

Women's Report Card  
on Burma  
March 2003

# ABUSED BARGAINING CHIPS



**July 2001~January 2003**

- ◆ Politics ◆ Rape ◆ Forced Labor ◆
- ◆ Health ◆ Education ◆
- ◆ What You Can Do ◆

ALTSEAN  
BURMA

1 Abused Bargaining Chips

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## 2 Abused Bargaining Chips

### **EXECUTIVE SUMMARY**

This report looks at the situation of women of Burma and factors that effect their lives and security from mid-2001 through January 2003. The status of women remains stagnant, their living conditions continue to deteriorate and violence against women appears endemic. Despite this, women inside and on Burma's borders continue to find ways to survive and resist the brutal military regime known as the State Peace and Development Council (SPDC).

Military rule has been the main contributing factor to the violations of women's rights. As the regime works to retain its grip on the country at all costs, the oppression of women has increased in intensity and breadth.

An alarming development is how the SPDC is attempting to utilize the suffering of women to solicit international aid and partnerships without committing to concrete, sustainable and accountable actions of their own. As an International Crisis Group (ICG) report said "on paper the SPDC's response appears adequate...but in practice the response has been constrained by high-level policy ambivalence, the limitation of a medical model perspective, shortages of human, technical and financial resources."

There must be no toleration of the SPDC's cynical efforts to use Burma's women as bargaining chips for aid to alleviate the consequences of its own oppressive rule. Instead, coordinated and consistent pressure is needed to ensure that irreversible social, political and economic reforms are implemented – reforms that will benefit all women, children and men of Burma.

Furthermore, the international community has a responsibility to actively support the efforts of the women of Burma in their struggle to reclaim their rights.

#### **BRIEF OVERVIEW**

- ♀ UNGA 2002 declared 'grave concern' at the 'disproportionate suffering' of women in Burma
- ♀ UNGA 2002 expressed extreme concern at the reports of 'rape and other forms of sexual violence carried out by members of the armed forces.'
- ♀ UNGA urged an independent international investigation into the reports of systematic rape
- ♀ Daw Aung San Suu Kyi said 'women are rarely allowed to achieve decision-making positions' in Burma

- ♀ Daw Aung San Suu Kyi has been facing harassment from authorities in Rangoon and during travels
- ♀ At least 87 women political prisoners remain incarcerated
- ♀ There are no women in the Cabinet of the SPDC
- ♀ SPDC dismissed the "License to Rape" report as "nothing but unverified testimonies"
- ♀ SPDC conducted threatening and intimidating 'investigations' into the LTR report in order to 'refute...preposterous allegations.'
- ♀ 3-15% of women in Burma are affected by physical violence and even more by mental violence
- ♀ US "Trafficking in Persons 2002" report placed Burma in violation of the Act's minimum standards and for failing to make significant efforts to come into compliance
- ♀ Between 200,000-400,000 women in Burma are living with HIV/AIDS
- ♀ Estimated cost of birth delivery is 450,000 kyat; a teacher's salary is about 6,000 kyat/month
- ♀ More than 35% of the population does not have access to reproductive health services
- ♀ Maternal mortality rate is about 580 deaths per 100,000 live births
- ♀ Female illiteracy rates in conflict and remote areas is estimated to be between 70-80%
- ♀ Thailand, Malaysia, Bangladesh have all become unwelcoming places for people from Burma seeking refuge, employment or acting as human rights defenders
- ♀ UN Special Rapporteur Prof Paulo Sergio Pinheiro said Burma is in violation of fulfilling some CEDAW articles
- ♀ Since Daw Aung San Suu Kyi was released from house arrest in May 2002, the dialogue process has not started
- ♀ The SPDC has made no serious commitment to improving the lives of the women of Burma yet are manipulating the international community into contributing 'humanitarian aid' and credibility to the SPDC

## INTRODUCTION

“Our women are rarely allowed to achieve decision-making positions even though they are able and well qualified. This means they are neither assured of their right to security nor their right to shape their own destiny.” ~ Daw Aung San Suu Kyi, June 2002

The international community has been outraged at the reports of systematic rape and sexual violence committed upon the ethnic women of Burma by the ruling State Peace and Development Council (SPDC). In its diligent attempts to prevent the truth from getting out, the SPDC has been intimidating women and their communities from seeking refuge in neighboring countries.

In her comprehensive research into sexual violence perpetrated by the SPDC, Betsy Apple attributes the culture and prevalence of rape, enslavement, coerced sex, forced sex-work, and forced marriage to a “hierarchy of domination,” in which violence, oppression, and exploitation are institutionalized military values.<sup>1</sup> The 2002 UNGA 57 resolution on the human rights situation in Burma expressed its “grave concern” at the “disproportionate suffering” of women, children and ethnic minorities face in Burma.

UN Special Rapporteur Professor Paulo Sergio Pinheiro’s statement in August 2002 and UNICEF-Myanmar’s report in 2001 acknowledged that Burma is in violation of fulfilling some of its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). UNICEF-Myanmar found that although the SPDC became a signatory to CEDAW in 1997, they have prevented women from access to:

- ♀ Civil rights and freedoms, including the right to their own nationality, equal treatment before the law, and equal participation in political and social life;
- ♀ Rights to health care, including family planning services, to education, to work and to cultural activities;
- ♀ Rights to be treated equally in marriage, family, and family law.

Immediate and decisive action needs to be taken to address the deteriorating state of affairs for the women of Burma. It is necessary to address the abuses women of Burma face and support women’s empowerment within the framework of democratic change and national reconciliation in order to create sustainable and lasting changes.

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<sup>1</sup> IRC & Women’s Commission on Refugee Women and Children (June 2002) *If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced and Post-Conflict Settings*

## GENERAL RECOMMENDATIONS

1. The SPDC must call and implement a nation-wide cease-fire as the key step towards ending human rights violations of ethnic nationality women and their communities.
2. The SPDC must release all political prisoners, and allow both political and civil society organizations to operate freely in the country.
3. The SPDC must recognize the outcome of the 1990 election, including the right of women MPs to serve their mandate.
4. The SPDC, in conjunction with international bodies should devise a detailed agenda, timeline, and follow-up action plan for Burma to comply with all articles to the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).
5. The SPDC should accede to and effectively implement the Optional Protocol on CEDAW.
6. The SPDC should accede to and fully comply with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment & the International Covenant on Economic, Social and Cultural Rights.
7. International governing bodies and community should not accept the regime's 'smokescreen' to shield the continuing human rights violations occurring in Burma, especially in the ethnic nationality areas.
8. SPDC should be subjected to accountability measures for its refusal to fulfill its obligations, specifically to the UDHR, CEDAW, CRC and the ILO's Forced Labor Convention.
9. UN bodies, NGOs, donors, and international governments and agencies should ensure that all aid, humanitarian and development, is endorsed by all stake holders, which includes the NLD and ethnic nationality representatives. They should ensure that their activities contribute to the strengthening of women's rights.
10. UN agencies and INGOs working in Burma should publicly bear witness to the human rights violations being committed by the SPDC against women.
11. The SPDC to take immediate, concrete, irreversible steps towards democratization and national reconciliation.
12. Countries that host refugee, exiled and migrant women from Burma should allow women to organize social and political activities in safety.

## WHAT YOU CAN DO

- ✓ **READ** about it – there are many publications and internet websites that can keep you informed on the situation in Burma.
- ✓ **DISCUSS** the situation of women of Burma with people in your community and your movement to keep them informed. Write articles for your local paper or newsletter to highlight the Burmese situation.
- ✓ **WRITE** to express your concern about the human rights abuses being perpetrated against women of Burma. A list of whom you can write to appears at the end of this report. Don't forget to write to your own government representatives! Recommendations listed at the end of each section will give you an idea of what to write for.
- ✓ **SUPPORT** activities of groups working for democracy and human rights in Burma. Diverse campaign activities are going on right now. One example is the campaign to end the regime's **License to Rape** at [www.shanland.org/shrf/License\\_to\\_Rape/license\\_to\\_rape.htm](http://www.shanland.org/shrf/License_to_Rape/license_to_rape.htm). Please also support capacity-building programs for women of Burma.
- ✓ **CELEBRATE** Women of Burma Day (and Daw Aung San Suu Kyi's birthday) on June 19 – hold a public event or a solidarity tea party at home. Or simply wear a yellow flower in your hair to honor the women of Burma, and encourage your friends (men and women!) to do the same.

There are many things you can do to support the women of Burma, no matter where or who you are. It can be something spiritual, intellectual, material, or action-oriented – it all makes a difference.

## USEFUL BURMA WEBSITES

Burma Library (Extensive compilation of archived & current information)  
[www.burmalibrary.org](http://www.burmalibrary.org)

BurmaNet (For current and archived news about Burma)  
[www.burmanet.org](http://www.burmanet.org)

Various FreeBurma websites with extensive links:  
[www.freeburma.org](http://www.freeburma.org)  
[www.freeburmacoalition.org](http://www.freeburmacoalition.org)

Open Society Institute Burma Project  
[www.soros.org/burma.html](http://www.soros.org/burma.html)

The Irrawaddy Magazine  
[www.irrawaddy.org](http://www.irrawaddy.org)

Assistance Association for Political Prisoners – Burma (AAPP)  
[www.aappb.org](http://www.aappb.org)

The junta's public relations website  
[www.myanmar.com](http://www.myanmar.com)

## WOMEN & POLITICS

Universal Declaration of Human Rights articles violated:

* Article 2	* Article 3	* Article 7	* Article 9
* Article 10	* Article 11	* Article 12	* Article 13
* Article 14	* Article 19	* Article 20	* Article 21
* Article 28	* Article 29		

### DAW AUNG SAN SUU KYI

On May 6, 2002, Daw Aung San Suu Kyi was released from over 19 months of house arrest, which was determined to be arbitrary detention by the UN Working Group on Arbitrary Detention. While hopes ran high about the “turning of a new page” and the completion of the “confidence building stage” between the SPDC and Daw Aung San Suu Kyi, the reality is that any movements toward dialogue have stalled. It is evident the SPDC’s talk was just a smokescreen for garnering international legitimacy and assistance. Daw Aung San Suu Kyi has exerted her “freedom of movement” by traveling to various states but has faced mounting harassment by SPDC authorities, which has interfered with her personal and political freedoms of speech and movement. The All Women's Movement Committee of Burma (AWMCB) said the junta had released pamphlets with caricatures ridiculing the Nobel Peace Laureate and blasted crowds with songs such as “Give Up Lady” during her tour of Arakan State in December 2002. AWMCB said, “The obstruction, limitation and irritation to her on private visits to pagodas and monasteries, and during public gatherings, violated her dignity and her political movements.”<sup>2</sup>

### WOMEN'S PARTICIPATION

Women continue to be denied political participation. At least 87 women political prisoners remain incarcerated. Sixteen women are among the MPs elected in the 1990 elections, who have been denied the opportunity to carry out their mandate. There are no women in the Cabinet of the SPDC, no women ministers, and only one woman director general. Even within state sponsored “women’s committees” women are disproportionately represented. The Chair and Vice-Chair of the National Women’s Affairs Committee are both men and 16 of the 32 members are men. The state/division, district, and

<sup>2</sup> AFP (10 Jan 03) Myanmar women's group denounces harassment of Aung San Suu Kyi



## **8 Abused Bargaining Chips**

township level committees are all chaired by men and the second-level position is held by the chairman's wife.<sup>3</sup>

Oftentimes if women achieve positions with some decision-making abilities, it is because of the position or influence of their male relatives or husbands in the SPDC. This creates a perception that a woman's access to power and public credibility depends on her connections with men.

### **WOMEN IN THE OPPOSITION MOVEMENT**

Within the opposition movement there are some protectionist attitudes and stereotyped views of women's abilities and interests which limits their participation in high profile and decision making activities, especially in organizations that are not "women's organizations." However, there has been some progress as there has been a steady increase of women from Burma representing the opposition movement at the regional and international level. This trend needs to be actively supported.

### **RECOMMENDATIONS**

1. Strengthen the presence of women in independent civil society organizations in the context of democratic transition and national reconciliation.
2. Allow the formation of community-based women's organizations that are free from SPDC restrictions, imposition, and control.
3. Increase the number of women in decision-making positions within social, economic and political organizations both in Burma and within the opposition movement.
4. Immediately end the harassment of Daw Aung San Suu Kyi by SPDC officials.
5. Support the participation of women from Burma in international movements outside Burma. Provide secure environments for refugee, exiled and migrant women to organize and act.

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<sup>3</sup> Images Asia (Jan 2002) *Gathering Strength: Women from Burma on their Rights*

**RAPE**

Universal Declaration of Human Rights articles violated:			
* Article 2	* Article 3	* Article 4	* Article 5
* Article 8			

Naang Hla was 16 years old and 7 months pregnant. SPDC soldiers entered her home and “ten soldiers raped her while others stood outside the hut, laughing while she cried and shouted. They had tied her husband near enough to the hut to hear everything happening to his wife. They treated her as though she were not a human being, and raped her from 8am until 4pm. Naang Hla lost consciousness several times.” Her husband was taken by the soldiers and she suffered from constant headaches, violent dysentery and bled profusely. 4 days later, she gave birth and her child is very ill. ~ “License to Rape”

**NO MORE SHAME & SILENCE**

On 19 June 2002, the Shan Women's Action Network (SWAN) and the Shan Human Rights Foundation (SHRF) jointly released *License to Rape: The Burmese military regime's use of sexual violence in the ongoing war in Shan State*. The report charges the Burmese military with systematic and wide-scale rape. The report documents 173 incidents of rape and other forms of sexual violence, involving 625 girls and women committed by Burmese troops in Shan State. Examining international jurisprudence, *License to Rape* effectively argues “there is a strong case that war crimes and crimes against humanity are being committed by the Burmese army in Shan State.”<sup>4</sup>

- ♀ Rape often involved extreme brutality like beating, mutilation, and suffocation.
- ♀ Some bodies were deliberately displayed to local communities
- ♀ 61% of the cases documented were gang-raped.
- ♀ 83% of the perpetrators were military officers.
- ♀ 173 cases were documented, only 1 perpetrator was punished.
- ♀ Victims who complained were often fined, detained, tortured or killed.

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<sup>4</sup> SWAN (May 02) p31

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### SPDC RESPONSE

The SPDC dismissed the report as “nothing but unverified testimonies” of “so-called victims.” On July 12, the SPDC statement said, “These allegations are completely false, and we refused to be deterred by those who would stand in our way of seeking cooperation with the United States on drug eradication, terrorism and promotion of human rights.”<sup>5</sup> SWAN and SHRF have been described as “anti-Myanmar Government organization”, supporters of the Shan army – accused of terrorist activity and drug trafficking. The SPDC declared, “The allegation concerning the rape of Shan women was a plot suggested by some foreign nations.”<sup>6</sup>

In August 2002, an ‘investigation’ was performed by the SPDC with the declared intention to “refute...preposterous accusations.” The investigation dismissed any information that suggested sexual violence. SWAN reported that this ‘investigation’ was intimidating and that large numbers of people were forced to sign documents and perform chants stating that rape does not happen. (A similar tactic was used as an attempt to refute the widespread practice of forced labor.)

After subsequent ‘suggestions’ by UN Officials, Professor Pinheiro and Tan Sri Razali Ismail, to “establish a credible mechanism to investigate...numerous allegations of violations in ethnic minority areas” the SPDC launched another investigation that began in January 2003.<sup>7</sup> The ‘investigation’ is not sufficient or credible as it is being conducted by military intelligence without the collaboration of independent experts, ethnic nationality organizations, or specifically ethnic nationality women’s organizations.

“Any support to the regime only means a continued license to rape and kill. As long as others continue to support the regime for one reason or the other, the nightmare of sexual violence continues indefinitely.”  
~Women’s League of Burma

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<sup>5</sup> AFP (12 Jul 02) Myanmar issues new denial of systematic rape against Shan women

<sup>6</sup> see Myanmar Information Committee (6 Jul 02) Information Sheet No. C-2274 (L); Myanmar Information Committee (26 Aug 02); <[http://www.shanland.org/organisation/shrf/License\\_to\\_Rape/A\\_mockery.htm](http://www.shanland.org/organisation/shrf/License_to_Rape/A_mockery.htm)>; SHRF (Aug 02) Commentary on Rape

<sup>7</sup> DVB (10 Jan 03) SPDC’s investigations into rape allegations start

**SMOKESCREEN**

The SPDC insinuated that rape was not occurring in Shan State by declaring it “co-operates” with the UN, is a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), hosted UN Special Rapporteur Prof. Paulo Pinheiro and allows INGOs and NGOs to operate in Shan State. This statement suggested that these bodies would witness and report rapes and other human rights violations that took place.<sup>8</sup> However, there is no indication however that any international agencies in Burma, UN or NGOs, have explicit policies regarding responses to human rights abuses.<sup>9</sup> “It is very clear that the military regime wants to use the presence of ICRC in Shan State to help deny the charges that they are licencing rape of ethnic women,” said Mo Lao of SWAN.<sup>10</sup>

**INTERNATIONAL OUTCRY**

“License to Rape” made huge waves in the international community with a lot of fingers pointing at the SPDC asking for some answers. On Tuesday, November 19, 2002, the United Nations General Assembly adopted by consensus a resolution on the human rights situation in Burma, “express[ing] grave concern at... rapes and other forms of sexual violence carried out by members of the armed forces” and the “disproportionate suffering of members of ethnic minorities, women and children from such violations.” Furthermore, it “strongly urged” the SPDC “To facilitate and cooperate fully with an *independent international investigation*. The US State Department said, “We are appalled by reports that the Burmese military is using rape as a weapon of war against civilian populations in the Shan States.” The Blue Ribbon Panel convened at the Burma Summit in Copenhagen, Denmark, on September 22, 2002 concluded there was compelling evidence of brutal and systematic sexual violence against the women of Burma.<sup>11</sup> On August 31, Women’s League of Burma (WLB) called for UN Special Rapporteur on Violence Against Women, Ms. Radhika Coomaraswamy, to conduct a fact-finding mission to investigate sexual violence.

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<sup>8</sup> For discussion of regime controlled national NGOs (GONGOs) in Burma, see Altsean-Burma (Oct 02) pp24-25,31-34

<sup>9</sup> see Altsean-Burma (Oct 02) pp46-48

<sup>10</sup> SWAN (6 JN 03) Burmese military authorities threaten villagers before International

<sup>11</sup> The panel included Asda Jayanama, former Thai ambassador to the United Nations (UN), Northern Ireland’s Nobel Peace laureate Mairead Maguire and Helle Degn, Human Rights Commissioner for the Baltic States.

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Many women survivors flee to Thailand in hopes of a safe haven. On September 5, 2002, 93 Thai women's groups submitted a petition to Thai Prime Minister Thaksin to pressure the SPDC for political reform and to protect Burma peace and democracy activists in Thailand, especially those in SWAN and SHRF. Regional NGO, Forum Asia, demanded Thailand guarantee protection of rape victims fleeing abuse by Burmese soldiers. In the Royal Thai Government's efforts to repair and build their relationship with the SPDC, many women survivors will be denied access to Thailand and are at risk of being repatriated back to Burma. License to Rape was published because women were able to flee to Thailand and tell their stories and document information. The new policies of the Thai government will make subsequent reports extremely difficult to be produced.

"If officers feel comfortable boasting to their troops about raping women, it is clear that the culture of impunity for sexual violence in the SPDC Army is still in place."  
~Hseng Nong, SWAN

### ENDEMIC

Rape of women in Burma is endemic with the largest perpetrators being SPDC military officials. The National Coalition of the Union of Burma (NCUB) said, "Systematic rapes of women and girls...are also happening around the country especially in Karen, Karenni, Chin, Arakan and Mon areas."<sup>12</sup>

Since the release of "License to Rape":

- ♀ On January 17, 2003 three SPDC defectors testified that Sergeant Myint Htay boasted of raping 5 or 6 women in Shan State.<sup>13</sup>
- ♀ Infantry Battalion 273 is being accused of attempted rape of 3 women on November 7, 2002 saying they could "do anything they want."<sup>14</sup>
- ♀ Refugees International documented 34 cases of rape or attempted rape by SPDC soldiers of Shan, Karen, Karenni, Mon and Tavoyan women.
- ♀ SWAN and SHRF also documented another 10 cases of rape in Shan, Arakan, Karen, Karenni and Mon States and Tennasserim Division.<sup>15</sup>

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<sup>12</sup> NCUB (31 Jul 02) The statement of the joint meeting of NCUB secretariat and presidium board

<sup>13</sup> SWAN (Jan 03) License to Rape: Runaway Soldiers Disclose & Kao Wao (20 Jan 03) Rape used as a weapon of war

<sup>14</sup> SWAN (Jan 03) License to Rape: Runaway Soldiers Disclose & Kao Wao (20 Jan 03) Rape used as a weapon of war

<sup>15</sup> Refugees International (10 Sept 02) Burmese Army Uses Rape as a Weapon in Ethnic Conflict

"The 'lucky' women and girls are those who are forced to porter for the army or labor on their projects. The unlucky ones experience much worse: women and girls are raped as they walk to and from their fields, in their houses, while they are engaged by the army in forced labor on roads and other projects, and in military barracks and camps." ~ Karen woman (RI)

It was reported that in Arakan State NaSaKa, SPDC's border security forces, have been sexually violating women, molesting girls who apply for marriage documents and are placing "humiliating restrictions on marriage."

Rape of ethnic women can also be looked at in the wider scope of subduing and destroying ethnic nationalities, "Sexual violence serves the multiple purpose of not only terrorizing local communities into submission, but also flaunting the power of the dominant troops over the enemy's women, and thereby humiliating and demoralizing resistance forces. It also serves as a "reward" to troops for fighting."<sup>16</sup>

#### **NOT SAFE ANYWHERE – WOMEN OUTSIDE OF BURMA**

Women living outside of Burma are also extremely vulnerable to sexual assault and rape as many are undocumented migrants, trafficked or without any means to report violations and deal with the subsequent effects such as: losing their job, being shunned from their community and harassed.

♀ Thai authorities repatriated over 100 migrant workers to Myawaddy, Burma on August 24, 2002. SPDC's NaSaKa security forces reportedly abducted 3 of the repatriated women on August 25 and raped them for 2 days. The officers gave them 1500 kyat (US\$1.50) and threatened them not to report the rapes.<sup>17</sup> There have been no further reports of an investigation.

♀ A 12-year old migrant girl living in Mae Sot, Thailand reported being raped by a volunteer worker for World Vision on August 5, 2002. The accused man absconded and World Vision spokesman, John Whanyoon said, "We haven't followed up on it as fast as we should have."<sup>18</sup>

♀ On March 17, 2002 three Thai soldiers allegedly raped 2 Karenni refugee women while looking for vegetables near a refugee camp.

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<sup>16</sup> SWAN (Sep 02) Newsletter #3

<sup>17</sup> Muslim Information Center of Burma (20 Sept 02) SPDC Officers Rape Three Burmese Migrant Workers Repatriated by the Thai Authorities

<sup>18</sup> AFP (22 Aug 02) Myanmar Migrant Family Complain Daughter's Rape Has Gone Ignored

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♀ The South African police are conducting a “high-level probe” into the alleged rape of a 15-year old girl by Myanmar embassy officials in the city of Pretoria. A report filed by Pretoria district surgeon in September 2002 said the girl was “sexually abused and possibly been misused for the purpose of prostitution.”<sup>19</sup>

#### RECOMMENDATIONS

1. In reiteration of the UNGA’s recommendations, the SPDC should “facilitate and cooperate fully with an *independent international investigation* of charges of rape and other abuse of civilians carried out by members of the armed forces in Shan and other states.”
2. SPDC should issue and effectively implement orders to Military Intelligence personnel, armed forces, prison guards, and members of the police that the practice of rape and sexual abuse of women in or out of custody is illegal and violators will be investigated and brought to trial.
3. SPDC should produce a record of investigations of accused perpetrators of sexual violence and rape with the subsequent process of justice and outcome of each case.
4. Burma and the ‘second countries’ that women seek refuge in should provide women who have been subject to torture, rape, and sexual abuse with adequate health care, rehabilitation services, protection, and accommodation without fear of consequences or retaliation.
5. Governments should provide or allow NGOs to provide confidential reporting methods for women to report abuses regardless of legal status in Burma and ‘second countries.’
6. SPDC should cease to control and manipulate the judiciary and actively support the rule of law, so that women are not prevented from access to a free and fair legal system.
7. Devise and *enforce* policies in Burma with international guidance that raises awareness that torture, rape, and sexual abuse is a crime and inform victims of their legal rights and how to access justice.

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<sup>19</sup> Mail & Guardian (Johannesburg) (27 Sept 02) Child Sex Scandal Rocks Embassy in Pretoria

## VIOLENCE AGAINST WOMEN

Universal Declaration of Human Rights articles violated:			
* Article 2	* Article 3	* Article 4	* Article 5
* Article 14			

Special Rapporteur on Human Rights in Myanmar (Burma) Paulo Sergio Pinheiro said the Myanmar National Committee for Women's Affairs (MNCWA) "...lacks accurate data to define comprehensively the situation [violence against women] across the country."<sup>20</sup> MNCWA stated that, "Violence against women occurs in Myanmar but it is not a big issue." However, according to a survey of 80% of Burma's townships, 3-15% of women are affected by physical violence and slightly more by mental violence.<sup>21</sup> MNCWA reportedly established 24 counseling centers to provide help and support for victims of domestic violence but there has been no other reports of their work or who the centers are accessible to.

### UN RAPPORTEUR ON VIOLENCE AGAINST WOMEN

On August 30, 2001 UN Special Rapporteur on Violence Against Women, Ms. Radhika Coomaraswamy, in conjunction with Rapporteur on Extrajudicial, Summary or Arbitrary Executions and Rapporteur on Torture, sent a letter to the SPDC informing them of 40 cases of violence against women in Burma that had been filed. The SPDC has not responded to the inquiry.<sup>22</sup>

### VIOLENCE FOR SILENCE

"Women have been tortured, raped and killed, and women who speak against injustice have also been subject to similar violence as examples of what happens to 'trouble-makers.' After the release of "License to Rape" detailing systematic rape in Shan State by SPDC soldiers, local authorities began threatening imprisonment, harsh penalties and capital punishment for people trying to leave the country.

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<sup>20</sup> Mr. Paulo Sergio Pinheiro Statement (10 Jan 02) Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World

<sup>21</sup> Mizzima (12 Apr 01) Burma's human rights committee slow-going

<sup>22</sup> UN Economic and Social Council (28 Jan 02) Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women



## **WOMEN OUTSIDE OF BURMA**

The undocumented status and meager financial resources of many women keep them from seeking appropriate medical attention or filing complaints against their perpetrators. In July 2002, a migrant woman in Thailand, who was accused of theft, was set on fire and killed by her employer.<sup>23</sup>

## **DOMESTIC VIOLENCE**

“About three times a month we have an argument. I think it is because of our economic situation. Sometimes I take a knife and show her but I don’t touch her. I pretend but it is not real.” ~Burmese man

Domestic violence is prevalent both inside Burma and within displaced communities. Research on abortions in Tak Province, Thailand found evidence of domestic violence, which had some direct and indirect links to abortions.<sup>24</sup> There is little to no information or services available for survivors of domestic violence. The prevailing belief appears to be that family matters should be handled within the family, which can make women more vulnerable.

While negative social attitudes are a factor in the occurrence of domestic violence, the overwhelming impact of state-sponsored economic and military violence on community relations and family relationships must also be addressed.

## **RECOMMENDATIONS**

1. Produce and distribute information in local languages that raise awareness that torture, rape, and sexual abuse is a crime and inform victims on their legal rights and how to obtain a course of justice.
2. UNHCR to provide assistance to women victims of sexual abuse or rape who have fled from Burma despite their legal status.
3. Host trainings, forums, and distribute information on domestic violence targeting men and women in local languages.
4. Assist, support and protect women’s groups in compiling data on abuses and violence against women.
5. Implement or increase unbiased health and legal rights education, health care and empowerment programs for female sex-workers in Burma and Thailand.

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<sup>23</sup> AP (18 Jul 02) Myanmar woman dies of burn injuries blamed on Thai employer

<sup>24</sup> Suzanne Belton, PhD Candidate. Melbourne University Key Centre for Women’s Health in Society Faculty of Medicine. Research conducted through the Mae Tao Clinic.

## TRAFFICKING

Universal Declaration of Human Rights articles violated:			
* Article 3	* Article 4	* Article 5	* Article 23
* Article 24			

"If trafficking is a modern form of slavery, the answer does not lie in occasional rescues or testimonies; it lies in a movement of labor rights and human rights." ~Jackie Pollock, EMPOWER

In July 2002, SPDC Police Brig-Gen Zaw Win said there have been "no" instances of large-scale trafficking of women and children.

The UN Human Rights Monitor highlighted the SPDC's lack of cooperation in regional efforts to combat trafficking as well as condemning them for ignoring the reasons and effects.

The United States "Trafficking in Persons 2002" report placed Burma in violation of the "Trafficking Victims Protection Act's" minimum standards and for failing to make significant efforts to come into compliance. The report states:

- ♀ Burma is a country of origin for women and girls trafficked to Thailand, China, Taiwan, Malaysia, Pakistan, and Japan.
- ♀ Women and girls trafficked from Burma are used for sexual exploitation, domestic and factory work.
- ♀ Trafficked persons may be treated as criminals and incarcerated or fined in Burma.
- ♀ The SPDC is not actively involved in protection of victims, or in funding of NGOs to provide assistance to victims.
- ♀ The SPDC has not provided sufficient resources nor demonstrated political will to address the trafficking problem.
- ♀ There is no trafficking law, although there are laws against migrant smuggling and kidnapping, which can be used against traffickers.
- ♀ Widespread corruption, which enables traffickers, is not being addressed.
- ♀ Borders are monitored, but not for trafficking.
- ♀ The SPDC does not cooperate in international efforts, including extradition, investigations, or conferences and has not signed or ratified related treaties and conventions.

## 18 Abused Bargaining Chips

Dr. Chris Beyrer, Director of the Johns Hopkins Fogarty AIDS International Training and Research Program, concluded that the key reasons for trafficking of Shan women and girls are<sup>25</sup>:

- ♀ Continued conflict in Shan State
- ♀ Inequality of women
- ♀ Extreme drug dependency culture

### **SPDC ANGLE**

Maj-Gen Kyaw Win said part of the SPDC's "Anti-Human Trafficking Campaign" would include efforts to "teach people about negative consequences of working abroad." This has been a mixture of threats and scare tactics aimed at keeping people from leaving Burma and thus keeping information on abuses from being reported. Likewise, the SPDC is creating "Human Trafficking Prevention Committees" in many states and divisions that are ordered to collect data about people between the ages of 16 and 25 and to thoroughly check people traveling to the border areas.<sup>26</sup> There are reasonable concerns that these committees are being used to hinder the movement of and freedom of expression of women. It treats women like criminals rather than pursuing the traffickers and addressing the root causes of trafficking.

They have also promised to "punish severely" those involved in trafficking people. It appears that the SPDC is using "trafficking" as a blanket-term for migrants willfully leaving Burma as well as those being misled and abducted.<sup>27</sup>

### **RECOMMENDATIONS**

1. The SPDC in conjunction with international advisories should review the tactics and mandate of SPDC 'Human Trafficking Prevention Committees' to ensure they are providing accurate information on: possible threats to women of trafficking, women's legal rights, and mechanisms for victims to seek assistance and justice. HTPCs should immediately cease restrictions of movement and unsubstantiated monitoring of women.
2. SPDC should immediately end the criminalization and incarceration of trafficked persons inside Burma.

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<sup>25</sup> At parallel NGO meetings during the United Nations General Assembly session on HIV/AIDS (UNGASS) June 2001

<sup>26</sup> Myanmar Times (30 Sept – 6 Oct 02) Human Trafficking Campaign

<sup>27</sup> Myanmar Times (26 Aug – 1 Sept 02) Eight Arrested on Human Trafficking Charges

3. SPDC and international community's responses to voluntary migration and involuntary trafficking should not serve to penalize migrants and trafficked persons.
4. Establish programs that address the root causes of trafficking especially in the areas with the greatest prevalence of trafficking.

## FORCED LABOR

Universal Declaration of Human Rights articles violated:			
* Article 4	* Article 5	* Article 23	* Article 24

Despite the SPDC's preliminary cooperation with the International Labor Organization, widespread use of forced labor continues, primarily in ethnic nationality areas. Women are commonly used as forced labor despite pregnancy or poor health. During the period of December 2001 to March 2002, SPDC forces used more than 150 women in Shan State as forced labor.<sup>28</sup> The ILO, Amnesty International and Earthrights International (ERI) have all raised concern about sexual violation and rape of women while in custody of the SPDC to perform forced labor. ERI has also reported that forced labor is linked with beatings, torture, stabbings, rape, and extrajudicial, summary and arbitrary executions.<sup>29</sup>

## RECOMMENDATIONS

1. SPDC should strictly enforce Order No. 1/99, which outlaws forced labor. Information on Order No. 1/99 should be distributed effectively throughout Burma using various media methods and in local languages.
2. International community should provide protection under existing principles of refugee jurisprudence to those who face credible threats or actual retaliation for speaking out against forced labor.
3. SPDC should produce a record of investigations of accused perpetrators of forced labor with the subsequent process of justice and outcome of each case.
4. Independent monitoring and civilian reporting mechanisms should be established in areas determined to be at heightened risk of forced labor.

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<sup>28</sup> Shan Herald Agency for News (13 Dec 02) Forced Labor: 10 townships in road construction projects

<sup>29</sup> ERI (June 2002) We Are Not Free To Work For Ourselves

## HIV/AIDS

Universal Declaration of Human Rights articles violated:

\* Article 3

\* Article 19

\* Article 25

HIV/AIDS and other sexually transmitted infections continue to be a serious threat to the health and safety of the women of Burma. High mobility, sex-work, trafficking, low utilization of contraception, and a lack of perception of risk all contribute to the growth of transmission of HIV/AIDS. Until the underlying causes surrounding these factors are addressed in their own right, HIV/AIDS prevention efforts will not be sustainable.

In 2001 a joint-action plan with the SPDC National AIDS Program and UNAIDS commenced. However, an International Crisis Group (ICG) report said that on paper the SPDC's response appears adequate, but "In practice the response has been constrained by high-level policy ambivalence, the limitation of a medical model perspective, shortages of human, technical and financial resources."<sup>30</sup> UNICEF also stressed that a "lack of strong civil society organizations also hinders access to larger groups of vulnerable people," an impediment that must be addressed in the context of democratic transition, realization of basic human rights and reconciliation.<sup>31</sup>

### PREVALENCE

Between 220,000-400,000 women in Burma are living with HIV/AIDS. Only 21% of married women use contraception, which places many women at a higher risk for transmission, but also raises concerns that even fewer premarital women are using condoms.

It is important to note that while unprotected sex and sex-work are important factors to the transmission of HIV/AIDS, women are being focused on as the major transmitters. ICG estimates that 1/3 of HIV/AIDS transmission is from injecting drug users and the UNODCCP "Opium Survey 2002" report estimates that 90% of drug users in Burma are men. Care should be taken to ensure that education, prevention, and treatment of HIV/AIDS should not be carried out in a gender discriminating or devaluing manner.

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<sup>30</sup> ICG (2 Apr 02) Myanmar: The HIV/AIDS Crisis

<sup>31</sup> UNICEF-Myanmar (April 2001) Children and Women in Myanmar: Situation Assessment and Analysis

**HIGH MOBILITY**

High mobility of people makes prevention programs, distribution, documentation, and assessment extremely difficult. Those most mobile, internally displaced people, refugees, migrants, and those trafficked are largely women who are often ineligible for health care services and vulnerable to high-risk situations. Mobility continues to increase with the expansion of forced relocation, trafficking, human rights abuses, repatriation programs and trade routes. The Asian Development Bank said, "Extensive population migration and mobility both internal and external is a fundamental factor in the Burmese HIV epidemic."

The Child Protection and Rights Center in Mae Sai, Thailand, said that 50 girls from Pa Tek Village, a village with a high concentration of people from Burma, died from AIDS in 2001.

In 2002, Thailand stepped up repatriation of undocumented migrants in Thailand back to Burma. In April alone, more than 2,500 were repatriated and given involuntary HIV tests in which privacy, nondiscrimination, and treatment were not assured.

**SEX WORK**

Dr. Chris Beyrer's research estimates that 52% of all female sex-workers in Burma are HIV+. This is largely due to low utilization of contraception, lack of perception of risk and a lack of negotiation power with their clients. Beyrer also stated that it is imperative to focus on non-judgmental prevention and treatment programs for sex-workers and more importantly, their clients.

**EDUCATION & CULTURAL RESTRICTIONS**

HIV/AIDS education is targeted towards married women, which leaves many adolescents uninformed and at greater risk of transmission. Premarital sex is culturally frowned upon; so adolescent women are unlikely to seek out information or condoms in fear of being shamed. However, the reality is that premarital and extramarital sex occurs in Burma. The current political climate in Burma greatly restricts freedom of information, which is a serious impediment to agencies in addressing women's health concerns.<sup>32</sup>

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<sup>32</sup> Images Asia (Jan 2002) *Gathering Strength: Women from Burma on their Rights*

## 22 Abused Bargaining Chips

The World Health Organization said women "...feel subservient; they feel as if they are not trained and have the type of support system that will allow them to speak out. Most don't feel empowered to insist on condom use."<sup>33</sup>

### **SPDC MANIPULATION**

The SPDC is manipulating HIV/AIDS awareness campaigns to fulfill political agendas. Residents in Karen State, especially women, are often told that if they leave Burma they will contract HIV/AIDS. The SPDC is using the pretext of HIV/AIDS awareness to silence the voices of ethnic nationality people who seek refuge in other countries.

### **RECOMMENDATIONS**

1. Develop education campaigns for clients of sex-workers inside Burma and on its borders.
2. SPDC should allow for an independent research exploration and risk-assessment to obtain reliable data on the population of CSWs in Burma and their clients.
3. UN bodies, NGOs, donors and international governments and agencies should require the SPDC to contribute matching funds to all HIV/AIDS assistance.
4. UN bodies, NGOs, donors and international governments and agencies should insist that all HIV/AIDS assistance is channeled through a multi-party monitoring body which includes stakeholders such as the NLD and ethnic nationality representatives.
5. SPDC should immediately repeal laws that restrict freedom of information.

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<sup>33</sup> World Health Organization, Western Pacific Region (13 Aug 01) Sex Trade Expanding in Asia

## HEALTH

Universal Declaration of Human Rights articles violated:			
* Article 2	* Article 13	* Article 19	* Article 22
* Article 25			

### ACCESS TO HEALTH CARE

Access to healthcare remains alarmingly low. There is only 1 basic health worker for every 3,400 persons or 1 health worker for every 4 villages. Many villages are reliant upon volunteer health workers, who are limited in their service abilities.<sup>34</sup> Professional healthcare services, including birth spacing services and contraception, are mainly provided by the private sector, which usually translates into high fees and limited access. It has been reported that the cost of birth delivery is about 450,000 kyat, which is unaffordable on even a teacher's monthly salary of about 6,000 kyat.<sup>35</sup> The SPDC does have some public healthcare programs, although there have been reports that medicines provided to the SPDC for distribution often 'disappear' before they reach the intended recipients.<sup>36</sup>

According to a UNICEF report, at least 35% of the population does not have access to reproductive health services. Most women do not have access to technology that can screen for breast and cervical cancer, endometriosis or other gender specific health problems. Almost 25% of women do not have access to antenatal care, with women in rural areas having significantly less access than women in the urban areas. There is significantly less access to healthcare in ethnic nationality areas as there is in urban sectors. This gap must be addressed in the context of reconciliation and democratization in order to create sustainable health care. While there are some grassroots women's health initiatives, they do not receive funding from the state level and restrictions on freedom of information greatly affects women's agencies in addressing health concerns.

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<sup>34</sup> UNICEF-Myanmar (April 2001) Children and Women in Myanmar: Situation Assessment and Analysis

<sup>35</sup> DVB (14 Jan 03) The fall and fall of health service

<sup>36</sup> Images Asia (Jan 2002) Gathering Strength: Women from Burma on their Rights



## 24 Abused Bargaining Chips

### THE RESULT

Maternal mortality is one of the highest in the region at approximately 580 deaths per 100,000 live births. The prenatal mortality rate for the babies of adolescent girls is 46-67 per 1000 births, twice as high as for older women. The United Nations Population Fund estimates that 57% of maternal deaths take place at home. This is likely due to the lack of access of healthcare facilities, the cost of services and abortion being illegal.

Outside of maternity, women's health is not prioritized in the SPDC's programs.<sup>37</sup> Violence and sexual assault against women and the psychological side effects is not evaluated or addressed properly inside Burma, the refugee camps or within migrant communities. Women's League of Burma reported that in some areas 7 out of 10 women have swollen thyroid glands (goiter).<sup>38</sup> In Chin State, it is reported that 80% of women suffer from gynecological problems, which is indicative of the lack of access in rural and ethnic nationality areas.

The decision-makers in the Ministry of Health are all men, which has a large impact on the SPDC's gender insensitive health program. Women's health issues such as cancer of the uterus and ovaries, osteoporosis and family planning are not considered.<sup>39</sup>

A report by UNICEF-Myanmar identifies underlying causes of illness and death of women as lack of "security, access to basic health services, quality of health services, and family and community awareness and participation." These underlying problems can only be addressed in the framework of democratic changes and reconciliation or any progress will be limited and impermanent. The SPDC's "National Health Plan for 1996-2001" emphasized the need to "develop the health system in line with the changing political, economic and social system of the country." This plan sounds good and helped solicit international funding, but the reality is that the national health plan is not being carried out in that context.

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<sup>37</sup> Images Asia (Jan 2002) *Gathering Strength: Women from Burma on their Rights*

<sup>38</sup> Women's League of Burma (4-15 Mar 02) *Breaking the Silence: submission to the CSW*

<sup>39</sup> Images Asia (Jan 2002) *Gathering Strength: Women from Burma on their Rights*

**BIRTH SPACING AND CONTRACEPTION**

Birth spacing services and contraceptives are available in less than half of the townships yet more than 20% of the women in Burma need birth spacing services for their health and to limit family size. Women's knowledge of contraception is often derived from experiences of their own or of women in their communities. As of January 2002, possession of condoms can still be considered evidence of sex-work, which is an arrestable offence in Burma.<sup>40</sup>

All abortions remain illegal, even in the case of rape or incest, but approximately 2,000 abortions are performed each day or 750,000 per year. It is estimated that unsafe abortions and their consequences account for 50% of maternal deaths.<sup>41</sup> Nearly 14% of married women aged 15-49 have at least 1 abortion during their married lives. Post-abortion contraception is usually not provided at the hospitals so subsequent abortions are believed to be "not uncommon." These statistics clearly demonstrate the urgent need for policies promoting family planning and a need for independent education and access to contraception.

**ABORTIONS AND MATERNAL HEALTH IN THAILAND<sup>42</sup>**

It is estimated that more than 150,000 people from Burma live in Tak Province, Thailand. The preliminary findings of recent research of abortions in Tak reveal a serious situation, which is getting worse. In the local Thai hospitals in 2001-2002, twelve Burmese women died from lack of antenatal care, post abortion complications or delivery complications and more than 300 Burmese women were seen with post abortion complications. One woman from a refugee camp died during her 16<sup>th</sup> pregnancy.

In 2001 at the Mae Tao Clinic, established by Dr Cynthia Maung from Burma to treat Burmese migrants, there were 457 post abortion cases, more than double from 2000. The clinic performed 563 birth deliveries, a comparable number to post abortion cases. However, the numbers are likely much higher as most women still give birth and perform abortions at home with community midwives or abortionists. Of the women interviewed, more than half had been living in Thailand for more than 3 years. This demonstrates the need for long-term intervention strategies and care.

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<sup>40</sup> Images Asia (Jan 2002) Gathering Strength: Women from Burma on their Rights

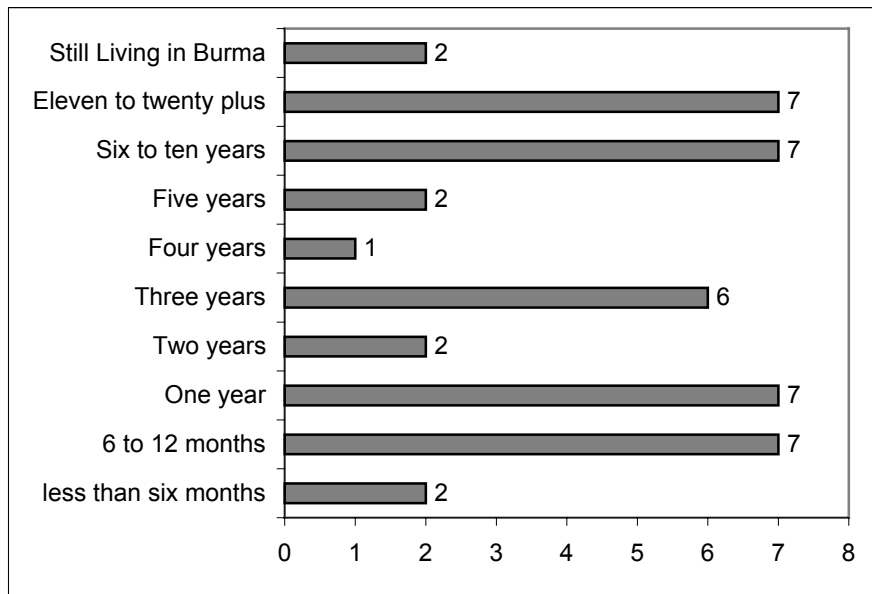
<sup>41</sup> Women's League of Burma (4-15 Mar 02) Breaking the Silence: submission to the CSW

<sup>42</sup> Suzanne Belton, PhD Candidate. Melbourne University Key Centre for Women's Health in Society Faculty of Medicine. Research conducted through the Mae Tao Clinic. Full report will be published during 2003.

## 26 Abused Bargaining Chips

Forty percent of the women interviewed induced their own abortion before going to the clinic or hospital with home-type remedies, massage (pounding and compressing the uterus), high dosages of contraceptive pills or went to an abortionist who puts sticks, nails, etc into the womb. Some women get massive infection of their reproductive organs and lose the ability to ever become pregnant again. Abortions are particularly dangerous since they are illegal in both Thailand and Burma and the abortionists do not appear to be well trained. Legal reforms to liberalize access to clean abortion in both Thailand and Burma would decrease the sickness and deaths.

Table 1. Years lived in Thailand of Burmese women experiencing a miscarriage or induced abortion.



### Expensive

It costs approximately US\$53 for a woman who is hospitalized for post abortion complications in a Thai hospital and about US\$230 if she dies from pregnancy related causes. Burmese women in Tak earn about US\$45 per month, making hospital fees far beyond their reach.

### **Family Planning**

The research sampling showed that 25% of the women having an abortion experienced five or more pregnancies, which is a serious health risk for the woman. It was found that most women do not receive family planning information while they are inpatients being treated for post abortion care in local Thai hospitals. The availability of information and services could reduce abortions as well as being economical for the women, the Thai health system and NGOs providing services. A one-year contraceptive injection costs US\$2.10 and female sterilization costs US\$11.60. It was noted that the women were 'very interested' in talking about family planning. It was also noted that the women interviewed had little to no education and nearly 25% could not read or write, so alternatives to written information needs to be provided.

Poverty, domestic violence, job retention, ill-timing and community pressure were reasons cited for ending the pregnancy. Abortions and maternal health must be dealt with in the framework of these underlying causes in order for assistance and intervention to be effective and sustainable.

### **FUNDING**

The SPDC's refusal to designate an appropriate amount of the state budget to health care continues to exacerbate the health problems of women. The SPDC does not release official information on the state budget, but only about 2% of state expenditure or 0.14% of GDP in 1998/99 was allocated to health and education. Regardless, the United Nations Population Fund allocated US\$16 million for 2002-2005 for reducing maternal mortality, educational programs on reproductive health and reducing the spread of HIV/AIDS. In 2002 alone, US\$2.6 million was granted, up from US\$1 million in 2001.

The funding is being channeled through military controlled organizations such as the Myanmar Maternal and Child Welfare Association (MMCWA) and the National AIDS Program. These GONGOs (government organized non-governmental organizations) are identifying the communities and developing the programs to absorb this funding. This collaboration with the SPDC GONGOs can be very discriminating and is likely to be denied to those women and/or communities that do not actively support the military regime. The questionable integrity of these GONGOs is exemplified by the MMCWA's silence in regards to the systematic rape of women in Shan State and UNICEF's charge that MMCWA "lacks accurate data."

The regime's prioritization of funds for military spending not only deprives civilians of much needed health and education services, but also furnish soldiers with the means to perpetrate abuses on the women of Burma.

### **MIGRANTS & DISPLACED PERSONS' HEALTH**

Migrant workers from Burma living in other countries and internally displaced people (IDPs) in Burma are in grave need of health services. Migrant workers are often unregistered and therefore ineligible for health care. Regardless, most workers are not granted leave to visit the doctor and cannot afford to pay for the services. Many women fear losing their job if their employer knows they are sick. Most IDPs are not being reached by INGOs working inside Burma, nor by SPDC sponsored programs.

### **RECOMMENDATIONS**

1. UN bodies, donors, NGOs and international governments and agencies should request the SPDC to divert funds from military spending to health and education.
2. SPDC should independently create affordable, accessible and gender equal family planning and contraceptive methods and education in local languages.
3. SPDC should legalize abortion, particularly in cases of rape or incest.
4. In Burma and Thailand, actively promote family planning and create ample, confidential access to contraception and reproductive health products.
5. The Royal Thai Government should allow women asylum seekers from Burma to safely access humanitarian aid agencies based in Thailand.
6. Traditional and modern health workers should receive training in modern family planning methods, safe post abortion care and reproductive rights.
7. Place Burmese-speaking staff on postnatal and post abortion wards in relevant Thai hospitals to help educate, collect consent and refer women back into their communities.
8. Maternal mortality and morbidity from unsafe abortion should be reviewed in committees formed by Thai and Burmese health workers.
9. Thai labor laws should be enforced to protect the reproductive health rights of Burmese migrant workers.
10. Apply for funds for comprehensive reproductive health services, that include non-coercive family planning information and supplies and access to post abortion care for Burmese women and men.

## DISPLACEMENT

Universal Declaration of Human Rights articles violated:

* Article 2	* Article 3	* Article 5	* Article 6
* Article 13	* Article 14	* Article 23	* Article 24

### UNWELCOME

The conditions for women from Burma living in neighboring countries are deteriorating. There are more than 200,000 registered female migrant workers living in Thailand alone and hundreds of thousands more that are not registered. Women and children account for 60-80% percent of the Burmese refugee population and they will be seriously affected by the change in policy of neighboring countries.<sup>43</sup> Amnesty International highlighted concern about the repatriation of 'illegal' migrants as they have a "well-founded fear of persecution if they were to be returned."<sup>44</sup>

Thailand's General Winai Phattiyakhul has warned that "from now on, Thailand would force refugees to go back to where they came from," and that "Thailand would not welcome refugees from Burma and other neighboring countries anymore." All people from Burma going to Thailand are no longer allowed a 30-day visa upon arrival. The Thaksin Government is also working diligently to repatriate all 'undocumented' people from Burma and will not be registering new migrant workers.

On August 1, 2002, Malaysia implemented a "zero-tolerance" policy towards undocumented migrants, who can be imprisoned, caned, and fined. It is not safe to stay in Malaysia but those trying to leave are often at the mercy of brokers who charge about US\$260 for transport.<sup>45</sup> The Bangladeshi government is also becoming impatient with the SPDC with the slow rate of repatriations, mostly Muslim people from Arakan State.

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<sup>43</sup> IRC & Women's Commission on Refugee Women and Children (June 2002) *If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced and Post-Conflict Settings*

<sup>44</sup> Amnesty International (17 Jul 02) *Myanmar: Lack of Security in Counter-Insurgency Areas*

<sup>45</sup> *Irrawaddy* (23 Jul 02) *Work Permit Deadline Nears in Malaysia*

## 30 Abused Bargaining Chips

### **JUSTICE**

In a precedent-setting case, 30 Karen women from Burma represented by the Foundation for Child Development and Foundation for Women won a court case against the owner of a garment factory on the Thai-Burma border for forcing the women to work under slave-like conditions. The women were awarded 2.1 million baht (US\$48,837) to be paid in monthly installments with the agreement that the women were repatriated back to Burma. However, the company stopped paying retribution fees after only a couple of months. The Foundation is pursuing the case with the Legal Execution Department of Thailand.<sup>46</sup>

Unfortunately, most women are not this lucky. Without official status, legal protection and social services are rarely afforded to them. Most women leave due to the horrendous conditions and lack of security in Burma but face exploitation and human rights violations in the country of refuge.

### **RECOMMENDATIONS**

1. UNHCR, Royal Thai Government and other countries receiving migrants from Burma to delay repatriations of women and their families to Burma until conditions are safe as determined by an independent council comprising of key stakeholders including UNHCR, NLD, and SPDC.
2. To put an end to the causes of the systematic forced displacements of persons and the flow of refugees to neighboring countries from Burma. To create adequate conditions for their safe and voluntary return and complete reintegration into society.
3. To allow humanitarian personnel safe and unhindered access to assist with the voluntary return and reintegration of displaced people, and to address the problems of trafficking of women and children, especially in the border areas.

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<sup>46</sup> Bangkok Post (22 Aug 02) Slave Workers Win Historic Court Battle

## EDUCATION

Universal Declaration of Human Rights articles violated:			
* Article 2	* Article 3	* Article 22	* Article 26

While primary school education is generally available, higher education is often inaccessible and unaffordable. The devastating economic situation in Burma usually necessitates children entering the workforce instead of pursuing their education. However, if there is an opportunity, the male in the family is often allowed to pursue higher education instead of the woman. This is evident in that the dropout rates for girls are double that of boys in post-primary education.<sup>47</sup>

The SPDC reports that the national adult literacy rate is 82% for men but only 71% for women but estimates women's literacy rate in ethnic nationality areas at only 39%-53%. However, independent estimates place female illiteracy around 70% and nearly 80% in conflict zones or remote areas.<sup>48</sup> This is not so surprising as only 0.5% of GNP is spent on education in Burma, compared to an average of 2.7% in other neighboring countries.<sup>49</sup>

### RECOMMENDATIONS

1. UN bodies, donors, NGOs and international governments and agencies should request the SPDC to divert funds from military spending to education.
2. SPDC should fund educational programs in ethnic nationality areas that promote women in education and that are culturally appropriate for each area.
3. International community should provide scholarships for higher education to women within the opposition movement.

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<sup>47</sup> Federal Trade Unions of Burma (June 2002) Economic Report on Burma

<sup>48</sup> IRC & Women's Commission on Refugee Women and Children (June 2002) *If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced and Post-Conflict Settings*

<sup>49</sup> Federation of Trade Unions of Burma (June 2002) Economic Report on Burma



## **NON-BURMAN ETHNIC NATIONALITIES**

While it is evident throughout this report, it is important to highlight that women in non-Burman ethnic nationality areas are often the most vulnerable and suffer the worst abuse and discrimination. They are more vulnerable to trafficking, state-sanctioned rape and violence, as well as forced marriage to SPDC soldiers. Forced marriage often occurs to “remedy” the situation when a soldier rapes a woman and to secure more “loyalty” to the SPDC, especially if the woman is from an influential family.

Forced labor and human rights abuses continue unabated in ethnic nationality areas. Despite the SPDC’s perceived cooperation with the ILO, more than 151 women in Shan State were used for forced labor between December 2001 and March 2002.<sup>50</sup> The ILO expressed concern over women being raped while being used as forced laborers.

The SPDC’s infamous NaSaKa, Border Supervisory Companies, are known for committing gross violations against women in ethnic nationality areas. It is of serious concern that as of January 2003, they have been expanded, upgraded, and reorganized as NaSaYa, Border Supervisory Battalions.<sup>51</sup> NaSaKa is particularly brutal in Arakan State and have been cited as the reason many women flee to Bangladesh.

The SPDC does not engage with ethnic nationalities in political discussions except for trying to contrive deceptive cease-fires. Women are usually not involved in discussions for cease-fires by either the SPDC or their communities.

### **RECOMMENDATIONS**

1. That the SPDC call for and implement a legitimate nation-wide cease-fire as the beginning of a process towards dialogue and negotiation with specific roadmaps with timelines.
2. Allow full and unrestricted access to existing INGOs and UN agencies to reach women in all ethnic nationality areas with health care and education services.

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<sup>50</sup> SHAN (13 Dec 02) Forced labor: 10 townships in road construction projects

<sup>51</sup> DVB (11 Jan 03) Rangoon said to establish seven new border supervisory battalions

## **LICENSE TO RAPE RECOMMENDATIONS**

**The SHRF and SWAN make the following recommendations:**

### **TO THE STATE PEACE AND DEVELOPMENT COUNCIL:**

1. To immediately implement a nationwide ceasefire in order to stop increased militarization and anti-insurgency campaigns in the ethnic states;
2. To begin tripartite dialogue with representatives of non-Burman ethnic nationalities and the democratic opposition on the country's political future;
3. To respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law;
4. To respect fully their obligations under the ILO 1930 Convention concerning forced or compulsory labour (No. 29);
5. To end the continuing violations of the human rights of women, in particular forced labour, forced relocations, abuse, torture, sexual violence, exploitation and abuse in detention and summary executions, often committed by military personnel and especially directed towards women who are returning refugees, internally displaced, or belong to ethnic groups or the political opposition;
6. To put an end to the causes of the systematic forced displacements of persons and the flow of refugees to neighbouring countries and create adequate conditions for their safe and voluntary return and complete reintegration, to allow humanitarian personnel safe and unhindered access to assist their return and reintegration, and to address the problems of trafficking of women and children, especially in the border area;
7. To fulfil its obligations under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women by bringing national legislation and practice into conformity with these conventions, and to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Optional Protocols to the Convention on the Rights of the Child;
8. To implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women;

34 Abused Bargaining Chips

**TO THE ROYAL GOVERNMENT OF THAILAND**

1. To give protection to Shan civilians along the Thai-Shan border by allowing them to cross the border into Thailand and to access refugee camps and UNHCR.
2. To allow Shan asylum seekers access to humanitarian aid agencies based in Thailand.
3. To exercise particular caution in relation to the deportation of Shan migrant workers as many are genuine refugees.
4. To not repatriate Shan women into the hands of the Burmese army.
5. The governments of Thailand and Burma should allow the international community and UNHCR to participate in any discussions, negotiations and/or repatriation programs involving Burmese migrants. Such discussions must address the root causes for the outflow of migrant workers.

**TO THE INTERNATIONAL COMMUNITY**

1. To not allow political developments in Burma to act as a 'smokescreen' on the continuing human rights violations occurring predominantly in the non-Burman ethnic nationality areas;
2. To pressure the SPDC to fulfil the recommendations above, which are based on the Commission on Human Rights resolution 2002/67 on the 'Situation of human rights in [Burma]', and to withhold all forms of aid to the regime until irreversible changes are made towards democratic reform in Burma.
3. To pressure UN agencies and international NGOs working in the ethnic states of Burma to publicly bear witness to the atrocities being committed by the SPDC against civilians in these areas, since their silence makes them complicit in these abuses.

**UNIVERSAL DECLARATION OF HUMAN RIGHTS**  
**(Quick guide for articles referenced in this report)**

- Article 2 UDHR articles are for everyone despite sex, race, creed, social class, religion, political affiliation, or country of citizenship or origin
- Article 3 Right to life, liberty and security
- Article 4 Right to be free from slavery and enslaving anyone
- Article 5 Right to not be tortured
- Article 6 Right to equal legal protection everywhere
- Article 7 Law is the same for everyone and should be applied in the same way
- Article 8 Right to get legal help when your rights are not respected
- Article 9 No one shall be arbitrarily arrested, detained or exiled
- Article 10 Right to fair, public hearing by an independent impartial judiciary
- Article 11 Right to defense and to be considered innocent until proven guilty when charged with an offense
- Article 12 Right to protection from arbitrary interference with privacy, home, family, honor, mail
- Article 13 Right to movement and residence in your country, to leave your country and to return
- Article 14 Right to asylum from persecution
- Article 19 Freedom of expression and information
- Article 20 Freedom of assembly and association
- Article 21 Equal right to political activity, public service and elected representation
- Article 22 Right to culture, work and social welfare
- Article 23 Right to equal and sustainable work, salary and to join trade unions
- Article 24 Right to reasonable work hours and time off/holidays
- Article 25 Right to adequate standard of living for health and well-being
- Article 26 Right to education
- Article 28 Right to social and international order to realize UDHR articles

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“The status of women remains stagnant, their living conditions continue to deteriorate and violence against women appears endemic. Despite this, women inside and on Burma’s borders continue to find ways to survive and resist the brutal military regime known as the State Peace and Development Council (SPDC).”

“Any support to the regime only means a continued license to rape and kill. As long as others continue to support the regime for one reason or the other, the nightmare of sexual violence continues indefinitely.” ~ Women’s League of Burma.

“The regime’s prioritization of funds for military spending not only deprives civilians of much needed health and education services, but also furnish soldiers with the means to perpetrate abuses on the women of Burma.”

“Our women are rarely allowed to achieve decision-making positions even though they are able and well qualified. This means they are neither assured of their right to security nor their right to shape their own destiny.” ~ Daw Aung San Suu Kyi

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