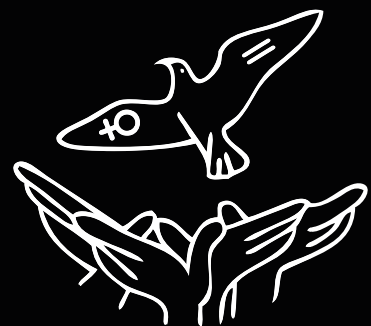


# LONG WAY TO GO

Continuing Violations of  
Human Rights and Discrimination  
Against Ethnic Women in Burma

CEDAW Shadow Report  
July 2016



WOMEN'S LEAGUE OF BURMA



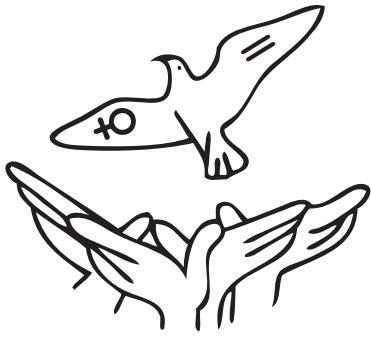
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## **ABOUT WOMEN'S LEAGUE OF BURMA**

The Women's League of Burma, an umbrella organization of 13 ethnic women's organizations, has been documenting human rights violations against women and girls in Burma's ethnic communities for 16 years. Since this Committee's 2008 review of Burma, we have been working in affected communities to track the progress of the commitments made by the Government of Burma (hereinafter 'the Government') to implement the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Through our 13 member organisations, field staff monitor human rights violations against women and girls in communities which often remain inaccessible to observers, international NGOs, and providers of humanitarian assistance. Alongside this, we work closely with our networks of civil society organisations, political parties, and the media to ensure access to diverse sources of information unearthing human rights violations against women and girls. Our submission is a reflection both of this diversity, and the primary information we receive from the ground on a regular basis.

This is a joint report submitted on behalf of our members: Burmese Women's Union, Kachin Women's Association Thailand, Karen Women's Organization, Karenni National Women's Organization, Kayan Women's Organization, Kuki Women's Human Rights Organization, Lahu Women's Organization, Palaung Women's Organization, Pa-O Women's Union, Rakhaing Women's Union, Shan Women's Action Network, Tavoy Women's Union and Women's Rights & Welfare Association of Burma.

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## ACRONYMS AND ABBREVIATIONS

ARHZ	Adolescent Reproductive Health Zone	MOC	Military Operations Command
BEGE	Basic Education and Gender Equality Programme	MOU	Memorandum of Understanding
BPHWT	Back Pack Health Worker Team	MWAF	Myanmar Women's Affairs Federation
BWU	Burmese Women's Union	NCA	Nationwide Ceasefire Agreement
CAM	CEDAW Action Myanmar	NGO	Non-governmental Organization
CBO	Community-based Organization	NLD	National League for Democracy
CCD	Community Driven Development	NSPAW	National Strategic Plan for the Advancement of Women
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women	OCED	Organisation for Economic Cooperation
CRSV	Conflict-related sexual violence	ODC	Office of Drug Control
CSO	Civil Society Organization	PoVAW	Prevention of Violence against Women
EAO	Ethnic Armed Organization	PWO	Palaung Women's Organization
EBO	Euro Burma Office	PWU	Pa-O Women's Union
GDP	Gross Domestic Product	QBEP	Quality Basic Education Program
GJC	Global Justice Center	RWU	Rakhaing Women's Union
GR	General Recommendation	SHRF	Shan Human Rights Foundation
HISWG	Health Information System Working Group	SWAN	Shan Women's Action Network
IDP	Internally Displace Persons	TBC	The Burma Consortium
ILO	International Labour Organization	TNI	Transnational Institute
INGO	International Non-governmental Organization	TSM	Temporary Special Measures
IWDA	International Women's Development Agency	TWU	Tavoyan Women's Union
IWRAW	International Women's Rights Action Watch	UN	The United Nations
KNWO	Karenni National Women's Organization	UNDP	The United Nations Development Programme
KWAT	Kachin Women's Association Thailand	UNFC	United Nationalities Federal Council
KWHRO	Kuki Women's Human Rights Organization	UNFPA	The United Nations Population Fund
KWO	Karen Women's Organization	UNICEF	The United Nations Children Fund
KYWO	Kayan Women's Organization	UPR	Universal Periodical Review
LWO	Lahu Women's Organization	WCRP	Women and Child Right Project (Southern Burma)
MANA	Myanmar Anti-Narcotic Association	WHRD	Women's Human Rights Defenders
MNCWA	Myanmar National Committee for Women's Affairs	WLB	Women's League of Burma
MNHRC	Myanmar National Human Rights Commission	WON	Women's Organizations Network of Myanmar
		WRWAB	Women's Rights & Welfare Association of Burma



# I. EXECUTIVE SUMMARY

From 1962 to 2011 in Burma, the combination of repressive rule by a male-dominated military and a traditional cultural patriarchy had insidious and pervasive long-term negative effects on women's equality. Decades of repression adversely impacted women's health, well-being and welfare, ability to participate in politics and political decision-making, and educational, economic and employment opportunities. Moreover, during those six decades the military also waged war in several regions of Burma against various Ethnic Armed Organisations (EAOs), and conflict continues to this day. These long-running conflicts have been characterized by human rights abuses against ethnic communities, including sexual violence against ethnic women, and have had a devastating negative impact on the rights and opportunities available to ethnic women.

In 2011, the military instituted a process of reform as part of a carefully-orchestrated plan to continue military rule under the guise of democracy. Since this nominally-civilian government (the Government) took power in 2011, women in Burma have experienced limited improvements with respect to fundamental human rights and freedoms but are far from enjoying the rights required by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Burma is a party. After years of "reform," significant economic, political and social problems for women remain: widespread poverty and underdevelopment; a lack of legal, administrative and institutional capacity; a governing system that continues to lack true accountability and transparency; ongoing ethnic conflict, including continued human rights abuses and sexual violence by military forces; and pervasive gender inequality. The failure, after five years in office, of the Government to improve women's rights to substantive equality and non-discrimination demonstrates a disregard for CEDAW's mandates and compares unfavorably with troubling actions such as continuing sexual violence by the military, the swift passage of the discriminatory Laws on Race & Religion, and the failure to enact a comprehensive violence against women law.

This Report focuses the women's human rights situation in Burma's ethnic areas, in particular in remote and conflict affected areas where most of WLB's member organisations are operating. We highlight the ways in which rural and ethnic women in Burma are denied the equality and non-discrimination guarantees provided by CEDAW. While all women in Burma face the same struggle to enjoy their rights under CEDAW, rural and ethnic women face additional hurdles and specific harms such as trafficking, unequal access to education and healthcare, land insecurity and the devastating impact of drug production and trade. Moreover, rural and ethnic women are directly implicated by armed conflict and the quest for peace. This gap between the experiences of women in cities and urban settings versus those of ethnic women in rural areas must be understood and taken account when analyzing the status of women's rights in Burma.

This Report seeks to highlight certain significant factors impeding women's rights throughout the country. First, the military continues to play a powerful role in society and politics. This deeply-entrenched power is provided, in part, by the 2008 Constitution which grants the military complete legal autonomy over its own affairs, placing it outside of any civilian oversight by the executive or legislative branches.

Further, the Constitution provides immunity to the military and Government officials for any misdeeds, including conflict-related sexual violence, in office and ensures that all military matters are to be decided solely by the military. Other provisions, such as Parliamentary quotas, ensure that the Military will retain a significant role in the legislative and executive branches. Therefore, the power and domination of the military at all levels of government is guaranteed in the Constitution, and, because the Military enjoys a veto over all Constitutional amendments, this power is unlikely to be reduced in the near future.

Second, continued conflict has caused additional suffering for ethnic and rural women. The military has committed human rights abuses, including sexual violence against ethnic women, as part of its offensives in ethnic areas. Part of the conflict stems from a desire to control the vast natural resources in ethnic areas, and the military and its cronies have long-standing and extensive business interests in ethnic regions. Continuing conflict, and the web of military presence and business interests in ethnic areas, has had a devastating effect on women and women's rights, especially in rural and ethnic areas.

Third, part of the lack of progress on women's equality is due to the woefully inadequate legal system in Burma. First and foremost, the Constitution itself establishes structural barriers to equality, and discriminates outright against women through failing to provide a CEDAW-compliant definition of discrimination and limiting job opportunities for women. It also discriminates against women indirectly by establishing the Parliamentary quotas for the military. Most of the laws that relate specifically to women are outdated, such as the Penal Code of 1861, and many laws, regulations, and policies (including customary law) are disadvantageous and discriminatory towards women. Laws passed since 2011 often did not take women's concerns into account and some, such as the Laws on Race & Religion, are discriminatory outright. Women also do not enjoy protection from anti-discrimination legislation or a comprehensive violence against women law, which is of particular concern for women victims of conflict-related sexual violence.

Moreover, even legal and other rights that are available on paper are often not enforced due to corruption in the legal system, the police force and other governmental authorities. These failures are compounded by a judiciary that is unreliable, susceptible to military influence and corruption, and often unwilling to enforce the rule of law. Outside of the formal legal system, the application of customary laws which are prevalent in rural and ethnic areas can also impede women's access to justice. These factors present serious obstacles to women's ability to know or enforce their rights.

It is hoped that ensuring women's equality will be a greater focus of the new NLD-led Government that came to power in April 2016. Given the structural barriers established by the military, including those in the Constitution, reducing the power and influence of the military will be a challenge. To encourage the new Government on the path to ensuring human rights, and women's rights, it is crucial to provide it with guidelines and signposts for action. Forums such as this CEDAW review are essential to establishing benchmarks for women's rights and equality, as promised by CEDAW. Rights under CEDAW should be made available, without restriction or further delay, to every woman and girl in Burma, regardless of her region, religion, or ethnicity.

## 2. METHODOLOGY

The report production process consisted of the development of data collection tools, literature/document review, informant interviews and workshops on the ground in various regions of Burma, NGO/CSO consultations and compilation of the draft report. The informant interviews were conducted by WLB member organizations, which drafted their own reports (selected evidence is attached). The process of consultation was national, cross-border and local in dimension to ensure a comprehensive result.

From mid-November 2015 to mid-May 2016, WLB member organizations collected data for the report through methods including surveys, interviews and information gathering at group CEDAW awareness-raising workshops. WLB members organized 49 CEDAW awareness-raising workshops in 26 townships in the WLB operating areas, and 924 women and 351 men participated. WLB's data collection covered 62 townships in Chin State, Kachin State, Mon State, Karen/Kayin State, Karenni/Kayah State, Rakhaing State, Shan State, Sagaing Region, Tanintharyi Region and Yangon/Rangoon Region and interviewees included 1,273 women and 361 men. [See the map of surveyed areas in Annex 14]

The WLB CEDAW working team compiled, translated and analysed the data and conducted a literature review of existing material. Following this, WLB hosted a four-day workshop with the Global Justice Center in late February 2016, which gave technical assistance on the development of the report.

Upon the completion of the first draft of the report in March 2016, WLB organized a three-day consultation workshop among WLB member organizations to verify and analyse the conclusions of the report, and a one day consultation workshop with CBOs and NGOs of Burma active in Thailand to raise awareness on WLB's CEDAW reporting activities and get their input on WLB's CEDAW report.

Similar consultation workshops were organized inside Burma in April 2016, including a 3 day workshop with WON and CAM, and a one day workshop with CSOs based in Yangon/Rangoon.[See list of participating organizations in Annex 15] The input from these workshops was added to this final WLB CEDAW NGO shadow report. Altogether 82 organizations participated in the consultation workshops in Thailand and Burma.

### 3. ARTICLE 1 (DEFINITION OF DISCRIMINATION)

The Constitution of the Union of the Republic of Myanmar (the “Constitution”) does not provide a definition of equality or discrimination that complies with the requirements of CEDAW nor does it contain a provision regarding the applicability of international treaties, including CEDAW. In fact, in 2008 the Committee on the Elimination of Discrimination against Women (the “Committee”) in its Concluding Observations called on the Government of Myanmar (the “Government”) to explicitly address these shortcomings through Constitutional amendment.<sup>1</sup> The Government has not amended the Constitution and thus the rights of women in Burma to substantive equality and non-discrimination by law are unfulfilled.

#### RECOMMENDATIONS:

- Amend the Constitution to include an effective guarantee of substantive equality, non-discrimination and the responsibility of the Government to ensure equality and non-discrimination.
- Amend the Constitution to include a provision regarding the applicability of international treaties, in conformance with CEDAW.

### 4. ARTICLE 2 (POLICY MEASURES)

Women are not protected by anti-discrimination laws in Burma and certain laws, regulations, and policies directly and indirectly discriminate against women. Differential treatment is premised on the notion that women require “protection” or that they are not suited for certain positions, especially decision-making roles. For example, Article 352 of the Constitution sets aside certain jobs that are “suitable for men only” which the State Report does not consider discrimination.<sup>2</sup> Other policies and practices allow only men to be considered head of household for purposes of land registration in certain parts of Burma and the Government has done nothing to ensure a woman’s right to serve as head of household.<sup>3</sup>

Since 2011, the Government has passed a number of laws that it claims in reporting to this Committee relate to women’s rights.<sup>4</sup> However, only one of these laws provides protections specifically for women; the remaining laws provide general protections for certain categories of persons, such as laborers. The one example of protections for women, the Social Security Law of 2012’s provisions for pregnant women, is not routinely enforced.<sup>5</sup> In fact, women report that they are either unaware of the right to take leave or reluctant to assert this right for fear of losing their job.

In fact, laws passed since 2011 have actively discriminated against women, perpetuated negative gender stereotypes, and failed to take women’s rights into account. The so-called “Laws on the Protection of Race and Religion,” passed in February 2015, impose strict limitations on women’s rights, including the right to choose a spouse and the number and spacing of children.<sup>6</sup> Land and foreign investment laws were passed in 2012 soon after the transition to a civilian government without proper examination of how the laws would impact women or human rights.<sup>7</sup> In another example, passage of a new Association Registration Law in July 2014, and issuance of related Bylaws, did not expand protections but rather ensured continued restriction of freedoms.<sup>8</sup> Thus, the Government has failed to implement the Committee’s 2008 recommendation to formulate laws “that would ensure the practical application of gender equality.”<sup>9</sup>

### **RECOMMENDATIONS:**

- Immediately repeal all discriminatory laws, provisions and regulations, including those in the Constitution as well as the Laws on the Protection of Race and Religion.
- Pass a comprehensive anti-discrimination law to protect women and review all existing and draft legislation to ensure that they include adequate women's rights protections and safeguards against discrimination, do not conflict with CEDAW, and include consideration of the impact on women.
- Ensure that rights given to women, including pregnant women, in the Social Security Law are enforced.
- Amend the Association Registration Law to allow for free and fair registration of organizations and the exercise of freedom of assembly; enact regulations designed to encourage the registration of women's organizations, including by streamlining and expediting the registration process for women's groups.
- Clarify that women can be heads of household and own land by enacting amendments to land laws and registration procedures.
- Conduct throughout the country comprehensive awareness-raising events on the law and legal rights, with an emphasis on women and women's rights, especially in rural areas.

## **5. ARTICLE 3 (DEVELOPMENT AND ADVANCEMENT OF WOMEN)**

The Government has failed to implement the Committee's recommendation to "ensure the provision of the necessary authority and adequate human, financial and technical resources to the national machinery" that ensures women's substantive equality.<sup>10</sup> The Myanmar National Committee for Women's Affairs (MNCWA) and the Myanmar Women's Affairs Federation (MWAFF), which the Government identifies as focal points for CEDAW implementation, receive only limited funding and do not engage in active, forward-thinking women's rights policy and development. Both organizations focus more on superficial and ceremonial activities rather than advocacy for women's advancement and empowerment. Senior leadership traditionally has been aligned with the Government, ethnic women make up a low percentage of members, and coverage in ethnic areas is sparse.<sup>11</sup> Similarly, the Myanmar National Human Rights Commission has not been granted sufficient independence, operates under a limited mandate and budget, and does not adequately include community-based organizations (CBOs) in the appointment process.<sup>12</sup> The Gender Units described in the State Report do not have a clear role or function and their impact cannot be felt at the local level.<sup>13</sup> Finally, the National Strategic Plan for the Advancement of Women (NSPAW), the Government's 2012 plan to advance the cause of women's rights, is merely that - a plan on paper. Since NSPAW's unveiling, the Government has not implemented NSPAW's promises and goals.

### **RECOMMENDATIONS:**

- Ensure the provision of the necessary authority and adequate human, financial and technical resources to the national machinery to implement CEDAW and effectively promote gender equality, including by employing full-time gender experts at national, state, and local levels; consider establishing a Ministry of Women's Affairs to coordinate gender policies.
- Amend the MNHRC enabling legislation to increase its budget, allow for greater independence, ensure more involvement of CBOs (especially in the selection process), and include professionals with a background in women's rights.

- Execute and fund the promises made in NSPAW, articulating and implementing precise and specific practical actions to achieve substantive equality and eliminate discrimination, include CBOs in the implementation process, and establish specific and detailed monitoring and evaluation plans including an annual review of progress.
- In order to effectively and practically implement policies to advance women's rights, ensure that the MNCWA and MWAF are given a substantial budget, are run by independent experts on women's rights, and develop and implement forward-thinking and rights-based programming to empower women throughout the country, but especially in rural areas.
- Establish a women's caucus in Parliament and develop and implement policies that encourage and support women politicians (especially mothers), by providing financial resources, childcare, maternity leave, and other support services.<sup>14</sup>

## 6. ARTICLE 4 (ACCELERATION OF EQUALITY)

The Government has not instituted any Temporary Special Measures (TSM) intended to further CEDAW's goals and assist women in achieving equality, as requested by the Committee in 2008.<sup>15</sup>

### RECOMMENDATIONS:

- Institute TSM to ensure women's rights under CEDAW, freedom from discrimination, and unfettered ability to participate in political and social life, including a minimum 30% quota for women's participation in legislative, political, judicial and administrative bodies.
- Draw up by-laws and regulations to practically implement TSMs in the political, economic and social arena and to provide penalties for failing to implement them.

## 7. ARTICLE 5 (SEX ROLES AND STEREOTYPING)

An analysis of both customary law and practices indicates that women in Burma hold a lesser status in society. Contrary to Government assertions, customary laws are discriminatory against women in many regions, in particular with respect to inheritance, matrimony, property, and health.<sup>16</sup> Often, traditional norms and practices that discriminate against women continue to be followed, even if they contradict rights in laws or regulations because these protections are not enforced, especially at the local level. In part, this stems from the prevalence of negative gender stereotypes and assumptions in the media. This failure strongly suggests the need for promoting awareness of law and legal rights among women and for establishing the means to enforce rights on paper such as complaint centers. This is especially important at the local and village level in ethnic areas, where discriminatory stereotypes are deeply embedded in society and culture.

### *Examples of informal negative gender cultural stereotypes can be found across Burma*

The following examples are indicative of customs, attitudes and practices across Burma that discriminate against women. On Government-issued

identification cards, women are listed as “dependent” even if they are employed and have their own careers and identification cards for children must bear the signature of the father not the mother. This also holds true in IDP camps, where residents must list a father’s not mother’s name on all documents. Customary practice also favors listing men only as head of household at immigration and other Government offices due to cultural and traditional norms. Women’s rights to land ownership are curtailed in Kayan, Karreni/Kayah, Kayaw and Kuki ethnic groups. In Karen, Kachin and Chin states, women victims of rape or sexual harassment are expelled from their village on the assumption that the village must be “cleansed” of the victims. The traditional Buddhist practice of Hgay-toe-boe proscribes women from participating in village life and in Karenni State menstruating girls are sent to live in a hut set apart from the village so that she does not pollute the village. In Kayah/Karenni and Shan villages women impregnated outside of wedlock are expelled from the village because they are deemed impure. *[See Annex 1 for more detailed information regarding negative sex roles and stereotypes.]*

### **RECOMMENDATIONS:**

- Eliminate all customary laws and practices that discriminate against women or are harmful to women.
- Develop and institute gender sensitive school curricula and develop teaching materials (in Burmese and local languages) on gender discrimination, CEDAW and women’s rights and ensure that teachers are periodically, regularly and adequately trained to instruct on gender awareness and discrimination.
- Establish a comprehensive strategy and program to modify or eliminate cultural practices and stereotypes that discriminate against women as recommended by the Committee in 2008 (¶21), including by increasing women’s empowerment via television, newspaper, and media.

## **8. ARTICLE 6 (TRAFFICKING)**

The Government enacted the Anti-Trafficking in Persons Law in 2005 and has established a Central Body for the Suppression of Trafficking in Persons.<sup>17</sup> Despite these efforts, trafficking remains prevalent in Burma and Burma remains “a source country for men, women, and children subjected to forced labor and for women and children subjected to sex trafficking.”<sup>18</sup> After being placed in Tier 3 (the worst) by the U.S. Department of State Trafficking in Persons Report from 2008-2011, Burma moved up to Tier 2 Watch List in 2012 and has remained in this category for the last two years.<sup>19</sup> Burma continues as a Tier 2 country because the prevalence of trafficking cases remains high, there is a lack of accountability for perpetrators, victims receive inadequate Government services, and the Government fails to provide sufficient data regarding the scope of the problem.<sup>20</sup> This year the Government must be either upgraded to Tier 2 or downgraded to Tier 3, and local trafficking organizations have recommended Tier 3 status for Burma’s continuing violations and failure to address the problem.<sup>21</sup> Resolving the trafficking problem cannot be accomplished, however, until the Government develops a strategy to remedy the multiple and interconnecting underlying causes of trafficking, which thus far it has proven unwilling or incapable of doing.

## **Failure to Address Underlying Root Causes**

Government anti-trafficking efforts have failed in part because they do not address the many underlying root causes of trafficking. The persistence of conflict and Government limits on humanitarian aid to conflict areas lead to extensive internal movement of individuals and communities which makes women and girls vulnerable.<sup>22</sup> Moreover, trafficking is being fueled by the harsh economic realities of ethnic regions, which the Government acknowledges in its reporting to this Committee.<sup>23</sup> Economic underdevelopment, lack of social services provided by the Government, and limited employment opportunities coupled with “significant [economic] disparities between neighboring countries” lead many immigrants to hire smugglers in hopes of finding a better life.<sup>24</sup> Another contributing factor is the pervasive impact of drug addiction of men and boys on families, which leaves many women and girls responsible for family livelihood; there are even reports of fathers trafficking daughters in order to support drug habits.<sup>25</sup> Finally, natural disasters, and the inadequate Government response thereto, fuel trafficking.

The individual and combined impact of these factors causes economic hardship for families who have to pay for education, health, and basic services. This leads families, and especially women and girls, to seek economic opportunities abroad. Women and girls travelling to Thailand, China, Singapore, and Malaysia are often exploited when they arrive and sold to the sex industry or domestic work.<sup>26</sup> *[See Annex 2 for case studies.]*

The situation is especially dire for internally displaced persons (IDPs) in camps in northern Shan, Palaung, and Kachin states, and others affected by conflict who are without means to provide for themselves and their families. Thus, they easily fall prey to brokers who promise safety and a job necessary for survival. For example, border immigration offices near IDP camps in Kachin state are closed as a result of the nearby conflict. The nearest immigration offices are inaccessible from the camps due to road closures and ongoing fighting. Without access to legal travel documents, many who wish to travel across the border are forced to look for smugglers and placed at risk.<sup>27</sup> Additionally, once migrants reach foreign soil, they are unable to find work due to their illegal status and are very “vulnerable to abuse of basic rights.”<sup>28</sup> Women and underage girls are especially vulnerable in this regard.

## **Ineffective Government Policies and Services**

During its 2008 review, the Committee “recommend[ed] that information and training on the anti-trafficking legislation be provided to the judiciary, law enforcement officials, including border police, immigration officers, public officials and social workers in all parts of the country.”<sup>29</sup> In reporting to this Committee, the Government claims that it spends roughly \$350,000 annually to combat trafficking in persons, and that it conducted a variety of trainings, educational talks and workshops.<sup>30</sup> This Government response to trafficking is woefully inadequate in terms of the amount of resources devoted to such a vast and pernicious problem and in terms of policy development. Government efforts do not address the root causes and scope of the problem or the factors that allow it to flourish and Government officials fail to recognize or fulfill the needs of victims.<sup>31</sup>

Government efforts are not felt in rural and ethnic areas. Trafficking victims and their families have limited recourse to assistance and justice, and difficulty reintegrating into society.<sup>32</sup> The Government reported to the Committee that the sum total of its efforts



throughout the country in 2015 was to rehabilitate only ten trafficked women by spending a total of approximately \$6,500, which is a miniscule sum by any measure. Moreover, prevention efforts do not impact ethnic areas since outreach efforts are often one-off events and outreach materials do not reach the local level and are not readily available in ethnic languages, despite claims to the contrary.<sup>33</sup> As a result, local organizations, such as women's groups and churches, provide the majority of support and outreach services.<sup>34</sup> Unfortunately, local women's groups have not been included in the development of programming, strategy, or materials. Including those on the front lines of anti-trafficking efforts, and drastically increasing the amounts spent to combat trafficking, would help the Government to design an effective strategy at the local level.

## **Lack of Accountability for Perpetrators**

Contrary to assertions in the State Report, the Government fails to hold perpetrators accountable for human trafficking.<sup>35</sup> Victims do not understand the complaint-making process because Government efforts at raising awareness have been limited and ineffective. For example, Government public awareness materials are generally in Burmese, not in local languages. The complaint procedure is complicated and lengthy; often there is a long delay between filing of complaints and taking action. Even simple matters such as unavailability of phones or cell signals to call the complaint hotline inhibit reporting. Also, parents of young trafficking victims sometimes do not have enough information about their child's situation to be able to make a complaint. Moreover, victims are not provided with protection or compensation for their cooperation with law enforcement which discourages reporting.<sup>36</sup>

As a result of the failure to provide adequate training, a lack of political will, and corruption, Government officials and the police often cannot be counted on for support. Local police generally do not actively pursue trafficking investigations and instead wait for complaints from the public in order to act. Police and other Government officials, including immigration officers, lack the training to identify potential victims and instead provide assistance only after abuses have already taken place.<sup>37</sup> They also are susceptible to corruption and fail to act if the perpetrator is a person of power within the community. Victims are discouraged from reporting due to the disorganized criminal investigation system, the lack of victim services, and the requirement that families finance the search for or release of trafficking victims. Moreover, corruption and favoritism remain prominent features in prosecution of traffickers. Police limit investigations when the perpetrator is a well-connected individual.<sup>38</sup> One observer attempted to summarize the issues by saying, "Burma has weak law enforcement agencies and patchy cooperation among member states; insufficient institutional and procedural safeguards against corruption...and lacks a strong, independent, and fair justice system at the national level."<sup>39</sup> Thus, the Government has failed to implement the Committee's recommendation in 2008 to prosecute and punish traffickers and support and protect victims.<sup>40</sup>

### **RECOMMENDATIONS:**

- Enhance accountability and enforce laws to punish traffickers and root out corruption. Ensure that perpetrators are effectively punished according to the law, and under no circumstances enjoy impunity because of their positions or wealth.
- Severely punish members of the military and Government authorities who are directly or indirectly involved in trafficking; punish those who are negligent in dealing with or preventing trafficking cases.
- Establish a Memorandum of Understanding (MOU) with neighboring countries

regarding border crossing procedures and undertake a comprehensive awareness raising campaign within affected communities regarding the MOU and its attendant responsibilities.

- Ensure that effective support reaches victims, provide repatriation to a victim's home area, and give support such as vocational training so that victims can rebuild lives.
- Disseminate without prejudice accurate, up-to-date, appropriate and culturally-sensitive information on factors contributing to trafficking; develop school curricula regarding trafficking.
- Allocate sufficient budget to effective awareness-raising campaigns to prevent trafficking, including radio programs and materials in all ethnic languages and appropriate materials for those who are illiterate.
- Allow CBOs, particularly women's organizations, to assist trafficked women and girls without restriction and participate in developing Government anti-trafficking policy.
- Allow international NGOs to independently monitor anti-trafficking programs without Government interference and control to ensure that the Government is fulfilling its obligations to regional and international anti-trafficking initiatives.
- Provide trafficked women and girls with adequate medical care, counseling, financial support, housing and opportunities for further training, as well as free legal services.
- Respect trafficked girls' and women's rights and wishes at all times.
- Address, via Government policy, root causes of trafficking; for example, provide education and empowerment programs to women and girls, open opportunities for women's all-around development, economic opportunities and opportunities to earn a livelihood at home, resolve ongoing conflict, and eliminate land grabs and halt development projects.

## **9. ARTICLE 10 (EDUCATION)**

Despite being in the 14th year of a Long Term Education Plan, the Government has failed to provide adequate basic education for the men and women of Burma, in part due to significant under-budgeting in the education sector.<sup>41</sup> Women and girls continue to face additional barriers to education than men and boys, and these barriers have not been addressed by the Government. In fact, the 2014 education reform law does not include any gender equality language.<sup>42</sup> Obstacles are more pronounced in rural areas since ethnic conflict, displacement and patriarchal values hinder girls' ability to access education. Consequently, there has been little improvement in female education since the last reporting cycle.

### **Insufficient Budget Allocation for Education**

The Government has failed to implement the Committee's 2008 recommendations to improve girl's education, and increased only minimally funding for education since 2008.<sup>43</sup> In 2013, the Government allocated 1.5% of GDP to education, less than half the OECD average.<sup>44</sup> This lack of funding creates and exacerbates numerous obstacles to girls' education.

Limited resources generally result in a gross shortage of schools. Despite the Government's claims that it extended education programs to sub-townships, the reality is that schools remain scarce, especially in rural and ethnic areas.<sup>45</sup> Lack of transportation infrastructure,

sometimes the result of misappropriation of funds by authorities, makes schools very difficult to reach. Some regions are forced to utilize alternative venues, such as monasteries, for schools. As a result, in many rural and ethnic areas, families are deterred from sending their children to school as it is costly, and getting there is complicated and inconvenient.

The lack of budgeting for education also results in poor teacher quality. Teachers are grossly underpaid and undertrained, despite Government claims to the contrary, which often leads to corruption.<sup>46</sup> The quality of instruction is often not sufficient for children to obtain the necessary level of knowledge for Government exams. Therefore, students are forced to turn to private instructors to learn the curriculum. The schools that are operating are often in great disrepair, and missing basic equipment and tools, which prevents effective teaching. Contrary to Government claims, students are not provided with free textbooks, scholarships or a school stipend in most areas.<sup>47</sup> In fact, a recent ILO report found that 41.8% of trafficked laborers dropped out of school because of inability to pay for school.<sup>48</sup>

To make up for the lack of Government support, parents are forced to incur the costs for their children's education. These include fees for private tuition, school books, school supplies and food, with annual fees for high school students ranging from two hundred thousand to 2.5 million Kyat (US \$173.91 to \$2173.91). **[See Annex 3 for cost information.]** While these problems concern all children, girls are disproportionately affected. If families can only afford to send one child to school, it is likely to be a son rather than a daughter. This is primarily a reflection of Burma's patriarchal culture, in which boys' education takes precedence. In addition, it is often considered unsafe for girls to travel the long distances to school. Consequently school dropout rates for girls are extremely high, especially in rural areas. In some villages the documented dropout rate is as high as 85% in both secondary and high schools. **[See Annex 3 for dropout rates.]**

It is worth noting that the Government mentions that a UNICEF-supported project called Basic Education and Gender Equality Programme (BEGE) has "been implemented for providing all children to have access to quality basic education without gender discrimination."<sup>49</sup> This is an overstatement of the scope and reach of the program. BEGE is a feature of the Quality Basic Education Program (QBEP) program which delivers education services to only 34 townships.<sup>50</sup> WLB member organizations report that QBEP and BEGE are not well known in most rural and ethnic areas and have limited impact.

## **Lack of Education due to Armed Conflict and for IDPs**

Burma's decades-long history of armed conflict also greatly hampers girls' access to education. First, the ongoing conflict poses a safety risk for girls travelling to and from school. At times when conflict escalates, schools either close down or girls stop attending school out of fear of violence.<sup>51</sup> Moreover, continuing violence often forces families to flee their homes and become IDPs living in temporary settlements. These makeshift camps have very limited resources and do not provide schooling for resident children. The Government's prohibition on allowing international organizations to give aid to IDP camps further hinders access to education. These educational deficiencies are again amplified in the case of girls.

## **Barriers to Education in Ethnic Areas**

Government schools in ethnic areas discriminate against ethnic nationalities (minorities) in several ways. First, there are few schools available and often they are in remote and

inaccessible areas. Second, the language of instruction is Burmese and the Government favors a policy of sending teachers to ethnic areas that do not speak local languages rather than training people from local communities. Instruction in local languages must be held outside of school hours. Language barriers thus discourage ethnic children from pursuing their education.<sup>52</sup>

The Government also promotes Burmese culture in its education curriculum at the expense of local ethnic culture. Schools are required to teach political propaganda through a biased curriculum that promotes Burmanization and the military while distorting, minimizing and mischaracterizing the history and role of ethnic nationalities. Diplomas issued by schools run by local ethnic organizations are not recognized by the Government. As a result of language barriers and discriminatory practices, ethnic children are often discouraged from attending school. This factor coupled with the above-mentioned lack of resources in rural areas hinders all education, but especially girls' education.<sup>53</sup>

Moreover, the significant drug problem in rural and ethnic areas where opium is harvested negatively impacts access to education.<sup>54</sup> Drug addicts spend their already meager incomes on drugs, meaning there is far less money to pay for their children's education. In addition, recurrent Government land grabs also contribute to the educational crisis. Families forced from their land become displaced and often indigent, which in turn has a negative effect on education of their youth. All of these problems disproportionately impact females' ability to access education in rural and ethnic areas.

## **Gender Stereotypes in Curriculum**

Despite the Committee's 2008 recommendation to introduce curricula and textbooks that are not sex-discriminatory, little has been accomplished in this regard.<sup>55</sup> School curriculum continues to include stereotyping and discriminatory content, which contribute to overall negative attitudes and behavior towards women. The Government acknowledges that the Curriculum Development Team is currently "strengthening its skills on gender analysis and gender stereotyping issues" but this has not translated into any reforms or improvements.<sup>56</sup> In fact, the Government's report to this Committee details training for trafficking victims to include "cooking, tailoring, knitting wool, handicraft making and decorating flower and fruit" which displays the extent to which gender assumptions and stereotypes are prevalent.<sup>57</sup>

### **RECOMMENDATIONS:**

- Drastically increase Government spending, so that at least 20% of GDP is spent on education.
- Institute affirmative action policies starting from primary school to target challenges faced by women, especially in rural and ethnic areas.
- Provide truly free compulsory quality basic education throughout the country, particularly in rural areas (without additional costs for private tuition, books or supplies).
- Take measures to increase safety for girls attending school, including ending armed conflict and developing transportation infrastructure throughout the country.
- Provide teachers and educational professionals with decent salaries and social security benefits; ensure that teachers are given gender sensitivity training; to

address the issue of poor teaching and assessment methods, adequately fund and upgrade teacher-training colleges which will also promote women's advancement, as the majority of teachers are women; recruit and train teachers from local ethnic communities and allow instruction in local languages.

- Revise curricula and teaching materials so that the education system is not misused to promote Burman ethnic identity or military propaganda, to perpetuate gender stereotyping, and to exclude ethnic identity and language; establish a curriculum drafting committee to revise curriculum to be gender sensitive by eliminating gender stereotyping and gender bias and to be more inclusive of ethnic cultures and contributions; for example, curricula should include information about CEDAW and history lessons should include stories of successful and significant women and ethnic leaders.
- Institute special programs, such as scholarships (or subsidized facilities), to prevent the high drop-out rate among girls and women throughout the country.
- Take measures to eliminate stereotypes of women and girls based on cultural and traditional norms, which are hindering their access to education.
- Ensure that IDP girls can access quality education and receive international assistance.
- Recognize diplomas from non-Governmental schools.
- Re-establish evening classes, schools, and colleges so that women and girls who work during the daytime can continue their studies.

## 10. ARTICLE 12 (HEALTH)

Women in Burma do not have access to quality, affordable healthcare, in part because the Government allocates an inadequate portion of its budget to healthcare. In 2013, the figure was only 3.9%, which places Burma among the countries that spend the lowest amounts on healthcare.<sup>58</sup> Burma is the only developing country in Southeast Asia where military spending is higher than the combined spending on healthcare and education.<sup>59</sup> This inadequate Government support, combined with other factors such as high costs for healthcare services, makes quality healthcare inaccessible for large portions of the population, especially women and residents in rural areas.

### Inadequate Government Support for Healthcare Sector

The Government has not implemented the Committee's 2008 recommendation to improve women's health and the healthcare sector currently is under-budgeted and understaffed.<sup>60</sup> The 2013 budget increased healthcare spending to only 3.9% of Burma's total budget and Government funds only accounted for 12% of the country's entire healthcare spending.<sup>61</sup> Furthermore, money that the Government spends on the healthcare sector often is wasted due to mismanagement.<sup>62</sup> This has resulted in a system with rigid procedures and long delays for obtaining treatment.

International donors have propped up the nation's healthcare system<sup>63</sup> and local CBOs have also filled the healthcare vacuum.<sup>64</sup> Many ethnic groups have established their own community-based healthcare services.<sup>65</sup> For example, the Back Pack Health Worker Team (BPHWT) was founded to empower local communities to provide primary healthcare services to underserved populations in conflict-affected areas of Burma, particularly in areas that international humanitarian organizations cannot reach. Currently, the BPHWT

now has 100 teams with 380 health workers and a network of 1,050 traditional birth attendants, village health volunteers, and village health workers serving a targeted population of approximately 225,000.<sup>66</sup> **[See Annex 4 for further information.]**

Unequal distribution of resources to and a lack of infrastructure in rural areas also hinder healthcare delivery. Medical centers are few and widely scattered, particularly in rural areas, so women must travel long distances and across borders, at considerable expense, to get affordable, quality medical attention.<sup>67</sup> Additionally, healthcare investment has been so low that in rural areas one Government midwife oversees as many as 40 to 50 villages.<sup>68</sup> As a result, in one survey almost two-thirds (73%) of ethnic women in Eastern Burma used traditional birth attendants when giving birth.<sup>69</sup> Lack of infrastructure and few qualified professionals, combined with local poverty and the economic hardship associated with receiving medical care, reduces patients' ability to access quality healthcare.

### **High Costs within the Healthcare System**

Patients bear the burden of high costs of healthcare services. Natural birth deliveries in government hospitals cost 100,000 to 300,000 Kyat (US \$87.0 – US \$ 260.87) and can be 400,000 Kyat once extraneous expenses are factored in. Caesarian birth deliveries cost 200,000 to 700,000 Kyat(US \$173.91– US \$608.7). **[See Annex 4 for a chart detailing costs.]** Most residents avail themselves of private-pay polyclinics or monasteries when they need medical attention.<sup>70</sup> At these locally-run clinics, for a small fee, people can receive very basic primary care services. If medicine is necessary, it must be paid for out of pocket. Hospital patients need to buy their own medicine at the hospital drug store, bring their own bedding, and provide their own patient care. This is also the case when surgery is required. The doctor provides a list of all materials required for the procedure and the family must purchase everything before returning for the procedure.<sup>71</sup>

### **Unequal Access and Barriers to Healthcare Services in Rural Areas**

There continues to be unequal access to quality healthcare between urban and rural residents, despite the Committee's recommendations in 2008.<sup>72</sup> Around two-thirds of Burma's population lives in remote, rural areas with little or no access to family planning and maternal health services.<sup>73</sup> Most women in rural areas use traditional birth attendants without official medical training or Government support. Resultantly, there is a big divide in maternal mortality rates between rural and urban areas. Information about and long-term access to contraception for the majority of rural women is not easily attainable. This inability to access or afford healthcare services lead many women in rural areas to unwanted pregnancies and unsafe abortions. **[More detailed information about these issues can be found in Annex 5.]**

Rural villagers are often reluctant to seek medical attention due to differential treatment by medical personnel. Government medical practitioners treat patients differently depending on each patient's ability to pay and poor patients frequently feel marginalized and discriminated against. Moreover, language barriers inhibit villagers from seeking medical attention since health workers assigned by the Government to ethnic areas do not speak local languages.

IDPs face serious healthcare deficiencies since healthcare services in IDP camps are woefully inadequate. Not only does the Government fail to provide healthcare in IDP camps but it harasses CBOs that attempt to provide these services.<sup>74</sup> Crowded living

conditions, poor sanitation and hygiene, lack of clean water, and insufficient food and nutrition cause increased rates of illness among IDPs.<sup>75</sup> As a result, the crude death rates in IDP Camps are higher than in other parts of Burma.<sup>76</sup>

## **Insufficient Training and Corruption among Medical Personnel**

When medical professionals are not readily available, due to under-budgeting or other issues, individuals seeking medical attention must rely on local untrained service providers. These informal practitioners fill the gaps in care but are not trained medically and can provide inadequate care.

Additionally, there is corruption in the medical system. There is no accountability or monitoring of doctors; Government doctors can report to their hospital and then leave without penalty. Moreover, to supplement meager incomes, medical personnel sometimes resort to questionable ethical practices; for example, requiring that lab tests be done at higher costs to patients at labs owned by their friends.

## **Reproductive Healthcare Deficiencies**

The problems set forth above are felt especially with respect to reproductive healthcare services, particularly in rural areas.<sup>77</sup> Women do not have access to family planning information and reproductive health issues are not taught in school, contrary to Government claims to the Committee.<sup>78</sup> In a 2015 survey by Adolescent Reproductive Health Zone, 90% of adolescents reported a lack of familiarity with reproductive health and were unaware of how to get information about it.<sup>79</sup> The limited information on reproductive health issues available is not in local languages. Women therefore often rely on untrained local practitioners for illegal abortions because they have no access to reproductive information to prevent unwanted pregnancies. WLB member organizations report a high incidence in rural areas of complications after childbirth, such a prolapse, due to lack of skilled and well-trained practitioners.

Women who seek to utilize family planning strategies must overcome cultural biases in favor of large families.<sup>80</sup> These traditions affect women in rural communities the most because they have little access to sex education and family planning services. In the eastern parts of Burma, an estimated 80% of women have never used contraceptives.<sup>81</sup> Throughout Burma, contraceptive use is currently less than 40%, and 19% of women in Burma have no access to any sort of family planning services.<sup>82</sup> This is high compared to the 3% without access to any sort of family planning services in neighboring Thailand.<sup>83</sup> Modern methods of contraception are scarce and some 1.53 million married or in-union women between 15 and 49 years old who want to delay pregnancy do not have access to modern contraceptives.<sup>84</sup> The Government exerts undue interference in women's reproductive health decisions. For example, the Government regulates birth spacing, makes abortions illegal, and requires a husband's consent to be sterilized. If a woman is caught having an abortion she may be charged with a prison term from three to seven years, and if someone is found to be helping her, that provider may be sentenced up to three years.<sup>85</sup> Nearly 5% of all pregnancies end in abortions, which are one of the leading causes of maternal mortality in part because of reliance on untrained local practitioners.<sup>86</sup>

Women who do choose to become pregnant face obstacles to a healthy pregnancy and delivery, including inadequate workforce, low health expenditures, failing infrastructure, over-worked healthcare professionals, and geographic coverage gaps.<sup>87</sup> In eastern Burma, 11.3% of women of reproductive age were reportedly moderately or severely malnourished.

Maternal mortality rates rank among the worst in Asia.<sup>88</sup> Child mortality rates are high in eastern Burma and are on par with humanitarian disaster areas like Somalia.<sup>89</sup>

In the State Report, the Government committed to “enhance the estimated budget for mother and child-health-care services year by year” and admitted to a need “to conduct awareness-raising on ... birth spacing methods and provide more contraceptive medicines and devices to women.”<sup>90</sup> The Government also acknowledges the issue of newborn mortality rates, due in part to maternal malnutrition and home deliveries, in reports to this Committee.<sup>91</sup> Thus, it is clear how little progress has been made in implementing the Committee’s 2008 recommendations to improve women’s health.<sup>92</sup>

### **RECOMMENDATIONS:**

- Drastically reduce military spending (which is more than education and health spending combined)<sup>93</sup> so that at least 15% of the national budget can be spent on health; make budget figures widely and publicly available.
- Develop a national health care system in which care is distributed effectively, equitably and transparently and well-equipped public health facilities are available, particularly in rural areas.
- Immediately repeal all laws that interfere with reproductive rights, including the so-called Laws on the Protection of Race and Religion, restrictions on abortions, and requirement that women obtain permission from their husband to undergo sterilization.
- Eliminate language barriers by publishing and widely disseminating materials in local languages and in audio for illiterate women (e.g. radio programs, hotline).
- Allow CBOs to operate freely and provide them with adequate support to foster their unique ability to identify, understand, and fulfill the needs of vulnerable communities; support ethnic-run hospices and clinics that provide care to communities without Government healthcare services.
- Implement a comprehensive public health education program, 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; provide reproductive health education and access to free contraceptives to women, men and adolescents throughout the country, in school and otherwise; ensure that teachers receive adequate training to provide reproductive health education; ensure that family planning education programs take into consideration the traditions and physical barriers of women in rural areas.
- Develop effective programs and policies to decrease maternal mortality, especially due to illicit and unsafe abortion procedures; ensure access to affordable sterilization services for women and men.
- Implement comprehensive policies and programs to improve women’s health, after consultation with women’s groups, especially at the local level; for example, establish hotlines or safe service centers to provide health counseling for women and girls, establish women’s friendly drop-in centers that provide health advice or other women’s related services, encourage the exchange of health experiences by establishing peer health education programs; implement free services to check women’s health every six months at village level, as is done in Thailand.
- Establish a system for accountability or monitoring of doctors and medical personnel, including a complaint mechanism to take action against the unethical medical personnel and practices.
- Train local villagers interested in medical care so that they can provide services at the local level.



## **II. ARTICLE 14 (RURAL WOMEN)**

Burma is home to over 100 ethnic groups, many concentrated in rural areas. Roughly 70% of Burma's population lives in rural areas and the majority are employed in the agricultural sector. Rural areas have twice the poverty rate of urban areas due to a combination of factors: the Government's failure to provide services, infrastructure, or budget to rural areas; military expansion and offensives; the Government's exploitation of natural resources without benefit to local populations; and the Government's coercive agricultural policies. Various ethnic groups have been engaged in conflict with the military for six decades, in part to determine control over vast natural resources and to safeguard ethnic identities.

### **Military Exploitation**

The pervasive destructive impact of an exploitative military in rural areas cannot be understated. For decades, the military has expanded into ethnic areas, confiscating land for military bases and income-generation projects and committing human rights abuses, leading to physical, economic, and other hardships as well as displacement for local populations. The military has realized mammoth profits through direct exploitation via military holding companies and indirect exploitation via concessions to business cronies. Transition to a quasi-civilian government has not altered this pattern of exploitation but rather merely expanded the universe of potential business partners for the military. Projects throughout ethnic areas continue without proper consideration of local populations, environmental and safety regulations, or long-term development strategies. In particular, the lack of regulations has led to extensive and devastating health impacts for local populations, including toxic waste, pollution of land and drinking water, and exposure to toxic chemicals.

### **Land Confiscations**

Land confiscation without compensation and forced relocation for so-called development projects has been a long-standing issue in rural areas, but has become even more acute since the transition to a quasi-civilian government in 2011. As a result of land seizures, local populations lose arable land and economic opportunity and are forced to migrate.<sup>94</sup> Women are especially hard hit, vulnerable to physical violence and other abuses by family, migrant workers and others associated with investment projects on seized lands. Exploitative investment projects cover many industries across many regions and often have led to violence and civil unrest within local communities.<sup>95</sup> Coercive governmental agricultural policies continue to cause economic hardship in rural areas. For example, in Dawei and Mon states, Government loans to farmers include a stipulation to buy only Government-produced fertilizer or genetically-modified seeds, which are over market price and of inferior quality. This reduces income and yield, engaging local farmers in a cycle of poverty. This overall economic hardship impacts women directly as well as indirectly, through trafficking and increased violence.

### **Drug Epidemic**

Drug production and use has surged in rural and ethnic areas. The total area under opium poppy cultivation in Myanmar was 21,600 hectares in 2006 and more than doubled to 55,500 hectares in 2014, according to the UN Office of Drug Control (ODC).<sup>96</sup> Indeed, the extent of drug production is vastly underrated since international organizations, such as the ODC, do not take into account drug production in areas under control of ethnic militia.<sup>97</sup> The

Government does not collect data regarding drug use, but drug use related problems, including HIV and Hepatitis C infection rates, have increased in rural areas.<sup>98</sup>

The Government's policies to eradicate drug production and supply have been completely ineffectual. In fact, the Government has exacerbated the drug problem by allowing militia groups aligned with the military to partake in drug-related activities in exchange for fighting rebel groups.<sup>99</sup> The militia groups rely on the proceeds of illicit drug trade to finance arms and operations, and the military and Government officials turn a blind eye.<sup>100</sup> The Government's failure to stem drug production in rural and ethnic areas fuels drug production and addiction and destroys ethnic communities, which some local residents believe is deliberate.<sup>101</sup>

Government policies to address drug addiction have failed on a number of levels: they fail to address the root causes of the problem, are repressive and outdated and focus on arresting drug users rather than prosecuting those invested in the cultivation of opium and the production of synthetic drugs. These failed policies have emboldened producers and dealers and increased the availability of drugs. Investment projects spur drug use, as business interests encourage drug use to improve productivity.<sup>102</sup> An indication that the drug trade has been mainstreamed is that under U Thein Sein's Government eight drug lords were also representatives in Parliament.<sup>103</sup> Increased production and use of opium, heroin, and methamphetamines and the Government's failure address the drug problem puts women at increased risk of life-threatening violence, trafficking and economic deprivation.

## **Impact on Rural Women**

The combined impact of drug use, continuing conflict, land confiscations, and economic insecurity has displaced vast populations, including women and girls. Displaced women and girls are subject to violence and trafficking, and are denied basic services such as education and healthcare. The Government has limited humanitarian assistance to IDPs, restricting access of international aid agencies to IDP camps.<sup>104</sup> Moreover, women have been completely excluded from Government resettlement plans, leading to dangerous proposals such as resettling women and girls close to military bases.<sup>105</sup>

The situation outlined above leads to multiple and intersecting disadvantages for women and girls in rural areas, including IDPs. ***[See Annex 6 for more detailed information on rural women.]***

**Loss of Economic Security:** Women lose economic and job opportunities due to development projects, which employ mostly men and which use up arable land. Drug use also places burdens on women to provide economically for fractured families, often forcing women to choose exploitation to secure livelihood. Women and children are also left behind as a result of conflict, forcing women to assume livelihood responsibility for the family.

**Loss of Physical Security:** Land confiscations displace women and leave them vulnerable to trafficking, violence, and exploitation. Violence against women increases as a result of increased drug use, as addicts become more violent and desperate to sustain their habit. Women can also fall prey to exploitation, abuse and violation due to the absence of men, who leave villages to fight in conflict, become migrant workers or succumb to drug addiction, and an influx of foreign investors, who use their temporary status in the

community to rape, or trick women into living with them on the project sites outside of wedlock promising marriage, only to leave once the project has finished, taking no responsibility. **[See Annex 6 for information on foreign investors and women]**

**Loss of Land Security:** Since most families rely on land for livelihood, land confiscations threaten family and village welfare. Women, in particular, suffer since they are not traditionally on land title documents or listed as head of household. Since they are marginalized in the land tenure system, as discussed above in Annex 6, they are not entitled to compensation or included in discussions about land issues.

**Loss of Food Security:** With limited economic opportunities in rural areas, families often rely on land for food; without land, many families go hungry.

**Loss of Health Security:** Development projects, coupled with a lack of infrastructure and regulation, have contaminated air and water, leading to myriad health problems for local residents. To name a few: coal projects contaminate the air leading to birth defects; mercury and other toxic chemical run-off into the water table infects residents, fish, and livestock; and polluted but untreated water is used by residents for cooking and washing. Drugs and the lack of Government drug treatment programs also devastate local communities and treatment programs run by CBOs are not given adequate government support. In fact, local initiatives to combat the drug problem terrorizing communities, such as Pat Jasan, have clashed with Government security forces.<sup>106</sup>

**Loss of Educational Security:** Women and girls suffer from an inability to access education opportunities due to displacement, land seizures, drug dependence, loss of physical security, lack of infrastructure and economic hardship. As detailed in the discussion of Article 10 above, education costs money and many families simply do not have expendable income, or use extra income to educate only boys.

The Government has failed to adequately address the vast and interrelated issues affecting rural women. The rural development tasks and Community Driven Development (CCD) project outlined in the State Report are simply not felt by the vast majority of rural communities. Moreover, CCD tasks are general, such as repairing roads and bridges, not targeted to meet the needs of women. The Government has utterly failed to provide any services in IDP camps. Moreover, local CBOs that step into the breach left by the Government's failure to provide social and development services are obstructed by Government regulations and registration requirements.<sup>107</sup>

## **RECOMMENDATIONS:**

- Impose a temporary moratorium on all investment projects until communities give free, prior and informed consent undertaken inclusive of women's voices of every stage of the consultation process. All projects should be scrutinized by independent and transparent Environmental Impact Assessments, Social Impact Assessments and Health Impact Assessments that are inclusive of local stakeholders, especially women, as well as Gender Impact Assessments, as recommended by the Committee in 2008 (¶45) and in accordance with Principle 10 of the Rio Declaration on Environment and Development (1992).
- Immediately end military offensives and anti-insurgency campaigns targeting civilians. Order the military to cease immediately all involvement in the drug

trade, and prosecute all those invested in the cultivation, production, and distribution of narcotic and psychotropic substances in ethnic communities.

- Eradicate opium and narcotic production and implement a drug control strategy and programs which are sensitive to the risks faced by women and girls, including those related to health, education, and livelihoods.
- Provide rural communities, especially those affected by drugs, alternative means of livelihoods – including access to markets for agricultural produce and vocational skills training – and ensure economic opportunities for women and girls, as recommended by the Committee in 2008 (¶ 45).
- Recognize and support local organizations that provide drug eradication services. Ensure that the Government, including through the Myanmar Anti-Narcotic Association (MANA), and international NGOs and the UN, distribute financial support to local groups providing drug treatment services.
- Ensure that the income generated by resource extraction and development projects is spent on local development and on public service sectors. Ensure that women participate in and benefit from investment projects and are entitled to an equal share of the dividends from such projects.
- Institute sustainable agricultural policies and allow local communities, with equal participation of women, to manage natural resources.
- Amend laws restricting rural women from freely setting up and operating independent local organizations and running programs.
- Ensure that rural communities, and women, participate equally in the process of land reform. Ensure that women can enjoy land rights on an equal basis with men.
- Allow women who are at least 18 years old to vote in elections for village level leaders.
- Include at least 30 percent of women in rural development committees.

## **12. GENERAL RECOMMENDATION NUMBER 19 (VIOLENCE AGAINST WOMEN)**

Violence against women is a widespread and institutionalized problem in Burma. Women face violence at home and in public and there is an inadequate legal framework to provide justice to victims, contrary to claims in the State Report.<sup>108</sup> Violence against women is committed by both public and private actors and the military and police are perpetrators of sexual violence against women not only in areas of active conflict but also in non-conflict zones. *[For conflict-related sexual violence, see discussion below under General Recommendation 30.]*

The Government has failed to implement the Committee's 2008 recommendations to take action to address violence against women and the State Report provides little evidence that the Government has developed and implemented adequate legal, support, or policy measures to eliminate violence against women and punish perpetrators.<sup>109</sup> A Prevention of Violence against Women Law (PoVAW Law) has been discussed and drafted but not distributed for comment, prioritized or passed. Meanwhile, violence against women continues to be an endemic problem in Burma.<sup>110</sup> In only the nine months from July 2015 to April 2016, approximately 40 villages reported almost 300 cases, including domestic violence cases, non-state actor violence, and state-sponsored sexual violence cases. Out of these cases, 44 are sexual violence cases or rape *[See Annex 7 and 8 for a detailed breakdown of sexual violence cases.]* In an indication of the Government's failure to

prioritize women's safety, U Thein Sein, in his last weeks in office granted amnesty and released 1,726 convicted rapists in January 2016 which led to an increase in rapes.<sup>111</sup>

## **Inadequate Legal System**

Burma has an inadequate legal framework to protect female victims of violence. Since the transition to a quasi-civilian government in 2011, the Government has promised to enact a comprehensive PoVAW Law.<sup>112</sup> No PoVAW Law has been passed, though for years draft laws have circulated within the Government. No draft law has been made available publicly for comment and the failure to prioritize passage of protections for women encourages repeat offenders, and deprives victims of confidence in the legal system. This failure is notable since the Government has amended, passed or revoked approximately 200 laws since 2011, including legislation to protect foreign investors and to curtail women's rights to choose a spouse and with respect to birth spacing.<sup>113</sup>

The Government asserts that the Criminal Procedure and Penal Codes "strongly prescribe severe penalties and punishments for those who commit rape or sexual violence . . ."<sup>114</sup> However, there is no comprehensive legal framework, for example no provision for women to secure temporary restraining orders and no prohibition on marital rape unless the victim is under 14 years of age.<sup>115</sup> Without a comprehensive PoVAW Law, transparency of investigations, or means to punish and rehabilitate offenders, a climate of impunity and unrestrained violence against women prevails in Burma.

***Impunity for the Military:*** One major issue is the inability to hold military perpetrators of sexual violence accountable for their crimes. Such barriers are official, including Constitutional provisions granting the military complete control over military justice, as well as informal, such as fear and coercion.<sup>116</sup> In fact, the military published a statement warning that it "will take action based on the rule of law against those who accuse" soldiers.<sup>117</sup> The military has also overseen successful retaliatory criminal prosecutions, such as the one against Ja Seng Ing's father, Shayam Brang Shawng, for making "false accusations" against the military.<sup>118</sup> A high percentage of victims are young girls and therefore easily intimidated by these threats.

***Lack of Gender Sensitivity:*** While the Government asserts that there is no gender discrimination, the lack of gender-sensitivity among justice personnel at both national and village levels hinders reporting of sexual violence.<sup>119</sup> The State Report references capacity-building trainings to the police force, judicial personnel, social workers, and health personnel, yet provides little information about implementation on a national scale, or regarding the substance, duration, or frequency of these trainings.<sup>120</sup> In fact, most justice personnel have had little to no training on how to deal with victims of sexual violence.

***High Cost of Proceedings:*** Victims are often poor and without economic power. Cases are generally expensive, especially when corruption plays a part. Victims do not have access to legal aid or support services to assist with expenses. Cases typically require multiple hearings, so women must travel to court several times and resolve concerns for lost wages and child care. Depending on the distance to the courthouse, travelling can be burdensome, lengthy, and costly. *[See Annex 9 for information regarding barriers to proceedings.]*

***Lack of Political Will and Prevalence of Corruption:*** The climate of impunity in Burma has caused violence against women to become a systematic problem. Lawyers are reluctant to take violence against women cases because of the time and resources they

demand in relation to other cases. Often, the crime is de-sexualized, meaning that sexual assault cases are reclassified as regular assault.<sup>121</sup> Justice personnel take advantage of victims, especially where a language barrier exists.<sup>122</sup> Police officers, lawyers, and medical professionals often refuse or are reluctant to get involved in cases of violence when the perpetrator wields economic or political power, which is often the case. Victims are often pressured to settle or drop complaints in these situations, so that women are victimized again by their lack of economic and political power.<sup>123</sup> In some cases, the police will take the complaint “officially” but only post the arrest warrant at the police station and allow the perpetrator to flee.

***Culture of Victim Blaming:*** Victims face enormous pressure from society and their families to resolve claims informally due to cultural stigma.<sup>124</sup> Cultural and traditional gender norms instruct women not to speak out about being victims of sexual violence and instead to feel guilty and take the blame for the attack. Women are subjected to a “black mark” on themselves and their families upon being victimized or seeking justice. At the community level, religion and superstition come into play as women are told they are victims because they are being punished for some bad act in a past life.<sup>125</sup>

***Barriers Exacerbated for Ethnic Women:*** While all women in Burma face impediments in gaining access to justice, ethnic women face additional disadvantages. They are uncomfortable accessing the formal justice system, which can be intimidating and frightening. Official court documents are in Burmese, and courts do not offer translations into ethnic languages.<sup>126</sup> Moreover, it is costly to travel to courts from ethnic areas and to proceed with cases. Most ethnic women simply do not possess the skill set to deal with a judicial process—of which they are already apprehensive—while they are focused on trying to feed their families. **[See Annex 9.]**

Because of these barriers, victims in ethnic areas are typically most comfortable bringing claims at the village level. Typically women try to resolve claims of violence with village elders and local leaders, but these elders are overwhelmingly male and do not have gender sensitivity training.<sup>127</sup> Less than 1% (42 of nearly 18,000) of local administrators is female, in part because women are not designated as heads of households and local administrator nominees are traditionally heads of households. Therefore, women do not receive adequate, or sufficiently gender sensitive, justice outcomes.<sup>128</sup> Moreover, in cases where elders order the offender to pay restitution in an informal resolution, and he fails to pay the victim, there is no recourse for the victim to claim her money.<sup>129</sup>

## **Lack of Support and Prevention Services**

Despite its promises, the Government does not provide adequate support or prevention services for female victims of violence. Local groups must step into the breach when the Government neglects its commitments, and yet these groups encounter Governmental obstacles. Further, the Government forbids most INGOs from going to remote or sensitive areas in ethnic States because of “security” concerns. These barriers in obtaining support services are recurring and cyclical.

The MAAF does not provide adequate support services.<sup>130</sup> Many areas do not have MAAF offices, and even in areas with MAAF coverage, ethnic victims do not feel comfortable accessing MAAF services due to language barriers, absence of trust, and lack of political will on the part of MAAF. In these cases, service provision falls back to CBOs.

## Limited Public Awareness of Rights

Most men and women in Burma are not aware that all forms of violence against women are a form of discrimination under CEDAW and therefore a violation of women's human rights. Women have limited knowledge of the laws and policies which govern their rights or ability to seek redress.<sup>131</sup> As in other areas of the world, men in Burma believe that violence against women is a less-important "women's" issue and is a private matter between individuals; they do not acknowledge it as a much deeper, systematic social and cultural problem. Government public awareness campaigns, mentioned in the State Report, have failed to disseminate information throughout the country regarding prevention of violence against women.<sup>132</sup> Neither do the campaigns recognize men's roles in helping to change norms and end cycles and patterns of violence against women.

## Use of Violence Against Women to Create Communal Conflict

In a troubling trend, violence against women is being used as a tool to incite communal conflict. In a number of cases local political and religious leaders have used rape allegations, which often turned out to be fabricated, to fuel ethnic and religious dissent.<sup>133</sup>

### RECOMMENDATIONS:

- Promptly and permanently withdraw troops from ethnic areas and admit to a pervasive pattern of sexual violence by the military and ensure swift punishment of perpetrators, including commanding officers, and redress for victims; allow all such cases to be heard and decided in civilian court.
- Prioritize and pass a comprehensive PoVAW Law that incorporates the comments of civil society and the public; ensure that the PoVAW Law provides a comprehensive definition of VAW as defined in GR 19 and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), provides specific penalties for offenders of sexual violence depending on the degree and severity of the offense, guarantees the safety of women seeking justice for all forms of violence, and identifies and removes all impediments faced by women victims seeking redress for violence.
- Provide and require support services for victims of violence and ensure that such services are culturally sensitive.
- Develop school curricula to teach students about sexual violence in a manner that promotes public awareness and gender sensitivity.
- Develop and implement gender sensitivity training for justice personnel and public officials, in particular law-enforcement personnel and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims; develop and implement public education campaigns about women's human rights, including for all civil servants and state forces.
- Involve men and boys in anti-violence against women efforts via programs educating about the root causes of violence against women.
- Acknowledge the prevalence of domestic violence, sexual harassment, and sexual intimidation in its ethnic communities.
- Allow CBOs to operate freely to empower and provide services to victims without restrictions or harassment.
- Prevent use of violence against women and girls as a pretext to create communal conflict.

### **13. GENERAL RECOMMENDATION NUMBER 30 (WOMEN IN CONFLICT PREVENTION, CONFLICT AND POST-CONFLICT SITUATIONS)**

The Committee's 2013 General Recommendation 30 on women in conflict prevention, conflict, and post-conflict situations (GR30) acknowledges the prevalence of sexual violence in conflict, calls for prosecution of perpetrators of sexual violence, and recognizes that including women in peace and transitional processes is necessary to achieve lasting peace. GR30 is relevant to Burma since six decades of ethnic conflict have had a devastating impact on women and girls, especially those from ethnic groups. As part of protracted conflict, the military has engaged in a widespread, systematic and institutionalized pattern of human rights violations and sexual violence against ethnic women and girls. Conflict-related sexual violence (CRSV) is used as a tactic of war to demoralize ethnic communities, as punishment for supporting ethnic armed organizations, and as part of abuses against women used as forced porters for the military. Thus, for ethnic women, the military is a constant, pervasive, and threatening influence in their lives. While these abuses are overwhelmingly committed by the military, community members also commit sexual violence crimes during times of conflict.

Since the transition to a quasi-civilian government in 2011, on-going conflict and development projects in ethnic communities have increased military presence, and CRSV has continued to be prevalent.<sup>134</sup> The Government has failed to hold perpetrators accountable for CRSV and in fact persistently ignores the problem, despite overwhelming evidence of abuses. The failure to hold perpetrators accountable condones and continues the pattern of violence.

While periodic conflict has raged in Kachin, Shan, Karen/ Kayin and Mon States, U Thein Sein's Government engaged in a peace process with ethnic armed organizations (EAOs). That peace process was fraught with problems, including an almost complete exclusion of women and women's issues. The newly-elected Government, led by Daw Aung San Suu Kyi, has prioritized achieving peace, suggesting the convening of second Panglong Conference.<sup>135</sup> To achieve lasting peace, however, the military must cease committing human rights abuses, including CRSV, and women must have a significant role at all levels of the peace process.

#### **Ongoing Pattern of Conflict-Related Sexual Violence**

Women are extremely vulnerable to CRSV at the hands of the military, which is actively engaged in conflict with multiple ethnic groups and has a vested interest in development and business projects in rural areas. As part of its campaign of intimidation in ethnic areas, the military for decades has used violence against ethnic women as a strategy and tactic of war. In fact, since 2010, WLB has documented 92 cases of CRSV by the military with 124 victims in Chin, Kachin, Karen, Karenni/Kayah, Mon, Rakhaing and Shan States. **[See Annex 10 and 11 for a detailed breakdown of cases.]** The most recent Report of the Secretary-General on conflict-related sexual violence reports that the "gender-based violence subcluster provided services to over 600 women and girls in 2015 in both government-controlled and non-government controlled areas" of Rakhaing and Kachin states alone and estimates that 20 cases of sexual violence are recorded per month.<sup>136</sup> Both CEDAW and the UN Security Council's Resolutions on Women, Peace and Security (WPS Resolutions) mandate that the Government take steps to address and halt this pattern of violence. To



date, the Government has not admitted the extent of the problem, and has claimed only that has provided “human rights education including all forms of violence against women” in defense academies.<sup>137</sup> While the content of this training is unknown, it is clear from WLB’s data that the trainings are ineffective and do not amount to a developed and comprehensive plan to address CRSV by the military.

## **Impunity for Perpetrators**

The Government has not investigated or punished military perpetrators of CRSV nor ensured remedies or reparations for victims. While the State Report claims that there is a “zero tolerance policy” against sexual misconduct by military personnel, WLB has identified over 120 victims of CRSV and has received reports of an inability to achieve redress for victims of military-perpetrated sexual violence.<sup>138</sup> In fact, just recently the Secretary-General of the UN reported “serious concerns” about impunity for CRSV and a lack of transparency in military justice in Myanmar.<sup>139</sup>

A major source of military impunity is Article 343 of the Constitution which grants the military complete jurisdiction over all military matters, including discipline for members of the military who commit CRSV or other human rights abuses. There is no transparency in these cases regarding investigations, applicable law, charges levied, or punishment for perpetrators. Therefore, victims have no recourse to civilian courts for crimes committed by the military and no effective access to justice. The Government admits that cases involving military personnel on “active duty” are not eligible for transfer to civilian courts.<sup>140</sup>

Fear of the military also inhibits survivors. The military has sternly warned that it will “take action based on the rule of law against those who accuse” soldiers and has successfully completed criminal prosecutions against individuals who implicate the military in crimes.<sup>141</sup> Other factors that make victims reluctant to come forward include: harassment and coercion of survivors and their communities, the stigma associated with sexual violence crimes, pressure from family and village elders, and the difficulty of pursuing court proceedings while maintaining a livelihood. In cases where victims do come forward, the military assumes jurisdiction, often offering token payment as compensation reinforcing the notion that a nominal fee provides justice.

## **Women’s Exclusion from the Peace Process**

President U Thein Sein made a first overture towards peace to EAOs on August 18, 2011. After four years of torturous negotiations, the Government signed a “Nationwide Ceasefire Agreement” (NCA) with only eight of 18 EAOs on October 15, 2015. The Government did not allow six EAOs to sign<sup>142</sup> and seven refused to sign to protest the Government’s divide and rule policy in the negotiation process as well as lack of guaranteed equality for ethnic peoples in the preparation of the political framework. The NCA was not signed by many armed groups whose participation is crucial to lasting peace. Moreover, despite the NCA and various bilateral ceasefire agreements, fighting continues between the military and various ethnic groups, especially in Kachin and Shan states. Military offensives continue despite the democratic elections in November 2015, indicating the extent to which the military is completely autonomous and intent upon maintaining its power despite the wishes of the people. The on-going violence has a devastating impact on local populations, fueling internal migration and displacement. Therefore, the NCA cannot rightly be called nationwide nor a true ceasefire.

More importantly for purposes of CEDAW, women were largely excluded at every level of the peace process.<sup>143</sup> Neither of the two Union-level peace negotiating teams formed in December 2011 contained any women. The successor negotiating teams formed in May 2012 were similarly male-dominated: the Union Peace Central Committee, led by the President, contained 11 members but no women and the 52-member Union Peace Work Committee included only two women.<sup>144</sup> The now-defunct Myanmar Peace Center, established in November 2012 and funded by international donors to provide technical support to the peace process, had only one woman at a high-level position.

The NCA's only reference to women was to call for the inclusion of a "reasonable" number of women representatives in the peace dialogue process.<sup>145</sup> This language is vague and arbitrary, leaving women without any real means for accessing negotiations. The Framework for Political Dialogue developed subsequent to the NCA has as one of its basic principles to "make efforts to include 30%" of women's participation in all political dialogues."<sup>146</sup> This language also does not require women's participation; simply making an "effort" will suffice.

This type of vague language and lack of political will led to further marginalization of women at Government-led post-NCA peace negotiations. At the Union Peace Conference in January 2016, called for in the NCA, women made up only 7% of delegates, well below the 30% quota. Thus, it is clear that women and women's concerns have been utterly absent from the peace process and that women's issues are seen as secondary in the peace process, in direct contravention of the CEDAW and the WPS Resolutions. *[See Annex 12 for an overview of women's limited involvement in the peace process.]*

A revised, revived, and inclusive peace process led by the new Government will need to be more inclusive of women and women's concerns. Unless and until women play a meaningful role in peace negotiations and post-conflict processes, as required by CEDAW, there can be no lasting peace.

#### **RECOMMENDATIONS:**

- Order the military to immediately stop using rape as weapon of war against ethnic women; admit the prevalence of CRSV and develop a comprehensive strategy, in accordance with international law, and with input from women's rights advocates, to protect and provide reparation for victims.
- Prosecute all perpetrators of CRSV, including by holding commanding officers responsible, according to international standards and obligations under WPS Resolutions and the Declaration of Commitment to End Sexual Violence in Conflict or allow an independent international investigation of CRSV. The judiciary must have independent authority to hear and try all cases of CRSV without influence from the executive or the military.
- Amend the Constitution to ensure that victims may bring cases in civilian courts and enact or amend relevant laws to provide sufficient punishment for perpetrators and redress for victims.
- Immediately withdraw military forces from ethnic areas so that independent investigations of crimes can take place without military repercussions on local communities.
- Carry out "human rights education and gender-sensitization training for all law-enforcement and military personnel," as requested by the Committee in 2008 (¶ 25).

- Exclude, as part of ensuring accountability, amnesties for CRSV in any negotiated peace agreement.
- Ensure that women fully, equally and effectively participate in all peace negotiations, including in conflict resolution, post-conflict planning and peace building, including through promoting women's leadership via women's leadership training programs and appointing women to senior decision-making roles; establish a quota of a least 30% women's participation in all peace processes and negotiations; ensure that any peace agreements represent the views of groups which are broadly representative of women's views and interests.

## 14. GENERAL RECOMMENDATION NUMBER 33 (ACCESS TO JUSTICE)

Burma suffers from a generally weak justice system without a stable and reliable rule of law which interferes with the realization of women's rights.<sup>147</sup> Additional barriers to women's access to justice include discriminatory patriarchal and cultural norms, customary law, economic barriers, and corruption. Therefore, women experience widespread discrimination in the enjoyment of their rights and their ability to seek justice for violations of those rights.

Furthermore, women are unable to access justice for gender-based crimes perpetrated by the military because Article 343(b) and 445 of the Constitution place military crimes outside civilian justice. This is especially significant in Burma, where the military perpetrates many gender-based crimes, including sexual assault, as part of long-standing conflict with multiple ethnic groups. A pervasive culture of impunity and a lack of political will to effectively implement initiatives to promote and protect women's rights facilitate and compound discrimination against women by formal and informal justice systems.

### Cultural Norms and Stereotypes Privilege Men

In Burma, generally accepted cultural norms and patriarchy put women seeking to obtain justice at a disadvantage. A cultural habit of blaming women victims of violence in both society at large and the justice process inhibits women from coming forward.<sup>148</sup> The patriarchal stereotype that men are superior to women also prevails, limiting women's access to justice in both informal and formal justice systems.<sup>149</sup> *(For a more detailed discussion, see Article 5 above.)*

### Patriarchal Informal Justice and Customary Law Discriminate Against Women

Because of cultural norms and other barriers, victims commonly do not seek redress in the formal justice system. For example, court proceedings are held in Burmese, so victims who are more comfortable in local languages do not seek redress formally. Instead, women victims seek justice informally at the local level. This is especially true in cases of domestic violence, which is considered a family matter better dealt with at the local level.

Unfortunately, women are not always able to secure adequate justice at the local level. Ninety-nine percent of decision-making village leaders are male, so women's perspectives are completely absent.<sup>150</sup> For example, at the village level, a woman victim's family—not

the woman herself—receives compensation or other form of settlement.<sup>151</sup> Gender bias at the village level influences matrimonial matters as well; a man is always granted his request for a divorce while a woman may be denied or have to pay for one. In instances of domestic violence, village leaders often ask the spouses to try to work out their differences and return in a few months, putting the woman at high risk for harm. Often village level justice is merely an agreement by the perpetrator not to reoffend which is an inadequate justice outcome. Finally, it can sometimes be difficult for victims to know which level of village justice is the appropriate forum to hear the case.

Women are discriminated against in the realm of property and inheritance as well since the Government recognizes the authority of village elders and religious or ethnic leaders to adjudicate property rights.<sup>152</sup> For example, Kachin customary law favors sons over daughter in inheritance disputes; in divorce cases, the Palaung and the Kachin grant property to the husband as a matter of right. *[For more information regarding harmful informal justice practices, see Annex 13.]*

## **Barriers to Justice and Discrimination in the Formal Justice System**

***Economic Barriers to Justice:*** Going to court is expensive, and a complainant must pay to file a case and to hire a lawyer. Although the Government claims the complaint-scrutinizing working group must provide a lawyer if necessary, including for complainants at the MWAF, in reality, only defendants in death penalty cases actually receive legal aid.<sup>153</sup> In addition to court-related costs, complainants must pay for transportation, and often the courts are far away and the process is long which requires many trips, especially for assault cases.<sup>154</sup>

***Corruption and Impunity for Corruption:*** Women have a lack of trust in the justice system because of the role of money and corruption in determining the outcome of cases.<sup>155</sup> The judiciary lacks independence from both the executive and the military, with judges often receiving orders regarding how to rule in cases.<sup>156</sup> Moreover, due to pervasive corruption, the party with the most money controls the outcome. Perpetrators frequently bribe judges for a favorable outcome or to postpone hearings in order to discourage victims. There also is an expectation that a winning lawyer will give a “present” or “pay respect” to a judge in order to expedite or win future cases. Bribes are considered normal and personnel who refuse bribes are culturally ostracized.<sup>157</sup> Prior to leaving office, President U Thein Sein even told government officials that gifts up to \$300 were allowed, sanctioning this corrupt practice.<sup>158</sup> The new Government has clarified that an acceptable amount is \$20.<sup>159</sup> As a result, often women victims are victimized again by the rigged legal system.

***Reprisals against Women Human Rights Defenders, Witnesses, and Others:*** Women Human Rights Defenders (WHRD), victims, and witnesses are not protected from threats and harassment before, during, or after legal proceedings. Instead, WHRDs are harassed by police for their work defending women’s rights and perpetrators frequently threaten witnesses to prevent them from testifying.<sup>160</sup> Security forces surveil WHRDs when they undertake awareness-raising activities and also harass WHRDs when they are working with victims of sexual violence. Those who protest military abuses or try to bring cases against the military are even criminally penalized for seeking justice.

***Military Impunity, Especially for Crimes against Women and Girls:*** Articles 343(b) and 445 of the Constitution grant the military complete independence over its own affairs,

effectively placing military crimes outside the civilian justice system. Both the Government's claims of equal rights for women under the Constitution and the criminalization of assault and insult are rendered moot, since many acts of gender-based violence are perpetrated by military personnel, and thus are outside the reach of the civilian justice system.<sup>161</sup> Since 2011, as mention under GR 19 above, WLB has documented 94 cases of sexual violence committed by the military; the 131 victims did not receive adequate redress or reparation for these crimes.<sup>162</sup>

Typically, victims of crimes perpetrated by the military are offered minimal compensation as quid pro quo for not going to court or are threatened or intimidated into keeping silent. When a complaint is brought against soldiers, a military commander intervenes and transfers the case to a military tribunal, which civilians are not allowed to access. Victims cannot present evidence at the military tribunal and their lawyers are often threatened. Military convictions are not for the crime, such as assault or sexual assault, but for breaking military protocol. The military retains the case file and does not make public information about the case's outcome or applicable law. The Government claims that military perpetrators of CRSV have been tried in civilian court, but the total number of civilian prosecutions represents only a small fraction of the overall number of CRSV cases and reports to WLB indicate that civilian prosecutions are extremely rare.<sup>163</sup> ***[Please see sample of cases failing to reach civilian court in Annex 9]***

## **No Political Will to Support Implementation of Women's Rights**

The Government-run awareness-raising trainings to teach women about the criminal laws protecting their rights are largely ineffective. For one, such Government-run trainings have not been held widely; sadly, in the five years from 2010–2014, they only reached 834 personnel.<sup>164</sup> The Government does not follow up with attendees of trainings to ensure implementation of training mandates nor hold follow-up trainings to ensure attendees' understanding of CEDAW principles and the importance of implementing women's rights. As a result, rights on paper are not secured in practice: for example, while the police manual provides information about victims' rights, the police often overlook these rights due to corruption or power politics.

The Government describes the MAAF as one of many "well-functioning" legal mechanisms that addresses complaints of violations of women's rights.<sup>165</sup> However, the MAAF is ineffective as a legal complaint mechanism because it has inadequate budget and no professional staff (it consists of only volunteers). The MAAF offices at the local level may aspire to help women victims but can be discouraged from doing so by their MAAF superiors at regional and higher levels. Threats from perpetrators also impact the MAAF's ability to fulfill its mandate.

### **RECOMMENDATIONS:**

- Reform the justice system so that the people can easily and effectively lodge complaints for violations, abuses and crimes committed by the military, police or other Government authorities; allow the military to be prosecuted and/or litigated against for CRSV in the civilian formal justice system and ensure the safety of women who are victims of CRSV at the hands of the military, including by preventing the military from retaliating against victims and their families.
- Eliminate economic barriers to women's right to access justice, including by providing competent gender-sensitive legal aid for indigent complainants and

defendants, even in non-death penalty cases and reducing or waiving fees and court costs for indigent complainants.

- Ensure that the formal justice system adheres to international standards of competence, efficiency, independence, and impartiality and to international jurisprudence, in particular by providing and enforcing appropriate, effective remedies in a timely fashion; ensuring that evidentiary rules, investigations, and other legal and judicial procedures are impartial and are not influenced by gender stereotypes or prejudice; protecting women's privacy, safety, and other human rights where necessary; for example, by protecting the woman's identity.
- Establish systematic and safe court houses, in particular in ethnic states and rural areas; ensure that women complainants, witnesses, defendants, and WHRDs are protected from threats, harassment, retaliation, and other forms of harm before, during, and after legal proceedings, including by providing the necessary budgets, resources, guidelines, and monitoring and legislative frameworks for protective measures to function effectively and prosecuting perpetrators of intimidation against victims.
- Eliminate corruption in the formal justice system, including by paying justice system personnel adequate salaries; establish an independent monitoring system or committee to initiate serious measures and legal cases against justice personnel who have taken bribes and dismissing them from government positions; enforcing the Anti-Corruption Law; and making information about the Anti-Corruption Commission publically available.
- Appoint gender sensitive justice officials and personnel and capacity-build government officials on CEDAW and women's rights, including by requiring Government officials, including judges, lawyers, police, and other justice personnel, at all levels to participate in regular CEDAW and follow-up trainings; increasing the number of CEDAW trainers and trainings; conducting regular follow-up trainings over the long-term to ensure attendees' understanding of CEDAW and women's rights; ensuring that training attendees are correctly implementing CEDAW mandates into their work and continuing to monitor this implementation.
- Ensure that religious, customary, indigenous and informal justice systems comply with CEDAW, including by harmonizing their norms, procedures, and practices with CEDAW standards, and that informal justice personnel, including administrators of informal justice at the village level, are sensitized on CEDAW and women's rights.
- Ensure the equal representation and participation of women in justice systems, particularly in village-level informal justice systems where they are grossly underrepresented.
- Ratify the Optional Protocol to CEDAW.

## Annex I

### Article 5 - Stereotyping & Customary Practices

#### 1. Harmful Practices

Customary Practices around Menstruation	<i>Ethnic</i>	<i>Practice</i>
	<b>Karenni/ Kayah</b>	<p>Karenni communities who practice the Hgay-toe-boe Buddhist tradition have a set of restrictive “do and don’t” practices for menstruating women. This is the practice that has existed for many generations and violations cause loss of self-confidence, discrimination and blame from the community.</p> <p>When menstruating, Karenni women are not allowed to:</p> <ul style="list-style-type: none"> <li>• offer flowers to the Buddha’s shrine,</li> <li>• offer meals</li> <li>• sit in the front in the monastery</li> <li>• cook rice wine (because it is believed that the wine would turn bitter or sour)</li> <li>• participate in the Hgay-toe-boe festival</li> <li>• Violations are believed to result in bad omens.</li> </ul> <p style="text-align: right;"><i>Source: Karenni National Women’s Organisation (KNWO)</i></p>
<b>Palaung</b>	<p>When menstruating, Palaung women are prohibited from</p> <ul style="list-style-type: none"> <li>• offering flowers and food to Buddha</li> <li>• offering food to monks</li> <li>• praying</li> </ul> <p style="text-align: right;"><i>Source: Palaung Women’s Organisation (PWO)</i></p>	

Pregnancy out of marriage/wedlock	<i>Ethnic</i>	<i>Practice</i>
	<b>Palaung</b>	<ul style="list-style-type: none"> <li>• Women required to hold a village cleaning ceremony, fined, driven out of the village and/or disowned by her family.</li> </ul> <p style="text-align: right;"><i>Source: Palaung Women’s Organisation (PWO)</i></p>
	<b>Pa-O</b>	<ul style="list-style-type: none"> <li>• Women are forced to marry another man</li> </ul> <p style="text-align: right;"><i>Source: Pa-O Women’s Union (PWU)</i></p>
	<b>Rakhaing</b>	<ul style="list-style-type: none"> <li>• Women are driven out of the village.</li> </ul> <p style="text-align: right;"><i>Source: Rakhaing Women’s Union (RWU)</i></p>
	<b>Shan</b>	<ul style="list-style-type: none"> <li>• Central Shan State: womn are driven out of the village and required to lift a very heavy rock if they want to be allowed back in</li> <li>• Other parts of Shan state: women are driven out of the village and can only re-enter the village after the baby is born. Must ask forgiveness from elders and cut and clean grass in the village monastery compounds.</li> <li>• When deaf women become pregnant, they have been known to be forced to get an abortion.</li> </ul> <p style="text-align: right;"><i>Source: Shan Women’s Action Network (SWAN)</i></p>

<b>Dowry System</b>	<b>Ethnic</b>	<b>Practice</b>
	<b>Dawei</b>	<p>In four townships of Tanintharyi Region (Tavoy/Dawei, Laung Lon, Thayetchaung and Yebyu townships)</p> <ul style="list-style-type: none"> <li>• Dowry system in place for marriage with most dowries ranging from 5 to 15 million Kyat</li> <li>• A higher dowry is fetched for women from wealthy families, property owners, university graduates, government civil servants or teachers</li> <li>• Perception of wedded women as “property” that is “bought” for a dowry. As a result women have little say in who they marry and there is a perception that the man can do anything he wants to his wife including domestic violence.</li> </ul> <p style="text-align: right;"><i>Source: Tavoyan Women’s Union (TWU)</i></p>
	<b>Kuki</b>	<ul style="list-style-type: none"> <li>• According to Kuki tradition, dowry is given in the form of cash or mythun (a kind of cattle)</li> <li>• If a man’s wife refuses to have sex with him because she is sick, a common attitude is “I bought you with money. You have to let me have sex or do anything to you whenever and wherever I want”.</li> </ul> <p style="text-align: right;"><i>Source: Kuki Women’s Human Rights Organisation (KWHRO)</i></p>

<b>New mothers</b>	<b>Ethnic</b>	<b>Practice</b>
	<b>Karen</b>	<ul style="list-style-type: none"> <li>• Three days after they gave birth, new mothers are required to go back to their birth place/house and wash their hair.</li> <li>• They believe that doing so will prevent the birth from affecting the holiness of men in the house.</li> <li>• When a new mother visits other people’s houses, she is also required to conduct a ceremony to clean the house.</li> </ul> <p style="text-align: right;"><i>Source: Karen Women’s Organisation (KWO)</i></p>

<b>Giving Birth to Twin</b>	<b>Ethnic</b>	<b>Practice</b>
	<b>Pa-O</b>	<ul style="list-style-type: none"> <li>• When a woman gives birth to a triplet or quadruplet, they are not allowed to eat from a plate, they can only eat in leaves instead.</li> <li>• They believed that only animals give birth to three, four children at a time, and triplets/quadruplets are considered “un-humanlike”</li> </ul> <p style="text-align: right;"><i>Source: Pa-O Women’s Union (PWU)</i></p>

<b>Women’s Leadership</b>	<b>Ethnic</b>	<b>Practice</b>
	<b>Kuki</b>	<ul style="list-style-type: none"> <li>• Women in Kuki communities are prohibited from taking leadership positions in village/community affairs (For example, women are not allowed to be the leaders of village administrative body, cultural leaders, etc).</li> <li>• In terms of religion, there are a lot more rules or restriction for women who want to become reverends. Although male reverends are allowed to get married, female reverends are not allowed to get married. If they do, they will be removed from their position.</li> </ul> <p style="text-align: right;"><i>Source: Kuki Women’s Human Rights Organisation (KWHRO)</i></p>



## 2. Women as Head of Household

In Burma, most women's identification cards state their occupation only as "dependent" even if the card holder is employed, for example as a teacher. If the individual does not make a specific request, the authority will only write down her occupation as "dependent".

<p><b>Shan</b></p>	<p>A Shan woman who was a single mother of two has her own job supporting herself and her children. Around 2011-2012, she went to get a new ID card at an immigration office in Southern Shan State. She also applied for a new house registration for her family. Rationally, she should be named the head of household since she has no husband. However, the immigration officer did not let her name use as a head of household, but put her father's name instead and registered her as "dependent".</p> <p style="text-align: right;"><i>Source: Burmese Women's Union (BWU)</i></p>
<p><b>Lahu</b></p>	<p>A Lahu woman in her late 30s was separated from her husband when her son was one year old. She has got a job herself, and raised her son alone. Now the son is 13 years old. In October 2015, she went to the Keng Tong Immigration Office to remove her name from her parents' house registration and apply for a new house registration for herself. However, the Immigration Officer told her that she was not able do it because she was a woman and a dependent with no head of household. Because she has no husband, she must continue to be registered under her parents' house registration as "dependent"</p> <p style="text-align: right;"><i>Source: Lahu Women's Organisation (LWO)</i></p>
<p><b>Dawei</b></p>	<div data-bbox="424 1245 1198 1648" data-label="Image"> </div> <p>This picture shows a house registration in which all women were registered as "dependents" even though they have made a living on their own for 6 years since their father passed away.</p> <p style="text-align: right;"><i>Source: Tavoyan Women's Union (TWU)</i></p>

## Annex 2

### Article 6: Case Studies of Trafficking

#### Trafficked into forced marriage in Fujian<sup>166</sup>

*“If I did not want to get married, they will force me to stay with the dogs”*

*Date trafficking incident occurred:* **2013**

*Location of Trafficking Incident:* **Yin Jiang, China**

*Destination trafficked to:* **Tikhut, Fujian, China**

*Persons Trafficked:* **Myitkyina, Kachin woman;**

*Age:* **unknown**

*Perpetrator:* **Two Kachin women**

*Key influencing factors:* **Financial insecurity, migration of Kachin community to China to find work**

- Details:**
- After the death of her mother, migrated with her father from Myitkyina, Kachin State, Burma to Yin Jiang, China
  - Victim earned low pay in China- 1,500 Yuan per month
  - Victim was befriended by 2 Kachin women who promised work for 3,000 Chinese Yuan a month in another province
  - Victim did not tell family as was worried they would not give her permission to go
  - Victim was subsequently trafficked to Tikut, Fujian, confined to a house and forced to marry a Chinese man
  - Victim was forced to work without pay at the farm of her captors
  - After 3 months, victim was able to access a phone and called the police.
  - Victim was imprisoned for 3 months then sent to the Muse District Shelter for Trafficking, from where she was picked up by the Muse Kachin Baptist church

## Trafficked from Laiza <sup>167</sup>

*“The Chinese people gave me food to eat and locked me in a room. One night, a Chinese man came into the room to sleep with me.”*

*Date trafficking incident occurred:* **2012**

*Location of Trafficking Incident:* **Laiza, Kachin State, Burma**

*Destination trafficked to:* **A village outside of Kunming, Yunnan, China**

*Persons Trafficked:* **A young Kachin woman (anonymous) and 5 other Burmese women from Mogaung and Monyin;**

*Age:* **unknown**

*Perpetrator:* **A woman in Laiza identified as “L”**

*Key influencing factors:* **Financial instability, migration for work, ongoing conflict**

- Details:**
- Victim’s father passed away and victim had no income in her home village close to Myitkyina
  - Victim went to Laiza, Kachin State, Burma with a friend in January 2012 to find work, but was unable to find stable income due to ongoing fighting
  - Victim became friend with a woman called “L”, who promised work in China in Ga Du, China
  - Victim traveled with 5 other Burmese women but was taken to Yin Jiang, instead of Ga Du, where they were picked up by 2 Chinese women and locked in a hotel room
  - Victim was able to secretly call “G”, a friend in Laiza, who reported her situation to the Kachin Women’s Association (KWA) office
  - After 2 weeks, victim was transported to Ruili then Kunming and separated from the other women.
  - Victim was sold to a family of 6 for 6,000 Yuan and taken to a village 2 days from Kunming, Yunnan Province in China
  - After some months, victim eventually escaped and hid in a cemetery, and with the help of a Chinese lady called her friend “G” and the police
  - Was held in detention by police for 3 months, after which she was sent to a government office in Ruili, and given a border pass and 60 Chinese Yuan to return home

## Trafficked to Wan Tain, China<sup>168</sup>

*“I heard news from the village that Lway EE didn’t go to work in the charcoal business but that she went to work in another place. Moreover, I heard more news that she has disappeared.. ”*

– a villager, Northern Shan State, Burma

*Date trafficking incident occurred:* **4th September 2009**

*Location of Trafficking Incident:* **Namkham Township, Northern Shan State**

*Destination trafficked to:* **Wan Tain, China**

*Persons Trafficked:* **Lway EE, Palaung female, 29 years old**

*Age:* **unknown**

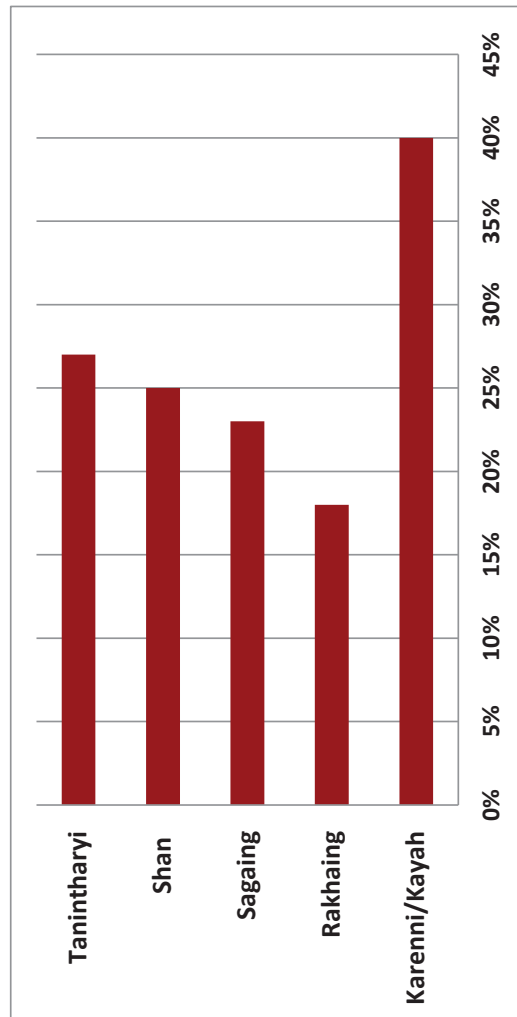
*Perpetrator:* **44 years old female: Lway FF and 42 years old male Mai B**

*Key influencing factors:* **Financial instability, migration for work, ongoing conflict**

- Details:**
- On September 4, 2009, the perpetrators asked the victim to come work for them in Mine Baw Township making charcoal, promising her half the profits
  - When they arrived, the male and female perpetrator separately made excuses to leave, leaving the victim with an old Chinese man
  - The pair claimed the Chinese man was their business partner, but it was later reported that they had sold the victim to the man for 25,000 Yuan
  - When the perpetrators returned to their village, the village chairman called them and asked them what had happened to the victim
  - They repeatedly denied that they had deceived and trafficked the victim. However, when they were told that evidence could be obtained, they admitted their guilt and the village chairman ordered them to pay 170,000 Kyat (170 USD) in compensation

## Annex 3 Article 10: Education

**Women Literacy Rates in WLB Surveyed Ethnic Areas<sup>169</sup>**



**The Hidden Costs of Education in WLB Surveyed Ethnic Areas (Kyat)**

State/ Region	Primary Level		Secondary Level		High school Level		Areas Surveyed
	Minimum Kyat	Maximum U\$	Minimum Kyat	Maximum U\$	Minimum Kyat	Maximum U\$	
<b>Karenni/ Kayah State</b>	60,000	52.17	400,000	347.83	700,000	608.70	9 villages in 3 townships: Demawso, Loikaw & Pin Laung
<b>Rakhaing State</b>	700,000	608.70	900,000	782.61	1,500,000	1,304.35	9 villages in 6 townships: Ann, Kyauk Phru, Myabon, Minbya, Pauk Taw, Sittwe
<b>Sagaing Region</b>	30,000	26.09	300,000	260.87	1,000,000	869.57	11 wards in Homalin & 5 villages in Leshi, and 5 wards in Hkhamti

<b>Shan State</b>	50,000	43.48	100,000	87.0	50,000	43.48	1,000,000	869.57	200,000	173.91	2,000,000	1,739.13	9 villages in Phe Khon Township, Southern Shan State; 5 villages in Mong Lon & Mong Ngwt, Northern Shan State; 6 villages in Keng Tung and Tachilek in Eastern Shan State
<b>Tanintharyi Region</b>	50,000	43.48	600,000	521.7	120,000	104.35	1,000,000	869.57	1,000,000	869.57	2,500,000	2,173.91	18 villages in 3 townships: Laung Lon, Dawei & Tha Yet Chaung

### School attendance for persons aged five and over living in conventional households- Union Wide

	Total (5 years and above)	Age Groups in years				
		5-9	10-13	14-15	16-20	21 and above
<b>UNION</b>	<b>43,517,147</b>	<b>4,724,561</b>	<b>3,907,608</b>	<b>1,850,492</b>	<b>4,313,615</b>	<b>28,720,871</b>
<b>Never Attended</b>	5,605,333	20.3%	4.5%	5.3%	6.7%	14.2%
<b>Previously Attended</b>	29,450,337	8.5%	19.3%	44.2%	71.5%	84.9%
<b>Currently Attending</b>	8,461,477	71.2%	76.2%	50.5%	21.8%	0.9%

### Drop-out rate and Literacy rate in WLB Surveyed Ethnic Areas

State / Region	Drop -out rate		Literacy rate
	Primary to Secondary	Secondary to High school	
Karenni/ Kayah State	18%	83%	40%
Rakhaing State	27%	62%	18%
Sagaing Region	10%	37%	23%
Shan State	20%	85%	25%
Tanintharyi Region	68%	37%	27%

*Note: Average income of household in ethnic areas is less than \$100 per month.*

## Annex 4 Article 12: Health

**The Cost of Childbirth in WLB Surveyed Ethnic Areas<sup>170</sup>**

State/ Region	Government hospital												Areas Surveyed
	At home by Traditional Birth Attendant				Natural Birth				C-Section				
	Minimum		Maximum		Minimum		Maximum		Minimum		Maximum		
Kyat	U\$	Kyat	U\$	Kyat	U\$	Kyat	U\$	Kyat	U\$	Kyat	U\$	Kyat	U\$
Karenni/ Kayah State	50,000	43.48	70,000	60.86	200,000	173.91	300,000	260.87	300,000	260.87	450,000	390.29	Karenni/ Kayah State: Survey in 11 villages in Demawso, Loikaw and Pruso Township
Shan State	20,000	17.39	30,000	26.09	100,000	87.0	300,000	260.87	200,000	173.91	400,000	347.83	Shan State: Survey in Nam Hsan, Man Tong, Nam Kham, Kyaunkme & Lashio, Northern Shan State
Rakhaing State	30,000	26.09	50,000	43.48	150,000	13.4	180,000	156.11	350,000	303.56	700,000	608.7	Rakhaing State: Survey in 9 areas in 6 townships in Ann, Kyauk Phru, Myabon, Minbya, Pauk Taw, Sittwe)
Sagaing Region	55,000	47.7	100,000	87.0	150,000	130.4	300,000	260.87	300,000	260.87	600,000	522.00	Sagaing Region: Survey in 11 wards in Homalin & 7 villages in Leshi, and 5 wards in Hkhamti
Tanintharyi Region	25,000	21.68	60,000	52.2	150,000	130.4	300,000	260.87	250,000	216.83	500,000	434.6	Tanintharyi Region: Survey in 10 villages in Laung Lon Township

## **Annex 5**

### **Article 12: Health - Reports from the Field**

#### **1. Community Health Workers**

##### **Karen State**

In Karen State, there are government sponsored clinics, but these clinics have neither staff nor medicines and are almost always closed. In lieu of accessible health care, villagers have appointed health workers to serve the needs of the community. Although they have not attended any government training or hold state sponsored certifications, these health workers receive training and certifications from other private institutions. However, they are not considered government civil servants, there are a lot of limitations in their work.

*(Source: Karen Women's Organisation)*

##### **Kachin State**

In Kachin State, children and mothers in Internally Displaced Person (IDP) camps suffer from anemia, frequent stomach aches, chronic coughing and malnutrition. Anemia in mothers is common due to frequent pregnancy, and mothers have higher rates of illness due to the added pressures of taking care of the family. Rates of maternal mortality are high.

In lieu of government services, The Kachin Women's Associate in Thailand (KWAT) has a team of community health workers dispatched to the community. These health workers delivered 61 children in 2013, 103 children in 2014 and 119 children in 2015, respectively. During this time, there have been no reports of any casualties from childbirth in the camps in which the KWAT has been attending to births.

*(Source: Kachin Women's Association Network, Thailand)*

#### **2. Government Health System**

##### **IDP/ Refugee camps in Shan State**

In Shan State, government health workers are present but provide untimely service and lack accountability to their patients. Community-based organizations like the Shan Women's Action Network (SWAN) provide basic health education and healthcare to the villagers.

During the fighting between Government army and Shan State Army (North), Government's health workers have not only failed to provide health care service to refugees in Murng Hsu area but have also prohibited SWAN's health workers from providing any service.

In one case the government appointed midwife stationed in Hai Pa village ran away during the fighting. She came back to the village only after the fighting



stopped. Then she took all the medicines that people donated for refugees to the government clinic in the village.

*(Source: Shan Women's Action Network)*

### **Tanintharyi Region**

Most pregnant women do not want give birth in the hospital because of difficulties in transportation and high cost. They are also often mistreated and disrespected by health workers at the hospitals.

Ma Tin Su, a government health worker and village tract hospital administrator based in Tha-yet-chaung Township, Tavoy/Dawei District, Tanintharyi region was responsible for ten villages and always told people under her care to give birth at the hospital in the township.

Believing in the health worker's words, a pregnant lady from one of the villages prepared to give birth in the hospital. One day she started having contractions. As she had experienced an earlier false alarm, she thought it was just like last time and did not say anything to her people who are taking care of her until the baby head started to appear passed her cervix. Because of emergency, the people became so worried and called a local auxiliary midwife, Ma Myint Kyu, for the delivery. Ma Myint Kyu delivered the baby, and continued to take good care of the mother and the baby three more days.

On the third day, Ma Myint Kyu received a summon telling her that the village tract hospital administrator, Ma Tin Su reported her for delivering a baby without a license. The new mother has since been treated badly at the village hospital by Ma Tin Su for not calling her for the delivery since.

*(Source: Tavoyan Women's Union)*

### **Sagaing Region**

Due to hospital inaccessibility, 90% of married women from Homalin and Leshi townships, in the upper part of Sagaing Region did not give birth in the hospital. They gave birth with community midwives and did not receive any stitches for tears.

Consequently, many of them have suffered complications. With little health education available, many people are not aware that they are suffering from these conditions until informed.

*(Source: the Kuki Women's Human Rights Organisation. Information is based on the organization's survey in 11 wards in Homalin, and 5 villages in Leshi from November 2015 to February 2016)*

### 3. Awareness of Reproductive Health

#### 2015 Survey by Adolescent Reproductive Health Zone (ARHZ)

**Survey areas:** Mong Hsu, LaiKha, and Keng Tong, Mong Phyat, Mong Pyin and Tachilek Townships in Shan State + Demawso, Loikaw, Pruso Townships in Karenni/ Kayah State

**Ethnicity:** Lahu, Ahka, Wa, Shan, Karenni/Kayah and Kachin

**Number of respondents:** 300 respondents

**Age range:** 14 to 30 years old

**Findings:** **10 %** Have a basic understanding about reproductive health

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**20%** Are aware of the concept of family planning & how it applied to their lives

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**10%** Know how to protect themselves from STDs and STIs

---

**less than 10%** Know how to handle an unexpected pregnancy

---

**10%** Know how and where to get service and information of reproductive health

---

**20%.** Understanding HIV/AIDS

---

**30%** Know where to go and what to do if they are at risk of reproductive health complications

**Attitudes:** Most adolescents see reproductive health as a concern only for married people

*Note: ARHZ is a youth network formed in 2006 with 6 organizations including MAP Foundation & Shan Youth Power*

## **Annex 6**

### **Article 14: Rural Women**

#### **Drug Problems**

Drugs are a very serious problem in Burma due to lack of government action. WLB sees this as a deliberate strategy to weaken and eventually wipe out ethnic people across Burma. Production of opium, heroin and different varieties of methamphetamines are increasing and illicit drugs are easily accessible and cheap.

#### **Military involvement**

- Local militias rely on the profits from the production and selling of drugs of to finance their operations. Government turns a blind eyes to the local ethnic militias' serious involvement in drug productions and trade.
- Government military officials in the area are in the pocket of the drug lords, taking bribes in exchange for protection. Consequently high ranking drug lords are never arrested, only low level drug traffickers.

*Source: Lahu Women's organization (LWO)*

#### **Impact on women**

- Women and children carry much of the burden of the impact of illicit drugs as men are most likely to be drug users in the community.
- Due to their husband's drug use, married women of drug users are commonly left with all the burdens of raising a family, including income generation, household work and childcare;
  - o In the family of drug addicted, there are increased rates of violence and instability and increased hardship for the family as they tend to become impoverished, with husbands stealing women's earnings as money for drug use.

*Source: Palaung Women's Organization (PWO) and the Shan Women's Action Network (SWAN)*

#### **Influx of Foreign Investors Lead to a Lack of Accountability**

The increase in foreign investment and large scale development/infrastructure projects has led to an influx of foreigners with no ties to the community and little accountability to the local people. This has led to an increase in gender-related violence and an erosion of women's security in these areas.

In Kachin State, in 2011, security guards from Asia World Company (a company with ties to the regime involved in construction of the Myitsone Dam) raped a young girl who was opening a small shop near where the construction was going on for the Myitsone Dam.

In Tavoy/Dawei, a 13 year old girl was raped by a 40 year old man who had come to Tavoy/Dawei for investment projects. The man raped her after visiting her house often before the incident, grooming her with snacks, beauty products and pocket money.

It is also not uncommon for men working on these projects to "trick" a woman into living with them outside of wedlock, promising marriage and support- only to leave at the end of the project.

In one such instance, three construction workers from Thailand working on road construction as part of the special economic zone in Thabyuchaung village, Tavoy/Dawei Township lived with a single woman, a widow and a divorced woman respectively, promising to marry and take care of them. They left at the end of the project. One of the women was left behind with a child and no means of support.

*Source: Tavoyan Women's Union (TWU), and Kachin Women's Association, Thailand (KWAT)*

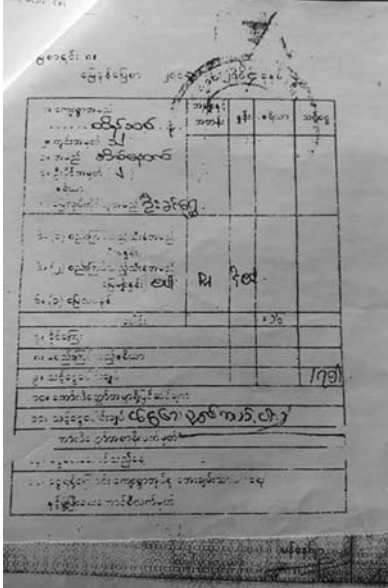
## Land Ownership Rights

In rural areas and across Burma, it is extremely rare for women's names to appear on official land title documents. Among the 60 women interviewed by the Tavoyan Women's Union (TWU), only two women have their name on the land title.

One example is a widow, Daw Mya Yee whose husband passed away 15 years ago. She has been working on the land and trying to apply for land ownership at the Department of Land Registry. Up to this date her application has been refused and the registration still states that her husband U Khin Shwe is the owner as shown in the picture.

Lack of control of land impacts women's access to rights including financial and material security, and significantly obstructs access to financial assets, including credit and savings.

*Source: Tavoyan Women's Union*



## No Women's Voices in Rural Development Planning

In March 2016, KWHRO conducted a survey amongst women in their catchment area on the benefit of rural development in their lives. Generally the development projects in their area benefit villagers, but women are not able to play the active role nor have space to raise their concerns.

The example can be seen in recent consultations for a planned Community Driven Development (CDD) program to be implemented in five townships of Sagaing Region by UNDP from 2016-2020. The two women who attended the first meeting to discuss the implementation of this program were not invited by the men to join the conversation. They had to listen to the conversation from the kitchen. As of the UNDP's requirement, these two women were selected to serve in the village committee.

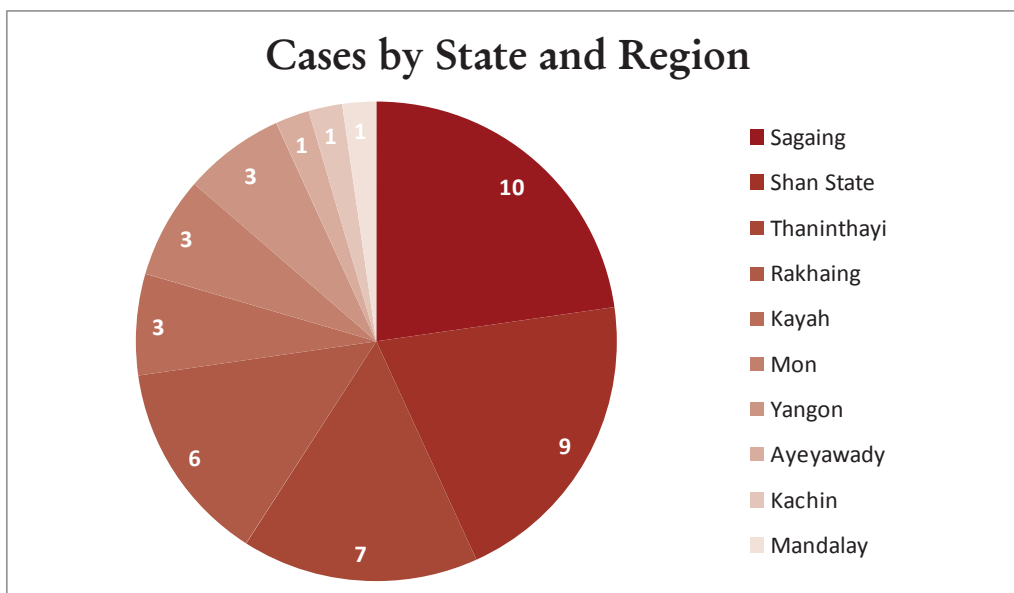
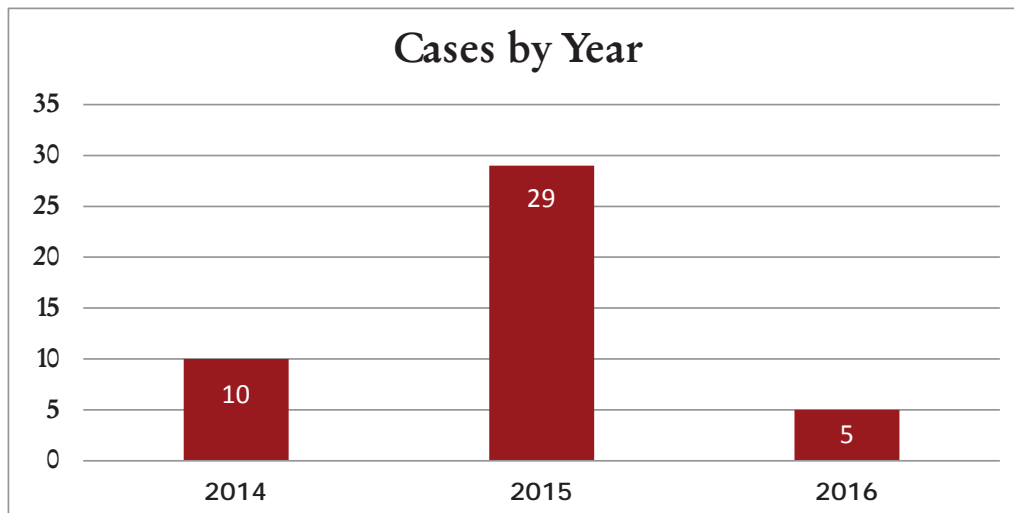
*Source: Kuki Women's Human Rights Organisation (KWHRO)*

## Annex 7

### GR 19: Sexual Violence Cases by Non-State Actors

Reported to WLB members and Women Against Violence Team  
(2014- April 2016) - Summary

Number of cases:	<b>44</b>
Number of victims:	<b>53</b>
Number of cases involving minors (girls younger than 18):	<b>18</b>
Number of cases involving woman with a disability/mental illness:	<b>5</b>
Number of cases leading to death:	<b>5</b>



## Annex 8 GR 19: Sexual Violence Cases by Non-State Actors

### Reported to WLB members and Women Against Violence Team (2014 - April 2016) - Detailed cases

Case No.	No. of Women/Girls	Date	Age	Location	Perpetrator Details	Incident Details	Type	Legal Action/Community Action/Monetary Compensation	Link
1	1	10-Apr-14	Unknown	Takyattaw village, Laung Lon Township, Dawei	A man from her village	Woman was raped. She informed TWU 5 months after the incident	Rape	No action. The village administrator, police and the relatives of the perpetrator sued her back.	TWU
2	1	2-May-14	32	A village in Ramree Town, Kyauk Phru Township, Rakhaing State	Four men from construction site	Four men raped a dumb woman (who can't speak)	Rape	All 4 perpetrators were arrested. Out of 4, one committed suicide in the jail. All perpetrators were found guilty and sentenced to 7 years' imprisonment under Penal Code.376 in Kyauk Phru on 9 November, 2014.	RWU
3	2	1-Jun-14	Unknown	Kyaung Gong Village (Ayeyarwaddy Region)	2 men: her neighbour and house owner	2 sisters have no relatives and are surviving on their own. They were abused by 2 men. One sister was mentally ill and died after the incident. The house owner came to the funeral and destroyed the ceremony and asked her to leave his house.	Attempted rape	A complaint was made to NLD local quarter level and case was solved.	BWU
4	1	4-Jun-14	11	Kalein-Aung Sub-Township, Ye Byu Township, Tanintharyi Region	Raped and murdered by unknown	The child did not get back home from school on the evening of 4 June 2014. Then the child was found dead in a hole with her school bag, umbrella, and shoes beside	Murder	Police from Kalein-Aung Village investigated but did not find the culprit	WCRP

5	1	1-Aug-14	11	Aung Tha Pye village, Demawso, Karenni/ Kayah State	Her teacher's husband	her. Her shirt was ripped off and her head smashed by a stone. 11 year old girl was raped by her teacher's husband at her teacher's house while she was taking a special evening class. On that evening, the teacher asked all the children to study, and went out. Then, the husband asked all the children except the girl buy snacks. When all the children left, he took the girl to the room, put his fingers inside the girl and raped her.	Rape	The girl's mother informed the incident to the police but the perpetrator was hiding in the military camp where his brother-in-law was stationed. The police were not allowed to go into the military camp to find the culprit.	KNWO
6	1	1-Oct-14	Under 18	Shwe Pyithar Township, Yangon/ Rangoon Region	Her boyfriend	The couple was living together in an apartment. When she got pregnant, her boyfriend told her to have abortion and later he disappeared.	Cheating to have sex	First, the girl made a complaint to the local Myanmar Women's Affairs Federation, who talked to the man's parents. They wanted to give her compensation of 500,000 Kyat . She refused to accept the compensation because she only wanted the man to take the responsibility. She has sued the man, and now the case is in progress at the Court in North Shwepyithar Township, Yangon Region	BWU
7	1	2014	21	Ward No. 7, Aye Thar Ya, Taunggyi, Southern Shan State	Her boyfriend	She was tricked to have sex with a promise to get married from 2014	Cheating to have sex	She informed this to SWAN in May 2015. But she still didn't know what to do or whether she wants to press the charges against her boyfriend.	SWAN
8	1	6 Nov 2014	17	Shwe Phyu Guest House, Meikthilar, Mandalay	Her employer	She was raped and the perpetrator promised he would marry her. She stayed with him for 3 months. When	Rape and cheating to live together	First, the survival made a complaint to local Myanmar Women's Affairs Federation, but they told her that they did	SWAN

9	1	1-Dec-14	11	Region	Paing Nae Taw village, Laung Lon Township, Tanintharyi Region	A cousin's husband	she became pregnant, he drugged her, causing her unborn child to be aborted without her consent. Afterward, he told her to go home, promising he would marry her within 2 months. However he never came, and called to tell her he could not marry her as he was already married. He promised that he would pay her 40 Million Kyat compensation, however did not follow what he promised.	Woman was raped by her cousin's husband	Rape	The perpetrator was sentenced to 10 years of imprisonment for rape, and also got another 3 years' imprisonment for raping a school girl	not handle such cases. So she informed Chan Mae Tharzi police station. A Shan MP also helped her to contact the Shan Minister in Mandalay. On 21 May 2015, the compensation for sexual assault was settled only with the amount of 6.5 million Kyat in Mandalay. She was forced to accept it because she was beaten up by the man's father-in-law's family and needed money to sue them at Muse Court. (Details in barriers for justice in ANNEX 6)	TWU
10	1	5-Jan-15	20	Kyauk Pone Village, Laung Lon Township, Dawei, Tanintharyi Region	A man from the village	Mentally ill woman was raped several times by a man in the village.	Rape	Rape	The parents found out and informed the police. The police officer tried to negotiate with 1 million Kyat for compensation but the parents asked for 3 Million Kyat. The parents did not get 3 Million and did not feel satisfied with the police officer's decision. The parents continued the case at the court to charge him. But the perpetrator ran away from the village. The police have issued a warrant, and the Dawei Lawyer group is helping with the case.	The parents found out and informed the police. The police officer tried to negotiate with 1 million Kyat for compensation but the parents asked for 3 Million Kyat. The parents did not get 3 Million and did not feel satisfied with the police officer's decision. The parents continued the case at the court to charge him. But the perpetrator ran away from the village. The police have issued a warrant, and the Dawei Lawyer group is helping with the case.	TWU	
11	1	25-Jan-15	Unknown	Shwepyithar Township, Yangon/Rangoon	Her neighbour	Attempted rape	Attempted rape	Attempted rape	A complaint was made to the elder/community leader and to the police station in Insein Township. The case is now going in progress	A complaint was made to the elder/community leader and to the police station in Insein Township. The case is now going in progress	BWU	



12	1	1-Jan-15	18	Wet Yu village, Ta Mu Township, Sagaing Region	A man in the village	A mentally ill woman was raped	Rape	The incident was informed to the village chair person, and she received 300,000 Kyat as a compensation.	KWHRO
13	1	1-Feb-15	10	Htoe Mar village, Kalay Township, Sagaing Region	The aunt's husband	First she was sexual harassed and finally raped by her aunt's husband at their house.	Rape	The girl's aunt pressed charges against the man in court, and he was punished.	WRWAB
14	3	7-Apr-15	52, 15 and 13	Own Ta Bin quarter, Sittwe, Rakhaing State	A Karate trainer/ man from the same quarter	Attempted to rape 2 girls. Then he threatened the grandmother with a knife and raped her.	Attempted rape	A court case was opened in Sittwe. In May 2016, the court sentenced the man to 5 years in prison. RWU feels that the punishment was not severe enough, so they are planning to try again at the District level court.	RWU
15	1	3 May 2015	22	Tee Village, Lai Kha Township, Southern Shan State	A villager	She was on the way to the farm when she was robbed and raped by a man. She was so shocked and ashamed that she tried to commit suicide in the stream. The villagers found her and brought her back to the village. Too traumatized to tell who the perpetrator was.	Rape and robbery	The parent informed the local Militia No. 758. The militia asked questions to all 53 males in the village, but didn't find out.	SWAN
16	1	18-May-15	8	Taung Min Pyaung Village, Laung Lon, Dawei, Tanintharyi Region	The employer of the girl's family	Employer of a girl's family raped their 8 year old daughter	Rape	The girl's family informed TWU and then TWU helped open the case in the Maung Ma Kan's Police Station under Penal Code 376. First, the man tried to settle the case by giving 200,000 Kyat to the girl's family through the assistant to the head of village but her mother refused to accept the compensation. Now the	TWU

17	4	1-Jun-15	31, 22, 19, 17	Quarter No. 15, Ba Yint Naung, Yout Chaung Village, Mrauk Oo, Rakhaing State	Top restaurant owner	The restaurant owner recruited workers to work at his restaurant. When the women started to work, he forced them to sign to work there 3 months. They were then forced to do sex entertainment at KTV shop in Kyauk Phru Township. But after 3 months, the restaurant owner kept their ID cards, and did not pay their salaries to keep them from escaping.	Forced labour	The women escaped and informed to the Kyauk Phru's Police Station. RWU members went to safe them and made an arrangement for them to go back home safely.	RWU
18	2	1-Jun-15	12 year old daughter and her mother	Aung Minglar Village, Kalay Township, Sagaing Region	The girl's step father	A man wanted to have sex with his wife's daughter but the wife did not allow it. The husband sometimes hurt the wife with the tip of a knife and sometimes hit her head against the house floor etc. During the latest attack, she got injured in the head and was hospitalised.	Domestic Violence	The wife informed the village administrator but no one took action against him. At last, she could not stand the violence anymore and left her husband to save herself.	WRWAB
19	1	1-Jul-15	22	Jone Lang Village, Ye Township, Mon State	A man	A deaf girl was raped by a man on the farm. She had been raped twice before this incident when she was 16.	Rape	The parents informed the case to the village administrator, but no action was taken.	WCRP

20	1	1-Jul-15	45	Insein, Pauk Taw, Yangon/Rangoon	Her husband	One was a military man and another was her brother's employer. A woman was beaten & often threatened by her husband. Finally she could not stand it anymore and entered into the nunhood. Even though she became a nun, the husband kept calling and threatening her. She wanted to deal with the case in court but the husband kept threatening her on the phone. So she stopped to the case, left the nunhood and went away to another place trying to survive by herself.	Domestic Violence	The woman informed WRWAB and to Legal Aid Network but finally she withdrew the case.	WRWAB
21	1	2-Jul-15	18	Naung Pin Seik Village, Laung Lon Township, Dawei, Tanintharyi Region	A deserter	A domestic worker was raped and killed in the house where she was working while the man's parents went out. A stick was found inside her.	Rape and Murder	He was sentenced 7 years imprisonment for murder.	TWU
22	1	6-Jul-15	17	Bal Do Village, Mudon Township, Mon State	Her uncle	Girl was raped by her uncle, and forced her to have an abortion when she got pregnant	Rape	The case was reported to the village administrator and he ordered the perpetrator to pay 1.3 Million Kyat compensation to her. He paid 1.3 Million Kyat to her, and the case was settled.	WCRP
23	1	4-Jul-15	12	Aung Tha Pye village, Demawso Township, Karenni/Kayah State	A male relative	A male relative raped a 12 year old girl. By the time her father found out, it had already happened 4 times. The man paid 100 Kyat per time and on the other hand threatened the girl to keep silent	Rape	The case was informed to the police and the man was sued. The court made a decision as attempted rape, but not a rape case. The court decided only 5 years of jail term for the perpetrator. The decision made on 29 September 2015.	KNWO

24	1	1-Aug-15	21	A Quarter in Sittwe Township, Rakhaing State	Army Captain and his wife, who were also the house owner	A woman from Upper Burma came to work in Sittwe as a house keeper at the house of the Army Captain. She did not get any salary. The couple forced her to work much harder than she could.	Forced labour	She escaped from the house, and people in the street informed RWU. RWU rescued her and arranged her to go back to her home safely.	RWU
25	1	24-Aug-15	19	Mae Phone Long Village, Tachileik Township, Eastern Shan State	Her boyfriend	The man left her after he found out that the woman got pregnant.	Cheating to have sex	The woman informed the man's parents, but there was no action	LWO
26	1	1-Oct-15	23	Laung Lon Township, Dawei, Tanintharyi Region	Her boyfriend	Man refused to marry his wife and left her when he found out the woman was 2 months' pregnant. The quarter administrator called the man to sign the marriage paper. After 1 month, he left her again. Now the woman is 5 months' pregnant.	Cheating to have sex	The woman informed TWU and TWU has referred the case to the lawyer and is preparing the summons.	TWU
27	1	7-Nov-15	50	Kung Taung, Ta Mu Township, Sagaing Region	4 unknown men from another village	4 men from outside the town raped her whilst visiting to find a job. She was killed after she was raped.	Gang Rape and Murder	Case was informed to Tamu court and still going on with trial	KWHRO
28	2	12-Nov-15	26	Man Li, Ta Mu Township, Sagaing Region	Mentally ill brother	A man, who is mentally ill, killed his mother and later raped his sister. The girl got pregnant and she moved to another village to be free from the brother. The man was caught by the villagers and the village administrative informed the case to police.	Rape and Murder	Currently he is in Kham Ti Jail and the trail is ongoing	KWHRO

29	1	28-Nov-15	18	At XXX village High School in Putao Township, Kachin State	Male high school teacher	High School teacher raped 18 year old who was living near the school. The School Principal, district level educational officer, head of the school and one of the high school teachers were involved in handling the case and supported the perpetrator not to be punished.	Rape	The perpetrator's side negotiated to pay 4.5 Million Kyat to her family to not report the case. The girl did not accept the offer. The case was reported to the police under Penal Code. 376 for rape. KBC lead the court process, KWAT and United Rights Group, Humanity Institute, Sha-it Social Development Foundation, Shingnip Kachin Legal Aid Network are working together. 3 hearings have been conducted as of March 2016 and the trial continues to progress	KBC, KWAT and local CSOs
30	1	15-Dec-2016	45	Kwat Thit quarter, Mong Phyak Township, Eastern Shan State	Husband	Husband was violent towards the woman and had an affair with another woman.	Domestic Violence	No complaint	LWO
31	1	2009 to 2015	Unknown	Daw Law Khu Village, Pruso Township, Karenni / Kayah State	Her boyfriend	Woman got pregnant with her boyfriend in the year 2009. She informed to the head of village and the head of village encouraged both of them to get married as everyone in the village knew about the pregnancy. He refused to get married and only signed a temporary married paper but he did not live with the woman. The woman asked to a get divorce if he would not live with her as a husband but he did not accept.	Cheating to have sex	Until 2015 the woman is still dealing with the case and on the other hand she is trying to survive without the man's support and responsibility.	KNWO

32	2	1-Dec-15	13 and 15	Kyar Thae Toe Bo Village, Tachileik Township, Eastern Shan State	The step-father	A woman remarried, and her husband (the girl's stepfather) raped the elder daughter many times. After a few years, she ran away as she could not continue to survive. Later, the step father raped the second daughter who was only 13 years old. The mother could not keep silent anymore and told the husband to stop. But he threatened her that he would kill her and would marry to the daughter after killing her.	Rape	The mother informed to the Lahu militia group, and he was arrested by the militia group and put in Tachileik jail. The mother still feels afraid that her husband will come out from the jail one day, kill her and marry her second daughter.	LWO
33	1	1-Dec-15	Unknown	Tazin Quarter, Kalay Township, Sagaing Region	Her male friend	A male friend raped her while going to the village festival	Rape	The woman tried to talk to the man but he refused to take responsibility. She did not inform to the police or village administration	WRWAB
34	1	1-Dec-15	Unknown	Chan Myae Aung Si Quarter, Kalay Township, Sagaing Region	Her boyfriend	A woman had an intimate relationship with a man but he did not want to marry her. He shared private pictures of her on Facebook. The girl felt so ashamed that she wanted to leave her job, but she kept working. The man kept hassling her by posting her pictures on Facebook.	Cheating to have sex, revenge pornography	The woman sued him in court but he ran away to Malaysia and the woman could not continue with the case.	WRWAB
35	1	From 2011 to 2015	33	Chan Myae Aung Si Quarter, Kalay Township, Sagaing Region	Her employer's nephew	Her employer's nephew cheated her to have sex. A man told a girl that he had fallen in love with her and he would get a divorce from his wife. When she got pregnant, the man said it was not his baby and did not accept to	Cheating to have sex	The perpetrator's wife hired a lawyer to take action against the victim, who has no money to hire the lawyer to defend the allegation. The case is ongoing	WRWAB

36	1	During 2015	21	Market Quarter, Ke Si township, Southern Shan State	Moe Han Min Naing, Wan Kan Quarter, Ke Si Township	<p>take responsibility. He paid 50,000 Kyat to her. Now the child has turned 5 years old and the man wants the child. Then the man's wife informed the village administrator that the girl is trying to approach her husband.</p> <p>Male Friend lured her many times to have sex&amp; she was 5 months pregnant when reported The Perpetrator denied his acts and refused to take responsibility for the pregnancy</p>	Cheating to have sex	The incident was reported to on 29 Dec 2015, and now he has been sued at District Court in Ke Si Township. The court case is in progress. She gave birth to a baby	SWAN
37	1	1-Jan-16	32	Naung Pin Thar Quarter, Kalay Township, Sagaing Region	A man from the village	<p>A widowed woman with 3 children was working as many hours as she could to feed her children. Sometimes she came back at very late at night. A man from the same quarter grabbed her and raped her. She tried to escape but without success. The man warned that if she informed to the police, he would kill her. She got pregnant and the man forced her to do an abortion. But the abortion was not successful. The man then gave her 2 pills to eat but she did not know what kind of pills. The neighbour found out and finally they pushed them to get married.</p>	Rape, forced abortion	The community forced them to get married.	WRWAB

38	1	1-Jan-16	26	Nang Aung Maw village, Ta Mu Township, Sagaing Region	The step father	A girl's step father raped the girl and she got pregnant. The mother and the daughter felt ashamed to speak out the incident. Finally the daughter had a baby.	Rape	The daughter ran away from home and got married with her boyfriend.	KWHRO
39	1	21-Jan-16	24	Wan Phai Hanna, Kenglon Village Track, Kali, Kun Hing Township, Southern Shan State	A 40 year old man named Jing Nya	The perpetrator raped a 24 year old dumb woman twice on a Htawlargye (vehicle) around 6 pm	Rape	No action.	SWAN
40	1	15-Feb-16	7	Kan Seik Village, Pauk Taw Township, Rakhaing State	A close male friend of the family	The perpetrator is a close friend of the family who always comes to the house. The girl lives with her grandmother as her parents went to another town to find jobs. On that day, the girl was watching a movie with other children in the village. The perpetrator told the girl to go with him and have food at another wedding ceremony. He raped the girl and sent back to her home at 8:30 pm. Her vagina was bleeding. RWU members in Sittwe took the girl to have a medical check-up at the village clinic on the same night. And on the next day, she was sent to Pauk Taw Township hospital to get medical treatment. Her health situation is getting worse and she was transferred to Sittwe Township hospital.	Rape	RWU is now pressing charges against the man in court. The case is in progress.	RWU



41	1	22-Mar-16	4	South of Khaw Zar, Ye Township, Mon State	Raped by 15 year old boy	In the evening, a girl was playing near the shore line and at around 7:00 PM, a boy raped her. Her labia was torn and she was bleeding from the vagina.	Rape	The grandmother of the girl informed the ward administrative and the local police station at 3:00 AM in March 23th, 2016. The police took the case under(P) 7/1016 Penal Code: 376 rape case	WCRP
42	1	24-Mar-16	34	Sittwe Township, Rakhaing State	Her drug addicted husband	A drug addicted husband attacked his wife so badly that she fell down unconscious. While she was unconscious the husband cut her vagina with a knife.	Rape, domestic violence	She was rescued by RWU and sent to the hospital. RWU is planning to press charges against the husband.	
43	1	Early 2016: Daily for a month	8	Aye Tharya, Taunggyi, Southern Shan State	Her 12 year old brother, another mentally ill 12 year old son and a man	A woman named Ma Shin took the girl from school to her house everyday. At home, taught her 12 year old mentally ill son and the girl's brother to rape. Her son-in-law also rape the girl. Now the girl has a bump inside her. They are too poor to get medical treatment.	Rape	They informed it to the local Police and the woman was put into jail for a week and now out. As they had no money and their son also got involved, they would not press the charges.	SWAN
44	1	9 April 2016	24	Honaung Quarter, Lai Kha Township, Southern Shan State	Sai Jin, a male friend and married man with 2 children. He is from Mong Kerng visiting the town	One night, They went to the festival together , and the man raped her in the car on way back. She was too afraid to shout as he had brought a long sword in his car. Felt so ashamed that the woman went hiding in Mong Kerng. The parents had to find her and brought her back home after 3 days of incident.	Rape	The case was brought to the village administration Office. He admitted and agreed to pay 10 million Kyat compensation to the woman on 21 April 2016. However, up to date, he gave only 600,000K to the family. So the family is planning to sue him at the court.	SWAN

## Sexual Violence Cases Committed by Burma's Military in Non-conflict Areas (2010 – 2015)

Number of cases: **2**

Number of cases involving minors (girls younger than 18): **2**

Number of rapes leading to death: **2**

Number of cases receiving some form of compensation: **2**

Number of cases tried in civilian court: **2**

Case No.	No. of women/girls	Date	Age	Village of origin, tract, township	Troop/perpetrator details	Details	Legal Action	Reported by
1.	1	22 Sep 2015	8	Sittwe, Rakhaing State	Lance Corporal Nay Win Aung from Light Infantry Battalion 354	A young girl was raped a soldier. The incident occurred whilst the father was out buying things and the girl was home alone. The perpetrator was an army man and close friend who came to the house often. The father came back and found the girl crying. He reported it to the quarter's management officer. The officer then reported it to the police station who arrested the man. The girl was sent to the Sittwe hospital for medical treatment. The girl died after she was transferred to	The perpetrator was brought back to the Battalion by the Commander was initially only for disobeying army rules, with the military court sentencing him to 1 year in jail. Following community outcry, RWU successfully brought him to the civil court for appropriate punishment. The perpetrator who raped was punished under act of 376/377/511 for 10 years sentence in civilian court, in addition to the 1 year's punishment he received from military court for abandonment of a duty without permission. The decision was made in March 10th, 2016 in Sittwe court.	RWU

2.	1	15 Nov 2015	5	Sittwe Township, Rakhaing State	Light Infantry Battalion 378	Yangon/Rangoon hospital from Sittwe hospital.	A 5 year old girl in Sittwe was raped by Kyaw Kyaw Moe from Light Infantry Battalion 378 who is a deserter from military. The girl was seriously injured and entered Sittwe hospital for treatment. The perpetrator was arrested and put in Sittwe jail. RWU opened the case seeking justice	RWU and local women's organizations with the support of WLB were again able to push for the trial of the case in the civilian court. This is extremely rare. The 1st trial was on 23rd of December 2015 and testimony was made to the victim's mother in this trial. The 2nd trial was on 29th December, 2015 and testimony was made to the two witnesses, the girl's father and the grandfather. The perpetrator was sentenced to 10 years jail in civilian court and 5 years punishment from the military court- in total 15 year sentence. The decision made in March 10th, 2015.	RWU	This case of a military man being brought to trial is extremely rare and was a joint effort between WLB and RWU
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## Annex 9

### GR19/33: Barriers to Justice in the Government Judicial System

#### Putao Township, Kachin State

**Date of Incident:** 28th November 2015

**Location:** Schoolteacher's house, Kachin State

**Crime:** A 17 year old girl was violently raped by her teacher with another teacher present. It was witnessed by one of the girl's friends

**Barriers to justice:** Intimidation, threats, perpetrator does not show up, cost of attending 6 hearings, language

- 28th November 2015: Incident occurred
- 29th November 2015 (morning): The district level educational officer offered a contract for compensation of 4,500,000 Kyat that did not specify rape. Her father was ashamed so signed quickly, against the will of his daughter, who wanted the man to get punished.
- December 3, 2015: Additional evidence had out that another male teacher was present during the rape. Supporters of the survivor tried to re-open a case at the local police station. The police refused to take action as the contract was signed.
- Kachin Baptist Church (KBC) case follow up person went to the school to try to re-open the case. The head of the school also said that the case was finished as the contract was signed. They also threatened that children from KBC would not be accepted to the school next year
- The case was eventually taken to court and the case is in progress at the time of the writing of this report (26 May 2016)
- The survivor is now facing the challenge of time and money to get to the trial's 6 separate hearings, and the problem of language- she only speaks the local Kachin (Rawang) language and needs a translator.
- The outcome of the case is yet to be decided. In total there is expected to be 15 separate hearings.

*Source: Kachin Women's Association, Thailand (KWAT)*

#### Mu Se Township, Northern Shan State

**Date of Incident:** 6th of November, 2014

**Location:** Perpetrator's house, Mu Se Township, Northern Shan State

**Crime:** A Chinese businessman brutally attacked a 17 year old Shan girl, who was previously sexually assaulted by his son-in-law (her employer), then filed a lawsuit against her when she tried to press charges.

**Barriers to Justice:** Intimidation, threats, cost of attending over 30 court appointments, language, corruption allowing the survivor to be "counter-sued"

- 6th of November, 2014: The initial incident- sexual assault- occurred. Afterwards, the perpetrator promised he would marry the survivor. She stayed with him for 3 months.
- When the survivor became pregnant, he drugged her, causing her unborn child to be aborted without her consent. Afterward, he told her to go home, promising he would marry her within 2 months. However he never came, and called to tell her he was already married. He promised that he would pay her 40,000,000 Kyat (Approximately \$33,000 USD) compensation, however never followed up.
- Early May, 2015: The girl filed a lawsuit against him. While the case was pending, the girl was contacted by the perpetrator's father in law, a powerful Chinese businessman, to come to his family house in Muse and discuss the settlement.
- 7 pm on 7 May 2015: Survivor arrived at the house at and the businessman and his entire family brutally beat the girl, stripping her of her clothing. She managed to escape with no clothes on. With the help of local administer and Police, she filed an incident report at the policy station in Muse.
- 8 May 2015, The Muse judge, accepted the case and the accused were charged under Penal Codes 427 and 323.
- Since then, there have been more than 40 court appointments regarding the case. The survivor struggled with the legal costs and costs of attending. The perpetrator has threatened her lawyers as such now had 3 different lawyers. The Police officer responsible for the assault case never appeared in court. There has been no examination of the attackers.
- On 14 Mar 2016, the court sent a summons to the young woman, informing her that she is being counter-sued by the perpetrators, and faces charges under Penal Codes: 447 & 427. The case was accepted by the same judge

*Source: Shan Women's Action Network (SWAN)*

## **Tavoy/Dawei Township, Tanintharyi Region**

**Date of Incident:** May 18, 2015

**Location:** Taungminbyaung Village, Laung Lon Township, Tavoy/Dawei District.

**Crime:** 9 year old girl from Dawei was raped by 50 year old man who offered her a lift home on his motorcycle

**Witnesses:** 3 women

**Barriers to Justice:** unreliability of the justice system (court closed when plaintiffs arrived, told to come back another day), witnesses dare not testify due to threats, travel costs

- The first court appointment was postponed from February 19, 2016 to February 22, 2016. Then, the next court appointment was postponed from March 7, 2016 to March 22, 2016. The plaintiffs were not informed until they arrived at the court.
- The family of the girl make their living by fishing and are very poor. Their livelihood is depended on the daily earnings and

the father is a TB positive. The distance between their village and Laung Lon Township court is about 20 miles and it costs 10,000 Kyat for them to rent a motorbike.

- With the cost for motorbike rental and the fact that the court keeps postponing the appointment make it very difficult for the girl family to go to the court. Witnesses also do not want to go to the court because they are afraid and they also have to leave their job for the day.
- TWU is supporting the family's costs, which would otherwise prove prohibitive.

*Source: Tavoyan Women's Union (TWU)*

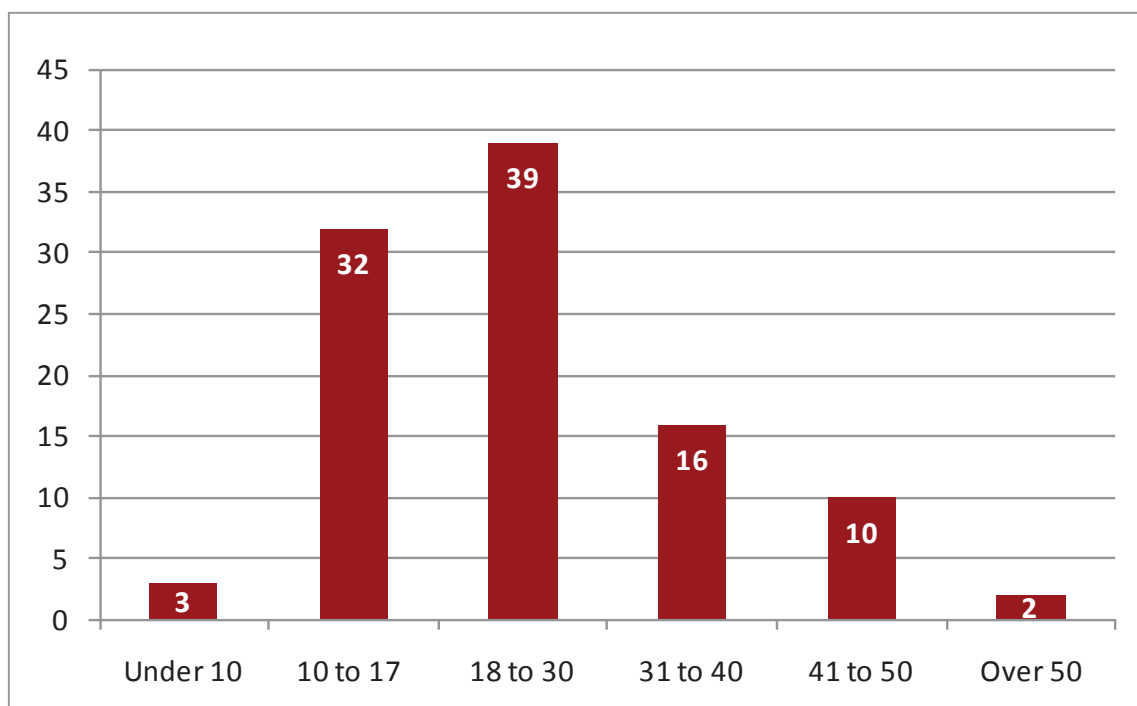
## **Annex 10**

### **GR 30: Conflict Related Sexual Violence**

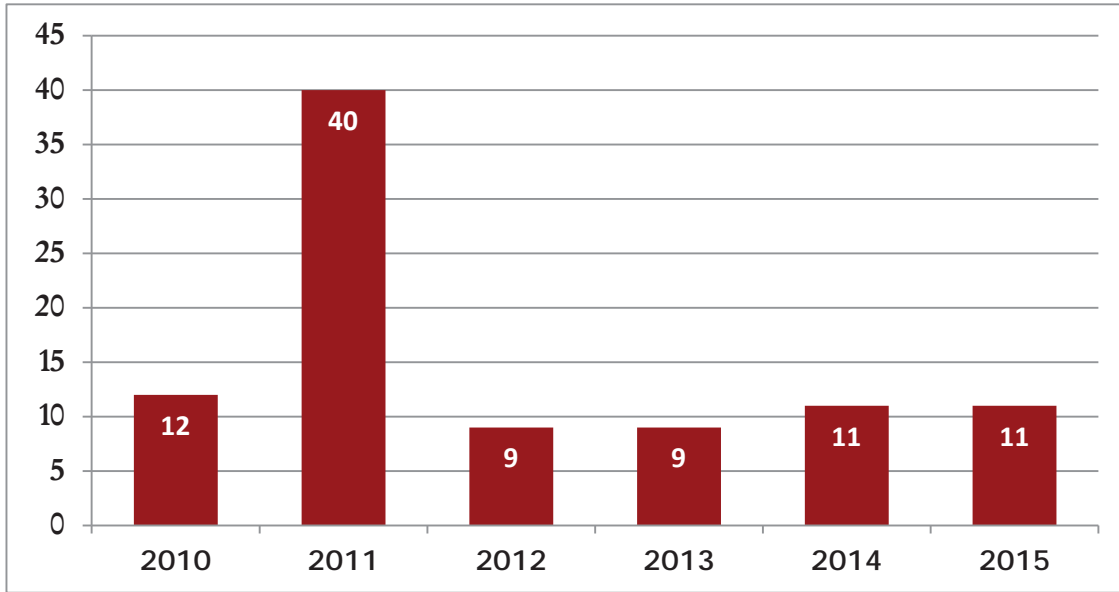
**(2010 to 2015) Summary**

Number of cases:	<b>92</b>
Number of victims:	<b>123</b>
Number of cases involving minors (girls younger than 18):	<b>41</b>
Number of rapes leading to death:	<b>24</b>
Number of cases receiving some form of compensation:	<b>11</b>
Number of cases tried in civilian court:	<b>2</b>

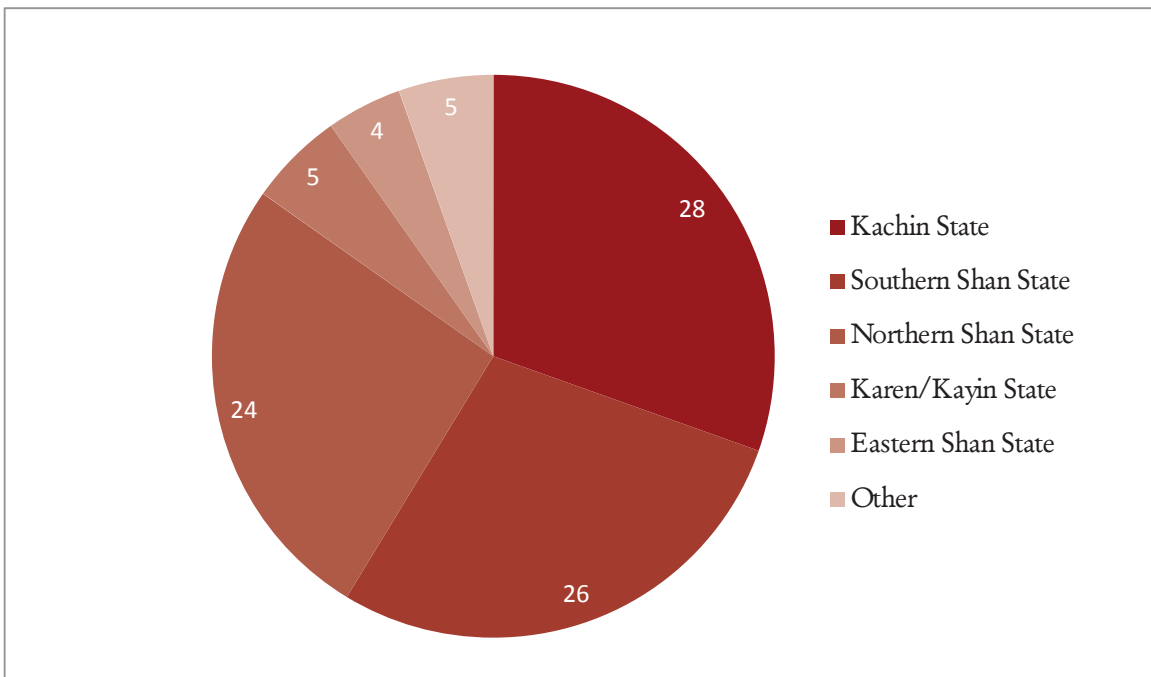
**Number of Women Attacked by Age Range**



## Number of Reports per Year



## Case Reports from Each Region/State





## Annex II

### GR30: Conflict Related Sexual Violence

#### (2010 to 2015) Detailed Cases

Case No.	No. of Women/Girls	Date	Age	Location	Perpetrator Details	Incident Details	Legal Action/Monetary Compensation	Link
1	1	24-Apr-10	13	Mong Yai, Northern Shan State	4 ex-soldiers from Infantry Battalion (67)	Gang-raped and beaten to death while tending buffalo	N/A	SWAN
2	1	27-May-10	20	W—village, Lu Plat, Pa Aan Township District, Karen State	A soldier from point- 962, Jay Pyaw Kone, Burma Military Basement	Raped while collecting charcoal in the forest. Soldier threatened her with his gun, then pushed her on the ground and raped her. Threatened to kill the girl and her family if she told anyone	N/A	KWO
3	1	15-Jul-10	Unknown	Kawng Yaa village, Naa Khaan tract, Mong Nai Township, Southern Shan State	Burma Army soldier from Light Infantry Battalion (574)	The soldier threatened with gun and forced victim into her bedroom where he raped her.	N/A	SWAN
4	1	24-Jul-10	30	Na Yarng village, Mong Yai, Northern Shan State	Soldier from Burma Army Infantry Battalion (524)	Raped while at home alone.	N/A	SWAN
5	1	07-Aug-10	17	Koong Yao Village, Mong Nai Township, Southern Shan State	Light Infantry Battalion (569)	She was raped while two other villagers were tortured. One had his ear cut off with a knife and another one was killed.	N/A	SWAN
6	1	16-Oct-10	16	Na Karn, Mong Nai Township, Southern Shan State	Officer from Light Infantry Battalion (248)	Raped while alone in her house. Afterwards she fled because the news of the rape spread and she was afraid of punishment.	N/A	SWAN
7	1	06-Nov-10	25	Wan Na New, Wiang Gao-Mong Nawng Tract, Ke Si Township, Southern Shan State	Captain of Burma Army Mone Nawng, led by Major Win Zaw Latt, Burma Army Infantry Battalion (277)	Disabled woman raped by army captain. He pushed her down, covered her mouth to stop her from shouting, and tied her hands and legs. He tied her hair to a pole in hut, took off her clothes, and raped her.	N/A	SWAN

8	1	20-Nov-10	Unknown	Wan Huay Sim, Nong Long Tract, Larng Khur Township, Southern Shan State	Captain of Burma Army Light Infantry Battalion (578)	Killed her parents in her home, took her into a field, and raped her.	N/A	SWAN
9	1	01-Nov-10	15	W—village, Lu Thaw Township, Mu Traw District, Karen State	Former army officer Kyaw Thu Naing, head master of Wan Pang New High School	Raped while harvesting chilies. A soldier from the Burma Army, carrying both a knife and gun, raped her and threatened that if she screamed he would put the bayonet in her mouth.	N/A	KWO
10	1	09-Dec-10	15	Wan Pang New, Hsipaw Township, Northern Shan State	Former army officer Kyaw Thu Naing, head master of Wan Pang New High School	Raped at school after other students had gone home.	N/A	SWAN
11	1	14-Dec-10	17	Wan Koong Pao Village, Ham Ngai Tract, Mong Kerg Township, Southern Shan State	4 soldiers of Burma Army Nong Ngu base in Mong Kerg	Gang-raped, and husband shot dead. Raped repeatedly for 2 nights	N/A	SWAN
12	1	22-Dec-10	Between 20 to 30	Waw Lay village, Kawkareik Township, Doooplaya District, Karen State		Body of a woman was found naked. Raped before killed.	N/A	KHRG
13	2	01-Nov-11	Unknown	Kawkareik Township, Doooplaya District, Karen State	Burma Army Commander Officer Light Infantry Battalion (202) based in Waw Lay	A 17 year old former child soldier in the Burma Army Light Infantry Battalion (202) based in Waw Lay reported that “3 soldiers who followed an officer came back and told me that two girls were raped. After they raped her, the girl who was raped by the officer was killed. Her head was cut off. Another girl who was raped by them was killed like this. They stabbed her with knife”.	N/A	KHRG
14	2	21-Mar-11	30, 34	Nam Lao Village, Mong Gao Tract, Tang Yan Township, Northern Shan State	Soldiers from Light Infantry Battalion (291) based at Nam Pong (local commander Major	Two women were gang-raped, and one of them died.	N/A	SWAN

15	1	22 Mar, 2011	Unknown	Wan Pa Tab Village, Parng Jae Tract, Ke Si Township, Southern Shan State	Hla Noe) and Infantry Battalion 33 from Mong Gao, Tang Yan Township	Soldiers from Light Infantry Battalion (131) based in Nam Pook, Wan Wa tract, Kesi township	Soldiers raped two women from Wan Pa Tab village (reported by women to community leaders, details unknown)	N/A	SWAN
16	1	23-Mar-11	19	Nam Lao Village, Mong Gao Tract, Tang Yan Township, Northern Shan State	Soldier from Light Infantry Battalion (291) Nam Pong base, Infantry Battalion (33), and local militia	Gang-raped by soldiers on the road just after Burma army troops had taken over the SSA-north base in Nam Lao. No one dared to help her.	N/A	SWAN	
17	1	26-Mar-11	25	Wan Bang Hom, Nam Lap Tract, Tang Yan Township, Northern Shan State	Three soldiers from Light Infantry Battalion (147)	Gang raped by soldiers when alone in her house after other villagers had fled to escape the Burma Army	N/A	SWAN	
18	1	10-Apr-11	44	Wan Nawng Tao, Wan Zing Tract, Mong Nawng Sub-Township, Southern Shan State	Light Infantry Battalion (574) Keng Tawng	Soldiers raped her and threatened further harm if she told anyone.	N/A	SWAN	
19	1	01-Apr-11	38	Than Daung Township, Toungoo District, Bago Region	Soldiers from Light Infantry Battalion 336, under MOC # 7	Raped by soldiers	N/A	KHRG	
20	1	02-Jun-11	35	Wan Nar Karng, Mong Nawng Township, Southern Shan State	Burma Army Infantry Battalion 9, based in Loi Hsai(south of Mong Nawng)	Five soldiers stripped naked and gang raped a 35 year old disabled woman who was tending buffaloes south of Wan Loi Zarrng. The troops threatened to kill her if she told anyone. They also threatened other villagers to keep silent.	N/A		
21	2	10-Jun-11 - 14-Jun-11	Between 22-25	Dum Bung Village, Momauk Township, Bhammaw District, Kachin State	Burma Army Battalion (237)	Two women raped by Burma Army soldiers.	N/A	KWAT	

22	3	10-Jun-11 - 14-Jun-11	Between 22-27	Na Lung Village, Momauk Township, Bhamaw District, Kachin State	Burma Army Light Infantry Battalion (141)	Three women raped and killed by Burma Army soldiers.	N/A	KWAT
23	1	14-Jun-11	Over 30	Momauk Township, Bhamaw District, Kachin State	Burma Army Battalion (437)	Woman from Momauk raped by Burma Army soldiers.	N/A	KWAT
24	1	17-Jun-11	9	Mungsi, Kut Kai Township, Northern Shan State	Burma Army soldiers	Girl raped by Burma Army soldiers. She is currently in Kutkai hospital.	N/A	KWAT
25	1	17-Jun-11	25	Daw Hpum Yang, Momauk Township, Bhamaw District, Kachin State	Burma Army Battalion (142)	Woman raped and killed by Burma Army soldiers in front of husband, who was tied up.	N/A	KWAT
26	4	17-Jun-11	Over 40, 18-20	Sin Bo village, Monyin Township, Bhamaw District, Kachin State	Burma Army Battalion (141)	One woman and three girls were raped by Burma Army soldiers. The woman, a mother of four, was found dead after incident.	N/A	KWAT
27	6	18-Jun-11	15 - 45	Dum Bung Village, Momauk Township, Bhamaw District, Kachin State	Burma Army Battalion (437)	Burma Army soldiers killed children, raped girls and women, and abducted men to be forced porters from three households that were unable to flee from Dum Bung Village.	N/A	KWAT
28	1	18-Jun-11	Around 50	Je Sawn Village, Mansi Township, Bhamaw District, Kachin State	Burma Army Battalion (139)	When a girl and her grandmother were returning home, 3 Burma Army soldiers came out from behind the bushes, killed the girl, and raped and killed the grandmother.	N/A	KWAT
29	1	01-Jun-11	14	Hkarung Mu Dan Village, Loi Je Township, Kachin State	Burma Army soldiers	Burma Army soldiers raped and killed girl in front of her parents when the family was fleeing to the Chinese border.	N/A	KWAT
30	1	01-Jun-11	13	Yihku Mamhkan, Mansi Township, Bhamaw District, Kachin State	Burma Army soldiers	Two girls who had fled their village to avoid fighting returned to feed their livestock and were found by Burma Army soldiers. One of the girls escaped but the other was raped and killed.	N/A	KWAT

31	3	01-Jun-11	14, 15	Muse Township, Northern Shan State	Police	When three girls walked in front of the police station, police officers dragged the girls into the station and raped them.	N/A	KWAT
32	4	23-Jun-11	15-17	Between Man Wing and Nam Kham, Northern Shan State	Burma Army soldiers	Soldiers raped and killed four girls in between Man Win and Nam Kham. Several Palaung women witnessed the crime.	N/A	KWAT
33	1	01-Jun-11	35	Man Wing, Bhamaw, Kachin State	Burma Army soldiers	A woman was raped by soldiers in Man wing in front of her husband, who had been tied up.	N/A	KWAT
34	1	01-Jun-11	15	Mawshwi, Shwe Nyawng Pin, Shwegu Township, Kachin State	Burma Army soldiers	Burma Army soldiers raped and killed a 15 year old girl.	N/A	KWAT
35	1	30-Jun-11	16	Myo Daw Hkan Ma road, Myitkyina, Kachin State	Guards at the Local State Department	A girl was walking in front of local state department when the guards stopped her and raped her.	N/A	KWAT
36	4	07-May-11	12, 30, 35, 50	Wan Loi, Ke Si Township, Southern Shan State	Burma Army Light Infantry Battalion (513) from Pang Long Township	Soldiers entered the village, stole livestock, and raped 3 women and one 12 year old girl. The girl was raped in front of her mother. One woman was 9 months pregnant. One woman was beaten, stripped naked, and raped outside the village.	N/A	SWAN
37	1	09-Jul-11	23	XX village, Hai Par Tract, Mong Hsu Township, Southern Shan State	Burma Army Light Infantry Battalion (513)	Three Burma Army soldiers went to a woman's house and gang raped her for two nights.	N/A	SWAN
38	2	02-Aug-11	Unknown	XX village, Mong Keng Township, Southern Shan State	Burma Army soldiers	Two sisters were working in their field outside their village when two soldiers found and raped them, detaining them and raping them for two more nights before releasing them.	N/A	KWAT
39	2	09-Aug-11	39, 17	Bum Tawng Village, Wai Maw Township, Bhamaw District, Kachin State	Burma Army Battalion (37)	Soldiers gang raped and killed a 39 year old woman and her 17 year old daughter. The soldiers also tortured, shot, and killed the girl's 44 year old father.	N/A	SWAN
40	1	28-Aug-11	35	"Wan S Village", Mong Yai Township, Southern Shan State	Burma Army Infantry Battalion (325) led by Capt. Myo Jaw Maung	Woman was raped in front of her husband	N/A	SWAN

41	1	24-Sep-11	14	Mansi Township, Kachin State	Burma Army soldiers	Burma Army soldiers raped a girl during the day. (source Jinghpaw kasa blog)	N/A	KWAT
42	1	24-Sep-11	40	Nam Um Village, Kut Kai Township, Northern Shan State	Burma Army soldiers	40 year old woman was raped by soldiers (sources Jinghpaw kasa blog)	N/A	KWAT
43	1	26-Sep-11	12	Nam Puk Village Tract, Ke Si Township, Southern Shan State	Burma Army soldiers	A 12 year old village girl was gang-raped to death.	N/A	SWAN
44	1	06-Oct-11	21	Wai Maw Township, Kachin State	Burma Army Battalion (121)	Woman arrested and sexually assaulted in front of her husband.	N/A	KWAT
45	1	06-Oct-11	42	Wai Maw Township, Kachin State	Burma Army Battalion (121)	Woman and man arrested, and at night time a Burma army soldier covered the woman with blanket and rubbed her breasts and other parts of her body, and pointed at her with his penis.	N/A	KWAT
46	3	07-Oct-11	15-17	Myitkyina Township, Kachin State	Burma Army soldiers	Three Chinese girls were gang raped by the Burma Army (source Kachin News Group).	N/A	KWAT
47	1	18-Oct-11	19	Nam San Yang Village, Wai Maw Township, Myitkyina District, Kachin State	Burma Army soldiers	A 19 year old Kachin girl was gang-raped and killed by government troops.	N/A	KWAT
48	4	28-Oct-11	28	Loi Je Township, Kachin State	Burma Army Battalion (321)	Woman, husband and father in law were taken to the Mu Bum military camp. Husband and father in-law ran away to the Chinese border, but woman remains in hands of the soldiers. Three other girls were also raped.	N/A	KWAT
49	2	01-Oct-11	19-24	Myitkyina Township, Kachin State	Burma Army soldiers	The Burma Army soldiers took two girls from Myitkyina Township to the front lines of the KIA offensive. The prettier girl was forced to take a baths when the military rested, where she was raped. Afterwards, she was forced to take baths and raped by the captain every night.	N/A	KWAT
50	1	01-Oct-11	Over 30 years	Kut Kai Township, Northern Shan State	Burma Army soldiers	Raped and killed by Burma Army soldiers.	N/A	KWAT

51	1	27-Nov-11	24	Mong Nang, Southern Shan State	Burma Army soldiers	Speech-impaired woman was raped. Tried to shout but her voice wouldn't come out. "Finally, as she shouted with all her might, her voice came out. When we went upstairs to take a look the three soldiers ran away," her relative said.	N/A	SWAN
52	1	2011	Unknown	Kyauk gyi/ Ler Doh, Nyaunglebin Township, Bago Region	Burma Army Light Infantry Battalion (440)	Burma Army soldier a girl to come and see him at school, threatening to arrest her mother if she did not go. The soldier lied to her and said, 'don't worry; a few of your friends are at the school'. She was afraid but she didn't have a choice, and so she went to the school where the soldier raped her.	N/A	KHRG
53	1	01-May-12	48	Pang Wa Township, Kachin State	Burma Army Light Infantry Battalion (347) / Infantry Battalion (118)	Burma Army soldiers raped a 48 year old grandmother, who they found at the church. She faced severe abuse by Burma Army soldiers for three days, during which she was denied food, and was raped, kicked, beaten with guns, and slapped in the face until she lost consciousness.	N/A	KWAT/ Kachin Land News
54	2	20-May-12	30+, 15	Mong Paein, Eastern Shan State	Burma Army Battalion (360)	A soldier came to stay at the Wiang Sang village and raped 15 year old girl and her mother.	N/A	
55	1	28-May-12	28	Mong Paein, Eastern Shan State	Burma Army Battalion (360)	Raped and died immediately afterwards	N/A	SWAN
56	1	04-Jun-12	18	Mong Paein, Eastern Shan State	Burma Army Battalion (360)	Speech impaired young woman was raped	N/A	SWAN
57	1	05-Jun-12	40	Hanggai Village, Namhpak Kar Township, Muse District, Northern Shan State	Burma Army Infantry Battalion (68)	Burma Army soldier broke into the victim's home through her window. The soldier then brutally raped mother of 6 children. (source Jinghpawkasa blog)	N/A	KWAT
58	1	17-Jun-12	30	Mark Karn, Shan State	Burma Army Battalion (527)	Raped next to the river by a Burma Army soldier.	N/A	SWAN

59	1	23-Sep-12	29	Wan Pang Nong Village, Mong Maw Province, Southern Shan State	Burma Army Light Infantry Battalion (324)	Raped by three soldiers when she went to wash her children's laundry at a brook near the village. Afterwards, was severely beaten and was unable to walk home. Other villagers found her and carried her.	N/A	SWAN
60	1	24-Sep-12	17	Muse Township, Northern Shan State	Burma Army Soldiers	A 17 year old girl gang raped and killed by soldiers. (source Jinghpaw Kasa blog)	N/A	KWAT
61	1	27-Sep-12	26	Xx village, Putao Township, Kachin State	Burmese Army Soldiers	Woman and her husband were looking after the farm when soldiers came and asked husband to get cigarettes. When he left, soldiers raped her	N/A	KWAT
62	1	07-Feb-13	Unknown	Nong Yum Village, Mong Nim District, Ke Si Township, Southern Shan State	Burma Army Light Infantry Battalion (131)	The soldier pounded the door of woman's home, threatened her with a knife and told her to give him 70,000 Kyat. When he noticed that only she and her two children were at home, he raped her until he fell asleep. While he was sleeping, she contacted other villagers who arrested him. The following day, she was brought to a hospital for a checkup.	The case was reported to the police station, brought to court, and considered according to court-martial. He was sentenced to jail for 9 years	SWAN
63	1	21-Mar-13	18	Nam Palam Village, Mong Awd, Mong Hsu Township, Southern Shan State	Kyaw Maung, 28 year old soldier from Burma Army Light Infantry Battalion (513)	Young girl raped by soldier. Her parents complained to the commander. Soldier told parents that he would marry their daughter but they said that he must be punished. He then broke into their garden and committed suicide by shooting himself in the head.	N/A	SWAN
64	1	14-Apr-13	8	Wan Lee Village in Namlan, Hsipaw Township, Northern Shan State	Htay Aung Kyaw, soldier from Burma Army Infantry Battalion (17)	Girl child raped while living with her grandparents. Her parents came and found her crying and shaking in fear.	The soldier came back and threw 50,000 Kyat at the survivor	SWAN
65	1	31-May-13	38	Nam Par Man, Waing Pui District, Kar Li Township, Southern Shan State	Burma Army soldiers	A soldier entered woman's house and raped her. She shouted for help and her husband returned and saw the incident. When her husband ran to stop the officer, he got angry and ran away. The officer returned to their house with a group of soldiers and threatened them. They were very afraid and fled their home	N/A	SWAN



66	1	30-Oct-13	15	Lu Htawng Village, Kachin State	Captain ThetHpyoAung(a) ZawHtetAung and two other soldiers from Burma Army Light Infantry Regiment (1116)	1 captain and 3 soldiers gang raped a 15 year old girl in Lu Htawng Village	N/A	Kachin Land News (KLN)
67	1	02-Nov-13	29	SawngHka Village, Kachin State	Burma Army Light Infantry Battalion (286)	Three soldiers raped a 29 year old mother of three	N/A	Kachin Land News (KLN)
68	1	02-Nov-13	35	Kut Kai Township, Northern Shan State	2 Policemen	Raped by 2 policemen who came to her house. The men took turns to rape her while the other held her down. They tried to put a hand inside her. Both of them kept doing it. She had a very bad pain after the rape.	This complaint was made to the police station but they said the victim did not recognize to the perpetrators, so they could not solve it.	KWAT
69	1	11-Nov-13	8	HkaLum Village. Lashio Township, Northern Shan State	Burma Army Light Infantry Battalion (323) under Hsenwi-based 16th Military Operations Command (MOC-16)	An 8 year old girl was in her house babysitting her younger sibling while their parents worked in the paddy field. A soldier come to her house, threw the baby to the bed, and then raped the girl. The soldier threatened that if she told anyone he would kill her.	The Burmese military sentenced the perpetrator to 2 years imprisonment. The case was referred to the civil court, and he was sentenced 20 years imprisonment.	KWAT & Kachin Land News (KLN)
70	1	10-Dec-13	22	Near Than Daung Gyi Township, Toungoo District, Bago Region, Karen State	TunThein Service number- Ta/ 392332 / Military Operation Command # 1, Burma Army Light Infantry Battalion - 506	Attempted rape of woman returning to her village from the market. Woman was chased and pushed to the ground. He told her that he would kill her if she shouted. Another man from the village came by and the man ran away. Village elders were informed and the villagers found and detained the perpetrator three or four days later. They took him to the	The girls was offered 500,000 Kyat compensation. She was threatened that if she refused the settlement her family would be	Free Burma Ranger

71	1	09-Jan-14	Unknown	On the bus, on the way to Myitkyina-Sumpara Bum, Kachin State	Burma Army Light Infantry Battalion (298)	nearest camp (Tatmadaw) where they found out that he was a soldier after he had been interrogated. 3 Kachin women were pulled off a bus by soldiers. 2 were able to run away but 1 was brutally gang-raped. The Battalion Commander later summoned the victim, her parents, a village administrator and other local villagers to a meeting to question them about who had been spreading information about the case to the press.	N/A	expelled from the village.	Kachin Land News (KLN)
72	1	26-Jan-14	43	Wae Yet Village, Thanbyuzayat Township, Mon State	Second Corporal Ye Min Tun from Artillery Battalion (315), based at Wae Yet village	A Mon woman suffered serious injuries during an attempted rape by a Burma Army officer while out tapping rubber some distance away from her husband, who was doing the same work. When she struggled to resist rape, her attacker hit her numerous times in the face and chest, knocking out two of her teeth and causing internal bleeding in her head. After one week, her head injury had worsened, and on February 5th, 2014 she was sent to Yangon/Rangoon	When the case was reported to the commander, he offered to cover the medical costs of the victim, but only if charges were not pressed against the perpetrator. Later on we heard that the perpetrator was sentenced for 7 years in prison by military court but have no confirmation.	Thanbyuzayat watch, Irrawaddy-English page, HURFOM news WLB center in Mawlamyine	
73	1	26-Jan-14	Unknown	A village near No. 14 Burma Military Training School based in Pruso, near Loikaw, Karenni/Kayah State	He is from Light Infantry Battalion (426) based in Bawlakhe Township, Kayah State, and from the No. 14 Military Training School in Pruso	On January 26, a soldier in training went back to his battalion on his break. On the way home he attempted to rape a local woman who was out foraging for vegetables with her two children. Local villagers caught the soldier, and reported the case to the military authorities.	One officer at the training center, Captain AungZawHtun, settled the matter informally by offering to pay 300,000 Kyat as compensation	Kantarawaddy Times	

74	1	10-Apr-14	17	NhkunZauTawng Village, Bhamaw Township, Kachin State	Two Burma Army soldiers Light Infantry Battalion (320) Bamaw, Kachin State	A girl was in the field tending to some cattle. Two soldiers threatened to kill her with a hand grenade, and then raped her.	to the woman, with a warning that the incident should not be reported to the media. The local women's group tried to meet with the woman, but the woman/villagers said that the Captain had warned them not to speak about the incident anymore.	N/A	Free Burma Ranger on the 22th April, 2014
75	1	10-Apr-14	Unknown	Dotponeyan village near Bhamaw Township, Kachin State	2 soldiers. One was Private AngNaingSoe, Serial No. TA/427966, Battalion of Engineering No. 914, Bhamaw Township, Kachin State.	Woman and her mother had gone by motorcycle in search of two cattle that had not returned home. Two soldiers on the roadside flagged them down. When she stopped, they forced her off the road at knife point and pushed her motorcycle out of view, and threatened to kill her if she screamed. They kept her there until dark and then forced her to drive her motorbike again, sitting behind her. They pressed a grenade against her belly, held a knife at her side, and warned her not to stop or talk to anyone as they went. Then they brought her to an abandoned house on farmland, where they took her inside and raped her throughout the night.	One month after the incident, the police revealed that they had not yet opened a case against the alleged perpetrators. The Asian Human Rights commission announced an urgent appeals case on May 27th, 2014.	Asian Human Rights Commission. Urgent Appeals case. BBC interview, 14th June, 2014. Irrawaddy news, May 28th, 2014	
76	1	19-Apr-14	Unknown	Yay Pone Village, Man Tong Township, Northern Shan State	Infantry Battalion (502) based in Yay Pone village, Man Tong Township, Northern Shan State	The soldier covered her mouth and raped her. Then he told her that if she told anyone about it, he would kill her.	N/A	PWO	

77	1	20-Apr-14	Unknown	Yay Pone Village, Man Tong Township, Northern Shan State	Light Infantry Battalion No. (502) based in Yay Pone village, Manton Township, Northern Shan State	Woman raped by soldier whilst picking tealeaves at the plantation. The soldier told her that if the news about the rape came out he would kill all of her family.	She had a medical exam and brought the case to the Sinli police department.	PWO
78	1	13-May-14	40	Xx village, Nanoi, Kut Kai Township, Northern Shan State	Soldier from Infantry Battalion (567)	Attempted rape by two soldiers, who came to woman's house at night time. Woman managed to escape	N/A	KWAT
79	1	14-May-14	43	Xx village, Munggutown, Muse Township, Northern Shan State	Soldier from Brigade (88)	Attempted to rape by soldier. Woman was ordered by soldier to perform a sexual act for his happiness. He threatened her when she refused. But the woman managed to escape.	N/A	KWAT
80	1	16-May-14	15	Nam Gut Village, located on the road between Kut Kai and Muse, Northern Shan State	Burma Army soldiers	Soldiers raped a 15 year old girl and ransacked civilian homes	The soldier was convicted by a Burmese military court (Kut Kai based military court), who ruled that he was guilty of a breach of discipline (not rape) and sentenced to one year in prison.	Kachin Land News (KLN)
81	1	10-Jun-14	55	Rezua Sub-township, Madupi Township, Chin State	MyoThuraKyaw Light Infantry Battalion (269)	Attempted rape. Soldier grabbed the woman on the road. When soldier saw villagers watching him, he ran away. The woman was immediately rushed to the hospital in Rezua and has been receiving treatment since then for the serious injuries inflicted	N/A	CHRO press release, Chinland Guardian
82	2	19-Jan-15	20 & 21	Kawngkha village, Mu Se Township area, Northern Shan State	Soldiers from Infantry Battalion (502 & 503) Northern Shan State	Two Kachin Volunteer Teachers from KBC, Ms. Maran Lu Ra and Ms. Tangbau Hkawwn Nan Tsin, were raped, tortured, and killed. The incident occurred at the time the Burma Army Light Infantry Unit 503 was camping in	N/A	

83	1	20-Jan-15	38	Namtu Township, Kyaukse District, Northern Shan State	Private Maung Maung, Burma Army Battalion (77)	the same village. KWAT, KBC and other Kachin CBOs are trying to find justice Attempted rape - Private entered woman's house, choked her, punched her three times and attempted to rape her. Woman shouted for help, and neighbors came to help. Woman was able to escape. The soldier tried to flee, but neighbours were able to capture him.	The battalion commander attempted to give the woman compensation through the village leader to settle the case, but she refused to accept.	KWAT
84	1	13-Apr-15	73	Momauk area, Bhamaw Township in Kachin State	Soldier from Light Infantry Battalion 438	Attempted rape - A soldier from Burma Army attempted to rape and kill a 73 year old woman	The case was brought to the police and the soldier was accused. The perpetrator was removed from the army. He was only punished by military court despite requests from local CBOs to transfer the case to civilian court. Sentenced to 7 years under military codes 457/65/71/1 for disobeying military rules, dealing drugs, and violating territory (not rape). KBC is pushing to the army to transfer case in civilian court.	

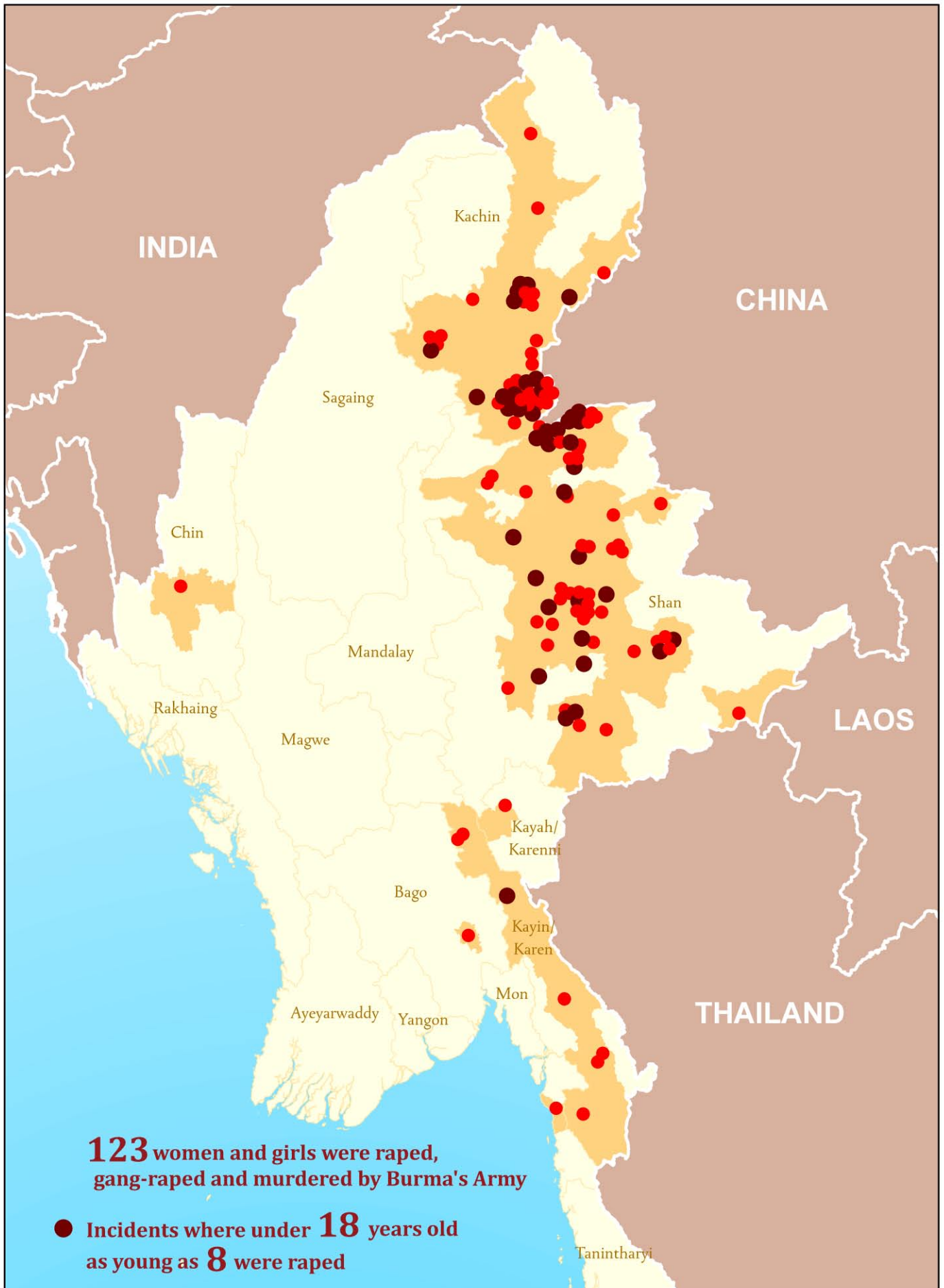
85	1	17-Apr-15	Unknown	Loilem Township, Southern Shan State	Lance-corporal Myint Thein of Burma Army Light Infantry Battalion 513	Lance-corporal Myint Thein attempted rape a girl in her house, but her parents and neighbours heard her screams and prevented the rape.	On April 22, the girl's family tried to press charges, but the Loilem Township administrative office refused to accept the case.	Source from SHRF
86	1	21-May-15	Unknown	Mong Paeng, Southern Shan State	Burma Army Light Infantry Battalion 333	Soldiers committed gang rape while troops were patrolling through village.	N/A	Source from SHRF + SWAN
87	1	06-Jun-15	28	Phaline Village, Hpong Township, Southern Shan State	Burma Army soldier from LIB249	Woman was raped, robbed and murdered 60 m from a Burma Army outpost, while victim was going to the local temple. Evidence at the crime scene indicated more than one culprit was involved.	At first the local commander denied responsibility, but after pressure from community leaders, a soldier was arrested and beaten, but it is not known if he was sentenced. The husband was given food and 5.3 million Kyat by the Eastern Regional Commander	Source from SHRF + SWAN
88	1	06-Jul-15	Unknown	Laikha Township, Southern Shan State	Lt. Sein Min, Deputy Commander of Light Infantry Battalion (512)	Attempted rape lieutenant who came to the woman's house, pointed his gun at her in front of her parents, and ordered her to go with him to have sex. When her mother fainted, he left, but came back later and fired his gun outside the house. The mother had to be treated for shock in the hospital.	The perpetrator offered 300,000 Kyat to the family so that they would not press charges, and got angry when they refused the money. They have not yet dared press charges	Source from SHRF

89	1	08-Aug-15	Unknown	Kho Lam, Nam San Township, Southern Shan State	4 soldiers from Burma Army Light Infantry Battalion (149)	Troops on patrol were camping at the girl's house. They tried to rape her when she was preparing food in the early morning, but her parents and neighbours heard her scream and stopped the soldiers. The family did not dare press charges.	The family did not dare press charges	Source from SHRF
90	1	24-Aug-15	Unknown	Tachileik, Eastern Shan State	A private from Burma Military Operations Command 18	A soldier raped a woman on her farm.	The village headman helped the woman and her husband complain to the local military base. After she was able to identify the culprit, the local commander slapped and kicked him. The culprit was transferred to his base unit in Mong Phyak, but it is not known what punishment if any has been given. The Golden Triangle Regional Commander gave 5,000 baht (USD 140) to the woman.	Source from SHRF
91	1	03-Nov-15	Unknown	Mong Pan, Southern Shan State	Lance-corporal Min Soe and Private Ne Win, Battalion 996.	Two soldiers raped woman in her house. When her husband came to help, they beat him in the head and split open his right ear.	The battalion commander called village elders and the couple to their base. He gave the couple 500,000 Kyat and 2 pigs.	Source from SHRF

92	1	05-Nov-15	Unknown	Ke Si Township, Southern Shan State	Burma Army soldiers	The woman and her husband were seized by about 10 Burma Army soldiers at their farm. The husband was tied up and the woman was gang-raped.	He promised to imprison the culprits, but it is not known if this was carried out. Since the crime happened during the ongoing military offensive, it will be very difficult to seek justice.	Source from SHRF
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## Sexual Violence in Conflict Areas (2010 - 2015)



## Annex 12

### GR30: Women's Involvement in the Peace Process

#### Women's participation in Government of Myanmar's Formal Peace Process

Date	Initiative	Details	Number of Women	Percentage women's participation
Dec-12	Union-Level Peace Team	<ul style="list-style-type: none"> <li>• 2 teams formed by the Government of Myanmar (GoM) to invigorate its peace call.</li> <li>• The teams divided their tasks geographically.<sup>171</sup></li> </ul>	0	0 %
3-May-12	The Union Peace Central Committee (UPCC)	<ul style="list-style-type: none"> <li>• 2 committees established by the GoM to better institutionalize the government's side of the peace process</li> <li>• 9 of the UPCC's 11 members were members of the National Defense and Security Council (NDSC).<sup>172</sup></li> </ul>	0 of 11	0%
	Union Peace Work Committee (UPWC)	<ul style="list-style-type: none"> <li>• The two women included were MPs Daw Mi Yin Chan &amp; Daw Doi Bu<sup>173</sup></li> </ul>	2 of 52	3.34 %
1-Nov-12	Myanmar Peace Center (MPC)	<ul style="list-style-type: none"> <li>• Technical support agency to the UPWC</li> <li>• Composed of ministers, senior officials and technocrats, many of whom are returnees, exiles or ex-rebels</li> <li>• One woman hired at the high-level: Daw Naw Rebecca Htin, hired as Associate Director for Peace and Political Dialogue<sup>174</sup></li> </ul>	1 of 13	7.7 %

#### Language of women's participation in Nationwide Ceasefire Agreement & Framework for Political Dialogue Text

**National Ceasefire Agreement:** *"We shall include a reasonable number of women representatives in the political dialogue process"* (NCA, Chapter 5, Clause 23).

**Framework for Political Dialogue:** *"Will make efforts to include 30 % of women's participation in all political dialogues"* (FPD Basic Principles, Chapter 2, Clause 10 approved<sup>175</sup> on 15 Dec 2015)

*NB: This language implies that this 30 % is not mandatory and is rather a goal that participants should strive for*

## Women's participation in Post-NCA discussions

### *Under the U Thein Sein Government*

Discussion/initiative	Total Participants	Number of Women	Percentage women's participation
Joint Implementation Coordination Meeting (JICM)	16	0	0%
Joint Monitoring Committee (JMC)	26	0	0%
Union Peace Dialogue Joint Committee (UPDJC)	48	3	6%
UPWJC confirmed members	96	3	3%
Framework for Political Dialogue Drafting Committee (FPDDC)	24	1	4%

### *Women's participation at the Union Peace Conference, Naypyitaw January 12- 16, 2016*

Group	Quota	Number of Women Invited	Percentage (women invited)	Number of Women Attending	Percentage (women attending)
Government	75	6	8%	6	8%
Luttaw	75	2	3%	2	3%
Military	150	0	0%	0	0%
Ethnic Armed Groups	150	14	9%	13	9%
Political Parties	150	12	8%	10	7%
Ethnic Leaders	50	12	24%	11	22%
Academics	50	13	26%	10	20%
Total	700	59	8%	52	7%

### *Under the New NLD- led Parliament*

Body	Total members	Number of Women	Percentage women's representation
Ethnic Affairs and Internal Peacemaking Committee (formed on 17 Feb 2016)	15	2	13%

## Annex 13

### GR 33: Access to Justice

#### Harmful Informal Justice Practices and Customary Law

#### Divorce and Inheritances

<b>Palaung</b>	<ul style="list-style-type: none"><li>• By Palaung customary law, when a women and a man get divorced, women do not have the right to an inheritance, even if she needs to raise children by herself.</li><li>• If they have a son, only the father has a right to the custody of the son. In some cases, the father gets the custody of both son and daughter.</li></ul> <p style="text-align: right;"><i>Source: Palaung Women’s Organisation (PWO)</i></p>
<b>Kuki</b>	<ul style="list-style-type: none"><li>• By Kuki customary law, when a woman and a man get divorced, women do not have the right to any inheritance.</li><li>• In the case of divorce, women are not allowed to sit in the meeting to resolve the case, and are not entitled to custody of their children or any compensation.</li><li>• On January 20, 2015, a father of five children, in Kyunpinthar village (Teijang village), Tamu Township committed adultery with a Bamar woman. Although his wife begged him to stop the affair, he became violent with his wife and eventually tried to kill her. After that, she no longer dared to live in the house and had to leave her five children and ask for a divorce. This case reached KWHRO, who were able to mediate between the husband and wife as well as parents from both sides through several meetings. They reached an agreement to divide their property in half on a certain date.</li><li>• However, the Kuki Affairs Committee and the Kuki Culture Committee issued a letter stating that it is not Kuki culture or custom to divide half of the property to a wife under any circumstance; therefore, the husband did not need to transfer the property to his wife. Since then, the husband followed this ruling and has not transferred any property to the wife.</li></ul> <p style="text-align: right;"><i>Source: Kuki Women’s Human Rights Organisation (KWHRO)</i></p>

## Land / House Ownership

<b>Kayan, Karenni/ Kayah and Kayaw</b>	<ul style="list-style-type: none"><li>• According to their custom, daughters and wives do not have the right to own land.</li><li>• Women can only own land when their husband has passed away. However, if the son is already an adult, the land will automatically go to the son.</li><li>• Although there is no written law, the custom has been practiced for many generations.</li></ul> <p style="text-align: center;"><i>Source: Kayan Women's Organisation (KYWO)</i></p>
<b>Kuki</b>	<ul style="list-style-type: none"><li>• According to the Kuki people's custom and traditions, Kuki women have never had the right to own land or property at any point in time.</li><li>• When the husband passes away, title is passed to his oldest son, the oldest brother of the husband or the brother's oldest son. If there are no other males in the family, women still do not get to own the land or property.</li><li>• As such, there is intense pressure placed on Kuki women to bear their husbands male children.</li><li>• KWHRO has received cases of women who do not give birth to a son or cannot bear children who are mistreated or forced out of their family when their husband passes away.</li></ul> <p>In other cases, the husband would grow angry and divorce the woman.</p> <p>For example, a 58 year old woman from Naung-kart village, Tamu Township, Tamu Province was unable to bear any children. When her husband passed away, his family drove her out of their house and she now has to live in the forest.</p> <p style="text-align: center;"><i>Source: Kuki Women's Human Rights Organisation (KWHRO) and Kuki in Sagaing Region</i></p>

## Barriers to Justice at the Community Level

### ***Socio-cultural, Financial and Legal Barriers to Justice***

In one Karenni woman's account, the feeling of shame, prohibition of family members, high cost and language barriers in an all Burmese speaking court system made her afraid to speak out or take legal action, to the extent that she is now facing extreme financial difficulties to herself and her child.

"Although I wanted to report this incident to the court, my family prohibited me because the other side was very powerful and influential. Village leaders also encouraged me to solve the problem in traditional methods."

Women in her community who refuse to bow to family and community pressure and decide to go ahead with a lawsuit are often abandoned by the whole village. If the perpetrator was from a powerful or influential family, they often use their power to intimidate, threaten and further violate the woman and/or her family.

Another practice common in Karenni/Kayah State is to describe a woman who has a child out of wedlock as "not knowing know who the father is". The woman is shamed by the community and there is no accountability for the man who is the "unknown father". Most of the time, the community know who the father is, but refuses to name him.

Village leaders usually resolve the problem traditionally by giving women small amounts of compensation. The resolutions almost always done verbally, so there is no written document to be used as evidence if a woman is dissatisfied with the judgment or if the other side fails to comply.

***Source: Karenni National Women's Organisation (KNWO)***

### ***Informal Justice: "Cleaning" the Village after Rape***

In Burma, a woman who has been raped is often considered "unclean" and outcast from her village. The only option for this to be rectified is if the survivor and her family pay tributes and put on feasts and festivals for the village in order to "clean" it.

In Karenni/Kayah State a 13 year old girl child in Kone Thar village, Loikaw Township, Kayan State was raped by a worker who had come from outside the area. KNWO assisted her to negotiate 4 million Kyat compensation, a substantial amount compared to many cases.

However after this, the young woman had to pay the village, youth and religion groups to "clean" the village according to custom. After this, there was very little money left over and she could not afford treatment.

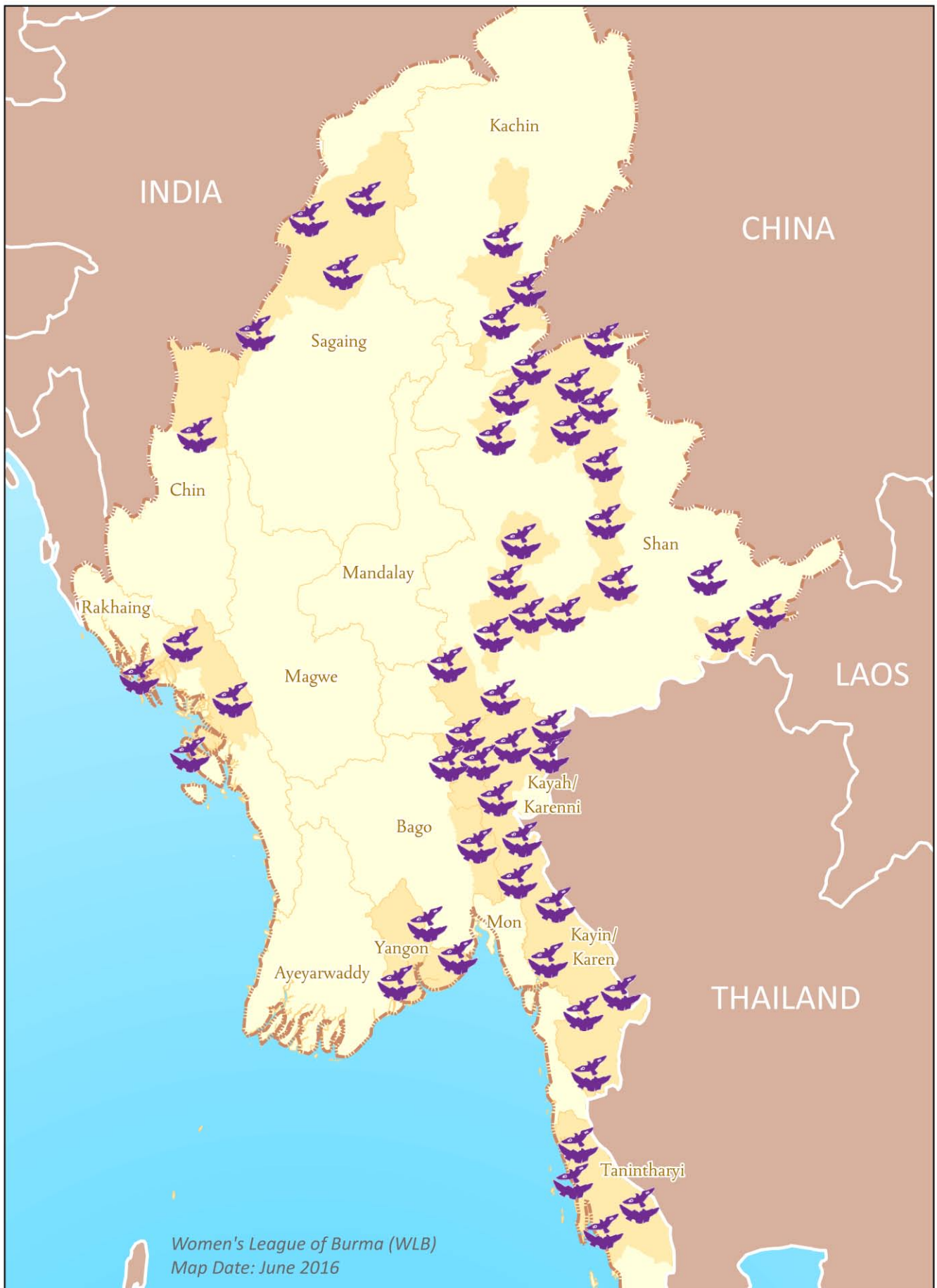
In other cases, if survivors cannot afford to do this, they are pressured to borrow money to solve the problem.

***Source: Karenni National Women's Organisation (KNWO)***

## Intimidation of Survivors

<p><b>Karenni/ Kayah</b></p>	<ul style="list-style-type: none"> <li>• Many women who have been raped in Karenni/Kayah areas are intimidated by their perpetrators to keep silent. Survivors have told KNWO that they would be killed if they reported the incident to anyone.</li> <li>• When the family members of the victim find out about the rape, they are also punished or beaten by their family members.</li> <li>• In one instance of intimidation, a husband whose wife had left him due to violence regularly stalks and intimidates his wife and children- threatening to beat and kill his wife, stealing money from the children on their way home, destroying his wife's meager sources of income, and breaking the wheels of the family bicycle. The wife is so afraid of him that she does not even dare to go outside at night to use the bathroom.</li> <li>• Social workers who are assigned to help the women also find themselves threatened.</li> </ul> <p style="text-align: right;"><i>Source: Karenni National Women's Organisation (KNWO)</i></p>
<p><b>Shan</b></p>	<ul style="list-style-type: none"> <li>• If perpetrators have power in terms of money, resources and/ or connections, they often abuse their power to threaten survivors to remain silent.</li> <li>• In one case, powerful perpetrators with connections to the Kaung-Kha People's Militia Force threatened the lawyer of the plaintiff and even the lawyer's teacher. When they attempted to offer the compensation and the plaintiff refused, they said they could not guarantee the safety of the plaintiff.</li> <li>• The plaintiff was also threatened by her lawyers. She was forced to obey the lawyer in everything, for example, the lawyer prohibited her from wearing pants or put her hair down. The lawyer threatened to withdraw her assistance if she failed to obey.</li> </ul> <p style="text-align: right;"><i>Source: Shan Women's Action Network (SWAN)</i></p>
<p><b>Karenni/ Kayah</b></p>	<ul style="list-style-type: none"> <li>• Women in Karenni areas who have reported their cases and take legal action are regularly threatened by the perpetrators, especially when they are in positions of power.</li> <li>• In one case, a woman from Thabyaykone village, Paung Laung Township, who was a widowed mother of three children was raped by the village administrator on a regular basis.</li> <li>• He threatened to punish her with made up charges if she reported this to anyone. She did not dare to report this to anyone out of fear, even after she fell pregnant with his child.</li> <li>• However, when her pregnancy became more apparent, she decided to report the case. The village administrator did not admit to any wrong doing.</li> <li>• Most people in the village took the village administrator's side. They were also afraid of his power and influence and did not dare to take side with a widowed mother of three.</li> </ul> <p style="text-align: right;"><i>Source: Karenni National Women's Organisation (KNWO)</i></p>

## Annex 14: Map of areas surveyed


















## Annex 15: List of WLB member Organizations and Consultation Workshop Participants

### Women's League of Burma

*Member Organizations (13)*

	Burmese Women's Union (BWU)
	Kachin Women's Association Thailand (KWAT)
	Karen Women's Organization (KWO)
	Karenni National Women's Organization (KNWO)
	Kayan Women's Organization (KYWO)
	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)

## **CEDAW Action Myanmar (CAM)**

### ***Member Organizations (14)***

- Association of Myanmar Disabled Women Affairs (AMDWA)
- Women's Organizations Network of Myanmar (WON)
- Thingaha Gender Working Group
- Women Can Do It (WCDI)
- Shwe Inn Thu
- The Mothers' Union (MU)
- Shwe Danu
- National Young Women Christian Association
- Kachin Women Peace Network (KWPN)
- Yaung Chi Thit
- Akhaya
- Tanintharyi Women's Network
- NGO Gender Group
- Legal Clinic Myanmar (LCM)

## **Women's Organizations Network of Myanmar (WON)**

### ***34 member organizations across Burma/Myanmar***

- Ah Yeik Women Group
- Akhaya Women
- Ar Yone Oo Social Development Association
- Asho Women Organization
- Business Kind Myanmar
- Chin Women Development
- Colorful Girls
- Hindu Women Association
- Karen Women Empowerment Group
- Kayin Baptist Convention, Women Department
- Kindness women
- Muslim Women Council of Myanmar
- Myanmar Baptist Convention Women's Department
- Myanmar National Association of the Blind (Women's Department)
- Myanmar Council of Churches Ecumenical Women Work (MCC EWW)
- National Young Women Christian Association (National YWCA)
- Paw Wee Dee
- Phan Tee Eain (PTE)
- Phoenix Association
- Precious Stones
- Pyi Gyi Khin
- Rainbow
- Ratna Mahal Education Care Group
- Self Support Kayin Baptist Mission Society, Women's Department
- Smile Education and Development Foundation
- Society of Enlightening Quranic Knowledge
- The Mothers' Union
- Triangle Women's support Group
- Wimutti Volunteer Group
- Win-Win Organization
- Women's Federation For World Peace
- Yangon Kayin Baptist Women's Association
- Yangon Young Women Christian Association
- Yaung Chi Thit

## **CSOs & CBOs**

- Adolescent Reproductive Health Zone
- Equality Myanmar
- Ethnic Community Development Forum
- Forum for Democracy in Burma
- Gender Equality Network
- IPs/EN Network
- Kachin Development Networking Group
- Karen Human Rights Group
- Kayah National Development Foundation
- MAP Foundation
- Myanmar Positive Women's Network
- Phan Tee Eain
- Promotion Of Indigenous and Nature Together
- School for Shan State Nationality Youth
- Student and Youth Congress of Burma
- Shan Youth Power
- Sex Workers in Myanmar
- Women Federation Peace
- Women Initiative Platform
- Women's Peace Network in Arakan
- Women Union

## Annex 16: Further reading

### On the Ground Reporting from WLB member Organization and other NGOs

- *Drug Lords in Parliament, (October 2011) by Shan Herald Agency for News*
- *Breaking Barriers: Advocating Sexual and Reproductive Health and Rights, (February 2016) by Asia-Pacific Resource and Research Centre for Women (ARROW)*
- *Economics of Peace and Conflict, (Sept 2013) by Myanmar Peace Monitor, Burma News International*
- *Gender Equality and Cultural Norms in Myanmar (2015) by Pansy Tun Thein*
- *Grab for White Gold: Impacts of platinum mining in Eastern Shan State, (May 2012) by Lahu Women's Organization*
- *If they had hope, they would speak: The ongoing use of state-sponsored sexual violence in Burma's Ethnic Communities, (Nov. 2014) by the Women's League of Burma*
- *In Pursuit of Justice: Reflections on the Past and Hopes for the Future of Burma, (2014) by the Human Rights Foundation of Monland*
- *KWAT Baseline Village Household Demographic-FP-Vital Events Survey in Kachin State, (July-August 2015) by Kachin Women's Association Thailand*
- *License to rape; The Burmese military regime's use of sexual violence in the ongoing war in Shan State (May 2002) by The Shan Human Rights Foundation (SHRF) and The Shan Women's Action Network*
- *Lost Paradise: Damaging Impact of Mawchi Tin Mines in Burma's Karenni State, (December 2012) by Molo Women Mining Watch Network*
- *Our Lives Not For Sale: Tavoyan Women Speak Out Against the Dawei Special Economic Zone Project, (December 2014) by Tavoyan Women's Union*
- *Poison Clouds: Lessons from Burma's Largest Coal Mine Project at Tigyit, (Jan 2011) by PaO Youth Organization*
- *Poisoned Hills- Opium cultivation surges under government control in Burma, (Jan 2010) by Palaung Women's Organization*
- *Pushed to the Brink: Conflict and human trafficking on Kachin-China Border, (June 2013) by Kachin Women's Association Thailand*
- *Same Impunity, Same Patterns, (January 2014) by the Women's League of Burma*
- *Silent Offensive: How Burma Army strategies are fueling the Kachin drug crisis, (October 2014) by Kachin Women's Association Thailand*
- *Still Poisoned: opium cultivation soars in Palaung areas under Burma's new regime, (Oct 2011) by Palaung Women's Organization*
- *Stolen Lives: Human trafficking from Palaung areas of Burma to China, (June 2011) by Palaung Women's Organization*
- *The Burden of War: Women Bear the Burden of Displacement, (November 2012) by Palaung Women's Organisation*
- *The Long Road to Recovery: Ethnic and Community-Based Health Organizations Leading the Way to Better Health in Eastern Burma, (Feb. 2015) by Health Information System Working Group (HISWG)*
- *UPR Advocacy Fact Sheets, 2nd Cycle Universal Periodic Review, Myanmar UPR 2015: Information on the Status of the Human Rights Situation in Myanmar, (2015)*
- *We Used to Fear Bullets Now We Fear Bulldozers ' ' Dirty coal mining by military cronies & Thai companies Ban Chaung, Dawei District, Myanmar (October 2015) by Tarkapaw Youth Group, Dawei Development Association (DDA), and the Tenasserim River & Indigenous People Networks (Trip Net)*

## ENDNOTES:

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1. Committee on the Elimination of Discrimination against Women, *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Burma*, ¶ 9, U.N. Doc. CEDAW/C/MMR/CO/3 (Nov. 7, 2008) [hereinafter 2008 Concluding Observations].
2. Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties due in 2014: Myanmar*, ¶ 97, U.N. Doc. CEDAW/C/MMR/4-5 (Feb. 23, 2015) [hereinafter 2014 State Report].
3. *This is true in Sagaing Division and Dawei in Tennisarim Division*. See *infra* Annex 1.
4. 2014 State Report, *supra* note 2, at ¶¶ 9–16.
5. 2014 State Report, *supra* note 2, at ¶¶ 9, 101.
6. The “Race and Religion” laws include the Population Control Healthcare Law, Religious Conversion Law, Buddhist Women’s Interfaith Marriage Law, and Monogamy Law. See Press Release, U.N. High Commissioner of Human Rights, (Feb. 25, 2015) (discussing how Myanmar “needs urgently to get back on track”); see also Chloe White, *Protection for Whom? Violations of International Law in Myanmar’s New ‘Race and Religion Protection’ Laws*, GEORGETOWN INST. FOR WOMEN, PEACE & SEC. (2015).
7. For information regarding land law, see FOOD & AG. ORG OF THE U.S., VOLUNTARY GUIDELINE OF THE GOVERNANCE OF TENURE: AS A GLANCE (2012), available at <http://www.fao.org/docrep/016/i3016e/i3016e.pdf>; GOV’T OF THE REP. OF THE UNION OF MYANMAR, NATIONAL LAND USE POLICY (6TH DRAFT) (2015), available at [http://www.burmalibrary.org/docs21/NLUP\\_6th\\_draft2015-06-en.pdf](http://www.burmalibrary.org/docs21/NLUP_6th_draft2015-06-en.pdf); TRANSNATIONAL INST., ASSESSMENT OF 6TH DRAFT OF THE NATIONAL LAND POLICY (NLUP) (2015), available at [https://www.tni.org/files/publication-downloads/nlup-6-key\\_points.pdf](https://www.tni.org/files/publication-downloads/nlup-6-key_points.pdf). The Government also failed to consider women’s rights or adequately consult civil society when considering amendments to the Investment Law. See *Burma: Address Rights Impact of New Investment Law*, HUMAN RIGHTS WATCH (March 25, 2015), <https://www.hrw.org/news/2015/03/25/burma-address-rights-impact-new-investment-law>; Htin Lynn Aung, *New Investment Laws in Limbo*, MYANMAR TIMES (Sept. 1, 2015), <http://www.mmmtimes.com/index.php/business/16244-new-investment-laws-in-limbo.html>; *Burma’s New Investment Law Fuels Human Rights Concerns*, KAREN NEWS (April 1, 2015), <http://karennews.org/2015/04/burmas-new-investment-law-fuels-human-rights-concerns.html>; Sandar Lwin, *DICA Extends Consultations for Investment Law*, MYANMAR TIMES (April 2, 2015), <http://www.mmmtimes.com/index.php/business/13874-dica-extends-consultations-for-investment-law.html>.
8. ARROW, MYANMAR/BURMA BREAKING BARRIERS: ADVOCATING SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS 41 (2016) [hereinafter *Breaking Barriers*]; *Activists Relay Worries of Draft Association Law to Parliament*, ASIAN HUMAN RIGHTS DEFENDERS (June 5, 2014), <https://asianhrds.forum-asia.org/?p=12868>; *Shwe Yee Saw & Myint Htoo Thant, Anger as Government Restricts NGO Registration with By-law*, MYANMAR TIMES (July 24, 2015), <http://www.mmmtimes.com/index.php/national-news/15644-anger-as-government-restricts-ngo-registration-with-by-law.html>; *The Situation of Human Rights Defenders: Myanmar*, INT’L SERVICE FOR HUMAN RIGHTS DEFENDERS (Mar. 2015), [http://www.ishr.ch/sites/default/files/article/files/ishr\\_-\\_upr\\_briefing\\_paper\\_on\\_myanmar.pdf](http://www.ishr.ch/sites/default/files/article/files/ishr_-_upr_briefing_paper_on_myanmar.pdf).
9. 2008 Concluding Observations, *supra* note 1, at ¶ 11.
10. 2008 Concluding Observations, *supra* note 1, at ¶ 17.
11. PAUL MINOLETTI, GENDER (IN)EQUALITY IN THE GOVERNANCE OF MYANMAR: PAST, PRESENT, AND POTENTIAL STRATEGIES FOR CHANGE 27 (2016) [hereinafter *Gender (in)Equality*].
12. Asian NGO Network on National Human Rights Institutions (ANNI), *Report on the Performance and Establishment of National Human Rights Institutions in Asia*, 13 - 21 (2013) [hereinafter ANNI Report (2013)]; see *Myanmar Revamps Human Rights Panel Amid Criticism from Rights Groups*, RADIO FREE ASIA (Sept. 25, 2014).
13. 2014 State Report, *supra* note 2, at ¶ 36.
14. *Babies and Boldness for Myanmar’s New Wave of Women MPs*, BREITBART (March 8, 2016), <http://www.breitbart.com/news/babies-and-boldness-for-myanmars-new-wave-of-women-mps/>; Hla Hla Htay, *Babies and Boldness for Myanmar’s New Wave of Women MPs*, YAHOO! NEWS (March 8, 2016), <https://www.yahoo.com/news/babies-boldness-myanmars-wave-women-mps-185715023.html?ref=gs>.
15. 2008 Concluding Observations, *supra* note 1, at ¶ 11.
16. 2014 State Report, *supra* note 2, at ¶ 179.
17. KIMBERLY ROGOVIN, INTERNATIONAL LABOUR ORGANISATION, INTERNATIONAL LABOUR MIGRATION IN MYANMAR: BUILDING AN EVIDENCE-BASE ON PATTERNS IN MIGRATION, HUMAN TRAFFICKING AND FORCED LABOUR (Dec. 2015), available at [http://www.ilo.org/yangon/whatwedo/publications/WCMS\\_440076/lang--en/index.htm](http://www.ilo.org/yangon/whatwedo/publications/WCMS_440076/lang--en/index.htm) [hereinafter ILO REPORT].
18. U.S. DEPT. OF STATE, *TRAFFICKING IN PERSONS REPORT 2015: BURMA* 104 (July 2015) available at <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm> [hereinafter U.S. D.O.S. TRAFFICKING REPORT].

19. U.S. D.O.S. TRAFFICKING REPORT, *supra* note 19.
20. *These standards are set forth in the US Trafficking Victims Protection Act. For Tier 2 Watch List criteria, see Tier Placements, U.S. DEPT. OF STATE, <http://www.state.gov/j/tip/rls/tiprpt/2015/243366.htm>.*
21. *United States: Assign Tier-3 Rankings to Myanmar, Thailand, Malaysia in Annual Trafficking Report, FORTIFY RIGHTS (MARCH 22, 2016), <http://www.fortifyrights.org/publication-20160322.html>.*
22. *KACHIN WOMEN'S ASSOCIATION THAILAND, PUSHED TO THE BRINK: CONFLICT AND HUMAN TRAFFICKING ON THE KACHIN-CHINA BORDER (2013), available at [http://www.burmalibrary.org/docs15/KWAT-pushed\\_to\\_the\\_brink-en-red.pdf](http://www.burmalibrary.org/docs15/KWAT-pushed_to_the_brink-en-red.pdf) [hereinafter PUSHED TO THE BRINK].*
23. *UNITED NATIONS OFFICE ON DRUGS AND CRIME, MIGRANT SMUGGLING IN ASIA: CURRENT TRENDS AND RELATED CHALLENGES 58 (April 2015), available at [http://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/som/Current\\_Trends\\_and\\_Related\\_Challenges\\_web.pdf](http://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/som/Current_Trends_and_Related_Challenges_web.pdf) [hereinafter UNODC REPORT]; List of Issues and Questions in Relation to the Combined Fourth and Fifth Periodic Reports of Myanmar: Replies of Myanmar to the List of Issues, ¶¶ 40, 52 (May 3, 2016) [hereinafter List of Issues Response]; ILO Report, *supra* note 22, at 3.*
24. *UNODC REPORT, supra note 24, at 58.*
25. *PALAUNG WOMEN'S ORGANIZATION, STOLEN LIVES: HUMAN TRAFFICKING FROM PALAUNG AREAS OF BURMA TO CHINA (June 2011), available at <http://womenofburma.org/14-june-2011-palaung-womens-organization-launched-a-report-stolen-lives-human-trafficking-from-palaung-area-of-burma-to-china/> [hereinafter STOLEN LIVES].*
26. *See STOLEN LIVES, supra note 26; PUSHED TO THE BRINK, supra note 23.*
27. *PUSHED TO THE BRINK, supra note 23, at 12.*
28. *UNODC Report Raises Concerns on Human Trafficking Growth, MIZZIMA NEWS (Apr. 28, 2015), <http://www.mizzima.com/news-international/unodc-report-raises-concerns-human-trafficking-growth>.*
29. *2008 Concluding Observations, supra note 1, at ¶ 27.*
30. *2014 State Report, supra note 2, at ¶¶ 63, 65; List of Issues Response, supra note 24, at ¶¶ 40–52.*
31. *U.S. D.O.S. TRAFFICKING REPORT, supra note 19, at 106.*
32. *STOLEN LIVES, supra note 26, at 26, 27.*
33. *2014 State Report, supra note 2, at ¶ 68.*
34. *PUSHED TO THE BRINK, supra note 23, at 15.*
35. *2014 State Report, supra note 2, at ¶¶ 59, 61.*
36. *U.S. D.O.S. TRAFFICKING REPORT, supra note 19, at 106.*
37. *U.S. D.O.S. TRAFFICKING REPORT, supra note 19, at 106.*
38. *U.S. D.O.S. TRAFFICKING REPORT, supra note 19, at 106.*
39. *Billy Tea, Foreign Policy in Focus: Making Burma Work, FOR. POLY IN FOCUS (July 30, 2013), available at [http://fpif.org/making-Burma-work/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=making-Burma-work](http://fpif.org/making-Burma-work/?utm_source=rss&utm_medium=rss&utm_campaign=making-Burma-work).*
40. *2008 Concluding Observations, supra note 1, at ¶ 27.*
41. *See UNICEF, SNAPSHOT OF SOCIAL SECTOR PUBLIC BUDGET ALLOCATIONS AND SPENDING IN MYANMAR (2014), available at [http://www.unicef.org/myanmar/Final\\_Budget\\_Allocations\\_and\\_Spending\\_in\\_Myanmar.pdf](http://www.unicef.org/myanmar/Final_Budget_Allocations_and_Spending_in_Myanmar.pdf) [hereinafter UNICEF SNAPSHOT]; Panorama of Myanmar Higher Education, MYANMAR MINISTRY OF EDUCATION, [www.myanmar-education.edu.mm/dhel/promoti-of-accessibility-quality-and-diversity-in-higher-education/](http://www.myanmar-education.edu.mm/dhel/promoti-of-accessibility-quality-and-diversity-in-higher-education/).*
42. *The National Education Law was the subject of much dispute. See Naw Say Phaw Waa, Education Bill Becomes Law Despite Autonomy Concerns, UNIVERSITY WORLD NEWS (OCT. 9, 2014), <http://www.universityworldnews.com/article.php?story=20141009082755289>; Updates: National Education Law – Student Protests, BURMA PARTNERSHIP, <http://www.burmapartnership.org/updates-national-education-law-student-protest/>.*
43. *2008 Concluding Observations, supra note 1, at ¶ 35.*
44. *See UNICEF SNAPSHOT, supra note 43.*
45. *2014 State Report, supra note 2, at ¶ 93.*
46. *2014 State Report, supra note 2, at ¶ 93.*
47. *2014 State Report, supra note 2, at ¶ 89.*
48. *ILO REPORT, supra note 18, at 34.*
49. *2014 State Report, supra note 2, at ¶ 94.*
50. *List of Issues Response, supra note 24, at ¶ 86.*
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