KHRG]

7.3 Health of Women from 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.”

- Article 12, Paragraph 1, CEDAW.

Healthcare continued to be considered a low priority by the SPDC in 2006, resulting in serious deficiencies in the provision of services contrary to Burma's obligations under CEDAW. The World Health Organisation (WHO), using figures provided by the SPDC, estimates Burma's funding on health services to be just 2.8 percent of GDP²³, an SPDC statistic, that even if accepted, pales in comparison with the more than 40 percent of GDP that the regime spends on its military and defence. This figure, combined with that for education, roughly equates to a total spend of US\$1 per person per year on health and education, and substantially explains the WHO ranking of Burma at 190th out of 191 countries for the standard of overall healthcare provision.²⁴ The under funding of medical services is particularly apparent outside of Burma's main urban population centres, where staff are often poorly trained and lack the equipment and resources to operate effectively.²⁵ The continued militarization of many rural areas, with concomitant human rights abuses and oppression, serves to greatly exacerbate the consequences of this lack of funding. (For more information see Chapter 7 Right to Health and Education)

Women frequently face health problems during pregnancy and childbirth, with those living in rural areas and conflict zones disproportionately affected. Those far from clinics, or IDPs in hiding from the military, are often forced to give birth in unsuitable, unhygienic conditions. One 20 year old Karen villager, Naw Wah Ye Paw, who fled her village in Mone Township, Nyaunglebin District, told of how she miscarried whilst in the jungle hiding from the SPDC army. She was four months pregnant when she was forced to leave her village in October 2006 through a fear of abuse at the hands of the *tatmadaw*. Despite hopes that they would be able to return to their village, the continuing offensive and the planting of landmines around the village meant they were forced to continue to live in hiding, with a shortage of food and water. One day, Naw Wah Ye Paw slipped on the ground whilst moving through the jungle and lost her baby three days later. There were no medicines available. Later they met with a Karenni nurse who was endeavouring to give aid to IDPs in the region and was able to give her some medicine (although there was no water to swallow it with). It took Naw Wah Ye Paw five days to recover. Without the medicine, Naw Wah Ye Paw believes she would have died in the jungle.²⁶ Medics operating in this area and assisting IDPs do so against the wishes of the SPDC, and place their own lives in danger in so doing. (For more information see Chapter 12: Freedom of Movement, Assembly and Association).

A 2006 report, by Back Pack Health Worker Teams, suggests that as many as one in twelve IDP women in the conflict zones of eastern Burma will die as a result of complications during pregnancy, a figure far above the national average and comparable to figures from countries acknowledged to be suffering the worst humanitarian crises in the world.²⁷

Region	MMR*	Lifetime Risk of Maternal Death
Eastern Burma Conflict Zones	1,000-1,200	1 in 12
Burma	360	1 in 75
Thailand	44	1 in 900
Democratic Republic of Congo	990	1 in 13
Somalia	1,100	1 in 10
Rwanda	1,400	1 in 10

Maternal Mortality Ratio among IDPs of eastern Burma, with Comparator Countries²⁸

*Maternal Mortality Ratio (MMR) is the ratio of deaths among women after 28 weeks gestation and before 6 weeks postpartum to 100,000 live births.

Most causes of maternal death are preventable within a functioning health system, and as such this indicator clearly highlights the unavailability of reproductive health-related care and services. Furthermore, BPHWT found that approximately 80% of respondents had never used contraception, while only 40% received any iron supplements during pregnancy. Both findings are indicative of the unavailability of reproductive health services. Taken together, these figures indicate that access to critical reproductive services is severely restricted in these settings. The risk is aggravated by the frequent contraction of other diseases and malnutrition, often brought on as a consequence of fleeing military attacks, or oppression at the hands of the SPDC. Aside from the direct risk to the mother, the baby is also placed in danger. Many are stillborn. Those that survive birth remain susceptible to early death, with the infant mortality rate in Karen areas being 106 per 1,000 births, or more than ten percent.²⁹

Similarly, a 2006 report by the Palaung Women's Organisation, described how there were no reproductive health services in rural Palaung areas, meaning that the vast majority of women give birth at home without a midwife present. It added that UNICEF books and pamphlets concerning reproductive health, whilst distributed in the cities and towns, had not reached rural areas. In reality very few Palaung women used contraception and had no conception of family planning. As a result of these factors, women often resorted to unsafe abortions including inserting sticks into the uterus.³⁰

Even in cases when women in Burma were able to access medical services, the culture of corruption within the health service often placed the price of securing a doctor beyond their reach. In one incident in 2006, in Buthidaung Township, Northern Arakan State, a pregnant woman, Nur Fatema, 21, was denied an urgent caesarean section because her family was too poor to pay the doctor the requisite bribe. The woman and her unborn baby died as a result.³¹

Within northern Arakan State, the Rohingya are not only required to obtain permission to get married, a lengthy and costly process, but are also restricted in the number of children they are allowed, with those unmarried not even permitted to rear children. As a result, a number of abortions, carried out illegally and therefore under unregulated conditions, were reported in 2006.³²

HIV/AIDS

The proliferation of HIV/AIDS remains a significant problem in Burma, and the numbers of infected persons continued to rise through 2006. Estimates by the United Nations put the amount of sufferers at anywhere up to 610,000 people – approximately two percent of the population.³³ In consideration of such figures, UNAIDS has characterised Burma as having a “*generalised epidemic*”. The UN agency has warned that the situation is nearing a tipping point whereby the epidemic will become self-sustaining in the general population, even in the event of a significant reduction in risk behaviour amongst the most vulnerable sub-populations, such as intravenous drug users, and sex workers.³⁴

Ensuring that the population is educated about HIV/AIDS is an essential part of stemming the tide of the virus. HIV/AIDS and sex education have not commonly been discussed in schools or in the family and the consequential ignorance regarding transmission and the importance of safe sex has directly contributed to the disease’s proliferation. Those groups working with Burmese migrants in Thailand have frequently bemoaned the fact that migrants arrive in the country with very little knowledge about sexually transmitted diseases, often holding traditional beliefs about condoms, and means of discerning if a person has HIV, which have a negative impact on their chances of avoiding infection. (For more information see Chapter 15 Situation of Migrants). In an encouraging move, in January 2006, the SPDC announced plans to add an HIV/AIDS prevention and education program to its national school curriculum, targeting children aged from seven to sixteen, although low attendance rates in schools, a lack of funding and poorly trained teaching staff will likely mitigate the impact of this measure.³⁵

The prevalence of prostitution, exacerbated by the precarious economic situation which drives women to the profession, is also a contributing factor to the proliferation of the virus. Girls, as young as eleven, have been forced to turn to prostitution, and using contraception in the sex industry is said to be the exception rather than the rule (for more information see below section on trafficking and prostitution). UNAIDS have reported that 27% of sex workers, tested in Burma in 2004, were found to be HIV positive.³⁶ Sexual violence perpetrated against women by the military, also places women at risk of contracting the disease.

In addition, women are often exposed to the risk of HIV/AIDS due to the high risk behaviour of their husbands, and a lack of empowerment to escape such situations. Traditional Burmese cultural beliefs hold that use of contraception within marriage is taboo, and marital rape is not illegal in Burma. Particularly in Shan, Kachin and Palaung areas, prevalent intravenous drug use amongst men combines with the aforementioned factors, leaving women particularly vulnerable to the spread of HIV/AIDS.³⁷

In recent years the number of Townships offering HIV testing and post test counselling as well as prevention of mother to child transmission have increased through the work of INGOs and UN agencies. However, these efforts remain limited and those in rural and conflict areas are particularly out of the reach of current capabilities.³⁸

7.4 Women and Forced Labour

"Burmese soldiers are setting up their camps on the hilltops and ordering the villagers to work in the camp every day. We have to prepare their food and carry water by rotation every day. In addition, when the SPDC soldiers are preparing to go to the front line [into the hills to burn villages], they usually order the villagers to carry things such as weapons and food. Sometimes, when 15 villagers are forced to go as porters, only 8 of them come back. I always have to do this as well."

-Testimony of a 67 year old female Karen Villager from Toungoo District.³⁹

Burma is a signatory to the 1930 ILO Convention No. 29 on Forced Labour, which explicitly prohibits the employment of women in forced labour. CEDAW, to which Burma is also a signatory, requires States Parties to eradicate government policies that hinder the development and advancement of women. Despite these obligations under international law, forced labour is arguably the most widespread human rights violation being committed in Burma today, against both men and women. Village heads regularly receive orders from the military to send villagers to conduct labour on behalf of the SPDC, including digging trenches, cutting firewood, fetching water, building huts for the soldiers and other menial tasks. In addition, they may be asked to repair the roads or to work on SPDC profit-making concerns like rubber plantations or logging operations, and porters are often conscripted to carry rations or equipment for the military. Village heads have reported that the labour is almost constant, and that an individual village may be required to provide labour for multiple SPDC commands in the area at any one time.⁴⁰ (For more information see Chapter 1 Forced Labour and Forced Conscription).

Traditionally men have been required to carry out the more physically demanding forced labour tasks, while women have been required for lighter tasks, such as collecting water or cooking. However, women are increasingly being called upon to conduct more arduous tasks, including clearing brush, portering the military's equipment, or working as messengers. One such role in which women are increasingly being employed is in the removal of landmines, including acting as human minesweepers walking in front of military patrols.⁴¹



Women from Bilin township, Thaton District doing forced labour cutting back the scrub from beside the Bilin – Papun vehicle road. Landmines are a constant threat in this work. [Photo and Caption: KHRG]

There are numerous factors which have combined to account for the increased employment of women in such tasks. The man's traditional role of working in the fields is often perceived as more important than the woman's household duties, and as a result they may choose to continue in their roles leaving women to fulfil the families forced labour duties. Alternatively, men in the village may already be answering a call for forced labour from an alternative SPDC battalion, including serving as porters for frontline units. Furthermore, men are generally the first to flee their villages when the military moves in to the area as they are perceived to be the most vulnerable to abuses at the hands of the military, often accused of collaboration with rebels. In other cases, the men have been killed by the military or died from other causes.⁴²

Moreover, whilst conducting forced labour for the SPDC, women are left more vulnerable to abuse at the hands of troops including sexual assault. The U.S. Department of State stated that in 2006 *"Persons forced into portering or other labour faced extremely difficult conditions, beatings, rape, lack of food, lack of clean water, and mistreatment that at times resulted in death,"*⁴³ KHRG supported such an assertion in their 2006 report on the effects of militarization on Karen Women, stating *"Women taken for forced labour are...subject to increased likelihood of abuse. Women forced to work as messengers, guides, sentries or porters, or labour on construction projects, are beaten, mistreated, and sometimes raped"*.⁴⁴

Requests for forced labour are particularly problematic for women with young children, who may be forced to bring their child along with them. Often SPDC troops refuse permission for their children to accompany them and the only option for mothers in such a situation is to leave their children at home alone. Even if women are not themselves required for forced labour duties, the demand placed on their family members who are taken away from their traditional roles means that the overall burden of the family is increased. Surplus to their traditional responsibilities for keeping the home, cooking, and looking after children, they are called upon to assume further tasks in the fields or in terms of other labour, placing a disproportionately heavy burden on their shoulders.⁴⁵

Women and Forced Labour - Partial List of Incidents for 2006

Chin State

In the third week of February, TOC #2 commander, Colonel San Aung, ordered the construction of a four mile motor road between Valangte and Leisin village, Matupi Township. The project was carried out under the command of Sergeant Aung Myo Thun. Around 200 local villagers were forced to work on the construction of the road, including roughly 30 women, with each village in the vicinity charged with constructing 3,000 feet of the road. The villagers had to supply their own food and tools. Some of the villages affected were:

1. Luivang, Pa Mai,
2. Daihnan,
3. Boi Ring,
4. Khua Hung,
5. An Thaw,
6. Thang Ping,
7. Lei Ring,
8. Tin Lawng, and
9. Kho Bal.⁴⁶

On 26 September 2006, it was reported that SPDC IB #226, in charge of border security at northern Chin State's Tunzan Township, forced local women to serve as military porters and landmine sweepers, and subjected them to physical and verbal abuse whilst they served them. *"I told them I have (young) children and that I could not go but they would not accept it,"* an unidentified woman from Heinkyin Village in Tunzan Township told DVB, adding *"If we didn't go they beat us from behind."* A female porter who fled into India told DVB that there were eight people in her group of porters and they each had to carry military rations weighing up to 20 kilos. As Christians they were not allowed to worship freely and in returning from their ordeal were forced to beg villagers for food.⁴⁷

Karen State

Nyaunglebin District

On 2 August 2006, MOC #16 Commander Than Soe ordered that a fence be built around a military camp to enhance security. One person from each household was forced to go from Mu Theh village. Half of those forced to participate were women. It took nine days for the villagers to construct the fence. After that they were forced to fence the village. It took the villagers one month to complete these tasks, during which time they were responsible for supplying all of their own tools and food.⁴⁸

On 7 September 2006, SPDC MOC #2 under Southern Command, led by Khin Maung Oo, forced villagers from Shwe Dan, Tha Pyay Gone and Aung Soe Moe to repair the road between Ler Doh and Than Bon. It was about 800 metres in length but the villagers were required to finish it in one day. Over 70 villagers, including 20 women began work at 7 am and worked through to 3 pm. Villagers had to supply their own tools and food.⁴⁹

On 31 October 2006, SPDC soldiers from LIB #599, under Battalion Commander Lieutenant Colonel Win Tun, demanded ten porters from Thu K'Bee village to carry their food rations. Most of the villagers were busy at the time, so only six villagers, three of whom were women, could go as porters. They carried the food from Htaw Lu Koh to Hteh Htoo – a distance of about three miles.⁵⁰

Toungoo District

On 7 January 2006, troops from SPDC IB #48, led by Bo Htun Nay Lin, forced villagers to work at the Shasibo army camp. The villagers and their ages were;

1. Saw Ako, aged 45;
2. Saw Heh Nay Htoo, 27;
3. Saw Toe Nay, 70;
4. Saw Tay Nay, 42;
5. Saw Htoo Hla Say, 35;
6. Saw Leh Meh, 40;
7. Saw Naing Oo, 23;
8. Saw Say Doe Htoo, 15;
9. Saw Say Poe, 7;
10. Saw Theh Thaw, 30;
11. Naw Li Paw, 53;
12. Naw Mya Paw, 30; and
13. Naw Julia, 23.⁵¹

On 10 January 2006, troops from SPDC IB #48, led by Bo Htun Nay Lin, forced the following villagers to work in Shasibo army camp:

1. Saw Tun Oo,
2. Saw Tun Tun,
3. Saw Dee Kweet,
4. Naw Ma Kaw,
5. Naw Taw Nor Naw,
6. Naw Mu Ye,
7. Naw Leh Ler,
8. Naw Dalia, and
9. Saw Peter.⁵²

On 16 January 2006, SPDC Southern Command Headquarters, Strategic Command #1 Commander Thein Htun, based at Baw-ga-li-gyi, Tantabin Township, arrested the following Wa-tho-kho villagers, who were forced to clear landmines and work on road construction:

1. Saw April, age 42;
2. Saw Poe Keh, 41;
3. Saw Arkari, 53;
4. Saw Derdar, 54;
5. Saw Ngway Ngway, 29, village pastor;
6. Naw Peh, 18,
7. Naw Kwar Kwar, 19; and
8. Naw Poe, 50.⁵³

On 4 February 2006, Bo Zaw Aung from SPDC IB #48, based at Htee-lo camp, forced Pler-daw-day villagers; 17 men and 11 women, to work in Htee-lo army camp.⁵⁴

Also on 4 February 2006, troops from SPDC LIB #440, based at Kaw-thay-doe camp in Tantabin Township, forced 4 men and 7 women from Kaw-thay-doe village to carry 3 sacks of rice to Naw-soe and then on to Kaw-thay-doe camp.⁵⁵

On 8 February 2006, Bo Zaw Aung of SPDC IB #48, based at Htee-lo camp, Tantabin Township, forced Ka-ser-doe villagers, 13 men and 13 women, to work on the construction of Htee-lo camp.⁵⁶

On 25 February 2006, Bo Aye Kyaw from SPDC IB #53, based at Htee-lo camp in Tantabin Township, forced Per-taw-tay villagers to work on the Htee-lo military camp, including, Naw Ka Neh Paw, a year old girl.⁵⁷

On 11 March 2006, SPDC TOC #663 Commander Tin Aung, based at Play-hsa-lo camp in Tantabin Township, forced Ya-lo and Plaw-baw-doe villagers to carry army rations from Paw-per-lay-la to Play-hsa-lo. The victims from Ya-lo village were:

1. Saw Maung Pweh, 42;
2. Saw Maw Lay Htoo, 52;
3. Saw Heh Pweh, 42;
4. Saw Soe Myint, 20;
5. Saw Toe Per, 30;
6. Saw Taw Bo, 28; and
7. Naw Ka Mu Tu, 21;

And Plaw-baw-doe villagers:

1. Saw Ta Kaw Raw, 46;
2. Saw Ta Ma Taw, 17;
3. Saw Ywa Heh, 15;
4. Naw Si Wae, 34;
5. Naw Wa Doe, 21;
6. Naw Ker Lay, 20;
7. Naw Heh Klu, 18; and
8. Naw Kler Paw, 18.⁵⁸

On 12 March 2006, SPDC TOC #3, IB #35, Column #2 commander, Bo Nay Myo, based at Klaw-mee-doe in Tantabin Township, forced the following persons to carry their military rations from Paletwa to Klaw-mee-doe military camp, taking them three days to complete:

1. 8 women and 22 men of Ler-ka-doe,
2. 10 women and 17 men of Hu-mu-doe,
3. 18 women and 60 men of Klaw-mee-doe villages.⁵⁹

Also, on 12 March 2006, in Tantabin Township, SPDC TOC #663 Commander Tin Aung forced the following villagers to carry military rations from Lay-lar-taw to Play-hsa-lo military camp:

1. 9 Yer-lo villagers;
2. 9 Paw-per villagers;
3. 8 Ka-mu-lo villagers;
4. 5 women and 13 men of Play-hsa-lo village.⁶⁰

On 13 March 2006, troops from SPDC LIB #80, led by Bo Kyaw Thura, in Thandaung Township, arrested:

1. 13 men and 7 women of Ku-thay-doe village
2. 10 Sbar-law-khee villagers
3. 10 Ler-gi-kho-doe-kar villagers

The arrestees were forced to cut timber, bamboo and clear bushes for the new military camp at Ku-thay-doe.⁶¹

On 13 May 2006, troops from SPDC IB #53, led by Major Thein Naing Tun, forced 90 villagers of Zi-pyu-gon (Male 62, Female 28) and 31 villagers of Taw Gone (Male 23, Female 8) to work on the construction of new military camp located between Ye-shan and Sha-zi-bo in Tantabin Township.⁶²

On 19 May 2006, troops from SPDC LIB #53 based in Sha-zi-bo camp forced 20 men and 41 women of Zee-pyu-gon village, Tantabin Township, to work on the construction of their army camp.⁶³

On 25 May 2006, SPDC LID #66 forced 850 villagers, including many women, from Kaw They Der village area to carry military supplies from Kaw They Der Village to Naw Soe army camp.⁶⁴

On 30 and 31 May and 1 June 2006, SPDC IB #1, IB #5 and LIB #180 captured villagers from Kler La and Kaw They Der, including women, one of whom was breast feeding, for use in the movement of supplies from Kler La to Naw Soe army camp.⁶⁵

On 27 June 2006, Bo Aung Than, based at Sha-zi-bo SPDC military camp, ordered villagers from Zee-pyu-gon village (41 male, 50 female) and Taw-gon village (15 male and 25 female), to fence Sha-zi-bo military camp.⁶⁶

On 29 July 2006, troops from SPDC IB #73 ordered 38 villagers, including 8 women, from Zee-pyu-gon village to clear bushes at a boat station located between Yan-she and Pyin-gon.⁶⁷

On 4 October 2006, Bo Zaw Win of SPC LIB #5 ordered villagers, including 12 women from Ler-gi-kho village to carry food supplies from Thandaung to Kher-weh camp.⁶⁸

On 24 October 2006, SPDC MOC #16 troops ordered men and women from Play-hsa-lo to carry food supplies from Tha-byay-nyunt camp to Play-hsa-lo.⁶⁹

Shan State

Throughout 2006, the SPDC forced residents of Kun Hing Township to plant and then maintain SPDC physic nut plantations, on land confiscated from local farmers. Most villagers worked on rotation, required to be at the plantation every five days. Those unable to work were fined 6,000 kyat. Those villagers who lived far from the plantations were transported there by the SPDC, who then required a payment of 500 kyat for the transportation costs. Naang Naang of Wo Long village, a single woman supporting her elderly mother, was forced to flee along with her mother to Thailand, as she was unable to maintain a livelihood alongside the demands of forced.⁷⁰

In April 2006, SPDC Artillery Unit #909 led by Maj. His Tung Soe along with LIB #244 under the command of Maj. Soe Win Maung, based in Mai Khu area, ordered the villagers to move their cemetery so as the plot could be used as a physic nut plantation. The family members and relatives were forced to remove the corpses from the tombs. As the orders coincided with the planting of paddy, it was the women and children who were made to work in clearing the cemetery and subsequently on the physic nut plantation. Usually they would have assisted in planting the paddy fields, but were instead prevented from assisting in the important task of sustaining their livelihoods. SPDC troops simply looked on as the women and children laboured for their eventual profit.⁷¹

On 9 July 2006, twelve soldiers from SPDC LIB #524, led by Lt. Hpyu Myint, visited Naa Khu Naa Pe village in Wan Paang village tract, Kun-Hing Township, whilst on patrol. Villagers were gathered in the temple compound and interrogated. They were slapped, and kicked by the troops when unable to give them information about Shan armed resistance units. The SPDC troops then conscripted five female villagers to serve as porters on their patrol. When the patrol reached Nam Khaam village, in the same village tract, the women were released.⁷²

Forced Labour Interview

Source: FTUK
 Ethnicity: Karen
 Sex: Female
 From: Mu Theh village (relocation site), Nyaunglebin District
 Age: 20

On 1 August 2006, MOC #16 Operations Commander Than Soe ordered LIB #323 Battalion Commander Kyaw Kyaw Oo to inform the (Mu Theh) village headman that his soldier was wounded because of him. The village head said he knew nothing about it, but the commander argued and continued to blame the village head. He then told him that the villagers must build a fence (alongside the road) from the (army) camp to relocation site for their (SPDC) security. On 2 August 2006, the villagers began to fence the car road for SPDC MOC #16 Operations Commander for the distance of about one mile. We had to build the fence on both sides of the road, so to finish it one person from each house had to go. For the families who are free, two people or three people could go. There are a total of 72 households in the village and 60-70 went to do that (build the fence) every day. Half of them were women. It took us nine days to fence the road. I myself went for three days, my mother went two days and my younger brother went four days.

During the three days of labour, I had to slice bamboo, cut down small trees and carry small logs. I had to cut down over 200 small trees that were about as round as my wrist, and five cubits (2.3 metres / 7.5 feet) long. Some of the trees that I had to cut were an hour away, but some of them were half an hour away. After we cut down the trees we had to carry them where we had to make the fence. We had to put in posts for the fence. The space between the posts had to be one hand span (23 cm / 9 inches). Then we had to weave four small pieces of split bamboo (between the posts). Then we had to tie the split bamboo with sliced bamboo strips [filaments] and then tie in four more pieces of dried split bamboo one cubit (46 cm / 1.5 feet) in length between each space [this last piece becomes a spike]. There were different types of bamboo that we had to cut down, three different kinds of small size of bamboo (in Karen: Wah Thaw Keh, Wah Min, and Wah Bway) and one type of big bamboo [in Karen: Wah Klu). They didn't give us any of the tools to do it.

We had to take our own food, so do not think that they ever pay us for this. We didn't want to do it but we had to because we afraid of them and so we had to go. When we went to work there were two or three people (soldiers) who came to guard us every day. On the days that I had to go to work, there were five or six people guarding us. If we didn't make the fence as they liked, they would get angry and shout at us and force us to pull it down and build it again. I had to do that one time, and although I was angry I could not do anything.

We had to make the fence for nine days and after that we prayed to the (animist) spirits for two days. After that they forced us to also fence the village. They came and measured it and said that each house must build 20 cubits (9 metres / 30 feet) of the fence. I did that with my older brother and we finished it in one day. Small families could not finish it in the same day. It took them one or two days longer to finish it. After that, they forced us to build a new fence next to the first one. They measured it and said that each house has to build 30 cubits (13.7 metres / 45 feet) of the fence.

When we finished making the fence for the village, we had to go to make the fence for their military camp inside our village and they build three (concentric) fences. I had to go to do that for three days and my younger brother and my mother had to go to do that also but I forget how many days they had to go for. For the military camp above our village they forced us to cut bamboo for them and to carry it to the camp. They forced us to cut logs that were three hand spans (70 cm / 27 inches in circumference) and seven cubits (3.2 metres / 10.5 feet) long. Each house had to cut two logs for them to build their bunkers. If the logs were not enough, they forced us to go and cut more. We had to cut them three (separate) times. Doing labour for them doing fencing, cutting bamboo and logs and carrying them, took more than one month. All of the tools we used and the food we ate had to be supplied by ourselves.⁷³

7.5 Trafficking and Prostitution

“States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”
- Article 6, CEDAW.

As a signatory to CEDAW, the SPDC is obligated to “take all appropriate measures... to suppress all forms of traffic in women”. However, trafficking of persons in Burma remains a serious problem. Not only is Burma a source country for trafficked persons dispatched around the region for purposes of forced labour and/or sexual exploitation, but internal trafficking within Burma, principally for forced labour, remains rife. The U.S. Department of State’s 2006 report on Trafficking in Persons ranks Burma as a Tier 3 country (the worst possible ranking) due largely to the regime’s own involvement in internal trafficking for use as forced labour, and the inadequacy of the regime’s attempts to eradicate the problem of international trafficking.⁷⁴ This ranking has remained unchanged since 2001, despite a string of high profile policy announcements made by the regime.

The major destination countries for those women trafficked from Burma are Thailand, Bangladesh, Malaysia, Korea, China and Macau. Upon arrival they frequently face forced labour, domestic service and/or sexual exploitation. Some are economic migrants lured by false promises of good jobs and better opportunities. Other cases involve the forcible movement of persons across borders. Burma remains desperately poor following years of economic mismanagement by the military junta, and friends and family members of the victims can often be tempted by the ‘agent’s fees’ offered by the traffickers.⁷⁵ In 2006, the Palaung Women’s Organisation documented the case of a father selling his two daughters to traffickers in order to support his opium addiction.⁷⁶

According to ILO-IPEC, around 80,000 women and children have been trafficked to Thailand for use in the sex trade between 1990 and 2005, with most of the victims coming from Burma.⁷⁷ Whilst Suriya Kasemsirisawat of the Anti-Trafficking Coordination Unit of Northern Thailand claims that the number of ethnic migrants entering the sex industry in Thailand had dropped recently,⁷⁸ the Chiang Rai based, Development Education Program for Daughter and Communities Centre, asserts that within the whole of South East Asia: “*Akha and Lahu women and children from Burma are the highest risk group, followed by Burmese Shan and Lue from Yunnan (China). They (are) taken as forced labour or to be sex workers in Thailand, Malaysia and Singapore.*”⁷⁹ (For more information see Chapter 15 Situation of Migrants)

The SPDC is ostensibly addressing the international trafficking of its female population to neighbouring countries. However, under the auspices of such measures it has placed draconian restrictions on the movement of women, which are not only an infringement on their human rights but potentially make them more vulnerable to criminal trafficking operations. CEDAW Article 15 (4), which states that “*State Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*” In direct contravention of Article 15 (4); the travel of women under 25, in eastern Shan State, to and across the Thai border has been prohibited since 1997.⁸⁰

Within this region, the MWAFF has been trumpeted by the regime as a crusader against trafficking. The organisation is said to distribute information on the nature and modes of

human trafficking as well as organising trainings, discussions and educational sessions. They also play a role in rehabilitation programs for repatriated victims of trafficking.⁸¹ The ban on the travel of young women is avoided if they are able to obtain a recommendation letter from the local MWAFF chapter. The sole criteria for obtaining such a letter: a substantial payment. The Kengtung MWAFF chairwoman, who personally has to sign these letters of recommendation, is the wife of the SPDC Regional Military Commander.⁸²

On 13 September 2005, the SPDC won acclaim from relevant international agencies when it enacted the 'Anti-Trafficking in Persons Law,' which delineates harsh sentences up to life imprisonment against human traffickers.⁸³ The new legislation was actively supported by the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP) together with the UN Office on Drugs and Crime (UNODC) and the Asia Regional Cooperation to Prevent People Trafficking (ARCPPT), and has been described as a "*success story*" by UN staff in Rangoon.⁸⁴ Following the introduction of the new law, the SPDC issued plans to create nine further police units tasked with the suppression of trafficking.⁸⁵

However, the introduction of the new law, with its associated lengthy penal sentences, has been, unsurprisingly, accompanied by an increase in the cost of MWAFF letters of recommendation. They are reported to have risen from 150,000 kyat to 200,000 kyat following the enactment of the law.⁸⁶ Furthermore, immediately following the introduction of the legislation, there were reports of local authorities totally barring people from travelling to Thailand; households in many areas were ordered to re-register their family members and apply for new national identity cards with associated costs; authorities also reinforced restrictions on the registration of guests staying overnight, in order to monitor people's movement more closely.⁸⁷ In addition, anti trafficking legislation has been absurdly misapplied against the regime's political opponents. On 15 January 2006, NLD youth official, Aye Thein, was charged with trafficking for eloping with his long term girlfriend. He was sentenced to five years imprisonment. Four of his friends were charged with abetting the act and given three year jail sentences.⁸⁸

The authorities also restricted the international travel of women through the discriminatory pricing of passports. Under the justification of providing protection against trafficking, it has been reported that women have been charged 250,000 kyat for a passport compared to 10,000 kyat for a man.⁸⁹ A further 'anti trafficking measure' saw the continued ban on marriages between female citizens and foreigners during 2006, although this was rarely enforced.⁹⁰

Not only have these measures failed to address the root causes of the trafficking of Burmese women, namely: the economic situation in the country; the use of forced labour; and other human rights abuses committed by the regime⁹¹, but they are actually being used by the SPDC as a means to garner international support and legitimacy for the continuation of its rule.⁹² Furthermore, and perhaps most alarmingly, such impediments to travel through official channels potentially force many women, fleeing oppression and abuse in Burma, to rely on the criminal trafficking trade. Lacking permission, sufficient funds or the necessary documentation, women are made more vulnerable to the exploitation, abuse and financial hardship associated with being trafficked.⁹³ Moreover, SPDC officials continue to operate amid a climate of impunity that offers little disincentive to cease their apparent collusion with human traffickers. In many cases, corrupt Burmese officials have been reported to be complicit in the international trafficking of women, particularly in border regions, although no prosecutions have been made against any state official in this regard.⁹⁴

Women Trafficked to China

China's 'one child policy' means that female children born to poor families within the country are frequently aborted. The population, particularly in poor rural areas, is therefore dramatically skewed, with as many as seven men to every woman. As such there is a dearth of options for men in these regions looking for a wife. In such cases it is common for a fee to be paid to a 'broker' who effectively sells a woman to the man. As a result, a burgeoning trafficking network has developed taking women from Burma to China for sale as brides. On 21 June 2006, the Democratic Voice of Burma reported that Chinese police had rounded up 69 Burmese women whom had been sold as brides in this way, whilst conducting an operation in Henan Province. The cost of a Burmese bride is reported to range between 4,000 and 20,000 Yuan (US\$2,500).⁹⁵ Some women are simply sold to the traffickers by friends or family. Others are lured by the promise of a good job and financial incentives. Only upon their arrival do they realise that they are to be subjected to forced marriage or sexual exploitation. A young woman forced to become a Chinese wife stated *"I was taken here by means of deception from the people in Rangoon. I was told that I have to look after children in a Chinese house. 1,000 Yuan a month. I came because I was told thus. He left me at a house, took the money and disappeared."*⁹⁶

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In terms of repatriation, the SPDC insists that repatriated victims stay for one month in one of their vocational training centres or shelters upon their return to Burma, a procedure which stands in contravention of international norms of victim protection.⁹⁹ Further, the placing of restrictions on NGOs that assist trafficked women, directly contributed to the difficulties trafficked women faced when attempting repatriation.

Official deportations of arrested and rescued undocumented migrant sex workers in Thailand resumed in 2004, after a 12 year hiatus instituted by the Thai Government due to a fear for the sex worker's safety upon their return to Burma. Currently, an MoU on Human Trafficking between the two countries means that the details of those women believed to have been

trafficked are sent to the Burmese authorities, who subsequently assess the suitability of their families and homes for their return.¹⁰⁰ A 2006 report by the Open Society Institute (OSI) asserted that, beyond the social sanctions such a move could bring about by exposing the activities of the women to those back home, such information can further result in the arrest of family members.¹⁰¹ In addition, the Shan Women's Action Network stress that their deportation can result in arrest, mandatory HIV testing, as well as returning victims to a generalised risk of human rights abuses.¹⁰²

Whilst internal trafficking chiefly occurs for labour in industrial zones and on agricultural estates, women and girls continue to be trafficked within Burma for the purposes of sexual exploitation and forced prostitution. Internal trafficking of women and girls for sexual exploitation generally occurs from rural to urban centres as well as to truck stops, fishing villages, border towns, and mining and military camps.¹⁰³

Aside from those women trafficked into the sex industry, increasing numbers of women and girls are 'voluntarily' turning to the sex trade as a result of the dire economic situation within Burma. OSI found that female sex workers from Burma working in Thailand often do so to support their families back home, including covering the cost of extortion at the hands of the SPDC and the loss of traditional family livelihood brought about through the junta's policies.¹⁰⁴

Similarly the vast majority of those working in the sex industry inside Burma claim that they have been forced to do so due to the current economic climate in the country. Reports in 2006, state that the number of prostitutes has been increasing in Rangoon and other major cities, as well as border towns and new towns, with karaoke bars frequently converted into brothels. One local resident in Rangoon stated that "*the authorities are not only failing to tackle the problem, they themselves are deeply involved in it.*" Whilst reports suggest that those in authority are involved in the trade there were no reports in 2006 of those from, or affiliated to, the SPDC being prosecuted for such complicity. However, crackdowns did target the sex workers themselves. Prostitutes travelling at night had to pay substantial bribes to taxi operators in order to guarantee that they would not be raped, robbed, or turned over to the police. There have also been credible reports from NGOs and diplomatic sources that prostitutes taken into police custody had been raped or robbed by the police.¹⁰⁵

7.6 Violence against Women

United Nations Security Council resolutions 1325 (2000) and 1674 (2006) assert a duty on all states to prevent sexual and other violence against women in situations of armed conflict. 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.”

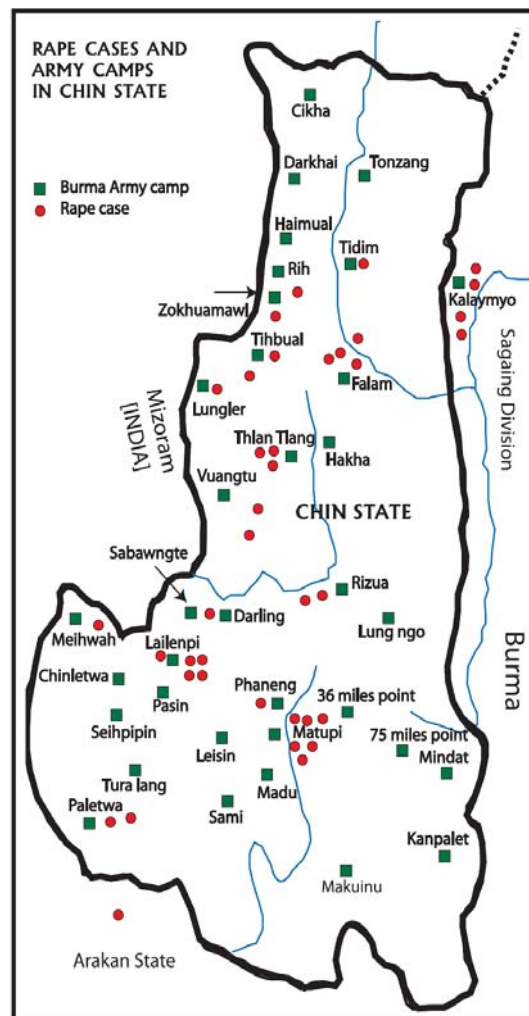
Through Resolution 1674 the Security Council:

“Recalls that deliberately targeting civilians and other protected persons as such in situations of armed conflict is a flagrant violation of international humanitarian law, reiterates its condemnation in the strongest terms of such practices, and demands that all parties immediately put an end to such practices,” and “Reaffirms also its condemnation in the strongest terms of all acts of violence or abuses committed against civilians in situations of armed conflict in violation of applicable international obligations with respect in particular to...” abuses including torture and other prohibited treatment, and gender-based and sexual violence.

Regardless, women from Burma remained highly susceptible to violence at the hands of the State throughout 2006. The perpetuation of Burman male dominated military rule has fostered a climate whereby acts of violence against women are allowed to go unchecked in a climate of impunity. As such rape, torture and killing of women by the State has continued unabated throughout the year. In rural ethnic areas, KHRG assert that the dehumanising effects of such abuses are, *“necessary if the SPDC’s vision of a hierarchical society controlled by an all male military is to be achieved.”* They forward that the power differential between men and women is further entrenched by that between the military and the villagers, facilitating such a dehumanisation of women, and creating a climate conducive to violence against women.¹⁰⁶

In 2006, SPDC forces *deliberately* targeted and killed civilians with impunity. In areas where villages were not under direct military control, the military often shot on sight anyone they came across, including women and children. Under the SPDC’s policy of systematically depopulating areas, they frequently set deadlines for people to leave their village and to report to a new area for ‘resettlement’. Anyone remaining in the area following such a deadline, including women and children, was designated an enemy, and shot on sight. Similarly, in those areas where the military has established control, orders are enforced under threat of death, so as women found outside of their village will be assumed to be the enemy and shot. It is clear that in many cases, the soldiers are well aware that their victims are female civilians. Women are also often killed after being raped, presumably to maintain silence about such abuses.¹⁰⁷

Numerous cases of the torture of women were reported during 2006. Often women are arrested and tortured in the absence of their male relatives whom have been accused of insurgency. Frequently, the sole criterion for such an accusation is their absence. On 5 June 2006, it was reported that pregnant women were being tortured in a jail under the control of SPDC Regional Control Command in Loikaw, Karenni State. According to Berresel, a pregnant woman who had been detained and assaulted; troops arrested, jailed, and assaulted pregnant women and abandoned wives because they find it difficult to catch the men of the family suspected to have contacts with the Karenni National Progressive Party (KNPP). *“There was a woman seven months into pregnancy beside my cell. She was beaten unconscious like I was,”* said Berresel. Berresel was released after being tortured for 15 days. After her release, she fled to the Thailand to escape persecution. She told the *Kantarawaddy Times* that there were at least five pregnant women, an unknown number of other women and several children under the age of 10 remaining in the jail when she was released.¹⁰⁸



Unsafe State, a report produced by the Women's League of Chinland in 2006 starkly illustrates the correlation between the site of SPDC army camps within Chin State and the rape of Chin women.

Rape and sexual assault are common in ethnic areas under the control of the military, particularly in villages near military camps or bases. Soldiers and officers frequently wander into villages to loot property and to look for women, oftentimes drunk when they do so. In cases where women are isolated from their village, either because they are conducting forced labour or are simply working in a remote area, the risk is increased.¹⁰⁹

Whilst incidents of rape rarely stem from a direct order, they are generally carried out in a climate of total impunity and serve to maintain and deepen the culture of fear that exists in areas under military control, further subjugating local people to the will of the military. As stated by KHRG, *"the fear of potential rape serves the military as a tool for intimidation and control of women and entire communities"*.¹¹⁰ In keeping with such an analysis, in September 2006, the SPDC redeployed Colonel Myo Winn to a command post in Ye Township, Mon State, where there had been a marked increase in Mon resistance throughout 2006. The colonel is well known in the area for his habit of what locals refer to as 'fashion shows'. Between 2003 and 2005, when Myo Winn previously operated in the area, hundreds of local women were forced to provide massages, entertainment and sexual services to him and his troops. The SPDC will be fully aware of Myo Winn's record and his deployment to an area where the junta is desperate to reassert its control tacitly supports claims that rape is being employed as a weapon of war, even if not stemming from central directives.¹¹¹

Concurrently, continuing high numbers of rape in central Shan State, during 2006, led SWAN to assert, *"Regardless of occasional token punishment of military rapists, it is evident that the Burma Army is continuing to endorse any tactics, including sexual violence, to subdue the local population."* One colonel, visiting IB #243 command post in Namlan, north of Mung Kerng, was even reported to have told the soldiers: *"Do anything you like whether it be stealing, robbing, raping or dealing in drugs. The only thing you have to be careful about is it doesn't come out on one of the foreign radios."*¹¹² A BBC interview, on 10 April 2006, described how in Mung Kerng Township, several SPDC units had been raping women at each village they visited. These units were later revealed to be LIB #514, LIB #515, LIB #518 and IB #64. The battalions were said to be ordering village headmen to provide their troops with between five and seven 'comfort women' at a time. One mute villager taken to serve as a comfort woman was found outside her village, beaten to death. A SWAN interviewee told how, *"One unit of about ten soldiers from LIB #515 went from village to village around where I live - altogether about 10 Palaung villages. At each village they ordered the headmen to provide women as "guides" for their troops and then gang-raped them along the way. If the headmen couldn't provide any women, they were fined 200,000 kyat."* Another told of how a Palaung man was beaten to death after he protested against the troops taking his daughter. Subsequent protestations by the villagers led to the apprehending of some men within LIB #515 under the orders of a senior military commander in Loilem. No action was taken against troops from other battalions.¹¹³ The state sponsored 'women's rights organisation', the MAAF, claimed that SWAN was *"dancing to the tune of western nations"* for reporting these incidents, and called on the military to take action against the group.¹¹⁴

SWAN has also discerned trends of increased sexual violence in areas where troops have been deployed around the Tasang Dam project sites and subsequently lobbied the Thai government and investors in the Tasang Dam project that their involvement in the projects was helping to perpetuate violence against women. No investment was withdrawn in 2006 as a result of these findings.¹¹⁵

The number of rapes actually reported is likely to be far fewer than in actuality occur, owing not only to difficulties in documenting human rights violations in a military controlled state but also the reluctance of victims to come forward, even to their families and community. Rape victims are often stigmatised and can be shunned by their husbands or find it more difficult to find a husband in the future. The fact that it is highly unlikely any action will be taken against the assailant means that many victims are reluctant to face such ostracism for no apparent benefit.¹¹⁶

However, there are increasing numbers of victims coming forward often with the support of their community and reporting cases to the SPDC authorities. KHRG report that the anger of villagers at such continuing abuses being perpetrated against their women has on occasion led to the summary lynching of perpetrators, despite the overwhelming likelihood of retaliation. As a result, some SPDC battalions have sought transfers for their men or entire unit following the rape of a villager at the hands of one of their troops.¹¹⁷

The Rome Statute of the International Criminal Court defines rape and sexual violence as a crime against humanity if part of a widespread and systematic practice, which is either part of government policy or condoned or tolerated by that government. Furthermore, UN Security Council Resolution 1674, adopted on 28 April 2006, *“reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity”*. The resolution therefore commits the Security Council to take action to protect civilians from crimes against humanity.

Domestic Violence in Burma

Whilst the SPDC does not release any statistics regarding domestic violence, domestic abuse of women including physical, emotional and sexual abuse, is reported to be prevalent throughout the country. The patriarchal tradition running through the majority of Burma's cultures assumes women's secondary status to men, and discourages official involvement in the 'private' sphere of domestic life. Spousal rape is not a crime in Burma, unless the wife is under 12 years of age.¹¹⁸ Cultural taboos also frequently prevent women from coming forward to report incidents of domestic violence. Divorce or separation remains against the norm in Burmese society, and such women may face social ostracism as a result of the stigma attached to a failed relationship. A 2006 report by the Palaung Women's Organisation detailing the toll opium is taking on Palaung women found that those married to drug addicts were reluctant to divorce them, despite being susceptible to domestic violence, as under Palaung customary law, they would have to forfeit custody of their children, and face the social stigma attached to divorced women within their communities.¹¹⁹ Furthermore, women's lack of access to education frequently leaves them financially dependent on their husbands, and unable to leave even if they wanted to.

Violence against Women - Partial List of Incidents for 2006

Arakan State

On 29 June 2006, the bodies of two young women aged 18 and 20 were discovered by Bangladeshi officials (BDR) on the banks of the Naf River in the border town of Teknaf. According to villagers of the border area, on June 26, a motor boat carrying 12 men and women was attacked by NaSaKa (Burma's border security force) while crossing the river at night. A man sustained bullet injuries and died on the spot whilst the remaining passengers were arrested. The man's body was thrown into the river. The next day, on 27 June, the man's body was found on the Bangladesh side and handed over to police in Teknaf. On 29 June 2006, the BDR in Teknaf found the bodies of the two women, with their clothes partially removed and bearing signs of sexual assault. Their hands had been tied with rags. At the time of this report, the bodies had not been identified and the whereabouts of the nine missing persons was still unknown.¹²⁰

Chin State

In August 2006, a married lieutenant commander from SPDC TOC #2 based in Matupi Town reportedly forced his Chin girlfriend to terminate her pregnancy. She had been pregnant for 5 months at the time.¹²¹

Karen State

Nyaunglebin District

On 13 March 2006, Naw Beh Bay Paw, an 18 year old female, from Ler Klah Village, was killed by SPDC troops from LIB #599.¹²²

On 9 March 2006, troops from LIB #366, #377 and #399 under the control of LID #55 began operations around their base camp at Maladaw village, Mone Township. They were reported to have killed an unidentified mother and daughter.¹²³

On 27 March 2006, SPDC soldiers shot and killed Saw Maw Keh and his 80 year old mother while they were fleeing military attacks near their village of Ka Ba Hta, Mone Township. His nine year old daughter, Naw Eh Ywah Paw, was also shot in the back and injured. A group of villagers had been hiding in a gully, but began to climb to higher ground where they thought they would be safer. SPDC soldiers were waiting in ambush in a clearing, and opened fire from 10-15 yards. Saw Maw Keh and his mother were shot dead. Naw Eh Ywah Paw was shot in the back as she fled with the other villagers. A relief team recovered the bodies some weeks later.¹²⁴

On 29 May 2006, a Karen woman, who was five months pregnant, died when she stepped on an SPDC landmine.¹²⁵

Papun District

On 26 February 2006, in reprisal to a KNU attack upon the Democratic Karen Buddhist Army (DKBA) camp based in Meh Mweh Hta, SPDC soldiers threatened villagers from Wah Klu Ko and arrested a 17 year old girl along with the village head. The SPDC soldiers

covered the two villagers' faces with a plastic sheet and tied their hands behind their backs. They were detained incommunicado for three hours.¹²⁶

Thaton District

On 29 January 2006, troops from DKBA MOC #666, led by Bo Than Tun visited Naw-ka-toe village and interrogated Naw Nor Ket, 50. When she was unable to provide them with any information she was struck five times by the soldiers' rifles. Following this, DKBA troops interrogated the village head, Naw Aye Aye, 40 and Naw Mu Lay, who were forced to stand in baskets, and repeatedly squat and stand up again. They were beaten when unable to continue.¹²⁷

On 14 June 2006, SPDC Battalion Commander Kyaw Min came to Ta-eu-ni village in search of Saw La Noe, who had already run away. In his absence, the troops assaulted 15 year old Naw Peh Say, hitting her with the butt of a pistol, causing two of her teeth to break. The troops then looted from her house, taking two shirts, two sarongs, two chickens and two *pyis* of rice.¹²⁸

On the night of 2 July 2006, DKBA troops led by Tin Win came to upper Naung-ka-ton, lower Noh-ta-lar-aw, Ta-maw-daw and Ta-roi-wah villages in Pa'an Township to question Saw Ta Ku, Saw Myint Kyaw and Naw Kru Kyi of upper Naung-ka-ton village regarding KNU activity. Unable to answer their questions, the troops proceeded to kick and tread on the heads of the villagers. Another villager, Naw Thein May, was slapped a number of times and her head was smacked against the post of a house before the soldiers looted her belongings.¹²⁹



After her husband was tortured and killed by the Burmese military along with her 3 year old son, Re May Paw spent two years as an SPDC army officer's house slave in Rangoon. The soldier 'legally' adopted her daughter, although she was given no choice in the matter. Re May Paw escaped two years later in 1999, and now lives in a Thai refugee camp, estranged from her daughter. *[Photo: Phil Thornton]*

Toungoo District

On the evening of 11 January 2006, troops from SPDC LIB #48, led by Bo Htun Nay Lin, arrested and beat 26 year old Saw Poe War, and his wife, Naw Seh Heh, 22, both from Mar-lar-gon village.¹³⁰

On 8 August 2006, SPDC soldiers shot and killed 75 year old Naw Ta Kee Lee, of Ler-Kla-doe village, Tantabin Township, whilst she was in her plantation hut.¹³¹

Karenni State

On 5 June 2006, it was reported that pregnant women were being tortured in a jail under the control of SPDC Regional Control Command in Loikaw, Karenni State. According to Berresel, a pregnant woman who had been detained and assaulted; troops arrested, jailed, and assaulted pregnant women and abandoned wives because they find it difficult to catch the men of the family suspected to have contacts with the Karenni National Progressive Party (KNPP). *"There was a woman seven months into pregnancy beside my cell. She was beaten unconscious like I was,"* said Berresel. Berresel was released after she was tortured for 15 days. After her release, she bore her child and fled to the Thai-Burma border to escape persecution. She told the *Kantarawaddy Times* that there were at least five pregnant women, an unknown number of other women and several children under the age of 10 remaining in the jail, when she was released.¹³²

Mon State

On 6 September 2006, in three separate instances, two families and a youth leader were detained and tortured by LIB #31 of Khaw Zar sub town in connection with the Mon Splinter group led by Nai Chan Dein. Captain Tint-Lwin arrested and tortured Mi Ei-Mart, a 52 year old woman, and four of her family's members from Dot-Pound. Mi Ei-Mart and her son had to be admitted to hospital when they were eventually released the following day. On the same day, Nai Moe Aye, a youth leader, was arrested, beaten and tortured resulting in severe head injuries. Later that day the same LIB #31 led by Captain Tint Lwin raided and ransacked Kyone-Ka-Nya village and arrested Nai Nya-Saung, the village headman, his wife and three children. During questioning they wrapped Nai Nya-Saung's head in a plastic bag and beat him.¹³³

On 4 December 2006, after a military battle between SPDC troops and a Mon splinter group in an orchard plantation near Khaw Zar sub-town, troops from SPDC IB #31, led by Lt. Col. Myo Swe arrested, detained, interrogated and tortured approx. 100 civilian villagers, half of whom were women and 15 of whom were children. The torture included electric shock treatment of the men and assaults upon the women. Approx. one to two weeks later, following the interrogation, SPDC officers extorted large sums of money for the release of the villagers.¹³⁴

Pegu Division

On 19 June 2006, Nyo Kyi, a 23 year old mother from Myo Hla, Yedashay Township, was tortured to death by local police. She was arrested by deputy commander Zaw Lwin and another officer on her way home from a shopping trip. Her family were not informed, but her husband suspected she had been detained and went to the police station. He was not allowed

to see her, but the next day was allowed to take their baby home, who had also been held at the police station. That evening, when he returned to the police station with the baby to be fed, he was informed that Nyo Kyi had died, and told to go to the hospital. The police had secretly transferred her body there on a truck. Despite doctors finding signs of violent beating, the police claimed she committed suicide by hanging herself.¹³⁵

Rangoon Division

On 8 June 2006, Khin Mar Lwin, a 24-year old woman from Ohbo Ward, Kyimyintaing Township, was arrested by local Police Chief Nay Myo and subsequently sustained life threatening injuries. A washerwoman by trade, she was arrested after a customer made an accusation that things had disappeared from her house. Khin Mar Lwin was so badly beaten that her eardrums burst and her body was covered with bruises. Her family also alleged that she was sexually assaulted whilst in custody. She was later cleared and released. Nay Myo, local authorities and women's organisations gave her money (200,000 kyat, or US\$150) to try and silence her. When DVB contacted the police station, the report was denied.¹³⁶

Shan State

In June 2006, it was reported that an Akha woman (name withheld) was beaten by Ah Meu, who was responsible for collecting taxes for the SPDC and a local Lahu militia group. When he ordered the woman to pay taxes to the SPDC, she replied that she had already paid, and had no more money to give. He beat her with his gun and kicked her on the ground. She complained to the police who passed the case on to the Lahu militia group, who merely gave him a warning and ordered him to pay healthcare costs. No money was paid.¹³⁷

On 9 July 2006, roughly 45 SPDC LIB #524 troops, led by Capt. Naing Kyaw Oo, entered Loi Khu village, Wan Paang village tract, Kun-Hing Township, at around 9 pm. As it was the first day of the Buddhist Lent, about 25 village elders, both men and women, were gathered in the temple. The troops questioned those in the temple about the presence of Shan soldiers. Unable to answer their questions, the SPDC commander ordered the beating of the elders. All 25 merit makers were assaulted including being beaten with sticks. Seven men and three women suffered severe injuries and heavy bleeding as a result.¹³⁸

Rape, Attempted Rape and Sexual Violence - Partial List of Incidents 2006

Arakan State

On 26 May 2006, four SPDC soldiers, under the Western Military Command, reportedly raped and murdered a woman in the town of Ponnarkjun. In an open letter to Brigadier General Maung Shin, the Rakhaing Women Union accused Sergeant Tint Thun and three privates from LIB #520 of raping and murdering Than Nu from Ganantaung village, Ponnarkjun. According to the group, witnesses saw Than Nu being raped by the men in a cow shed. Officials from LIB #520 have rejected the claims saying there were no military personnel in the area when Than Hu died. They said they had arrived quickly after to help arrange her funeral.¹³⁹

In July 2006, it was reported that two women, Ma Nin Nin and Ma Yin Nu, from Mrauk U, who claimed to have been raped in May 2006, continued to have their complaints ignored by local police. They reported that Mr. Waiyu, a wealthy Chinese businessman, had raped them

whilst they were working at his company as day labourers. They informed U Kyaw Than, who was in charge of the police in Thet Taung Village, who refused to file a complaint or register the case. It is reported he received a large bribe from the businessman to keep the case quiet. According to family sources, relatives of the two women have also complained about the attack to Mraybon Township authorities and called for a fair trial, but up until the date of this report (16 July 2006) there had been no response.¹⁴⁰

On 6 October 2006, a 13 year old Akha girl was sexually assaulted during an attempted rape by a soldier from LIB #331 in Pung Lo village, Hawng Lerk village tract, Tachilek Township. The girl (name withheld) was travelling from her village, Paang Sali, to market at Waeng Keo village, when she was accosted by the soldier. When the girl was attacked she screamed for help, and many villagers came to her aide. The villagers apprehended the soldier and took him to his base to inform his commanding officer of what he had done. The commander responded by immediately freeing the soldier, refusing to take any action against him, and telling the villagers not to pay him any attention in regard of the fact that he was mentally unstable.¹⁴¹

On 10 October 2006, three naval cadets, from Naval Unit 18 of Ran Chan Byint Naval Base, raped a 14 year old girl, Khaing Thin Kyi from Yaysinpyin Village, Sittwe Township. None of the cadets were punished and the girl was forced to marry one of her rapists by lying about her age.¹⁴²

On 14 December 2006, a Rohingya woman was kidnapped and raped by a VPDC Chairman, VPDC Secretary and a NaSaKa captain. The woman, 20 years old, is the daughter of former Chairman of Baggunah village tract residing in Nurullah Para village. She was returning home at 9 pm with her younger brother from a nearby village. The VPDC Chairman, Anwar, and Secretary, Mohamed Yonus, were entertaining the NaSaKa Captain Win Myint Aung when they were informed that the two young Rohingya were passing nearby. They beat up her brother and left him on the roadside, taking the girl with them. She was not found till the following morning. Her father and some village elders went to the Maungdaw police station to lodge a complaint. The police station filed the case but no action was taken.¹⁴³



Naw B---, 31, lives in a village of Dweh Loh township, Papun district adjacent to an SPDC Army camp. On 3 February 2006 at 10 p.m., her husband was away attending a wedding. SPDC non-commissioned officer S--- from the adjacent army camp came to her house, wrestled her to the floor and raped her. No action was taken to punish the soldier. *[Photo and Caption: KHRG]*

Chin State

On 9 April 2006, three SPDC soldiers raped Daw---, a mother of four children, at her home in Lailenpi village, Matupi Township. The soldiers were members of LIB #304, under the command of TOC #2 Captain San Myint. The rapists were inebriated, and caught their victim at home alone, shouting “*We will kill you if you move or shout for help*”, and using sharpened bamboo sticks as weapons. The next morning, the victim went to the commander and reported the incident. The commander formed his troops into a line, and asked the victim to identify the perpetrators. The victim was unable to do so, due to the darkness at the time of the rape. The captain threatened the victim with prosecution if she could not identify the perpetrators. The rapists have still not been identified.¹⁴⁴

Irrawaddy Division

On 25 January 2006, a fifteen year old girl (name withheld) was raped by Aung Myo Min, Executive of the USDA in Wakhema Township. Although he threatened to kill the girl if she told anybody what he had done, the case came to light following a doctor’s appointment. At this point, he offered money to the girl’s aunt to keep the incident quiet and pay for an abortion if necessary. Her aunt refused the money. Aung Myo Min then managed to get the girl’s grandfather to accept 70,000 kyat. The girl’s aunt, nevertheless, continued to pursue the case. The police, however, refused to record the case claiming too much time had passed since the incident. The local government’s women’s committee also refused to take up the case.¹⁴⁵

Kachin State

In January 2006, a soldier from LIB #37 in Shegwu, eastern Kachin State, reportedly raped a Kachin woman at gunpoint. He forced her into the jungle holding a gun to her head, raped her and attempted to strangle her. She survived and the local commander gave her family 50,000 kyat not to report the case. She later became pregnant and had an abortion.¹⁴⁶

Karen State

Dooplaya District

In April 2006, SPDC soldiers from IB #61 demanded cigarettes and other goods from shops in Tee Ler Baw village without paying. After a complaint by the village headwoman, they were questioned by their superior. Angry, three of the soldiers returned to the village and raped one of the shopkeepers (name withheld) at knifepoint. Instead of returning to camp, they then went to another village and demanded money from another villager, Saw Dee Htoo. When he could not give them anything, they killed him. The news reached Ko Kwa army camp where the soldiers had been stationed and a patrol was sent after the soldiers. They were eventually captured and summarily executed. Subsequently, IB #61 troops were moved to Kyaikdon in central Dooplaya.¹⁴⁷

On 29 November 2006, SPDC IB #96 second in command, Myo Min, raped a 25 year old mother of four in Waw Raw Township. He is said to have threatened her with a gun and taken her outside of the Karen Peace Force camp where he raped her. The attack took place between 8.30 pm and 10.30 pm.¹⁴⁸

On 7 December 2006, a sergeant from LIB #586 reportedly tried to rape a 41 year old woman in the Ta Ku Ki area of Dooplaya District. He and two other soldiers went to the woman's home under the guise that he was a medic and would help with her injured leg. When he tried to force himself upon her, she kicked him off, before her mother returned to the house and the soldiers ran away.¹⁴⁹

Pa'an District

On 9 April 2006, at around 8 pm., a soldier from SPDC LIB #547 attempted to rape a 14 year old girl from Htee Chwa village when she was returning home with two friends from a tutorial. When the soldier attacked her, her two friends ran for help. Some men from the village then ran to scene and her assailant ran away. He had punched the girl in the face repeatedly during the attack leaving her face badly swollen. Furthermore, she was psychologically damaged by the incident, telling her parents that she dared not go to school and wanted to commit suicide. The villagers complained to SPDC LIB #547 Commander Khaing Maung Htway who discharged the soldier responsible.¹⁵⁰

Papun District

On 3 February 2006, a 30 year old woman from Ee Kyu Kee village, Wa Mu village tract, Dweh Loh Township, returned home early from a wedding in her village as she was feeling tired. When she returned home, she heard someone calling to her and asking where her husband was in the Karen language. When she replied that he was still at the wedding, an SPDC soldier entered her house. He overpowered the woman and raped her on the floor of her house. The woman reported that he was a Sergeant as he had three stripes on his uniform. The assailant has since been reported as being NCO San Aung of IB #349. When the woman and her husband reported the incident to the village head he advised them not to take it any further. No action was taken to punish the offender.¹⁵¹

Thaton District

On 25 October 2006, SPDC IB #235 Company Commander Aung Ko Ko and a number of his troops based in Pa'an Township, reportedly attempted to abduct and rape Mu Lay Paw, aged 9, and Naw Say Moo, aged 10, while they were returning from school.¹⁵²

Toungoo District

In late January 2006, it was reported that during the SPDC offensives in Toungoo District Naw Bey Bey, a 22 year old medic, was captured by SPDC troops in Shazebo village, and sentenced to eight years in prison. Subsequent reports suggest that she was then conscripted to serve as a medic during the SPDC offensives, during which time she was raped. Following the conclusion of the military operation, she was returned to Toungoo prison.¹⁵³

Karenni State

On 6 February 2006, Naw Say Paw, the wife of a former SPDC soldier was raped and murdered by SPDC LIB #337 1st Lieutenant Win Naing, in Bawlake Town, northern Karenni State. After raping Naw Say Pay, Win Naing stabbed her three times in the chest and slit her throat. Her husband, Sergeant Aung, was away at the time at a teaching camp for new recruits in Rangoon. When he returned and heard of the incident he fled to the Karenni resistance.¹⁵⁴

Magwe Division

On 16 February 2006, It It Tun, a 16 year old schoolgirl from Myothit, Taungdwinggyi District, was kidnapped by a soldier from the nearby KaPaCa (military arsenal/weapon production battalion) #17. The case was reported to local police and to the military base.¹⁵⁵ On the 18 February, It It Tun was allowed to see her parents at a local authority office. The officials claimed that she had gone with the soldier of her own free will, contradicting the claims of her best friends who saw her dragged off. During the meeting with her parents, she shook uncontrollably and they were unable to communicate freely. At the end of the meeting, she was again taken away.¹⁵⁶

On 13 September 2006, Private Zaw Win Soe of LIB #103, based in Taungdwinggyi, reportedly raped a 14 year old girl. When the girl's parents reported the incident to the local police station, they refused to investigate as the case involved a member of the army. On 18 September, Captain Hla Myo Kyaw, the private's commanding officer, threatened the parents not to go ahead with the lawsuit.¹⁵⁷

Mandalay Division

On 22 August 2006, a Burmese military officer raped a seventeen year old girl at gunpoint whilst on security duty near Tada-U International Airport. Lt-Col Thiha Maung Maung abducted Ma Moe Moe Myint of Sipinkwayh village at gun point. Although the villagers reported the case to military superiors and the local police, no action was taken. Moreover, the villagers were warned that they would be punished if details of the case were made public.¹⁵⁸

Mon State

On 21 June 2006, a fifteen year old girl gave birth after being raped by Nai San Thin, the former secretary of the village headman in her Nainghlone Village, Mudon Township. She was working in a rubber processing unit in his house, when he raped her. He threatened to kill her and her family if she told anyone. Her family only became aware when she gave birth to the child, after previously thinking she was merely putting on weight, assuming she was too young to be pregnant. Nai San Thin and village officials offered the girl money to keep silent, but she refused. Instead, he offered money to organisations with ties to the government, such as the Myanmar Maternal and Child Welfare Association and the Myanmar National Committee for Women's Affairs, who have since appeared reluctant to pursue the case. Villagers report that this individual is known to have raped other village girls.¹⁵⁹

On 25 June 2006, SPDC LID #31 Lieutenant Thein Ka Hlaing raped, 27 year old, Mee War from Kaw Za village, Yay Township. Her father had been arrested by troops from LID #31 on 20 June 2006, on suspicion of supplying food to a local insurgent group, the Mon Pyithit Party, and was repeatedly assaulted. On 25 June, at 9.30 pm, 5 soldiers came to the village and summoned Mee War, under threat of being killed if she refused to go with them. Once inside the barracks she was made to wait on the soldiers, as well as being forced to sing and dance for their amusement. Lieutenant Thein Ka Hlaing then raped her three times in his quarters. When Mee War screamed for help, she reported that the soldiers outside simply laughed. Lieutenant Thein Ka Hlaing threatened to shoot her if she told anybody what had happened to her.¹⁶⁰

Sagaing Division

On 8 June 2006, five SPDC soldiers from LIB #268 raped two Chin women in S—village, Kalaymyo, who were returning from Mizoram. The soldiers stopped the 2 women at a checkpoint in the village, and demanded that they stay the night at the village. During the night the five soldiers gang raped the women, before allowing them to leave the next morning. The women subsequently left their village, feeling unable to tell anyone what happened to them.¹⁶¹

Shan State

On 16 March 2006, two women (names withheld), aged 15 and 19, were gang raped by SPDC soldiers from IB #13 at Wan Khaam Phurk, a small camp where a few villagers were staying whilst working on their farms, in Wan Hai village tract, Kaa-See Township. When more than 30 troops searched the camp, all the males had already fled. The troops then detained the two women in their hut, and a procession of troops took turns raping the girls before leaving the next morning.¹⁶²

In late March 2006, 11 women, 6 from Hwe Hsem and 5 from Mark Khinok, of Tonglao village tract, were raped by soldiers from IB #515. The headman of Mark Khinok village reported the incident to Captain San Hlaing of IB #292, who replied that *“There’s nothing I can do, as we are not from the same unit”*. The case was then reported to Win Tint, the District Peace and Development Council chairman in Loilem, to the anger the local military authorities. The victims from Mark Khinok were identified as:

1. Nang Noan, 25 years old;
2. Nang Zom, 18;
3. Nang Pueng, 19;
4. Nang Goi, 20; and
5. Nang Awng, 22.¹⁶³

On 3 April 2006, a girl (name withheld), from Look-kang village, was beaten to death by soldiers from LIB #514, based in Mongkerng. She was one of seven women forced to ‘comfort’ a 60-member patrol from the battalion. Her battered remains were dumped outside her village. The selection of ‘comfort women’ is commonplace, one woman saying that *“The village headman is forced to select female members of his village to sleep with the soldiers every time they turn up there”*.¹⁶⁴

On 18 May 2006, 18 year old Naang Ho Ling, from Paang Nim village, Laai Kaam village tract, Kung-Hing Township, was raped by an SPDC soldier from IB #246, at the nearby village of Laai Kaam, whilst tending to her families buffaloes. Moe Tint, the commander of a group of soldiers who came across Naang Ho Ling forced her into the nearby cemetery where he raped her. Subsequently, the troops detained her at Kho Laek village. After escaping she informed her family and village leaders of the incident but no complaint was filed due to a fear of reprisals.¹⁶⁵

On 4 October 2006, 50 troops from SPDC LIB #327, along with roughly 15 Lahu militia men, came across two girls, aged 15 and 16, in a rice field, near Murng Ong village, Murng Phur village tract, Kengtung Township. The girls were taken to the troops commander who accused them of being the wives of Shan soldiers. He forced them to work as porters on a patrol. During the two day patrol both girls were raped each night. The girls were subsequently released, but told not to inform anyone of their ordeal.¹⁶⁶

On 9 October 2006, three Palaung women: Daw Nan Man, 52; Ma Aye Sein, 32; and Ma Aye Kyaing, 14; were raped by SPDC troops outside Wan Pan Village, of Ho Pong Village Tract in the Loi Lem District of southern Shan State. Two of the women, Daw Nan Man and Ma Aye Kyaing, escaped from the Burmese soldiers after being raped, but they suffered several injuries from the attack. The third woman, Ma Aye Sein had her skull cracked open, was stabbed four times in her left breast, and suffered three broken ribs. On 13 October, at Lwe Lin Hospital, she died from her injuries, which had been complicated by delays in getting her to the hospital. Whilst Wan Pan villagers went to the battalion to complain of the incident to commanders, there was no action taken against the rapists. The rapists from LIB #9 were identified as:

1. Thet Pine,
2. Thet Lwin Oo,
3. Myo Thein,
4. La Min Htwe,
5. Kyaw Soe, and
6. Win Ko.¹⁶⁷

Rohingya Villager's Testimony Concerning Rape of Neighbour

Source: Arakan Project
 Ethnicity: Rohingya
 Religion: Muslim
 Age: 47
 Village: K--- Village Tract, Rathedaung Township South
 Date of interview: 27 August 2006 - Bangladesh

Last year, one of my young neighbours named N. had married a girl named T. That was during the period when all marriage permissions for Rohingya were completely withheld by the NaSaKa and the Immigration. But soon after their marriage, it came to the notice of the NaSaKa officer that many young men, including N., had married without permission. As a result, some of them were sent to jail for two years or more. A few managed to get released after paying a huge bribe to the NaSaKa. But N. is one of those who have been imprisoned for the last six months and he will have to stay for another 18 months in jail.

The current local NaSaKa commander lives here without family and he drinks every evening.

N.'s wife, T., is a beautiful young woman living alone in a house near her parent's residence (since her husband has been jailed). T. visited the NaSaKa office a couple of times after the arrest of her husband in order to find a way to release her husband and to know the situation of his case. So, the NaSaKa commander saw her.

About one month ago [around end of July 2006] the NaSaKa commander went to T.'s house in the dark of the night and raped her. She did not scream because she was too afraid, but, as soon as the officer left her house, she rushed to her parents' house and told her mother what happened to her. The following morning her mother took her to the local VPDC office and explained the matter to the VPDC Secretary. The Secretary and the Chairman of the VPDC helped T. and her mother to write a complaint against the NaSaKa officer and advised her to go to Rathedaung town to submit it to the Head of Police of Rathedaung Township.

The NaSaKa officer learnt about T.'s complaint and he also sent a messenger to the Head of Police of Rathedaung Township with a letter claiming that the woman's accusation was false and fabricated.

In Rathedaung the police officer interrogated T. and sent her to undergo a medical examination. The medical results confirmed she had been raped and confirmed her accusation.

The police officer then summoned the NaSaKa officer to the police station to settle the matter. He also mentioned that the medical examination of T. confirmed her accusation. The police told T. to return to her village and assured her that the NaSaKa commander would be punished according to the law.

I just got informed that the NaSaKa commander managed to settle the matter last week by paying 500,000 kyat to the Rathedaung police. But, T., the rape victim, did not get justice. The police officer took advantage of her complaint to make money for himself.¹⁶⁸

7.7 Forced Marriage

Sometimes, a rape victim may be forced into marrying the soldier whom raped her. Oftentimes his battalion is then redeployed and the soldier abandons his wife, leaving her isolated from her community who may stigmatise her for her sexual relations with an SPDC soldier.¹⁶⁹ When cases of such forced marriages have been reported to SPDC Division Commanders and Military Operations Commanders in Doooplaya District, no action has been taken.¹⁷⁰ On 10 October 2006, three naval cadets, from Naval Unit 18 of Ran Chan Byint Naval Base, raped a 14 year old girl, Khaing Thin Kyi from Yaysinpyin Village, Sittwe Township. None of the cadets were punished and the girl was forced to marry one of her rapists by lying about her age.¹⁷¹

There have also been claims that marriages between ethnic women and SPDC soldiers are being encouraged by the upper echelons of the military hierarchy in certain areas. The Women's League of Chinland has reported that soldiers were being offered 100,000 kyat each to marry educated Chin women. It claimed such incentivising to be "*part of a program to slowly eradicate the Chin race.*" Chin women whom do marry SPDC soldiers are frequently encouraged to convert from Christianity to Buddhism. Perversely, in the case of those Chin women who have married the man who raped them, they have often done so in an attempt to adhere to their religious beliefs.¹⁷²

In Mon State, one villager, who was interviewed in 2006 after fleeing to the Thai border, reported how Kee They Oo, a Mon high school teacher from her village, was forced to marry SPDC Colonel Myo Winn, under threat that if she refused all of her village would be killed.¹⁷³

Recent jurisprudence has established the potential for such practices of forced marriage, in the context of armed conflict, to be defined as a crime against humanity, with perpetrators liable to prosecution under international law. The International Criminal Tribunal for the Former Yugoslavia (ITCY) in *Prosecutor v. Kvočka et al.* was the first to recognise forced marriage as a prosecutable crime during periods of armed conflict. Since that time, the Office of the Prosecutor (OTP) of the Special Court for Sierra Leone (SCSL) has presented the first explicit arguments regarding the crime of forced marriage, charging it as a crime against humanity.

7.8 Detention in Lieu of Men

In Burma, women are frequently subject to punishment by SPDC personnel in situations where their husbands or sons are suspected of a crime, such as supporting or being a member of an armed resistance group, and are unable to be found. Often the fact that their husbands are unable to be found is taken as sufficient evidence that they are resistance fighters. Frequently women are arrested under such charges against their husbands. In most cases they are released upon payment of a ransom. In other cases, freedom is harder to come by, and these women can serve as hostages, or face exemplary punishment.¹⁷⁴ Even in criminal cases such as theft, outside of conflict zones, women have been imprisoned in absentia of male relatives.

On 5 June 2006, it was reported that pregnant women were being tortured in a jail under the control of SPDC Regional Control Command in Loikaw, Karenni State, because they find it difficult to catch the men of the family suspected to have contacts with the KNPP. According to one pregnant woman who was released after 15 days in custody, *"There was a woman seven months into pregnancy beside my cell. She was beaten unconscious like I was."* Berresel claimed that there were at least five pregnant women, an unknown number of other women and several children under the age of 10 remaining in the jail, when she was released.¹⁷⁵

On 5 July 2006, police in Kalaymyo, Sagaing Division, arrested Awih Zan, a 52 year old woman, whose son had been accused of stealing a motorbike but could not be found. In mid-September, after 2 months in custody, Awih Zan was sentenced to a further 3 months imprisonment for her son's crime.¹⁷⁶

On 15 July 2006, it was reported that the wife and two month old child of a village headman had been arrested by the *tatmadaw* in La Lui village, Matupi Township, Chin State, as the headman had failed to report the presence of the Chin National Army in the area. Sun Par, and her two month old son were arrested in the last week of June, as her husband, Lawng Thui had fled the village after receiving information of his impending arrest. They were arrested by Nyunt Soe, Chairman of Matupi Township Peace and Development Council and Captain Aung Kyaw of LIB #140. She has four other children.¹⁷⁷

On 27 July 2006, in the Owan Ta Bin Quarter of Sittwe; Ko Tun Lin Kyaw and his friend (unnamed) gave themselves up to the Sittwe Police Station #1. They had been on the run since the 25 July, following a quarrel with the police that resulted in one police officer sustaining a serious eye injury. The police had subsequently held their family members hostage in order to secure their surrender.¹⁷⁸

On 22 September 2006, Hla Shwe and Yeh Myint, both NLD members at Nattalin, Pegu Division, were arrested over the stabbing of the former local authority chairman. A local resident reported that the former chairman Yeh Win Tun, had often blamed Yeh Myint with crimes committed in the local area and it is believed that these arrests were politically motivated. The stabbing had occurred on 30 August. On that day, Yeh Myint's wife was arrested in lieu of him, with Hla Shwe's wife being arrested on 10 September, before their husbands were arrested on 22 September 2006.¹⁷⁹

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