

**COVER**

# **CEDAW SHADOW REPORT**

## **BURMA 2008**

### **BY WOMEN OF BURMA**

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## **Women's League of Burma**

The Women's League of Burma (WLB) is an umbrella organisation comprising 12 women's organisations of different ethnic backgrounds from Burma. WLB was founded on 9th December, 1999. Its mission is to work for women's empowerment and advancement of the status of women, and to work for the increased participation of women in all spheres of society in the democracy movement, and in peace and national reconciliation processes through capacity building, advocacy, research and documentation.

### **Aims**

- To work for the empowerment and development of women.
- To encourage women's participation in decision-making in all spheres of life.
- To enable women to participate effectively in the movement for peace, democracy and national reconciliation.

By working together, and encouraging cooperation between the different groups, the Women's League of Burma hopes to build trust, solidarity and mutual understanding among women of all nationalities in Burma. The 12 member organisations are listed on the inside back cover of this report.

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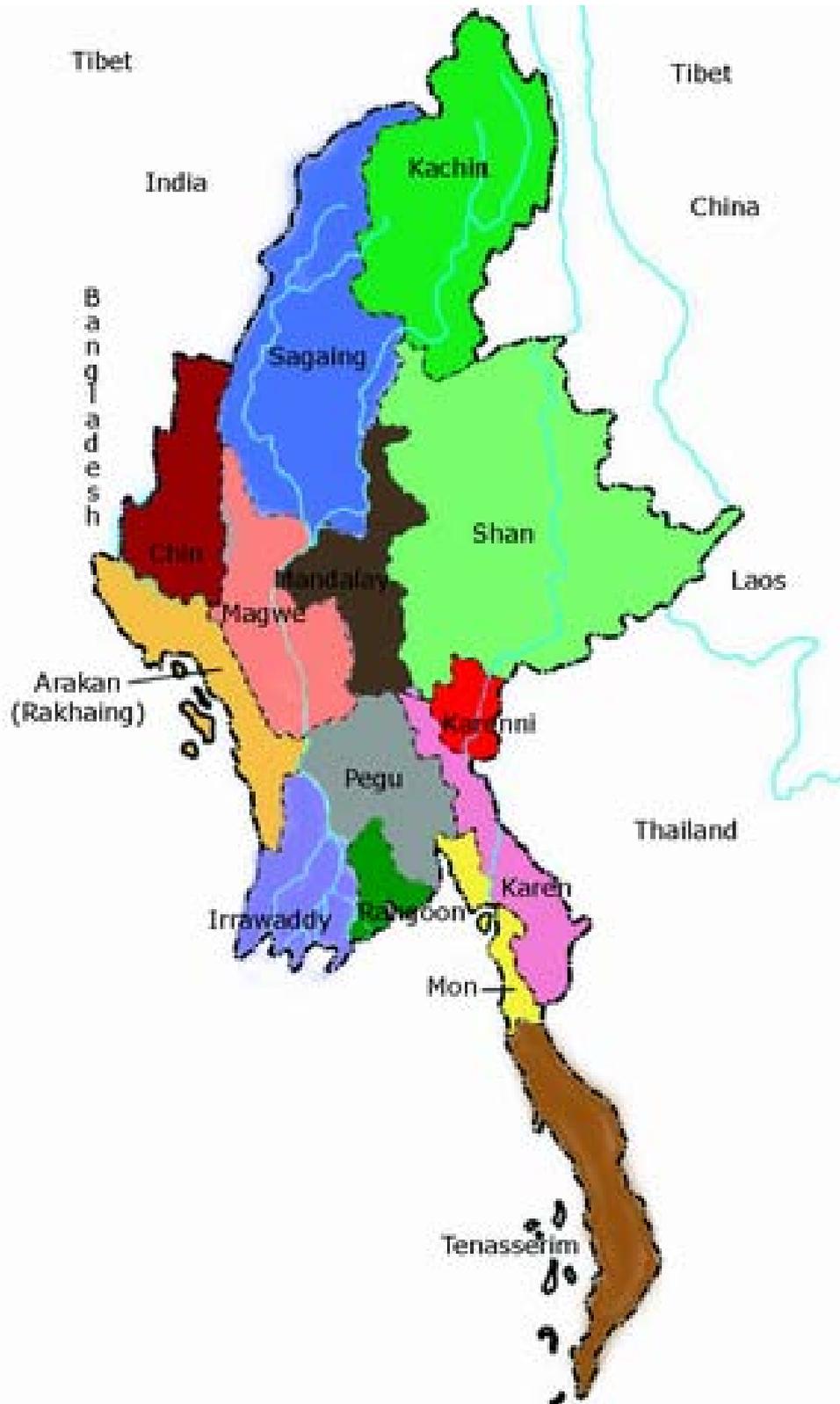
Special thanks are extended to the Danish Burma Committee (DBC) through the Nation Reconciliation Programme (NRP) and Inter Pares through the Burma Relief Centre (BRC) for their financial support for this project of the CEDAW Shadow Report Process of the women of Burma initiated and facilitated by the Women's League of Burma.

## ACRONYMS

AASYC	All Arakan Students' and Youth Congress
ABFSU	All Burma Federation of Student Unions
ARV	Antiretroviral drugs
ASEAN	Association of Southeast Asian Nations
BMA	Burma Medical Association
BPFA:	Beijing Platform for Action
BPHWT	Back Pack Health Worker Team
BRW	Burma Rivers Watch
BWU	Burmese Women's Union
CAPS	Continuous Assessment and Progression System
CBO	Community-based organization
CEDAW:	Convention on the Elimination of All Forms of Discrimination against Women
DVB	Democratic Voice of Burma
ECDF	Ethnic Community Development Forum of Burma
EFA	Education For All
GDP	Gross Domestic Product
GONGO	Government- Organized Non Government Organization
HREIB	Human Rights Education Institute of Burma
GR	General Recommendation
HURFOM	Human Rights Foundation of Monland (Burma)
IB	Infantry Battalion
ICAAP	International Congress on Aids in Asia and Pacific
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
ID	Identity
IDP	Internally displaced person
IDR	Information, Documentation and Research Department
KDHW	Karen Department of Health and Welfare
KDNG	Kachin Development Networking Group
KDRG	Karenni Development Research Group
KIO	Kachin Independence Organization
KNWO	Karenni National Women's Organization
KORD	Karen Office of Relief and Development
KSWDC	Karenni Social Warfare and Development Centre
KWAT	Kachin Women's Association Thailand
KWHRO	Kuki Women's Human Rights Organization
KWO	Karen Women's Organization
KyWU	Kayan Women's Union
LIB	Light Infantry Battalion
LNDO	Lahu National Development Organization
LWO	Lahu Women's Organization
Mg	Maung ("brother;" sometimes used as part of a man's name)
MMCWA	Myanmar Maternal and Child Welfare Association
MNCWA	Myanmar National Committee for Women's Affairs
MNHC	Mon National Health Committee
MoU	Memorandum of understanding
MRDC	Mon Relief and Development Committee
MSWRR	Ministry of Social Welfare, Relief and Resettlement
MTC	Mae Tao Clinic

MWAF	Myanmar Women's Affairs Federation
MWO	Mon Women's Organization
MYPO	Mon Youth Progressive Organization
NCGUB	National Coalition Government of the Union of Burma
NGO	Non-Governmental Organisation
NHEC	National Health and Education Committee
NLD	National League for Democracy
NLD (LA)	National League for Democracy (Liberated Area)
NYF	Nationalities Youth Forum
OMWO	Overseas Mon Women's Organization (OMWO)
PWO	Palaung Women's Organization
PWU	Pa-O Women's Union
PYNG	Palaung Youth Network Group
RWU	Rakhaing Women's Union
SCOEWBA	Save and Care Organisation for Ethnic Women at Border Areas
SGM	Shwe Gas Movement
SHRF	Shan Human Rights Foundation
SLORC	State Law & Order Restoration Council (now SPDC)
SPDC	State Peace and Development Council
SRDC	Shan Relief and Development Committee
SWAN	Shan Women's Action Network
TWU	Tavoy Women's Union
UN	United Nations
UNAIDS	The Joint United Nations Programme on HIV/AIDS
UNDP	United Nation Development Programme
UNDP	The United Nation Development Programme
UNESCO	The United Nations Educational, Scientific and Cultural Organization
UNIAP	The United Nations Inter-Agency Project on Human Trafficking
UNICEF	The United Nations Children's Fund
UNIFEM	The United Nations Development Fund for Women
UNPFA	The United Nations Population Fund
USD	United States dollar
USDA	Union Solidarity and Development Association
VAW	Violence Against Women
WCRP	Women and Child Rights Program
WHO	World Health Organization
WLB	Women's League of Burma
WLC	Women's League of Chinland
WRWAB	Women's Rights and Welfare Association of Burma

# MAP OF BURMA : STATES & DIVISIONS



## **EXECUTIVE SUMMARY**

The Burmese military regime (State Peace and Development Council or SPDC) signed CEDAW in 1997. Its initial report to the CEDAW Committee in 1999 was reviewed at the 22<sup>nd</sup> CEDAW Session. The delegation was headed by a man. In 2007, the SPDC sent its combined second and third periodical report

### **Definition of Discrimination, Law, Policy and Measures to Implement the CEDAW Convention (Articles 1, 2 and 3)**

There is no evidence in its 2007 report that the SPDC understands the definition of gender discrimination and the purpose of the CEDAW. The SPDC asserts that discrimination does not occur in Burma, because women are possessed of full rights from before birth. Its continuing refusal to recognize the serious and systemic gender discrimination occurring within the country makes highly unlikely that the SPDC will enact, in good faith, programs and policies capable of eliminating discrimination and promoting women's equality.

Women in Burma do not enjoy an effective constitutional guarantee of substantive equality. The regime's recently approved constitutional provisions not only fail to effectively promote gender equality, but guarantee that the armed forces, an almost exclusively male institution, will control a quarter of seats in the lower and upper houses of the legislature. At the same time, the SPDC has failed to introduce temporary special measures that would assist women in realizing equality.

There is no indication that the country's laws have been revised to address direct and indirect discrimination or that the CEDAW and its principles have been incorporated into domestic legislation. In terms of family law, there is a plethora of customary laws still utilized by Burman and non-Burman ethnic groups concerning marriage, adoption, property ownership and inheritance rights. Many of these laws emphasize women's roles as child-bearers and home-makers while giving men greater economic and decision-making power in domestic affairs

The institutional mechanisms for addressing gender discrimination in Burma are extremely limited. The national women's machinery is comprised of regime's organized NGOs (GONGOs), whose leaders are wives of SPDC commanders. They are forced to promote the regime's policies, and are prevented from taking a rights- or empowerment-based approach.

### **Sex Roles and Stereotyping (Article 5)**

The SPDC report makes clear that the regime has little understanding of destructive social stereotyping. Its public messages promoting traditional values consistently and actively reinforce women's inferior position in Burmese society, depicting women's abilities as limited and their activities as accordingly curtailed. *Hiri* and *ottapa* (moral shame and moral fear of repercussions), terms cited in the SPDC's report as cultural obligations of Burmese women, are considered in Theravada Buddhism to be the "twin guardians" of morality. Normally, in Buddhist teachings, these precepts apply equally to men and women, but in the SPDC's

messaging, they have been used to inculcate images of the ideal “good woman” who is modest in her deportment and obedient in serving her husband and relatives.

The face of public life in Burma is male, in large part because the culture of Burma today is profoundly militarized. The military presence pervades every village, town and city, every branch and level of its administration, and every situation involving power and status.

### **Trafficking (Article 6)**

The SPDC’s policies, namely economic mismanagement, prioritization of military expenditure, and neglect of social services, have caused increasing migration, which, together with state restrictions on movement and access to information, has led to an increase in trafficking of women and girls from Burma. Instead of addressing these root causes of the trafficking problem, the SPDC has introduced measures that have placed more restrictions on the movement of women and girls, and led to increased extortion and unjust arrests by local authorities. Innocent people have been arrested on false trafficking charges, particularly after the enactment of the new 2005 Anti-Trafficking Law.

### **Education (Article 10)**

The education sector has been seriously neglected by the state, with education funding amounting to only 1.3% of the GDP. There is a serious shortage of schools, trained teachers, and educational supplies, particularly in rural and conflict-affected areas; and corruption has become rife among teachers. While education standards have declined, school costs have risen sharply, causing a high drop-out rate. Owing to prevalent gender attitudes, sons’ education is prioritized over daughters’, and girls commonly leave school to help support their families, or do part-time jobs while studying.

While the SPDC has been neglecting the education needs of the general public, they have been investing in their own military educational institutions, thereby creating an educational system that privileges military personnel. The regime has also used the school system as a tool to maintain power. Teachers are indoctrinated to be loyal to the state, and prevent and suppress student unrest. The school curriculum has also been developed to instill acceptance of the military system.

### **Health (Article 12)**

Similarly, the health sector is grossly under funded by the state, receiving under 3% of the national budget. The state health care system in Burma is almost non-existent, and there is an acute shortage of medicine, medical facilities and supplies, and very few trained health staff. Today, deaths from infectious diseases, malnutrition, and maternal causes continue to prematurely claim the lives of many Burmese, deaths that are largely preventable. Women and children are bearing the brunt of the collapse of the health system, especially in the conflict zones of eastern Burma, where almost a quarter of children will die before age five, and one in twelve

women will lose her life as a result of pregnancy-related causes; these health indicators are amongst the worst in the world.

Despite UNAIDS describing the HIV/AIDS situation in Burma as “one of the most serious epidemics in Southeast Asia”, the regime has failed to commit significant resources to addressing the epidemic, and most glaringly, failed to submit a country progress report to the High-Level Meeting of the UN General Assembly Special Session on HIV/AIDS, held on 10-11 June 2008.

The SPDC has imposed increasing restrictions on UN agencies and international NGOs working inside Burma. Community health initiatives have also been shut down or severely curtailed. In their place, the regime has mobilized GONGOs to provide social services, largely for publicity purposes. These organizations include groups such as the Myanmar Women’s Affairs Federation (MWAFF), the Myanmar Maternal and Child Welfare Association (MMCWA), and the Union Solidarity and Development Association (USDA).

### **Rural women (Article 14)**

Rural populations in Burma, particularly women and girls, continue to suffer from extreme poverty, because of the regime’s prioritization of military expansion, exploitation of natural resources for short-term profit, and coercive agricultural policies. There has been increased confiscation of land for military bases and income-generation projects, and continued use of civilians as forced labour to build and maintain the bases. Resource extraction is being conducted without proper environmental and safety regulations and with no benefit for local peoples. The regime’s authoritarian agricultural policies, including forcing people nationwide to plant *Jatropha curcas* for biofuel production, have caused widespread hardship and food insecurity. State drug eradication programs, involving the banning of opium growing without substitution of sustainable alternatives, have also led to large-scale food shortages and migration.

The systematic violation of human rights, including gender-based violence, by the SPDC in the rural ethnic areas, have driven many people to become internally displaced, or to flee as refugees and undocumented migrant workers to neighbouring countries.

### **General Recommendation 19: Violence Against Women**

Women in Burma are facing violence at every level, not only because of historical gender discrimination, but as a direct result of military rule and the lack of rule of law. They are suffering from violence committed by family members, by the community and in particular by the State, without recourse to redress. Because of the regime’s failure to acknowledge discrimination and violence against women, there is now a climate of impunity for military rape; people in authority, particular in the SPDC army, routinely commit discriminatory and violent acts without remorse. There is mounting evidence of military rape against women and girls, particularly those in ethnic areas. In order to cover up their crimes, SPDC personnel use threats, intimidation and punishment to obtain false testimonies and statements from local community members, witnesses and even rape survivors. People are commonly threatened not to talk to outsiders, including personnel from UN agencies. ■

## Introduction

### Country profile

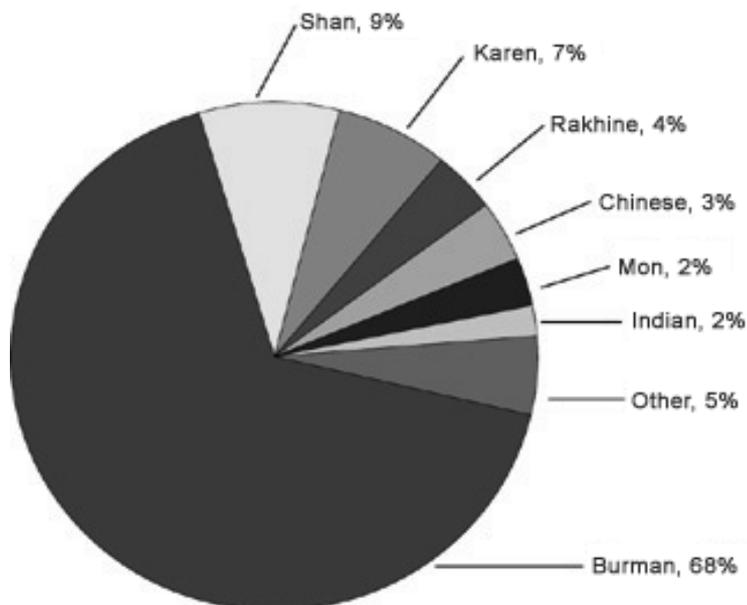
**Population:** 54 million  
**Ethnic groups:** 8 major - Burman, Chin, Kachin, Karen, Karenni, Mon, Rakhine, Shan.  
**Government Type:** Military junta.  
**Civil War:** Ongoing since 1948  
**Major languages:** Burmese, ethnic languages  
**Major religions:** Buddhism, Christianity, Islam  
**UN Country Status:** LDC (Since 1987)  
**Main income for SPDC:** Natural gas, Hydropower, Timber, Minerals, Gems

### Refugees

- More than **450,000** refugees from Burma in neighbouring countries: Bangladesh, India and Thailand
- Approximately **140,000** refugees living in the recognized camps in Thailand

**Internally Displaced People:** About **600,000** persons

### Peoples of Burma



## Burma's world ranking

- Military manpower rank (by number of active troops): **No 10** in the world
- **Largest** user of child soldiers in the world
- **Biggest** user of forced labor in the world
- **Second largest** producer of opium in the world
- **One of the 50** poorest countries in the world<sup>1</sup>
- Corruption ranking: **no. 179** (bottom place)<sup>2</sup>
- Overall health performance: **190 out of 191** countries<sup>3</sup>.
- Implementation of Education For All: **94 out of 129** countries

## Burma chronology (up to May 2008)

1885	Britain's <b>colonization</b> of Burma proper
12 Feb 1947	Signing of <b>Pang Long Agreement</b> (between Burmese leader Aung San and ethnic Shan, Kachin and Chin leaders, agreeing to cooperate to demand independence for Burma)
19 July 1947	<b>Aung San was assassinated</b> along with
Sept 1947	<b>Federal Constitution</b> ratified, granting Karenni and Shan the right to secede after a decade of independence.
4 Jan 1948	Burma regained <b>independence</b> ; <b>civil war</b> broke out shortly afterwards; over the years, various ethnic groups took up arms to fight the central government
2 March 1962	The army seized power in a <b>coup</b> , ending Burma's period of democracy; a series of military regimes have ruled until today
1962-1988	Military-led " <b>Burmese Way to Socialism</b> " bankrupted the country
1987	Burma became <b>LDC</b> (one of world's Least Developed Countries)
1988	Nationwide student-led pro-democracy <b>uprising</b>
18 Sept 1988	Regime, renaming itself the State Law and Order Restoration Council ( <b>SLORC</b> ), regained power with a brutal crackdown on peaceful demonstrators
May 1990	Regime held <b>general election</b> ; National League for Democracy (NLD) won more than 80% of vote, but regime has refused to honour results of election until now
Post 1990	Many elected <b>MPs arrested</b> , imprisoned, forced to resign; some fled into exile
1992	Regime started process of " <b>National Convention</b> " to draft new constitution, to solidify military power
1995	NLD began boycott of National Convention
1997	SLORC renamed itself the State Peace and Development Council ( <b>SPDC</b> )

<sup>1</sup> [http://hdrstats.undp.org/countries/country\\_fact\\_sheets/cty\\_fs\\_MMR.html](http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_MMR.html)

<sup>2</sup> Source: *Transparency International's 2007 Corruptions Perceptions Index*.

<sup>3</sup> 2000 WHO report.

30 May 2003	<b>Aung San Suu Kyi attacked</b> by members of USDA (regime's proxy organization)
Jan 2004	Regime announced <b>7-Step Road-Map</b> to "Disciplined Democracy"
Aug 2007	"88 Generation" activists demonstrated against oil price hike
Sept 2007	<b>Saffron Revolution</b>
Feb 2008	Regime announced <b>referendum</b> to endorse their own constitution in May
2 May 2008	<b>Cyclone Nargis</b> , killing over 130,000 and affecting nearly two and a half million people
10 May 2008	People forced to vote in referendum throughout Burma except cyclone-hit regions
24 May 2008	Referendum in cyclone-hit area

### Political context

A succession of military regimes has ruled Burma since 1962. The current junta is called the State Peace and Development Council (SPDC). This illegitimate government and its associates exercise total control over all sectors in the country.

Civil war has been going on for more than 60 years. Continued military offensives in the ethnic areas, together with a range of systematic human rights abuses against civilians, from forced labour to killing, torture and rape, have driven people from the lands where they have been living for generations, to become internally displaced, or refugees or migrants in neighbouring countries: Thailand, India, China and Bangladesh.

While the regime claims to have pacified the country through its policy of forging cease-fire agreements with resistance groups<sup>4</sup>, there has been no resolution of the political issues underlying the conflict. In recent years, the cease-fire groups have been pressured to lay down their arms while the regime is equipping its army with more and more sophisticated weapons supplied mainly by China, Russia and India.<sup>5</sup>

#### Size of SPDC Army:<sup>6</sup>

<b>Total armed forces:</b>	492,000
<b>Active troops:</b>	492,000
<b>Paramilitary:</b>	72,000
<b>Expenditures (USD)</b>	\$7.07 billion
(estimated for Fiscal Year 2005) <sup>7</sup>	

During the last general election in 1990, the National League for Democracy led by Aung San Suu Kyi<sup>8</sup> won more than 80% of the vote, but the regime refused to honour the result. Instead, it

<sup>4</sup> The regime regularly cites 17 groups that have signed cease-fire agreements since 1989.

<sup>5</sup> Because of excessive military expenditure and economic mismanagement, Burma has become one of the 50 poorest countries in the world. Yet the generals have built a luxurious new capital, Naypyidaw.

<sup>6</sup> <http://en.wikipedia.org/wiki/Tatmadaw>

<sup>7</sup> <http://www.comw.org/cmp/fulltext/0606cordesman.pdf>

harassed and restricted the winning parties, and many elected MPs were put in jail. Some have died in detention, and some have fled Burma.

Political oppression is continuing to this day inside Burma. People are not only denied their basic human rights, but are arrested, detained and imprisoned for expressing their political beliefs. Currently there are 2,052 political prisoners in Burma, including elected ethnic MPs. Moreover, the regime has set up its own support groups, namely the Union Solidarity Development Association (USDA) and Swan Arr Shin to assault dissenters nationwide. It was members of these organizations who attacked and tried to kill Daw Aung San Suu Kyi on May 30, 2003.

### **Systematic human rights abuses committed by the regime's troops<sup>9</sup>**

- forced labour
- forced relocation
- confiscation of lands and crops
- arbitrary arrest and detention
- extrajudicial killing
- torture
- rape

### **Crackdown on the Saffron Revolution**

The extent of the regime's barbarism against its own people was evident during the Saffron Revolution in September 2007, when they assaulted and killed peacefully protesting monks. The junta's proxy organization, the Union Solidarity and Development Association, and 'special riot police' were authorised to commit gender based violence against women protestors and harass them with impunity during demonstrations in Rangoon. Women peacefully marching were severely beaten, punched, slapped, verbally abused and had their clothes torn, and their sarongs were violently and deliberately pulled off. When the regime cracked down on the protests, at least 19 women disappeared, and 131 women protestors, including 6 nuns were arrested, and prominent women activists went into hiding. The regime has been tracking them down and arresting them. The authorities have also arrested wives, parents, sisters, brothers, relatives of protestors in order to make activists on the run surrender, and this has caused increased mental torment. Those arrested were tortured and abused<sup>10</sup>.

### **Aftermath of Cyclone Nargis**

Since Cyclone Nargis on May 2, 2008, the regime has not only blocked international and local donors from giving aid, but also arrested local people for leading local aid efforts and speaking out about the aid blockage. Instead of making every effort to assist the victims of Nargis, the

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<sup>8</sup> Aung San Suu Kyi has been under house arrest for more than 13 years since 1989.

<sup>9</sup> Documented in numerous reports by international human rights organisations and the UN, including in Amnesty International and Human Rights Watch thematic reports released annually.

<sup>10</sup> See details in *Courage to Resist*, a report by the Women's League of Burma, November 2007.

regime went ahead with their plans for their sham referendum on May 10, 2008, forcing people to endorse their own constitution. Women and children are the most vulnerable of the cyclone-affected populations. Many are suffering psychological trauma from losing their family members. There are approximately 35,000 pregnant women at extreme risk due to poor nutrition and lack of safe delivery options. More than 100 women in the affected areas are giving birth every day.

## **SPDC and CEDAW**

SPDC signed CEDAW in 1997. Its initial report to the CEDAW Committee was in 1999, and was reviewed at the 22<sup>nd</sup> Session. The delegation was headed by a man. In 2007, it sent a combined second and third periodical report. Notably, in both reports SPDC claimed that existing laws and social practices of the country were compatible with the Convention, and the country's successive constitutions had included provisions for women's rights and equality, and that women had legal equality with men in the political, economic, administrative and social spheres.

Such claims are not new. Since 1995, when the regime began its international engagement with women's affairs at the Beijing Conference, it has frequently boasted about the elevated status of women and long-established gender equality in Burma.

## **SPDC's statements on the status of women**

- Since the inception of Myanmar civilization 2000 years ago, there has been historical evidence that Myanmar women and men did enjoy equal rights <sup>11</sup>
- In Myanmar, women legally enjoy equal rights as men in political, economic, administrative and social sphere.<sup>12</sup>
- In the Union of Myanmar, women enjoy equality with men as an inherent right.<sup>13</sup>
- The status of women in Myanmar remains to be among the highest in the world. [*sic*] <sup>14</sup>

## **Women of Burma and the CEDAW process**

Women's groups from Burma have been raising awareness about the situation of women in Burma, and addressing women's issues for years at regional and international fora. This process has become more focused since the formation of the umbrella women's group, the Women's League of Burma (WLB) in 1999. Even while the WLB was being formed in September 1999, member groups were working to collectively produce a shadow CEDAW report. A Shadow Report Writing Committee (SRWC) was set up with representatives from five women's organizations<sup>15</sup> on the Thai–Burma border, and three individuals. The report, which was produced in four months, focused on the problems faced by women and girls in rural areas,

<sup>11</sup> Source: Statement by SPDC's leader of the Delegation, Major- General Soe Myint at the Fourth World Conference on Women, 1995.

<sup>12</sup> Source: Statement by SPDC's leader of the delegation to the 22<sup>nd</sup> Session of the UN Committee on CEDAW on January 21, 2000.

<sup>13</sup> Source: SPDC 's response to Beijing Plus 5 questionnaire.

<sup>14</sup> Source: SPDC's oral statement on Item 12 at the 60<sup>th</sup> Session of UNHCR.

<sup>15</sup> BWU, KWO, KNWO, SWAN and TWU.

including ethnic lands, as a result of armed conflict. Five representatives from women's groups, along with representative from the NCGUB's Women's Affairs Department<sup>16</sup> attended the 22<sup>nd</sup> CEDAW Session, and submitted the report to the Committee. At the same sessions, the representatives from women's groups of Burma had a chance to have a dialogue with CEDAW Committee members, and prepared critical issues and questions for the committee members at the session.

This was the very first international advocacy initiative carried out collectively by women from Burma. Since this time the WLB, with the collaboration of networks at local and regional and international levels, has been continuing its international advocacy, exposing the systematic human rights violations being committed by the military regime, including various forms of sexual violence against women and girls.

### **Methodology:**

Since 2000, WLB has been participating in the Beijing Process, WCAR process and various UN forums<sup>17</sup>, and carrying out international lobby work. Lessons learned from these processes by participating organizations have been very valuable.

WLB initiated the most recent CEDAW shadow process from mid-2007 by sending WLB representatives to a strategic training workshop organized by IWRAW-AP (*International Women's Rights Action Watch – Asia Pacific*) in Jakarta, Indonesia. In November 2007, SPDC sent a combined periodic report (2004-2008) to the CEDAW Committee as a State party. Since then WLB has been facilitating the shadow reporting process for women of Burma.

In January 2008, WLB held a one-day consultation workshop for women's groups to gather a *List of critical issues and questions for the Committee*.<sup>18</sup> This was followed by a four-day workshop in which the participants<sup>19</sup> learnt about CEDAW concepts, what information to put into a CEDAW shadow report and how to collect the information, and most importantly, a concrete workplan and timeline was drawn up for the whole CEDAW shadow report process.

A CEDAW working team was also formed<sup>20</sup> to coordinate and communicate with participating women's groups and other civil society groups along Burma's borders. Each participating group has assigned one person as a focal point, for communication between their mother organization and the CEDAW working team (core group).

The working team has held a number of consultation meetings among Burma civil society groups/networks through the *CACT (Campaign Action Coordinating Team)*<sup>21</sup>.

Groups along all Burma's borders have sent in their data, collected through different methods including interviews and discussion sessions. Members of the working team have also done literature research via internet and existing reports, and also translated data from ethnic languages to English.

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<sup>16</sup> The CEDAW shadow report project was jointly conducted by women's organizations of Burma and the Women's Affairs Department of the NCGUB.

<sup>17</sup> UNCSW, UNCHR, UNPFIP, UNGA, UNHCR – Excom, UNSCR lobby week.

<sup>18</sup> [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WLB\\_Myanmar.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WLB_Myanmar.pdf).

<sup>19</sup> Participants were from WLB member organizations and network organizations along all Burma's borders.

<sup>20</sup> See Annex 7.

<sup>21</sup> A coordination team of grass-roots organizations working on various issues, including the environment and sustainable development.

The experience of participating in the training workshop “*From Global To Local: Orientation on the CEDAW Convention*” organized by IRAW Asia-Pacific<sup>22</sup>, and observing the countries’ review on the CEDAW session were valuable to the process, and will also be very useful for developing WLB strategies before, during and after the Burma review in October 2008.

Due to limitations of time and human resources, women’s groups were only able to compile the following sections.

Article 1-5: Definition of Discrimination, Law, Policy and Measures to Implement the CEDAW Convention, & Sex roles and Stereotyping

Article 6: Trafficking

Article 10: Education

Article 12: Health

Article 14: Rural women

GR 19 : Violence Against Women

#### **List of participating organizations:**

- Women’s League of Burma ( WLB)

- Members*

- Burmese Women's Union (BWU)
    - Kachin Women's Association - Thailand (KWAT)
    - Karen Women's Organization (KWO)
    - Karenni National Women’s Organization (KNWO)
    - Kuki Women's Human Rights Organization (KWHRO)
    - Lahu Women's Organization (LWO)
    - Palaung Women's Organization (PWO)
    - Pa-O Women's Union (PWU)
    - Rakhaing Women's Union (RWU)
    - Shan Women's Action Network (SWAN)
    - Tavoy Women's Union (TWU)
    - Women's Rights & Welfare Association of Burma (WRWAB)

- Women’s League of Chinland ( WLC)
- Woman and Child Rights Project (Southern Burma), Human Rights Foundation of Monland (Burma) : (WCRP) - HRFOMB
- Mon Women’s Organization (MWO)
- Overseas Mon Women’s Organization (OMWO)
- Mon National Health Committee (MNHC)
- Kayan Women’s Union (KyWU)
- NLD ( LA) Women’s Branch
- Back Pack Health Worker Team ( BPHWT)
- Burma Medical Association ( BMA)
- Mae Tao Clinic
- All Burma Federation of Student Union ( ABFSU)
- National Health and Education Committee ( NHEC)
- Human Rights Education Institute of Burma ( HREIB)

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<sup>22</sup> <http://www.iwraw-ap.org/news.htm>.

- All Arakan Students' and Youths' Congress (AASYC)
- Burma Rivers Watch (BRW)
- Ethnic Community Development Forum of Burma (ECDF)
- Kachin Development Networking Group (KDNG)
- Karen Office of Relief and Development (KORD)
- Karen Department of Health and Welfare (KDHW)
- Karenni Development Research Group (KDRG)
- Karenni Social Warfare and Development Centre (KSWDC)
- Lahu National Development Organization(LNDO)
- Mon Relief and Development Committee (MRDC)
- Mon Youth Progressive Organization (MYPO)
- Mon Local Group
- Nationalities Youth Forum (NYF)
- Palaung Youth Network Group (PYNG)
- Salween Watch
- Shan Relief and Development Committee (SRDC)
- Shan Sapawa Environmental Organization
- Shwe Gas Movement (SGM)
- Yoma News Agency

## **Article 1: The Definition of Discrimination**

Under article 1 of the CEDAW, gender discrimination encompasses both explicit, formal discrimination and substantive discrimination, or discrimination in effect arising from facially neutral laws, policies and actions. The definition emphasizes that discrimination is prohibited whether its authors are state or private actors.

There is no evidence in its report that the SPDC understands this definition or the purpose of the Convention. As was the case in its initial report, in its combined second and third periodic reports, the SPDC asserts that discrimination does not occur in Burma, because women are possessed of full rights from before birth. Its continuing refusal to recognize the serious and systemic gender discrimination occurring within the country makes highly unlikely that the SPDC will enact, in good faith, programs and policies capable of eliminating discrimination and promoting women's equality. Until the SPDC acknowledges that women do not enjoy equality with men and that concrete steps must be taken to change that, it will remain incapable of appreciating and complying with its Convention obligations.

The absence of relevant disaggregated data on the situation of women in Burma continues to pose a problem for understanding and seriously addressing gender discrimination. Civil war and exceedingly weak physical and administrative infrastructure impede comprehensive data collection, particularly in rural areas, and hinder prospects of real change for the majority of the country's women.

SPDC propaganda is replete with references to "destructive foreign influences." These references are designed to repel international criticism, to combat notions of democratic rule and to attack Aung San Suu Kyi, who is described as a "foreigner," although she is the daughter of the national hero credited with bringing about Burma's independence. They betray a xenophobic tendency that was amply demonstrated to the world in the aftermath of Cyclone Nargis, when the regime prevented badly needed foreign aid from entering the country and reaching victims. With the SPDC's habitual resistance to outside ideas and its insistence on its own rectitude and self-sufficiency, it is questionable how sincere its commitment to an international human rights convention like the CEDAW really is.

While the SPDC pays lip service to the CEDAW principles, its actions belie a true commitment to the spirit of the Convention. There is no indication that recommendations made by the 22<sup>nd</sup> CEDAW Committee in response to the country's initial report, were acted upon, distributed or publicized in any way.

## **No Constitutional Guarantee of Equality**

Women in Burma do not enjoy an effective constitutional guarantee of substantive equality. From a gender perspective, both the constitutional drafting process and the substance of the recently approved constitutional provisions are deeply flawed.

Starting in 1993 and ending in 2007, the National Convention engaged delegates hand-picked by the SPDC in an exercise to draft a new constitution for Burma. Members of independent political parties including Aung San Suu Kyi's National League for Democracy either were not invited or boycotted the proceedings. As the SPDC notes in its own report, only 6.2% of the delegates were women, even though women comprise over 50% of Burma's population, meaning that women were grossly underrepresented as delegates. Those members of women's organizations who were allowed to participate had close ties with the ruling SPDC. Furthermore, severe restrictions limited *all* delegates' opportunities to put forward, comment on, or debate the constitutional provisions, which were drafted by the SPDC.<sup>23</sup> As a result of both women's under-inclusion in the process and the limitations on their participation during the Convention, the women of Burma have not had meaningful input into the country's most fundamental legal document.

In terms of substance, the provisions of the *Fundamental Principles and Detailed Basic Principles*, the precursor to the Constitution, do not effectively promote gender equality.<sup>24</sup> Several sections of the *Fundamental Principles* address equality. Chapter 1, s. 10(a) says, "every citizen shall enjoy rights of equality." Chapter 8, s. 3 guarantees every citizen, "equal rights before the law and ... equal protection," and s. 4 adds, "(T)he State shall not discriminate against or in favor of any citizen based on (enumerated grounds including) sex." However, these provisions are extremely vague and do not prescribe specific state action to promote equality or prevent discrimination from occurring. Given the SPDC's record of contravening human rights norms, a more detailed and complete gender equality provision is required to ensure that the Constitution's guarantees are substantive and not merely formal.

Another issue of concern is that rights are accorded only to citizens. Citizenship laws require that at least one parent must be recognized as a citizen to pass on citizenship. In some areas that have been cut off from central administrative control by armed conflict or lack of infrastructure, official record keeping is extremely poor. Even if the Constitution's equality provisions were given more teeth, the restrictions limiting enjoyment of rights provisions to citizens could disadvantage women who may not be recognized as citizens for political reasons.

Furthermore, provisions guaranteeing equality are contradicted by other provisions. In particular, Chapter 8, s. 7 of the *Fundamental Principles* specifies, "Mothers, children and expectant mothers shall enjoy rights as prescribed by law," reinforcing an official view of women in traditional roles as mothers, and seemingly authorizing differential treatment of them. Even more problematically, s. 8 provides that there shall be no discrimination in government appointments, but that "nothing in this section shall prevent appointment of men to the positions that are naturally suitable for men." These provisions indicate that the guarantee of gender equality is

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<sup>23</sup> In order to restrict debate at the National Convention, the SPDC enacted *Law 5/96*, which provides for up to 20 years imprisonment for anyone found guilty of expressing opinions which disrupt the stability of the state, or "undermine, belittle and make people misunderstand the functions being carried out by the National Convention."

<sup>24</sup> For ease of reference, citations here are to the *Fundamental Principles and Detailed Basic Principles*, (hereinafter *Fundamental Principles*), the document produced by the National Convention, which is available in English. This is the basis for the Constitution, which was drafted by a separate committee and which differs in format but not in substance. See Susan H. Williams, *Gender Analysis of the SPDC's "Fundamental Principles and Detailed Basic Principles,"* Prepared for the Women's League of Burma, May 25, 2008 (hereinafter Williams).

hollow, as nothing in the Constitution protects women from discrimination as long as traditional stereotypes prevail.

Perhaps most significantly for women's equality, the Constitution cements the position of the military in government, guaranteeing that the armed forces will control a quarter of seats in the lower and upper houses of the legislature (the *Pyidaungsu Hluttaw* and *Amyotha Hluttaw*, respectively).<sup>25</sup> With women virtually excluded from military service, this effectively means that even under democratic rule, women are barred from one fourth of all legislative positions. The military will also have power to choose the President and Minister of Defense and will be given complete oversight of its own operations, including administration of martial courts, resulting in probable impunity for armed forces members.<sup>26</sup> During a State of Emergency, the Constitution also authorizes the Defense Services Commander to assume control as head of state and suspend the exercise of fundamental rights, with impunity for the armed forces for "legitimate" actions during this time.<sup>27</sup> The provisions regarding qualifications for President are understood to be aimed directly at prohibiting Aung San Suu Kyi from holding office by requiring candidates have no immediate relatives who are citizens of other countries.<sup>28</sup>

On May 10, 2008, days after Cyclone Nargis devastated Burma, the SPDC pushed ahead with its referendum on a new national constitution. In most areas, voters were commanded to deposit pre-marked ballots approving the Constitution in ballot boxes or face repercussions.<sup>29</sup> Not surprisingly, the vote passed with 93% in favor of the new Constitution.

## **Article 2 – Elimination of Discrimination through Law and Policy Measures**

Article 2 enjoins the government to create policies that will eliminate discrimination. Although the SPDC has enacted a series of five-year National Plans for economic and rural development, gender equality has not figured in any of them. There is no evidence the SPDC has considered the effects of its programs on women, especially rural women disproportionately affected by poverty and militarization.

There are no national policies aimed at promoting human rights or combating discrimination generally. As noted previously, the Burmese military junta is recognized as one of the most brutal and repressive regimes in the world and has been sanctioned annually since 1992 in resolutions by the UN General Assembly and by the country's Special Rapporteur reporting under the 1235 provision. 2007 was a signal year for human rights abuses, with mass protests in September halted by a military crackdown that left thousands detained and scores dead, including one foreign journalist.

### **No Laws Addressing Discrimination**

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<sup>25</sup> See Chapters 1 and 4 of the *Fundamental Principles*.

<sup>26</sup> Williams, p. 4.

<sup>27</sup> See *Fundamental Principles*, Chapter 11, s. 9(a).

<sup>28</sup> Aung San Suu Kyi's husband, Michael Aris, was English, and her children are British citizens.

<sup>29</sup> Ye Ni and Min Lwin, "Massive Cheating Reported from Referendum Polling Stations," *The Irrawaddy*, Saturday, 10 May 2008, online: [http://www.irrawaddy.org/article.php?art\\_id=11923](http://www.irrawaddy.org/article.php?art_id=11923), accessed 22 August 2008.

There is no indication that the country's laws have been revised to address direct and indirect discrimination or that the CEDAW and its principles have been incorporated into domestic legislation. In the realm of criminal law, no specific laws exist to address domestic violence, and the only laws concerning sexual and gender-based violence are sections of the *Penal Code* (1860), unrevised since the country gained independence from British colonial rule.

In terms of family law, there is a plethora of customary laws still utilized by Burman and non-Burman ethnic groups concerning marriage, adoption, property ownership and inheritance rights. Many of these laws emphasize women's roles as child-bearers and home-makers while giving men greater economic and decision-making power in domestic affairs. For example, one woman interviewed for this report explained that according to Palaung traditions still followed in rural areas of Shan State, when a man dies, his property goes to his male relatives rather than his wife; and in the case of divorce, a woman loses all jointly held property.<sup>30</sup> There have been no attempts to harmonize these various customary laws with the country's codified law, including the various religious acts regarding marriage, or to ensure that their provisions do not conflict with the CEDAW.

**Inheritance : *Interview with a Palaung woman aged 28 in August 2008***

*In most rural areas in the Palaung culture, men inherit all property from parents. It is commonly expected that women and girls will be taken care of by their husbands when they get married.*

*Only the husband can make a decision about selling any family property, such as houses, land or tea plantations. Men, as head of the household in Palaung culture, make decisions for everything, including passing on any inheritance to children.*

*If the husband dies, the property only goes to the sons in the family. If there are only daughters in the family, all the property goes to the uncles (the father's brothers), not to the girls.*

*Moreover, women have to leave the house if they get divorced, and the property will remain with the husband. In addition, children have to be left in the custody of the father.*

A number of laws perpetuate differential treatment of women on the premise that women require protection. As a part of its program to eliminate trafficking in women, in 1997, the SPDC enacted travel restrictions prohibiting women under 25 from traveling in border regions or crossing the national border without a guardian.<sup>31</sup> These restrictions remain in place. It has also become more difficult and more expensive for women to get passports. In addition to these laws

<sup>30</sup> Interview with 28-year old Palaung woman from Naam Hsan Township, Shan State, August 2008. Interviewee's name withheld to protect her identity.

<sup>31</sup> While the name of this provision is unknown, the SPDC has referred to it in papers at conferences on trafficking. See full text in *Annex I*. Source: "Trafficking in women: A Myanmar Perspective" a paper by SPDC at the Regional Conference on Illegal Labor Movements: The Case of Trafficking in Women and Children, 25-28 November 1997, Bangkok, Thailand.

limiting freedom of movement, laws criminalizing abortion<sup>32</sup> except when undertaken to save the mother's life prevent women from exercising their rights to reproductive choice.

### **No Rule of Law and No Access to Justice**

In terms of the practical application of the law, because the judiciary does not enjoy independence from the military regime, particularly in criminal trials involving political issues, the Burmese justice system has been described as another tool of military repression. The degree to which the courts effectively function and are used to adjudicate civil disputes is unknown.<sup>33</sup> With no rule of law and systemic corruption in all branches of the regime's administration, including the judiciary, it is frequently said that those who have money and connections can achieve any legal result they desire. Although some lawyers may offer *pro bono* services, there is no known system of legal aid for those unable to afford legal representation either criminal or civil matters.

Human rights complainants as a whole are unable to access justice in Burma. As will be discussed in greater detail below, women who experience sexual and gender-based violence, particularly those who have been raped by military personnel or officials, have little recourse to complaints procedures or legal remedies. The SPDC's failure to prosecute gender-based crimes has created a culture of impunity that fosters violence against women.

Human rights defenders face frequent harassment in Burma and have been arrested for bringing complaints forward. Su Su Nway, a well known labor and human rights activist, was sentenced to eight months in prison in 2005 for "harassing" local officials after she successfully sued the SPDC under its own law prohibiting the use of forced labor.<sup>34</sup> Aye Myint, a lawyer who attempted to bring several forced labor claims to court on behalf of farmers was jailed repeatedly between 2003 and 2006 for providing "false information" to the International Labor Organization and had his license to practice law suspended.<sup>35</sup> Both these human rights defenders attempted to use mechanisms that had been explicitly established with the acquiescence of the Burmese authorities. While these cases do not concern gender discrimination, they exemplify the difficulties encountered by those seeking legal accountability for abuses perpetrated by members of the military regime.

Given the systematic nature of human rights abuses by the state itself, it is not surprising that there is no separate regime of anti-discrimination legislation and no national human rights institutions to deal with human rights violations by private actors. There is no human rights

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<sup>32</sup> See *Penal Code* (1860), s. 312.

<sup>33</sup> Burma is nominally a common law country, however, its jurisprudence is difficult to access and it is unknown how much the principle of *stare decisis* is followed.

<sup>34</sup> Amnesty International, "*Fear of torture or ill treatment/health concern*," AI Index: ASA 16/040/2007, 16 November 2007, online: <http://www.amnesty.org/es/library/asset/ASA16/040/2007/en/dom-ASA160402007en.pdf>, accessed 22 August 2008. While she was released after serving her sentence in 2006, she was rearrested in 2007 for taking part in peaceful pro-democracy demonstrations. In 2006, Su Su Nway was awarded the John Humphrey Freedom Award by Rights and Democracy, a Canadian organization.

<sup>35</sup> Institut des Droits de L'homme des Avocats Europeens, "Lawyer U Aye Myint (Burma) Ludovic Trarieux Human Rights Prize 2008," online: <http://www.idhae.org/uk-page3.callplt2008.htm>, accessed 22 August 2008.

jurisprudence and no legal record that the CEDAW has ever been considered or applied by the domestic courts.

### **Article 3: Actions to Advance Equality and Guarantee Fundamental Rights and Freedoms**

#### **National Machinery for Advancing Women's Equality**

The institutional mechanisms for addressing gender discrimination in Burma are extremely limited. The Ministry of Social Welfare, Relief and Resettlement (MSWRR) is the national focal point for women's affairs, putting senior members of the military in charge of managing programs for women's advancement and empowerment. The Minister of Social Welfare, Relief and Resettlement is Major-General Maung Maung Swe. Deputy Minister Major-General Kyaw Myint has represented the country's policy and programs for women's advancement at international meetings such as the 2006 East Asian Gender Equality Ministerial Meeting. The MSWRR is also officially responsible for cyclone relief and collaboration with international organizations distributing aid to those affected. It is unknown what of the MSWRR's limited resources have been or are currently allocated to women's affairs.

While the relationship between the MSWRR, the Myanmar National Committee for Women's Affairs (MNCWA), and the Myanmar Women's Affairs Federation (MWF) is unclear in the SPDC report, the three are closely linked. The MNCWA was formed as a national committee in 1996 specifically to enact the state's commitments to the Beijing Platform for Action. The MSWRR oversees the work of the MNCWA. The MNCWA has been nominally tasked with following up on CEDAW compliance, but it does not monitor the activities of other state bodies or function as a women's commission. During the late 1990s, the MNCWA identified a number of focus areas for national programs; however, it appears to have enacted few, if any, programs to address needs in these areas. Most of the activities of the MNCWA predate 2001.

In 2003, the MNCWA initiated the formation of the MWF, according to the MWF's promotional information, because the Committee found itself unable to reach women at the grassroots, particularly in rural areas. The MWF can be considered the successor to the MNCWA, as key personnel have been active in both organizations and the MWF appears to have taken over active implementation of programs for women.

#### **Involvement of NGOs**

The MWF is clearly a government-organized NGO (GONGO), rather than an independent or community-based group. One young woman from Shan State interviewed for this report said that like other students, she had been forced to join the MWF while in school or face the probability of problems in her daily life, and that when she moved to a different school, her name was registered with the MWF a second time.<sup>36</sup> The MWF's website<sup>37</sup> provides no information

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<sup>36</sup> Interview with a 24 year-old Kachin woman from Shan State, July 2008. Interviewee's name withheld to protect her identity.

<sup>37</sup> Myanmar Women's Affairs Committee, online: <http://www.mwaf.org.mm/>, accessed 22 August 2008.

about procedures for electing or appointing its own executive, however, it is generally understood that executive positions are not merit-based, as the members of the MWAF leadership from the national to the village level are wives of SPDC commanders, with the wife of the current SPDC Prime Minister serving as the MWAF President. (See chart below)

### **Leadership of MWAF**

#### **MWAF Honorary Patrons:**

*Daw Kyaing Kyaing:* Wife of Chairman of State Peace and Development Council  
Commander-in-Chief of Defense Services Senior General Than Shwe

*Daw Mya Mya San:* Wife of Vice-Chairman of State Peace and Development Council  
Deputy Commander-in-Chief of Defense Services Commander-in-Chief (Army) Vice-  
Senior General Maung Aye

*Daw Khin Lay Thet:* Wife of Member of the State Peace and Development Council  
General Thura Shwe Mann

#### **President of MWAF:**

##### **2007 to present:**

*President:* Daw Khin Khin Win: Wife of Prime Minister General Thein Sein

*Vice-President:* Daw Khin Thet Htay: Wife of Lt- General Myint Swe, & the chief of the  
Bureau of Special Operations 5 (BSO-5), Minister of Defence

##### **2005 – 2007:**

*President:* Daw Than Than Nwe: Wife of Prime Minister General Soe Win  
(deceased)

##### **Dec 2003 – Oct 2005**

*President:* Dr. Daw Khin Win Shwe: Wife of Prime Minister General Khin Nyunt  
(removed from office in 2005 on charges of corruption)

## **MWAF Honorary Patron Daw Kyaing Kyaing attends ceremony to commemorate Myanmar Women's Day**



The MWAF functions as a mouthpiece for the SPDC. The MWAF website devotes almost no space or information to women's equality issues, but the organization's home page contains attacks on Aung San Suu Kyi and the International Labor Organization and a position paper arguing against UN Security Council intervention in Burma. In 2005, the MWAF demanded that the SPDC leadership extend Aung San Suu Kyi's term of detention and organized rallies around the country condemning her and asking her to leave Burma.<sup>38</sup> The MWAF has also made statements criticizing democracy-seeking organizations and women's groups based along the country's borders.

Likewise, the Myanmar Maternal and Child Welfare Association, the Myanmar Women Entrepreneurs Association, and the Myanmar Women's Sports Federation are GONGOs whose leadership is composed of privileged women with close connections to the military regime, who often benefit from their positions. They cannot be said to understand or represent the concerns of average women in Burma. A woman interviewed for this report from an area of Rangoon complained that in managing a state micro-credit program, the MMCWA is charging women interest on loans at the same rate as moneylenders, while individual members pocket the profits from the interest.<sup>39</sup>

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<sup>38</sup> "Women's group calls for Suu Kyi's continued detention, Myanmar's state media reports," Associated Press, July 5, 2005.

<sup>39</sup> Interview with a 47-year old Burman woman from San Chaung, conducted by the NLD-LA, 2008. Interviewee's name withheld to protect her identity.

## **Abuse of power by MMCWA in micro-finance scheme**

### ***Interview with a 47-year-old woman from San Chaung Township***

*In our area, the Myanmar Maternal and Child Welfare Association (MMCWA) is running a lending business collecting interest on loans they give to members. A member can get a loan for 30,000 Kyat<sup>40</sup> (25 USD) per person in her family, according to her household registration list. She has to sign an agreement and also has to give her household registration and 5,000 Kyat from the loan as a deposit. The daily interest rate for 2 months is 20 Kyat for every 1,000 Kyat (i.e. 600 Kyat per day for a loan of 30,000 Kyat).*

*When money is lent, people in the section have to attend a meeting, and a military officer, with a position as high as Major comes and gives speeches the whole day. The allocated loan money is transferred to the “organizer”, who takes responsibility to give loans to people in the designated area: e.g. a block or a ward. She goes round every day to collect the interest from door to door. She doesn’t leave the house until she gets the interest. It is said that the rate should be 2 Kyat per 1,000 Kyat, but in practice it is 20 Kyat. This has pushed those who took the loans into a difficult situation. They had thought that these loans were nearly free of charge and could help them to do some business. However, they have then realized that it is no different from the practice of private money-lenders. The MMCWA woman threatens to arrest those who cannot pay daily interest, and does not listen to appeals from women to pay later. For fear of arrest, and to escape such intimidation, some women have had to run away as they could not pay even the daily interest. Currently, Daw Khin Thant Shwe is the MWMCA woman responsible for giving loans out at Wai Lu Won Quarter, in San Chaung Township, Rangoon. Although she is in charge of the MMCWA of the township, she does nothing related to the MMCWA work, but simply collects all the interest and puts it into her pocket.*

Only GONGOs such as the MAAF have been involved in the SPDC’s women’s affairs programs. Although there is a growing number of community-based organizations in Burma that are not affiliated with international NGOs, they are closely scrutinized, and organizers and workers risk arrest under the *Unlawful Associations Act* (1957) if they are seen by authorities to be exceeding their mandate. As an example, various private donors, including well-known male comedian and writer Zargana and two female associates, Ni Moe Hlaing and Ein Khine Oo, were arrested in June 2008 for delivering relief to cyclone victims.<sup>41</sup>

## **Programs for Women**

There is no public information about whether the MNCWA continues to meet regularly or receive a budget for programming aimed at achieving gender equity. State programs are enacted primarily by the MAAF, which does not take a rights- or empowerment-based approach.

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<sup>40</sup> Kyat is the Burmese currency. In 2008, the daily minimum wage was 500 kyat and the US State Department estimated that the average worker made 500 – 1000 kyat per day. See US Department of State, *Burma: 2008 Investment Climate*, online: <http://www.state.gov/e/eeb/ifa/2008/100832.htm>, accessed 22 August 2008.

<sup>41</sup> International PEN, “Myanmar: Comedian and Poet Zargana Arrested,” June 9, 2008, online: <http://www.internationalpen.org.uk/go/news/myanmar-comedian-and-poet-zargana-arrested>, accessed 22 August 2008; Saw Yan Naing, “Regime Steps up Crackdown on Private Cyclone Relief Efforts,” *Irrawaddy*, June 18, 2008, online: [http://www.irrawaddy.org/article.php?art\\_id=12822](http://www.irrawaddy.org/article.php?art_id=12822), accessed 22 August 2008.

Prominent organizational activities on the MAAF web page include speeches, donations to communities and monasteries, traditional dance ceremonies and membership drives. The SPDC shadow report places considerable weight regarding its implementation of CEDAW on training programs conducted by the MAAF, though there is little information available about the content, geographic scope, or efficacy of these trainings. Most of these trainings appear to focus on providing women with income generating skills such as tailoring and handloom, activities traditionally considered “women’s work.” A Karenni woman who attended a three-month MAAF sewing course said that the students did not learn anything as the training was put on primarily as a show piece for touring officials.<sup>42</sup> She and other grassroots members of the organization were told they had to attend and pay 60,000 Kyat for the training, even though the MAAF claimed it delivered the program for free.

Experience suggests that any trainings delivered by the SPDC and associated GONGOs will be inaccurate in terms of the information they present about human rights and used to promote the junta’s propaganda rather than raise awareness. A general human rights module in Burmese has been incorporated into the 8<sup>th</sup> and 9<sup>th</sup> standard national school curriculum to provide basic information about the *Universal Declaration of Human Rights*, but teachers have complained that it is misleading, devoting considerable space to the regime’s proposed “Roadmap to Democracy,” and mistranslating the term “human rights” as “human opportunities.” The training manual lists the duties of citizens, but does not describe concomitant restrictions on the state’s actions to guarantee individual freedoms or positive obligations on the state to foster the realization of rights. The curriculum also does not explicitly address gender discrimination.

More significant than what the SPDC has said it is doing is what it has not planned to do. The SPDC has taken no action to ensure that perpetrators of military rape are prosecuted. It has not enacted any public awareness-raising programs to counter violence against women generally or to provide appropriate services to survivors of rape and domestic violence. No gender awareness training has been proposed for state officials. In 2002-2003, Australian lawyers provided small-scale training to members of the police force and judiciary on human rights; however, the organizers ended the trainings abruptly after the Depayin massacre outside Mandalay in May 2003, when at least 70 National League for Democracy supporters were killed, allegedly by SPDC agents.<sup>43</sup> The SPDC has not delivered literacy training, educational or other programs geared specifically towards the needs of women in rural areas. Its anti-trafficking program has been widely criticized as ineffective window-dressing which does not deal with the factors prompting women to leave Burma.

#### **Article 4 –Temporary Special Measures to Accelerate Achievement of Equality**

As noted above, the *Fundamental Principles* of the new Constitution include provisions that effectively exclude women from public office. Thus, far from introducing temporary special

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<sup>42</sup> Interview with 22-year old Karenni woman from Karenni State, July 2008. Interviewee’s name withheld to protect her identity.

<sup>43</sup> *Preliminary Report of the Ad Hoc Commission on the Depayin Massacre*, July 24, 2003, online: [http://www.burmalibrary.org/docs/Depayin\\_Massacre.pdf](http://www.burmalibrary.org/docs/Depayin_Massacre.pdf), accessed 22 August 2008.

measures that would assist women in realizing equality, the government, via the provisions of its constitution, is guaranteeing their exclusion.

Even during the 1990 election, women ran for and won only a handful of the 485 seats in the legislature (*Pyitthu Hluttaw*), making up 3% of the successful candidates. There is ample reason to believe that until positive steps are taken not just to encourage women to run for public office, but to make a place for them, women's representation will not increase.

Given the patriarchal nature of Burmese society and the history of under-representation of women in public life, appropriate special measures are urgently needed to increase women's presence to a minimum of 30% of the legislative, executive and judicial branches of military government. If the SPDC is genuine about transitioning to a multi-party democracy, a quota system could be most successfully achieved through a closed party list proportional representation system.<sup>44</sup>

#### **Article 5: Elimination of harmful social stereotypes and creation of equitable family role models**

In terms of eliminating harmful traditional practices and social stereotypes, it is difficult to see how any progress can be made when SPDC is unwilling to admit that women experience discrimination. The SPDC report makes clear that the regime has little understanding of destructive social stereotyping. Its public messages promoting traditional values consistently and actively reinforce women's inferior position in Burmese society, depicting women's abilities as limited and their activities as accordingly curtailed.

#### **Traditional sayings**

##### Burmese :

*Thaa goh thakhin; liin goh phaya*

"Respect son as master, and husband as God"

##### Chin:

*Hmeichhia finin tuikhur ral a kai lo*

"Women's knowledge cannot cross the well"

*Jupui leh palchhia chu duh twah lah hunah tlak theih*

"Married woman and damaged fences can be replaced at any time"

##### Palaung

*Konn ei pen mo ei ka pyo nai konn eii maai mo ei tainai ga (kon ee pum mai ka payo kon ee me mai tonn gain)*

"Women are like bags; men are like house poles"

<sup>44</sup> The Women's League of Burma has prepared a detailed position paper on temporary special measures in the electoral system. See Women's League of Burma, *Looking through Gender Lenses: A Position Paper on Gender Equality*, September 2006.

*La tha ee pen pho nai ee maai ( let ee pum phun ee mei)*

“If a woman is smart, it is just like a man’s fart”

Lahu:

*Phue ma mal mart ha koe phue pa ma ta*

“A male dog won’t come if the female dog doesn’t wag her tail”

Shan:

*Nang ying ker lii pho, to sat ker lii cao*

“A woman respects her husband; an animal respects its master”

The traditional cultures of most of Burma’s ethnic groups are patriarchal. Common sayings (see text box above) paint women as stupid, disposable, naturally given to servitude, and entirely secondary to men in their importance. According to the website for the MNCWA,

In Myanmar family, the husband and wife share equal household responsibilities. The husband provides the financial needs and it is the woman who manages the family decision making in providing food, clothing and schooling etc. The women may go out to work for the social development; they still have the major responsibility to look after the family. The two responsibilities must be balanced for a woman who wishes to lead a harmonious and happy life both at home and in the society. One must be careful not to go against the cultural norms and values attached to our families.<sup>45</sup> (*sic*)

*Hiri* and *ottapa* (moral shame and moral fear of repercussions), terms cited in the SPDC’s report as cultural obligations of Burmese women,<sup>46</sup> are considered in Theravada Buddhism to be the “twin guardians” of morality. Normally, in Buddhist teachings, these precepts apply equally to men and women to set the boundaries that encourage ethical human behavior. In the SPDC’s messaging, they have been used to inculcate images of the ideal “good woman” who is modest in her deportment and obedient in serving her husband and relatives. Women who remain single by choice, divorced women, lesbians, and women who choose not to have children, particularly if they do so because of work, have little place in the SPDC’s Burma. Women are constantly reminded to uphold traditional values, although the same admonitions are not made to the country’s men:

As Myanmar opens its doors to the world, foreign influences have entered and to a certain extent, Myanmar cultural norms have come under pressure and this is now a concern to society. Therefore the cultural sub-committee, through video and radio plays, has made concerted efforts to preserve and safeguard the cultural heritage and national characters of

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<sup>45</sup> Myanmar National Women’s Affairs Committee, “Status of Myanmar Women,” by MNCWA, online: <http://mncwa.tripod.com/mncwa/id8.html>, accessed 22 August 2008.

<sup>46</sup> In this respect, it should be noted that a significant portion of Burma’s population practices religions other than Buddhism, including various forms of Christianity, Islam, and Animism, although the SPDC consistently refers only to Buddhist principles.

Myanmar society. The (MNCWA Culture) sub-committee encourages young Myanmar women to uphold Myanmar cultural norms, to love and respect the country and its people, to honour and value parents, teachers and elders, to cherish family and society and safeguard their honour and dignity.<sup>47</sup>

The face of public life in Burma is male, in large part because the culture of Burma today is profoundly militarized. The military presence pervades every village, town and city, every branch and level of state administration, and every situation involving power and status. While at one time, women worked in the nursing corps of the Tatmadaw (Burma's armed forces), at present, they have virtually no role in the armed forces. In practice, women are not recruited for active duty in the Army, Navy or Air Force. Because there are no women in Burma's military, women do not occupy leadership and decision-making positions in the country, except as members of the democratic opposition. In public representations, women are relegated to roles secondary to men in virtually everything but child-rearing and home-making. In the SPDC's Burma, women are the expendable, unacknowledged and unrecognized majority.

### **Recommendations**

- Include in the Constitution a provision defining gender discrimination and setting out the specific responsibilities on the part of the state to prevent it
- Promulgate domestic laws addressing sexual and gender-based violence
- Conduct legal consultations geared at the revising Burma's laws to eliminate conflicts with the CEDAW
- Ensure that all perpetrators of rape and other forms of sexual and gender-based violence, including state officials and military personnel, are prosecuted under the law and sentenced accordingly
- Institute programs of gender awareness training with all state officials and military personnel
- Allocate a sufficient budget to implement effective activities aimed at achieving gender equality and advancement of women; ensure that the ministry with responsibility for women's affairs is sufficiently and appropriately resourced in terms of personnel
- Amend laws restricting women from freely setting up independent local organizations<sup>48</sup> and running empowerment programs
- Implement Temporary Special Measures to guarantee that women make up at least 30% political, judicial and administrative bodies and decision-making bodies
- Develop public education programs for use in media and at community events presenting positive images of women in non-traditional roles to counter negative stereotypes
- Develop teaching materials for school curricula on gender discrimination incorporating the CEDAW and provide teacher training to ensure effective communication of the ideas; ensure that materials are available in non-Burman ethnic languages ■

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<sup>47</sup> Myanmar National Women's Affairs Committee, "Status of Myanmar Women," by MNCWA, online: <http://mncwa.tripod.com/mncwa/id8.html>, accessed 22 August 2008.

<sup>48</sup> See State Law and Order Restoration Council (SLORC) *Law No. 6/88*: Law for setting up organizations, unions, parties, committees, leagues, alliances, fronts, clubs, and similar groups.

## **Article 6: Trafficking**

*States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*

### **Overall analysis**

Increasing numbers of women and girls are being forced to leave their homes and migrate to urban areas or to other countries, particularly Thailand and China, to find jobs and earn money for their own and their family's survival. Often lacking legal ID cards or travel documents, knowledge about their destinations and survival skills, including language skills, they need to rely on people with former travel experience when they travel. The people who accompany them sometimes turn out to be traffickers, cheating and tricking women and girls into exploitative work situations, including forced labour and forced prostitution.

The poverty and lack of employment opportunities which are driving women and girls to migrate are a direct result of the policies of the SPDC regime, namely their economic mismanagement, prioritization of military expenditure, and neglect of social services. At the same time, the restrictions on freedom of movement and access to information imposed by the regime directly contribute to the trafficking problem.

Thus, to seriously address the root causes of trafficking in Burma, it is necessary to challenge the military-ruled system. The SPDC, however, consistently refuses to acknowledge its role in contributing to the trafficking problem, and has instead merely drawn up cosmetic anti-trafficking programs that do nothing to reduce the trafficking problem, and end up further abusing the rights of women.

### **Trafficking increasing despite SPDC's claims**

The SPDC has claimed that "Myanmar"<sup>49</sup> women are protected by "Myanmar" customs as well as by existing laws, including its anti-trafficking measures.

In fact, mounting evidence, documented by women's groups of Burma, shows how increasing numbers of women and girls have been trafficked into neighbouring countries, particularly Thailand and China.

"*Driven Away*,"<sup>50</sup> a report released by the Kachin Women's Association (Thailand) in 2005, gives evidence that SPDC's failed state policies are the main trafficking "push factors." It documents how spiraling poverty, caused by militarization, state neglect of social services and unsustainable development policies has driven increasing numbers of young Kachin people to migrate to work and thus become vulnerable to trafficking.

The following interview with a 19-year-old woman now in a Kachin Independence Organisation<sup>51</sup> jail illustrates how easily women from Kachin communities can fall victim not only to trafficking, but also to false accusations of trafficking.

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<sup>49</sup> The regime has used "Myanmar" since 1997 after they changed the country's name without consent of the people, while the democracy movement continues to use the name Burma.

<sup>50</sup> Full report can be viewed at [http://www.womenofburma.org/Report/Driven\\_Away.pdf](http://www.womenofburma.org/Report/Driven_Away.pdf).

<sup>51</sup> The KIO signed a ceasefire agreement with the military regime in 1994.

*I am from a small village in Momount Township in Bamaw District. In 2005, I opened a Karaoke shop in Laiza with my sister. I went back home as I had some problems with the living conditions there. I was attending a sewing training for one month when my friend, Ma X, persuaded me to go to Sibü near Bamaw to do some trading/selling. I agreed to go with her as I didn't have any job.*

*First I stayed at her rented room with her, and she took me where we could sell things around Laiza where the logging business is. I trusted her as I believed that she was my working partner. No place was convenient for selling, so I went with her to Sibü. Again she told me there was a military offensive in Sibü, and I should go back to Laiza, so I did. There was no job in Laiza, so I went back home. After a few days, I got a message from Ma X through my mom, who ran into her in Laiza market, that I should go back to see her urgently. I was with my (17- year- old) sister-in-law Ma Y in the bus as she was on her way to get a job as a pepper-picker. It was dark when we got to Laiza, so I took her to Ma X's room. They also knew each other. She was there for a few days when Ma X told us to work as "sugarcane-choppers" with a daily wage of 15 Y a day in Ying Jaang, China. We were also told it was better if I went first. Her aunt came when I called, then took me to Shwesawhaw village. Ma X and my young sister-in-law came the next day, but they stayed at a different house.*

*That day Ma X came to the house where I was staying and talked to my host, and told me that I should get ready to visit Ying Jaang the next day. Two older women about my mother's age took me to the park in town and showed me a Chinese man. They asked me if I liked him. They took me from one place to another to show me different Chinese men until it was dark. I didn't like any of them.*

*They did the same thing with my young sister-in-law. Maybe they managed to persuade her, as they were mentioning that if she got a husband, she could buy new clothes and also have her hair done etc. I tried to get a chance to talk to her but I could not as they didn't allow me to see her. They told me that it was not appropriate for women to go out and visit as people would gossip.*

*After 10 days, my host told me just to stay in the kitchen and prepare hot water as the man who would take my sister-in-law's hand would come. I didn't have any choice because I was a house guest. Three Chinese men came and talked and went back. I didn't know what they were talking about. But the host lady told me that one of the men liked me and I should take him as all men in our Kachin area are now drug-addicts. On that day, my sister-in-law and the other two women went to Ying Jaang for shopping. I didn't have any idea what was happening. So I told the host that I would go home as it was not the job I had agreed to. Ma X came and scolded me, telling me how much she had spent on me etc. She didn't allow me to see my sister-in-law either.*

*The host lady gave me 700 Y as my travel cost. I told her I didn't need that much, but she insisted, and also gave me 10,000 K for the parents of my sister-in-law. We two travelled together in a bus as she was on her way to her future husband.*

*I said goodbye to her and came home. I got home on 1<sup>st</sup> April 2006. I went to my sister-in-law's house and gave them the money and letter from her. Then my uncle (Ma Y's father) showed up at my house and asked me to follow him. It turned out that the villagers were very angry with me and called me names. They accused me of trafficking my sister-in-law, and wanted to beat me to death. I explained to them everything, but they suspected that I had trafficked her. Then I was put into this jail. Now I realize that I was also trafficked. I didn't hear anything from her.*

## SPDC exploiting trafficking issue to gain international legitimacy

Since 1997, the SPDC has been engaged at the international level on the trafficking issue, attending various regional conferences and presenting papers on the trafficking situation in Burma. In 1998, they announced the establishment of a national mechanism for the prevention of trafficking in women, operating from the state level down to village levels. Coverage of their anti-trafficking activities has also regularly appeared in the state-controlled print and broadcast media.

In recent years, Burma has signed a number of international instruments relating to trafficking issues including the *Convention on Transnational Organized Crimes and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. It has been “working closely”<sup>52</sup> with UN agencies and NGOs to carry out anti-trafficking programs, and in October 2004 it hosted a high-level COMMIT<sup>53</sup> meeting in Rangoon, in which the six Mekong region countries participated.

During 2005, the SPDC drafted anti-trafficking legislation with the assistance of international experts, who reviewed and commented on the draft law. The new *Anti-Trafficking Law* was enacted in September 2005. Under the new law, the penalty for trafficking women, children and youth is 10 years to life; and the penalty for public officials who accept money related to an investigation of trafficking is three to seven years.

### Two teenage trafficked girls rescued<sup>54</sup>

*Two teenage girls of Kutkai Township in northern Shan State were rescued by authorities after due consultation with officials of Ruili in the other country [China] on 7 May.*

*When the parents of the four girls including Ma Daung Nwanpa of Manta village, Kutkai Township, who were sold in the other country, reported the case to Muse police station on 4 May, authorities opened a legal case against human trafficker Ma Bya Muwu of Homon ward, Muse.*

*Members of the special anti-human trafficking group in Muse on 7 May dialled the possible numbers they found in the note book of Ma Bya Muwu, and came to know that of the four, the two girls, Ma Kai Kyan, 15 and Ma Kyan May Chin, 16, were still in the hands of the buyer Shauk Twom of the other country, and that he would take them to Lonlin and Kyanphone towns in the other country the next day.*

*The authorities took immediate action to rescue the two girls. They in cooperation with their counterparts of Rulie were able to rescue the girls from Shauk Twom at Tarkwom village in the other country at 6 pm the same day. The authorities handed over the girls to special anti-human trafficking group in Muse. According to the two girls, four of them sold at 400 Yuan each over two months ago, were subject to sexual abuse and hard labour.*

<sup>52</sup> SPDC country report, paragraphs 79 - 80.

<sup>53</sup> Coordinated Mekong Ministerial Initiative against Trafficking.

<sup>54</sup> <http://www.mwaf.org.mm/News/News/Details.asp?id=626>.

## **Anti-trafficking measures leading to further restrictions and extortion by local authorities**

While the SPDC has signed international instruments on trafficking and engaged in regional anti-trafficking initiatives, there has been no genuine effort to combat the trafficking problem inside Burma. Instead, SPDC authorities have exploited the trafficking issue to impose increased restrictions on women and girls

Since 1997, unaccompanied young women between 16 and 25 in Eastern Shan State have been forbidden to travel to the Thai border, according to a directive<sup>55</sup> by the SPDC Regional Commander.<sup>56</sup> This has limited the rights of young women and placed them further under the control of others. Young women forced to leave home to work in Thailand to support themselves and their families have simply ended up paying more to bribe officials to reach the border. Since 2004, young women in this area have also needed a recommendation letter or permit from the local Myanmar Women's Affairs Federation to travel to the border, supposedly to prevent possible cases of trafficking. In reality, this process has turned into a means for the MWAFF to extort money. In early 2006, the cost of a MWAFF permit was 200,000 Kyat (about \$200).<sup>57</sup>

Following the announcement of the SPDC's new anti-trafficking law in September 2005, there were reports of local authorities barring people from travelling to Thailand citing the new law. In many areas, authorities began checking household members against household registration lists on the pretext of controlling trafficking, and then extorting money if the names did not match. Many households were ordered to re-register their family members (and forced to buy a new house registration form) so that authorities could check that no family members were absent; this also involved the authorities demanding between 5,000–7,000 Kyat (US\$5-7) to issue people with new national identity cards. Moreover, the authorities reinforced restrictions on the registration of guests staying overnight, in order to monitor people's movements more closely.<sup>58</sup>

### **Women suffering from false prosecution as traffickers**

The SPDC's efforts to combat trafficking have been more punitive than protective. In their media or any regional forums, they proudly speak of their achievements in preventing trafficking, and show the statistics of how many "traffickers" they have arrested and prosecuted.

However, there have been many disturbing reports of innocent women being arrested on false trafficking charges by law enforcement officials. Older women traveling with younger women are particularly vulnerable to such accusations. Here is a true story of Shan women whose lives were destroyed when they were falsely convicted of trafficking by SPDC.

*Name: Nang Noun (not her real name)*

*Age: 45*

*Ethnicity: Shan*

*"I was traveling with a woman relative and her four children aged between 2 and 18. We were stopped by the police and taken to the local police station, as well as another woman, who I had never met before, traveling with her 22-year-old daughter.*

<sup>55</sup> See full text in Annex 1.

<sup>56</sup> Source: "Trafficking in women: A Myanmar Perspective" a paper by SPDC at the Regional Conference on Illegal Labor Movements: The Case of Trafficking in Women and Children" 25-28 November 1997, Bangkok, Thailand

<sup>57</sup> Shan Women's Action Network Newsletter, Volume 7, September 2006.

<sup>58</sup> Source: Independent Mon News Agency, September 14, 2005.

*“I and the other women were accused of trafficking, even though I did not understand what this meant at the time. All of our photos were taken, and we were imprisoned for 3 days at the police station at Murng Hsu. We were interrogated, and then taken to court and asked to sign that we had been involved in trafficking. We were beaten by the police, so we had to sign.*

*“We were sentenced to 14 years in prison for trafficking. Some other relatives paid 3,000 Kyat each to get the children released. Then after four days we were transferred to Bae Lin prison camp, Sin Kaing Township, Mandalay.”*

*“While I was in prison, I had to do hard labour, sometimes breaking up stones on roads outside the prison, and sometimes inside the prison. My wrists are now permanently injured from this. We had to work from 6 am till midnight. Sometimes we were beaten.*

*“My relative Nang Lu, who was sentenced with me, couldn’t eat the food in the prison, and was too weak to do the work. She died after about a year. The other woman Nang May is still in prison, serving out her full 14-year sentence. She was always getting into trouble in the prison and once tried to run away.*

*“I received one visit from my relatives, but never my husband, who remarried later. Finally, in mid-2006 I was released, after nine years and 6 months in prison. I think my sentence was cut because of good behavior. I traveled to Tachilek to visit two of my children who were staying with my mother. I ordained there as a nun for several months.*

*“I am now surviving by working in northern Thailand, picking chilies on a farm. I live in hope of being able to see my other children one day.”*

### **Failure of MAAF to assist trafficked women or respect their dignity**

One of the aims of the SPDC-controlled women’s federation, MAAF is “To carry out eradication of human trafficking of women and children as a national duty.” However, there is little evidence that MAAF has been able to genuinely assist trafficked women.

In one incident, SPDC utilized its state media to publicize the MAAF role in assisting twenty young women repatriated from Thailand without respect for the dignity of the women and their families.

*On August 10, 2004, twenty young women from Burma were handed over to the SPDC authorities across the Friendship Bridge at Tachilek in Eastern Shan State as part of a joint anti-trafficking programme between Thai and Burmese authorities and the UN Inter-Agency Project on Trafficking (UNIAP)<sup>59</sup>*

*After the return of the women to Tachilek, they were kept in confinement and ordered by MAAF to tell others that they had been trafficked or tricked into going to Thailand, even if they had gone to Thailand willingly. For one returnee, after her return, she was forced to take part in a ceremony organized by local SPDC and MAAF, during which she was*

<sup>59</sup> Source: Myanmar Information Committee, Information Sheet, No. D-3132 (I), 14<sup>th</sup> August, 2004. See Annex 5.

*given a sewing machine to enable her to earn a living. Such public posturing shows a complete lack of regard for the women's dignity and privacy.*<sup>60</sup>

While the MAAF at higher levels is abusing power, and taking advantage of trafficked women to gain media attention, interviews in different areas reveal that MAAF is powerless at the village level when dealing with the trafficking issue.

### ***Interview with locals in Three Pagoda area, Mon State***

*According to local people in the Three Pagodas area in Mon State, MAAF members have almost no authority to give protection to the women who had been trafficked. They cannot interfere either when the traffickers were the people who were very close with the SPDC authorities at township and ward levels. In most cases, the traffickers have already bribed the Ma-ya-ka and Ya-ya-ka,<sup>61</sup> and so the authorities pretend that they don't know about the trafficking.*<sup>62</sup>

The report "Driven Away" provides further evidence of the inability of MAAF to provide assistance in cases of trafficking:

*"On April 4, 2003, in the evening, my 16 year old granddaughter was taken by xxx and xxx when I was not at home. I learned this from my neighbours. My granddaughter is very bright. She had told me she needed money for the 10th standard examination. We are very poor. The last information I've heard about her is that she has been sold into sex work at a gold mine. I complained to the Myanmar Women's Affairs Committee but nobody has taken any action."*

There was no response from the MAAF, and in November 2003, the man learned that his granddaughter had died.<sup>63</sup>

To: Chairperson  
Myanmar Women's Affairs Committee  
Myitkyina, Kachin State  
Date: April 2003

Subject: **Disappearance of a girl from her house**

1. In connection with the above subject, my granddaughter Ma xxx (from Du Kathaung), 16-years-old, was taken by Mg xxx and Mg yyy on April 4, 2003 in the evening from Myitkyina Bus Station and then she has not been seen since.
2. Therefore, I respectfully want to request your help to look for her in connection with this case.

Requested by  
U xxx  
Du Kathaung, Quarter, Myitkyina

Copy: Chairperson, Women's Affairs Committee Du Kahtawng, Myitkyina

<sup>60</sup> Source: Shan Women's Action Network Newsletter, September 2004 # 5, Page 1: *Behind the regime's anti - trafficking façade.*

<sup>61</sup> Ma-ya-ka = Township Peace and Development Council, and Ya-ya-ka ( Section Peace and Development Council.

<sup>62</sup> Interview in Three Pagodas area in May 2008.

<sup>63</sup> Source : *Driven Away*, p. 46.

To: Chief Officer  
No.1 Police Station  
Myitkyina

Date: 2003 November

Subject: **Death of a girl who had disappeared**

In reference to the above subject, Ma xxx (now 17), granddaughter of U xxx staying at Du Kathaung Quarter, Myitkyina was tricked and taken by Maung xxx and Maung yyy who stay at Pa La Na No.1 on the evening of April 4, 2003 from Myitkyina Bus Station and she has not been seen since.

U aaa and U bbb, neighbors of me, tried to collect information about the girl. They said that according to the driver of trailer G called U ccc, on November 1<sup>st</sup>, 2003 **“He met with Maung xxx two months ago and the girl had died already.”**

We know that Maung xxx, who has run away from the crime, is the son of U zzz and Daw zzz (Pa La Na No.1).

Therefore we want to request to the police station to take action in connection with the above subject.

Requested by,  
U xxx  
Kathaung Quarter, Myitkyina

Copies:

1. Chairman (Du Kathaung Quarter)
2. Chairman (No.1 Pa La Na Myitkyina)

### **Fear of stigma and retaliation**

Reports from women who have been trafficked reveal that they run the risk of becoming “double victims” if they report the crime. Already having suffered from the experience of being trafficked, they may be further blamed and shunned by the community if they expose what has happened to them.

This fear of stigma is a strong disincentive for women to report cases of trafficking to law enforcement officials. At the same time, communities are aware that local SPDC authorities are commonly in league with traffickers, and thus if they seek legal action against them, their efforts will not only be in vain, but they may also face retaliation from the traffickers.

In the following case, parents who had sought justice after their daughters were trafficked, not only found out that the traffickers had bribed local police to gain impunity, but had to face fear of reprisal by the traffickers.

#### ***Interview with a teacher in Kachin State***

*Ma X’s family is very poor. She wanted to find a job for her family. Two traffickers, who live in Cheebwe, had told her that they would take her and her friend to China and find them a job. The two friends were taken to a place called “Lukuthamu” in China, and the traffickers went back to Cheebwe.*

*When the parents asked the brokers where their daughters were, they were told that their daughters had been left in China to work. The parents reported the case to the police and asked them to arrest the brokers/traffickers to get the daughters back. But*

*the traffickers were able to run away, and the police did not follow up or do anything to charge the traffickers. It was learnt that the police had taken money from the traffickers, and let them escape. Now the parents do not know what to do. At the same time, they are very afraid of being retaliated against by the traffickers. They also do not know how to find their daughters.*

### **Fear of Arrest by the Burmese authorities for illegally leaving Burma**

Chinese authorities have been assisting trafficked women and girls from Burma to return home. However, trafficked women can be arrested by the Burmese authorities when they are sent back by the Chinese police to the border. In one case, the woman was detained by the Burmese Immigration checkpoint at the border, and the Immigration officers demanded that she pay a fine of 60,000 Kyat (est. 500 USD), or she would be sentenced to four years and four months in prison for leaving Burma illegally without a passport.<sup>64</sup>

### **Lack of ID and passports hindering legal travel**

Many people in ethnic areas of Burma do not possess ID cards, mainly because ethnic people are living in areas impacted by decades of armed conflict between the regime and the ethnic groups, where there is no state infrastructure. Since it is necessary to show ID cards to travel anywhere in Burma, this means that women choosing to migrate are often forced to rely on brokers to facilitate travel. This increases their vulnerability to being tricked or trafficked on the way.

Even if women possess ID cards, the process of applying for a passport is lengthy and expensive. It costs at least USD 500, and if the woman is under 25, costs a lot more because of the restrictions imposed on young women as part of anti-trafficking measures.

### ***Interview with a Mon woman in May 2008***

*You can get a passport in two ways.*

*One is going through an agent. You can just go to the office and take a photo, then give it to the agent and she/he will do everything for you. She/he will directly deal with the official for you. You just go to the Passport office at the final stage, when it is time to pick up the passport. It costs 100,000 Kyat if the waiting period is one month, but if you want it within 7 days, it costs 300,000 Kyat.*

*The other process is doing it by yourself, which costs about 30,000 Kyat. It takes about one month to get the passport. You have to fill in several forms including Form No. 17, a document for Tax clearance, and Form No. 19 for the Departure document. These costs do not include traveling expenses and some “tea-money” to speed up the process.*

### **Risk of trafficking:**

Lack of educational opportunities in remote ethnic areas and lack of access to information about the outside world, increase the risks of trafficking of young girls.

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<sup>64</sup> *Driven Away*, p. 44.

***A Lahu girl who was trafficked to Thailand talked about her experience***<sup>65</sup> :

*My name is xxxx. I am 14 years old. I am Lahu, from xxx village in Murng Piang Township. I studied to the seventh standard in Murng Piang. After my mother's death, my father sent me to town to be a nanny with a couple who had come to visit my mom and given her medicine. We thought I could also go to school easily in town.*

*When I finished my second test exam my householders arranged for me to visit their relatives in Kengtung. They are rich and have a beautiful car. A woman from the neighborhood came and told me, 'We can visit Tachilek as a day trip, going by van.' She invited me to follow with them.*

*I was willing to go and one evening a van came. It took us first to Ta Lerh. There were five girls, including me, in the van. There was one Akha girl who was also 14; she could speak Lahu and Shan, but she looked uneducated and like me she knew nothing about the journey.*

*We traveled during the night and we weren't happy about that. At every checkpoint the driver stopped and left the van, telling us to stay silent inside. After talking for a few minutes with someone, we continued again. We reached Ta Lerh in the early morning.*

*We changed into a bus which drove to the bank of a river, where some other girls were waiting for us. We waited there until dusk, when we got on a boat that floated down the river. Then we changed again to a big boat, which had an engine. It seemed that the river was bigger than the first one.*

*A woman who could speak Lahu and Akha quite well traveled with us to Ta Lerh but had then returned. Another man led us along the river. There were twenty of us in all in the boat. I didn't know who they were and where they came from. A big car was waiting for us on the land at midnight. I never saw the Akha girl again.*

## **Recommendations**

- Anti-trafficking legislation and directives must not be misused by state authorities to impose increased restrictions on communities, and falsely arrest and charge innocent people, particularly women. In particular, the directive forbidding women under the age of 25 from traveling without legal guardians must be immediately rescinded.
- The state must ensure that national identity cards are made easily available to all citizens throughout the country.
- There must be unrestricted public dissemination of accurate, up-to-date, appropriate and culturally sensitive information on factors contributing to trafficking; including through the school system.
- There must be high investment in education and women's empowerment programs.
- There must be budget allocated to effective awareness-raising campaigns to prevent trafficking; this must include radio programs and materials in all ethnic languages available for women and girls; and appropriate materials for those who are illiterate

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<sup>65</sup> Source : *Sold down the river - one Lahu girl's story*, Page 7 , Undercurrents by the Lahu National Development Organization (LNDO), January 2005.

- Members of state forces and authorities who are directly or indirectly involved in trafficking must be severely punished; those who are negligent in dealing with or preventing trafficking cases must also be punished.
- Law enforcement officials and legal personnel must be paid decent salaries and benefits in order to reduce corruption within the legal system.
- Community-based organizations, particularly women's organizations, must be allowed to assist trafficked women and girls without restriction.
- The safety of all parties involved in assisting trafficked women and girls must be prioritized.
- It must be ensured that the privacy and dignity of trafficked women and girls, and their families, is respected.
- Offenders should be punished/prosecuted to the full extent of the law, and under no circumstances should enjoy impunity because of their positions.
- The state must take full responsibility to provide access to consular services and translators to trafficked women and girls facing prosecution or deportation in other countries.
- Trafficked women and girls in custody should be ensured freedom from mistreatment.
- There must be an independent monitoring system, in collaboration with independent CBOs, to ensure that the state is fulfilling its obligations to regional and international anti-trafficking initiatives.
- Trafficked women and girls should be entitled to medical care, counseling, financial support, adequate housing and opportunities for further training, and be given access to free legal services.
- Trafficked girls' and women's rights and wishes must be respected at all times during repatriation
- Public information campaigns about women's human rights would also function to raise community awareness and understanding of the needs of women who have been trafficked or abused ■

## **Article 10: Education**

*States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:*

*(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*

*(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*

*(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;*

*(d) The same opportunities to benefit from scholarships and other study grants;*

*(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*

*(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;*

*(g) The same Opportunities to participate actively in sports and physical education;*

*(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.*

### **Overall Analysis:**

Everyone has the right to education, and the State is obliged to provide all children with access to education. The SPDC claims that public education is free in Burma, and that they are working to achieve the Millennium Development Goal of primary education for all and the goals of the Dakar Framework for Action aiming at education for all. However, in reality, the education sector has been seriously neglected by the State. World Bank data shows that the regime spends under 1.3% of GDP on education, while it spends more than 40% on defense. This has seriously undermined educational infrastructure throughout the country, and led to a serious shortage of schools, trained teachers (less than 80% of teachers in state schools are trained<sup>66</sup>), teaching and learning facilities and resources, as well as poor organisation and management of the school system.

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<sup>66</sup> <http://www.ungei.org/gap/reportPacific.php>.

Moreover, the current education system has encouraged corruption<sup>67</sup> among educational staff, who get very low salaries. Students can obtain good marks by giving bribes to teachers, while the children of SPDC authorities and members of the state-sponsored association, the Union Solidarity and Development Association (USDA), get good marks for free. Students graduate without any understanding of their courses, having used bribery to gain their grades. Educational standards have thus plummeted, with the school system producing opportunistic students who do not see the value of hard work.<sup>68</sup>

The seriously deteriorating economic situation has also forced teachers, who get very low salaries, to find ways to earn more income for their survival during school hours. At the same time, the State is making demands on teachers to be “self-reliant,” which is pushing teachers to abandon their ethnics and become corrupt.

The following testimonies by women describe how such practices by teachers are undermining the school system inside Burma.

### **Selling snacks at school**

#### ***An interview with a 23-year-old Karen woman, in August 2008***

*In 2001, when I was a student of the 10th Grade, I was outside most of the time rather than in the class. Even though we all knew the school hours, the teacher didn't teach a lot during the school hours because the teacher opened a snack-shop at school during school hours in order to get extra money for her survival. Around the year 1999, there were only a few teachers selling snacks in the school-compound but in 2001, there were more teachers: from Primary School to High School level. Not only did they sell snacks, but also asked the students to sell them.*

#### ***Interview with a 30-year-old woman, now living on the border.***

*It is a common practice in schools for teachers to sell snacks in the school compound during school hours. Most of the young school-children from my place play and act like their teachers. One day, a First Grade girl student play-acted as her teacher, and told her friends: “Good morning Class, Well before I start the lesson, will you come and buy snacks from me? I will teach you after this.” This shows what the teachers’ life is like at school.*

#### ***Interview with a Mon woman, aged 24, in August 2008:***

*I came from a village in Mon State. My mother was a Primary School teacher. Every day, after I came back from school I had to help my mother to make hand-made snacks to sell at school. At school, like my mother, all teachers had to sell snacks. They also asked the students to sell them for them. Some teachers went round the school class after class during the lunch-break. Students got one Kyat as commission for every 10 Kyat gained from sales.*

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<sup>67</sup> Burma is the Second most corrupt nation in the world along with Haiti and Turkmenistan ( Source: Transparency International Report October 2005.

<sup>68</sup> Source: The Education Report 2002, compiled and published by the Foreign Affairs Committee, All Burma Federation of Student Unions (ABFSU).

## **Giving private tuition**

### ***A Palaung woman gave the following interview:***

*We had to take private tutoring classes from the teachers who taught us. If we didn't take tuition from them, we could not get a good score even if we were good at our studies or hard-working. We also could not get prizes for good performance. For example, my younger sister, who was in 7th grade and was very hard-working and clever, couldn't afford to take tuition classes. So, she was never in the top ten in her class. Only the students who took tuition classes with the teacher were in the top ten.*

### ***Another interview given by a Karen woman:***

*In the classroom, the teacher hardly taught at all. Some teachers just asked the students to memorize the lessons to be able to answer the questions they would ask. There was no explanation of the content. Then the students recited what they had learnt by heart, in front of the teachers, who were knitting all the time. Teachers didn't care whether the students did their class work well or not.*

## **Forced to be corrupt**

### ***Interview with a Palaung woman:***

*Students had to attend the private tuition classes opened by their own teachers at school. It was very common for students who bought snacks from teachers and attended their private classes to get more privileges in the class or at school. When I moved to another school to study at a High school, teachers there also opened a snack shop in the school compound. Before school hours, they had to sit at the shop and sell. Teachers took turns among themselves to look after the shop. Teachers who got the class period off, took care of the shop while the others were teaching. Students did not have to follow the rules, as they could buy snacks anytime they wished during school hours.*

In short, the education system has been destroyed by successive military regimes in Burma, and the quality of education has become very low. According to the 2008 EFA Global Monitoring Report Education Development Index, Burma is ranked 94 out of 129 countries.<sup>69</sup>

## **High education costs**

Even though the quality of education has been deteriorating, students and parents have been forced to shoulder the burden of steeply rising educational costs.

It costs at least 100,000 Kyat (100 USD) per year to send a child to primary school, even in rural and ethnic areas, with higher costs for higher levels. According to interviews conducted between March and May 2008, education expenses range from 100,000–400,000 Kyat (100-400 USD) per year for one student.<sup>70</sup>

The low salary provided to state-appointed teachers causes added financial burdens for students and parents, particularly in rural areas, with communities having to raise funds to persuade teachers to stay in their villages and teach. For example, one community had to provide one

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<sup>69</sup> [http://www.unesco.org/education/gmr2008/EDI\\_tables/table2.pdf](http://www.unesco.org/education/gmr2008/EDI_tables/table2.pdf).

<sup>70</sup> See Annex 2-4 for detailed annual expenses of school students.

village teacher with an extra 3,500 Kyat (= 3.5 USD) and 8 *Pyi* (16 kgs) of rice per month, besides her salary paid by the state, as an incentive to stay and teach in their village.<sup>71</sup>

On top of this, students are expected to take private tuition classes, usually with their school teachers, to pass exams or to get good scores. Tuition fees range from 400 Kyat to 6,000 Kyat per month

Better quality education is generally only available in urban areas, through private institutions such as computer schools, language schools, and business schools, which are very expensive.

***Interview with a 26-year-old woman, garment worker, on 1 April 2008***

*“Education is only for the rich kids, not for poor people like us, struggling for survival and having to cope with sky-rocketing consumer prices, even though we want to have an education. So how can we get development? We do not have enough money to eat. We cannot even dream about education.”*

***Interview with a 27-year-old woman, garment worker, on 10 May 2008***

*“The price of consumer goods is going up steeply all the time. People are starving. To go to school, it costs from 100,000–200,000 Kyat (100–200 US\$) when the year starts. This doesn’t include the private tuition cost. So how can people at the grassroots level afford education? They have to find jobs. There are so many girls who lie about their age to get jobs. They are about 12–13, and should be at school. If this trend keeps going, there won’t be any girls educated.”*

**Education system as a tool to promote dictatorship**

The regime has been exercising tight control over the existing education system, and using it as a tool to maintain power. Teachers are trained and indoctrinated to be loyal to any government, respect the rules of government staff members, and prevent and suppress student unrest. In the recent state-orchestrated referendum (in May 2008), the regime used all the facilities and manpower of the educational infrastructure to ensure a majority “Yes” vote.<sup>72</sup>

The school curriculum has also been developed to instil acceptance of the military system. The school syllabus encourages memorization to pass examinations rather than developing students’ critical thinking or promoting skills which are needed for the world of work as well as social life. Students are trained primarily to be disciplined, both in and out of school. The notion of discipline invokes a sense of loyalty to the state and the desire to be good, obedient citizens.<sup>73</sup>

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<sup>71</sup> Interview with a Palaung woman in Palaung area in April 2008.

<sup>72</sup> The administration of education is centralized, and all directives come vertically from top to bottom through central ministerial departments to division and states. Therefore teachers and administrators of schools and institutions have to follow all the orders. Since the military came to power, teachers and students have been manipulated by the successive regimes for all its rallies, and all the state-sponsored activities. Those who do not follow orders face repercussion. Plus their family members making lives miserable using their armed forces: police, army, fire forces as well as its sponsored organizations GONGOs: MAAF, USDA, MMWCA.

<sup>73</sup> *Education in Burma (1945-2000)*, A paper by Dr. Thein Lwin:  
[http://burmalibrary.org/docs/Education\\_in\\_Burma\\_\(1945-2000\).htm](http://burmalibrary.org/docs/Education_in_Burma_(1945-2000).htm).

Teachers, like other civil servants, have been forced by the regime, together with their students, to join the Union Solidarity and Development Association (USDA)<sup>74</sup>. The USDA has been developed as a nationwide mechanism to conduct propaganda and exercise control over the general population. USDA members are used to organize sham mass rallies against democratic opposition groups and in support of the junta's policies. Female teachers, like other female civil servants, are also forced to serve in the Myanmar Women's Affairs Federation (MWAFF). All schoolgirls in high schools are also forced to join MWAFF whether they want to or not.

***A young Kachin woman of 24 talks about how MWAFF recruits its membership:***

*All high school girl students are ordered to join the MWAFF. Our class teacher gave us the application forms to fill in. We had to fill in the forms and give two photos: one for the form, and another for the membership card. So every girl has become a member of MWAFF. If someone moves to another school, and cannot show her membership card (through loss or damage), she has to fill in the form again. This means MWAFF has increasing numbers of members all the time. As a member, we had to go to ceremonies, for example, the tree planting ceremony on Tree Planting Day. I myself filled in MWAFF forms twice. The first time was in Pyin Oo Lwin (May Myo), and when I moved to the school in Rangoon, I had to fill in the form again.*

**Educational privileges for military personnel**

While the SPDC has been neglecting the education needs of the general public, they have been investing in their own military educational institutions, thereby creating an educational system that privileges military personnel. There are four main military educational institutions, namely the Defence Services Institute of Medicine, the Defence Services Institute of Technological, the Defence Services Academy, and the Defence Services Institute of Nursing. These institutions are specifically designed by the military to provide army personnel and their family members and relatives with high-quality education, thereby creating an educated military elite class.<sup>75</sup>

**Neglect of education in ethnic and rural areas<sup>76</sup>**

There are very limited educational opportunities in ethnic and rural areas. According to a report published in 2003 by the International Confederation of Free Trade Unions, there is an average of one school for every two villages in rural communities of Burman-dominated regions, while there is on average only one school for every 25 villages in ethnic border areas.<sup>77</sup> As stated earlier, parents often have to subsidize the teachers' salaries in these schools. Villagers are also often forced to pay for the building of these "government" schools<sup>78</sup>, and parents usually end up physically constructing the buildings.

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<sup>74</sup> The Union Development and Solidarity Association is a GONGO formed in 1993 and evolved as the SPDC's political arm, which is notorious for its often-violent intimidation of pro-democracy groups in Burma. Its members are the elite of the community: For more information, visit: <http://burmalibrary.org/docs3/USDA-Mon-Forum2005-04.html>

<sup>75</sup> For more information, visit: <http://www.badasf.org/education.htm>.

<sup>76</sup> Also see section on Article 15 on Rural Women.

<sup>77</sup> There are 39,000 publicly run primary schools throughout Burma. Most are in urban areas.

<sup>78</sup> Source: UNICEF current website: [http://www.unicef.org/myanmar/children\\_1350.html](http://www.unicef.org/myanmar/children_1350.html): "Many school expenses must be borne by students' families, presenting an insurmountable financial obstacle for many impoverished households. Classroom facilities are often poor and under-equipped, and attrition rates among teachers are high due to low pay, poor working conditions and long separations from their families."

***Interview with a 22 year-old woman from a rural area in Rangoon Division in May 2008.***

*Since I was young, during these times of hardship, there have not been enough teachers. We heard that some people who passed 4<sup>th</sup> Grade are teaching the 2<sup>nd</sup> Grade. We also heard that even though there has been some budget allocated (by the government) for the school, whenever schools start the new academic year, teachers go round collecting donation as there are no desks, or chairs, or even mats. The children have to sit on the concrete floor to study. It is so very cold in the rainy and cold seasons that the students often get sick. They also have to bring their own mat to sit on the concrete floor and write. Now schools close to the town have been renovated, but not those in the rural area. During the rainy season, children have to wade through knee-deep mud to get to school. Schools are so far away from the village that parents get worried, and take their kids out of school. The transportation system is also very bad. How can they go to school? It is so miserable. There must be a change to alleviate this suffering.”*

Information from a remote Lahu area in Shan State also illustrates the deteriorating situation of education in Burma.

*Every village with more than thirty households along the Mekong in Burma has a State Primary School. But most of them don't have teachers, chairs, tables, desks or a blackboard. Village headmen have been collecting funds for government school teachers since 2000. Collecting provisions is a serious burden to those that simply want an education for their children, as each household already has to provide a monthly or yearly quota of firewood and rice for militia and SPDC soldiers. If anyone fails in this duty they are fined a large amount of money or even tortured.<sup>79</sup>*

The following interview with the 38-year-old mother of a student depicts the current state of education in the ethnic Karenni State.

*In our village, most people are illiterate. There is a primary school in our village, but there is no teacher. The village head collected money from the villagers and hired a teacher, but none of the children could attend the school because they could not afford the books, pencils and other school fees.*

**Promoting *Burmanization* through education**

The current education system is encouraging *Burmanization*. The official language of education is Burmese, and all subjects except English are taught in Burmese. The regime has a policy of sending teachers from central Burma to ethnic areas rather than training people from local communities. Ethnic languages are not allowed to be taught in the schools in ethnic states, and teachers teaching ethnic languages outside schools after school hours are in constant fear of harassment by the authorities.<sup>80</sup>

Language barriers thus discourage ethnic children from attending school and pursuing their education. This, coupled with minimal budget allocation from the state and widespread poverty, means that few ethnic children continue to further their education to secondary or tertiary levels.

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<sup>79</sup> Source: *Lack of Education – Is Development Really Coming?* Page 20, Undercurrents by the Lahu National Development Organization (LNDO), January 2005.

<sup>80</sup> Even cultural events are restricted and sometimes forbidden in ethnic areas, and branded as political. (Interview)

As a result, ethnic people have far fewer opportunities to develop their human potential, and are being left far behind the majority Burman population in every aspect of their lives.

### **Human rights abuses limiting access to education**

Systematic human rights abuses in ethnic areas are also a significant factor limiting children's access to education. A report by the All Burma Federation of Student Unions (ABFSU) on Education in February 2005 not only cites the current poor level of education in ethnic areas and lack of investment by the state as the main reasons for the high school drop-out rate, but also other human rights abuses. It describes how parents living in forced relocation sites in ethnic areas face repeated human rights violations by the regime's army, including forced labour and extortion, and are therefore rarely able to afford to send their children to school. As a result of such violations, many people have had to flee and become migrants or IDPs.

### **Minimal education in IDP areas**

Many families, including the very young to very old, have had to flee and become IDPs because of the regime's military offensives and human rights violations such as forced relocation and land confiscation. IDPs live in makeshift settlements in mountainous jungle areas, seeking to survive while avoiding military patrols that will shoot them on sight. However, the regime has never admitted the existence of IDPs in Burma. There is very limited access to education in IDP areas. According to statistics by the National Health and Education Committee (NHEC)<sup>81</sup>, educational facilities for nursery and early childhood care in IDP areas are zero while less than 20 percent of the population in IDP areas – Karen, Karenni, Shan and Wa regions -- have access to primary education due to the instability of their situation and the lack of school facilities.

### **UN-supported programs further undermining educational system**

In collaboration with UNICEF, UNDP, and UNESCO, the regime is implementing various educational projects, including the *Continuous Assessment and Progression System (CAPS)*, introduced in Burma by UNICEF in 1991. SPDC has been claiming the success of this system,<sup>82</sup> a joint project between UNICEF and the Basic Education Department, but in reality, CAPS has been a complete failure. The system was applied without proper planning or controls, and the result has simply been the further disintegration of the education system. Teachers did not receive proper training to use the new system, and classroom teachers, overseeing large classes, were unable to manage the various assessment tools without assistant teachers. There was also no support made available by the regime for the many children with special needs.<sup>83</sup> The result of the project has simply been the further disintegration of the education system, and, as a result, neither the education authorities nor UNICEF have officially evaluated the project.<sup>84</sup>

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<sup>81</sup> The NHEC is an umbrella organization for the health and education of democratic groups including groups of ethnic nationalities.

<sup>82</sup> <http://www.un.org/ga/children/myanmarE.htm>.

<sup>83</sup> Email communication with Dr. Their Lwin.

<sup>84</sup> Source: the Education Report 2002 compiled and published by the Foreign Affairs Committee, All Burma Federation of Student Unions (ABFSU).

## **CAPS – a failure**

### ***NHEC Interview with JICA officials, Rangoon 2006***

In Myanmar, the Japanese International Cooperation Agency (JICA) has been supporting the Basic Education Department, Ministry of Education to promote a child-centered approach (CCA) since early 2000. But we are UNABLE to progress due to limitations, non-cooperation and unwillingness for change mainly by authorities. We are disappointed and worried for the future of Burma as educationally it is not leading anywhere yet.<sup>85</sup>

## **Impact on women and girls**

### **Gender inequality hindering girls' education**

Owing to deep-rooted cultural and social norms, upheld by all ethnic groups including Burmans, society remains male-dominated.<sup>86</sup> This gender inequality hinders girls from accessing education, as most families prefer to pay for their sons rather than daughters to attend school. Particularly when households are facing economic hardship, girls are expected to sacrifice their education and earn money to support their family. This inevitably leads to girls being less educated than boys.

With 90% of people in Burma now suffering economic hardship<sup>87</sup>, an increasing number of girls are leaving school to earn money for their families or never attending school at all. Recent UNICEF statistics state that 55% of children enrolled actually complete the primary level, and less than half of all girls in Burma currently complete primary school.<sup>88</sup> With limited educational qualifications, girls end up doing unvalued odd jobs for survival.

### ***Interview with a 26- year-old woman, garment factory worker on 1<sup>st</sup> April 2008***

*As far as I can remember, our family has been very poor. When I was only little, I had to pick water-greens and sell them to earn money. When I was older, I worked as a construction worker carrying rocks and bricks. I also did other odd jobs. I worked as a mason and a street hawker. I worked at a store before moving to Rangoon and worked as a tailor for 7 years. It was not enough, so I changed my job and worked at a potato chip production shop because the daily wage was good: 600 Kyat per day (60 US cents). In fact, it was really a heavy job. I had to get through 20 viss of potato a day by myself. I had to do the whole process: peeling, frying and delivering to the shops. I was only 19 years old then. I worked there only one year and quit around 2003 to 2004. Then I came to Thailand and worked.”*

<sup>85</sup> Source: National Health and Education Committee (NHEC).

<sup>86</sup> A traditional Burmese saying states: “Respect son as Master, and husband as God.”

<sup>87</sup> Country-wide UN surveys in recent years (Source: <http://www.burmanet.org/news/2007/08/20/bangkok-post-soaring-petrol-costs-deepen-woes-larry-jagan/>).

<sup>88</sup> <http://www.unicef.org/infobycountry/myanmar.html>.

### ***Interview with a 23-year-old woman on 29 April 2008***

*My mother runs a stall selling Mohinga (Burmese rice noodles), and I had to help my mom. My mom and my elder brother worked to support the family. The thing is that we just lived hand to mouth even though we worked very hard. The “tax” collected by the authorities was also a lot. I have several younger siblings, so I had to quit school and work at a garment factory to help support them.*

### **Girls attending school obliged to work part-time to support costs**

Even when girls are able to attend school, many need to work after school and at weekends to earn money for their families. Most women and girls interviewed said that they had to do any job available to contribute to school expenses and stay in school. Some girls from very poor families had to go and stay with slightly better-off relatives, and help them with housework such as cooking and baby-sitting in exchange for payment of school fees.

### **Examples of jobs girls are doing to pay for their school fees**

- Looking after cattle
- Finding firewood to sell
- Carrying firewood
- Fetching water
- Babysitting
- Packing snacks
- Working as sellers, as street hawkers
- Tea-plucking
- Working at tea factories
- Helping parents’ home business (e.g. tea plantation, charcoal production etc.)
- Helping selling at family’s or relatives’ shops/food stalls
- Working on the family farm or somebody else’s farm
- Teaching younger children, including neighbours’ children

### **Girls and female teachers migrating abroad**

Many girls are being forced to migrate to neighbouring countries to find jobs. With lack of information about the laws, customs or working conditions in other countries, they are vulnerable to trafficking and exploitation when leaving home.<sup>89</sup>

It is not only girls who are leaving school. Teachers are also leaving their jobs to find work in neighbouring countries because they cannot earn enough to support themselves. Women teachers in particular, who are still expected to support their parents and siblings, have been forced to find menial jobs abroad, which pay better than teaching in Burma.

### ***Interview with a 22 year-old former teacher, now a garment factory worker, in May 2008***

*I was a teacher before coming to Thailand. I also gave private tuition classes to children, in Rangoon, and also in Myawaddy. I started working as a primary teacher and then got promoted as a middle school teacher after a training. We had to attend several trainings at our own expense. My salary was from 3000–4000*

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<sup>89</sup> Details are in *Driven Away*, a report by Kachin Women’s Association Thailand (KWAT), and *Caught Between Two Hells*, a report by the Burmese Women’s Union (BWU).

*Kyat (est. US\$ 3–4 per month) with some extra provisions: some soap, cooking oil and rice. It was not enough to live on myself, let alone support my family. So I quit the job and am now working at a garment factory in Mae Sod, Thailand.*

### **Schoolgirls vulnerable to state-sponsored sexual violence by regime’s troops:**

As well as having to face other human rights violations in the armed conflict areas, schoolgirls also face the personal risk of sexual and gender based violence committed by the regime’s troops stationed in the area. As mentioned earlier, there is on average only one school for every 25 villages in ethnic areas, so the nearest school may be at least half an hour’s walk from one’s village. Therefore, girls are very vulnerable to rape on their way to and from school.<sup>90</sup> (Details can be seen in the Section “Violence Against Women.”) Families commonly take their daughters out of school for fear of this danger.

### **Recommendations:**

- Military spending must be drastically reduced, so that at least 10% of the national budget can be spent on education; budget figures must be made publicly available.
- There must not be disproportionate allocation of state funds to military education institutions, which is creating an educational system that privileges military personnel.
- Schools throughout the country, particularly in rural areas, must provide free and compulsory quality basic education.
- Teachers and educational professionals must be provided with decent salaries and social security benefits in order to end the widespread corruption in the education system; and to prevent teachers, most of whom are women, from being forced to engage in other activities for survival such as private tuition which affects their work and the school system.
- The education system must not be misused to promote military propaganda and maintain the current authoritarian system.
- There must be an independent monitoring mechanism to ensure that the Education For All goals are being reached
- There must be transparency and accountability of education program activities, including those conducted in partnership with NGOs, the private sector and international agencies
- There must be special programs, such as scholarships (or subsidized facilities), to prevent the high drop-out rate among girls and women throughout the country; and to encourage girls and women receive proper/ adequate training/ education
- Measures must be taken to eliminate stereotypes of women and girls based on cultural and traditional norms, which are hindering their access to education;
- To address the issue of poor teaching and assessment methods, teacher-training colleges should be adequately funded and upgraded; this will also promote women’s advancement, as the majority of teachers are women.
- School curricula must be revised, including to eliminate gender stereotyping, and to incorporate ethnic languages.
- Teachers should be recruited and trained from local ethnic communities, and initial learning should be in ethnic languages. ■

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<sup>90</sup> Women’s groups have released several reports giving evidence of military rape in Burma.

## **Article 12: Health**

*1. 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.*

*2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*

### **Overall analysis:**

The SPDC claims that it is providing comprehensive health services all over Burma through its national health infrastructure with the aim of reaching the “Health for All” goals. Demonstrating progress towards reaching the goal of “uplift of health,” Burma’s military regime frequently cites increases in numbers of health facilities constructed or upgraded, and increasing numbers of health personnel trained under military rule.<sup>91</sup> Yet more objective statistics belie the figures published by the regime. The regime officially spends about 40 cents per capita per year on health, amongst the lowest in the world, amounting to under 3% of the national budget, despite record foreign exchange earnings for the 2007-2008 fiscal year.<sup>92</sup> Today, deaths from infectious diseases, malnutrition, and maternal causes continue to prematurely claim the lives of many Burmese, deaths that are largely preventable. In recognition of these failures, in 2000, the WHO ranked Burma’s healthcare system 190<sup>th</sup> out of 191 member states, only slightly outperforming Sierra Leone.<sup>93</sup>

Although health facilities can be seen in most towns and cities in Burma, the state healthcare system in Burma is almost non-existent, and under-budgeting has rendered these structures mostly empty shells. There is an acute shortage of medicine, medical facilities and supplies, and very few trained health staff or sometimes no staff at all, as almost none are able to survive on a state salary alone. Many have left to join the private sector or work abroad. With such scant public support for public health, today, almost 90% of Burma’s healthcare expenditure is paid for out-of-pocket. Given that the majority of Burma’s population lives on under one USD per day, and over 70% of the average Burmese household income is spent on food alone (a figure prior to the price hikes precipitating the Saffron Revolution), access to professional healthcare services remains an unaffordable luxury for most Burmese. The problem is far more acute in rural areas of the country, overwhelmingly populated by non-Burman ethnic groups, where investment in social services is far less, poverty more pronounced, and many other barriers exist that preclude many individuals from accessing healthcare services in a timely fashion.

### ***A 33-year-old Shan woman from Central Shan State talked about her mother who had been suffering from uterine cancer.***

*In 2001, my mother who is in her late 60s, began suffering from a pain in her stomach. When she went to the village health center, she was given an injection and some medicine. The pain didn’t go, and got worse whenever she did any heavy job or lifted*

<sup>91</sup> Source: “Progress of Health Sector in Time of Tatmadaw Government: Hailing 63<sup>rd</sup> Anniversary Armed Forces Day.” *The New Light of Myanmar*, March 25, 2008, p. 7.

<sup>92</sup> WHO, <http://www.who.int/nha/country/en/>.

<sup>93</sup> Reference: World Health Report 2000.

*things. She also noticed a small lump in her stomach and felt pain whenever she urinated. She also felt the lump getting bigger. Therefore she went to the hospital in town. With the language barrier and lack of information, someone had to accompany her to speak with health workers. She had been going back and forth to clinics and hospital for the past 6 years, but the pain stayed and the doctor just said it was some stomach disease. Then, last month, I took her to a private clinic opened by a gynecologist in town, and she had a thorough check-up three times costing 10,000 K each time. We were told that she was diagnosed with uterine cancer and needed a hysterectomy. Then the gynecologist asked her to go a bigger clinic where she could have a hysterectomy by a senior gynecologist.*

*My mother was at the big private clinic for about 10 days - 3 days before and one week after the operation. She came home with a wrap on her stomach and a big plaster. After two or three days, she felt pain because of the big plaster. She had to go back to the clinic to check three times. It cost nearly 500,000 Kyats for clinic fees including surgery, and the transportation from the village to town and other direct expenses cost about 100,000 Kyat.*

In many ethnic areas, the situation is exacerbated by the high prevalence of infectious diseases, such as malaria, the leading cause of morbidity and mortality in the country. In 2003, Burma's reported deaths from malaria accounted for over 50% of the region's total and was the highest for any country in WHO's Southeast Asia region, including India and Indonesia, which have far larger populations.<sup>94</sup> The true figure is likely to be even higher, as most people with malaria do not present for care at public health facilities.<sup>95</sup> Noted physician Dr. Frank Smithius of MSF – Holland, a medical INGO with decades of experience fighting malaria in Burma, has said, "The WHO says that there are 500,000 malaria patients in Myanmar [Burma], but I know for a fact that's not true. I estimate it to be closer to ten million."<sup>96</sup>

#### ***Interview with a 38-year-old Karenni woman***

*There is no permanent clinic in our village, but there are two nurses who sometimes come and open a clinic where they charge for treatment. Since there is no regular clinic, we often have to go to Loi Kaw (capital city of Karenni State). One day, a woman accompanied her friend to Loi Kaw to go to hospital and she left her daughter at home. The house was set on fire and the child was killed.*

#### **Lack of state-supported health services:**

#### ***Interview with a 26-year-old health worker in Palaung area of Northern Shan State***

*I am a nurse working at the village's "self-help" health centre in Man Tone.*

*The health situation is really bad in our area. There are around 20 villages close to our centre. The situation of mothers and children is getting worse and worse. Women get married by the age of 14 or 15 years old. There is no healthcare for them. There are about 10 pregnant women who come to our clinic each day and on some days there are more than 10. Both mothers and children are suffering from malnutrition. They also have no knowledge or information about family planning or*

<sup>94</sup> WHO, Regional office for Southeast Asia, 2003

<sup>95</sup> Source: The Gathering Storm : <http://www.hrcberkeley.org/pdfs/BurmaReport2007.pdf> p. 64

<sup>96</sup> Source: Radio Netherlands, June 25, 2008

*vaccinations. They still get pregnant even when they are about 45 years old. In this area, most people get sick from malaria.*

*There are no state services in our area. There is no clinic, and only one hospital in the nearest town. Most people don't go to hospital because transportation is so difficult. The main thing is there are not enough doctors or nurses, and it is very expensive. There is no health education except when "Save the Children" comes to the area sometimes and gives vaccinations and some preventive medicine. Sometimes WFP also comes and distributes rice, fish paste and chilies. I have never seen the Myanmar Women's Affairs Federation come and do anything good.*

## **HIV Situation**

According to the latest figures from the Burmese Ministry of Health, an estimated 230,000 adults, aged 15-49, in Burma are HIV positive, corresponding to a national adult prevalence of 0.67%, a significant decrease from the earlier official figure of 1.3% in 2005, itself a significant departure of the 3.4% estimated in one analysis in 2000.<sup>97</sup> The variation in these estimates underscores the dearth of reliable health information in Burma, a situation that continues to worsen as the regime increasingly restricts the independent collection, analysis, and dissemination of information, including about health. In the case of HIV, some private analyses place the true numbers of those infected to be four or five times higher than Burma's official figures.<sup>98</sup>

Yet despite the lack of certainty about true HIV prevalence figures, what is known is that in the face of what UNAIDS calls "one of the most serious epidemics in Southeast Asia," an epidemic which the Burmese regime acknowledges as "a disease of national concern and one of the priority diseases," official Ministry of Health expenditure on controlling this entity was only about \$137,000 in 2005, less than half of \$0.01 per person.<sup>99</sup> Neighboring Thailand's equivalent figure is \$1.43.<sup>100</sup> The result, as is the case with other health crises in Burma, is that people continue to die. According to official figures, likely underestimates, 13,000 new HIV infections occur every year in Burma; 73,000 living with HIV are in need of antiretroviral therapy, of whom far fewer than 10% are receiving it; and 20,000 individuals die of HIV-related causes every year.<sup>101</sup> Similarly, despite the regime's claims of increasing numbers of condoms distributed and numbers of educative talks given to bolster claims of progress in fighting this epidemic, HIV/AIDS education initiatives continue to be woefully inadequate: in an official country report submitted to the UN in 2006, less than a quarter of young adults demonstrated sufficient knowledge of HIV transmission.<sup>102</sup>

There are now several international agencies running HIV/AIDS programmes inside Burma, attempting to fill this void; the largest of these is MSF-Holland, which is providing over 6,000 people with anti-retroviral therapy. However, this is still insufficient, and there remains a great need for national level commitment and support, in addition to more transparency and fewer bureaucratic obstacles for such groups operating officially inside Burma.<sup>103</sup> These official

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<sup>97</sup> Beyrer, Labrique, Brookmeyer, assessing the magnitude of the HIV/AIDS epidemic in Burma. *J AIDS* 2003; 311-317.

<sup>98</sup> Reference: US GAO report, April 2007.

<sup>99</sup> UNAIDS 2007 country report.

<sup>100</sup> UNAIDS 2007 country report

<sup>101</sup> ICAAP 2007, Colombo.

<sup>102</sup> Source: [http://www.unaids.org/unaid\\_resources/UNGASS/2005-Country-Progress-Reports/2006\\_country\\_progress\\_report\\_myanmar\\_en.pdf](http://www.unaids.org/unaid_resources/UNGASS/2005-Country-Progress-Reports/2006_country_progress_report_myanmar_en.pdf).

<sup>103</sup> Source: Prevention and Treatment of HIV in Myanmar. Talk given by Dr. Frank Smithuis, MSF- Holland, ICAAP in Colombo, 2007.

barriers exacerbate ongoing problems, such as society's extremely conservative attitude toward sexual relations, and the persistence of stigma and discrimination which surrounds HIV, all of which complicate outreach and prevention efforts and facilitate the ongoing spread of the virus.<sup>104</sup>

These official failures continue. Most glaring is Burma's failure to submit a country progress report to the High-Level Meeting of the UN General Assembly Special Session on HIV/AIDS, held on 10-11 June 2008. This raises concern as to the regime's commitment to transparency and accountability to HIV control, and its commitment in such endeavors with the international community, all issues that have been raised in light of the regime's response to the disaster of Cyclone Nargis in May 2008.

### **IDP and Armed Conflict Areas**

Although public health in Burma is in crisis, IDP communities face far worse conditions. On top of disinvestment in social services, widespread systematic human rights abuses by the Burmese military regime against non-Burman civilians have produced a health catastrophe. In surveys by the Backpack Health Worker Team (BPHWT), a mobile medical team serving IDP communities in eastern Burma, almost 10% of children do not survive to their first birthday and almost a quarter do not see their fifth birthday. These figures are far higher than Burma's official figures, already amongst the worst in ASEAN,<sup>105</sup> and place the conflict zones of eastern Burma on par with better-known disasters such as Angola and the Democratic Republic of the Congo. These deaths are almost entirely preventable; malaria was responsible for almost half the deaths of children under 5.<sup>106</sup> Other causes are diarrhea and respiratory infections, likely exacerbated by the high levels of malnutrition in IDP children. Similarly, these causes of illness and death are preventable.

These poor health outcomes are exacerbated by the junta's policies in these areas. As part of the junta's counter-insurgency policy, the Four Cuts Policy, destruction of food supplies is widespread, experienced by over a quarter of IDP households.<sup>107</sup> This almost doubles the risk of malaria, as families are forced to forage in the jungles for food; it also quadruples the risk of landmine injury or death.<sup>108</sup> And, despite the magnitude of the health crisis in IDP communities of eastern Burma, the SPDC forbids access by international humanitarian organizations to these populations, and they are forced to rely on local, community-based organizations to provide basic health care, organizations such as the BPHWT. Yet this work is not without risk: since the inception of BPHWT in 1998, at least 8 healthcare staff have been killed by SPDC troops or landmines.<sup>109</sup> Other CBO health workers have also been harassed, intimidated, or killed for their work, and clinics razed by SPDC troops, all in direct contravention of the *Geneva Conventions*.<sup>110</sup>

Even in areas that the Burmese military regime claims no longer face active conflict, in areas where groups have "exchanged arms for peace," mortality from preventable causes remains

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<sup>104</sup> [http://www.gng.org/currents/myanmar/mya\\_hiv.html](http://www.gng.org/currents/myanmar/mya_hiv.html)

<sup>105</sup> BPHWT, *Chronic Emergency*, 2006.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> The Gathering Storm: <http://www.hrcberkeley.org/pdfs/BurmaReport2007.pdf>.

unacceptably high. For example, in Kachin State, mortality rates for malaria may be four times to five times higher than the national rates.<sup>111</sup>

### **Regime's use of GONGOs as tools of repression**

The Burmese military regime continues to use social services and development projects as tools to further entrench their control. Not only has it imposed multiple restrictions on the work of UN agencies and INGOs, local groups have also come under the regime's pressure to cease or severely curtail their work because they are "perceived as being too political, too independent, or because they do a better job than the state at providing social services."<sup>112</sup> In their place, the regime has mobilized GONGOs to provide social services, largely for publicity purposes. These organizations include groups such as the Myanmar Women's Affairs Federation (MWAFF), the Myanmar Maternal and Child Welfare Association (MMCWA), and the Union Solidarity and Development Association (USDA).

Similarly, purportedly with the aim of promoting the health of mothers and children, the MMCWA was established in April 1991. It has since been promoted as a non-government organization (NGO), working for the benefit of society. However, its aim also overtly political, as evidenced by its leaders' speeches criticizing "internal destructionists." Further, its leadership is primarily composed of wives of the top generals and ministers of Burma, making its classification as an independent NGO highly problematic.

#### **MMCWA President**

**Current (Aug 2008):** Daw Khin Saw Hnin, Wife of Secretary - I of the State Peace and Development Council Lt-Gen Thiha Thura Tin Aung Myint Oo

**Till Oct 2007:** Daw Khin Khin Win, Wife of then Secretary I of the State Peace and Development Council Lt-Gen Thein Sein

**Till Oct 2005 :** Dr Daw Khin Win Shwe, Wife of then Secretary I of the State Peace and Development Council General Khin Nyunt

### **Regime's restrictions on UN agencies and INGOs**

UN agencies and international NGOs have been allowed to work inside Burma from 1990. Although future prospects for increasing the scope of humanitarian assistance in Burma appeared promising in the late 1990s, there has been a noticeably restrictive environment, which has worsened since the ousting of former Prime Minister, General Khin Nyunt, in 2004. There has been increasing distrust of international relief agencies, which was finally codified in the *Guidelines for UN Agencies, International Organizations and NGOs/INGOs on Cooperation Programme in Myanmar*, published by the Ministry of National Planning and Economic Development in February 2006. The document formally laid out steps required for foreign aid organizations to develop MoUs with the Burmese regime, manage purchases of equipment, hire

<sup>111</sup> C. Wongsrichanalai, K. Lin, L.W. Pang, M. a. Faiz, H. Noedl, T. Wimonwattawatee et al., "In vitro Susceptibility of Plasmodium falciparum Isolates from Myanmar to Antimalarial Drugs," *Am J Trop Med Hyg* 65:5, November 2001, 450-55.

<sup>112</sup> Source: International Herald Tribune, Myanmar Cracks Down on Business Groups. At <http://www.iht.com/articles/ap/2007/05/16/asia/AS-GEN-Myanmar-Government-Crackdown.php>

staff members, and travel within the country. In particular, all domestic travel must be accompanied by junta liaison officers, and international aid groups have to work with township officials, and members of groups such as MMCWA and the USDA. A Burmese language version of the *Guidelines* contains even more restrictions, and in January 2008, members of INGOs working in health were summoned to Naypyidaw, where further bureaucratic obstacles were imposed, including warnings about enforcement of existing restrictions. In particular, the independent gathering of data, essential for public health programming, is to be curtailed.

As a result of these restrictive policies, several organizations have curtailed or ceased programs. The UN Global Fund for AIDS, Malaria and Tuberculosis pulled out of Burma in 2005, and Medecins Sans Frontieres – France pulled out in March 2006.

### **Impact on women and girls**

While the health of the whole population is adversely affected by the regime's policies, women and children bear the brunt of the collapse of the health system.

The policies of the military junta, ranging from widespread impoverishment of the population, migration, and lack of access to healthcare, have and continue to lead to preventable deaths of women and children. According to the *UNIFEM Publication Gender Profile in the Conflict in Myanmar*, poor nutrition and health care facilities have caused women in Myanmar to suffer from a high rate of maternal mortality, approximately 517 per 100,000 live births, and their children suffer from an extremely high rate of moderate malnutrition and preventable diseases.<sup>113</sup> Official figures, reported by the SPDC to UNICEF, cite 76 infant deaths per 1,000 live births in Burma in 2004, amongst the worst of the region. A UNICEF study also reveals that out of the 1.3 million children born every year in Burma, more than 92,500 will die before they reach their first birthday and another 138,000 children will die before the age of 5.<sup>114</sup> As noted earlier, the situation is even more dire in conflict zones of eastern Burma, where official investment in health, especially reproductive health, is essentially non-existent and abuses against the predominantly non-Burman population rife, including the systematic rape of women and girls. In eastern Burma, only 4% of births are attended by skilled birth attendants, far lower than the official figure of 57% of the rest of the country.<sup>115</sup>

In the conflict zones, an estimated one in ten children do not survive to their first birthday, and almost a quarter will die before age 5, figures more closely resembling disasters such as Democratic Republic of the Congo and Angola, rather than Burma.<sup>116</sup> Similarly, perhaps 1 in 12 women will, in the course of her lifetime, lose her life as a result of pregnancy-related causes, a figure far worse than Burma's national figure of 1 in 75, already the worst in the region. (For comparison, this figure in neighboring Thailand is 1 in 900). This figure from eastern Burma is more comparable to countries such as Rwanda, Somalia, and Democratic Republic of the Congo.<sup>117</sup> These deaths are mainly preventable, a result of post-partum hemorrhage, unsafe abortion, and obstructed delivery.<sup>118</sup> Further, high fertility rates, reflecting lack of access to

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<sup>113</sup> Amnesty International. *Unsung Heroines: The Women of Myanmar*. 24 May 2000. <http://web.amnesty.org/library/Index/engASA160042000?OpenDocument&of=COUNTRIES%5CMYANMAR?OpenDocument&of=COUNTRIES%5CMYANMAR>.

<sup>114</sup> UNICEF. Myanmar, The Country. <http://www.unicef.org/myanmar/pages/a4.html>.

<sup>115</sup> The Gathering Storm: <http://www.hrcberkeley.org/pdfs/BurmaReport2007.pdf>.

<sup>116</sup> BPWHT, Chronic Emergency, 2006.

<sup>117</sup> Ibid.

<sup>118</sup> UNPFA Population Fund, 2001.

reproductive technologies, as well as the high prevalence of conditions such as malnutrition and anemia, increase the risk that women die unnecessarily as a result of their pregnancies.

***An interview with a 39-year-old Chin woman with 8 children:***

*When I delivered my last baby, it was in the jungle. We don't have a mid-wife, nurse or medic in our village; I had to go to another village. It is all because we are so poor and there is nothing for us. On my way back, my stomach really got painful and the baby started coming out. With God's grace, Mr. Mang Lian Thang was there with me and he helped me to deliver my baby. We didn't have scissors to cut my baby's umbilical code and no clean cloth to wrap him up and make him warm. Till now, my baby is suffering from pneumonia. He kept vomiting for a month after he was born. I believe it is because he got pneumonia. Not only my baby, but my womb was injured and I don't have money to cure it either. We pregnant women suffer a lot. There are many women like me. We need medicines and doctors in our village.*

A 40-year-old Kachin woman had six children - five daughters and one son. Because she wanted another son, she got pregnant although the doctor told her not to. She did not go to the hospital when it was nearly due because she did not have enough money. The hospital cost would have been 100,000 Kyat for normal delivery, and 300,000 Kyat for caesarian. She decided to give birth with a traditional birth attendant, who told her that she was not yet due, but after the TBA left, she went into labour pains. She suffered from obstructed delivery, and both mother and baby died.

**Unwanted pregnancy and unsafe abortion<sup>119</sup>:**

As noted earlier, the lack of access to family-planning programs, coupled with the cultural taboos about talking about reproductive health, frequently results in unwanted pregnancies, which heighten the risk of Burmese women dying. Further, with issues such as reproductive health being perceived as internal affairs between a husband and wife, pregnancy (or avoiding it) is often not a conscious choice for Burmese women, who are frequently forced to turn to abortions as a means for fertility control. As abortion is illegal in Burma, women turn to dangerous methods to terminate their pregnancy. The UNFPA estimates that one in three pregnancies in Burma ends in abortion, with approximately 750,000 abortions being carried out each year, or about 2,000 abortions per day. It is estimated that the consequences of unsafe abortion account for around 50 per cent of maternal deaths.<sup>120</sup> This number is likely to be much higher in ethnic and rural areas where women rely solely on traditional medicines and traditional doctors.

International NGOs have published reproductive health education materials in Burmese, but they are usually not provided in ethnic languages and the providers are often unfamiliar with local languages.

**Women and HIV/ AIDS**

The same vulnerabilities that place women of Burma at risk for pregnancy-related morbidity and mortality also increase their risk for HIV infection and its subsequent social and health

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<sup>119</sup> Abortion is illegal in Burma, except when pregnancy threatens the life of the mother (according to the *Penal Code* Section 312). Both patients and medical practitioners involved in the abortion are subject to fines or up to three years imprisonment, ten if the procedure results in death.

<sup>120</sup> [www.unfpa.org/exbrd/2001/secondsession/dpfpammr\\_eng.doc](http://www.unfpa.org/exbrd/2001/secondsession/dpfpammr_eng.doc).

impacts.<sup>121</sup> In statistics submitted by the Burmese regime to UNAIDS, the HIV prevalence among pregnant women was estimated at 1.8% in 2004. Every year, at least 10,000 HIV-positive women become pregnant, giving birth to at least 3,000 to 4,000 children who are infected with HIV<sup>122</sup>. This is largely preventable; less than 5% of pregnant women with HIV are receiving ARVs<sup>123</sup> to prevent transmission of the virus from the mother to her unborn child.<sup>124</sup> Similarly, about 4% of those needing it are estimated to be on treatment, which is life-saving for the patient but also essential for the family's survival, as those infected are often the bread-winners for the family.<sup>125</sup>

INGOs working in HIV/AIDS have been subject to increasing restrictions from the regime, and local HIV/AIDS initiatives have been forced to shut down, such as the closure of the Maggin Monastery hospice in 2007. Social workers, including HIV/AIDS activist Phyu Phyu Thin, who used to run an HIV/AIDS safe house, have been harassed and arrested. Her community outreach activities were banned by the authorities.

### ***Interview with a woman from a suburb area of Myitkyina, Kachin State***

*A 38-year-old woman with two children was very poor. She became pregnant again, and when she was close to delivery, she became very sick and went to the hospital to take a blood test. She discovered that she was HIV positive. Then she was told that the fetus had died inside her, and she needed an operation to remove it. As she had no money for the operation, she was given an injection to induce her to deliver the fetus. She came home and became even more sick. As she could not push the fetus out, she died of all the complications.*

### **Recommendations:**

- Military spending must be drastically reduced, so that at least 15% of the national budget can be spent on health; budget figures must be made publicly available.
- A national health care system must be developed in which care is distributed effectively, equitably and transparently. There must be more well-equipped public health facilities, particularly in rural areas.
- All guidelines restricting international agencies from assisting needy populations, particularly in the provision of health care, must be rescinded.
- Immediate steps must be taken to halt the conflicts and human right violations that are displacing an unprecedented number of people and facilitating the spread of infectious diseases in the region.
- There must be a comprehensive public health education program, implemented in collaboration with the education sector, which will provide girls and women with the information necessary for them and their family members to lead healthy lives.<sup>126</sup>
- Comprehensive training must be provided to more health professionals, including doctors, nurses, and community health workers.
- Efforts should be strengthened and expanded to provide reproductive health education and access to free contraceptives to women, men and adolescents throughout the country.

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<sup>121</sup> Physicians for Human Rights, *No Status*, 2004.

<sup>122</sup> [http://www.unicef.org/media/media\\_27322.html](http://www.unicef.org/media/media_27322.html).

<sup>123</sup> Antiretroviral drugs are medications for the treatment of infection by retroviruses, primarily HIV.

<sup>124</sup> Declaration of Commitment on HIV/AIDS (UNGASS); Myanmar country report Reporting period: January-December 2004.

<sup>125</sup> Ibid.

<sup>126</sup> Using popular media such as magazines, video, drama, radio plays, comic books and youth magazines.

Family planning education programs must take into consideration the traditions and physical barriers of women in rural areas.

- Sterilization should be made freely available and accessible to women, to reduce women's mortality due to illicit and unsafe abortion procedures.
- Training and appropriate educational materials should be provided to indigenous herbal medicine practitioners and traditional birth attendants, who are commonly consulted by rural communities.
- Empowerment and advocacy are key elements in health promotion at the community level. Community-based organizations and religious groups, including those running HIV/AIDS initiatives, must be allowed to work freely with no restrictions or harassment.
- The state must provide free antenatal and postnatal services to all women, and ensure access to these services by women in rural areas.
- There must be free flow of information, including publication of studies, and more unhindered opportunities for various actors working on women's health issues to meet and communicate.
- The Myanmar Maternal and Child Welfare Association must operate completely independently of the military hierarchy, and the leadership must not be composed of or influenced by wives of military officers. ■

## **Article 14: Rural Women**

*1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.*

*2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:*

*(a) To participate in the elaboration and implementation of development planning at all levels;*

*(b) To have access to adequate health care facilities, including information, counselling and services in family planning;*

*(c) To benefit directly from social security programmes;*

*(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*

*(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;*

*(f) To participate in all community activities;*

*(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*

*(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

### **Overall analysis**

70% of the total population of Burma lives in rural areas.<sup>127</sup> Two thirds of the population works in the agriculture sector, the key sector of Burma's economy, with agricultural production contributing 58% to the country's GDP and making up 48% of Burma's exports.<sup>128</sup> Moreover, the rural areas are rich in natural resources such as timber, gems and minerals. However, the rural populations in Burma continue to suffer from extreme poverty because of the regime's prioritization of military expansion, exploitation of natural resources for short-term profit, and coercive agricultural policies.

In 1989, the Central Committee for Development of Borders and National Races was formed. It claims to carry out work for the development of the remote border areas and national races, and to date 18 special regions have been set up under the committee. In fact, SPDC's main

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<sup>127</sup> <http://www.un.org/special-rep/ohrlls/ldc/MTR/Myanmar.pdf>

<sup>128</sup> Source: <http://www.mm.undp.org/HDI/Agricultural.html>

“development” agenda has been military expansion to control local populations and benefit from the exploitation of the local natural resources. Increased numbers of battalions have been deployed into ethnic areas (currently there are at least 525 Burma Army battalions), and been ordered to “live off the land,” resulting in increased confiscation of land for military bases and income-generation projects, and the use of civilians as forced labour to build and maintain the bases, take security duty, and work on military farms. Troops also regularly extort funds, food, and other possessions from local villagers, causing increased economic hardship for local populations.

Abuses are worst in the areas where the regime has been carrying out large-scale anti-insurgency programs to undermine local support for the ethnic resistance movements. SPDC troops have been deliberately destroying villagers’ food stocks and relocating hundreds of thousands of villagers at gunpoint from rural areas into military-controlled relocation sites where they have no means of survival. Farmers caught secretly tending their fields have been shot on sight. Such abuses have driven many to flee as refugees and undocumented migrant workers to neighbouring countries; those who cannot cross the border have become internally displaced persons.

### **Exploiting natural resources for military profits**

Control of the rural areas has enabled the SPDC to make mammoth profits by giving concessions to its business cronies and foreign companies for logging, mining, and construction of mega-dams along Burma’s major rivers to sell electricity to neighbouring countries, and laying pipelines across ethnic states to sell gas, particularly to China and Thailand.<sup>129</sup> None of the profits are being used to develop the rural areas. Instead, local populations are being forcibly relocated from project sites with little or no compensation, and have to suffer from the abuses committed by the increased numbers of SPDC troops sent in to provide security to the projects.

On top of this, resource extraction is being conducted without proper environmental and safety regulations. Rural people working in mines and living around mining areas are suffering from the lack of standard regulations set by SPDC for mining.<sup>130</sup> Cave-ins occur frequently, and there is unregulated use of toxic chemicals such as mercury and cyanide in gold-mining operations. People in Kachin State have been falling ill from drinking contaminated water, and eating vegetables grown in the contaminated areas and fish and water creatures from the streams in gold-mining areas<sup>131</sup>. Villagers living around a manganese mine operated by Chinese investors in eastern Shan State have also been documented experiencing headaches, nose bleeds, coughing and dysentery, and water from the nearby springs and streams has become unfit to drink.<sup>132</sup>

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<sup>129</sup> SPDC has given the most commercial logging concessions to China and Thailand. China is the largest importer of timber from Burma, even purchasing uprooted trees from Burma. Every year, Burma illegally exports some 95 percent of its timber-- more than 1 million cubic meters of wood -- from northern Burma to Yunnan Province in China. (Source: *A Choice for China: Ending the destruction of Burma's frontier forests*, a report by Global Witness, a London-based, non-governmental organization)

<sup>130</sup> There are numerous informal and formal mining operations throughout Burma. Ivanhoe Mines Ltd. and The Leeward Capital Corporation, and China Nonferrous Metal Mining Company (CNMC) are the largest corporations investing in Burma. CNMC is planning to invest US\$600 million in a new nickel mine, namely Tagaung Taung mine, a joint venture with SPDC Number 3 Mining Enterprise. This will generate significant income for the Burmese regime. ( Source: Burma Campaign UK website)

<sup>131</sup> *Valley of Darkness*, p. 33, A report by the Kachin Development Networking Group

<sup>132</sup> Unhindered prospects, Undercurrents Issue 2, p. 2

## Coercive agricultural policies causing food insecurity

The regime's agricultural policies have failed to prioritize farmers' income and welfare, and have led to decreased rice production and food insecurity in some areas. For example, rice production in Murng Nai in southern Shan State dropped 56% between 1994 and 2006 as a result of the regime's policies. Farmers already suffering from forced relocation as part of anti-insurgency measures, suffered further land confiscation by the army, forced labour on the army's summer paddy farms and were forced to sell their paddy to the army at depressed prices.<sup>133</sup>

Since the end of 2005, SPDC has also been forcing people nationwide to grow the *Jatropha curcas* tree for biofuel production. SPDC's top general decreed that eight million acres had to be grown within three years, and has forced all sectors of society to divert funds, farmlands and labour for this purpose. Those who fail to participate in the project have been fined, arrested and threatened with death. In southern Shan State, at least 800 farmers have been forced to flee to Thailand as refugees because of the excessive demands for farmlands and labour to grow *jatropha*.<sup>134</sup>

The SPDC's token attempts to deal with the drug trade in Burma have also caused large-scale food insecurity, while failing to significantly curb drug production. The SPDC's "War on Drugs" in recent years has involved imposing opium bans in selected poppy-growing areas, but without ensuring alternative means of support for former poppy farmers. In particular, the opium ban enforced since June 2005 in the northern Wa areas has led to severe hardship for hundreds of thousands of Wa farmers, many of whom have been forced to migrate to seek work. In reality, the SPDC has no political will to eradicate the drug trade in Burma. Its personnel remain directly involved at all levels of drug production and trafficking, and continue to profit directly from the trade.<sup>135</sup> At the same time, the SPDC is relying on various drug-trafficking ceasefire groups and militia to maintain control and police against resistance activity in ethnic areas. Therefore, while opium bans are imposed in selected areas, other areas remain free to grow opium, and drug production in Burma remains high.

## Impact on women and girls

Poverty has directly affected the majority of people in Burma regardless of gender. However, because of cultural and traditional practices and beliefs, women and girls in rural and remote areas are usually hit harder by chronic poverty. Furthermore, women are not only increasingly being denied their fundamental rights to education and health, but are also facing gender-based violence.

The following testimony reveals how bad the economic situation has become as a result of the regime's decades of mismanagement of the country and neglect of rural areas.

### *Interview with a 23-year-old woman from Yatheitaung, Rakhaing State*

*Economic hardship has affected everyone, especially women. Everything is expensive, and it is very hard for most people to survive daily. They do not have enough money to buy food for the family. Women have to cut their hair and sell it so that they can*

<sup>133</sup> See *Deserted Fields: The Destruction of Agriculture in Murng Nai Township, Shan State*, by the Shan Relief and Development Committee, 2006

<sup>134</sup> *Biofuel by Decree*, a report by EDCF (the Ethnic Community Development Forum – comprising seven community development organizations working in Burma).

<sup>135</sup> For more details, see *Show Business, Hand in Gloves & Shan Drug Watch* at [www.shanland.org](http://www.shanland.org).

*buy food, or even just exchange it for food. This situation is particularly serious in rural areas.*

*I think selling our hair in exchange for food is very bad for women. According to our customs, we regard hair as very valuable. There is a saying that “The power of man is strength, and the power of woman is the knob of her hair.” Selling our own hair means losing one’s power. So this makes us women feel disrespected, but we do not have any other choice. We have to do anything to get enough food for the family.*

### **Land confiscation and forced relocation for development projects**

When villagers are forcibly displaced to make way for development projects, women are particularly vulnerable because of their reproductive health needs.

In the following interview, a pregnant 25-year-old Kuki woman talks about how a dam project in Western Burma has affected her life. Her land was confiscated, and she was forcibly relocated to a place where there is no clinic or any kind of healthcare.

*We have faced serious economic hardship because of the Ta Ma Thee dam construction and Win Tin Tun (Company) wood production. Prices are getting too high for us and we cannot buy food enough. We face food scarcity even though we work everyday. We do not get paid every day either. Our land was confiscated to build the dam. So, we had to move to a new village named Shwe Bo Lay village. We did not get any help when we moved, but we were stopped, checked and questioned by the authorities. We have faced so many problems since we moved here (but at least we are lucky that we have other Kuki families who try to help each other.) We built our house but we are often checked by the soldiers. My family is not registered and accepted as villagers yet. We are now trying to get registered. I am now pregnant so I have to stay at home and depend on my other family members. We do not have enough to survive and I do not get any medicine or any medical treatment. I am worried all the time for my pregnancy and I do not know what will happen in the future. I have to live in fear and uncertainty for the future.*

### **Forced labour**

The practice of forcing civilians to carry ammunition and supplies for SPDC troops remains commonplace in the conflict areas of eastern Burma. While men are more routinely recruited, women are also forced to work as porters when men are not available. The physical hardship of carrying heavy loads through rough terrain can be life-threatening for pregnant women.

A 33-year-old Karen woman talked about her experience as a forced porter for SPDC troops in Pa-pun District in Karen State in 2004. The SPDC has deployed increased numbers of troops and been building roads in Pa-pun to pave the way for dams on the Salween River, to export hydropower to Thailand.

*I was forced to go as a porter for SPDC when I was three months pregnant. I had to go about 15 miles from my village. SPDC soldiers asked me to carry one tin of rice. It was about 25 kgs and was really heavy for me. As I was pregnant, I had no strength to walk so far. The soldiers didn’t give us enough food to eat nor clean water to drink. The journey was too hard for a pregnant woman. I had to climb up the mountain, cross the river and sometimes cross valleys. I felt hungry and thirsty*

*but there was nothing to eat or drink. There were other women with me and they felt sorry for me but they couldn't help me as they had to carry their own loads. I felt tired and thirsty and had to rest often on the way. The day after I got back from that forced labour, I miscarried. There was a lot of blood and at that time there was no medicine for me or even food. I became very pale and tired.*<sup>136</sup>

### **Increased opium production and addiction**

The failure of the regime to seriously address the drug problem in Burma has led to increased opium production in some areas, and a resulting increase in drug abuse. Research has shown that in Palaung areas of northern Shan State, increasing numbers of men are becoming opium addicts in areas where local pro-regime militia are being permitted to grow opium, and where the regime's policies have undermined the traditional tea-growing industry. A 2006 report by Palaung women researchers describes the serious impact this had on women's lives.<sup>137</sup>

Already suffering from traditional gender inequality which dictates complete subordination to their husbands, Palaung women face multiple hardships when their husbands become addicted. Husbands not only stop providing for their families, but sell off property and possessions, go into debt, commit theft, and deal in drugs to pay for their addiction. Subjected to verbal and physical abuse from their husbands, wives must struggle to bear the entire burden of supporting and caring for up to 10 or 11 children in villages with scarce access to health and education services. In one case, a woman lost 8 out of 11 children due to malnutrition and disease, and in another case, two daughters were trafficked by their addicted father.

### **Sexual violence:**

Women and girls are constantly at risk of sexual violence because of the increasing number of troops sent in to provide security for development projects. Numerous women have been raped by SPDC soldiers in the area surrounding the Tasang Dam site on the Salween River, in Central Shan State.<sup>138</sup>

The following testimony was given by a 25-year-old Karen woman who was gang-raped in 2006 by SPDC soldiers in Karen State, where increased troops have been deployed to secure the areas around the Yadana gas pipeline.

*My aunty asked me to follow the Burmese soldiers and those Burmese soldiers asked my aunty to return back and let me stay with them alone. But I didn't want to stay alone because I was afraid of them. But she left me and then three of the Burmese soldiers asked me to go with them. They wore army uniform. Then after about 15 minutes' walk, two of them pulled me into the bushes and raped me. The other one stood guard. I tried to shout but they closed my mouth. They raped me one by one on the ground of the bushes. I was alone and afraid of them. While one of them closed my mouth, one raped me. I pushed them and tried to protect myself but they are too strong and there were two of them and so I could not defend myself. Then after they raped me they let me go back and told me not to tell anyone.*<sup>139</sup>

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<sup>136</sup> Case #27, *State of Terror*, a report released in 2007 by Karen Women's Organization (KWO).

<sup>137</sup> See *Poisoned Flowers: The impacts of spiraling drug addiction on Palaung women in Burma*, report by the Palaung Women's Organisation, 2006.

<sup>138</sup> *Licence to Rape*, report by the Shan Women's Action Network (SWAN), 2002.

<sup>139</sup> Case #118, *State of Terror*, a report by Karen Women's Organization (KWO), 2007.

Women and girls not only used as forced labour for army development projects but also raped and forced to have abortions.

*On 4 July, two women (aged 21 and 18) from separate villages in Kyauktaw Township in Rakhaing State were gang raped by troops from IB 374. The women had been used as forced labor on a SPDC army-owned rubber plantation when the incident happened. IB 374, led by Captain Ko Ko Oo is stationed in Nyochaung Village, where the army owns rubber plantations and cultivated land. The families of the victims lodged a complaint with the Military Operation Command (MOC) 9 Head Office in Kyauktaw Township. They investigated the incident and on 12 August 2007 gave 10,000 Kyat to each victim as compensation. When the MOC and the commanding officer heard that one of the women was pregnant, he ordered her to have an abortion. She died of related complications on 17 August 2007.<sup>140</sup>*

### **Growth of the sex industry at mining and border “boom-town” areas**

Growing poverty and lack of work opportunities in rural areas, as a result of the regime’s failed development policies, are driving increasing numbers of women to enter the sex industry. Many end up as sex workers in mining areas, and at border “boom-towns,” where they often face exploitative working conditions and health risks.

Far from seeking to protect these women’s rights, there is evidence that SPDC personnel are colluding directly with owners of sex establishments in exploiting women to receive profits. According to *Valley of Darkness*, released by the Kachin Development Network Group (KDNG), in the Shingbwi Yang gold-mining area of Kachin State, SPDC authorities not only allow, patronize, and profit from an open brothel, they also collude with local businessmen to capture and re-sell women who try to escape from the brothel. Furthermore, those who tried to help captured women were punished by Regional Operations Command authorities.<sup>141</sup>

### **Recommendations:**

- Development projects should only be implemented after independent, transparent social and environmental impact assessments have been conducted, including assessment of the impacts on women, and with the full consent of affected peoples.
- The huge income from natural resource extraction must be spent mainly on local development and on public service sectors, to ensure that people in rural areas can access quality health and education services.
- Military offensives and anti-insurgency campaigns targeting civilians, particularly in ethnic areas, must end immediately.
- There must be sustainable agricultural policies that can ensure land rights and human security, and allow communities, with the equal participation of women, to manage their own natural resources.
- Policies of military expansion and building of new army camps and outposts throughout the country must end immediately.
- Forced paddy procurement, and confiscation and destruction of food supplies must end immediately.

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<sup>140</sup> Source, *Kaladan News*, 20 August 2007.

<sup>141</sup> *Valley of Darkness*, report by the Kachin Development Network group (KDNG), 2006.

- The practice of forced labour and portering, land confiscation, forced relocation and forced planting of crops for military and development projects must end immediately.
- Opium eradication must be carried out together with the development of sustainable alternative livelihoods with local communities; development programs must ensure women's empowerment and participation in decision-making.
- Laws restricting rural women from freely setting up independent local organizations and running development programs must be amended.
- All guidelines restricting international NGOs and UN agencies from assisting rural communities must be rescinded.■

## General recommendation no. 19: Violence Against Women

### Overall analysis

The issue of Violence against Women has been officially recognized at the international level since 1993. The 2006 study of the UN Secretary-General on VAW further recognizes that “*There is compelling evidence that violence against women is severe and pervasive throughout the world*”<sup>142</sup>, and that “*At least one out of every three women is likely to be beaten, coerced into sex or otherwise abused in her lifetime.*”<sup>143</sup>

However, for SPDC, violence against women is not a major issue in Burma.<sup>144</sup> In their CEDAW periodical reports submitted in 1999, and the combined report in 2007, there was neither language nor a separate section on Violence Against Women under General Recommendation No. 19 of the CEDAW Committee.

Successive military regimes have repeatedly boasted that the status of women and girls in Burma is among the highest in the world<sup>145</sup>. In the 2007 CEDAW country report, they make the extraordinary assertion that “*women in Burma enjoy their rights even before they are born*”,<sup>146</sup> dismissing out of hand the root causes of violence against women, including historically unequal power relations between men and women and pervasive discrimination against women in both the public and private spheres.<sup>147</sup>

### SPDC’s zero tolerance of Violence Against Women?

“Myanmar’s traditions, culture and values, which abhor and prohibit the sexual exploitation of women, strongly contribute to the Government’s endeavours to protect women and girls from human rights abuses, including sexual and gender-based violence. We fully support the zero tolerance policy with regard to violence against women and girls.”<sup>148</sup>

In fact, women in Burma are facing violence at every level, not only because of historical gender discrimination, but as a direct result of military rule and the lack of rule of law. They are suffering from violence committed by family members, by the community and in particular by the State, without recourse to redress.<sup>149</sup>

Because of the regime’s failure to acknowledge discrimination and violence against women, people in authority, particularly in the SPDC army, routinely commit discriminatory and violent acts without remorse.

<sup>142</sup> The 2006 UN Secretary General’s Study on VAW: Source: <http://www.un.org/womenwatch/daw/vaw/>.

<sup>143</sup> Address by UN Secretary General Ban Ki-moon at the launch of Global Campaign to end VAW on 27 February, 2008.

<sup>144</sup> SPDC country report for Beijing Plus 5 in June 2000 and Beijing Plus 10 in September 2004.

<sup>145</sup> Ibid.

<sup>146</sup> UN Document: CEDAW/C/ MMR/3, p. 16, para. 66.

<sup>147</sup> Source: <http://www.un.org/womenwatch/daw/vaw/>.

<sup>148</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N06/588/04/PDF/N0658804.pdf?OpenElement>, p. 29.

<sup>149</sup> Since 1991, at least 30 UN resolutions, both by the UN General Assembly and UN Human Rights Commission (UNCHR) were passed on the situation of human rights in Burma including sexual violence, and reports submitted by the UN Special Rapporteur on the situation of Human Rights in Burma, and reports by UN Special Rapporteur on Violence Against Women have contained mounting evidence of sexual crimes committed by the SPDC army and authorities.

**The following testimony** of a 24-year-old woman from Phar Saung Township, Karenni State illustrates the mind-set of the SPDC army.

*Nang Myint worked as a seasonal worker for a living. In 2001, she got married to Mg Kyaw Ko Ko, a soldier from IB 430, Company 2 in a traditional ceremony. After the marriage, she stayed at the military base with him while waiting for permission from the army to officially get married under Army regulations. Then her husband died in the front line, when she was 3 months pregnant. After her husband's death, the army officer in the military ordered her to leave the base telling her that her marriage was not recognized under military law, and also accused her of being a “bad” woman, for coming and staying in the camp with her husband without being officially married. In 2002, she came back to her village in Par Saung Township. However, the villagers asked her to leave, accusing her of being a “bad” woman for getting pregnant with a Burmese soldier and then coming back with no husband. So she had to go and stay in another village, where she gave birth to her child. She faced a very difficult situation to raise the fatherless child. The child died of malaria at the age of 3 years old and 8 months on 26<sup>th</sup> December 2007. Since then Nang Myint has been experiencing mental disorder because of all her suffering.<sup>150</sup>*

### **Domestic violence**

Domestic violence is prevalent throughout society in Burma.<sup>151</sup> However, it is regarded as a “private” or “family/ internal” affair, in which no one except immediate family members and close relatives can intervene. Women also feel ashamed of revealing such matters to people outside their family in case they are perceived as “badly-behaved” women.

### ***An interview with a 32-year-old woman from Phar Saung Township, Karenni State***

*I am a street vendor. My husband is a member of a militia in the area. He is an alcoholic and always beat me. On 20th March 2008, he beat me badly because I could not pay the money he had asked from me, and kept threatening me. Within a few days, I ran away with my 72-year-old mother and 8-year-old daughter to escape from these abuses. Being a militia member, my husband asked the soldiers from LIB 135 to arrest me if they saw us. But with the help of a local Karenni group, we managed to get away and arrived on the border. In fact, there is an MAAF in Phar Saung, but I did not want to take my case to them. I have seen so many incidents of domestic violence faced by women in the area. MAAF has never come and helped women solve such problems. Instead, they have blamed women who were battered and treated them as “bad” women.<sup>152</sup>*

The case below is the testimony of a 31-year-old Shan woman from Karenni State. She had faced domestic violence at home, and has been under the care of a women’s organization on the border since September 2007.

*I was a widow with a daughter. My first husband died while I was 6 months pregnant. Then I remarried a man called U Maung Htay. He is an alcoholic and a gambler. It was not my choice or agreement, but I had to force myself to marry him after he had*

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<sup>150</sup> Source: SCOEWBA, an organization which is taking care of women.

<sup>151</sup> Feedback from discussion workshops organized by women’s groups along Burma’s borders since 2004.

<sup>152</sup> Source: SCOEWBA.

*raped me and to avoid the community's blame on me. I was out selling goods when it happened. Throughout the marriage, he never treated me well. He often traveled and left me and my daughter. Moreover, he beat me and my daughter all the time. Then I got pregnant with him. But, he still beat me despite my pregnancy. I dared not ask help from other people nor from my relatives for fear of his retaliation and threats. It was so unbearable, I ran away from him. With the help of people on the way, now I have safely managed to arrive at the border, and was sent to a safe house. I had a terrible pain in my stomach one day, and was taken to the hospital at Mae Hong Son and had an emergency delivery. My child was born prematurely. He is underweight, and suffering from jaundice. Now I've been looked after at the safe house.*<sup>153</sup>

## **Sexual harassment**

Another common issue of violence faced by women and girls in Burma is sexual harassment. Women and girls interviewed<sup>154</sup> revealed how they had been touched and groped sexually by men in crowded buses and other public places, including by men they knew well. Most women and girls keep silent when they suffer such harassment because they think it is shameful to talk about this to other people, and feel guilty and afraid that people will look down on them and gossip about them.

## **Sexual violence**

Rape and sexual violence committed by state actors – SPDC armed forces and authorities - are occurring throughout Burma. The majority of incidents take place in the ethnic states which have been most impacted by the regime's policies of military expansion. Sexual violence is being used by the regime as an integral part of its strategy to subjugate the ethnic peoples, and establish control over their lands and resources. It serves multiple purposes: terrorizing local communities into submission; flaunting the power of the dominant troops over the enemy's women; humiliating and demoralizing ethnic resistance forces and also serving as a "reward" to its troops for fighting.

Women's groups and human rights groups from Burma have been continuously documenting and exposing the SPDC's sexual violence against women and girls from Shan, Kachin, Chin, Karen, Mon, Karenni and Arakan States through a number of reports, particularly since 2002.<sup>155</sup>

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<sup>153</sup> Source: SCOEWBA. The woman arrived at SCOEWBA on 6/9/07.

<sup>154</sup> During the consultation workshop on the CEDAW shadow report in January 2008.

<sup>155</sup> Shan Women's Action Network, *Licence to Rape* in 2002, Karen Women's Organization, *Shattering Silences* and Women's League of Burma, *System of Impunity* in 2004, Mon Women's Organization, *Catwalk to the Barracks* in 2005, *State of Terror* and *Unsafe State* in 2007.

**Table: Documentation of Rape and Sexual Violence**

<b>Name of Report</b>	<b>Licence to Rape</b>	<b>Shattering Silences</b>	<b>System of Impunity</b>	<b>Catwalk to the Barracks</b>	<b>Unsafe State</b>	<b>Total</b>
<b>Release date</b>	<b>May 2002</b>	<b>April 2004</b>	<b>September 2004</b>	<b>July 2005</b>	<b>March 2007</b>	
<b>Focus area</b>	Shan State	Karen State	All ethnic states and central Burma	Mon State	Chin State	
<b>Period covered</b>	1996 – 2001	1988-2004	2002-2004	1995-2004	1989-2006	
<b>No. of cases</b>	173	125	26	37	38	<b>399</b>
<b>No. of women &amp; girls</b>	625	127	34	50	39	<b>875</b>
<b>No. of girls (under 18)</b>	77	20	15	11	5	<b>161</b>
<b>Remark</b>	83% of rape cases committed by high-ranking military officers (commander – corporal). 61% gang-rapes 25% of the rapes resulted in death In only one case was a perpetrator punished by his commanding officer.	Half of the rape incidents were committed by high-ranking officers; 40% were gang-rapes; In 28% of cases women were killed after being raped	17 cases were gang rapes by senior military officers or authorities, or with their complicity.	Scores of "comfort women" forced to work by day -forced into sexual slavery at night. 30 young women, including schoolgirls, Made to stay at military base & take part in a military "fashion and beauty show." Over half cases committed by military officers, often in front of, or together with their troops.	Women and girls as young as 12 are being raped in their homes and farms, while travelling outside their village and when conscripted as forced labour.	

The reports have given clear evidence that under the military regime, which is holding absolute power with no rule of law, no women or girls – young or old, laypersons or nuns - are safe, whether in war zones, ceasefire or non-conflict areas, in isolated mountainous areas or in plain regions. Nearly all military rapists - whatever their rank - go unpunished, fostering the climate of impunity and escalating violence. The reports corroborate that sexual violence is not being committed by rogue elements within the military but is central to the modus operandi of SPDC, and is therefore systematic and structural in nature.

### **Continuing denial by SPDC**

Since 2002, when the joint report of SWAN and SHRF, *Licence to Rape*, was released, SPDC has been rebutting the charges of systematic sexual violence in Burma at UN forums, through their media and in their official statements and reports to UN. In the SPDC's last CEDAW country report, it claimed that violations against women were thoroughly investigated and perpetrators prosecuted in accordance with existing laws.<sup>156</sup>

In fact, the “investigations” carried out by SPDC into allegations of sexual violence have simply been cosmetic, aimed at defusing international pressure. During their investigations into *Licence to Rape*, the SPDC investigation teams were sent to Shan State from 18-30 August 2002. On 23 August (*before completion of the investigation*), the SPDC held a briefing for heads of diplomatic missions and UN agencies in Rangoon, claiming to have found the allegations in the "*Licence to Rape*" report "groundless and malicious."

### **Details of the SPDC investigation into *Licence to Rape* carried out in Murng Hsat and Murng Ton Townships**<sup>157</sup>

**Dates of investigation:** 18-30 August 2002

**Investigation team:** 5-man SPDC investigation team

*18 August:* Murng Hsat Township: the SPDC team flew by helicopter to Murng Hsat. Messages were given to SPDC military units both in Murng Hsat and in various locations in Murng Ton Township to order local headmen to prepare villagers to meet the visiting team. The local military units informed local headmen and village committee members that a team of high-ranking SPDC officers were coming to meet them to ask about incidences of rape. The headmen and committee members were told they would be fined 3,000 Kyat each if they did not show up on the day of the SPDC team's visit and did not bring with them a specified number of villagers. It was not specified whether the villagers should be men or women. The local military units warned the headmen and village committee members that they must not reveal information about any incidences of rape committed by the Burmese army in their area or they would face problems after the meeting.

*20 August:* Local headmen arranged for 40 villagers from the local vicinity to gather in front of the Murng Hsat Township office at 9.00 am in the morning. There were armed SPDC soldiers guarding the area. One SPDC military officer wrote the names of the villagers as they arrived on a Burmese language prepared statement. After the assigned number of villagers had arrived, the SPDC investigation team came. The officer in charge

<sup>156</sup> Source: UN Document: CEDAW/C/ MMR/3, p. 15, para. 59.

<sup>157</sup> For more details, please visit: <http://www.shanwomen.org>: on Publications Page: *A Mockery of Justice*.

of the team told the villagers he was there to check that no Burmese troops had raped women in their area in the last 5-6 years. He asked the villagers to confirm this. He spoke in Burmese, with no translation. Not everyone understood Burmese, and no one dared ask any questions. Those that did understand Burmese did not dare mention any cases. The SPDC officer in charge of the team ordered the villagers to sign next to their names, which had been listed as they arrived on the prepared document. The document stated that they had not heard of any incidences of Burmese troops raping Shan women. Those that could write, signed their names, and those that could not, stamped their fingerprint. Some people did not know what they were signing.

The villagers were then ordered to chant publicly in front of the township office in Burmese three times: "*The Burmese army has not raped Shan women!*" and to raise their hands as they chanted. Pictures were taken of them doing this.

The whole process took about one hour.

*24 August:* Murng Ton Township: The SPDC team traveled from Murng Hsat to Murng Ton in a military convoy of about 12 trucks. Each truck contained about 8-9 armed soldiers from Infantry Battalion 49 and Light Infantry Battalion 278 from Murng Hsat. Soldiers from these military units were ordered to stand guard at intervals.

Thirty villagers were ordered to meet the SPDC investigation team in front of the district office in Murng Ton. The meeting with the SPDC team was carried out in Murng Ton in the same way as in Murng Hsat. However, there was no forced chanting afterwards.

*26 August:* Mae Ken village: The SPDC team travelled in a military convoy to Mae Ken village. Security was provided by troops from LIB 519. Fifteen villagers were ordered to meet the SPDC investigation team outside a school in Mae Ken. The process of the meeting was the same as in Murng Ton.

*28 August:* Na Kong Moo: The SPDC team travelled in a military convoy, with guards (from LIB 333 and IB 49) to Na Kong Moo village. Twenty villagers were ordered to meet the SPDC team in a headman's house in Na Kong Moo. The process of the meeting was the same as in Murng Ton.

*30 August:* Pong Ba Khem: The SPDC team travelled in a military convoy to Pong Ba Khem, with security provided by IB 65. Thirty villagers were ordered to meet the SPDC team in the military camp of LIB 524. The process of the meeting was the same as in Murng Ton.

Various tactics including threats, intimidation and punishment have been used by SPDC personnel to obtain false testimonies and statements from local community-members, witnesses and even rape survivors. People are commonly threatened not to talk to outsiders, including personnel from UN agencies.

For example, in October 2002, the UN Special Rapporteur of Human Rights in Burma, Mr. Pinheiro was granted permission by SPDC to conduct a monitoring trip to Burma, and also invited to visit Shan State to investigate rape reports. However, prior to his visit, SPDC sent military intelligence officers to Shan State to track down and interrogate rape survivors. They were ordered to sign that Burmese soldiers did not rape Shan women, and threatened not to talk

to the “foreigners”, or would face consequences. The regime also threatened Shan villagers in various areas not to testify against their troops.

A similar pattern of intimidation took place in December 2002 when the International Committee of the Red Cross (ICRC) was allowed into the conflict area of Southern Shan, where many of the rapes documented in *Licence to Rape* had taken place. Local Shan populations were warned not to speak ill of the military, and in early February 2003, local military officers threatened villagers who had dared speak out to the ICRC during their visit to Shan State in January 2003 that they would cut out their tongues and slit their throats if they did it again. Similar threats were also made when Amnesty International visited Burma in January 2003.

Until today, the regime has periodically referred derogatively to the contents of *Licence to Rape* in its state media, and also in UN forums and reports to the UN.<sup>158</sup>

The SPDC has not only denied the evidence of sexual violence committed by its troops and authorities, but has also sought to discredit and blame women’s groups and other human rights groups, which have been exposing their crimes.

### **Some SPDC responses to reports by women’s groups on systematic sexual violence in Burma**

In response to *Shattering Silences*, by the Karen Women’s Organization (KWO) in April 2004, SPDC issued a statement that the contents of the report were “absurd,” and claimed the report was part of a “black propaganda campaign” aimed at derailing the regime’s peace talks with the Karen National Union.

In response to *System of Impunity*, by the Women’s League of Burma (WLB) in September 2004, SPDC stated: “These allegations are found to be baseless and totally devoid of truth (...) It is evident that this article was purposely written to cause disunity among the national races and to create mistrust and disunity between the armed forces and the people and to defame the honor of Myanmar [Burmese] ethnic women and the Armed Forces.”

*SPDC statement at the 7th session of the Human Rights Council in March 2008:*

“The allegations regarding sexual violence against ethnic women and children are baseless and aimed at discrediting the Government of Myanmar [Burma] and Myanmar [Burmese] Military.”

### **Falsely charged for speaking out about rape**

In order to suppress news of sexual violence, SPDC has been trying to block flows of information from inside Burma, particularly since 2002. Those found sending information outside the country are punished severely, and in some cases framed and falsely charged. The attempt in early 2007 to cover up a case of gang-rape committed by SPDC officers in Putao, Kachin State and the subsequent arrest of the four schoolgirls involved illustrates the magnitude of danger faced by communities, particularly the victims of rape and their family members, when trying to seek justice under the military regime.

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<sup>158</sup> *System of Impunity*, a report by the Women’s League of Burma, 2004.

## **The Putao Case: February 2007**

*Rawang Nang, Chinlai Nin Ram, Nanghkyi Hkaw Dang and Pu Ramare (aged 14 to 16) were Eighth Standard students studying in Duk Dang State High School in Putao Township in Kachin State. On February 2<sup>nd</sup> 2007, they were lured to a karaoke bar by seven soldiers from No. 138 Infantry Battalion stationed in Munglang Shidi village, about 20 miles south of Putao. They were taken to the military base in Mulashidi, and were gang-raped by three officers and four other soldiers. The three officers were subsequently identified as Maj. Zaw Win Thet, Capt. Win Myint Oo, Capt. Kyaw Ze Ya. Initially, the girls were too afraid to inform the police for fear of retaliation.*

*However, later the girls' parents and relatives reported the incident to the battalion Commander, Lt. Col. Soe Win, and a trial of the rape case was conducted by the Village Administrative Committee, which decided to provide compensation of 500,000 Kyat (est. US\$ 500) to each victim, but only 300,000 Kyat was given to the victims by the army. During the trial, the identity of the officers charged was revealed but the army refused to disclose the identities of the other 4 soldiers involved in the rape. Following the trial, the Duk Dang Village Administrative Office, local women's groups and the victims were warned by the military not to speak of the rape any further.*

*However, information about the rape case reached the media outside Burma. The army then questioned the girls, the parents of the girls, teachers at the state high school, the village administrative offices and village women's organization. Then on 3<sup>rd</sup> February 2007, the girls were arrested by SPDC for passing information on to overseas media organizations such as the BBC, RFA, and others.*

*The teenagers were jailed in Putao, and then charged with 10 offences, including prostitution, on March 9<sup>th</sup>, 2007. Two younger girls were sent to Mandalay Prison, and the elder to Myitkyina.<sup>159</sup>*

### **SPDC's recent response at the 7<sup>th</sup> session of the Human Rights Council in March 2008 on sexual violence against women**

37. The Myanmar Military have been falsely accused of gang rape based on the report Issued by the exiles and insurgents. Rape, gang rape is regarded by Myanmar people and Government as the most dastardly crime. The insurgents and anti-government elements have been consistently making unfounded allegation against the Government. Whenever rape is committed, the Government makes sure that the perpetrators are brought to the justice and prosecuted and sentenced in accordance with existing laws of Myanmar.

### **Mounting evidence of ongoing sexual violence:**

In complete contradiction to the regime's claim that "*Rape, gang rape is regarded as the most dastardly crime,*"<sup>160</sup> numerous testimonies by women, girls, relatives and other community members about rape by SPDC troops have continued to be compiled. They prove that rape and sexual violence by SPDC troops and authorities is widespread and systematic. Rape is continuing to be used as torture and punishment for local communities, in particular, women and girls, for

<sup>159</sup> Source: Kachin Women's Association Thailand (KWAT).

<sup>160</sup> [http://myanmargeneva.org/pressrelease\\_PMgev/7th%20Session%20HRC%20Statement%2017%20Mar%202008.htm](http://myanmargeneva.org/pressrelease_PMgev/7th%20Session%20HRC%20Statement%2017%20Mar%202008.htm).

supporting rebels. Women and girls are raped when used as forced labour: when taken as guides for SPDC troops, or as porters to carry military equipment and food. They are raped when carrying out daily chores, such as collecting vegetables for cooking, when looking after cattle in their fields, gathering firewood or bamboo shoots outside their village, or walking to markets and nearby villages. Women and girls are gang-raped, brutally tortured and murdered, and in one case, a young girl was killed and then burned in a hut after being raped.<sup>161</sup>

Women and girls whose lives were spared have been threatened on penalty of death not to inform anyone of the crime. Some women and girls have tried to seek help from their village headmen by informing them of what had happened, but usually village headmen dare not report about the rape to the authorities for fear of retaliation, including being framed and charged for “*disgracing the Tatmadaw (Army)*.” Only in rare cases have women and girls received any form of compensation, which is usually “hush money” issued with threats by SPDC authorities to the whole community that if anyone spreads news about the crime, action will be taken against them.

### **Emboldened in acts of sexual violence:**

SPDC’s official denials about military sexual violence have encouraged their soldiers to persist in committing criminal acts of rape, even in public or in front of family members, with no shame or restraint. Those who have tried to resist or protect the women have been kicked, beaten and tortured, and sometimes murdered.

### **Mother and daughter raped**

*Early in the New Year of 2006, an SPDC Commander from LIB No. 426 ordered villagers of Htukweiso, west of Pruso Township, not to leave the village for any purpose. Days later, on January 3, 2006 at 7:00 a.m, a mother named Monar (aged 37) and her daughter Nahnar (aged 18) left for their farm and were arrested outside of the village by the troops from LIB no. 426. The troops then raped both the mother and daughter on the spot and then took them to their military camp where they held them for three days. Nahnar’s menses occurred during this time. The troops forced her to pour cold water over herself to clean her body and immediately afterwards she fell unconscious for an hour and was left lying in the prison cell.<sup>162</sup>*

### **Humiliating husbands and community**

*On 23<sup>rd</sup> March, 2006 a group of eight troops from SPDC Light Infantry Battalion (LIB) 515 came to the Palaung village Wan Mark Khinok, Tong Lao village tract, Southern Shan State. The soldiers tied up the husbands and raped five women in front of their husbands. All the women were married with one or two children. After this happened, the village headman complained to Captain San Hlaing, commander of LIB 292, based in Tong Lao, but he just said it was not his duty to solve the problem.<sup>163</sup>*

SPDC soldiers are so confident of impunity for their crimes, that they have even boasted how many women and girls they have raped to their fellow soldiers. This is confirmed by the following personal testimony by Army defectors.

The soldiers, aged 17, 19 and 26, who had defected with their weapons from Company Two of Light Infantry Battalion 226 across the border from Piang Luang in Northern Chiang Mai

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<sup>161</sup> Source: Karen Women’s Organization (KWO).

<sup>162</sup> Source: Karenni National Women’s Organization (KNWO)

<sup>163</sup> Source: Palaung Women’s Organization (PWO).

province, testified that their commanding Sergeant Myint Htay had boasted to them last month about having raped "five or six" women in Shan State.<sup>164</sup>

Soldiers on patrol have openly demanded "comfort women" from local villages. And in a particularly horrifying incident, an ethnic Palaung woman offered as a "comfort woman" was brutally killed simply because the troops found her "ugly."

*On April 3, 2006, about 60 troops of LIB 514 based in Harm Ngai tract, Murng Kerng, came to the Palaung village of Luuk Karn. They ordered the villagers to provide them with chicken, alcohol and "comfort women." The headman had no choice and provided seven women to the troops. These included one woman who was mute and "ugly." The troops were angry at being provided with an "ugly" woman and beat this woman to death and then left her body outside the village. The six other women were all raped.<sup>165</sup>*

### **Rape of girl children**

At least **128** cases of sexual violence documented in the existing reports published are under 18. One was as young as **5** years old. They were raped while going to school, staying at home, accompanying elders to go out somewhere, looking after animals, visiting friends, and finding fish/vegetables.

*On 2 July 2007, a 9-year-old Akha girl, Aa Mi (not her real name), of Nawng Non village, went to collect some vegetables for cooking after returning from school. At that time, 3 SPDC soldiers who were attending a local SPDC army training school captured her and carried her to a nearby gully. They raped her and attempted to strangle her to death afterwards.*

*When Aa Mi did not come back that evening, her family and neighbours went to search for her but could not find her. She returned only after 2 days with many bruises on her body. She was sent to hospital, and it was confirmed she had been raped, so the police were notified. The girl was sent home from hospital after one day, and told not to answer any questions. An investigation was instigated, and she was able to point out the 3 soldiers at the army school.*

*After that, the Kengtung Deputy Military Commander gave Aa Mi and her family 500,000 Kyat (US\$ 500). He is reported to have said: "If anyone spreads news about this event, action will be taken against them."<sup>166</sup>*

### **Sexual violence in places of worship**

In barbaric violation of the religious sensitivities of local communities, SPDC soldiers have even used places of worship such as village churches or Buddhist monasteries to sexually abuse and rape women and girls.

A Karenni woman describes one such case which took place in her village in Pruso Township in Karenni State in March 2008.

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<sup>164</sup> Personal testimonies of Army Defectors on January 17, 2003 : Source: [www.shanwomen.org](http://www.shanwomen.org), Archives on Press releases: Burmese Army defectors testify to continuing impunity for rape

<sup>165</sup> Source: Shan Herald Agency for News ( SHAN), *Junta army looks at gift horses in the mouth*, No.03 – 05/2006, 4 May 2006

<sup>166</sup> Source: Shan Human Rights Foundation (SHRF ) January, 2008 Report

*When SPDC soldiers came into the village, they separated women and men. They took all the men as porters and put all the women and girls in the church. Then they chose the women and girls and raped them in front of the other people.*<sup>167</sup>

Buddhism is the religion of the majority in Burma, and most SPDC soldiers are Buddhists. The premises of Buddhist monasteries are regarded as sacred places where people can take refuge from worldly disturbances, yet SPDC soldiers have openly acted in contempt of such beliefs, as the following incident in Karen State shows.

*On September 5, 2004, at about 5 pm, the SPDC Military Operation Command-3 Commander Tin Aye of South-West Command and Infantry Battalion 51 commander Zaw Min, with about 40 troops, came to Tanyin (Hawkla) village in Win Yae Township of Karen State, and camped around Anan Kwin village monastery for the night. On that night, six young nuns aged 11-14 were sexually harassed by some soldiers. Some troops went up to the nuns' dormitory at about 12 midnight and again at about 1 a.m. At about 2 am, the troops went up to the dormitory once again, roughly pulled off the robes of the nuns, who were sleeping in the outer room, and attempted to rape them.*

### **Abuse of power and sexual assault by other SPDC forces and authorities**

The climate of impunity for military rape, and the lack of rule of law, is an encouragement for others in authority in Burma to commit sexual violence. More and more evidence has been exposed of rape and sexual violence against women taking place in “white areas”<sup>168</sup> by police and state officials.

#### **Police complicity:**

##### ***Case from Rakhaing State***

*On 11 January, 2008, three SPDC police raped a local teenage girl from Phone Nyo Hlake village, Buthidaung Township in the presence of her family. At around 3 am, six policemen led by Sub-corporal Hla Aung and Kyaw Zaya, Aung Sein of Buthidaung town police station went to Phone Nyo Hlake village, according to a relative. Three policemen entered the house while the three others waited outside. Two of them raped the young girl in the presence of her family, while the third robbed them of 170,000 Kyat. Hearing the family's cries, villagers ran to assist them, but fled when they saw the police. The six policemen went back to the police station. The following day, the father of the victim accompanied by some relatives went to Buthidaung police station to file a complaint against the culprits. No action was taken against the policemen involved, according to a village elder. Villagers believe that the soldiers have been emboldened because of the failure of the authorities to take action in earlier cases.*<sup>169</sup>

##### ***Case from Shan State***

*On May 15, 2007, the policeman Soe Soe Naing and his friend followed Nang Su Tee Myint and her friend near the golf course in Quarter (2) in Kunhein Township in Shan State*

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<sup>167</sup> Source: Karenni National Women's Organization (KNWO)

<sup>168</sup> Areas free from fighting and with no limitation of movement at any time.

<sup>169</sup> Source: *Police rapes girl, robs Kyat 170,000*, 2008-01-28 of Kaladan News.

*They checked the girls' licenses, but the girls didn't carry them. The police told them that they had to give a lot of money, then took them into the bushes and raped them. After raping them, they threatened them that if they told their parents, they would be killed. They didn't tell their parents. But the parents saw them looking upset and sent them to the hospital. They then explained what happened to them. That time the police had already moved their place of duty.<sup>170</sup>*

### **Case from Central Burma**

*In Magwe Division, a fourteen-year-old girl was gang-raped by three men, including one police officer, at a Pagoda fair in Thiri Mingalar Village on November 25, 2006.<sup>171</sup>*

The number of rape cases involving under-aged girls has increased in central Burma. According to the Democratic Voice of Burma, in October 2006, at least seven under-aged girls were raped in Thanyin, Hlaing, Htaut Kyant and Shwe Pyi Thar Townships in Rangoon.

### **Sexual violence now a systemic problem in Burma**

While rape may have initially been utilized and condoned by the regime as a strategy of war, the resulting climate of impunity has now caused sexual violence to become a systemic problem in Burma. Several shocking cases involving military and police officers raping underage daughters of their fellow officers provide evidence of this.

In the following case, an SPDC officer stationed in Shan State raped and killed the 6-year-old daughter of a fellow SPDC officer.

*On April 29, 2005, Hnin Indra Oo, the 6-year-old daughter of Daw Win Mar and Sgt Min Zaw Oo of Kunhein-based Light Infantry Battalion 524, was invited by Corporal Zaw Min, 28, the battalion radio operator, to go along with him so he "could buy sweets for her". They both went together, and she did not come back. She was found dead under Hei Hai Bridge situated outside the command post after a frantic search. It was later discovered in the postmortem that she had been repeatedly and brutally raped, and then killed<sup>172</sup>.*

In another more recent incident, a border-based news group reported that an army major had raped a police officer's teenaged daughter and her friend (aged 13-14), together with his accomplice, a lawyer in Thangtlang town in Chin State, northwest Burma on June 8, 2008.

### **Two Chin teenaged girls raped in Burma: Rapists arrested<sup>173</sup>**

2008-06-17 08:50

*June 17, 2008 - In an incident which reveals the debased nature of some people in authority in Burma, a Burmese Army major and a lawyer allegedly raped two teenaged girls in Thangtlang*

<sup>170</sup> Source: Shan Human Rights Foundation ( SHRF).

<sup>171</sup> file:///d:/eudora2/attach/Democratic%20Voice%20of%20Burma.htm

<sup>172</sup> Source: *Army girl raped by army man*, No: 06 - 05/2005, Shan Herald Agency for News (SHAN), 6 May 2005, and Source from inside Shan State.

<sup>173</sup> <http://khonumthung.com/kng-news/2008-news-archive/june-2008/two-chin-teenaged-girls-raped-in-burma-rapists-arrested>.

*town in Chin State, northwest Burma on June 8.*

*On June 8, Major Soe Thaik Aung of the Light Infantry Battalion No (268) and lawyer U Myint Phone from the township court in Thangtlang town in Chin State raped Ngun Chin (13) and Par Ku (14) both from Thangtlang town in lawyer Myint Phone's house at around 4 p.m. according to locals in Chin State.*

*After the girls were raped, they were locked up in U Myint Phone's house.*

*The father of one of the rape victims is a policeman. He filed a case in the police station in Thangtlang as soon as he learnt that his daughter had been raped and locked up in the lawyer's house.*

*Thangtlang police personnel rushed to the house of the lawyer and rescued the girls, a local from Thangtlang said.*

*A medical check up in Thangtlang hospital confirmed that the girls had been raped. U Myint Phone was arrested and is being detained in Thangtlang police station. Major Soe Thaik Aung is being detained in Hakha police station, according to a local.*

*One of the rape victims, who has not been identified, is hospitalized in Hakha because she was seriously injured after being sexually abused.*

*A political person in Hakha town on condition of anonymity told Khonumthung News that he had heard that a seriously injured girl has been hospitalized in Hakha.*

***Khonumthung News Group***

## **Following news**

### **Army officer escapes rape charge**

*Jun 18, 2008 (DVB)—An army officer who was accused of involvement in the gang rape of two underage girls in Chin State's remote Htantalan Township has not yet been charged by authorities, according to locals.*

*Two police officers and a high-level official from Htantalan Township court were arrested by local police on 10 June on suspicion of the gang rape of two girls aged 12 and 14.*

*But locals said the police could not arrest a military official from Light Infantry Battalion 268 who was allegedly involved in the rape as official military law only allows the military court to investigate and punish members of the armed forces accused of breaking the law.*

*"Local authorities cannot charge any army officials in criminal investigations – their cases are only handled by the military's strategic command," said a Htantalan resident.*

*An officer on duty at the Chin State police headquarters said they had not yet been fully briefed on the case, but claimed local police officers had already begun the investigation.*

*"They have opened a rape case and are currently conducting an investigation," said the police officer. "The local hospital has already given us medical evidence relating to the rape."*

*The names of the two victims and the officials accused of their rape have been withheld.*<sup>174</sup>

### **A shocking rape incident on July 27, 2008**

#### **Teenaged Kachin schoolgirl gang raped and killed by sadistic Burmese soldiers**<sup>175</sup>

*Written by KNG Saturday, 09 August 2008 00:00*

*In a gruesome incident a Kachin schoolgirl, Nhkum Hkawn Din (15), daughter of Nhkum Yawng Shawng and Maran Nu Bren was gang raped and killed on July 27 (Sunday) by Burmese Army soldiers in Bamaw District in Kachin State, northern Burma, locals said. Her body bore stab wounds in seven places and her eyes had been gouged out. It was a calculated act of perversion by the soldiers.*

*Nhkum Hkawn Din was an eighth grade student in the government State High School in Momauk also called N'mawk. She was gang raped and killed in a paddy field near her village called Nam Sai situated between Momauk and Bamaw by Corporal Aye Thein and two other colleagues in the village-based army post headed by Sergeant Thet Htun of the Light Infantry Battalion No. 437, said villagers of Nam Sai.*

*She was on her way to the paddy field carrying rice for lunch for her elder brother near Nam Sai village when the three soldiers began following her. Some villagers even remember seeing the girl being followed by the soldiers at about 9 a.m. on Sunday when she left her home. She was waylaid later by the soldiers. She lived in Block 1, Nam Sai village with her family. Her parents and her brother came to know of the incident by evening and lodged a missing diary with the police.*

*According to Hkawn Din's family, Hkawn Din's body was found three days after she went missing on July 30, 200 feet from the army checkpoint on the road leading to the Sino-Burma border set up for collecting money from cattle merchants. The body had been buried naked.*

*She had been stabbed in seven places on her body. Her skull was smashed, there was a stab wound under her right shoulder, her neck was slashed, her eyes had been gouged out with a knife, and her face was badly mutilated. There were stab wounds in her abdomen and her private parts, said her family.*

*The police station in Momauk was informed as soon as Hkawn Din went missing and soon after her body was recovered. But the police told the victim's family "We cannot take any action without concrete evidence against the soldiers," said villagers of Nam Sai.*

*Meanwhile, the local military authorities are yet to investigate and take action on the killing and rape of Hkawn Din, according to villagers of Nam Sai.*

*There have been instances earlier in Kachin State when soldiers have got away with gang rape of school girls. But this time the soldiers ensured that the raped girl did not live to identify them.*

<sup>174</sup> <http://english.dvb.no/news.php?id=1439>.

<sup>175</sup> <http://www.kachinnews.com>.

## **Recommendations:**

- The state must admit their use of rape as a weapon of war, and the prevalence with which military personnel engage in sexual violence as a means of subjugating ethnic peoples.
- Steps should be taken immediately to bring an end to these practices, prosecute offenders under the existing laws, and ensure that they receive severe punishment.
- The state must enact laws or amend existing laws to provide specific penalties for offenders depending on the degree and severity of the offence.
- Commanding officers must be held accountable for the offenses committed by their soldiers, and should be punished for failing to ensure offenders are prosecuted.
- The international community must establish an investigation team to carry out a thorough inquiry into the perpetrators in the army.
- State troops must be withdrawn from ethnic areas immediately and permanently so that independent investigations of the perpetrators can take place without military repercussions on communities.
- The heads of the state military must be referred to ICC for the crimes committed by their army.
- Any military officers who fail to report and take action for sexual crimes committed by military personnel must be referred to ICC.
- The state must acknowledge the prevalence of domestic violence, sexual harassment and sexual intimidation.
- Culturally sensitive services must be provided for women facing domestic violence.
- The safety of women seeking justice for all forms of violence must be guaranteed.
- There must be public education, including awareness-raising campaigns, and education programs for all civil servants and state forces about women's human rights.
- Gender-sensitivity must be integrated in school curricula from nursery school level, and must be promoted through the state media.
- Community-based organizations carrying out programs empowering and assisting women must be allowed to establish and operate independently without restrictions and harassment.
- The MAAF must be reformed into a genuine women's organization which operates completely independently of the military hierarchy, and the leadership must not be composed of or influenced by wives of military officers.
- There must be programs educating men and boys about the root causes of violence against women. ■

## **CONCLUSION:**

Women and girls in Burma have seen no improvement to their lives since SPDC signed CEDAW in 1997. It is apparent that the regime signed the Convention simply as an attempt to legitimize itself in the eyes of the international community. It has failed to display any genuine commitment to the Convention, and has given only lip service to the CEDAW principles. There is no evidence that recommendations made by the 22<sup>nd</sup> CEDAW Committee in response to the country's initial report in the 22<sup>nd</sup> Session were acted upon, distributed or publicized in any way. Most people inside Burma have never heard about the Convention. The regime's second and third combined report reveals a failure by the SPDC to understand the definition of gender discrimination or the purpose of the CEDAW

This CEDAW shadow report corroborates that the regime is systematically violating the human rights of the people of Burma, and shows the impact of its failed policies on women and girls in particular. It exposes how the regime is profiting from the sale of the country's natural resources to build up the military and its GONGOs, and how systematic militarization and prioritization of military expenditure, including capacity-building of military personnel, has reinforced the existing patriarchal system. Today, the military presence pervades every village, town and city, and every branch and level of the governing infrastructure.

The report shows how the regime has been completely negligent in addressing not just the specific needs of women and girls, but the needs of all of Burma's citizens. The report also contributes to the mounting evidence of the regime's use of rape as a weapon of war throughout the ethnic lands.

We, women of Burma, therefore reiterate that there can be no advancement of the lives of women and girls in Burma, and no protection and promotion of their rights while the military and its proxy organizations remain in power. There is an urgent need for genuine political change, to put an end to the militarized culture inside Burma. ■

## **Annexes**

### **Annex 1**

The Ministry of Immigration and Population has also instituted measures whereby legal migrant women are carefully screened by a special board so that they do not become victims of traffickers. In the Eastern Shan States, the regional command has recently imposed restrictions on girls fewer than 25 years of age travelling across the border into Thailand, in the hope of curbing the trade. Young women between the ages of 16-25 years are not allowed to cross the border unless accompanied by a legal guardian.

### **Annex 2**

Examples of fees and donations collected at schools by teachers according to a survey in one Palaung area in northern Shan State, Burma.

#### **Fees collected at state schools**

- Classroom supplies
- Exams (stationery and marking)
- Dustbin, broom, table cloth etc
- Sanitation (Toilet, garbage etc)
- Teaching fees outside school hours/extra teaching fees
- Maintenance fee (for repairing anything broken at school)
- New school building
- Paying respect to teachers
- Teachers' farewell parties
- Library fee
- Sport fee
- Fees for 4 fine-art skills (singing, dancing, composing and playing musical instruments)
- Donations for elders and Grands
- School festivals
- Fees for Elders/Grands
- Donation for religious ceremonies (Thadingyut, Kathein etc );
- Other miscellaneous fees

**Annex 3: Table showing approximate annual expense for a student in Grade Eight/ Nine in 2004 (Costs have since risen due to increasing prices.)<sup>176</sup>**

<b>Approximate Expenses for a Student in Grade Eight or Nine</b>	
<b>Items</b>	<b>Amount in Kyat</b>
Boarding fees per year	12,000 - 90,000 (food not included)
Textbooks per year	2,500 - 5,200 (second-hand books)
	6,000 (new books)
Notebooks ( <i>6 to 7 dozen</i> )	
1,800 Kyat per dozen	108,000 – 126,000
School Enrolment Fees	32,000 - 100,000
Pens and Pencil (around 40 to 50)	150 - 200
Night Class fee per month	4,000
Extra Class (Saturday) per month	2,000
Monthly Examination Fees	100 and up
Sports Fee per month	150
Garbage bag fee per month	150
Funeral, teacher's children milk per month	100
"Pwe", Burmese traditional show, one ticket	450
SPDC officer visit (per visit)	500
For School Building	5,000
School uniform (three pairs)	9,000

There are still other expenses such as closing school ceremony, food, transfer of the teachers, chairs, tables, sanitation, etc. Costs can also vary from area to area.

*Note: The daily wage in Burma is about 800 Kyat (0.78 US\$)*

<sup>176</sup> Source: Year 2004 - Education Report, Foreign Affairs Committee, All Burma Federation of Students Unions, February 2005

#### Annex 4: Data recently received from Rangoon, Burma (June 2008)

##### SPDC's 2008 official entrance fees for the Basic Education Schools

Nursery – Grade 4	- Free
Grade 5	- 500 (Kyat)
Grade 6	- 600 (Kyat)
Grade 7	- 700 (Kyat)
Grade 8	- 800 (Kyat)
Grade 9	- 900 (Kyat)
Grade 10	- 1000 (Kyat)

1. The school entrance fee of each school is not the same. The entrance fee of the schools in Rangoon is different. The schools that are famous and have good exam results are more expensive. For instance, at the Basic Education High School No. 1, Dagon, the fees for new students and those who have relatives studying there already are different.

Those whose brothers or sisters have already been studying there have to pay 10,000 Kyat for the entrance fee. However, the new students have to pay 600,000 – 900,000 Kyat for the entrance.

At the Basic Education High School No. 1, Latha, the students have to pay several different fees and 100,000 Kyat for entrance fee.

2. There was a new uniform regulation in 2008. It cost about 4,000 – 6,000 for a uniform and they must buy it from the school.
3. Students were told to give at least 2,000 Kyat as a donation to the Nargis disaster relief. Each school asks for different donations.
4. The unusual thing this year is that some high schools have a signboard calling for someone to serve as a School administrator for free.
5. Currently, there is no other fee being collected this year as before.

The Education Ministry has announced the date to apply for schools is from May 25 – 31, 2008. In the announcement it also mentions a phone number to contact in case of complaint, if there is any donation being collected. However, reportedly on May 28, the headmasters of some schools in Rangoon were still collecting “*donations*”

##### Current prices of stationery

- About 2,000–3,000 Kyat for a dozen low quality notebooks
- About 4,300 Kyat for a dozen good quality notebooks
- 300–700 Kyat for a pencil (depending on brand and type of pencil)
- At least 700 Kyat for a compass box
- About 100–300 Kyat for a pen

**MYANMAR INFORMATION COMMITTEE, YANGON**  
**Information Sheet**

**N0. D- 3132(I)**  
**14th August, 2004**

1. Prime Minister General Khin Nyunt Sends Congratulations to Singaporean Counterpart

General Khin Nyunt, Prime Minister of the Union of Myanmar, has sent a message of congratulations to His Excellency Mr. Lee Hsien Loong, on his assumption as Prime Minister of the Republic of Singapore on 12 August 2004.

2. *Myanmar Girls Stranded in Thailand Sent Back*

*Young Myanmar women were sent back to Myanmar under the joint coordinated agreement between the Myanmar Women's Affairs Federation and the Ministry of Social Development and Human Security of Thailand and under the joint cooperation of the Social Welfare Department and UNIAP. A total of 20 young women who went to Thailand illegally for work but faced difficulties there were handed over to Myanmar side at the Friendship Bridge in Tachilek.*

*The handover of the women was conducted on the basis of mutual understanding and initial agreement of cooperation between Myanmar and Thailand. The measure to accept young women in trouble and send them back to their parents is part of the programme of prevention against human trafficking.*

*The handover ceremony took place at the Friendship Bridge in Tachilek on 10 August. Officials met and comforted them at the meeting hall of Tachilek District Peace and Development Council. Their belongings were also returned to them on the occasion. Arrangements were made to send them back to their parents on 10, 11 and 12 August with the cooperation of the women's affairs committees concerned, departments and UNIAP.*

----- End of Message -----

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<sup>177</sup> <http://www.myanmar-information.net/infosheet/2004/040814.htm>

## **Annex 6:**

### **The WLB-CEDAW working team (core group)**

- Nang Lao Liang Won      Team leader
- Nang Yain                General Secretary
- Naw Htoo Paw            Focal Point 1
- Thwe Zin Toe            Focal Point 2
- Ying Tzarm                IDR staff
- Ann Adams                IDR volunteer