

Hidden Strengths, Hidden Struggles

Women's testimonies from southeast Myanmar



Karen Human Rights Group
Documenting the voices of villagers in rural Burma

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Karen Human Rights Group
July 2016

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Front cover photo: This photo was taken by a KHRG community member on June 6th 2016 in N— village, Htantabin Township, Toungoo District. It shows a woman arriving at her farm to bring her husband his lunch which she prepared at home. *[Photo: KHRG]*

Back cover photo: Women attend a KHRG workshop on human rights in L— village, Wah Me Klah village tract, Paingkyon Township, Hpa-an District in August 2015. *[Photo: KHRG]*

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This report is not for commercial sale.

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Section A: Introduction

Executive Summary

The time period covered in *Hidden Strengths, Hidden Struggles*, January 2012 to March 2016, was characterised by dramatic and substantial changes in Myanmar, including the political reform process; the 2012 preliminary ceasefire agreement between the Karen National Union (KNU) and the Government of Myanmar; the 2015 Nationwide Ceasefire Agreement (NCA); and the November 2015 general election, in which the National League for Democracy won a landslide victory, marking a change of course from the previous reign of consecutive military-backed governments.

This report comes ten years after KHRG published *Dignity in the Shadow of Oppression*, an extensive report highlighting the abuse and agency of Karen women in southeast Myanmar, in a highly militarised context during the conflict period. *Hidden Strengths, Hidden Struggles*, revisits perspectives and abuses explored in that report, as well as new ones identified by KHRG community members, and sheds light on the situation for women in the present context. KHRG launches this report at a time when women's issues, both in Myanmar and globally, are gaining momentum, and women are increasingly asserting their right to be considered as equal stakeholders in Myanmar's future.

The detailed portrayal of women's voices in this report is based on an analysis of 1,048 documents, including 98 interviews with women, collected by KHRG between January 2012 and March 2016. This report aims to present a comprehensive picture of the changing roles and experiences of women in southeast Myanmar. KHRG presents the perspectives of local women on issues identified by them, including livelihoods, militarisation, health, education, and others. The report outlines human rights abuses that are of particular concern for women, including gender-based violence, and how continued human rights abuses in southeast Myanmar affect women and men differently, an aspect often overlooked. In addition, it highlights the agency strategies that women employ for self-protection, and the challenges faced when attempting to access justice for abuses. Finally, the report suggests ways to address the issues raised and improve the situation for women in southeast Myanmar, by giving concrete recommendations to the Government of Myanmar, ethnic armed organisations, local and international civil society organisations, and the international community supporting the peace process and programmes in Myanmar.

KHRG is confident that this report will provide a valuable resource for practitioners and stakeholders working on issues related to southeast Myanmar, and that it can be used as a tool in developing an awareness of local women's concerns and agency. KHRG also believes that the report will be equally interesting for members of the general public who would like to learn more about women's perspectives of the situation on the ground in rural southeast Myanmar.

Key Findings

1. Since the 2012 preliminary ceasefire between the Karen National Union (KNU) and the Government of Myanmar, women in Karen areas of southeast Myanmar have generally reported that they are suspicious and distrustful of government-led health and education initiatives. They continue to feel a lack of trust in the government, including government-provided schooling and healthcare staff.
2. A number of women reported that they had observed a retreat of women from positions of authority, such as village or village tract leader, in some areas of southeast Myanmar, following the reduction of conflict in the aftermath of the 2012 preliminary ceasefire, and the return of men to villages. Women had assumed these roles as men were often absent from villages due to their participation in conflict, or having migrated.
3. Women and girls from rural areas were disproportionately affected by the long distances between their villages and post-primary schools, as well as adequate healthcare facilities, which are generally located in towns and cities, due to perceived security threats to women's safety when travelling, and the financially prohibitive cost of accessing these services.
4. Despite the 2012 preliminary ceasefire, and the subsequent Nationwide Ceasefire Agreement (NCA), women continued to describe security concerns related to the presence of armed actors, primarily the increased risk of gender-based violence. The continued perceived threat served as a deterrent to accessing farmlands and forests for livelihood activities, and accessing education and healthcare providers.
5. Women reported that following the 2012 preliminary ceasefire, land confiscation was the most common abuse they faced. Across southeast Myanmar, women highlighted the negative impacts this had on their livelihoods, and an array of challenges in attempting to access and utilise justice mechanisms.
6. Women with mental health conditions or who were less educated were especially vulnerable to gender-based violence, and were disproportionately represented in KHRG's reports. Women with mental health conditions were often perceived as less able to physically resist abuse, and negative attitudes towards mental health conditions made it more difficult for them to report abuse and obtain justice for abuses against them.

Recommendations

These recommendations are derived from KHRG field research, informal interviews with key informants, and input from both KHRG field and advocacy staff.

Recommendations to the Government of Myanmar (executive and legislative branches) and/or the Karen National Union (KNU)

- Improve justice mechanisms and enact the Protection and Prevention of Violence Against Women Bill, so that women can safely report cases of gender-based violence and other abuse, such as land confiscations, to local authorities who can bring the perpetrators before independent and impartial civilian courts, in accordance with Articles 1 and 2 of CEDAW and CEDAW General Recommendations 19 and 33.
- Ensure that local officials, village heads, law enforcement authorities and military actors are trained in gender sensitivity to appropriately respond to cases of gender-based violence and that their awareness is raised to change practices and social norms that are harmful for women, in accordance with Articles 1, 2 and 5 of CEDAW and CEDAW General Recommendation 19.
- Provide training to and build the awareness of local administration offices (township and ward/village tract levels) on issues of gender inequality and (rural) women's rights, including on the right of women (and men) to (jointly) register their land, in accordance with Articles 1, 2, 5 and 14-16 of CEDAW and CEDAW General Recommendations 3, 21, 27 and 34.
- Work towards equal representation of women in leadership positions, including women from different ethnic backgrounds and women that have returned after being displaced, at local, regional and national levels of governance, as well as representative functions at the international level, and consider the use of temporary special measures to achieve this goal, in accordance with Articles 1-4, 7 and 8 of CEDAW and CEDAW General Recommendations 5, 23 and 25.
- Address livelihood concerns affecting rural women due to land confiscations, landmines, and other human rights abuses, by supporting them with education, counselling, healthcare and social security programmes, in accordance with Article 14 of CEDAW and CEDAW General Recommendation 34.
- The Government of Myanmar should ratify the Optional Protocol to CEDAW (OP-CEDAW) so that women can submit individual complaints to the CEDAW Committee.
- The Myanmar Ministry of Education and the Karen Education Department should invest in making more middle and high schools available in rural areas, after consulting with local communities, to ensure that young women can access education without concern for their personal safety, in accordance with Articles 10 and 14 of CEDAW and General Recommendation 34.
- The Myanmar Ministry of Education and the Karen Education Department should ensure schools include awareness-raising on sexual violence and gender sensitivity in their curricula in accordance with Article 10 of CEDAW and CEDAW General Recommendations 3 and 19.
- The Myanmar Ministry of Health and the Karen Department of Health and Welfare should ensure that healthcare, in particular maternal healthcare, is made available and affordable to all women in rural areas without discrimination, in accordance with Articles 12 and 14 of CEDAW and CEDAW General Recommendations 24 and 34.

- The Myanmar Ministry of Health and the Karen Department of Health and Welfare should make sure that health interventions are implemented through discussion and collaboration with rural women, ensuring their informed consent, and health interventions should be coordinated with locally trusted healthcare providers before implementation in rural areas, in accordance with Articles 12 and 14 of CEDAW and General Recommendations 24 and 34.

Recommendations to the Tatmadaw (including Border Guard Forces operating in southeast Myanmar) and ethnic armed organisations operating in southeast Myanmar

- Support efforts towards the de-escalation of conflict, especially near civilian areas, to reduce the risk of (gender-based) violence against women and to protect women from conflict, in line with Article 1 of CEDAW, CEDAW General Recommendation 30, the Declaration of Commitment to End Sexual Violence in Conflict (2013) and UN Security Council resolutions on sexual violence 1325 (2000), 1820 (2008), 1888 (2009), 1960 (2010) and 2106 (2013).
- Hold military personnel accountable for (gender-based) violence against women in fair and transparent judicial processes, whilst paying due regard to gender sensitivities of the female victims, in accordance with Articles 1 and 2 of CEDAW and CEDAW General Recommendations 19 and 33.

Recommendations to local and international civil society organisations working in southeast Myanmar

- Support in the training of and provide guidance to government and independent midwives and rural health workers to improve healthcare, in particular maternal healthcare, for women in rural areas.
- Support and encourage women's participation and representation in meaningful consultations, dialogues and community decision-making, for example by empowering women through trainings and providing educational resources.

Recommendations to the international community supporting the peace process and/or programmes in southeast Myanmar

- Prioritise funding for local community-based organisations, both in southeast Myanmar and along the border area in Thailand, which provide training and support in essential services, including healthcare and education, and support services for victims of gender-based violence.
- Support and fund programmes that require the equal participation and involvement of women from different ethnic backgrounds at all levels of governance, decision-making and dialogue.
- Provide additional funding, training and capacity-building for civil society organisations working in southeast Myanmar to improve healthcare, in particular maternal healthcare, for women in rural areas.

Detailed Findings

Health and Education

1. Between the January 2012 preliminary ceasefire, signed by the Karen National Union (KNU) and the Government of Myanmar, and March 2016, women in Karen areas of southeast Myanmar generally reported that they were suspicious and distrustful of government-led health and education initiatives. Women expressed doubts over government staff training and skill, and incidences were reported of untrained healthcare workers prescribing incorrect dosages of medicines.
2. The long distances between villages and post-primary schools disproportionately affected women and girls from rural areas. Rural girls were in some instances discouraged from seeking further education in towns due to concerns for their safety and traditional attitudes preferring that they stay near to their families.
3. The long distances between villages and adequate healthcare facilities disproportionately affected women and girls from rural areas. Rural women reported their concerns about not being able to access hospitals during pregnancy or when giving birth, with many women continuing to give birth at home without access to adequate healthcare. Other barriers to accessing health services included perceived security threats, such as safety when travelling, and the financially prohibitive cost of medicine and treatment.
4. Women expressed that they wanted to ask questions and understand more about local schools and health services but that they faced barriers when they sought to access information or made suggestions. In addition, a number of women felt that the quality of healthcare and education delivered across southeast Myanmar depended in large part on individual staff attitudes.
5. Upfront and hidden costs in the health and education sectors served as a barrier for women to access essential services. Hidden costs included requests for additional fees for unclear purposes in schools.

Ceasefire, Militarisation, and the 2015 General Election

6. A number of women reported that they had observed a retreat of women from positions of authority, such as village or village tract leader, in some areas of southeast Myanmar, following the reduction of conflict in the aftermath of the 2012 preliminary ceasefire, and the return of men to villages.
7. Despite the 2012 preliminary ceasefire, and the subsequent Nationwide Ceasefire Agreement, women continued to describe security concerns related to the presence of armed actors, primarily the increased risk of gender-based violence (GBV). Continued perceived threats served as a deterrent to accessing farmlands and forests for livelihood activities, and accessing education and healthcare providers.
8. Several women expressed that they did not see the 2015 election as relevant to the Karen people in southeast Myanmar. While some women showed a cautious optimism regarding the results of the election, others were hesitant to make judgments regarding its potential impacts.

Gender-based Violence

9. Women with mental health conditions or women who were less educated were especially vulnerable to gender-based violence, and were disproportionately represented in KHRG's reports. Women with mental health conditions were often perceived as less able to physically resist abuse, and negative attitudes towards mental health conditions made it more difficult for them to report abuse.
10. Perpetrators of sexual assault were reported to often come back to explicitly threaten and violently abuse the women they had assaulted, and their female family members, in order to deter them from reporting and speaking of the incident. Such perpetrators of GBV routinely enjoyed impunity for their actions and were able to retaliate against women who attempted to report abuse. This problem was compounded in cases where the perpetrators were powerful actors, such as military personnel.
11. Women who suffered GBV faced extensive barriers to accessing justice. Women who reported abuse were often disbelieved or judged to be responsible for their own abuse. Typically, small sums of compensation as a form of resolution in GBV cases were not deemed a sufficient or appropriate resolution by those who suffered instances of GBV.

Livelihoods and Land Confiscation

12. Land confiscation was the most common abuse facing women, across southeast Myanmar. Land confiscation perpetrators included the Tatmadaw, BGFs operating across southeast Myanmar, national and international businesses, and the Government of Myanmar.
13. Development-related projects were identified as causing increased land confiscation, most commonly in the form of road construction, infrastructure development, commercial agriculture, and mining. Women expressed a desire to be involved in consultations related to development projects in order to ensure positive benefits for their communities.
14. Women reported employing various forms of agency to combat land abuses; these included writing complaint letters, engaging in direct negotiation, reporting to village heads, and seeking to register their land. Women sought resolution to these cases through compensation, mediation, and investigation by authorities.
15. In the majority of cases, women faced significant obstacles to their being able to access justice, related to land confiscation cases. These included difficulties in meeting with authorities, and villagers' lack of access to clear information on the details of confiscations. When compensation was promised or given, women were typically unsatisfied with the amounts offered.
16. Notably, single women, women who were widowed, and women whose husbands were not living with them, reported feeling a heightened vulnerability with regard to their livelihood security, due to pressures from land confiscation, as well as the impact of development and infrastructure projects.
17. The environmental impact of development projects affected women's livelihoods through river pollution, erosion of their farmlands, and the destruction of, or loss of access to, communal forest lands. Women identified additional environmental challenges, such as unpredictable weather and pests, as also negatively impacting their food security and livelihoods.

Landmines

18. Despite the 2012 preliminary ceasefire, women in southeast Myanmar reported that they continued to face the severe consequences of landmine contamination. These included death and injury, and livelihood challenges related to the loss of livestock, or access restrictions to contaminated farmlands and forests.
19. Women who had been left widowed, after their husbands stepped on landmines, reported serious grievances to KHRG as they struggled to provide for their families.

Forced Labour

20. Women reported fewer instances of being targets for forced labour after the 2012 preliminary ceasefire, although on some occasions groups of women were forced to undertake labour on behalf of the Tatmadaw or BGFs operating across southeast Myanmar, usually to cut bamboo, assist with construction work, or provide thatched shingles.
21. KHRG received no reports of villagers being properly compensated retroactively for forced labour they had been made to undertake. In some cases of agency, villagers were able to directly negotiate with the perpetrators to limit forced labour requests; however, some were punished for refusing to comply with orders for forced labour.

Violent Abuse, Killing, and Explicit Threats

22. Reports received by KHRG concerning violent abuse, killing, and explicit threats indicated that most victims of these abuses were men. Cases where women were violently abused or killed most often involved accusations of witchcraft within a woman's family, or women speaking out against drug trafficking and use.
23. Women who had already suffered some form of abuse reported facing explicit threats or violence by perpetrators when seeking justice.
24. In many cases where women were offered some form of compensation, they expressed reluctance to accept it on terms dictated by the perpetrators.

Arbitrary Taxation and Extortion

25. Women reported being targeted for extortion and arbitrary taxation throughout KHRG's research areas. These abuses were generally committed by armed actors or the Myanmar police.
26. Arbitrary taxation demands affected women through taxation on livelihood activities, such as farming, logging, and travelling; extortion cases were less frequent and involved criminal proceedings where women were asked to pay bribes.
27. In cases of women's agency, women directly refused to pay taxes, or negotiated with those demanding the tax to lower the amount, or requested official receipts, as a means of defiance.

Introduction

“In my opinion, I can’t entirely trust what the government said. ... They both [the government and the KNU] held their guns, here and there. They were enemies before. Now, they made peace. I can’t believe it yet, but if they stop holding their guns, I can believe.”

Naw T--- (female, 50), S--- village, K’Dee Poo village tract, Thaton Township, Thaton District/Northern Mon State (interviewed in May 2012)¹

Women in southeast Myanmar have reported that the overall situation in KHRG research areas has improved since the signing of the preliminary ceasefire agreement between the Karen National Union (KNU) and the Government of Myanmar in January 2012. The past five years have been characterised by dramatic and substantial changes in Myanmar, including the political reform process; the 2015 Nationwide Ceasefire Agreement (NCA); and the November 2015 general election, in which the National League for Democracy (NLD) won a landslide victory, marking a change of course from the previous reign of consecutive military-backed governments.

This report aims to present a comprehensive picture of the changing roles and experiences of women in southeast Myanmar during this transition after decades of civil war. The detailed portrayal of women’s voices in this report is based on an analysis of 1,048 documents, including 98 interviews with women, collected by KHRG between January 2012 and March 2016. The report outlines human rights abuses that are of particular concern for women, including gender-based violence, and how continued human rights abuses in southeast Myanmar affect women and men differently, an aspect that is often overlooked. In addition, it highlights the agency strategies that women employ for self-protection, and the challenges they face when attempting to access justice for abuses.

The rationale for this report lies in its follow-up to *Dignity in the Shadow of Oppression*,² a KHRG report published in 2006 highlighting the abuse against, and agency of, Karen women in southeast Myanmar in a highly militarised context during the conflict period. Ten years on, *Hidden Strengths, Hidden Struggles*, revisits perspectives and abuses explored, in the current post-conflict context. It uncovers case studies, presents and projects women’s voices, and offers direct insights into the lives of local women in order to provide a deeper understanding of their experiences on the ground. New themes have also been identified and a strong focus has been put on women’s perspectives, rather than focusing solely on the various human rights abuses faced by women in southeast Myanmar.

The objective of this report is to present local women’s perspectives on and experiences of human rights in southeast Myanmar, and by doing so bring a valuable perspective on current changes in the country. The testimonies presented in this report are the direct, lived experiences of women in southeast Myanmar. Whilst the nature of human rights abuses may have changed since the 2012 preliminary ceasefire, women’s cases presented to KHRG in this report show that major concerns and challenges persist. Crucially for both domestic and international actors, as policies and plans are being developed for Myanmar, now is the time to recognise women’s voices across Myanmar and engage with their perspectives for change. This report documents the experiences of women who have lived through conflict and civil war, unstable ceasefire conditions, and through a complex and flawed peace process, the outcome of which is still uncertain. Ensuring that these women are recognised as stakeholders in the future of their country is therefore crucial to the protection and promotion of human rights in southeast Myanmar.

¹ See source #21.

² See *Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women under Militarisation*, KHRG, November 2006.

Overview of findings

What emerged from the extensive case studies conducted by KHRG across southeast Myanmar, was that challenges faced by women were changing, due in part to the evolving political, military, and development context that they were a part of. The continued presence of armed actors undermined women's sense of security when travelling around their communities. Land confiscation and associated development projects were damaging local environments on which women relied, and women often reported being left out of consultation processes for development projects occurring in their communities. Health and education remained important for women and they expressed concerns about access, quality, and cost of both healthcare and schooling. Gender-based violence was a serious concern not only in the case studies of attacks against women but also in the persistent impunity of powerful perpetrators who denied women access to justice following the abuses. In addition, land mines, forced labour, arbitrary taxation, and extortion were also reported as significant impediments that continued to limit women's freedoms in southeast Myanmar, and their experiences of daily life.

Importantly, women's actions and agency in the face of abuse and injustice are also documented in this report. Women's agency was used prior to or during situations of abuse as a form of resistance, and following an abuse as a means to access justice. Forms of agency covered in this report include the writing of complaint letters, raising concerns with village heads, addressing problems directly with staff members from the offending companies or authorities, and following cases with the police and justice system. These agency strategies are documented to highlight women's actions, as they are not passive recipients of abuse.

The Convention on the Elimination of all Forms of Discrimination against Women

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly in 1979. CEDAW has 188 states parties worldwide, making it one of the most highly endorsed human rights treaties. The Government of Myanmar acceded to the treaty on July 22nd 1997, and from that day onwards has been legally bound to fulfil, protect and respect its provisions.

Apart from obligating Myanmar to refrain from any discrimination against women by state actors and including provisions in its domestic legislation, it also obligates Myanmar to eliminate discrimination against women that is being perpetrated by private individuals and organisations.

The substantive articles of CEDAW fall into two groups; Articles 1-4 provide the general substantive framework of the convention, and Articles 5-16 address specific forms of discrimination with measures to be taken to eliminate these specific forms of discrimination.

Article 1 of CEDAW defines 'discrimination against women' as:

"Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

Articles 2 and 3 of CEDAW obligate Myanmar and other states parties to take policy measures to eliminate discrimination against women and guarantee women the exercise and enjoyment of their human rights and fundamental freedoms on a basis of equality with men. Such measures include: adopting and/or amending legislation; establishing legal protection through tribunals and other public institutions; refraining from acts or practices of discrimination; and also taking measures against discriminatory persons, organisations or enterprises.

Article 4 of CEDAW encourages Myanmar to take “temporary special measures” to accelerate *de facto* equality between men and women. Temporary special measures can be seen as a form of (temporary) positive discrimination of women by giving them preferential treatment in certain areas to create *de facto* equality for women and men. Examples are certain quotas for women in public and political positions. In 1995, Myanmar, together with 188 other countries, endorsed the Beijing Declaration and Platform for Action, in which it was agreed that at least 30 per cent of national legislative seats should be held by women.³ This percentage has not been reached in Myanmar; it stood at 13 per cent from 2011-2015.⁴

Articles 5-16 address the following specific forms of discrimination and outline measures Myanmar and other states parties are obligated to take:

- Sex Role Stereotyping and Prejudice (Article 5)
- Trafficking in Women Prostitution (Article 6)
- Participation in Political and Public Life (Article 7)
- Representation and Participation at the International Level (Article 8)
- Nationality (Article 9)
- Education (Article 10)
- Employment (Article 11)
- Health (Article 12)
- Economic and Social Benefits (Article 13)
- Rural Women (Article 14)
- Equality before the Law (Article 15)
- Marriage and Family Life (Article 16)

Myanmar further has the procedural obligation under Article 18 of CEDAW to submit reports every four years to the CEDAW Committee, on the legislative, judicial, administrative or other measures which it has taken to give effect to the provisions of CEDAW and on the progress made. To date, Myanmar has submitted three reports since it ratified CEDAW on July 22nd 1997.

Myanmar’s latest report is due for review by the CEDAW Committee in July 2016. NGOs were invited by the CEDAW Committee to submit specific information regarding the discrimination of women in the country which is being reviewed. KHRG duly filed a written submission on June 10th 2016 based on information from this report, to encourage the CEDAW Committee to take into consideration the perspectives of women from southeast Myanmar when considering Myanmar’s state report.⁵

Structure of the report

This report consists of three sections and nine chapters. Section A covers the initial sections: following this *Introduction* is a detailed description of the *Methodology* used by KHRG to collect, analyse, process, and publish information.

Section B covers women’s perspectives and is divided into three chapters: chapter I covers *Women’s perspectives on Ceasefire, Militarisation, and the 2015 General Election*. Chapter II covers *Women’s Perspectives on Health and Education*, and chapter III covers *Women’s Perspectives on Livelihoods and Development*. In this section, women define their own priorities on issues such as livelihoods, health, and education. Women’s perspectives presented here may not fall under legal ‘human rights’ categories, but these perspectives provide a clearer understanding of experiences, challenges and changes in southeast Myanmar, as defined locally by women.

³ See *Beijing Declaration and Platform for Action*, Fourth World Conference on Women, September 1995.

⁴ See *Proportion of seats held by women in national parliaments (%)*, World Bank, 2011-2015, accessed on June 15th 2016.

⁵ See *Submission for the 64th session (4th-22nd July 2016) of the Committee on the Elimination of Discrimination Against Women (CEDAW)*, KHRG, June 10th 2016.

Section C consists of seven chapters detailing the abuse, agency, and access to justice of women in southeast Myanmar. Chapter IV covers *Health and Education*, chapter V *Forced Labour*, chapter VI *Gender-based Violence*, chapter VII *Land Confiscation*, chapter VIII *Landmines*, chapter IX *Arbitrary Taxation and Extortion*, and chapter X covers *Violent Abuse, Killing, and Explicit Threats*.

The full report is also available in Myanmar language. KHRG has also published a *Report Briefer* for this report, which gives an overview of, and summarises the findings of the full report.

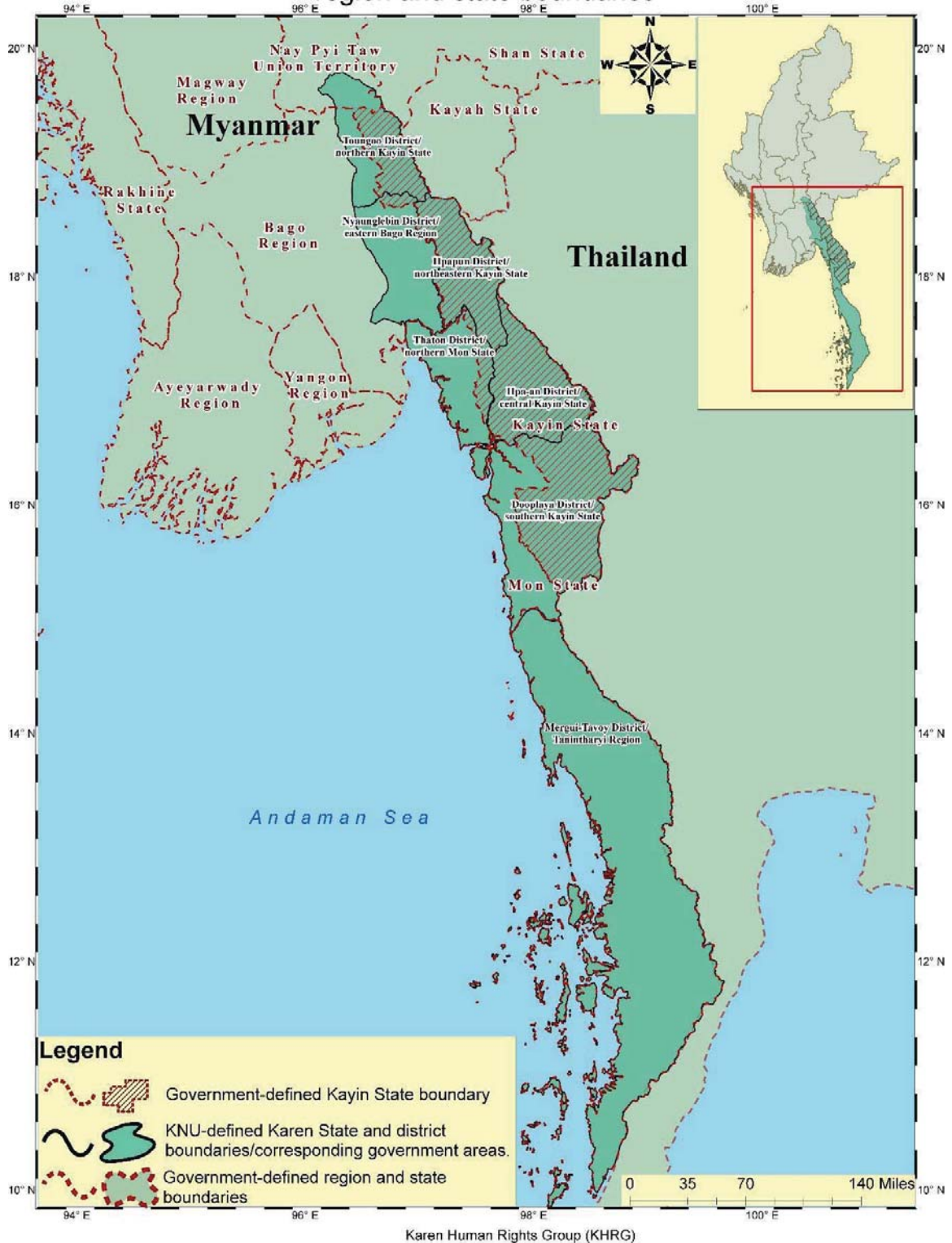
The *Report Briefer* is available in English, Myanmar and Karen languages.

In addition, KHRG has compiled an *Appendix* that includes all raw data reports that formed the main data set for this report. Raw data is information received from the field through KHRG's researchers and community members. It includes: interviews, situation updates, short updates, incident reports, land grabbing forms, complaints letters, news bulletins, and photo notes. Further information published by KHRG used in this report but omitted from the appendix, are previously published KHRG thematic reports and commentaries. These can be accessed online at KHRG's website.

The full *Appendix* is available in English on KHRG's website.

Map of southeast Myanmar

KNU-defined Karen State and Myanmar government-defined region and state boundaries



Terms and Abbreviations

AHN	Asian Highway Network
BMA	Burma Medical Association
BGF	Border Guard Force
BPHWT	Backpack Health Worker Team
CBO	Community-based Organisation
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CIDKP	Committee for Internally Displaced Karen People
DKBA	Democratic Karen Benevolent Army
EAG	Ethnic Armed Group
GBV	Gender-based Violence
IB	Infantry Battalion
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally Displaced Person
ILO	International Labour Organisation
KDHW	Karen Department of Health and Welfare
KED	Karen Education Department
KHRG	Karen Human Rights Group
KNDO	Karen National Defence Organisation
KNLA	Karen National Liberation Army
KNU	Karen National Union
KPF	Karen Peace Force
KTWG	Karen Teachers Working Group
KWO	Karen Women Organisation
LIB	Light Infantry Battalion
LID	Light Infantry Division
MDA	Mass Drug Administration
MNHRC	Myanmar National Human Rights Commission
MSG	Monosodium Glutamate
MTC	Mae Tao Clinic
NCA	Nationwide Ceasefire Agreement
NGO	Non-governmental Organisation
NLD	National League for Democracy
OHCHR	Office for the High Commissioner for Human Rights
SAW	Social Action for Women
SPDC	State Peace and Development Council
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
USDP	Union Solidarity and Development Party
UXO	Unexploded Ordnance
WHO	World Health Organisation

Armed actors refers to all armed actors, including the Tatmadaw and Border Guard Forces, ethnic armed groups (EAGs), and militias.

Ethnic armed group (EAG) is preferred to non-state armed group (NSAG) locally, where it is considered more sensitive due to nationalist aspirations of these groups, and is used in this report to refer to the DKBA, and the KNU/KNLA.

Border Guard Forces (BGFs) refers to Border Guard Force Battalions operating in southeast Myanmar, #1011 through #1023, formed from members of the DKBA and KPF. The BGF programme was initiated in 2009, and aimed to transform EAGs into Myanmar government-controlled forces. Ten battalions formed from EAG members in Kayah, Kachin and Shan states in 2009; the 13 battalions (#1011 through to #1023) made up of former Karen EAG members were founded in August 2010.

Currency and measurements

baht	Currency of Thailand; US\$ 1 equals approximately 35 baht at market rate (May 2016). Currency conversions in the text vary depending on the date of the original source report.
basket	Unit of volume used to measure paddy, husked rice and seeds. One basket of paddy equals 20.9 kg/45.08 lb in weight; one basket of husked rice equals 32 kg/70.4 lb in weight.
kyat	Currency of Myanmar; US\$ 1 equals approximately 1,177 kyat at market rate (May 2016). Currency conversions in the text vary depending on the date of the original source report.

Myanmar language terms

<i>A mo</i>	Used by Tatmadaw soldiers to express respect when talking to married or older women. Although it translates as ‘mother’ it does not imply a familial relationship.
<i>Amyotha Hluttaw</i>	House of Nationalities of the Assembly of the Union of Myanmar.
<i>Daw/U</i>	Female/male honorific title for a married woman/man or a woman/man of a higher social position.
<i>longyi</i>	Sheet of cloth widely worn by men in Myanmar, wrapped around the waist and often sewn into a cylindrical tube.
<i>Mo gyi</i>	Used to express respect when addressing older women. Although it translates as ‘aunt’ it does not imply a familial relationship.
<i>Pyithu Hluttaw</i>	House of Representatives of the Assembly of the Union of Myanmar.
<i>Pyidaungsu Hluttaw</i>	Assembly of the Union of Myanmar.
<i>Sayama/Saya</i>	Female/male honorific title for a teacher, government employee, or any person to whom one wishes to show respect.
<i>Tatmadaw</i>	Collective term used to refer to the Myanmar government armed forces.

S’gaw Karen language terms

<i>Naw/Saw</i>	Female/male honorific title.
<i>Tharamu/Thara</i>	Female/male honorific title for a teacher, government employee, or any person to whom one wishes to show respect.

Pwo Karen language terms

<i>Nan</i>	Female honorific title.
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Methodology

Field research

KHRG has gathered testimonies and documented individual incidents of human rights violations in southeast Myanmar since 1992. Research for this report was conducted by a network of researchers, who are local community members trained and equipped to employ KHRG's documentation methodology, including: to gather oral testimonies, via audio-recorded interviews; document individual incidents of abuse using a standardised reporting format; write updates on the situation in areas with which they are familiar, including their perspectives on abuses and local dynamics; gather photographs and video footage; and collect other forms of evidence where available, such as order letters written by military commanders, or land grabbing forms, detailing cases of land confiscation.

KHRG provides salaries or material support to some community members and others work as volunteers, and trains and supports local people from a variety of backgrounds to document the issues that affect their communities. KHRG's recruitment policy does not discriminate on the basis of ethnic, religious or personal background, political affiliation or occupation. We train anyone who has local knowledge, is motivated to improve the human rights situation in their own community, and is known to, and respected by, members of their local communities. KHRG seeks to represent the voices and document the human rights situations of community members across southeast Myanmar. Recognising that in all cases, no one is truly neutral and everyone has competing viewpoints and interests, KHRG filters all information received with an awareness of reporting biases and with the intention of neutrality, presenting evidence from as many sources and perspectives as possible.

The full KHRG field documentation philosophy is available on request.

Verification

KHRG trains these local researchers to follow a verification policy that includes gathering different types of information or reports from multiple sources, assessing the credibility of sources, and comparing the information with their own understanding of local trends. Additionally, KHRG's information-processing procedure involves the assessment of each individual piece of information prior to translation, in order to ensure that the quality and accuracy of the information matches KHRG's high standards. KHRG is also regularly in contact with researchers in the field, which enables efficient follow-up on any outstanding issues when necessary.

KHRG reporting is designed primarily to share the perspectives of individuals and communities, rather than to focus on incident-based reporting or to quantify a number of confirmed incidents. Emphasis is placed on locating concerns raised by communities, rather than seeking to disqualify testimonies, because community members may not always articulate things clearly or keep exact records of incidents. This report seeks to emphasise the cumulative weight of the large data set analysed, and the consistency with which concerns were raised by women across a wide geographic area.

Analysis for this report

This report is based on field information received during the reporting period from January 2012 to March 2016. During this period, KHRG researchers across southeast Myanmar collected a total of 1,565 interviews, 384 incident reports and 253 situation updates. In addition, a total of 214 complaint letters, 148 land grabbing forms, and 103 written orders issued by civilian and military officials were collected, alongside 44,571 images and 1,700 videos. As this information was received, KHRG staff assessed each piece of documentation and translated those conveying human rights concerns identified by women or involving women into English for analysis for this

report by a team of Karen information-processing officers, who were supported by native English-speaking capacity-builders. This information was then assessed further and grouped into categories based on topic. These topics included perspectives on health and education; ceasefire, militarisation and the 2015 general election; and livelihoods and development; while additional topics included abuses and agency related to gender-based violence; health and education; violent abuse, killing and explicit threats; arbitrary taxation and extortion; landmines; and forced labour. Some reports analysed contained information on more than one topic, and thus have been used in multiple chapters of this report. The documentation that has been used in the final version of this report has been selected for its detailed, reliable and representative perspectives on women's experiences in southeast Myanmar, and for showing evidence of agency or action by women. Reports have intentionally been included from all seven KHRG research areas, featuring women of diverse age, background and experience. The information itself is presented here through a direct record of women's voices. As of March 2016, based on KHRG criteria, KHRG had selected 259 interviews, 190 written reports, 73 complaint letters, 36 land grabbing forms, and 255 photo notes for analysis as the foundation for *Hidden Strengths, Hidden Struggles*.

Specialist feedback

During the analysis phase of the report, informal interviews were conducted with a number of subject matter experts. These included representatives from the Karen Women Organisation (KWO), Karen Teachers Working Group (KTWG), Karen Education Department (KED), Social Action for Women (SAW), Mae Tao Clinic (MTC), Backpack Health Worker Team (BPHWT), and others. These interviews are referenced where relevant in the report. Following the initial drafting of the report, drafts were shared with groups of local and international subject matter experts for review, after which KHRG staff held internal workshops to review and incorporate feedback, while continuing to prioritise local concerns as expressed in KHRG documentation. Experts were chosen based on their knowledge of a particular issue related to the context of the report, or past experience writing KHRG reports. In addition, face-to-face meetings with subject matter experts were held in both Myanmar and Thailand to discuss the structure and findings of the report.

Recommendations

This report includes recommendations featured in the initial section of the report. These recommendations are derived from KHRG field research, informal interviews with key informants, and input from both KHRG field and advocacy staff.

Sources and referencing

The information in this report is based directly upon testimonies articulated by villagers during the reporting period, or by documentation and analysis written by KHRG researchers. In order to make this information transparent and verifiable, all examples have been footnoted to 160 source documents, which are available in an *Appendix* on KHRG's website. Wherever possible, this report includes excerpts of testimonies and documentation to illustrate examples highlighted by KHRG.

Research areas

In order to classify information geographically, KHRG organises information according to seven research areas: Thaton, Toungoo, Nyaunglebin, Mergui-Tavoy, Hpapun, Dooplaya, and Hpa-an. These seven research areas are commonly referred to as 'districts' and are used by the Karen National Union (KNU), as well as many local Karen organisations, both those affiliated and unaffiliated with the KNU.

KHRG's use of the district designations to reference our research areas represents no political affiliation; rather, it is rooted in KHRG's historical practice, due to the fact that villagers interviewed

by KHRG, as well as local organisations with whom KHRG seeks to cooperate, commonly use these designations.

The seven districts do not correspond to any demarcations used by the Myanmar government, but cover all or parts of two government-delineated states and two regions, as well as parts of Nay Pyi Taw Union Territory. Toungoo District includes all of northern Kayin State and small portions of Bago Region and Nay Pyi Taw Union Territory, while Nyaunglebin District covers a significant portion of eastern Bago Region. Hpapun District corresponds to northeastern Kayin State; Hpa-an District to central Kayin State; Thaton District to northern Mon State and parts of Kayin State; and Dooplaya District corresponds to southern Kayin and Mon states. Mergui-Tavoy District corresponds to Tanintharyi Region.

In order to make information in this report intelligible to all stakeholders, including those who use the locally defined Karen districts and those who are familiar with Myanmar government designations for these areas, *Map 1* includes both the government demarcation system of states and regions, and the seven research areas, or districts, used when referencing information in this report. In addition, where applicable, both geographic designations are used in the text of the report.

When transliterating Karen village names, KHRG utilises a Karen language transliteration system that was developed in January 2012 in cooperation with 14 other local Karen community-based organisations (CBOs) and non-governmental organisations (NGOs) to ensure consistent spelling of place names.⁶ When transliterating Myanmar language place names, KHRG uses the official spelling used by the Government of Myanmar.

Censoring of names, locations, and other details

Where quotes or references include identifying information that KHRG has reason to believe could put villagers in danger, particularly the names of individuals or villages, this information has been censored, using an alphabetised system. Village and personal names have been censored using single and double digit letters beginning from A--- and running to Z---. This system is applied randomly across all chapters. The censored code names do not correspond to the actual names in the relevant language or to coding used by KHRG in previous reports. The censored names in the body of this report also do not necessarily correspond to the censored names in the *Appendix*. All names and locations censored according to this system correspond to actual names and locations on file with KHRG. Thus, censoring should not be interpreted as the absence of information. In many cases, further details have been withheld for the security of villagers and KHRG researchers. Note also that names given by villagers have been transliterated directly, and may include relational epithets, such as mother or father, as well as terms that imply familiarity but are not necessarily indicative of a familial relationship, such as uncle or aunt.

Independence, obstacles to research, and selection bias

Though KHRG often operates in or through areas controlled by armed actors, including the Tatmadaw, Border Guard Force (BGF) battalions and ethnic armed groups (EAGs), KHRG is independent and unaffiliated. Access to certain contexts has sometimes been facilitated by the KNLA, particularly in cases where documentation activities require crossing vehicle roads near Tatmadaw army camps or in areas that are likely to be mined. Tatmadaw, BGFs, and DKBA forces were the chief obstacles to safely conducting research in southeast Myanmar during the reporting period. Local people documenting human rights abuses have done so with the

⁶ Note that this transliteration system differs from the previous system used by KHRG prior to 2012, and as such the spelling of location names may be different. Note also that the organisations developing the system agreed to continue using the spellings in common usage for districts and townships, even where they do not match the new transliteration system.

understanding that they risk potential arrest or violent retribution should perpetrators of abuse learn of their activities.

Because of the obstacles described above, it has only been possible for local people collecting testimonies to interview civilians who are not likely to report documentation activities to authorities in a way that would place those people in danger. This does not represent a research constraint in areas where whole communities are in hiding, view authorities perpetrating abuse as a threat, and as such are likely to flee rather than risk encountering them. In other areas, however, security considerations mean that interviews cannot always be conducted openly. Civilians most likely to compromise the security of those working with KHRG may also be those who are most likely to present a positive view of the Tatmadaw and express critical opinions of ethnic armed groups that have been in conflict with Myanmar's central government.

It is important to acknowledge that these limitations have restricted KHRG's ability to draw conclusions about all aspects of operations by armed actors or about potentially positive activities conducted by government actors. For this reason, this report avoids making conclusions that are not supported by the data set, in areas where research was not conducted. Instead, this report focuses on sharing concerns raised by villagers that relate to events women experienced during the reporting period, and analysing those experiences in light of patterns previously identified by KHRG. It is also important to note that the findings in this report are not necessarily reflective of the experiences of women across Myanmar; naturally KHRG's ability to reach communities is limited to southeast Myanmar.

It is equally important to acknowledge that these research limitations do not call into question the veracity of documentation regarding practices by the Tatmadaw or EAGs. While there is always a risk that individuals interviewed by KHRG might hold personal biases that cause them to provide exaggerated or inaccurate information, the verification practices described above are designed to prevent such inaccuracies from being reported by KHRG. Furthermore, the sheer volume and consistency of information gathered by KHRG during the reporting period, as well as over the last 24 years, minimise the potential risk for inaccurate or incorrectly identified patterns. Ultimately, the constraints faced by KHRG mean that there are unanswered questions about issues not present in the data set, on which further research needs to be conducted.

Section B: Women's Perspectives

Chapter I: Women's Perspectives on Ceasefire, Militarisation, and the 2015 General Election

"Regarding the enemy, we are worried whether there will be peace or fighting. In terms of our family, we worry that our children will be hungry. We have a child. We take him with us when we go to the field. Sometimes our child feels sick and then we face many difficulties. The things that we encounter are very miserable. I want to die but I cannot die [laughing]. There is always trouble."

Naw S--- (female, 29), T--- village,
Bu Tho Township, Hpapun District/
Northeastern Kayin State
(interviewed in September 2013)⁷

This chapter focuses on women's perspectives on ceasefire, militarisation and the 2015 general election. It follows from previous analyses on villagers' perspectives on militarisation presented in KHRG's earlier thematic reports *Truce or Transition?* and *'With only our voices, what can we do?'*⁸ The information presented in this chapter is based on reports and interviews that KHRG received between January 2012 and March 2016.

As KHRG has reported repeatedly since its inception in 1992, villagers are deeply concerned with the presence of armed actors in general, and military activity in particular. The presence of armed actors is seen as a source of insecurity and it makes villagers question the viability of the 2012 preliminary ceasefire, the 2015 Nationwide Ceasefire Agreement (NCA), as well as the wider peace process.

The data collected for this thematic report shows that women are particularly vulnerable to certain aspects of militarisation following the 2012 preliminary ceasefire. Although the general situation has improved significantly since the conflict period, many challenges related to militarisation remain the same. Based on KHRG reporting, the presence of armed actors in an area leads to restrictions on movement,⁹ increased risk of being used for forced labour,¹⁰ increased risk of sexual assault,¹¹ and increased risk of being injured by landmines, unexploded ordnance (UXO) or other remnants of war.¹² This chapter demonstrates that villagers feel insecure because of military activity and that these activities lead them to question the sustainability of the 2012 preliminary ceasefire. Actions that strengthen the military position of Tatmadaw, Border Guard Forces operating in southeast Myanmar (BGFs), and other armed groups are viewed with extreme suspicion by villagers.

Key Findings

- Several women expressed that they did not see the 2015 election as relevant to the Karen people in southeast Myanmar. While some women showed a cautious optimism regarding the results of the election, others were hesitant to make judgments regarding its potential impacts.
- A number of women reported that they had observed a retreat of women from positions of authority, such as village or village tract leader, in some areas of southeast Myanmar, following the reduction of conflict in the aftermath of the 2012 preliminary ceasefire, and the return of men to villages.
- Despite the 2012 preliminary ceasefire, and the subsequent Nationwide Ceasefire Agreement, women continued to describe security concerns related to the presence of armed actors, primarily the increased risk of gender-based violence (GBV). Continued perceived threats served as a deterrent to accessing farmlands and forests for livelihood activities, and accessing education and healthcare providers.

⁷ See source #82: "Hpapun Interview: Naw S---, September 2013," KHRG, August 2014.

⁸ See *"Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire,"* KHRG, May 2014; *"'With only our voices, what can we do?': Land confiscation and local response in southeast Myanmar,"* KHRG, June 2015.

⁹ See source #8; source #159; and source #12.

¹⁰ See source #4.

¹¹ See source #158; and source #157.

¹² See source #12.

Definition of key concepts

KHRG's operational definition of 'militarisation' is: *Any activity by military/armed actors that strengthens their position and/or changes villagers' perception of their security.* Militarisation in the context of this chapter is taken to mean any activity that villagers perceive as intended for military purposes. This category includes the building of new bases by armed actors, and the strengthening of existing bases since January 2012; it also includes the ongoing rotation of troops, re-supply of rations, weapons and ammunition, and skirmishes between armed actors. This category also includes KHRG documentation of ongoing displacement of communities as a result of such militarisation. In addition to above mentioned aspects of militarisation, theft and looting by armed actors is also included in this category. This refers to when villagers' possessions are taken by armed actors, absent of a prior demand being issued, which makes it distinct from an arbitrary taxation abuse.

The term 'ceasefire' refers to two separate ceasefires signed in 2012 and 2015, respectively. On January 12th 2012, the Karen National Union (KNU) signed a preliminary ceasefire agreement with the Government of Myanmar. This ceasefire was part of a broader series of policy changes initiated by the USDP-led government, which included a broad political liberalisation, as well as an attempt to reach ceasefires with ethnic armed groups (EAGs) throughout the country. Since the 2012 preliminary ceasefire, KHRG has seen a significant decrease in reports of military attacks on civilians and civilian objects, and other abuses that are the direct result of armed conflict. On October 15th 2015, after a negotiation process marred with controversy over the notable non-inclusion of several EAGs and ongoing conflicts in ethnic areas, a Nationwide Ceasefire Agreement (NCA) was signed between the Government of Myanmar and eight of the fifteen EAGs originally invited to the negotiation table, including the KNU.¹³

Women's perspectives on ceasefire and militarisation

"I feel uncomfortable. Even though people say there is peace, I feel uncomfortable."

Naw M--- (female, 48), S--- village, Hpapun District/Northeastern Kayin State
(interview received in August 2012)¹⁴

The perspectives presented in this chapter come from in-depth interviews conducted with women in all seven of KHRG's research areas, i.e. the locally defined areas demarcated by the KNU commonly known as 'brigades' or 'districts'.¹⁵ The interviews took place between January 2012 and March 2016. In addition, information has also been collected from other reports received by KHRG during that period, both published and unpublished material.

Overall, women reported that the situation has changed for the better following the 2012 preliminary ceasefire.¹⁶ Most of the interviews for this thematic report were conducted before the signing of the Nationwide Ceasefire Agreement (NCA) in October 2015, therefore there are fewer insights into what women think about that agreement compared with the 2012 preliminary ceasefire agreement. Some women who shared their thoughts on the NCA believed that it was

¹³ See for example "Myanmar signs ceasefire with eight armed groups," *Reuters*, October 15th 2015. Despite the signing of the NCA prompting a positive response from the international community, see "Myanmar: UN chief welcomes 'milestone' signing of ceasefire agreement," *UN News Centre*, October 15th 2015, KNU Chairman General Saw Mutu Say Poe's decision to sign was met with some opposition from other members of the Karen armed resistance and civil society groups alike, see "Without Real Political Roadmap, Nationwide Ceasefire Agreement Leads Nowhere...", *Karen News*, September 1st 2015. The signing of the NCA followed the January 12th 2012 preliminary ceasefire agreement between the KNU and the Government of Myanmar in Hpa-an. For KHRG's analysis of changes in human rights conditions since the preliminary ceasefire, see *Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire*, KHRG, May 2014.

¹⁴ See source #26.

¹⁵ For more information on KHRG's research areas, see the *Methodology* section in the *Introduction* of this report.

¹⁶ See source #120: "The Tatmadaw never come to our village after 2012 ceasefire."; for further examples see source #154; source #153; source #110; source #79; and source #120.

not directly beneficial for the Karen people, and that it was more relevant to other ethnic groups, including Bamar.¹⁷ On the other hand, one development worker from a local community-based organisation (CBO) was of the opinion that very few people on the ground had much knowledge of the NCA, especially in rural areas. She claimed that teachers and other educated people had some knowledge of it, but that even their knowledge tended to be limited.¹⁸

In an informal interview with KHRG, a former female member of parliament expressed her dissatisfaction with the failure to include enough women in the peace process; something which she argued had led to women-specific issues rarely being discussed in the various negotiation rounds. Her view was that women had to a large degree been forgotten in the peace process, and their voices and perspectives had been lost.¹⁹

Throughout the reporting period, women reported feeling a lack of trust towards the Government of Myanmar and the Tatmadaw.²⁰ The following thoughts of a woman from Hpapun District illustrate such suspicions, and show that although the situation has improved, there are still serious concerns:

“No. It is not peaceful. You can’t say that there is peace. As I told you, we have to have two houses; one in Thailand [where there is peace] and one in Myanmar. You have to work ... away from home because you can’t eat rice [don’t have a plantation to work in] when you stay in Thailand. You have to build two houses. If you don’t build two houses [you will struggle], because you can’t get food to eat [a stable income] when you stay in Thailand. Currently, they say that the situation is better so we go back and work there. We can’t trust [the USDP-government]. No one trusts [them]. Everybody builds two houses.”

Naw M--- (female, 48), S--- village, Hpapun District/Northeastern Kayin State,
(interview received in August 2012)²¹

While suspicion and distrust are still widespread amongst the civilian population, KHRG reporting indicates that women’s lives have improved in terms of security and stability, compared with before the 2012 preliminary ceasefire, as well as after the signing of the NCA. The following remarks by a young woman in K’Ser Doh Township indicated an increased sense of freedom after the NCA, compared with before it was signed.

“Women’s lives have changed in a positive way. ... After the ceasefire was signed, women did not dare to go to the jungle to collect firewood. [They felt scared before because] in the past the soldiers would usually lurk in the jungle. ... The benefit is that after the ceasefire was signed, we can travel freely as we please.”

Naw S--- (female, 18), K’Ser Doh Township, Mergui-Tavoy District/
Tanintharyi Region (interviewed in November 2015)²²

Observing that many women perceive the situation to have improved is one of the key findings of this section. Nonetheless, it is important to highlight that conditions are improving from comparatively low levels. Decades of civil war and heavy militarisation turned southeast Myanmar into a truly challenging place to be a woman. As shown in KHRG’s 2006 women’s thematic report, *Dignity in the Shadow of Oppression*,²³ women, along with children and the elderly, often stayed in the villages while the men were fighting or hiding from soldiers, leaving them to protect their

¹⁷ See source #153.

¹⁸ Informal interview conducted by a KHRG researcher with Naw A---, Karen Development Network, February 2016.

¹⁹ Informal interview conducted by a KHRG researcher in with Daw H---, former member of parliament, February 2016.

²⁰ See source #7; source #26; and source #38.

²¹ See source #26.

²² See source #155.

²³ See *Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women under Militarisation*, KHRG, November 2006.

families and confront soldiers. That report highlighted a trend of an increasing number of female village heads being elected, which KHRG has received further information on in this chapter. What it also showed was the resilience and agency demonstrated by women in the face of such difficulties. Ten years on from that report, KHRG research shows that women in southeast Myanmar are still living with the challenges and dangers of militarisation.

Despite the overall situation having improved following the 2012 preliminary ceasefire, militarisation and the presence of armed actors still affect women negatively throughout KHRG's research areas. Several women testified that living near army camps dramatically infringes upon their everyday lives. As one woman in I--- village pointed out, even the most ordinary activities such as bathing and collecting water are affected by the presence of armed actors. She described how villagers were afraid to go down to the river because an army camp belonging to Light Infantry Division (LID)²⁴ #66 had been set up in the area, near the village entrance:

"Because they came and [set up their] base by the river in [I---] village, the villagers are facing problems with getting water for cooking, drinking, and bathing. Because they are there, villagers dare not go and take a bath in the river. A group of villagers have to go together to take a bath."

Naw I--- (female, 21), I--- village, Toungoo District/Northern Kayin State, (interviewed in March 2012)²⁵

While the risks are higher near the bases of armed actors, women not living near soldiers also encounter soldiers occasionally, for example, when travelling outside of their home villages. Many women reported feeling unsafe while travelling, especially between villages and after nightfall. The fear of assaults and checkpoints of armed actors are the main concerns identified by female travellers.²⁶ A woman from K'Ser Doh Township, who was not living near the base of any armed actor nor had soldiers patrolling through her village, reported feeling safe to go out after nightfall in her own village, but unsafe while travelling between villages because she would then risk running into armed actors at checkpoints:

"I usually walk alone in my village. ... I feel safe because it is my own village ... [but] I feel a little bit afraid ... when we travel we feel afraid. ... When we travelled on the road there were police check points, and they questioned us. [Question from interviewer: Were they police or army?] When I travelled I mostly saw the army. I do not know the name of armed group."

Naw S--- (female, 18), K'Ser Doh Township, Mergui-Tavoy District/Tanintharyi Region (interviewed in November 2015)²⁷

The mere presence of soldiers often makes villagers feel uncomfortable, even when the soldiers do not commit abuses. Several women stated that they wanted armed groups to withdraw from villages.²⁸ One woman explained that she felt uncomfortable having soldiers in the village even though they did not place restrictions on people's movements, nor issue explicit threats:

"In the past they [the soldiers] came [often] but I haven't seen them lately. ... When they came, they didn't do anything special. They came and lived [in the village]. ... We had to live anxiously because it was uncomfortable [to have the soldiers around]. ... [They lived] under the house ... The Bamar [Tatmadaw soldiers], some of them were kind and some were not kind. ... But because

²⁴ A Light Infantry Division (LID) of the Tatmadaw is commanded by a brigadier general, each with ten light infantry battalions specially trained in counter-insurgency, jungle warfare, 'search and destroy' operations against ethnic insurgents and narcotics-based militias. LIDs are organised under three Tactical Operations Commands (TOCs), commanded by a colonel, three battalions each and one reserve, one field artillery battalion, one armoured squadron and other support units.

²⁵ See source #8.

²⁶ See source #155.

²⁷ *Ibid.*

²⁸ See source #159: "We want them [the Tatmadaw soldiers] to relocate and stay away from us, and stay in the place that they were based in before. ... [We] want them to withdraw from the army camps located in our area."

[they were] *Bamar* [Tatmadaw soldiers], even though they didn't do anything to me, I still felt uncomfortable with them living in the village. I felt as if I was not free to go around."

Naw N--- (female, 35), M--- village, Day Wah village tract, Bu Tho Township, Hpapun District/Northeastern Kayin State (interviewed in October 2012)²⁹

A female village head in Thaton Township shared her thoughts on the ceasefire:

"In my opinion, I can't entirely trust what the government said. ... They both [the Myanmar government and the KNU] held their guns, here and there. They were enemies before. Now, they made peace. I can't believe it yet but if they stop holding their guns, I can believe. I think like that. I can't think for others. ... The Bamar [Tatmadaw soldiers] come, they bring their guns with them. The Karen come, they bring the guns with them. Isn't it so? That's why I still can't believe them. If they use drugs, they can go wrong, so I discipline them strongly. Because they are my children I love them both [Bamar and Karen]. ... I want my villagers to live in unity and in peace and eat peacefully [with each other]. Right? When I call a meeting, they should come together. Like that. That is what I want."

Naw T--- (female, 50), S--- village, K'Dee Poo village tract, Thaton Township, Thaton District/Northern Mon State (interviewed in May 2012)³⁰

The retreat of women from positions of authority

During the conflict period, as there was more fighting, many men fled from the villages or went to fight at the frontline; women, children, and the elderly often stayed in the villages to a greater extent than the men. This left them vulnerable to abuse by armed groups, but at the same time it enabled women to take on roles that had traditionally been occupied by men, for example, positions such as village head. As noted in KHRG's report *Dignity in the Shadow of Oppression*, communities were increasingly choosing women to take on the role of village head during the conflict period. That trend was attributed to a number of factors, including the fact that men were away from the villages to a greater extent than women, and the traditional cultural respect for middle-aged or elderly women, which made soldiers less likely to severely abuse female village heads. The report argued that the increasing prevalence of female village heads challenged traditional notions of men as natural leaders, as there was increased recognition of women's leadership qualities in many communities.³¹

One topic that stood out in the reports that KHRG received, and in interviews with women during the reporting period for this report, was the apparent retreat of women from positions of authority. Several women reported having observed a change in women's roles as the situation stabilised following the 2012 preliminary ceasefire, compared with during the conflict period before. They voiced concerns over what they described as women's retreat from positions of authority back to more traditional roles.³² The changing roles of women were expanded on by a community member from Thaton District:

"If we look back at the past, I mean before the 2012 ceasefire, [many] women in the Doo Tha Htoo [Thaton District] area took on positions such as village leader and in sentry duty as part of the leadership. And also, if people [the leaders of armed actors] demanded thatch, women would usually take responsibility. But after the 2012 ceasefire, the women's roles seem to have changed. Village leaders and village secretaries [appointed by the Myanmar government] became men, and similarly, demands [of thatch shingles and so on] and forced labour are decreasing. So we can see that the role of women in that sector [village leadership] is getting diminished ..."

²⁹ See source #34.

³⁰ See source #21.

³¹ See chapter III in *Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women under Militarisation*, KHRG, November 2006.

³² See for example source #149; and source #151.

“However, since the [2012 preliminary] ceasefire was signed and the fighting has decreased, so of course we can say that fear among women is decreasing. Another thing is that in the past, some women served as village secretaries, and if a case came up at night, they had to go out, depending on the request. But since the [2012 preliminary] ceasefire agreement was signed, as I mentioned previously, women no longer need to serve in positions of leadership in the village since it has changed to men, so their responsibilities are getting lighter.

“For example, [previously], if an armed actor requested that a woman who served as village secretary should go to the battalion camp at night, among men, then that caused her a big problem, to travel at night among men. However, now, those kinds of situations do not exist anymore, so in that sense the [2012 preliminary] ceasefire has had a positive impact on women. On the other hand, the ceasefire has had a negative impact on those women who used to serve as part of the leadership in the villages. One village secretary, we called her mo gyi [aunt], she opened her heart to me when I visited her village and she said that: ‘now the [2012 preliminary] ceasefire has been signed and no one [armed actor or authority] comes and cares about us. In the past, when the Tatmadaw came, they called me a mo [mother] and gave me food, such as milk, as they asked me to take responsibility for their demands. And when the KNU came, they too offered me a bag of rice, saying that: ‘you spoke for us’. Now however, when people [armed actors or authorities] come to see a mo, they do not care about me anymore, and they just ignore me.”

Saw S--- (male, 38), Thaton District/Northern Mon State
(interviewed in November 2015)³³

Naw H---, from Kyaikto Township, Thaton District, suggested that one reason women were elected as village heads during the conflict period prior to the 2012 preliminary ceasefire, was that villagers perceived Tatmadaw soldiers as less willing to abuse or assault female village heads, whereas they had fewer scruples about beating and mistreating male ones.³⁴ Relating it to the fact that there were fewer men in the villages during the conflict period, she also explained that as more women attended the meetings to elect village heads, they were more likely to elect a female village head. Furthermore, she mentioned that village heads in the past often only stayed at their positions for short periods of time, due to the dangerous nature of the office.

“In our village the villagers selected the village head. But in the past, if the people called a meeting, most of the villagers who participated in the meeting were female, therefore, they selected a woman as the village head in the conflict period. They selected a village head who could speak Myanmar [language] and had self-confidence to speak with the Tatmadaw. After the peace process,³⁵ females and males are participating in the meetings, so when they select the village head most of them are male ... [the men] did not attend the meetings [in the past] because of the conflict period. ... In the past, most of the village heads were female and they were selected to be a village head for one month [at a time] as it was the war period. And they also did not feel safe to be a long-term village head.”

Naw H--- (female, 20), Kyaikto Township, Thaton District/
Northern Mon State (interviewed in November 2015)³⁶

In addition to the above aspects of women in positions of authority, some respondents reported being appointed as village heads against their wishes.³⁷ One female village tract leader expressed her wishes to leave her position as village tract leader, a position she was made to take on against her will:

“‘Just one year,’ they came and said: [you only have to serve as village head for] ‘one year,’ but I didn’t accept their request. ... They said: ‘You are the R--- village tract leader, and here, these

³³ See source #149.

³⁴ See source #150.

³⁵ In this context, Naw H--- uses the term “peace process” to refer directly to the signing of the 2012 preliminary ceasefire.

³⁶ See source #150.

³⁷ See source #34.

are your responsibilities as village tract leader.' I replied that 'I can't do it, I can't read and I have never gone to school.' I just replied like that. They said: 'go and take the salary.' And I replied: 'No, I don't want to take the salary.' ... I wish to quit from the village tract leader position. I don't want to do this, but I can't help it."

Naw M--- (female, 35), L--- village, R--- village tract, Bu Tho Township, Hpapun District/Northeastern Kayin State (interviewed in October 2013)³⁸

Theft and looting by armed actors as a source of insecurity

Since the 2012 preliminary ceasefire, women have continued to feel the impact of militarisation on their livelihoods and personal security. Since 2012, KHRG reports have shown that armed actors have engaged in theft and looting of villagers' property. Some reports included information about soldiers marching through fields, damaging the crops as they patrolled, and even resting in villagers' fields, and eating their crops.³⁹ Other cases include alleged theft of food items and tools.⁴⁰

According to KHRG research, soldiers have entered houses to steal valuables and destroy other items during villagers' absence. Soldiers have been known to loot items from bodies of people they have attacked or summarily executed. These items have been reported to be: food supplies, livestock, essential household items, valuables, medicine and humanitarian supplies, and petrol.⁴¹

In some cases, villagers were reluctant to confront or report perpetrators, for fear of repercussions,⁴² in other cases, women who confronted perpetrators were met with disrespect and even explicit threats. As one woman from Nabu Township explained:

"I told him [the battalion commander]: 'Many of my chickens have disappeared, but you never know anything. Many of my machetes have disappeared, but you don't know anything. Many of my hoes have disappeared, but you don't know. I know some of you who came and took my hoes, but they said they didn't come and take anything. They refused to listen to me. Since [battalion] #549 came, I have lost five hoes and ten machetes. You guys come and eat rice at my home and now over ten baskets of rice have gone. You came and asked me: 'Lend me a bowl of rice. How much did I give you? You don't know, and you never paid me.' Now they ask for hay as well. ... They really do this to us. They said they would harm the Karen until there are no more Karen. You will only see Karen in the museum. They do things to us until we can't stay anymore. They said: 'The Karen have no knowledge. They don't have a country. They stay in Myanmar now. They will have to accept what we do.'"

Naw L--- (female, 54), T--- village, Nabu Township, Hpa-an District/Central Kayin State (interviewed in July 2012)⁴³

Villagers' homes and lands are often reported to be intruded on by uninvited soldiers, from various armed actors.⁴⁴ Village heads are often required to host soldiers who pass through a village and provide them with food and lodging. The village head will typically collect the necessary resources from other villagers. During these times villagers also mention drunken soldiers acting recklessly and intimidating villagers:⁴⁵

³⁸ *Ibid.*

³⁹ See source #26.

⁴⁰ See source #137.

⁴¹ To see all historical KHRG reports pertaining to theft and looting, please see the "Theft and Looting" page on the KHRG website.

⁴² See source #26.

⁴³ See source #23.

⁴⁴ See source #82: "Hpapun Interview: Naw S---, September 2013," KHRG, August 2014.

⁴⁵ See source #141; and source #28: "On July 13th 2012, Bu Tho Township's leader Saw Pah Hku called me and I went to see him at H--- village. I met with him, the [Bu Tho] Township leader in H---, [at] Tharamu Naw S---'s house on July 13th 2012. But suddenly, Battalion #102, Company (4), Company 2nd-in-command, [Major] Saw Hsa Yu Moo, came in front of us [the township leader and the community member] and took out his gun and shot

“Sometimes, they [Tatmadaw soldiers] come and cook in our house. Once, I was not in the house and they came to my house and cooked there. They caught an iguana on the way when they were coming, and they cooked it and left what they didn’t eat in the pot. I found that my pot was very dirty. They also ate my coconuts. Sometimes, they asked permission from me and sometimes they did not ask permission and they climbed up the coconut tree by themselves.”

Naw S--- (female, 29), T---- village, Bu Tho Township, Hpapun District/
Northern Mon State (interviewed in September 2013)⁴⁶

Despite ongoing challenges, women employed various agency strategies to address the abuses and insecurities posed by militarisation. One strategy often adopted by women in order to reduce risks, whether it concerns travelling between villages or moving about near army bases or soldiers, is to form into groups and go together with other women.⁴⁷ Migration also remained a strategy for people to escape armed groups. One woman explained how she fled to Thailand with her family and how the lack of trust in the ceasefire process keeps her from taking her family back to Myanmar:

“The villagers are afraid. When the situation occasionally is better, they all see that it is only a temporary improvement. It is not permanent. The villagers don’t trust it. If the Burmese come, they [the villagers] flee to Thailand. We have prepared by building one small house for each household in Thailand. They [the Tatmadaw] don’t withdraw nor decrease the [number of] soldiers, so we can’t trust them. We can only trust them if they all go back.”

Naw M--- (female, 48), S--- village, Hpapun District/
Northeastern Kayin State (received in August 2012)⁴⁸

Women’s perspectives on the 2015 general election

Based on the reports that KHRG has received over the past years, the most notable positive changes on the ground can be attributed to the 2012 preliminary ceasefire, which has led to a dramatic de-escalation of fighting. There are, however, broader and more wide-ranging changes taking place in the country, both at union and state/region-level. One of the main developments was the general election that was held in Myanmar on November 8th 2015. The National League for Democracy (NLD) won a landslide victory with 79 per cent of the elected seats, resulting in a de facto majority of 59 per cent,⁴⁹ while the incumbent Union Solidarity and Development Party (USDP) lost most of their seats in the *Pyidaungsu Hluttaw*.⁵⁰ Many of the ethnic parties that had won a number of seats in the 2010 elections failed to hold onto their seats and most were thus excluded from the new parliament. The two ethnic parties that fared well despite the overall performance were the Arakan National Party (ANP) and Shan Nationalities League for Democracy (SNLD). None of the ethnic Karen parties that ran in the 2015 elections won a seat.

continuously in front of Tharamu’s house. He shot the gun ten times. A day after, on July 14th 2012, Major Saw Hsa Yu Moo came and drank beer at H--- village until he got drunk and when he got drunk, he started shooting the gun in the village again. After shooting the gun, they [Major Saw Hsa Yu Moo and his KNLA soldiers] got on the boat and left to the source of the Pweh Loh Kloh [river]. When they arrived by the boat stop of Pwa See Hta, they drank beer again in the beer shop and one of Major Hsa Yu Moo’s soldiers, Saw Kyaw Say, shot the gun again. He shot it two times. When the mother army’s [KNLA’s] soldiers went around and shot the gun, the villagers were seriously threatened. Not only NPD [Tatmadaw] soldiers threatened the villagers, but also the mother army did so, so the villagers had a difficult time in their lives.”

⁴⁶ See source #82: “Hpapun Interview: Naw S---, September 2013,” KHRG, August 2014.

⁴⁷ See source #155; and source #8.

⁴⁸ See source #26.

⁴⁹ “*The Myanmar Elections: Results and Implications*,” Asia Briefing N°147, International Crisis Group, December 2015. Also note that under the 2008 constitution, not all seats in the national legislature are elected; the armed forces hold 25 per cent of the seats and those seats are unelected. The military also holds 25 per cent of the seats in the state/region-level *hluttaws*.

⁵⁰ The national legislature of Myanmar is known as the *Pyidaungsu Hluttaw* (the Assembly of the Union). It is made up of two houses, the *Amyotha Hluttaw* (House of Nationalities) and the *Pyithu Hluttaw* (House of Representatives). At the state/region-level, the assemblies are known as *Pyi Nel Hluttaw* in the states, and *Daing Day Tha Gyi Hluttaw* in the regions.

As for the KHRG research areas, the NLD secured a majority of the seats in the *Hluttaws* of Kayin State (57%), Tanintharyi Region (75%), Mon State (61%), and Bago Region (72%).⁵¹

In southeast Myanmar, the electoral process leading up to the elections and the elections themselves were on the whole considered to be free and fair. However, KHRG received multiple reports of villagers, in some cases even villages and entire village tracts, being excluded from partaking in the elections. KHRG received no information indicating discrimination based on gender in the voting process. However, there were reports of irregularities based on ethnic and/or religious grounds. Some members of the Muslim and Gurkha minorities in southeast Myanmar reported being discriminated against during the electoral process. There were also reports of political parties, in particular the USDP, using their influence and wealth to provide incentives for villagers to vote for them. In addition, villagers reported that there was inadequate information about the voting process on election day; for example, some villagers had not even been informed where the polling places were located.⁵²

KHRG interviewed people who expressed optimism, as well as people who were more pessimistic about the election and its prospects, with no clear trend emerging regarding peoples' attitudes towards it. One woman explained how she never talked about the elections, the peace process, or politics with her friends, simply because they were not interested in it. At the time of the interview, shortly before the 2015 elections, she said that she was not going to vote, as she was living in a rural area and did not have a lot of information about the elections.⁵³ Some women expressed feeling as though the elections were not very relevant to them, as rural villagers, or as members of the Karen ethnic minority. The following quote by a woman from Hpapun District is an example of the low expectations for real change some people had of the 2015 elections:

"I don't think the election brings any benefits for the Karen people but for the Bamar people, they might gain benefits from the election. But for Karen people like me, I don't think it can bring any benefits as we live in the jungle. ... We cannot vote here. Maybe the people who live near Hpapun will vote, but here, the people do not allow them to vote. ... I would not go [and vote, even if I could as] I think there is no benefit for my people, because not everything is realistic. ... People said it [the election] will bring peace but we are not sure if it is realistic or not."

Naw W--- (female), Hpapun District/Northeastern Kayin State
(interviewed in September 2015)⁵⁴

Naw E--- from K'Ser Doh Township described not having enough information to vote; she was not sure who to vote for. She mentioned that some of her friends were going to vote but she described feeling like the Government of Myanmar had not always kept promises made in the past.

"I am not sure if I should vote for the KNU or the Myanmar government or which group is good for me, therefore I do not vote. ... I feel like the Myanmar government do not usually keep their promise. ... [My friends and I] discussed about the ceasefire which was signed to stop the fighting. It was good to sign it, so that there are less [negative] impacts on the villagers. Some of my friends said they decided to vote, but as for me, I said I do not want to vote because I do not understand everything that is related to the election."

Naw E--- (female, 22), K'Ser Doh Township, Mergui-Tavoy District/
Tanintharyi Region (interviewed in November 2015)⁵⁵

⁵¹ "The Myanmar Elections: Results and Implications," Asia Briefing N°147, International Crisis Group, December 2015.

⁵² For detailed information on villagers' perspectives on the election in southeast Myanmar, see *The 2015 Elections and Beyond: Perspectives from villagers in rural southeast Burma/Myanmar*, KHRG, February 2016.

⁵³ See source #150.

⁵⁴ See source #153.

⁵⁵ See source #152.

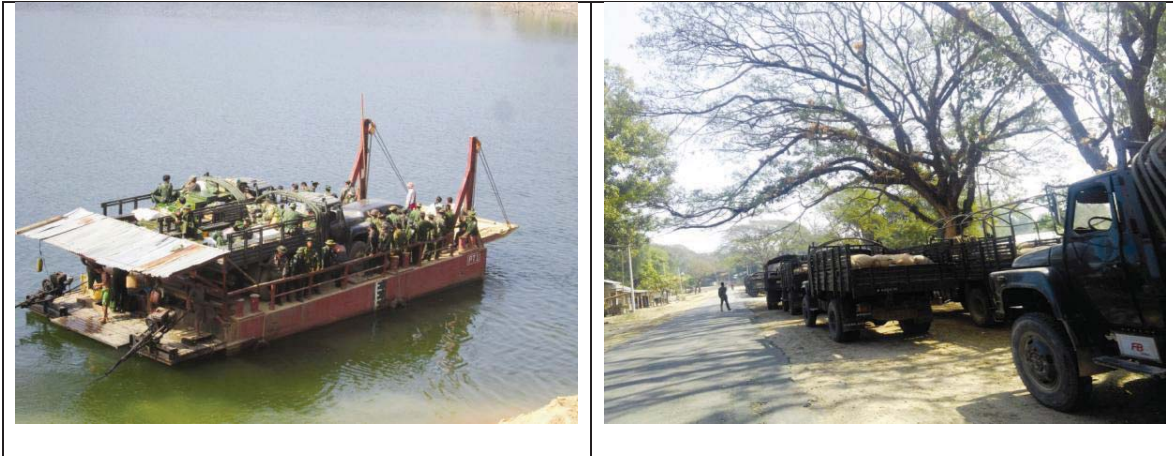
Another woman, from Dooplaya District, expressed that by voting she was attempting to change Myanmar for the better, and that she expected the new leaders of the country to work for the people:

"I voted because I want peace in the future and for our people to be able to work freely. Children should have the opportunity to access education, because I don't want the situation to be like in the past. In the past, we couldn't go to school. We had to flee because of the armed conflict. We can't help our country because we are not educated. I voted because I have expectations from this election. I want for people to be able to do their work freely and less corruption. I want leaders who will stand up and look after the people. The leaders must be honest and keep their word; [they must] be leaders that accept their mistakes and take responsibility for what they do. If the leaders can lead in a correct way, people will follow them. Why are we poor? Why are we uneducated? Because there is too much corruption, and for this reason, our country has become a poor country. I think if the leaders we choose win the election, we will get peace. There is no chance that the situation will get better if the previous leaders are still in power."

Naw A--- (female), Dooplaya District/Southern Kayin State
(interviewed in December 2015)⁵⁶

⁵⁶ *The 2015 Elections and Beyond: Perspectives from villagers in rural southeast Burma/Myanmar*, KHRG, February 2016, p. 9.

Photos: Ceasefire, Militarisation, and the 2015 General Election



These photos show military activity in Toungoo District. The photo on the left was taken by a KHRG community member on December 16th 2015, near Hkler La village, at a location known as P'Leh Wah, in Htantabin Township, Toungoo District. It shows Tatmadaw soldiers crossing a river with rations and troops. One resident in Hkler La village reported that the Tatmadaw had increased their presence in Htantabin Township following the 2012 preliminary ceasefire. The photo on the right was taken on January 23rd 2016, in Chaung Kya village, Htantabin Township, Toungoo District. It shows Tatmadaw vehicles transporting rations. More than 15 vehicles fully loaded with rations and soldiers were observed. *[Photos: KHRG]*



These photos were taken by a KHRG community member on November 8th 2015, the day of the Myanmar general election, in Kyaukkyi Township, Nyaunglebin District. The photo on the left shows women waiting to vote in Ton Kyi village tract. The photo on the right shows women in Kyauk Pon (A LeI) village tract studying posters describing voting procedures, at a polling place in Kyaukkyi Township. *[Photos: KHRG]*



This photo was taken by a KHRG community member on November 8th 2015, in Kyonedoe Township, Dooplaya District. The photo shows female teachers assisting in the vote counting process for the country-wide general election. [Photo: KHRG]



This photo was taken by a KHRG community member on October 14th 2015, in Ler Doh Town, Kyaukkyi Township, Nyaunglebin District. Villagers from Mone, Kyaukkyi, and Shwegyin townships gathered together to celebrate peace prior to the Nationwide Ceasefire Agreement (NCA) being signed. The villagers requested permission from the Myanmar government to hold this celebration. [Photo: KHRG]

Chapter II: Women's Perspectives on Health and Education

“Health, education and the economy are the main things [that are important to us]. The other things matter less if we have good health, good education and a good economy. [Our community] knowledge is improving as more people are educated, [but] I think there are [still] so many uneducated children [in our area]. We also have children who cannot read and write, so it is difficult to talk to them [about community issues].”

Daw U--- (female, 59), H--- village, Kyaukkyi Township, Nyaunglebin District/Eastern Bago Region (interviewed in December 2012)⁵⁷

In the interviews KHRG has conducted with women in southeast Myanmar, both health and education emerge as significant areas of concern for women.⁵⁸ Women have repeatedly and explicitly stated that obtaining a higher standard of education and healthcare in their villages is of the utmost importance and should be prioritised.

The right to education for girls has been explicitly stated in the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), Article 10:

“States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.”⁵⁹

In CEDAW Article 12.1 the right to healthcare for women is explicitly stated:

“States Parties shall take all appropriate measures to eliminate discrimination against women in the field of healthcare in order to ensure ... access to healthcare services.”

Article 12.2 further details:

“States Parties shall ensure to women appropriate services in connexion [sic] with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.”⁶⁰

The State Peace and Development Council (SPDC)-led government in 1997 ratified the above CEDAW articles in full. However, women in KHRG research areas have complained not only about the unsatisfactory state of healthcare and education, but more specifically outlined their suspicion and distrust of the support for healthcare and education that was provided by the Union Solidarity and Development Party (USDP)-led Myanmar government during KHRG’s reporting period. They expressed their dissatisfaction with the resourcing of these essential services, and the lack of transparency and accountability of education and healthcare staff – both to the

Key Findings

- A number of women felt that the quality of healthcare and education delivered across southeast Myanmar depended in large part on individual staff attitudes.
- Women in Karen areas of southeast Myanmar generally reported that they were suspicious and distrustful of government-led health and education initiatives. They preferred using services provided by ethnic healthcare workers and Karen teachers.
- Women expressed that they wanted to ask questions and understand more about local schools and health services but that they faced barriers when they sought to access information or made suggestions.

⁵⁷ See source #150: “Nyaunglebin Interview: Daw U---, December 2012,” KHRG, July 2014.

⁵⁸ See source #45

⁵⁹ Article 10, *Convention on the Elimination of All Forms of Discrimination Against Women*, UN General Assembly, December 1979.

⁶⁰ Article 12.1, 12.2, *Convention on the Elimination of All Forms of Discrimination Against Women*, UN General Assembly, December 1979.

community members they serve, and to their professional superiors. Due to the prevalence of these conditions, women expressed gratitude and appreciation for medics and teachers who do their work out of genuine goodwill, as education and health outcomes in southeast Myanmar are largely dependent on their passion and commitment. Throughout reports, women continue to express ways in which they perceive health and education in southeast Myanmar to be interconnected:

“There are some children who can’t go to the school because they have to suffer illnesses. We want our children to be able to study, but we need medicines for their health as well.”

Naw L--- (female, 49), M--- village, Kyaukkyi Township, Nyaunglebin District/
Eastern Bago Region (interviewed in July 2012)⁶¹

Importance of improving education

In different areas of southeast Myanmar, different authorities assume responsibility for educational provision. In some areas this is Myanmar government-led, in others this is KNU-led, and in areas of mixed control, both actors are involved. Across these areas, women described education as being of importance to them and demonstrated their commitment to promoting a higher standard of education for their villages’ children by being involved in the construction of new schools,⁶² sending their children to school in nearby villages to access better education, even in adverse weather conditions,⁶³ and generally struggling for their livelihoods whilst encouraging their children to go to refugee camps and to neighbouring countries for further study.⁶⁴

Given these difficulties that families must go through in order to ensure their children can access an education, women expressed the need for the education system itself to be developed and improved. However, there were different opinions regarding the actors that should take responsibility for this task and the reasons that should drive them to do so.⁶⁵

One woman from Toungoo District mused that whether or not children attend school depends on the children’s attitude and interest in obtaining an education.⁶⁶ A female teacher from Hpapun District was of a different opinion, citing parents’ lack of encouragement as one reason for poor education outcomes.

“I want the school to be developed. I also want the school [children’s] parents to encourage their children to study because the school parents do not encourage their children very much to study. They ask their children to work a lot when the school is closed [weekends]. Therefore, their children are not interested in studying.”

Daw S--- (female, 38), K--- Town, Dwe Lo Township, Hpapun District/
Northeastern Kayin State (interviewed in October 2013)⁶⁷

Naw S---, from Thaton District, countered this perspective, placing the responsibility of keeping children in school on teachers who are charging registration fees which parents simply cannot afford:

⁶¹ See source #24.

⁶² See source #81; source #130; and source #137.

⁶³ See source #130.

⁶⁴ See source #3.

⁶⁵ See source #118 for a discussion on KNU-led education; information on KNU and CBO-led education initiatives is also derived from an informal interview by KHRG researchers with Naw H---, Karen Education Department (KED), November 2015.

⁶⁶ See source #8.

⁶⁷ See source #81.

"I guess there are many children who are not able to go to school. Because their parents can't afford to register their children in school, [as] some are not doing well in [gaining their] livelihood, they asked their children to graze the cattle. ... Let's say if the teachers took that responsibility and said, [You] don't have to pay money, like they [parents] don't have to pay for their children's education, then they may send their children to school. They [teachers] didn't say that and people can't send their children to school, right?"

Naw S--- (female, 50), K--- village, Thaton Township,
Thaton District/Northern Mon State (interviewed in May 2012)⁶⁸

For Naw T---, from Hpapun District, where a KNU school operates in her village, it is the KNU who should continue to support students in the future, as after graduating the students will be *"useful for the country."*⁶⁹ In contrast, Daw U--- from Nyaunglebin District, called on the international community, rather than the Myanmar government or the KNU, to assist the children of farmers to become educated, out of sympathy for their current conditions.⁷⁰

The competition for administrative control between the former USDP-led Myanmar government and the KNU in many regions of southeast Myanmar made it difficult to hold any one actor accountable and responsible for the promotion of education, leaving local women with few means of improving the quality and availability of education, especially in rural areas.⁷¹ This takes an especially high toll on women who are raising their children on their own,⁷² as well as female teachers, who must work to improve education with very few resources at their disposal:

"If possible, we [teachers] want a computer for our school. Right now we have to write exam questions for the students by hand. If there were fewer students it would be easy for us, but when the number of students increased we had to take longer hours, so if we have a computer it may make it easier for us to work."

Naw H--- (female, 29), H--- village tract, Kawkareik Township, Dooplaya District/
Southern Kayin State (interview received in August 2015)⁷³

According to World Bank data from 2010, 83.9 per cent of primary school teachers in Myanmar are female, and 85.1 per cent of secondary school teachers are female.⁷⁴ This indicates that the burden of providing education on the ground disproportionately falls onto women, who are also more likely to accept the low wages associated with teaching positions, given that they are often not the primary providers in their families.

Quality of teaching and student outcomes

Although women in southeast Myanmar are aware that the schools in their region are chronically underfunded and understaffed,⁷⁵ their opinions regarding the quality of teaching indicates that they continue to hold the local teachers responsible for providing the highest standard of teaching attainable under the circumstances. In KHRG's interviews with women, women commented that some teachers are under-qualified, are not working the number of hours they are meant to work, or are spending long periods of time away from the village.⁷⁶ On the other hand, women also

⁶⁸ See source #21.

⁶⁹ See source #4.

⁷⁰ See source #45: "Nyaunglebin Interview: Daw U---, December 2012," KHRG, July 2014.

⁷¹ For an analysis of social services including education and healthcare in Myanmar's ethnic contested areas see, *Ethnic Conflict and Social Services in Myanmar's Contested Regions*, The Asia Foundation, June 2014.

⁷² For more information see Chapter IV *Health and Education* of this report.

⁷³ See source #143.

⁷⁴ See Primary education-teachers (% female) in Myanmar, *Trading Economics*, accessed April 2016.

⁷⁵ As noted in World Data on Education: Myanmar, *International Bureau of Education*, April 2012, studies suggest in rural and isolated regions of Myanmar, schools are overcrowded and understaffed, particularly in the critical lower grades.

⁷⁶ See source #141. In this case, the interviewee indicated that the school teacher had not completed 10th Standard, and was thus unqualified to teach students.

expressed gratitude and appreciation for the teachers who see teaching as their vocation and teach out of goodwill and a genuine desire to contribute to the human development of the community. Overall, women believed education outcomes to be largely dependent on the teacher's attitude and demeanour towards their students and other community members. The teachers' attitudes to students and parents were seen as especially important when the teacher was non-Karen, provided by the Myanmar government rather than coming from the local community.⁷⁷

In one case, a woman described how in 2014, the headmistress and several of the teachers in the village relocated to teach in another village due to conflicts with their fellow teachers. This reduction in teaching staff resulted in adverse outcomes for students, who failed their exams:

"We have more problems this year, because last year our headmistress was Sayama Daw S---. She moved to another place as she had problems with the other teachers. One of her subordinate teachers also moved to another place. [There is] only [one] male teacher and two new teachers left. The teachers teach in their own different way [as they are unqualified] and the children [learn] nothing [as they do not fully understand the lessons]. This is why our children went to take [their] exams twice, in October and December, but the children did not pass the exam. They [the children] know nothing. Like my daughter, she is 12 years old and she is in fourth standard and she knows nothing."

Naw A--- (female, 39), B--- village, Thandaunggyi Township, Toungoo District/
Northern Kayin State (interviewed in January 2015)⁷⁸

Highlighting the differing quality of education for pupils across the state, the attitude of teachers was noted to influence the quality of schooling provided, such as when they were generally uninterested and unmotivated to teach:

"I used to be a school teacher and now I quit and stay home with my mother ... because I did not want to work. I am not interested in it."

Nan K--- (female, 44), Hlaingbwe Township, Hpa-an District/
Central Kayin State (interview received in August 2015)⁷⁹

Another woman reported a similar statement made by a local teacher, and recounted an additional array of issues with the non-Karen teachers who came to teach in the village:

"[T]he teachers who come to teach go home often. ... They go back to their [villages] and sometimes it takes 10, 14 or 15 days [for each visit] and the students are not learning. ... The teachers currently are not trying to socialise with the villagers; they just stay on their own. ... Some [current] teachers said to some of the students ..., 'I am teaching not because of having goodwill [not because I want to], but because I have a duty to teach.' ... Some teachers did not teach full-time. ... The villagers talked to them about it and they did not like this and they requested to move [to another village]. Now, young [inexperienced] teachers are coming [to teach]. Anywhere that you live you have to deal with the students' parents and the students. They should be mutually visiting one another. ... They let the students play and they sleep [or are] on their phone. This is why the students are not doing well in their education. ... We are okay with providing [rice and firewood for the teachers] but we want our students taught well. ... Our children here who are in third or fourth standard, they cannot read or write correctly."

Naw A--- (female, 46), C--- village, Thandaunggyi Township, Toungoo District/
Northern Kayin State (interviewed in January 2015)⁸⁰

⁷⁷ See source #126: "Toungoo Interview: Naw A---, January 2015," KHRG, October 2015.

⁷⁸ See source #127: "Toungoo Interview: Naw A---, January 2015," KHRG, August 2015.

⁷⁹ See source #147.

⁸⁰ See source #126: "Toungoo Interview: Naw A---, January 2015," KHRG, October 2015.

In addition to ineffectively using classroom time, some teachers were reported to engage in other income generating activities simultaneously. This resulted in a reduced number of hours spent teaching their students, leading parents to conclude their children's time would be better spent helping with the family's livelihood activities.

"Sometimes they [teachers] have a trip and sometimes they sell lottery [tickets] and can't give [their] full time to the students. ... We have to pay money for registration in school, right? And they have the responsibility to teach the children regularly. ... [The] teacher teaches irregularly and some students were taken out from school by their parents [because of the irregularity]."

Naw S--- (female, 50), T--- Region, Thaton Township, Thaton District/
Northern Mon State (interviewed in May 2012)⁸¹

Despite the predominately negative opinions regarding the standard of teaching and teachers' attitudes, there were a few cases where female teachers not only fulfilled their teaching duties, but went above and beyond to ensure that students felt motivated and were able to pass their exams, all the while foregoing additional financial compensation for their efforts.⁸²

"One teacher, because she loves our villagers, she invites the students [for extra classes] and she teaches them for free. Some parents give them some financial support."

Naw H--- (female, 21), H--- village, Htantabin Township, Toungoo District/
Northern Kayin State (interviewed in March 2012)⁸³

Female teacher Daw S--- gave a first-hand account of her efforts to promote students' success:

"I celebrate an event like giving awards to the students to encourage them to study more. When I celebrate the event, I do not ask for money from their parents; I just take from my money. I am not sure whether I am able to celebrate [give awards to students] this year."

Daw S--- (female, 38), K--- Town, Dwe Lo Township, Hpapun District/
Northeastern Kayin State (interviewed in October 2013)⁸⁴

Transparency and accountability in education

Several women interviewed by KHRG expressed confusion and their lack of clarity regarding issues their local schools are facing, including school closure times,⁸⁵ teacher hiring procedures,⁸⁶ and the purpose of student fees.⁸⁷ In addition, they were uncertain whether complaining about these issues was appropriate for them to do,⁸⁸ and if so what the proper feedback mechanism would be. Given these women's genuine interest in the state of education in their villages, such confusion points to a serious lack of transparency within the education system.

In this context, transparency refers to the full and timely availability of information required for collaboration, cooperation, and collective decision-making. To be transparent, an individual such as a teacher, or the school as an organisation, must also be accountable, in so far as they must be able to accept responsibility for their actions, share information on their actions accordingly and be open to public scrutiny. The Office of the United Nations High Commissioner for Human Rights (OHCHR) considers transparency and accountability as crucial elements of a human rights-based approach to development and to combating corruption in government.⁸⁹

⁸¹ See source #21.

⁸² See source #34.

⁸³ See source #8.

⁸⁴ See source #81.

⁸⁵ See source #34.

⁸⁶ See source #143.

⁸⁷ See source #34.

⁸⁸ See source #143; and source # 42.

⁸⁹ See *Human rights and anti-corruption*, OHCHR, accessed May 2016.

Women expressed that schools often failed to make relevant information accessible to villagers. As a result, women reported being confused as to when their school would be closed due to auspicious days or teacher trainings,⁹⁰ as well as exactly what the school fees they are paying were being used for.⁹¹ This lack of access to essential information may hinder parents in sending their children to school, for easily avoidable reasons such as not knowing when the school will be open or which fees are due. Rather than being able to find this information out directly from the school, some women had to rely on hearsay:

“They asked for 1,000 kyat (US\$ 1.03) from each student. I don’t know if it’s for book fees or registration fees. Some people said ‘for book fees’ and some people said ‘registration fees.’”

Ma B--- (female, 35), K--- village, Lay Wah village tract, Bu Tho Township, Hpapun District/Northeastern Kayin State (interviewed in October 2013)⁹²

When asked if the school in her village was being supported financially, another woman stated that the female schoolteachers do not tell her anything.⁹³ Despite their desire for information and knowledge, local women were being excluded as stakeholders in the area of education in their community.

In addition to this lack of access to relevant information, women have also noted barriers to discussing their priorities with teachers, such as their desire for their Karen languages to be taught in their schools. Women at times did not know if Karen languages were not being taught due to an official restriction by the former USDP-led Myanmar government, or simply due to a lack of teachers capable of teaching the Karen languages.⁹⁴ However, one woman expressed that parents did try to request that teachers introduce Karen languages into the curriculum, but their requests were dismissed:

“Yes, there are [parents who ask the teachers to teach Karen languages], but now I see that not a lot. Because if we say, the teachers who come and teach are Bamar people, and if we tell them how to teach us, they will not believe us.”

Naw H--- (female, 32), K--- village, Htantabin Township, Toungoo District/Northern Kayin State (interview received in January 2013)⁹⁵

According to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), it is the responsibility of governments to ensure that, wherever possible, ethnic and linguistic minorities have adequate opportunities to learn their mother tongues or to have instruction in their mother tongues.⁹⁶ Moreover, Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights stipulates the right of parents to be involved in ensuring their children receive the type of education they approve of.⁹⁷

In addition to parents, female teachers who had concerns regarding the ways in which schools were being administered also expressed that there was no clear process to be followed to have their concerns heard, and in some cases female teachers were scolded for complaining too much. Teacher Naw H--- experienced this when raising concerns over an uncertified teacher teaching in her school:

⁹⁰ See source #34.

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ See source #79.

⁹⁴ *Ibid.*

⁹⁵ See source #42.

⁹⁶ *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, OHCHR, December 1992; for further information on this see “*Languages and the Realization of the Right to Education*,” Kishore Singh, 2012.

⁹⁷ *International Covenant on Economic, Social and Cultural Rights*, OHCHR, December 1966.

“One of the female teachers who comes and teaches here came along with her husband and the husband does not have a job, so she gave one subject for her husband [to teach]. We do not want her husband to teach with us as he is not a teacher ... [I don’t want to talk to him about it] personally, but if possible I want the school committee and relevant responsible person to have a meeting and talk about it. Or can we talk about it with him ourselves? ... Some people see us [think that] like we do not like the teacher’s husband, so they think we are complaining too much. I think I am complaining in the right way; it does not mean that we do not like him.”

Naw H--- (female, 29), H--- village tract, Kawkareik Township, Dooplaya District/Southern Kayin State (received in 2015)⁹⁸

A possible reason for the lack of feedback mechanisms in rural schools is the lack of supervision from the national Ministry of Education, and the resulting lack of accountability. As one woman stated:

“They come and teach in the jungle [remote areas] and the education minister does not come [to check] so they [teachers] are just working out of duty [not for the improvement of the students’ education].”

Naw A--- (female, 46), B--- village, Thandaunggyi Township, Toungoo District/Northern Kayin State (interviewed in January 2015)⁹⁹

However, Daw S---, a teacher who cared about improving her students’ education, expressed an unwillingness to accept oversight or criticism from education officers working for the education minister:

“As a teacher, if I have any problem with the education officer and I cannot stand it anymore, I will leave the school. If I leave the school, it will not be easy for them [education officer to find a teacher in the village]. If they criticise me, I will leave the school without letting them know. If they do not criticise me, I will do the best for the students. Don’t need to worry for myself. I also have other ways for doing business.”

Daw S--- (female, 38), K--- Town, Dwe Lo Township, Hpapun District/Northeastern Kayin State (interviewed in October 2013)¹⁰⁰

Dissatisfaction and suspicion of Myanmar government support

Although the USDP-led government had been attempting to support and promote education in southeast Myanmar since the 2012 ceasefire, women voiced that this support is dissatisfactory and often misleading, with the government declaring education to be free, but local community members or the Karen Education Department (KED) having to continue supporting teachers and covering hidden costs with their own money. For example, a woman from Thaton District reported how the USDP-led government waived registration and book fees in 2013, proclaiming ‘free education’, but each villager still had to support the teacher with 5,000 kyats (US\$ 5.13) a year.¹⁰¹ In another case, a woman reported that the KED provided additional materials and support for teachers, as the support from the Myanmar government was not sufficient.¹⁰² Women also commonly stated that they believed the financial burden on community members to support education was too high:

⁹⁸ See source #143.

⁹⁹ See source #126: “Toungoo Interview: Naw A---, January 2015,” KHRG, October 2015.

¹⁰⁰ See source #81.

¹⁰¹ See source #74.

¹⁰² See source #126: “Toungoo Interview: Naw A---, January 2015,” KHRG, October 2015.

“Villagers do not have [much] income from doing much good business to earn money for a living, but they have to pay taxes and support the teacher that [the Myanmar] government sent out to the village, too.”

Naw H--- (female, 29), H--- village tract, Kawkareik Township, Dooplaya District/
Southern Kayin State (received in August 2015)¹⁰³

Another woman reported that the USDP-led government was planning to build a school in her village. She was aware of rumours that the government had already sent the money for the school to be built, but stated:

“I wish it [USDP-led government money for constructing the school] doesn’t come. ... If it comes, it will create more work [as villagers will have to take responsibility for it].”

Py--- (female, 41), Lay Wah village tract, Bu Tho Township Hpapun District/
Northeastern Kayin State (interviewed in May 2013)¹⁰⁴

In three cases women reported that they and other community members had to contribute labour and time to assist with a Myanmar government school construction project. In the first case, village tract leader Ma B---, from Hpapun District, described that in 2012 the government promised to build a school in her village, yet expected villagers to buy and prepare the land on which the school would be built. She stated that neither she nor her villagers were able to afford to purchase the required land, yet the government would not change this condition.¹⁰⁵ In a separate case, in a 2013, additional labour was required from community members in order for a government school to be built:

“They help us build [the school, and] we do not need to spend our money. They do it by themselves and use their money [for all the] expenses, and we help them with collecting sand or stones for them [to build the school].”

Daw A--- (female, 40), K--- village, Thaton District/
Northern Mon State (received in November 2013)¹⁰⁶

In a third case, Daw S---, a female teacher, was mistreated by a company that was subcontracted by the USDP-led government to construct a school in the village.

“When the [Shin Thant Thitsa] company came and built the school, I helped them with finding the thit pote [tap tree wood], sand and small stones, and I bought some wood for them. After the school was built, I went to request money [for the wood that I bought for them]. They [people from the company] acted aggressively to me. They hated me.”

Daw S--- (female, 38), K--- Town, Dwe Lo Township, Hpapun District/
Northeastern Kayin State (interviewed in October 2013)¹⁰⁷

Not only did the company fail to reimburse the woman for her voluntary contribution to this Myanmar government-sponsored school construction project, but they also constructed the school with sub-standard materials. When Daw S--- inquired as to the expected lifetime of the new school building, the company was resistant and refused to answer:

“I once asked Shin Thant Thitsa Company how long it [the school building is anticipated] to last. He then was angry at me, and reported to the education officer about it. The education officer, U Hti Hsaing, told me. ... They [Shin Thant Thitsa Company] have signed the agreement with the

¹⁰³ See source #143.

¹⁰⁴ See source #63.

¹⁰⁵ See source #34.

¹⁰⁶ See source #74.

¹⁰⁷ See source #81.

parliament member [regarding building this school] so you guys do not need to ask how long it will last. It is not your business and it is their responsibility to come and build it.”

Daw S--- (female, 38), K--- Town, Dwe Lo Township, Hpapun District/
Northeastern Kayin State (interviewed in October 2013)¹⁰⁸

Some women in southeast Myanmar report that they feel reluctant to accept Myanmar government support, especially when considering that in many Karen areas, community members have been building their own community-funded and KNU-funded schools for years. Naw T---, from Hpapun District, was of the opinion that the motivation behind the USDP-led government making these contributions to the advancement of education in the border regions may be at least partially political:

“Actually the Myanmar government wants to support our education, but we do not allow them. ... Our leaders [KNU] do not allow them and the villagers do not accept it either. I think their support would not be sufficient even if we allowed them. They [Myanmar government] will not do it properly, and only do it to make themselves look good.”

Naw T--- (female, 29), C--- village, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interview received in November 2013)¹⁰⁹

Nevertheless, not all women were opposed to accepting Myanmar government support; in fact, some women explicitly asked for it:

“I have applied [to the Myanmar government] to build a sub-primary school, which is from kindergarten to fourth standard, in the village, but I am not sure whether it will happen or not.”

Naw M--- (female, 43), Y--- village, Thandaunggyi Township, Toungoo District/
Northern Kayin State (interviewed in March 2015)¹¹⁰

In addition to constructing schools and providing school materials, the Myanmar government also sends teaching and administrative staff in support of education in southeast Myanmar. Local women also expressed dissatisfaction with these staff members' conduct in the villages, and the following women in particular expressed a clear preference for locally recruited staff:

“There are two principals: one was locally hired by villagers and another is from [the Myanmar] government, who is only a temporary assistant. If we have to select a new principal, we only want a principal from local [village] staff. For [teachers coming from the Myanmar] government side, they don't know about the village situation.”

Naw H--- (female, 29), H--- village tract, Kawkareik Township, Dooplaya District/
Southern Kayin State (interviewed in August 2015)¹¹¹

“In our village, the school was constructed and supported by the villagers, school teacher, our monk, and I think we should only hang our Karen flag. [The Myanmar] government teachers do not like that and they want to hang the Myanmar flag in front of school instead of the Karen flag. For the teaching subject, the government allows us to teach the Karen [languages] only up to second standard. [For the] third and fourth standards they did not allow us to teach. In the past we taught Karen, but only two years ago [they told us] we are not allowed to teach third and fourth standard.”

Naw H--- (female, 29), H--- village tract, Kawkareik Township, Dooplaya District/
Southern Kayin State (interviewed in August 2015)¹¹²

¹⁰⁸ *Ibid.*

¹⁰⁹ See source #82: “Hpapun Interview: Naw S---, September 2013,” KHRG, August 2014.

¹¹⁰ See source #130.

¹¹¹ See source #143.

¹¹² *Ibid.* In this case the interviewee was referring specifically to the teaching of the Karen languages, not the teaching of all subjects in Karen languages.

Across southeast Myanmar, different authorities had varying degrees of legitimacy within the local communities. Women's contrasting views likely reflect the regional differences within southeast Myanmar, where the KNU has varying levels of control, support, and influence, depending on location. Due to the historical and contextual realities of certain areas, women express varying levels of willingness to accept government support; acknowledgement of this complex reality is crucial when considering future education-related interventions, by any stakeholder.

Women's perspectives on health

Decades of conflict in southeast Myanmar have left the formal healthcare system in a perilous state. In the towns and cities of the southeast, healthcare is largely provided by the Government of Myanmar, while in the majority of rural areas, where the majority of civilians live, government healthcare services are scarce, with a dearth of medical facilities, personnel and supplies. Filling the void are a number of rural healthcare providers, including the Karen Department of Health and Welfare (KDHW), Backpack Health Worker Team (BPHWT), Burma Medical Association (BMA), and others.¹¹³ Despite these efforts, women consistently expressed challenges with regard to the accessibility to healthcare, and the quality and competence of government services and healthcare personnel.

Accessibility

Women spoke to KHRG about both the financial and geographical barriers to healthcare that they experience across southeast Myanmar:

"If you do not have money, you cannot get treatment and only have to suffer [until you] are dead."

Naw P--- (female, 40), M--- village, Thaton Township, Thaton District/
Northern Mon State (interviewed in April 2014)¹¹⁴

"If you are seriously ill, you have to go quickly. It is not easy [to survive] if you do not go quickly [because the hospital is far away]."

Naw A--- (female, 46), B--- village, Thandaunggyi Township, Toungoo District/
Northern Kayin State (interviewed in January 2015)¹¹⁵

One report noted a change in these circumstances, as a woman reported that the Myanmar government hospital in her region no longer charged poor people for medical treatment.¹¹⁶

"Now, the [Myanmar] government health department [Ministry of Health] directed the hospital staff to support the poor patients with rice, salt, fish paste, shrimp paste, and cooking oil when they come to the hospital. It does not cost like before. They do not ask for money if the patients are really poor and do not have any money."

Naw M--- (female, 64), Hpapun Town, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interviewed in October 2013)¹¹⁷

¹¹³ For a detailed analysis of ethnic healthcare services in southeast Myanmar, see *"Ethnic Conflict and Social Services in Myanmar's Contested Regions,"* Kim Joliffe, the Asia Foundation, June 2014, and *"The Long Road to Recovery: Ethnic and Community-Based Health Organizations Leading the Way to Better Health in Eastern Burma,"* HISWG, February 2015.

¹¹⁴ See source #107.

¹¹⁵ See source #126.

¹¹⁶ The Myanmar Ministry of Health (MoH) partnered with the 3MDG Fund, beginning in July 2012, to strengthen the national health system, including in 'conflict affected areas'. Part of this effort included establishing free diagnosis and treatment services; it is not clear if this particular case is referring to these efforts. For more information, see *About 3MDG: Working together to save lives and improve health for all in Myanmar*, accessed April 2016.

¹¹⁷ See source #79.

Such financial accommodations could mean the difference between life and death to the poorest of community members, and while some reports indicated that care was becoming more affordable, this was still not the case for the vast majority of women who discussed health-related issues with KHRG.¹¹⁸

Healthcare worker attitude and competence

Women's opinions regarding the healthcare staff in their villages reflected a similar pattern to their opinions of education staff. Although they were aware the few medics and midwives available in the village were hard-pressed to meet the demand for their services with the few medical resources at their disposal,¹¹⁹ and sometimes on a volunteer basis,¹²⁰ women expected them to treat community members with compassion and make an effort to make their services more easily available, such as by visiting ill community members in their houses:

"She [the trained medic in the village] is not really from the Myanmar government.¹²¹ She only treats the patients in [one location in] the village. She does not go around treating people. We don't know whether she is not confident or she is lazy to do it. ... People who need treatment go to her house. People can go anytime. If the patients have a serious disease, she asks them to go to the hospital."

Naw W--- (female, 21), P--- village, Htantabin Township, Toungoo District/
Northern Kayin State (interviewed in March 2012)¹²²

In some villages, no medics at all were available on a regular basis and medics from nearby villages were generally reluctant to travel to the more remote villages.¹²³ In addition to the lack of availability of medical services or staff in their local area, when villagers travel to a hospital, women reported that they were sometimes met with unhelpful medical staff. One woman recounted her friend's experience of seeking medical help for their sick child at a government hospital in Thaton District, a process in which they were met with impatient and rude behaviour on the part of healthcare staff. Both the medic and the doctor failed to provide timely service and prioritised establishing the parents' financial situation rather than the child's life:

"My friends took their kid to the hospital: the kid had passed out. It was last year in rainy year [season]. They [medics] said, 'Go to Thaton [Hospital]'. And they went to Thaton. ... They were waiting and the doctor did not come. It was eight o'clock already, but the doctor had not arrived yet. Thara [male medic] told them, 'Did you bring money?'"

Daw N--- narrated the parents' response as follows:

"My kid should not die; I came in time. I have been [at the hospital] since 5:00, 6:00 and 8:00 [am] and there has been no medical treatment yet. My kid should not die. If my kid dies you will see [hear from] me. I can pay for the medicine, even if it costs one million kyats (US\$ 1,026.70) for one intravenous medicine and ten is fine as well, as long as my children don't die. If my kid dies I will get many of you fired from [your] positions."

Daw N--- (female, 52), T--- village, Thaton Township, Thaton District/
Northern Mon State (interviewed in August 2013)¹²⁴

¹¹⁸ For a further analysis of the health circumstances in southeast Myanmar following the 2012 preliminary ceasefire, see KHRG's report, *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*, KHRG, May 2014.

¹¹⁹ See source #70.

¹²⁰ See source #40; and source #107.

¹²¹ The interviewee explains that whilst the health worker has received training and a certificate from the government, she does not undertake rural healthcare duties such as traveling to different communities; she works only in her home village.

¹²² See source #7.

¹²³ See source #105.

¹²⁴ See source #71.

Whilst Daw N---'s friends may have found little power in their threats to government healthcare workers, their serious frustrations and desperation to have their child treated is evident. In situations where a woman is able to access a government hospital and able to financially support the treatment, cases such as Daw N---'s suggest that the lack of trained and committed staff behind these services seriously infringe on both service delivery and patient's wellbeing.

Given the experiences with government health workers, many women continued to rely on traditional healers, or visiting health workers from non-governmental organisations, as they are available locally and at a low cost:

"The villagers rely on herbal medicine or traditional doctors. ... There are no medics or nurses in the village, so they usually have to go to X--- to get treatment. However, sometimes medics from Nu Poe [refugee camp] come to treat the villagers. The health conditions of the kids from Toh Hkee [village] are bad, such as they have ear infections and sickness and they just rely on the very experienced traditional medics in that village."

Situation Update written by a KHRG researcher, Kyainseikgyi Township, Dooplaya District/Southern Kayin State (received in September 2012)¹²⁵

Case Study: A midwife delivering lymphatic filariasis (elephantiasis) treatment

In contrast to the negative interactions some women community members experienced with medics and other healthcare staff, Naw P---, an ethnic Karen midwife from Dooplaya District, saw healthcare provision as her way of contributing to her community, and had been employed by the Myanmar government for 14 years, as of 2013.¹²⁶

"At first, people asked me to attend that [medical] training and I was not that interested. But when I looked at the situation of my place [village], none of the medical staff could come and live here. So, as this is my place and my people, I attended the training and I have taken care of my people. ... Even [if I got] no salary, I would work. I work for society."

Despite her genuine commitment to serving the people, Naw P--- experienced severe resistance from the local community when working on a government-initiated lymphatic filariasis (elephantiasis) prevention and treatment campaign.

"In my opinion, I see that they [Myanmar government] giving the vaccines [pills] like this is good. This is for civilians' sake. If people get that [lymphatic filariasis] disease, their life will not be normal. I see this [treatment] is good."

Naw P--- detailed, however, that the campaign was not meant for everyone, as people with certain conditions may experience adverse side effects if the treatment were to be administered to them.

"We cannot give [this] vaccination [pill] to pregnant women, chronically ill patients, and patients whose kidneys are not good. We give the vaccination [pill] to the people who are healthy like us."

According to information received, some government health workers who were tasked in September 2012 with treating the population against potential lymphatic filariasis did not follow the proper procedures, in terms of providing the necessary information regarding potential side effects, or assessing the suitability of villagers in terms of taking the pill, which resulted in many villagers experiencing severe side effects, especially women.¹²⁷ As more villagers had negative experiences with this campaign, rumours started spreading that the pill was in fact poisonous and could result in villagers' death:

¹²⁵ See source #27: "Dooplaya Situation Update: Kya In Seik Kyi Township, September 2012," KHRG, June 2013.

¹²⁶ All information in this case study comes from source #70.

¹²⁷ For detailed information regarding negative side effects women experienced after taking the treatment, see Chapter IV *Health and Education* in this report.

"We had the responsibility to give the vaccination [pill] and we went to give it village-by-village and we did not know about the [rumours] situation. When we came back, we heard that people from Bangkok phoned their family and told them not to take the vaccination [pill]. 'If the people take the elephantiasis vaccination [pill], they will die' [said the people from Bangkok]. ... I felt sad and inquired about the information. The situation is that I was even threatened. I feel sad because people will come and kill me. The government gave me [this] vaccination [pill]. I am a government staff. It is not possible for me to not go give the vaccination [pill]. ... Later, I phoned my senior. ... She did not hear anything [about the rumours]. ... People said that if people die because of the vaccination [pill], they will kill the midwife. I am afraid. I have to inquire [further about] the case."

Naw P--- also elaborated on her approach to administering this campaign, stating that ultimately villagers do have the choice not to be treated, although she tries to provide them with as much health education as possible so they can make informed decisions:

"When we have to give the vaccination [pill] and if the people do not come, we tell them about the kinds of diseases the children could get. But it is okay if they do not want to take [the treatment]. We do not force. We give the vaccination [pill] and if they do not come [to be treated], it is done then."

"[I think people should take the vaccination pill], because we try to protect the whole village and the disease can spread to other people. ... We hope that everyone will take the vaccination [pill] because it is not that there are no mosquitos here. Here is a place where mosquitos [do in fact] exist. There is no research on the mosquitos and we do not know whether [the mosquitoes] here are the Aedes mosquitoes, Anopheles mosquitoes, or Johnbelkinia mosquitoes.¹²⁸ So that, for example, if someone has the [lymphatic filariasis] disease, and does not have the symptoms and are bitten by a mosquito, and that mosquito goes and bites another person – that person will get the disease from the first person. In my opinion, it is better to give [the treatment to] everyone. ... Nothing like that happened here but prevention is better than curing."

Naw P---'s approach to resolving the situation included not only educating community members regarding the reasons why they should be treated, but also contacting her superiors and collaborating in order to promote health.

This case highlights the complexity of providing healthcare services in southeast Myanmar. The lack of trusted information and the lack of partnerships with trusted healthcare providers, where available at a local level, can undermine the potential positive impact of the healthcare campaign as experienced by the local community.

¹²⁸ These types of mosquitoes are known to be carriers and transmitters of different diseases: Aedes mosquitos can carry and transmit dengue fever; Anopheles mosquitoes can carry and transmit malaria and are identified as the primary carrier and transmitter of lymphatic filariasis; Johnbelkinia mosquitoes can carry and transmit certain human pathogens but are not native or known to be active in Myanmar. For more information see *Neglected Tropical Diseases: Lymphatic Filariasis*, USAID, accessed May 2016.

Photos: Perspectives on Health and Education



This photo was taken by a KHRG community member on December 19th 2012, in H--- village, Bu Tho Township, Hpapun District. The photo shows middle school students playing during a break at their school. [Photo: KHRG]



This photo was taken by a KHRG community member on September 21st 2015, in K--- village, Kawkareik Township, Dooplaya District. The photo shows children attending a government primary school, singing the national anthem of Myanmar in the morning in front of the school and the flag. There are a total of 70 students, two male teachers, and four female teachers at the school. [Photo: KHRG]



These photos were taken by a KHRG community member on January 6th 2015, in D--- village, Toungoo District. It shows students in Standard 4 at their school. Villagers reported that the children were trying to learn how to read and write the Myanmar language alphabet, but that they were not able to do so due to poor teaching. [Photo: KHRG]



This photo was taken by a KHRG community member on November 11th 2014, in B--- village, Meh Klaw village tract, Bu Tho Township, Hpapun District. The photo shows a KNU health department female medic conducting a malaria test for children in the village. In 2014, the KNU placed one medic per 30 households to check for malaria in each village in Meh Klaw village tract. The Myanmar government also used to provide medics for malaria in this village but they left after the KNU carried out this project. *[Photo: KHRG]*



This photo was taken by a KHRG community member on July 13th 2015, in Kawkareik Township, Dooplaya District. This photo shows students returning from school after their teachers told them that the school was closed due to fighting in the local area between the Tatmadaw, BGFs and the DKBA on the Asian Highway between Myawaddy Town and Kawkareik Town. The teachers closed the school out of concern for their students' safety. *[Photo: KHRG]*

Chapter III: Women's Perspectives on Livelihoods and Development

"Regarding the development projects, I think if we are doing it, we need to consider it very carefully, so as to benefit those who agree on that project. It should not be one which will impact [negatively] on the people."

Ta--- (female, 51), D--- Town,
Toungoo District/Northern Kayin State
(interviewed in August 2013)¹²⁹

From January 2012 through to March 2016, KHRG received over 100 reports in which women living in southeast Myanmar provided their perspectives on their livelihood situation, which mainly focused on their food and economic security. In addition, women frequently volunteered their perspectives on development in their local area and noted the changing influence that these projects had on their livelihoods.

Livelihoods were self-identified amongst mainly rural Karen women as including farming, food gathering and food preparation, raising livestock, household work, child rearing, and weaving. Acknowledging the specific concerns of rural women to situations of environmental and economic vulnerabilities, CEDAW Article 14 calls on states parties to ensure that discrimination against women in rural areas is eliminated.¹³⁰

In KHRG's seven research areas, the core livelihood topics identified by women were the changes related to livelihoods since the 2012 preliminary ceasefire, environmental challenges, militarisation, development, and gendered challenges for widows and single mothers. Throughout these perspectives, these women also identified the multiple ways that they were addressing certain improvements or hardships. These perspectives are detailed below.

Improvements since the 2012 preliminary ceasefire

A number of women reported to KHRG a sense of optimism and improvement in their livelihoods, in particular their perceived living conditions within their community and access to farm and forage land, as a direct result of the ceasefire.¹³¹

Key Findings

- Women reported that they have increased freedom of movement and access to their farm lands following the 2012 preliminary ceasefire.
- Single women, women who were widowed, and women whose husbands were not living with them, reported feeling a heightened vulnerability with regard to their livelihood security, due to pressures from land confiscation, as well as the impact of development and infrastructure projects.
- The environmental impact of development projects affected women's livelihoods through river pollution, erosion of their farmlands, and the destruction of, or loss of access to, communal forest lands.
- Women identified additional environmental challenges, such as unpredictable weather and pests, as also negatively impacting their food security and livelihoods.
- Women expressed a desire to be involved in consultation of development projects in order to ensure positive benefits for their community.

¹²⁹ See source #65: "Toungoo Interview: A---, August 2013," KHRG, July 2014.

¹³⁰ *Convention on the Elimination of All Forms of Discrimination Against Women*, UN General Assembly, December 1979.

¹³¹ The preliminary ceasefire agreement took place on January 12th 2012 between the KNU and the Government of Myanmar in Hpa-an. For more information on the preliminary ceasefire, and the following Nationwide Ceasefire Agreement of 2015, see Chapter I *Women's Perspectives on Ceasefire, Militarisation, and the 2015 General Election* of this report; for KHRG's analysis of changes in human rights conditions since the preliminary ceasefire, see *Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire*, KHRG, May 2014.

One primary reason identified for this optimism was the increased freedom of movement for women following the ceasefire, owing to fewer restrictions imposed on villagers by the Tatmadaw,¹³² reduced threat of shelling and gunfire,¹³³ and a reduced military presence in some areas, creating an environment in which it is easier for women to travel in smaller groups, or even alone.¹³⁴ Relating not only to increased perceived safety but also to basic sustenance, this increased freedom of movement means women are able to work on their land more freely,¹³⁵ leading to improved harvests, and also allows them to travel further to sell their produce for better market rates.

Naw B---, a female village head (section leader) in Hpapun Town, reported that she has improved her livelihood (economic situation) because she now can work and travel freely in her village. Previously in order to travel, the local people had to inform the Tatmadaw and receive their permission. Naw B--- also stated that her livelihood situation had changed after the ceasefire as she and fellow residents no longer have concerns about gun fire while traveling and working in the fields:

“While we are traveling we have not heard a sound of gun fire. In the past, when we heard a gun fire while we were collecting vegetables, we ran back to our village. That does not happen anymore.”

Naw B--- (female, 64), Hpapun Town, Hpapun District/
Northeastern Kayin State (interviewed in October 2013)¹³⁶

Women in KHRG research areas also described how their livelihoods have become more stable as they no longer have to flee from the Tatmadaw,¹³⁷ while some villagers displaced by the conflict have been able to return and resume working on their own lands.¹³⁸

A further positive impact noted after the ceasefire has been the reduction in fear and instability for some women:

“... [T]his year, we don’t have to be afraid or flee, like in the past.”

Naw L--- (female, 49), M--- village, Kyaukkyi Township,
Nyaunglebin District/Eastern Bago Region (interviewed in August 2012)¹³⁹

Of note, women also described to KHRG how the ceasefire has made way for development in their areas,¹⁴⁰ which has in turn opened up more opportunities for women not only to trade and do business, but also to take on new roles in their communities and spend more time on their education,¹⁴¹ thereby increasing their livelihood choices:

“We have seen that the role has changed after the ceasefire [has] taken place. [For] example, in the past they [children] just stayed at home to help their parents and if something happened with them they ran to the jungle. But now after they grew up they gained some education so some of

¹³² See source #8; source #79; and source #45: “Nyaunglebin Interview: Daw U---, December 2012,” KHRG, July 2014.

¹³³ See source #79.

¹³⁴ See source #150; for further information, see Chapter I *Women’s Perspectives on Ceasefire, Militarisation and the 2015 Election* of this report.

¹³⁵ See source #45: “Nyaunglebin Interview: Daw U---, December 2012,” KHRG, July 2014.

¹³⁶ See source #79.

¹³⁷ See source #24.

¹³⁸ See source #25.

¹³⁹ See source #24.

¹⁴⁰ See source #49.

¹⁴¹ See source #150.

them are working with organisations. At present most women gain more opportunity to gain education and also [to] continue their further study. In the past they had less opportunity.”

Naw H--- (female, 20), Kyaikto Township, Thaton District/
Northern Mon State (interviewed in November 2015)¹⁴²

The impacts of militarisation¹⁴³

Despite positive reports from many women regarding their freedom of movement and increased access to their lands after the 2012 ceasefire, many women who expressed continuing difficulties with their livelihood felt that this was closely related to the ongoing presence of armed actors in southeast Myanmar. For several women who spoke to KHRG, their personal and economic situations were severely impacted by losing their husbands as a result of military activity, due to being the victim of landmines,¹⁴⁴ or being taken for forced labour.¹⁴⁵ Without the economic contribution which many males fulfill within traditional households, these women described significant difficulties to KHRG researchers.

Naw M---, from B--- village, wrote a complaint letter shared with KHRG regarding her difficulties after the death of her husband. Her husband had been forcibly taken by the DKBA,¹⁴⁶ during which time he was killed by a landmine. As a widow, Naw M--- has been left with sole responsibility of her child and reports that her health is not good:

“It is better if I can stay with my family and [we] can stay in our own house. But that can’t come true anymore. Even though I can stay with my parents or siblings, it is not the same as staying with my husband.”

Complaint Letter written by Naw M--- (female), B--- village, Hpapun District/
Northeastern Kayin State (received in January 2012)¹⁴⁷

Women also described to KHRG incidents of armed actors impeding their ability to support themselves and their families, such as crop destruction perpetrated by the Tatmadaw,¹⁴⁸ ongoing fear of Tatmadaw attacks preventing women from working freely on their land,¹⁴⁹ or BGFs preventing women from collecting their crops and foraging for produce in the forest.¹⁵⁰

Naw L---, from T--- village in Dooplaya District, reported to KHRG that when Tatmadaw soldiers were travelling across her plantation, the soldiers stepped on some of her crops and ate others. It was the time that green beans were to be harvested, but because of the soldiers, those were destroyed. However she dared not to complain about it to the soldiers and was left feeling unsatisfied about the situation:

¹⁴² *Ibid.*

¹⁴³ This section focuses specifically on the impacts to women’s livelihoods posed by the presence and activities of armed actors; for a more general overview of women’s perspectives on militarisation, see Chapter I *Women’s Perspectives on Ceasefire, Militarisation and Election* of this report.

¹⁴⁴ See source #1; source #2; for more information, see Chapter VIII *Landmines* of this report.

¹⁴⁵ See source #36.

¹⁴⁶ The Democratic Karen Benevolent Army (DKBA), also known as the Democratic Karen Benevolent Army-Brigade 5 (DKBA-5), is a breakaway faction of a group with the same acronym, the Democratic Karen Buddhist Army (DKBA). The “Buddhist Army” broke out of the Karen National Liberation Army (KNLA) in 1994 and signed a ceasefire with the government shortly after. The “Benevolent Army” broke away from the “Buddhist Army” in 2010, as the latter transformed into a Border Guard Force (BGF battalions #1011 to #1022). The “Benevolent Army” signed a ceasefire with the government on November 3rd 2011. For more information on the formation of the original DKBA, see “Inside the DKBA,” KHRG, 1996.

¹⁴⁷ See source #1.

¹⁴⁸ See source #26.

¹⁴⁹ See source #24.

¹⁵⁰ See source #34.

“They [Tatmadaw] went everywhere and it damaged a lot [of crops]. We dared not tell them because they had guns. We just watched them like that.”

Naw L--- (female, 48), T--- Village, Doooplaya District/
Southern Kayin State (interviewed in August 2012)¹⁵¹

Challenges faced by single women and widows

A particularly significant perspective provided to KHRG by women regarding their livelihood situation was that of the substantial challenges faced by unmarried women, widowed women, or women whose husbands are absent for a multitude of reasons. This perspective is apparent in both the testimonies of unmarried, widowed or single women themselves, as well as the strong sentiment communicated by other women in their communities that those without a husband are acutely vulnerable to hardship and insufficient food and income.

Women who had lost their husbands described having to work *“hand-to-mouth”*,¹⁵² struggling to feed their children,¹⁵³ being unable to conduct their former livelihood activities or business,¹⁵⁴ being unable to protect their paddy fields alone, and having to rely on family to support them.¹⁵⁵ Ma P---, a woman from Thaton District, described facing increasing livelihood difficulties after her husband was arrested and imprisoned at Insein Prison, Yangon:

“When he was here he worked and it was not bad and now he is not [here] and I have to face problems with my children. I have to borrow money and my siblings also cannot provide me [with] food all the time [as they are also poor]. It is too hot [in Myanmar] and I have children and I also have to follow the case and I have to go for the court appointments as well. Sometimes when I come back, my children have to eat the rice that has started to go off. They [the court] set an appointment twice or four times a month. I always have to go and it costs money [to travel].”

Ma P--- (female, 42) M--- village, Thaton Township, Thaton District/
Northern Mon State (interviewed in June 2015)¹⁵⁶

In other reports, women widowed through militarisation activities identified themselves as under increased livelihood stress. Women identified a variety of concerns, stresses, and struggles in widowhood, including the sadness of being dependent on elderly parents, the lack of satisfaction as they cannot earn income to provide for their children, difficulty entering into the workforce as they lacked experience, and having concerns for the future of their children.

In one case, in 2012 a man who was forced to porter supplies for BGF Battalion #1013 in Bu Tho Township, Hpapun District, stepped on a landmine and was killed. Although Battalion #1013 provided some money and materials for his funeral, KHRG community members reported that his widow now faces severe livelihood issues.¹⁵⁷

Other women who spoke to KHRG expressed their belief that women who do not have a husband are in need of support from other villagers,¹⁵⁸ the government,¹⁵⁹ or the church.¹⁶⁰

¹⁵¹ See source #26.

¹⁵² See source #140; and source #35.

¹⁵³ *Ibid.*

¹⁵⁴ See source #142.

¹⁵⁵ *Ibid.*

¹⁵⁶ See source #140.

¹⁵⁷ See source #35.

¹⁵⁸ See source #8.

¹⁵⁹ See source #79.

¹⁶⁰ See source #7.

Environmental challenges

In addition to militarisation and post-ceasefire challenges, during the reporting period many women expressed ongoing struggles with their livelihoods due to the specific instabilities and environmental challenges associated with living off the land. Women reported that their livelihoods were challenged by low crop yields as a result of abnormal and unreliable weather conditions,¹⁶¹ and damage caused by pests.¹⁶²

Naw N---, a mother in a family of ten from H--- village, Hpapun District, reported unreliable and often insubstantial crop yields due to pests, impacting her ability to provide for her family. This situation forced her to borrow from other villagers in order to provide for her family:

“Farmers could not produce much rice because the paddy [rice] dies and is not good. Sometimes the rats destroyed the paddy therefore we can collect a lot less rice.”

Naw N--- (female, 60), H--- village, Bu Tho Township, Hpapun District/Northeastern Kayin State (interview received in June 2015)¹⁶³

The uncertainty for women as a result of living off the land is further compounded by high land leasing fees and taxes,¹⁶⁴ or in the case of some women, the burden of making repayments on loans taken to subsidise bad harvest years.¹⁶⁵

Potential benefits of industrial and commercial development

Several women explained to KHRG that they see development as important and necessary for their communities. They expressed being open to incoming investment, however they simultaneously reported strong perspectives on how, and by whom, they want this development to be conducted. The rights of women, particularly in rural areas, to be consulted and involved in development projects, and to benefit from these developments, is stated in Article 14.2(a) of CEDAW:

“States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: (a) To participate in the elaboration and implementation of development planning at all levels.”¹⁶⁶

Women who spoke to KHRG highlighted a number of areas that they would like to see positive benefits from in regard to industrial and commercial development. These included limiting the impacts of natural disasters and environmental challenges,¹⁶⁷ and improved trading and business opportunities resulting from new roads that are built along existing routes that local people follow.¹⁶⁸ One woman in Dooplaya District conceded that new roads would benefit community members overall, even if her lands were impacted:

¹⁶¹ See source #45: “Nyaunglebin Interview: Daw U---, December 2012,” KHRG, July 2014; and source #130.

¹⁶² See source #39; and source #136.

¹⁶³ See source #136.

¹⁶⁴ See source #45: “Nyaunglebin Interview: Daw U---, December 2012,” KHRG, July 2014; and source #143.

¹⁶⁵ See source #125.

¹⁶⁶ Article 14.2(a), *Convention on the Elimination of All Forms of Discrimination Against Women*, UN General Assembly, December 1979.

¹⁶⁷ See source #49.

¹⁶⁸ See source #41.

“Before they constructed the road they [the company] met me and said ‘We will construct a road and it will include your land and other people lands, so do you want to get compensation?’ I told them that if you are going to construct the road it will be very helpful and useful for many people so I do not need compensation.”

Naw K--- (female, 47), K--- village, Kawkareik Township, Dooplaya District/
Southern Kayin State (interviewed in March 2015)¹⁶⁹

The above case involved building a road to an area for stone mining. Naw K--- continues that if compensation was paid for land damaged by stone mining rather than the road construction she would support her community to invest the money in electricity and water for the village. However, she reports that the company did not follow through on their promise for compensation:

“They [the villagers] also do not want compensation [for their] land [next to the road]. They want compensation from the stone because they will get [buy] electricity. ... They said that we are thankful from getting stone [compensation] price and instead we will get [buy] electricity. But currently if the villagers ask me [to do this], I cannot do anything. I will just keep quiet because they [the company] lied to me.”

Naw K--- (female, 47), K--- village, Kawkareik Township, Dooplaya District/
Southern Kayin State (interviewed in March 2015)¹⁷⁰

There were reports of private and commercial actors implementing development projects to make positive contributions to the community as a way to compensate for the detrimental impacts of a development project. One company, having confiscated land to establish a rubber plantation, built a school.¹⁷¹ Another offered to build a school in response to the communities’ opposition to the proposed stone mining of a nearby cliff side.¹⁷²

Education and community development projects

In addition to their thoughts on industrial and commercial development projects taking place in southeast Myanmar, many women also gave their perspectives on local community development projects being conducted.

The perspectives collected in KHRG research areas were mixed: some felt that if proposed projects supported peace they would be positive,¹⁷³ whereas some felt that proposed projects needed to be considered very carefully, as they may impact the community in ways that were both positive and negative.¹⁷⁴ Similar to commercial development concerns, women had strong views about not being consulted prior to project implementation, as this meant they were unable to stop projects which damaged land and property.¹⁷⁵

Stressing the importance of local women being consulted on local development projects, Naw Hs---, a woman in Dooplaya District, described the consequences of an irrigation project which was undertaken without any prior consultations with villagers:

¹⁶⁹ See source #132.

¹⁷⁰ *Ibid.*

¹⁷¹ See source #40.

¹⁷² See source #105.

¹⁷³ See source #24.

¹⁷⁴ See source #66.

¹⁷⁵ See source #143.

“There were no consultations on doing the water distribution project. They did not have meetings or inform the villagers in Ht--- village when submitting the proposal to the government. After the government approved it, they just came and laid the pipe and started the project without consulting villagers. Some of the pipe goes through and under villager’s houses, goes through villagers plantations and lands, so many people did not feel good about this. And there will be a challenge finding water during summer [hot] season.”

Naw Hs--- (female, 29), Ht--- village, D--- village tract, Kawkareik Township, Dooplaya District/Southern Kayin State (interviewed in August 2015)¹⁷⁶

Several women explained that community members felt conflicted or even suspicious about community projects via USDP-led government initiatives.¹⁷⁷ Women also felt more comfortable in receiving support from local organisations, such as KWO, as opposed to international groups.¹⁷⁸ Overall, women felt that development projects had the potential to benefit the community, as long as negative impacts were anticipated and mitigated.

¹⁷⁶ *Ibid.*

¹⁷⁷ See source #79; and source #135.

¹⁷⁸ See source #119.

Photos: Livelihoods and Development



This photo taken by a KHRG community member shows Naw P---, 15 years old, from N--- village, Bwa Der village tract, Bu Tho Township, Hpapun District, in June 2013. She is pictured carrying a sack of rice provided by the Committee for Internally Displaced Karen People (CIDKP). Due to the scarcity of food in her area, her family needs the donated rice. *[Photo: KHRG]*



This photo was taken on November 13th 2014, at a hill farm in H--- village, Daw Poo village tract, Hpapun District. The photo shows two women winnowing rice, an ancient technique which separates the grain from the chaff. *[Photo: KHRG]*



This photo was taken on October 10th 2012, by a KHRG community member in K--- village, Day Wah village tract, Hpapun District. It shows two young girls engaged in a typical livelihood activity. The cows are pulling logs which the girls will sell at the market. *[Photo: KHRG]*



This photo was taken on November 2nd 2012, in H--- village, Hpapun District, and shows Naw T--- and her child. Naw T---'s husband was called away by the Tatmadaw to do labour the day before this photo was taken, but had not yet returned by the time this photo was taken. Naw T--- indicated that she and her husband weave mats and sell them for their livelihoods. *[Photo: KHRG]*



This photo was taken on July 8th 2012. It is a photo of Naw L--- from M--- village, Kyaukkyi Township, Nyaunglebin District who explained her livelihood situation to KHRG: “This year, we don’t have to be afraid or flee, like in the past.”¹⁷⁹ [Photo: KHRG]



This photo was taken on December 6th 2014, in Saw Hka Der village tract, Mone Township, Nyaunglebin District. It shows villagers harvesting betel nuts. [Photo: KHRG]



This photo was taken by a KHRG community member on December 9th 2014, in Meh Klaw village tract, Bu Tho Township, Hpapun District. The photo shows Naw A--- and her husband splitting logs at their saw-mill for their income. Naw A--- and her husband faced difficulties related to their owning a saw-mill in the area because they had to pay taxes to both the Myanmar government forest department and the KNU forest department. [Photo: KHRG]



This photo was taken by a KHRG community member on January 21st 2015, in Noh Ta Hsuh village, Noh Ta Hsuh village tract, Thaton Township, Thaton District. It shows a woman working to earn her living by producing bricks, and a young boy assisting her. [Photo: KHRG]

¹⁷⁹ See source #160.

Section C: Abuse, Agency and Access to Justice

Chapter IV: Health and Education

“For those midwives who have a duty to look after our village tract, [they] live in another village, so if there is an emergency we can’t get them [here] punctually.”

Saw A--- (male, 42), E--- village, Mone Township, Nyaunglebin District/Eastern Bago Region (interview received in June 2013)¹⁸⁰

In KHRG research areas women frequently brought the topics of health and education together when discussing their ability to access essential services.

Access to education

Access to education is recognised as a fundamental human right by Article 26 of The Universal Declaration of Human Rights (UDHR),¹⁸¹ which states that education shall be available to all people and be free and compulsory, at least in the elementary and fundamental stages. Article 10 of CEDAW, which the SPDC-led Myanmar government acceded to in 1997, also states that education should contribute to the elimination of stereotyping in the roles of women and men.¹⁸² Although the 2008 Myanmar Constitution mandates that the Union of Myanmar implement a free and compulsory education system for all, conditions on the ground such as the lack of physical availability of teachers and learning materials, as well as geographical and financial barriers, continue to make progress towards that goal slow.¹⁸³ Evidenced through KHRG reports, these inhibiting factors disproportionately impact girls’ access to education.

In the reports received by KHRG between January 2012 and March 2016, the primary obstacles that prevented girls and women from accessing education were the steep school fees,¹⁸⁴ which were compounded by their families’ livelihood challenges,¹⁸⁵ as well as the schools being located far from their home villages.¹⁸⁶ In addition, in one case, a girl was unable to continue attending school after sustaining a militarisation-related injury.¹⁸⁷

Key Findings

- Barriers to accessing health services included perceived security threats, such as safety when travelling, and the financially prohibitive cost of medicine and treatment.
- The long distances between villages and adequate healthcare facilities disproportionately affected women and girls from rural areas. Rural women reported their concerns about not being able to access hospitals during pregnancy or when giving birth, with many women continuing to give birth at home without access to adequate healthcare.
- Upfront and hidden costs in the health and education sectors served as a barrier for women to access essential services. Hidden costs included requests for additional fees for unclear purposes in schools. Women reported falling into debt to pay for healthcare for their families.
- Rural girls were in some instances discouraged from seeking further education in towns due to concerns for their safety and traditional attitudes preferring that they stay near to their families.
- The stigma attached to mental health disabilities prevented some affected-women from accessing the healthcare and support they needed.

¹⁸⁰ See source #20.

¹⁸¹ Article 26, *Universal Declaration of Human Rights*, UN General Assembly, December 1948.

¹⁸² Article 10, *Convention on the Elimination of All Forms of Discrimination Against Women*, UN General Assembly, December 1979.

¹⁸³ For an in-depth analysis of improvements and challenges in education in southeast Myanmar since the 2012 ceasefire, see p. 137 of *Truce or Transition? Trends in Human Rights Abuse and Local Response in Southeast Myanmar Since the 2012 Ceasefire*, KHRG, May 2014.

¹⁸⁴ See source #115.

¹⁸⁵ See source #68; source #121; and source #18.

¹⁸⁶ See source #121.

¹⁸⁷ See source #91.

Although these financial, geographical, and political barriers to education also impact the ability of boys to access education, the influence of these factors on girls is exacerbated by persisting social norms about women and the gender-based division of labour within households in rural Myanmar. Social norms identified as specific barriers to girls accessing education included views that they are weak and vulnerable,¹⁸⁸ which results in parents hesitating to send their daughters to school in distant towns. In addition, women and girls are still seen as the primary family members responsible for taking care of the home and their siblings, meaning that in some cases girls stay at home rather than go to school,¹⁸⁹ or have to balance both their school-work and their house-work, thus impacting their ability to achieve positive education outcomes. While parents are increasingly valuing education for girls and sending more girls to school,¹⁹⁰ a representative from the Karen Education Department (KED) reported that the biggest obstacle to girls' education, especially in rural areas, remains the expectation that they should marry early in order to be at optimal health for giving birth.¹⁹¹

The following cases illustrate the ways in which limited educational infrastructure and resources, combined with economic marginalisation of rural populations and lingering ideas about women's roles and abilities continue to impede progress towards gender equality in education.

Militarisation

In one reported case on January 16th 2014, Naw S---, a 16 years old school girl from A--- village, Meh K'Law village tract, Bu Tho Township, Hpapun District, who was attending Standard 9 at Hpapun high school, was injured on her way home from school when a Tatmadaw military vehicle hit her shoulder and knocked into her bicycle handlebar. As a result, Naw S--- fell off her bicycle and broke her arm. Naw S--- was hospitalised for eight days, but her injuries continued to require treatment and she later quit school.¹⁹²

The above case and others¹⁹³ suggest that the ongoing militarisation in southeast Myanmar serves to obstruct girls' access to education in multiple ways. In locations where there is an army base close to the village, students and parents expressed that they do not feel secure attending school when either the Tatmadaw or Karen armed groups are active.¹⁹⁴ Parents expressed particular concern for the security of their daughters in militarised areas.¹⁹⁵ Even if interactions between young women and soldiers do not culminate in threats or physical attack, girls and women felt particularly vulnerable to harassment:

"They do not threaten villagers, [but] sometimes, when they come, they come with a lot of soldiers and they stay [beside the] school. ... Even if they stay at their place, villagers just don't like them. Sometimes, they don't respect us. They say disrespectful words to us while we are walking."

Naw H--- (female, 21), Hk--- village, Htantabin Township, Toungoo District/Northern Kayin State (interviewed in March 2012)¹⁹⁶

¹⁸⁸ This information is drawn from an informal interview by KHRG researchers with Naw L---, Karen Teacher Working Group (KTWG), November 2015.

¹⁸⁹ See source #121.

¹⁹⁰ This information is drawn from an informal interview by KHRG researchers with Naw L---, KTWG, November 2015.

¹⁹¹ This information is drawn from an informal interview by KHRG researchers with Naw H---, KED, October 2015.

¹⁹² See source #91.

¹⁹³ For further information on the impacts of militarisation in southeast Myanmar on women's lives see Chapter III *Women's Perspectives on Ceasefire, Militarisation, and the 2015 Election* in this report.

¹⁹⁴ See source #8.

¹⁹⁵ See source #117.

¹⁹⁶ See source #8.

These security concerns that parents and their daughters experience can affect school enrolment in militarised areas. Information received by one KHRG community member in Kawkareik Township suggests that school enrolment can significantly increase once military activities in an area subside.¹⁹⁷

Livelihoods

Livelihood challenges such as economic poverty and dependence on farming were identified by rural mothers as a limiting factor for their children to access education. Women who have been widowed and are raising their children on their own face particular difficulties.¹⁹⁸

Despite these challenging circumstances, many widows and their daughters still choose to prioritise education in the hope that their children will have greater opportunities. One single mother of five, Naw F--- from Me--- village, is described by a KHRG community member as supporting her family despite economic challenges, prioritising sending her children to school as she wants them to gain education.¹⁹⁹

“This aunty, Naw F---, has to survive for her living and has to protect her children by raising them [alone]. As her husband has died, she has to look after her children with difficulty. She sends all three of her children [who still live at home] to school so that her children will gain an education.”

Photo Notes written by a KHRG researcher in Me--- village, Dooplaya District/
Southern Kayin State (received in October 2013)²⁰⁰

In another case reported by a KHRG community member, Naw K---, a woman from Dooplaya District, is the sole carer of her five grandchildren after her own four children died. Despite being elderly and unable to work, Naw K--- has prioritised her orphaned grandchildren’s education and all are enrolled at school. Her oldest grandchild is female, only 14 years old and attending Standard 7.²⁰¹

Distance to school

Highlighting challenges specific to girls in rural parts of Karen state, distance to school was reported as an access concern by women in KHRG’s research areas:

“For education, we would like to send our children to the school in the city but we cannot. ... A company owner from Bilin [Town] encourages the education of the students. He said to come and send the students who are in Standards 8, 9, 10 who did not pass the school [exam] to him [to finish their education and then work for the company]. [It’s] not that I do not love children, I love [them], but if I lead the children like this [to work], I have a worry. As there is a proverb that says, ‘One daughter is equal to 1,000 cows,’ and if he accepts many daughters and the children will have to live in the city – I have to worry about it. ... So, I told my children that in the city, even if people [from the company] take responsibility, there is a concern to live for a girl. ... Some villagers who have connections [in Bilin Town] send their children, but for me, I am just afraid.”

Daw K--- (female, 55), Ky--- village, Yoh Klar village tract, Bilin Township,
Thaton District/Northern Mon State (interviewed in February 2013)²⁰²

Although Daw K--- is too concerned for the safety and wellbeing of the girls in her family to send them to Bilin Town, she expressed that she would like to encourage her niece to finish her education by sending her to Kwee Lay [village], where she feels she could be safer than in the city:

¹⁹⁷ See source #67.

¹⁹⁸ See source #68.

¹⁹⁹ *Ibid.*

²⁰⁰ *Ibid.*

²⁰¹ *Ibid.* A standard refers to a school year in the education system of Myanmar.

²⁰² See source #49.

"I suggested to her [my niece] to go and live in Kwee Lay [village], 'In Kwee Lay [village], there is my daughter and you can go and live there. If you go, we will send you.' But her mother does not like [the idea]. If she goes and lives there, there will not be [much to] worry [about], but if she goes to the city [Bilin Town], she will come back if she is not happy, and we worry for her that she will be [morally] corrupted."

Daw K--- (female, 55), Ky--- village, Yoh Klar village tract, Bilin Township, Thaton District/Northern Mon State (interviewed in February 2013)²⁰³

Daw K---'s concerns suggest wider social norms that women and girls are weak,²⁰⁴ making them vulnerable to physical assault or sexual activity. Family members particularly take these risks into consideration when considering whether to send their daughters to live away from the family,²⁰⁵ thus making parents more hesitant to send their girls away to a distant school than their boys. As the majority of middle and high schools are located in the towns and cities, many girls from rural areas are unable to continue their education past primary level.

Despite these beliefs and concerns for their girls, parents do express a strong desire to help their daughters to complete school. However, a final barrier particularly for poorer families in southeast Myanmar, are the official and unofficial costs for their children's education. School fees are especially high for the upper standards, and students who cannot afford private after-school classes find themselves failing as some teachers are reported to not teach as thoroughly in the day classes:

"My two daughters really want to finish their high school, but it is really hard for us to pay the tuition fee. Later, one of my daughters continued studying without attending [private] tuition classes. Later, unfortunately she failed, but she wanted to continue her studies so she went to Nu Po refugee camp to finish her studies and now she has completed Standard 10."

Saw A--- (male, 42), E--- village, Mone Township, Nyaunglebin District/Eastern Bago Region (interview received in June 2013)²⁰⁶

Access to healthcare for women

Continuing with women's key priorities as identified through KHRG research, access to healthcare was frequently cited to be of equal importance as access to education.

According to the World Health Organisation Constitution, the right to health is a fundamental human right which includes the freedom to control one's health and body, and to be free from interference such as non-consensual medical treatment and experimentation.²⁰⁷ It is further noted as a specific right in the ICESCR.²⁰⁸ In the case of women, control of one's body includes their sexual and reproductive rights. The right to health also includes an entitlement to a system of health protection that gives everyone an equal opportunity to enjoy the highest attainable level of health. Article 12(2) of CEDAW establishes governments' obligation to adopt adequate measures to guarantee women's access to health and medical care, with no discrimination whatsoever, including access to family planning services. It also establishes the commitment to guarantee adequate maternal and child healthcare.²⁰⁹

²⁰³ *Ibid.*

²⁰⁴ This information is drawn from an informal interview by KHRG researchers with Naw L---, KTWG, November 2015.

²⁰⁵ See source #49.

²⁰⁶ See source #20.

²⁰⁷ World Health Organisation Factsheet No. 323, "Health and Human Rights," World Health Organisation, December 2015.

²⁰⁸ Article 12, *International Covenant on Economic, Social and Cultural Rights*, Office for the High Commissioner of Human Rights, December 1966.

²⁰⁹ Article 12(2), *Convention on the Elimination of All Forms of Discrimination Against Women*, UN General Assembly, December 1979.

Although the former USDP-led government committed to guarantee the right to health and stated that its Department of Health provides *“comprehensive healthcare throughout the country including remote and hard to reach border areas,”*²¹⁰ KHRG reports suggest that access to healthcare in rural southeast Myanmar is lacking for women, especially concerning maternal health and the affordability of medical treatment. Although some organisations have been providing vitamins and vaccinations for pregnant women free of charge,²¹¹ many women still cannot afford to access a hospital; many women give birth at home without access to a healthcare professional and risk their health and their lives. This reality can be gauged in Myanmar’s overall maternal mortality rate which in 2015 stood at 178 deaths per 100,000 live births.²¹² A UNFPA report on Myanmar, using 2014 statistics, states that *76 per cent of deliveries take place at home, where nearly 90 per cent of maternal deaths occur.*²¹³

Moreover, due to the high cost of healthcare, villagers reported having to borrow money to cover their medical costs. Women identified the difficulties they then faced in trying to repay their debts and as a result try to migrate for work or have their husbands migrate in search of work. The steep medical fees were experienced especially by women who often take on the burden of caring for the health of many family members. Ethnic health worker teams and local non-government organisations have been identified as providing valuable services in rural areas in attempts to mitigate the barriers to accessing healthcare for women in southeast Myanmar:

“Regarding healthcare, how to say, our place [village] is not very far from a town, but the Myanmar government cannot provide healthcare to the rural people. We have to stand on our own [support ourselves]. Some people come to us [BPHWT] when they are sick and some go to other places. The biggest problem is that it is very expensive to go to a hospital. But the cost for women and children is not as expensive like before, because [now] there are some donations for them [from non-governmental organisations]. Sometimes we send the patients to Mae Tao clinic [in Mae Sot, Thailand] and we [BPHWT] treat the patients who are not [too] serious by ourselves.”

Saw A--- (male, 36), Health Worker with Back Pack Health Worker Team [BPHWT],
C--- village, Nabu Township, Hpa-an District/
Central Kayin State (interviewed in May 2014)²¹⁴

Finally, several cases received by KHRG illustrate the serious lack of healthcare services for women, including those who are disabled or who have mental health problems. The cases are presented below.

Lack of access to maternal healthcare

Case I: Pregnant woman becomes sick after being injected with the wrong medicine

“On June 4th 2014, in Toungoo District, Thandaunggyi Township, a pregnant woman in Meh Thin Hka Gyi village [became sick]. She did not take any pre-natal medicine and she had never taken [pre-natal] vitamins [during her pregnancy] or when she was sick. There is no clinic, hospital or medics [midwives] to treat her so they [local villagers] treated her [in Meh Thin Hka Gyi village] to the best of their abilities and there was a shocking [adverse reaction] with the injection. There was no medicine to stop that [reaction]. The woman was pregnant and because of the [wrong] injection, sores began appearing in her mouth and she was taken on a two day trip to the hospital. When she arrived at the hospital [the staff] asked the medics about the woman’s situation and

²¹⁰ *Myanmar Health Care System*, Ministry of Health, The Republic of the Union of Myanmar, 2014.

²¹¹ This information is taken from an informal interview by KHRG researchers with Tharamu T---, Back Pack Health Worker Team, December 2015.

²¹² *Maternal Mortality in 1990-2015, Myanmar*, WHO, UNICEF, UNFPA, World Bank Group, and United Nations Population Division Maternal Mortality Estimation Inter-Agency Group, accessed May 2016.

²¹³ *UNFPA Myanmar: Country Profile*, United Nations Population Fund, accessed May 2016.

²¹⁴ See source #14-63-A3-I1: “Hpa-an Interview: Saw A---, May 2014,” KHRG, May 2015.

they [medics] knew the woman's situation [and told them]. They [hospital staff] said she [the pregnant woman] can take [legal] action against the person who treated her [in the village]. After, they [medics] said that they [the hospital staff] did not treat the patient, even though the patient was in the hospital for a week. The patient had to come back without having medical treatment from the hospital [as she could not afford to pay for treatment]."

Situation Update written by a KHRG researcher, Thandaunggyi Township, Toungoo District/Northern Kayin State (received in July 2014)²¹⁵

This pregnant woman's case is not unique. In rural southeast Myanmar, many villages do not have a clinic or medical staff, with local villagers often taking up healthcare duties without receiving adequate training. This results in cases where patients are given the wrong medicine, either due to negligence or the correct medicines simply not being available.²¹⁶ In addition, when midwives and local health workers refer patients to the town hospital or clinic²¹⁷ where medicine is physically available, its price and the cost of treatment at the hospital are too high for the majority of rural villagers to afford,²¹⁸ the standard of treatment varies dramatically,²¹⁹ and the travelling time to the hospital can be extremely long.²²⁰ The lack of availability of medical staff in rural areas is a serious concern for pregnant women, many of whom have to resort to delivering their babies away from hospital:

"Sometimes, the people who are sending patients to the hospital are facing difficulties because there are no medics at the hospital. It is difficult for the pregnant women to give birth [at the hospital]. They try to give birth with the help of the midwives from the village. Women who are having difficulty in giving birth are sent to the lower part [to the city]."

Situation Update written by a KHRG researcher, Bilin Township, Thaton District/Northern Mon State (received in July 2014)²²¹

Case II: Unavailability of maternal healthcare results in death

"On May 29th 2014, in Toungoo District, Thandaunggyi Township, a villager from A--- village delivered her baby. There were midwives appointed by the [Myanmar] government, but they were never in the village. She had to deliver the baby with a hired [non-formally trained] midwife. Because she delivered the baby with a hired midwife, it took so long that her placenta did not come out and the hired midwife [had to] cut her placenta out with scissors. The blood ran without stopping and she died. If there were midwives [from the Myanmar government] and medicine, we could have saved the pregnant woman."

Situation Update written by a KHRG researcher, Thandaunggyi Township, Toungoo District/Northern Kayin State (received in July 2014)²²²

²¹⁵ See source #102: "Toungoo Situation Update: Thandaunggyi Township, April to June 2014," KHRG, December 2016.

²¹⁶ See source #20; source #102: "Toungoo Situation Update: Thandaunggyi Township, April to June 2014," KHRG, December 2016; and source #88: "Dooplaya Situation Update: Kyonedoe Township, September to December 2013," KHRG, September 2014.

²¹⁷ See source #104.

²¹⁸ See source #20.

²¹⁹ The Mae Tao Clinic in Mae Sot, Thailand, which offers free medical treatment to people from Myanmar, is seeking to improve this situation by training traditional midwives in southeast Myanmar in safe birthing practices. This information is taken from an informal interview by KHRG researchers with Dr. C---, Mae Tao Clinic, 5th November 2015.

²²⁰ See source #131.

²²¹ See source #109.

²²² See source #102: "Toungoo Situation Update: Thandaunggyi Township, April to June 2014," KHRG, December 2016.

Many villages commonly rely on midwives not only to assist with births, but also for preventative care for pregnant women as well as to treat basic diseases in rural parts of southeast Myanmar. However, some villages still do not have a midwife who is able to provide regular and competent services:

“For those midwives who have a duty to look after our village tract, [they] live in another village, so if there is an emergency we can’t get them [here] punctually.”

Saw A--- (male, 42), E--- village, Mone Township, Nyaunglebin District/
Eastern Bago Region (interview received in June 2013)²²³

Some villagers voiced their concern that in villages where midwives are available, most of them have very limited skills to handle cases that are brought to them, and often the door of their clinic is locked.²²⁴

Negligence of rural health workers and lack of health education

Case III: Lymphatic filariasis (elephantiasis) mass drug administration (MDA) campaign causes adverse side effects in women in Dooplaya District

In 2013, KHRG received reports of negative side effects related to a Ministry of Health mass drug administration (MDA) campaign, initiated by Dr. Saw Moe Myint Win. Dr. Saw Moe Myint Win instructed government health workers to administer pills to prevent or treat lymphatic filariasis (elephantiasis)²²⁵ to 1,144 villagers from 254 households from 25 villages in Kyeh Don Sub-Township, Kawkareik Township, Dooplaya District. After taking the pill, multiple women reported suffering from high fever, difficulty breathing, arm and leg pain, stomach pain, fatigue and drowsiness, dizziness, headache,²²⁶ vomiting, itchiness, chest pain, increased blood pressure, rashes, and even one case where a woman miscarried.²²⁷ Some women reported that they were in good health before taking the pill; however, since they took the pill they have been experiencing ongoing symptoms. One woman reported that although both she and her husband took the pill, only she experienced the negative symptoms.²²⁸

Other women reported being told that those who do not take the pill will be punished;²²⁹ while another woman reported being physically forced to ingest the pill by a nurse:

“I sat in front of the nurse. She asked me to open my mouth. She herself put the medicine together with water into my mouth. Then she asked to open my mouth again because she was afraid that I would not swallow the medicine. ... Now I have some itchy [rash] on my body.”

Daw M--- (female, 60), P--- village, Dooplaya District/
Southern Kayin State (interviewed in October 2013)²³⁰

²²³ See source #20.

²²⁴ See source #118: “Hpa-an Interview: Saw A---, May 2014,” KHRG, May 2015.

²²⁵ The treatment pill prescribed was most likely diethylcarbamazide (DEC) and albendazole or DEC and ivermectin. KHRG is in the process of seeking further information.

²²⁶ These symptoms are listed as undesirable side effects of diethylcarbamazide (DEC) citrate tablets by the manufacturer: this may have been the medicine which was distributed as part of this campaign, but KHRG has been unable to confirm. “*Mild to moderate adverse reactions are common, but the incidence of serious adverse reactions is considered to be very low. In the absence of circulating microfilaraemia, the administration of diethylcarbamazine citrate, when given at the recommended dosage, may cause nausea, vomiting, abdominal pain, diarrhoea, loss of appetite, muscle pain, dizziness, drowsiness, fatigue and headache. These begin within one to two hours and may persist for several hours.*” p. 5, *WHOPAR Part 4: Summary of Product Characteristics*, WHOPAR, September 2013.

²²⁷ See source #88: “Dooplaya Situation Update: Kyonedoe Township, September to December 2013,” KHRG, September 2014.; Miscarriage is not identified as a side effect by the manufacturing company; the instructions identify that pregnant women should be excluded from treatment due to unknown risks. p. 4, *WHOPAR Part 4: Summary of Product Characteristics*, WHOPAR, September 2013.

²²⁸ See source #68.

²²⁹ See source #69.

These examples of women's experiences during the 2013 mass drug administration campaign suggest several underlying concerns. Firstly, the limited training and knowledge of local health workers, such as safe dosages and contraindications to medicines and vaccinations that they distribute. Secondly, some reports suggest that women's prior and informed consent was not sought, denying them their right and dignity to make an informed decision as to whether or not they want to receive this medical intervention. More broadly, the campaign was not coordinated with existing local health non-governmental organisations, some of whom have ample experience in administering such programmes, and which have robust procedures to prevent negative outcomes, such as those which occurred in this case.²³¹

Suggesting continued poor relations with central government, the negative experiences with the mass drug administration campaign fostered distrust of former USDP-led government health initiatives and made villagers suspicious of other treatments being offered as recently as 2015.²³² This suggests the need for future health campaigns to be implemented through discussion and collaboration with local communities. Highlighting the more trusted role of local healthcare providers, women suggested that the state government health team should collaborate with KNU health workers and coordinate with them before implementing plans. Medical staff from the Back Pack Health Worker Team (BPHWT) echoed this recommendation.²³³

Lack of access to mental healthcare and disability services

Case IV: Mental disability in woman impacts her ability to raise her children

Ma B--- is a mother of two who lives with her older sister and her brother-in-law. When 28 years old Ma B--- was a child, she suffered serious illness for a long time and had to be put on an intravenous drip many times. Her sister reports that since that time she has had a mental health condition. This mental health condition is now preventing her from taking care of her children, thus putting the burden of raising them on her sister:

"Now, she doesn't know how to love her children and how to feed her children, so I have to do everything for her. She doesn't know anything and I have to do everything for her family because she is mentally disabled. ... She is just passive [and] resistant and never listens to me, so I always have to forgive her. As an older sister I have to make sacrifices for her."

The sister of Ma B--- (female), D---village, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interview received in March 2014)²³⁴

This case highlights the impact of decades of limited healthcare for rural women and children, and that women with mental health conditions continue to fall between the cracks of the government healthcare system. Further barriers are then faced due to persisting social norms which stigmatise mental health conditions.

In a separate case in Dooplaya District, a mentally ill woman was severely tortured by a traditional healer and his wife who were claiming to cure her; the woman died from her injuries.²³⁵ In another case in Dooplaya District, a 48 years old woman who was walking naked on the road was said to have become a "fool" through a curse ('black magic').²³⁶

²³⁰ See source #69.

²³¹ See source #118: "Hpa-an Interview: Saw A---, May 2014," KHRG, May 2015.

²³² See source #133.

²³³ See source #118: "Hpa-an Interview: Saw A---, May 2014," KHRG, May 2015.

²³⁴ See source #90.

²³⁵ See source #87.

²³⁶ See source #144.

Of serious concern, the attribution of mental illness to curses can sometimes result in physical abuse of mentally ill persons, as was reported in the case of 16 years old Naw A---, who was described by some community members as “feeble-minded”.²³⁷ Her adoptive mother recounted her tough childhood, where her birth mother attributed her mental health condition to evil spirits; as a result the child was physically abused in an attempt to expel the spirits:

“Her upbringing was not good. She was bullied, hung up²³⁸ and thrown into water when she was young before I adopted her. She smelled when I took her. She had a [bloated] stomach.²³⁹ Her real mother told me that evil spirits had taken over her body. She [Naw A---] would go out looking for food during night time. When I took her home and fed her a big meal she just slept, I did not see any evil spiritual action.”

The adoptive mother of Naw A--- (female), B--- village, Kyaw Hkee village tract, Kawkareik Township, Dooplaya District/Southern Kayin State (interview received in May 2015)²⁴⁰

The above cases suggest that the lack of mental health awareness, in addition to the lack of health services available, leave girls and women with mental health conditions vulnerable to continued physical and sexual abuse.²⁴¹

Prohibitively high costs of healthcare services

Case V: Woman goes into severe debt paying for children’s medical fees

Naw I--- is a 30 years old mother of two and an unpaid rural health worker in M--- village, where she resides. Unfortunately, her medical skills are not sufficient to care for her own chronically ill children. Naw I--- had to borrow a large sum of money to be able to afford the treatment her children required:

“The cost [of treatment] depends on the sicknesses. My oldest child has a heart disease and my youngest child has a lung disease, an enlarged heart, and asthma. Currently, their father went to work in Thailand. I went to Mawlamyine [hospital] for [their] treatment and spent eight months in there. All of my property has been sold and [I had to] borrow 30 million kyat (US\$ 30,801.00) from others and I almost became a beggar.”

Naw I--- (female, 30), M--- village, Maw Lay village tract, Thaton District/Northern Mon State (interviewed in April 2014)²⁴²

The majority of medicine is not provided freely by the Myanmar government, even when dispensed in Myanmar government clinics.²⁴³ Due to the high expenses associated with medical treatment and medicines, many women find themselves in Naw I---’s situation and have to borrow money.²⁴⁴ This includes pregnant women who have to borrow money to afford to deliver their baby in the hospital, which is often hard for them to repay post-partum:

²³⁷ Naw A--- was also raped and became pregnant as a result. See Chapter VI *Gender-based Violence* of this report for more information.

²³⁸ In Myanmar hanging a child on hooks and beating them is an uncommon form of punishment. This is what happened to Naw A---, however in this case Naw A--- was abused as her mother thought that she was possessed by an evil spirit.

²³⁹ It is likely that her stomach was bloated due to severe malnutrition.

²⁴⁰ See source #124: “Rape and violent threats in Kawkareik Township, Dooplaya District, April 2014 to May 2015,” KHRG, July 2015.

²⁴¹ For further information regarding GBV and mental illness see Chapter VI *Gender-based Violence* of this report.

²⁴² See source #105.

²⁴³ The cost and availability of essential medicines is noted as a significant constraint to improving the health sector by the World Health Organisation: p. xi., *Country Cooperation Strategy Myanmar, 2014-2018*, World Health Organisation, 2014.

²⁴⁴ See source #106; and source #107.

“The women who are having difficulty in giving birth but have no money have to borrow money from other people and repay it after the delivery and when they are able to work. They could not repay it [the debt] because they do not have their own jobs and this problem continues to the era [generation] of their children. Some people left their wives and children and went to Bangkok for work because they have many debts and they do not know what to do.”

Situation Update written by a KHRG researcher, Bilin Township, Thaton District/Northern Mon State (received in July 2014)²⁴⁵

In order to address the financial challenges, women often rely on each other and on women’s organisations affiliated both with the KNU and the Myanmar government to cover medical expenses. For example, one village midwife that was not hired by the Myanmar government was reported to accept payment for her services in fish, rather than money, from her poor patients who did not have cash on hand.²⁴⁶ A woman from Thaton District further elaborated on women’s solidarity in supporting access to healthcare:

“If villagers face difficulty [paying for treatment], the women’s organisation helps [lends money] to those people for treatment and after two to three weeks they pay it back, but we do not ask [charge] them interest. We have to help each other and we do it. At present, K---’s wife has TB [tuberculosis]. She is now under treatment and she always has to take medicine due to coughing up blood. She did not have [enough money for the] travel fee to get the treatment, therefore we supported her with the money.”

Naw L--- (female, 40), M--- village, Maw Lay village tract, Thaton District/Northern Mon State (interview received in July 2014)²⁴⁷

²⁴⁵ See source #109.

²⁴⁶ See source #107.

²⁴⁷ *Ibid.*

Photos: Health and Education



The above left photo is of Ma G--- (pictured right) and her 16-year-old granddaughter Naw L--- (pictured left), from H--- village in Dooplaya District, taken on October 11th 2013. Naw L--- has a chronic heart condition. She was administered the lymphatic filariasis (elephantiasis) treatment pill by a health worker who did not ask her about her pre-existing condition. As a result, Naw L--- fainted immediately after taking the pill. The photo on the right shows P--- villager Daw S---, and was taken on October 4th 2013. Daw S--- is 40 years old and was four months pregnant at the time the lymphatic filariasis (elephantiasis) pill was administered in her village. The nurse who administered the pill did not ask her if she was pregnant and did not warn her that the pill should not be taken by pregnant women. Daw S--- had a miscarriage three days after taking the pill. She said: *“I had to be injected with two bottles of saline solution and had to suffer for one week. ... The ten-house leader said I must take it [the elephantiasis pill]. He [the leader] told me that if I got any disease [later, and I didn't take the vaccine] I would not be allowed to go to the Kyaik Hton Hospital so I was worried and I took the medicine and it [the miscarriage] happened like this.”*²⁴⁸ [Photos: KHRG]



This photo was taken on February 7th 2015. It shows a Myanmar government nurse in M--- village, Kyainseikgyi Township, Dooplaya District, giving a health check to a pregnant woman. The nurse offered vaccinations to children under the age of two, and health checks for the pregnant women. [Photo: KHRG]

This photo was taken in January 2015. It shows 65 years old Daw A--- recovering from an operation. A medic from Free Burma Rangers is giving her treatment in H--- village, K'Law P'Lo village tract, Dooplaya District. [Photo: KHRG]

²⁴⁸ See source #88.



This photo was taken by a KHRG community member on November 13th 2014. This young girl (pictured right) from B--- village, Bu Tho Township, Hpapun District, was reported as being unable to attend school as she looked after her little brother and sister while her parents were harvesting in the field. She was not able to go to school because her family faced livelihood issues and her parents could not afford to support her education, as they struggled to secure food for the family to survive. In addition, the place where they live is far from the nearest school. [Photo: KHRG]



This is a photo of Naw F--- (pictured right) from M--- village, which was taken on September 25th 2013. Naw F--- has five children: one male, seen in the left of the photo, and four females. She has struggled to survive and raise her children as a single mother since her husband died. For her livelihood, Naw F--- carries and sells yam roots. Despite having to work on her own, Naw F--- has managed to send her three youngest children to school because she wants her children to gain knowledge and to be educated. [Photo: KHRG]



This photo of Naw M--- was taken by a KHRG community member on October 13th 2013. Naw M--- is a 37 years old mother and widow from C--- village, Win Yay Township, Dooplaya District. She has two daughters aged 8 and 11 years old. Her husband died when her first child was young and she was pregnant with her second child. Her oldest daughter, Naw H---, had to go and live with other people. Although Naw H--- wants to go to school, her mother cannot afford to send her to school. Naw M--- has to work for her livelihood and look after her children on her own. She makes and sells snacks at her home and she has to buy rice as she does not grow it herself. [Photo: KHRG]



This photo was taken on February 14th 2015, in D--- place, Kyainseikgyi Township, Dooplaya District. The girl in the photo was working on her family's hill field and did not attend school. Her family consists only of her sister, herself and widowed mother. According to the KHRG community member who took this photo, the young girl had to work very hard on the hill field farm and as a result did not get the opportunity to study. [Photo: KHRG]

Chapter V: Forced Labour

"I had to go and send [the sack] by myself. Why didn't they ask [me] to send it in the morning? No, it was not like that. It needed to be sent that evening to Meh Pree Hkee camp. Therefore, they asked for a lot [of forced labour]."

Naw A--- (female, 36), B--- village, Dwe Lo Township, Hpapun District/Northeastern Kayin State (interviewed in January 2013)²⁴⁹

This chapter focuses on forced labour, and in particular the way it impacts women. The way women and men are exposed to forced labour in southeast Myanmar differs. In the reports concerning forced labour that KHRG received during the reporting period, the majority of civilians who were made to do forced labour for armed actors were adult men. Women were occasionally included in mixed-gender groups but groups consisting entirely of women were rarely reported.

KHRG has reported extensively on forced labour since 1992, including KHRG's 2014 thematic report *Truce or Transition?*²⁵⁰ While overall there has been a decrease in demands for labour in southeast Myanmar, civilians are still being forced to undertake labour for armed actors, and occasionally for private companies. Some of the demands were framed as requests for *loh ah pay*,²⁵¹ a term in Myanmar for a form of voluntary labour to help with communal or religious projects.

In determining whether an incident ought to be categorised as 'forced labour', KHRG relies upon the definition in Article 2.1 of the International Labour Organisation (ILO) Forced Labour Convention: *"Forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."*²⁵² Any demand levied on villagers that necessitates work or service against their will, gathering or delivery of goods, with any explicit penalty implied for failing to do so, can be categorised as forced labour.

Forced labour

Based on the information that KHRG received between January 2012 and March 2016, forced labour continues to have a severe impact on the civilian population of southeast Myanmar. Most reported cases of forced labour in KHRG's research areas were attributed to the Tatmadaw,²⁵³ BGFs,²⁵⁴ or the DKBA.²⁵⁵ Reports from community members reveal that women were targeted to do forced labour in several ways, including portering,²⁵⁶ repairing²⁵⁷ and clearing vegetation

Key Findings

- Women reported fewer instances of being targets for forced labour after the 2012 preliminary ceasefire, although on some occasions groups of women were forced to undertake labour on behalf of the Tatmadaw or BGFs operating across southeast Myanmar, usually to cut bamboo, assist with construction work, or provide thatch shingles.
- KHRG received no reports of villagers being properly compensated retroactively for forced labour they had been made to undertake. In some cases of agency, villagers were able to directly negotiate with the perpetrators to limit forced labour requests; however, some were punished for refusing to comply with orders for forced labour.

²⁴⁹ See source #51: "Hpapun Interview: Naw A---, January 2013," KHRG, December 2014.

²⁵⁰ *"Truce or Transition? Trends in Human Rights Abuse and Local Response in Southeast Myanmar Since the 2012 Ceasefire,"* KHRG, May 2014.

²⁵¹ *Loh ah pay* is a term in Myanmar now commonly used in reference to forced labour, although traditionally referring to voluntary service for temples or the local community, not military or state projects.

²⁵² Article 2.1, *ILO C29 Forced Labour Convention*, International Labour Organisation, June 1930.

²⁵³ See source #59: "Hpa-an Situation Update: T'Nay Hsah Township, March to May 2013," KHRG, August 2013

²⁵⁴ See source #28: "Papun Situation Update: Bu Tho Township, November 2011 to July 2012," KHRG, April 2013.

²⁵⁵ See source #4.

²⁵⁶ *Ibid.*

either in the army camps or rubber plantations,²⁵⁸ working in agriculture,²⁵⁹ and making thatch shingles.²⁶⁰ Based on reports received by KHRG, the main perpetrators of forced labour in southeast Myanmar are Tatmadaw and BGF soldiers. Demands for forced labour are often issued to village heads and are regularly accompanied by explicit or implicit threats of violence or other punishment.²⁶¹

Overall, forced labour orders have decreased in southeast Myanmar following the 2012 preliminary ceasefire agreement between the Government of Myanmar and the Karen National Union (KNU).²⁶² In the reports that KHRG received, men were selected for forced labour to a higher degree than women. One KHRG community member suggested that traditional gender stereotypes influence who perpetrators select for forced labour:

“Forced labour still exists after the 2012 [preliminary] ceasefire happened [was signed], but not as much as before. And we can see that most forced labour is targeted to men because, for instance, when the Tatmadaw request forced labour, they ask [villagers] to transport things by car, and the car drivers are only men. And also if they say they need a boat [for transportation], then only men have to do [can drive] it. So there is more forced labour targeted to men.”

Saw A--- (male, 40), C--- village, Bilin Township, Thaton District/
Northern Mon State (interviewed in November 2015)²⁶³

Despite the overall decrease following the 2012 preliminary ceasefire, villagers are still ordered to do forced labour for the Tatmadaw, BGFs, and other armed actors, especially in heavily militarised areas.²⁶⁴ When a KHRG researcher asked a female villager about the difference between the past and the present in terms of forced labour, she responded:

“Forced labour and work asked for by the enemy [Tatmadaw] are decreasing nowadays. We had to find people to guide them when they [Tatmadaw] came to the village in the past, mostly in the past two or three years. ... The Tatmadaw also urged us and requested that we help them and to have pity on them, and they [also informed us that they] will pay the people. ... It is like forced labour. We do not want to go to the people’s house again but the Tatmadaw asked us to go. It is compulsory. Then, the wife of the person argued with him when he went [to guide Tatmadaw soldiers]. This is a problem.”

Naw S--- (female, 29), T--- village, Hkaw Bu village tract, Bu Tho Township,
Hpapun District/Northeastern Kayin State (interviewed in September 2013)²⁶⁵

When asked about how village heads were elected during the conflict period and the experience of being a female village head, Naw H--- expressed concern about the pressure on village heads to recruit villagers for forced labour:

“When there was a conflict between the BGF [and KNLA soldiers], no one in the village wanted to be village head. ... At that time, portering was requested very often [by the BGF soldiers].

²⁵⁷ See source #59: “Hpa-an Situation Update: T’Nay Hsah Township, March to May 2013,” KHRG, August 2013.

²⁵⁸ See source #19; and source #6: “Toungoo Situation Update: Tantabin Township, January to March 2012,” KHRG, May 2012.

²⁵⁹ See source #10: “Papun Situation Update: Bu Tho Township, received April 2012,” KHRG, June 2012; and source #13: “Pa’an Situation Update: T’Nay Hsah Township, September 2011 to April 2012,” KHRG, July 2012.

²⁶⁰ See source #28: “Papun Situation Update: Bu Tho Township, November 2011 to July 2012,” KHRG, April 2013; and source #52: “Papun Situation Update: Dwe Lo Township, March 2012 to March 2013,” KHRG, July 2013.

²⁶¹ See source #5: “Pa’an Situation Update: Nabu Township, September 2011 to January 2012,” KHRG, May 2012.

²⁶² See source #149.

²⁶³ *Ibid.*

²⁶⁴ See source #52: “Papun Situation Update: Dwe Lo Township, March 2012 to March 2013,” KHRG, July 2013.

²⁶⁵ See source #82: “Hpapun Interview: Naw S---, September 2013,” KHRG, August 2014.

Once, around 30 villagers were requested to do portering. The previous village head could collect only 19 villagers. So, these villagers had to go carrying [for BGF soldiers]. They were told that it would last around three days but it actually took over 10 days. Therefore, their wives came to the village head and they complained, swore, scolded and cried in front of the village head.”

Naw H--- (female, 41), J--- village, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interviewed in October 2013)²⁶⁶

Based on the reports that KHRG received, several researchers highlighted that forced labour often took place where Tatmadaw army camps were located, near villages. Tatmadaw soldiers typically ordered villagers to cut bamboos and logs for camp maintenance and repair.

Case I: Forced labour, Hpapun District

When a KHRG researcher interviewed Naw A---, whose village is located near a Tatmadaw army camp, she gave the following testimony:

“As they [Tatmadaw] live near your village, do they force the villagers to cut down trees and bamboo for them?

Yes, they do ask.”

“Can you tell me about it?

When they needed a pole of bamboo, they said: ‘Sister, ask the messengers [people forced to work as messengers for the Tatmadaw] to cut down a pole of bamboo for bamboo slats. If they want even one pole of bamboo, they come and demand it from the messengers.’ ...

“So, when he asked people to cut down a pole of bamboo, did he ask you or your friends?

When he came to the village, he knew me and he asked me and other villagers.”

“If the villagers did not cut down a pole of bamboo when he asked them to, did he ever scold or punish them?

He did not disturb the villagers [physically] but he scolded the villagers and he used harsh words with the villagers. He said: ‘Why can’t you cut down just one pole of bamboo?’”

“What was he going to do with the pole of bamboo?

He said that he was going to fix his hut in the camp, so he needed a pole of bamboo. He also needed bamboo slats, wood, and shingles for building a store house.”

Naw A--- (female, 36), B--- village, Dwe Lo Township,
Hpapun District/Northeastern Kayin State (interviewed in January 2013)²⁶⁷

One incident of forced labour reported to KHRG occurred in Nabu Township, Hpa-an District where villagers were ordered by Tatmadaw soldiers from Light Infantry Battalions (LIB) #358, #547, and #548, based near L--- village, to do farming and agricultural work for them annually. These battalions had been based near L--- village for two decades. They confiscated farmland from the villagers and forced villagers to leave, and went on to claim that the land had been appropriated and was in government possession. Later, villagers were forced to work on the land for the soldiers:

“The villagers had to go and plough every day. After they had ploughed, they had to sow paddy [seeds], and after they had sowed them, the villagers had to harvest for them [the Tatmadaw].

The villagers had to do everything until the paddy [that the villagers carried] arrived at the place where they store rice. When the villagers went and worked for them, they had to bring their own materials such as hand tractors and enough [farming] materials. One village tract had to take responsibility for ten acres, ploughing, sowing and harvesting them until the paddy arrived at the

²⁶⁶ See source #80.

²⁶⁷ See source #51: “Hpapun Interview: Naw A---, January 2013,” KHRG, December 2014.

place where the rice is stored. When the villagers went and ploughed, they [the Tatmadaw]²⁶⁸ gave them just three bottles of petroleum per day. When the villagers worked for them the villagers had to bring their own food each day.”

Situation Update written by a KHRG researcher, Nabu Township, Hpa-an District/Central Kayin State (received in May 2012)²⁶⁹

In one reported case, soldiers from Tatmadaw IB #35 ordered villagers, including women, to clear vegetation around army camps.²⁷⁰ In Hpapun District, both men and women were occasionally ordered to work in paddy fields and other agricultural plantations.²⁷¹ There were also reports of forced labour from areas controlled by BGFs. In one village in Hpapun District, villagers were ordered by soldiers from BGF Battalion #1013 to produce one thousand thatch shingles for a new army camp, without payment. There is a gendered aspect to orders for producing thatch shingles, as it is an activity traditionally carried out by women:

“On May 25th 2012, the NPD [Nay Pyi Taw] government army BGF Battalion #1013, Major Saw Maung Soe and his soldiers, from K’Ter Tee army camp, came to the BGF army camp in Th’Ree Hta and built their new army camp. In order to build their new camp, they ordered 1,000 thatch shingles²⁷² from the Y--- village head, and the Y--- village head had to collect [them] from the villagers. Y--- villagers did not have as many thatch shingles as they were ordered [to provide], but in fear, they sent 900 thatch shingles to the BGF army camp in Th’Ree Hta on May 30th 2012.”

Situation Update written by a KHRG researcher, Bu Tho Township, Hpapun District/Northeastern Kayin State (received in November 2012)²⁷³

KHRG also received reports regarding two cases where women were exempted from doing forced labour, either because they were widows with young children, or because their husbands were far from home.²⁷⁴ In the following interview by a KHRG community member, one villager discusses the involvement of women in forced labour. The incident occurred in Bu Tho Township, Hpapun District in January 2013. Villagers were ordered by local Buddhist leaders and village heads to work on the construction of a bridge. Noteworthy in this particular case was that widows were excused by the village leaders from participating in forced labour.

Case II: Forced labour, Hpapun District

“Three people always have to go, but only this month. I won’t let them go after this month because people have to work for themselves.”

*“Do the villagers go on duty?
Yes, they rotate.”*

“How many households in your village can work? Excluding widows, orphans and elderly people? We don’t²⁷⁵ ask the widows who have little children. They sometimes help if it is for donation. We do not ask them for money and forced labour. There are 42 households who help.”

²⁶⁸ This word has been amended correctly to ‘Tatmadaw’ from ‘government’, as published on the KHRG website for the original report, see source #13: ‘Pa’an Situation Update: T’Nay Hsah Township, September 2011 to April 2012,’ KHRG, July 2012.

²⁶⁹ See source #13: ‘Pa’an Situation Update: T’Nay Hsah Township, September 2011 to April 2012,’ KHRG, July 2012.

²⁷⁰ See source #19; and source #6.

²⁷¹ See source #10: ‘Papun Situation Update: Bu Tho Township, received April 2012,’ KHRG, June 2012.

²⁷² This has been amended correctly to ‘thatch shingles’ from ‘single grass thatch’ as published on the KHRG website for the original report.

²⁷³ See source #28: ‘Papun Situation Update: Bu Tho Township, November 2011 to July 2012,’ KHRG, April 2013.

²⁷⁴ See source #47; and source #145: ‘Dooطلا Interview: Naw A---, July 2015,’ KHRG, February 2016.

²⁷⁵ This word has been amended correctly to ‘don’t’ from ‘do’, as published in the original appendix for KHRG’s thematic report *“Truce or Transition? Trends in Human Rights Abuse and Local Response in Southeast Myanmar Since the 2012 Ceasefire,”* KHRG, May 2014.

“So 42 peoples have to work all the time?”

Yes, 42 peoples, including myself and our two village heads. Even though we do not have to work, we have to travel [to visit the work site to check on the villagers who are doing forced labour] all the time.”

“Are women included?”

All, especially the ones who are able to work.”

“You asked women to work on the bridge construction?”

Yes. We asked them all, including children who are 14 or 15 years old.”

“How many women can you order to work?”

I don’t know, because some of them they ask their children [to work instead].”

Saw K--- (male, 40), M--- village, Meh Pree village tract, Bu Tho Township, Hpapun District/Northeastern Kayin State (received in February 2013)²⁷⁶

In another case reported to KHRG in Kawkareik Township, Dooplaya District, a 45 years old married woman, Naw C---, reported that she was asked to do sentry duty in her village when her husband was home. However, she was not ordered to do forced labour when her husband was away.²⁷⁷

“No, [I] only had to go for sentry [duty] when my husband was [in the village]. Now, there is no more [forced labour demanded] from our family because my husband is not here; there is only me, and my son [is] also a soldier. Since it [our situation] is like that, they do not ask for [labour²⁷⁸ contribution]. But if my husband comes back they will start assigning [our family forced labour duties] again such as sentry and travelling back and forth.”

Naw C--- (female, 45), B--- village, Kawkareik Township, Dooplaya District/Southern Kayin State (interviewed in July 2015)²⁷⁹

Agency and access to justice

Regarding forced labour, it was evident through KHRG reports that villagers responded by using different strategies in different situations. Most of the time, they engaged directly with individual perpetrators, negotiating how many people were to be sent from a village.²⁸⁰ Sometimes villagers chose not to comply with orders as a way of escaping forced labour,²⁸¹ however, in some cases they end up being punished for doing so.²⁸² In other situations villagers actively chose to leave their land and houses to avoid being recruited for forced labour.²⁸³ However in many reports there was limited information on village agency in the face of forced labour requests and, secondly, limited information on access to justice for villagers conscripted into forced labour duties. In terms of compensation, KHRG received no reports of villagers being properly compensated retroactively for forced labour they had been made to undertake. In some cases they were provided with food or petrol while working.

²⁷⁶ See source #47.

²⁷⁷ See source #145: “Dooplaya Interview: Naw A---, July 2015,” KHRG, February 2016.

²⁷⁸ This word has been amended correctly to ‘labour’ from ‘labor’, as published on the KHRG website for the original report, see source #145: “Dooplaya Interview: Naw A---, July 2015,” KHRG, February 2016.

²⁷⁹ See source #154: “Dooplaya Interview: Naw A---, July 2015,” KHRG, February 2016.

²⁸⁰ See source #51: “Hpapun Interview: Naw A---, January 2013,” KHRG, December 2014.

²⁸¹ See source #5: “Pa’an Situation Update: Nabu Township, September 2011 to January 2012,” KHRG, May 2012; source #28: “Papun Situation Update: Bu Tho Township, November 2011 to July 2012,” KHRG, April 2013; source #51: “Hpapun Interview: Naw A---, January 2013,” KHRG, December 2014.

²⁸² See source #5: “Pa’an Situation Update: Nabu Township, September 2011 to January 2012,” KHRG, May 2012.

²⁸³ See source #26.

Photos: Forced Labour



These photos were taken on September 6th 2012, in C--- village, Meh Klaw village tract, Bu Tho Township, Hpapun District. The photos show female villagers from C--- village carrying pieces of bamboo, by order from soldiers from Tatmadaw LIB #340, based near Yunzalin River. Villagers were ordered to cut bamboo and bring it to the soldiers, who were repairing the fence of their military camp. [Photos: KHRG]



This photo was taken by a KHRG community member on February 5th 2013, in D--- village, Meh Pree village tract, Bu Tho Township, Hpapun District. The photo shows thatch shingles made by villagers from D--- village for BGF Battalion #1014. According to the local villagers, BGF Battalion #1014 had been demanding thatch shingles from the villagers without pay on an annual basis. [Photo: KHRG]

Chapter VI: Gender-based Violence

“We do have quite a few women who suffer from mental disorders who are raped and then get pregnant. Because people don’t find out [about the rape] unless the woman gets pregnant, it can be really difficult to help them if they cannot identify the perpetrator. ... People will [frequently] blame the woman [for the abuse], because she has a mental disorder. ... Most of the blame will go to the woman first, but some blame will also go to the man: how can they do such a thing to the woman who really doesn’t know what’s going on?”

Naw T---, representative from Karen Women Organisation
(interviewed in March 2016)²⁸⁴

Article 1 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) defines discrimination against women, which includes gender-based violence (GBV), as violence that is directed against a woman because she is a woman or that affects women disproportionately. Having acceded to CEDAW in 1997²⁸⁵ the Myanmar government has responsibility for establishing support services for victims of family violence, rape, sexual assault, and other forms of GBV, including refuges, specially trained health workers, and rehabilitation and counselling services. CEDAW also encourages states parties to ensure that laws against family violence and abuse, rape, sexual assault, and other forms of GBV provide adequate protection to all women, and respect their integrity and dignity, such as by providing gender-sensitive training of judicial and law enforcement officers and other public officials.²⁸⁶

This chapter outlines overall trends in GBV in southeast Myanmar, agency strategies used by women to respond to GBV and how women who suffer GBV attempt to report abuse and access justice.

Overview of trends in GBV

Between January 2012 and March 2016 KHRG received 35 reports covering 16 incidents of GBV. GBV abuses included rape, attempted rape, sexual assault and sexual harassment, as described by the villagers themselves. These reports suggest that there have been fewer incidents of GBV committed by Tatmadaw soldiers in southeast Myanmar than before January 2012. However women remain vulnerable to GBV committed by a range of powerful actors, including soldiers

Key Findings

- Women with mental health conditions or women who were less educated were especially vulnerable to gender-based violence (GBV), and were disproportionately represented in KHRG’s reports. Women with mental health conditions were often perceived as less able to physically resist abuse, and negative attitudes towards mental health conditions made it more difficult for them to report abuse.
- Perpetrators of sexual assault were reported to often come back to explicitly threaten and violently abuse the women they had assaulted, and their female family members, in order to deter them from reporting and speaking of the incident. Such perpetrators of GBV routinely enjoyed impunity for their actions and were able to retaliate against women who attempted to report abuse. This problem was compounded in cases where the perpetrators were powerful actors, such as military personnel.
- Women who suffered GBV faced extensive barriers to accessing justice. Women who reported abuse were often disbelieved or judged to be responsible for their own abuse. Typically, small sums of compensation as a form of resolution in GBV cases were not deemed a sufficient or appropriate resolution by those who suffered instances of GBV.

²⁸⁴ This information is drawn from an informal interview by KHRG researchers with Naw T---, Karen Women Organisation, March 2016.

²⁸⁵ *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Myanmar*, United Nations Committee on the Elimination of Discrimination against Women (CEDAW), June 1999.

²⁸⁶ *General recommendations No.19 made by the Committee on the Elimination of Discrimination against Women*, United Nations Women, 1992.

from the Tatmadaw,²⁸⁷ BGFs operating in southeast Myanmar,²⁸⁸ the Karen National Union (KNLA)²⁸⁹ and the Democratic Karen Benevolent Army (DKBA),²⁹⁰ as well as village tract leaders, officials from the USDP-led government and ordinary community members.

A variety of factors, including the continued influence of armed actors, the male domination of local decision-making mechanisms, and negative social attitudes towards women, all restrict women's ability to report incidents of GBV and effectively access justice. Women who suffer from mental illness or who are perceived to have a mental health condition face particular difficulties, since even in cases where they are physically capable of reporting an incident, their testimonies are often disbelieved. Perpetrators of GBV are often able to retaliate against women who attempt to report the incident through continued abuse or intimidation of the woman who suffered the abuse or her family. This state of affairs makes women particularly hesitant to report incidents of GBV, especially when the threat of further physical violence is combined with the potential stigma they may face in the community if their case is disbelieved.

Most reported incidents of GBV occurred when the perpetrator had some sort of favourable opportunity, for example when the victim was alone at home or in another place where the perpetrator was physically advantaged. In the cases in which family members or the woman's partner were physically present, the perpetrator generally fled the scene once the family member woke up and was alerted to the perpetrator's presence. KHRG's reports show that those who experienced GBV abuses included both underage girls and adult women who were single, married or widowed. Specific cases ranged between an 11 years old girl who was sexually assaulted by a teacher on her way to school,²⁹¹ and a 45 years old woman whose husband had migrated for work, who was raped by a DKBA soldier in her house.²⁹² The range of victim profiles indicates that GBV abuses take place with little limitation of age or marital status.

"When my daughter [aged 11] came back from the school, she said that in the morning she was going to school, and Phar Pa Har [her teacher] hit her in the head and touched her vagina. I asked her: 'Did he touch your vagina?' She said he did, and she scratched his hand and she left. When she left him, he grabbed her from behind and brought her to the cow fence. After that, he touched her vagina and buttocks, everything. My child came back and told me this, and I feel sad."

Naw P--- (female, 24), Lu Thaw Township, Hpapun District/
Northeastern Kayin State (interviewed in November 2014)²⁹³

²⁸⁷ See source #32: "Papun Situation Update: Dwe Lo Township, July to October 2012," KHRG, February 2013; source #72: "Thaton Incident Report: Attempted rape in Thaton Township, September 2013," KHRG, August 2014; source #90; source #92: "Toungoo Incident Report: Sexual assault in Thandaunggyi Township, December 2013," KHRG, May 2014; source #102: "Toungoo Situation Update: Thandaunggyi Township, April to June 2014," KHRG, December 2014; and source #42.

²⁸⁸ See source #48: "Rape and sexual harassment in Hpapun District, June and August 2013," KHRG, November 2013; source #77; source #78: "Hpapun Situation Update: Bu Tho Township, August to October 2013," KHRG, February 2014; source #76; and source #46: "Violent abuse and forced labour in Bu Tho Township, November and December 2012," KHRG, July 2013.

²⁸⁹ See source #64.

²⁹⁰ See source #145: "Doooplaya Interview: Naw A---, July 2015," KHRG, February 2016.

²⁹¹ See source #122

²⁹² See source #145: "Doooplaya Interview: Naw A---, July 2015," KHRG, February 2016, also featured as the case study at the end of this chapter.

²⁹³ See source #123.

The effects of alcohol and methamphetamine use

In many reported cases of GBV, the perpetrators committed the abuse while under the influence of methamphetamines, locally known as *yaba*,²⁹⁴ or alcohol. One alcohol-related incident occurred on the night of September 27th 2013, when a Tatmadaw lance corporal attempted to rape a 27 years old woman from Thaton Township, Thaton District. The lance corporal entered Naw B---'s house without permission in search of alcohol. He then lifted up her mosquito net and startled her. The soldier left after Naw B--- informed him that she had no alcohol, but he came back later in the night and groped Naw B--- in her sleep.²⁹⁵

Likewise, on October 14th 2012, a 21 years old M---villager from Nabu Township, Hpa-an District, named Naw W---, was killed after being raped by a 23 years old man from P--- village, Saw N---. Saw N--- reportedly used methamphetamines that were manufactured and distributed by Border Guard Force Battalion #1016.²⁹⁶ In many areas, the use of *yaba* has been perceived by villagers to increase cases of GBV:

"The villagers in the area raise concerns about the prevalence of yaba in their communities and the negative effects that it has had on youths in the area. They do not want yaba to be sold, because it is perceived to increase incidents of rape and violence, similar to Naw W---'s. According to villagers in M---, there has been irreparable harm to many children and youth because of the drug, which some villagers believe is used by youth as a form of escape from their situation; the community member reported that yaba is one of the biggest problems affecting the villagers."

Short Update written by a KHRG researcher, Nabu Township, Hpa-an District/
Central Kayin State (received in November 2012)²⁹⁷

The production, trade and use of *yaba* has significantly increased in recent years and has caused social problems for local communities in southeast Myanmar. Despite reductions in military hostilities, the ongoing militarisation in the region facilitates the availability of the drug as armed groups, such as BGFs operating locally, produce it to generate additional income for themselves.²⁹⁸ KHRG reports suggest that this general social problem specifically harms women in that the widespread use of the drug increases the risk of GBV for women at the hands of community members. Even though the widespread availability of *yaba* appears to be linked to the continued military presence in the region, the *yaba*-related cases that KHRG has reported on were not committed by soldiers.

GBV suffered by women with physical and mental health conditions

Among those who suffered GBV abuses, women with various degrees of physical and mental health conditions were disproportionately represented in KHRG's reports. Based on reports received by KHRG, physical and mental health conditions affected how women faced GBV in a number of ways. These women were especially vulnerable to suffering GBV because their conditions led perpetrators to perceive them as less capable of physically resisting GBV and in several cases, their conditions could make them less able to resist violence. These women were

²⁹⁴ *Yaba*, which means 'crazy medicine' in Thai, is a tablet form of methamphetamine. First developed in East Asia during the Second World War to enhance soldiers' performance, methamphetamine has become increasingly popular in Thailand, Laos, Cambodia, Vietnam, and Myanmar where it is typically manufactured. See, *Yaba, the 'crazy medicine' of East Asia*, UNODC, May 2008; "Woman raped and killed in Pa'an District, October 2012," KHRG, December 2012; and Chapter IV in *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*, KHRG, June 2014.

²⁹⁵ See source #72: "Thaton Incident Report: Attempted rape in Thaton Township, September 2013," KHRG, August 2014.

²⁹⁶ See source #29: "Woman raped and killed in Pa'an District, October 2012," KHRG, December 2012.

²⁹⁷ *Ibid.*

²⁹⁸ See Chapter IV in *Truce or Transition? Trends in Human Rights Abuse and Local Response in Southeast Myanmar Since the 2012 Ceasefire*, KHRG, June 2014.

also less likely to be believed when reporting their abuse, because of underlying negative social attitudes towards mental health conditions; this restricted their ability to access justice. Further, since negative attitudes towards mental health conditions mean that women with mental health conditions may be viewed as “lesser” human beings by community members, this can lead their claims of GBV to be trivialised or downgraded even when the factual basis of their claims are accepted. This can also make such women more vulnerable to GBV in the first place, thus perpetuating the abuse:

“We do have quite a few women who suffer from mental disorders who are raped and then get pregnant. Because people don’t find out [about the rape] unless the woman gets pregnant, it can be really difficult to help them if they cannot identify the perpetrator. ... People will [frequently] blame the woman [for the abuse], because she has a mental disorder. ... Most of the blame will go to the woman first, but some blame will also go to the man: how can they do such a thing to the woman who really doesn’t know what’s going on?”

Naw T---, representative from Karen Women Organisation
(interviewed in March 2016)²⁹⁹

Changes in GBV committed by Tatmadaw soldiers since 2012

According to a 2006 KHRG report³⁰⁰ which focused on women’s agency in the context of the conflict period, the Tatmadaw used a tactic of committing GBV abuses against Karen women in rural areas while attacking armed actors. While these attacks may not have been committed through direct orders from Tatmadaw commanders, the intimidation and dehumanisation of women served to support military control over Karen society and challenge community members’ will to resist demands. Moreover, prior to the 2012 preliminary ceasefire, when women tried to report rape cases to the Tatmadaw commanders, they were commonly told to stop spreading rumours and at times were even punished.³⁰¹ Since the 2012 preliminary ceasefire, reports received suggest that women in southeast Myanmar enjoy greater security as rape cases by the Tatmadaw have decreased. In addition, when women did experience GBV abuse there were a number of cases in which they were able to attempt to hold the perpetrator accountable by reporting the abuse to his superiors, or seeking protection and legal redress with the assistance of women’s organisations, such as the Karen Women Organisation (KWO) and Social Action for Women (SAW).³⁰² Although barriers to justice persist, KHRG reporting suggests that in the ceasefire period, some women perceive that responses to rape cases from authorities have generally improved, and they are more likely to take action to address these cases:

“Before the [2012 preliminary] ceasefire took place, the women who were raped had to stay silent and the case was forgotten but after the ceasefire took place the women dare to talk about the issue. ... If a man questions the women who were raped, they [still may] not dare to talk about that, but if [other] women and family [members ask them about the incident], they can talk [about what happened to them] because they are more familiar [comfortable] with those people.”

Naw H--- (female, 20), I--- village, Thaton Township, Thaton District/
Northern Mon State (interviewed in November 2015)³⁰³

²⁹⁹ This information is drawn from an informal interview by KHRG researchers with Naw T---, Karen Women Organisation, March 2016.

³⁰⁰ *Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women under Militarisation*, KHRG, November 2006.

³⁰¹ *Ibid.*

³⁰² For an example of a case addressed by Karen Women Organisation, see source #124: “Rape and violent threats in Kawkareik Township, Dooplaya District, April 2014 to May 2015,” KHRG, July 2015.

³⁰³ See source #150.

Consequences of GBV

Based on the reports received by KHRG, the impact GBV has on survivors' lives often extends well beyond the violence and fear experienced at the time of the incident. In several cases, the survivors had to be treated in the hospital for their injuries and trauma, which at times were said to be ongoing and accompanied by occasional seizures for which the survivor had to seek constant medical attention.³⁰⁴ Often, these expenses had to be absorbed by their family members, if no compensation was received for the abuse. The pressure on family members can be more significant as many women who are targeted for GBV are those already vulnerable socially and economically, such as widows, women with mental health conditions, and women with fewer educational opportunities, who often depend on their kin for their livelihoods.

Rape can further impact the survivors' future when it results in pregnancy. On April 12th 2014, 17 years old Naw A---, reported that she was raped when she was 16 years old by a fellow villager in B--- village, Kyaw Hkee village tract, Kawkareik Township, Dooplaya District, and subsequently gave birth to a child. The responsibilities of childcare have inevitably impacted Naw A---'s abilities to obtain an education and has put a further strain on her family to provide for an additional member.³⁰⁵

Agency strategies and their limitations

In a number of cases reported to KHRG, the victims of GBV described attempting to physically fight off their attackers. When asked about the methods women in southeast Myanmar use in order to protect themselves from GBV, a female villager from Thaton District mused that in the past women used to carry a knife with them, and could resort to using other weapons.

"I think when the women are raped; if they can grab something around them like a tree branch they might beat them with it."

Naw H--- (female, 20), I--- village, Thaton Township, Thaton District/
Northern Mon State (interviewed in November 2015)³⁰⁶

This expectation that women who face GBV should be able to – or at least attempt to – fight off their perpetrator is common, and in some reports received by KHRG between 2012 and 2015, this was indeed the case. On one occasion in 2014, an 11 years old girl was able to fend off a teacher who approached her on her way to school and tried to touch her vagina.

"Phar Pa Har asked me: 'Sister, allow me to touch your vagina.' I scratched his hand and I left him. He carried me from the back and took me to the cow fence. My purse fell down and I picked it up. I twisted his finger. He asked to touch my vagina. I answered no. I ran. I ran to the school."

Naw P--- (female, 11), S---village, Lu Thaw Township, Hpapun District/
Northeastern Kayin State (interviewed in November 2014)³⁰⁷

On another occasion, when a woman from A--- village was walking by herself from Thandauggyi Town back to her village, a deserter from Tatmadaw Military Operations Command (MOC)³⁰⁸ #1, Light Infantry Division (LID)³⁰⁹ #506 chased her and attempted to rape her. The woman, Naw Z---,

³⁰⁴ See source #76.

³⁰⁵ See source #124: "Rape and violent threats in Kawkareik Township, Dooplaya District, April 2014 to May 2015," KHRG, July 2015.

³⁰⁶ See source #150.

³⁰⁷ See source #122.

³⁰⁸ Military Operations Command (MOC) is comprised of ten battalions for offensive operations. Most MOCs have three Tactical Operations Commands (TOCs) made up of three battalions each.

³⁰⁹ Light Infantry Division (LID) of the Tatmadaw is commanded by a brigadier general, each with ten light infantry battalions specially trained in counter-insurgency, jungle warfare, "search and destroy" operations against ethnic insurgents and narcotics-based armies. LIDs are organised under three Tactical Operations Commands,

tried to push him away and escape, and in the process her clothes were ripped off and she was said to “*face him with shyness [shame].*” In addition to the toll of public humiliation, the perpetrator also told her he would kill her if she shouted. He eventually ran away when another man from the village approached the scene.³¹⁰

Both of these cases are anomalies in that they took place during daytime and in public, where the assaulted female was able to see the perpetrator and have her full range of motion. In most cases of GBV reported to KHRG, the act was committed against a sleeping woman, in her house, in the dark.

Additional factors preventing women from shouting and physically resisting men who sexually assault them include being physically restrained,³¹¹ fearing that they would be killed,³¹² being physically disadvantaged, and even a fear of severely harming or killing the perpetrator and having to answer for that action.³¹³

“She told him that she would tell her mother if he tried to rape her and according to Naw A---, Saw Hpah Kyaw Eh said: ‘If you shout I will stab you.’ She tried to stop him by saying: ‘I will get pregnant if you rape me.’ He replied: ‘It is okay, you are not going to get pregnant.’”

News Bulletin written by KHRG community member, Kawkareik Township, Dooplaya District/Southern Kayin State (published in July 2015)³¹⁴

“When I was about to leave to go back and sleep in my room, he pulled me. I thought of shouting but he said not to shout, and I did not shout because I thought that if I shouted he would kill me. I thought he would shoot if I shout. In the past, [when I saw him around the village, he] came with no gun, but now there was a gun with him. That is why I was scared and I didn’t dare to talk about it [to others in the village]. ... He slapped my mouth when I was trying to shout. He held me tight. ... I am thin and I couldn’t defeat him. He is fat [big and strong] and there was no way that I could’ve defeated him.”

Ma A--- (female, 45), C---village, Kawkareik Township, Dooplaya District/Southern Kayin State (interviewed in July 2015)³¹⁵

Although women’s agency and practical strategies to prevent GBV happening are very important, it is crucial to avoid perpetuating the idea that women should be made personally responsible for preventing incidents of GBV on a case by case basis. The primary focus should unquestionably be on changing social conditions and structures in order to eradicate GBV throughout society and this responsibility should be held by all members of society regardless of gender. This attitude is vital to avoid implying that women who suffer GBV can be held in any way responsible for their abuse.

Violent abuse and explicit threats following GBV

In several cases of GBV, particularly when the women tried to report the case, the perpetrators came back to violently abuse and explicitly threaten the women they had sexually assaulted and

commanded by a colonel, three battalions each and one reserve, one field artillery battalion, one armoured squadron and other support units.

³¹⁰ See source #102: “Toungoo Situation Update: Thandaunggyi Township, April to June 2014,” KHRG, December 2014; and source #92: “Toungoo Incident Report: Sexual assault in Thandaunggyi Township, December 2013,” KHRG, May 2014.

³¹¹ See source #90.

³¹² See source #145: “Dooplaya Interview: Naw A---, July 2015,” KHRG, February 2016.

³¹³ See source #72: “Thaton Incident Report: Attempted rape in Thaton Township, September 2013,” KHRG, August 2014.

³¹⁴ See source #124: “Rape and violent threats in Kawkareik Township, Dooplaya District, April 2014 to May 2015,” KHRG, July 2015.

³¹⁵ See source #145: “Dooplaya Interview: Naw A---, July 2015,” KHRG, February 2016.

sometimes other female family members as well.³¹⁶ These incidents of violent abuse seemed to be attempts by perpetrators to protect their reputations³¹⁷ and prevent the women from pursuing the cases further. For example, in a 2013 incident reported to KHRG, Second Lieutenant Aung Nay, who is under the command of Saw Ler Wah from Battalion #101 of the KNLA, came to the house of the woman he had sexually assaulted and grabbed her forcefully by the arm. When her mother tried to pull her back, one of his soldiers, Hsaw Wee Kaw, shot the mother twice.³¹⁸

Regarding a different incident in Lu Thaw Township, Naw P--- explained how the perpetrator responded when she attempted to report the abuse.

“He came to tell me [off] and before I replied, he slapped my face and squeezed my throat. When my mom tried to stop it, he hit my mom’s face and went down from the house.”

Naw P--- (female, 11), S--- village, Lu Thaw Township, Hpapun District/
Northeastern Kayin State (interviewed in November 2014)³¹⁹

Further, the retaliation that women have faced for attempting to report incidents of GBV can be understood in the wider context of male dominance in social structures in Myanmar.³²⁰ These examples of retaliation might demonstrate the social power still held by many men and the impunity that many men expect to receive, and do in fact receive, for their violent and unlawful actions, especially against the most vulnerable women in society. In addition, for incidents of GBV perpetrated by military personnel, these factors often combine with the impunity enjoyed by military personnel to exacerbate the difficulties faced by women in accessing justice.

In another reported incident, Naw A--- from Kawkareik Township explains how the perpetrator of the GBV she suffered, a DKBA soldier named Hpah Ta Roh, violently retaliated after she had attempted to report the abuse to the village leaders:

“Later on, I told him [Hpah Ta Roh], ‘You did [rape me] like this and this should go [be reported to the] elders [village leaders].’ He did not like it [the idea of me reporting the case], and he left [walked away]. ... [Then later] he asked me to come and meet him and I came back [to my cousin’s house]. I thought that we were going to discuss why he raped me. ... I hadn’t [even] started talking, [when] he violently abused me. He kicked me and shot [at] me [to intimidate me]. ... When I was going back [from my cousin’s house] with my older sister, he followed us and he shot two more times. ... I thought he would kill us [me] if he caught us [that day]. ... He also said, ‘I would beat you more than this if your daughter-in-law was not here. It is because I feel Ah Na³²¹ of your daughter-in-law.’ My sister said he asked her, ‘Are you alright? If you are not alright with me beating your younger sister, I will kill you all!’ My older sister didn’t dare to say [that] she [doesn’t] feel okay. She just replied ‘Yes, I am okay.’”

Naw A--- (female, 45), C---village, Kawkareik Township, Dooplaya District/
Southern Kayin State (interviewed in July 2015)³²²

³¹⁶ See source #122.

³¹⁷ See source #124: “Rape and violent threats in Kawkareik Township, Dooplaya District, April 2014 to May 2015,” KHRG, July 2015.

³¹⁸ See source #64.

³¹⁹ See source #122.

³²⁰ *Gendered Aspects of Land Rights in Myanmar: Evidence from Paralegal Casework*, Namati, April 2016.

³²¹ In Myanmar language, *ah na dei* means ‘a desire not to impose on others’ or reluctance to impose on others. The idea is to maintain smooth relations by considering others’ feelings and refraining from upsetting the other. Combined with a sense of fear, the feeling of *ah na dei* can justify inaction. See, *Empowerment as constructive power for gender*, CTC Bulletin, 2004.

³²² See source #145: “Dooplaya Interview: Naw A---, July 2015,” KHRG, February 2016.

Family involvement in GBV case resolution

Based on the reports of GBV received by KHRG, women who were assaulted often turned to their mothers and other female relatives as their first line of defence and protection from their perpetrators. In KHRG reports these women, as well as male relatives, took some sort of action on behalf of their relative who had been assaulted, such as confronting the perpetrator directly,³²³ speaking to the perpetrator's immediate family,³²⁴ or reporting directly to the village head³²⁵ or relevant armed actor commander.³²⁶ The involvement of both the victim's and perpetrator's families in cases of GBV has been reported to yield both positive and negative outcomes for survivors of GBV.

Positive outcomes for survivors of GBV included moral support from their relatives, when they encouraged them to pursue the case³²⁷ and seek justice, as well as physically accompanying them when reporting to the authorities. In addition, in some cases where a family member was present in the house, they were able to interrupt the assault and cause the perpetrator to flee.³²⁸ Reports received by KHRG, suggest that family relationships are integral to women's access to justice, and recognising this is integral to encouraging increased support for survivors.

In one case, a woman from Thaton District, Naw B---, was attacked by a Tatmadaw soldier while sleeping in her house with her mother:

"The same soldier came again at 1:00 am [September 28th 2013] and began to grope Naw B---. She awakened and shouted to her mother [Naw D---] for help. Her mother awoke and came over with a knife."

Incident Report written by a KHRG researcher, Thaton Township, Thaton District/
Northern Mon State (received in September 2013)³²⁹

After brandishing the knife, the perpetrator fled. Naw D---'s mother immediately went together with Naw D--- to the village head to report the incident, and the village head went to speak with the deputy commander of Light Infantry Battalion (LIB)³³⁰ #558 to which the soldier belonged.³³¹ In cases like these, having a family member witness the attack and immediately take action can expedite the process of accessing justice, and add credibility to the survivor's testimony.

Family members' testimonies become especially important when the survivor of the GBV is a woman known to be or assumed to be suffering from mental health conditions. In these cases, relatives' testimonies could be the key to the GBV being pursued by authorities. Unfortunately, at times relatives felt that the incident of GBV was not theirs to speak about and therefore decline

³²³ See source #90.

³²⁴ See source #122; and source #124: "Rape and violent threats in Kawkareik Township, Dooplaya District, April 2014 to May 2015," KHRG, July 2015.

³²⁵ See source #72: "Thaton Incident Report: Attempted rape in Thaton Township, September 2013," KHRG, August 2014; source #146; and source #90.

³²⁶ See source #71.

³²⁷ See source #145: "Dooplaya Interview: Naw A---, July 2015," KHRG, February 2016, in which the victim's cousin stated, "*It is good if she mentions [it to the leaders] so that doesn't happen [again] in the future. If we just keep things as [it] is, he might come [back] in the future because he might think that he has done it [rape] and no action has been taken against him so he might keep doing it.*"

³²⁸ See source #72: "Thaton Incident Report: Attempted rape in Thaton Township, September 2013," KHRG, August 2014; and source #32: "Papun Situation Update: Dwe Lo Township, July to October 2012," KHRG, February 2013.

³²⁹ See source #72: "Thaton Incident Report: Attempted rape in Thaton Township, September 2013," KHRG, August 2014.

³³⁰ A Tatmadaw Infantry Battalion comprises 500 soldiers. However, most Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. They are primarily used for garrison duty but are sometimes used in offensive operations.

³³¹ See source #72: "Thaton Incident Report: Attempted rape in Thaton Township, September 2013," KHRG, August 2014.

to pursue a full remedial procedure, such as in the testimony by the sister of Ma L---, who was sexually assaulted by a man named Ko Myo, in her sister's home.

Ma L--- is a 28 years old female villager from D--- village, L--- village tract, Bu Tho Township, Hpapun District. Ma L---'s husband passed away and she relies on her older sibling with her two children since she has a mental health condition. On an unknown date in 2013, at 11:00 pm, as she was falling asleep, a Kaw La Klah villager from Kaw La Klah, called Ko Myo, who is a married man and a son of a former Tatmadaw soldier, entered Ma L---'s house and took off her sarong and her clothes. She woke up and she tried to scream but the man covered her mouth with his hand and she could not scream. As she kicked against something, her older sibling woke up from the noise and turned on the light and Ma L--- ran to her older sibling. Ko Myo remained in the woman's room. People informed his wife, and he went down immediately and he ran away from the village before village leaders had the chance to discuss this case.

Ma L---'s sister explained how she felt about pursuing the case:

"His [Ko Myo's] wife, who was our relative from my husband's side, asked us: 'What would you like to be done?' and then I replied: 'I am not [the] victim and I [want to reach a] settlement [with] you only about the case that your husband came into my house. For the rape case, I am not [the] victim, so I could not say how the case should be done.' So I only [want to] settle [for] the case that her husband came into my house [trespassed] and not including the rest of the case. As I am not [the] victim, I don't even need to make a decision for the case."

The sister of Ma L--- (female), D---village, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interview received in March 2014)³³²

Ma L---'s mental health condition might have contributed to the fact that she was not questioned by any authorities, such as the village head, and that the case of GBV was not pursued. Furthermore, her sister settled on a trespassing case rather than formally seeking a prosecution of the perpetrator for rape or GBV, despite being angry and upset that her sister had been sexually assaulted. After the wife of the perpetrator asked for her forgiveness for what her husband had done, Ma L---'s sister said:

"I told her that there is no way to forgive for this kind of case. If he really wants to have sex this much why doesn't he have it with his wife and why does he try to insult another woman? I just angrily told her like that. He did not get out of my house although I was shouting at him and his wife came to take him back. When he did not get out of my house, I got down from my house but I didn't have any idea [intention] to go and complain about it to the village head's house in my mind."

The sister of Ma L--- (female), D--- village, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interview received in March 2014)³³³

Negative effects of family involvement

In some cases, the involvement of family members as intermediaries in the justice process can actually obstruct justice for survivors of GBV, depending on the commitment of the family members to advocating on behalf of the survivor, as well as their preconceived notions of women, sexuality, and disability. The negative effects of the involvement of the woman's family may be because of the infiltration of negative attitudes towards women throughout entire communities which play out even in the family's response to instances of GBV. This can involve relatives in some way blaming the woman herself for the abuse she has suffered and implying that suffering the abuse makes her less honourable. Testimonies suggest that some community members

³³² See source #90.

³³³ *Ibid.*

negatively view women who suffer GBV as they assume this means they are sexually active irrespective of whether such activity was consensual or not.³³⁴

Negative and disparaging attitudes towards women who suffer GBV result in their voices and rights being minimised as it is assumed that, either they are themselves responsible for the abuse, or their claims cannot be fully taken seriously because they are 'morally corrupt' people:

"Usually, they [people in general] will blame the woman the first. That [the abuse happened] because she is not careful or because she is behaving or wearing [clothes] improperly and that where the abuse has been repeated on several occasions people think it is not rape, [because they assume] both of them have agreed, that is why it happened so many times."

Naw T---, (female) representative from Karen Women Organisation
(interviewed in March 2016)³³⁵

KHRG's reports suggest these views are commonplace and can make it difficult for women who suffer GBV to effectively report the abuse.

"I just want to say that my sister is not prostitute and not a person who has a bad moral behaviour. She is just a person who is uneducated and has a mental disability. So when something happens and people ask her [about it] then I have to answer for her. The incident happened at home and she told me what happened to her. Then I had to explain the case for her."

The sister of Ma L---- (female), D---village, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interview received in March 2014)³³⁶

In another case from April 2014, Naw A---, a 17 years old girl from B--- village, Kawkareik Township, Dooplaya District, who was perceived by some community members as having a mental health condition since they referred to her as 'feeble-minded,' was repeatedly raped by a male community member, Saw Hpah Kyaw Eh, when she was 16 years old. Due to fear of how she would be treated, Naw A---, did not even tell her mother about the abuse, and only disclosed the case after becoming pregnant.³³⁷ Contrary to some community members' statements, the KHRG community member who reported on the case did not believe that Naw A--- had a mental health condition, as he noted that she was able to accurately report on what had happened to her, and seemed to be able to perform daily tasks, such as handling money. The village leaders did not take appropriate actions and the case was not initially pursued any further. The fact that she was perceived to have a mental health condition appears to explain why her attempts to report the abuse were dismissed by the village leaders and other community members. However, later on KHRG received information that KWO responded to the case and the victim gained access to medical treatment for the consequences of the rape.³³⁸

Further abuse of GBV survivors may include, as described above, violent abuse and explicit threats by perpetrators wishing to prevent the affected women from seeking justice.³³⁹ However, in a few cases, the further abuse of the GBV survivor was committed by the perpetrator's female relatives.

³³⁴ *Ibid.*

³³⁵ This information is drawn from an informal interview by KHRG researchers with Naw T---, Karen Women Organisation, March 2016.

³³⁶ See source #90.

³³⁷ See source #124: "Rape and violent threats in Kawkareik Township, Dooplaya District, April 2014 to May 2015," KHRG, July 2015.

³³⁸ *Ibid.*

³³⁹ *Ibid.*; see also source #122; source #145: "Dooplaya Interview: Naw A---, July 2015," KHRG, February 2016; and source #64.

In the case of Naw A---'s rape and subsequent pregnancy, the perpetrator's sister was the one who threatened Naw A---'s mother and attempted to coerce her into making her daughter have an abortion. This happened when Naw A---'s mother met with the perpetrator's sister to talk about what happened to her daughter:

[The perpetrator's sister said to me:] *'I will talk about it with my brother when he comes back and if he says no [he did not do it], I will go and yell at Naw A---.'* [Naw A---'s mother also stated]. *On another day she [perpetrator's sister] told me that she will go to Saw C--- [a traditional doctor] and bring back the medicine with the tiger logo. She told me that grandma [me] should feed her this and I replied, no, I dare not feed her this medicine. His sister said that it is for the abortion. I said the baby is moving in the womb already, I dare not to feed her.'*

News Bulletin written by a KHRG researcher, Kawkareik Township, Dooplaya District/southern Kayin State (published in July 2015)³⁴⁰

Threats of verbal abuse were not the only examples of further abuse of GBV survivors at the hands of family members. In a case of GBV which took place on October 14th 2012, in M--- village, Nabu Township, Hpa-an District, the family of Naw W---, and the family of Saw N---, who had sexually abused her on multiple occasions, met and agreed that the two should be married. Naw W--- was later found dead, with blood covering her face and thighs, her sarong completely soaked with blood. Saw N--- was arrested by the KNLA in relation to her murder.³⁴¹

Access to justice

In term of access to justice, KHRG noted that in many of the cases of GBV, the survivors reported the case or complained to a variety of actors, including family members and relevant authorities such as village heads or village tract leaders, women's organisations such as KWO, and Myanmar police, as well as military commanders, in cases where the perpetrators were soldiers. Once women made the initial report of the abuse, access to justice was then facilitated by family members, non-governmental organisation (NGOs), as well as local level Karen National Union (KNU) or Myanmar government officials, to which the perpetrators were associated or the local village head if the perpetrators were not linked to an armed actor, who attempted to move the case through the justice system.

According to the testimonies from the GBV survivors and their families, not all of the cases raised were adequately solved. Of particular note, when the GBV victims had a mental health condition or physical disability, the authorities often did not take effective action on the case and the women never received any sort of access to justice.³⁴² In addition, when women with disabilities attempted to report their abuse, their complaints were at times not believed and instead, they were accused of lying.³⁴³

"They said it is not true. Kyaw Kler was asking [other villagers] if it is true that I have been raped by Hpah Ta Roh. He said that I was just lying. I do not lie. I am old and do not lie. I would not be telling [about the rape] if I hadn't been raped."

Naw A--- (female, 45), B--- village, Kawkareik Township, Dooplaya District/Southern Kayin State (interviewed in July 2015)³⁴⁴

³⁴⁰ See source #124: "Rape and violent threats in Kawkareik Township, Dooplaya District, April 2014 to May 2015," KHRG, July 2015.

³⁴¹ See source #30.

³⁴² *Women and girls with disabilities face double discrimination in Myanmar*, ActionAid International, January 2016; and *Rape Exposes Plight of Disabled*, Radio Free Asia, January 2013.

³⁴³ See source #145 "Dooplaya Interview: Naw A---, July 2015," KHRG, February 2016; and source #124: "Rape and violent threats in Kawkareik Township, Dooplaya District, April 2014 to May 2015," KHRG, July 2015.

³⁴⁴ See source #145: "Dooplaya Interview: Naw A---, July 2015," KHRG, February 2016.

This could be attributed to the wider negative attitudes towards people with mental health conditions which lead some community members to regard abuses suffered by such people as less significant. This not only directly restricts their access to justice but also increases their vulnerability to suffering GBV in the first place, as they may be perceived as being of 'lesser social value' and less able to physically resist abuse.

Monetary compensation for GBV

Even when cases were pursued by authorities, the common outcome was monetary compensation for the victim, rather than a prison sentence or demotion for the perpetrator. KHRG received one case of GBV abuse in which the survivor was able to negotiate the amount of compensation with the village authorities and felt satisfied with the outcome of the negotiation.³⁴⁵ However in the majority of reported cases, most survivors of GBV did not get the chance to negotiate the amount of compensation, and their cases were not processed properly and effectively. In some cases, the victim was promised a certain amount in compensation but only received a partial payment.³⁴⁶

A KHRG researcher explained how a case of GBV in Dwe Lo Township was dealt with by a Tatmadaw commander in June 2012:

"In the morning, C---'s [the woman who suffered the GBV] husband went to see Commander Soe Wunna and reported it to him. Commander Soe Wunna told him not to spread [word of] the incident; [Soe Wunna] would compensate them with 200,000 kyat (US\$ 234.74). No one spread [information of] the incident. Until now he [Soe Wunna] only paid 100,000 kyat (US\$ 117.37), the other 100,000 has not been paid yet."

Situation Update written by a KHRG Researcher, Dwe Lo Township, Hpapun District/Northeastern Kayin State (received in November 2012)³⁴⁷

The practice of awarding monetary compensation as the outcome of the remedial process for incidents of GBV is problematic in two respects. First, it minimises the gravity of GBV and thus the rights to bodily integrity and personal autonomy of women who suffer GBV by suggesting that this harm can be remedied and compensated with a pure monetary award. GBV involves an extremely serious violation of women's basic rights to personal autonomy and bodily integrity and can cause extensive and wide-ranging harms; these cannot be recognised with a simple monetary award. Secondly, KHRG's reports show that the amount of monetary compensation awarded is often very small and inadequate to even cover the directly resultant medical expenses or other costs caused by the incident of GBV.

Holding soldiers accountable for GBV

Another challenge women faced when trying to access justice emerged when dealing with perpetrators who were soldiers, either with the Tatmadaw or another armed actor. When perpetrators were not affiliated with any armed actor, victims were typically able to move their cases forward through their chosen justice system, for example the local district court. However, in cases where perpetrators were soldiers, survivors reported being more fearful and hesitant to raise their complaints as they were afraid of retribution by the perpetrators.³⁴⁸ In addition, military commanders generally dealt with the cases by simply providing the survivors with a small amount of compensation and asking the survivor to keep silent regarding the case, rather than pursue it with the higher-level commanders.³⁴⁹ This is indicative of the wider context of the social privilege

³⁴⁵ See source #122.

³⁴⁶ See source #31: "Papun Situation Update: Dwe Lo Township, July to October 2012," KHRG, February 2013; and source #48: "Rape and sexual harassment in Hpapun District, June and August 2013," KHRG, November 2013.

³⁴⁷ See source #32: "Papun Situation Update: Dwe Lo Township, July to October 2012," KHRG, February 2013.

³⁴⁸ See source #145: "Dooplaya Interview: Naw A---, July 2015," KHRG, February 2016.

³⁴⁹ See source #32: "Papun Situation Update: Dwe Lo Township, July to October 2012," KHRG, February 2013.

and impunity held by male soldiers because of their gender and because of their status as military personnel; both of which restrict women's ability to access justice following incidents of GBV.

In one case, after a Tatmadaw soldier from LIB #558 sexually abused Naw B--- from A--- village, Thaton Township, Thaton District, on September 28th 2013, Naw B--- reported the case to his immediate commander through her village head. The commander told her not to report the incident to his battalion commander and he asked her what they could do to appease her instead. Naw B--- then replied that she would be satisfied as long as the perpetrator did not come back.³⁵⁰

Overall, in the GBV cases analysed by KHRG, genuine access to justice for survivors of GBV was uncommon, as many cases were not properly addressed and were ineffectively processed. The obstacles to accessing justice included the military status of perpetrators, lack of transparency and accountability in the justice system, and the inability of some survivors to testify or report directly due to being mute or otherwise disabled. However, KHRG has received some reports of cases in which incidents were investigated and the perpetrators held accountable and imprisoned by authorities, such as Myanmar government officials³⁵¹ and the KNLA.³⁵²

Case Study³⁵³

About the survivor

Naw A--- is a 45 years old Karen woman from B--- village, Kawkareik Township, Dooplaya District. Her husband lives in Thailand for work and her 22 years old son is usually away serving as a soldier. In July 2015, Naw A--- reported that a DKBA soldier named Hpah Ta Roh raped her in her house. This is Naw A---'s detailed account of the incident, although she could not remember the exact date the event took place:

"My blood is not working well and I cannot count the days. In the past I was good at it but now it is clear [that I cannot do that]."

In Karen culture, one's blood 'not working well' often implies mental health issues.

About the perpetrator

"He is Hpah Ta Roh. He is a DKBA [Democratic Karen Benevolent Army] soldier. ... He should be around 35 years [old]. He is an adult man. ... People said that he has a wife but he told [me] that he does not have a wife. People said that his wife is a mute woman. He is from Ta Poh Kaw [village]. I do not know how many wives he has. Kyaw Kler [a community member] told me yesterday that he has a wife. ... He lives in Ta Poh Kaw [village]. He told me, 'I am from Ta Poh Kaw [village]; do not mess with me'. He told me that."

"He has not propositioned me and I have never [properly] met him ... he has met me only once, when I was visiting my female cousin's house. ... [At the time] He just asked me how many [people] I live with, and I answered that I live alone. He has never been to my house. That was the first time that he visited me [when he came and raped me]."

Naw A--- spoke of Hpah Ta Roh's history of aggression:

³⁵⁰ See source #72: "Thaton Incident Report: Attempted rape in Thaton Township, September 2013," KHRG, August 2014.

³⁵¹ See source #48: "Rape and sexual harassment in Hpapun District, June and August 2013," KHRG, November 2013.

³⁵² See source #30.

³⁵³ All information in this case study is derived from source #145: "Dooplaya Interview: Naw A---, July 2015," KHRG, February 2016.

“He [Hpah Ta Roh] once had an argument with Kyaw Kler and he was going to shoot Kyaw Kler with [his] gun and Kyaw Kler [said he] allows him to shoot him one time and he [Kyaw Kler] will shoot him back one time. They are very brave [aggressive] people, do not stay close to them.”

The incident of rape

“When he came, [he climbed] up the ladder [to my house], [which made a] ‘Klaw Klaw Klaw’ sound, while I was sleeping. I woke up and I was thinking, was it a cat or a human? And I just stayed still. I thought if it was my son, he would call out to me. And now [at the time] I was thinking: if it was him, why didn’t he call me? And [then] he [Hpah Ta Roh] called [to] me, ‘Hey, friend?’ ‘Yes,’ I answered. I told him that I thought it was my son and I kept sleeping [lying on my bed]. He asked me, ‘Come out and bring betel nut.’ And so I came out with betel nut. And I was also afraid as it was dark, and he told me about himself, saying that he comes to do logging [in the area].”

“I asked him, ‘You haven’t visited [me] in the past so why are you visiting me now?’ He replied, ‘I came to visit.’ I replied to him, ‘You visit me at midnight? You want to go back and sleep? Go back and sleep!’ He just stayed [sitting]. ... I told him, ‘Go back and sleep in other people’s house,’ but he did not go back and sleep [elsewhere]. He did not say anything and he just stayed [sitting]. When I was about to leave to go back and sleep in my room, he pulled me. I thought of shouting but he said not to shout, and I did not shout because I thought that if I shouted he would kill me. I thought he would shoot if I shout. ... The rooster started to crow. And he held me down and raped me and after that he sat for a while. ...”

“I didn’t go back to sleep. I started cooking after he raped me. I thought he will go back, but he was lying there and he woke up when the light came up and he took his gun and went to my older sister’s house. I thought, what kind of person is he? I have never seen [experienced] a thing [situation] like this in the past. Now, he came and raped me and he did this to me. I thought he was trying to mess with me as [if I were his] enemy. I am just a woman, I know nothing [about fighting back]. If he [tried to] kill me; I would die on the floor. I was scared. My husband was not home [as he works in Thailand] and my son was not home either [as he is a soldier]. I was alone...”

“In the past, [when I saw him around the village, he] came with no gun, but now there was a gun with him. That is why I was scared and I didn’t dare to talk about it [to others in the village]. ... Later on, I told him [Hpah Ta Roh], ‘You did [raped me] like this and this should go [be reported to the] elders [village leaders].’ He did not like it [the idea of me reporting the case], and he left [walked away].”

Violent Abuse

“Later on, I told him [Hpah Ta Roh], ‘You did [rape me] like this and this should go [be reported to the] elders [village leaders].’ He did not like it [the idea of me reporting the case], and he left [walked away]. ... [Then later] he asked me to come and meet him and I came back [to my cousin’s house]. I thought that we were going to discuss why he raped me. ... I hadn’t [even] started talking, [when] he violently abused me. He kicked me and shot [at] me [to intimidate me]. ... When I was going back [from my cousin’s house] with my older sister, he followed us and he shot two more times. ... I thought he would kill us [me] if he caught us [that day]. ... He also said, ‘I would beat you more than this if your daughter-in-law was not here. It is because I feel Ah Na of your daughter-in-law.’ My sister said he asked her, ‘Are you alright? If you are not alright with me beating your younger sister, I will kill you all!’ My older sister didn’t dare to say [that] she [doesn’t] feel okay. She just replied ‘Yes, I am okay.’”

Threats against reporting

"He told me, [If] I raped you why did you not say it [at the time it was happening]? Are you mute?" He told [yelled] at me saying, "Shoot and kill me if you feel that I'm such an inconvenience [to you]!" He told me that. ... He [Hpah Ta Roh] did not allow me to go and report about it to the village head. He would kill us [if we reported to village head]. ... he said he would kill me if I reported about it to the village head or [other local] leaders. He said he is not afraid of the village head or leaders. He told me that...

"I also feel bad [upset]. I was thinking to report it but I don't dare to. He will kill me if I do. ... If [I] submit the case [to leaders], would he be okay? If I do submit the case to the leaders, he would tell me he will kill me for ruining his dignity. He would tell me that. And I do not damage his dignity [as it is true]. He did [that to] me, and so I said he did [it to] me. I would not say that if he hadn't done it. There are a lot of people in F--- [village] and B--- [village]. None of them has raped me. He is the only one. I want the leaders to arrange [mediate] in a good way. [I want a case] like this to never happen [in the future], like [the case of] him raping me. One time is enough..."

"I don't know about it anymore [I give up]. If the village head talks about it, he [Hpah Ta Roh] does not like the village head talking about it. What to do? It is awkward. ... It depends on you [KHRG]. You can send it if you want and [I think] it is good to send [it in]. ... [You] have to mention it to the leaders and the leaders should reprimand their children [soldiers] as their children are not good [did a bad thing] so that they don't do this in the future. I can say only that much."

Family and community reactions to the case

Naw A---'s female cousin:

"It is good if she mentions [it to the leaders] so that doesn't happen [again] in the future. If we just keep things as is, he might come [back] in the future because he might think that he has done it [rape] and no action has been taken against him so he might keep doing it."

Naw A---'s son's opinion on reporting:

"He said, 'I do not know', [you should] do what you want to do."

Naw A--- of her younger sister's reaction:

"My younger sibling told me not to report. [My younger sibling] said, They will kill you if you report about it or they will kill you on the way [when you walk alone] or they will strangle you and kill you. People told me [different things] here and there, and I just live like a deaf person [not sure whose advice to listen to]."

Village head and other villagers:

"[Hpah Ta Roh] told the village head, 'It has nothing to do with you,' and the village head did not care. ... The village head also told me that. He said he was told by Hpah Ta Roh, 'Do not listen to what she said; it has nothing to do with you.' They [both] said I was just lying, and it was not true that I have been raped."

"F--- village community members Maung Oo Tin and Kyaw Kler, said it is not true. Kyaw Kler was asking [other community member] if it is true that I have been raped by Hpah Ta Roh. He said that I was just lying. I do not lie. I am old and do not lie. I would not be telling [about the rape] if I hadn't been raped. I tell [about the rape] because I have been raped. I have children [a son],

a husband, and a grandchild. If I just keep [it] secret, my older sister is 'Nuh Boo,'³⁵⁴ and if I kept it secret [I was worried] that she would get a disease or face [some sort of] accident. It is not good whether we state [report it] or not. Think: I have to be afraid in two or three [different] ways."

³⁵⁴ *Nuh Boo* likely refers to the Buddhist practice of *Vassa*, which is a three-month period between July and October in which one adopts more ascetic practices. Naw A--- said she was worried that if she kept her rape a secret, she would have been lying by omission and such an action may have compromised her sister's spiritual practice, which puts an emphasis on honesty and truth-telling.

Photos: Gender-based Violence



This photo shows Naw A--- from B--- village, Kawkareik Township, Dooplaya District who was raped when she was 16 years old. She was described by some villagers as suffering from a mental health condition. For more information on this case see *Family involvement in GBV case resolution* in this chapter. [Photo: KHRG]



This photo is of Ma L---, a 28 years old female villager from D--- village, Bu Tho Township, Hpapun District, taken on December 22nd 2013. Ma L--- was sexually assaulted on an unknown date in 2013 at 11:00 pm as she was falling asleep. The perpetrator entered her room and removed her clothes before she woke up and was able to alert her elder sibling who then entered the room. For more information on this case see *Family involvement in GBV case resolution* in this chapter. [Photo: KHRG]



This photo was taken on September 9th 2012 in M--- village. It shows Naw M--- who was raped by an officer from LID #44, Battalion #3 on the night of June 6th 2012. [Photo: KHRG]



This photo was taken by a KHRG community member. It shows Naw A--- from Kawkareik Township, Dooplaya District who was raped in July 2015 by a soldier from the Democratic Karen Benevolent Army (DKBA). Naw A--- wished for the incident to be reported to all the relevant leaders so that this kind of crime would not happen to other villagers in the future. [Photo: KHRG]

Chapter VII: Land Confiscation

"I do not have any place [to live right now]. My mother-in-law also does not have any children or a husband beside her and I have already asked her to come and live with me. However, as my plot has been destroyed, we have to live in other people's houses. If I have more children and if they [the owner of the house where she is temporarily living] do not provide me with any place to live, I will have no place to live and I might have to go and live in the forest. And if we do not dare to live in the forest, there is only one other option; I need to go to live in a refugee camp."

Naw A--- (female, 27), Kawkareik Township,
Dooplaya District/southern Kayin State
(interviewed in July 2013)³⁵⁵

From January 2012 through to March 2016, KHRG received 77 reports of incidents of land confiscation affecting women in southeast Myanmar, making land confiscation the human rights abuse experienced by women most frequently reported to KHRG during the reporting period. In addition to detailing the trends related to land confiscation, this chapter also seeks to highlight particular ways in which women have responded to land confiscation, either individually or as part of their communities, and where such information is available, their success in accessing any form of justice.

Background and context

Women's tenure over their land is recognised as insecure in southeast Myanmar.³⁵⁶ This is to a large extent attributed to issues of gender inequality, such as traditional land inheritance falling along male lines; land titles ordinarily registered in the names of male family members; and customary land usage not being recognised by the Myanmar government.³⁵⁷

A major reason for land confiscation identified in these reports was the ongoing militarisation in southeast Myanmar, with the Tatmadaw still the primary perpetrator of land confiscation. Rural communities are particularly at risk, with their dependence on agriculture and natural resources. Ethnic communities such as the Karen in KHRG's research areas were targeted for displacement during the decades of conflict; land confiscation is interpreted by some in these areas to be a continuation of this treatment, pursuing government and national business interests, at times closely linked to the military.³⁵⁸

³⁵⁵ See source #55: "Dooplaya Interview: Naw A---, July 2013," KHRG, October 2014.

³⁵⁶ For a detailed discussion of women and land in Myanmar, see: *Linking Women and Land in Myanmar: Recognising Gender in the National Land Use Policy*, Transnational Institute (TNI), February 2016.

³⁵⁷ *Ibid.*; additional information taken from an informal interview conducted by KHRG researchers with Naw P---, Social Action for Women, in October 2015.

³⁵⁸ For cases of land confiscation in southeast Myanmar dating back to 1992, see the "Land Confiscation" page on KHRG's website; for examples of reports on widespread land confiscation in Myanmar by the Tatmadaw, see *Yearning to be heard: Mon Farmers' continued struggle for acknowledgement and protection for their rights*, Human Rights Foundation of Monland (HURFOM), February 2015, p. 32; and *Rampant Land Confiscation Requires Further Attention and Action from Parliamentary Committee*, Burma Partnership, March 2013.

Key Findings

- Land confiscation was the most common abuse facing women, across southeast Myanmar. Land confiscation perpetrators included the Tatmadaw, BGFs operating across southeast Myanmar, national and international businesses, and the Government of Myanmar.
- Development-related projects were identified as causing increased land confiscation, most commonly in the form of road construction, infrastructure development, commercial agriculture, and mining.
- Women reported employing various forms of agency to combat land-related abuses; these included writing complaint letters, engaging in direct negotiation, reporting to village heads, and seeking to register their lands. Women sought resolution to these cases through compensation, mediation, and investigation by authorities.
- In the majority of cases, women faced significant obstacles to their being able to access justice, related to land confiscation cases. These included difficulties in meeting with authorities, and villagers' lack of access to clear information on the details of confiscations. When compensation was promised or given, women were typically unsatisfied with the amounts offered.

Additionally, reports showed that women's lands were being confiscated for the purposes of infrastructure development, commercial agriculture and plantations, and natural resource extraction projects.

The impacts of land confiscation which were identified to be of particular concern by female community members include the loss of their independent livelihoods, primarily farming;³⁵⁹ access to food;³⁶⁰ their ability to support their children without owning their own land;³⁶¹ the increased vulnerability of widows who had lost land and were not economically supported in any way;³⁶² and the physical insecurity when in some instances women were threatened with arrest when they refused to move out from their land.³⁶³

Notwithstanding the many challenges women face with regard to land confiscation in southeast Myanmar, reports received by KHRG highlight the many forms of agency women engage in to mitigate and protest this abuse, such as sending formal complaint letters, registering their land ownership with local authorities in order to gain a formal title, and negotiating with the perpetrators of confiscation for compensation, or refusing to move. In some cases women were able to obtain compensation for their loss of land, or even prompt investigation into cases of confiscation by the authorities. However, in the majority of cases women faced significant obstacles to their being able to access justice for having had their land confiscated.

Infrastructure development

According to the reports received by KHRG, land confiscation which affected women, related to the development of major infrastructure projects such as dams, roads, and industrial zones mainly occurred in Mergui-Tavoy, Dooplaya, Hpa-an, Thaton and Toungoo districts of southeast Myanmar. The perpetrators of these abuses were identified as foreign companies, domestic companies, the Tatmadaw, Border Guard Forces (BGFs) operating in southeast Myanmar, and wealthy individuals. In these cases of land confiscation, livelihoods were affected as property or plantations were destroyed,³⁶⁴ or uncultivated land was confiscated and built on.³⁶⁵ In some cases that KHRG received relating to infrastructure projects, women were promised by domestic companies that they would receive compensation for the loss of their land.³⁶⁶

In one case, Daw D--- and her husband, from W--- village, Dooplaya District, lost their land due to road construction undertaken by the Tatmadaw in partnership with an unknown company. Daw D--- reported how her betel nut, durian, and mango plantations were destroyed, and expressed her anger and disappointment that she and other villagers had been excluded from the planning process for the road:

"I will tell you before they [the company] came to plough the land, they came two or three times to look for the land. After they surveyed the land, the village head called a meeting in the monastery. The company came and told the village head [about the road] but they did not say anything to the villagers. I'm the one who entered [went] to the meeting. The village head said: 'I think you can have compensation but they didn't count the trees without fruit'. The village head

³⁵⁹ See source #53: "Mergui-Tavoy Situation Update: Te Naw Th'Ri Township, August 2012 to March 2013," KHRG, August 2013; and source #45: "Nyaunglebin Interview: Daw U---, December 2012," KHRG, July 2014.

³⁶⁰ See source #17: "Incident Report: Land confiscation and forced labour in Thaton District, April 2012," KHRG, May 2013.

³⁶¹ See source #15; and source #16: "Complaint Letter to the Mergui-Tavoy District administrator concerning land damage from mining," KHRG, June 2014.

³⁶² See source #96: "Dooplaya Interview: Saw A---, April 2014," KHRG, August 2015; source #97; and source #149.

³⁶³ See source #138: "Thaton Interview: Ma A---, July 2015," KHRG, August 2015.

³⁶⁴ See source #15.

³⁶⁵ See source #56: "Dooplaya Interview: Ma A---, May 2013," KHRG, January 2015.

³⁶⁶ See source #53: "Mergui-Tavoy Situation Update: Te Naw Th'Ri Township, August 2012 to March 2013," KHRG, August 2013; source #57; source #86; and source #126: "Toungoo Interview: Naw A---, January 2015," KHRG, October 2015.

said we would get compensation but we have to wait and see. We cannot say anything because all the village head said to us [was to wait]. I cannot go and see the trees that have been destroyed. If I see them it makes me unhappy.”

Daw D--- (female), W--- village, Dooplaya District/
Southern Kayin State (interviewed in August 2013)³⁶⁷

Land confiscation for military purposes

KHRG found that land confiscation for the purposes of building military facilities and infrastructure, such as roads,³⁶⁸ establishing target practice areas,³⁶⁹ or building houses for soldiers' families,³⁷⁰ all resulted in land being confiscated from women and their families. The military perpetrators identified were the Tatmadaw, BGFs active in local areas, and the KNLA. The impact of continued militarisation on women's land security was complex. In addition to direct land confiscation, access to land was reported to be limited due to landmine contamination in many areas,³⁷¹ access to land was restricted in areas of military activity, such as target practice, and some women reported that they had to seek permission via local military administrations in order to access their own farmlands.³⁷²

In reports received by KHRG, women expressed that they had fewer opportunities to access justice, resist confiscation, or have their lands returned, in cases of land confiscation where armed actors were involved. In one case, armed actors representing one political party were said to have gained permission from the Union Solidarity and Development Party (USDP)-led government to claim 1,000 acres of land in Win Yay Township, Dooplaya District. Daw T---, who lost her 10 acres plot described this:

“They did not pay any money and took the land for free. The locals were sad but could not stop them. We have had to suffer like this from then until 2015. Whatever we follow or do, it is still not OK.”

Daw T--- (female, 32), Win Yay Township, Dooplaya District/
Southern Kayin State (interviewed in July 2015)³⁷³

In addition to reduced access to farmland and lack of access to justice in cases of land confiscation by armed actors, land confiscation has also led to direct displacement in southeast Myanmar for some women and their families. In these cases, the link between land confiscation and security becomes clear, particularly for ethnic and religious minorities who may be deliberately targeted for displacement by armed actors:

“The BGF [Border Guard Force] went to K--- village and drove out the Kaw La Thu³⁷⁴ from the village and set up their camp in K--- village. That is BGF battalion #1016 and the battalion commander's name is Saw Myah Khaing. They drove out the Kaw La Thoo from the whole village and took over all yards, fields and cultivation fields.”

Situation Update written by a KHRG researcher, Nabu Township,
Hpa-an District/central Kayin State (received in April 2014)³⁷⁵

³⁶⁷ See source #85.

³⁶⁸ See source #84; and source #103.

³⁶⁹ See source #101.

³⁷⁰ See source #31.

³⁷¹ For more information on this, see chapter VIII *Landmines* in this report.

³⁷² See source #43; and source #44.

³⁷³ See source #148.

³⁷⁴ *Kaw La Thoo*, “thoo” meaning black, is a S’gaw Karen term which is sometimes used to refer to individuals in Myanmar who are perceived to have a darker skin colour. It is often associated specifically with Muslims, although this association is sometimes erroneous, and Muslim individuals do not typically self-identify with this term.

³⁷⁵ See source #95.

In addition to militarisation and land confiscation, in some reports received by KHRG, the Tatmadaw have been taxing the farmlands of local women.³⁷⁶ This taxation adds to a feeling of insecurity for villagers. In one case it led to a direct stand-off between a female farmer and the Tatmadaw, as she refused to pay.³⁷⁷ More commonly, women described the challenges which resulted from being taxed in this way, leaving them with little or no savings or assets.

Due to the extended history of conflict in ethnic areas of Myanmar, including the southeast, many cases of land confiscation date back to the 1980s and 1990s. However, reports KHRG received detail how women continue to feel the effects of this land confiscation up to their present day situation. According to Naw Z---, from P--- village, Htantabin Township, Toungoo District, her 19.75 acres of paddy fields were confiscated by Tatmadaw Infantry Battalion (IB)³⁷⁸ #39 in 1988. Despite this confiscation occurring prior to KHRG's reporting period, the requests for leasing fees in the form of paddy were reported by Naw Z--- to have continued up until 2013. Since her land was confiscated, she has been able to work on her land only after paying leasing fees to the Tatmadaw:

"In the beginning they asked for 17 baskets of paddy per acre of land. But later, I went to the battalion to sign the contract and negotiated with them and it became 15 baskets. ... There are two kinds of leasing fees. They ask for 15 baskets of paddy from the farms that we are working on and they take 8 baskets from the land located in the lake."

Naw Z--- (female), P--- village, Htantabin Township, Toungoo District/
Northern Kayin State (interview received in July 2014)³⁷⁹

Commercial agriculture

Land confiscation which resulted from the establishment or expansion of commercial agriculture projects was reported by women from across southeast Myanmar; whilst offering potential for increased economic development and income, these projects, as reported by KHRG community members, were at times occurring on land that was traditionally owned, used or worked on by local farmers.³⁸⁰ In cases of commercial agriculture, both the confiscation of land, and the limited access to communal land, resulted in negative livelihood impacts:

"In the past we could find bamboo shoots and sell them to earn our income but now we cannot find them anymore. If you accidentally enter into the area where the companies set up their plantation, the people from the companies shout [at] us, and if we cut firewood in the plantation compound they [company staff] shout [at] us as well. ... So as for the change, we can say that women [are] still suffering [when] people are not aware of [the activities] which [are] related to their daily work."

Saw Y--- (male), Thaton District/Northern Mon State
(interviewed in November 2015)³⁸¹

Natural resource extraction

Another significant driver of changing land usage in southeast Myanmar identified in KHRG reporting was mining. Cases included both direct land confiscation affecting women and their families, and cases of indirect land loss due to the environmental damage caused by these

³⁷⁶ See source #110; and source #147.

³⁷⁷ See source #110.

³⁷⁸ A Tatmadaw Infantry Battalion comprises 500 soldiers. However, most Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. They are primarily used for garrison duty but are sometimes used in offensive operations.

³⁷⁹ See source #110.

³⁸⁰ For more information on commercial agriculture projects which resulted in land confiscation see the *Commercial Agriculture* chapter in *"With only our voices, what can we do?": Land confiscation and local response in southeast Myanmar*, KHRG, June 2015.

³⁸¹ See source #149.

industries. Gold mining projects, mainly spearheaded by domestic companies, were identified in Toungoo District³⁸² and Thaton District³⁸³. Stone and mineral mining were identified in land confiscation cases in Thaton,³⁸⁴ Toungoo³⁸⁵, and Mergui-Tavoy Districts.³⁸⁶ Reported impacts which damaged land include the building of roads to access new mines, and villagers' paddy fields being left unworkable due to large stones falling from overhanging mining sites. In addition to direct land confiscation, local women in KHRG's research areas spoke of their resistance to commercial industry due to the environmental pollution of their communities.³⁸⁷

Naw M---, from Hpapun District, reported how her land was destroyed because of nearby gold mining undertaken by a Chinese company. Naw M--- stated that due to the gold mining near Buh Loh River, her land eroded and had been left unusable.³⁸⁸

In some cases, companies or wealthy individuals confiscated land for mining projects by colluding with local armed actors.³⁸⁹ One KHRG researcher summarised a conversation with a female village head, Naw W---, from Dwe Lo Township, Hpapun District, an area heavily affected by gold mining by a mixture of actors, including wealthy individuals, the Democratic Karen Buddhist Army (DKBA),³⁹⁰ and the Karen National Union (KNU):

"Since gold started being mined, there have not been any benefits for the villagers. Instead, it has destroyed huge amounts of the villagers' lands, plantations, trees and bamboo. There is only plain land without any green grass, just like what [happened to the land], as Muh Gah [Aunt] Naw W--- mentioned. ... Now, the leaders stopped the gold mining, so there is no more gold mining and the villagers are very happy about it. However, the villagers recently started to worry again because so many companies and rich people came. If the leaders allow them [to mine], the villagers will face the same problems as in the past, again."

Situation Update written by a KHRG researcher, H--- village, Dwe Lo Township, Hpapun District/Northeastern Kayin State (received in February 2012)³⁹¹

Additional development projects

In addition to the activities mentioned above, land confiscation in southeast Myanmar since January 2012 has also been driven by property development,³⁹² including school construction.³⁹³ Despite development efforts related to education or residential infrastructure being potentially beneficial to communities in rural southeast Myanmar, some cases reported to KHRG indicated a lack of consultation or consent between the government department or builder, and affected communities, resulting in land being taken from villagers.

³⁸² See source #130.

³⁸³ See source #73.

³⁸⁴ *Ibid.*

³⁸⁵ See source #37.

³⁸⁶ See source #14: "Complaint letter to Burma government about value of agricultural land destroyed by Tavoy highway," KHRG, July 2012; and source #15.

³⁸⁷ See source #32: "Papun Situation Update: Dwe Lo Township, July to October 2012," KHRG, February 2013.

³⁸⁸ See source #112. For the photo attached to this report, see the end of this chapter.

³⁸⁹ See source #32: "Papun Situation Update: Dwe Lo Township, July to October 2012," KHRG, February 2013; and source #94.

³⁹⁰ The Democratic Karen Buddhist Army (DKBA) split from the Karen Nation Union (KNU) and existed from 1995 to 2012. It was re-established on January 16th 2016, by the former commanders who had been dismissed by the Democratic Karen Benevolent Army (DKBA) in July 2015. This group is not to be confused with the Democratic Karen Benevolent Army which now refers to a splinter group from DKBA forces reformed as Border Guard Forces (BGF). For more information on the formation of the DKBA, see "Inside the DKBA," KHRG, March 1996; and "Forced recruitment, forced labour: interviews with DKBA deserters and escaped porters," KHRG, November 2009.

³⁹¹ See source #32: "Papun Situation Update: Dwe Lo Township, July to October 2012," KHRG, February 2013.

³⁹² See source #50.

³⁹³ See source #55: "Dooplaya Interview: Naw A---, July 2013," KHRG, October 2014.

In one case, a woman from Dooplaya District had her land confiscated by the USDP-led government in 2013, as the government was building a school:

“When the school was built, it took over my whole plot. All of the plants that I had planted were destroyed. ... At first, the government said they are going to find a plot for me. Now they have already gone back to their homes [in the city] and they are not going to find a plot for me.”

Naw D--- (female, 27), C--- village, Kawkareik Township, Dooplaya District/
Southern Kayin State (interviewed in July 2013)³⁹⁴

Detailed information of the perpetrators, such as company names, battalion numbers, or government departments, was not always known to the villagers affected. This lack of information made it harder to trace the abuse and hold those responsible accountable.

Women’s responses

From January 2012 to March 2016, KHRG received 48 reports describing different agency strategies undertaken by women to both prevent land confiscation, and seek justice following land confiscation. Such actions included organising village committees to maintain or reclaim unused land,³⁹⁵ and attempts to register farm and residential lands formally.³⁹⁶ Some women expressed strong feelings of duty with regard to contesting cases of land confiscation due to their ancestral heritage on their land.³⁹⁷

In a large number of cases, women did not report engaging in any type of action either prior to or after their land being confiscated. Some women reported the reason for this being fear of repercussions.³⁹⁸ For others, this could have been based on the barriers that they knew they would face when accessing formal justice mechanisms. For example, even in situations of action, attempts at contacting the relevant authorities were outright ignored or deliberately stalled:

“The township [responsible people] do not let us to meet with them [Tatmadaw] who confiscated the land, so maybe they are just abusing the military power in some way by thinking that we do not dare to complain to them [about] the way that [the] military is living on our land. If they give us a chance to meet with them then we can discuss about the land. Now they play a tricky game with us [regarding] whether it is military or government [that we should talk to].”

Naw L--- (female, 53), B--- village, Kyaukkyi Township, Nyaunglebin District/
Eastern Bago Region (interview received in November 2015)³⁹⁹

In another case of land confiscation, Naw M--- was told that if she wanted to seek justice, she would have to access the court in the capital, Nay Pyi Taw. As a rural woman, Naw M--- has never travelled to the capital:

“If you ask me to go [to Nay Pyi Taw] I will go no matter whether I can speak Myanmar [language] or not. I will go and speak with them in Myanmar [language]. I said [I would] go to Nay Pyi Taw [and] many people were laughing at me.”

Naw M--- (female), K--- village, Dooplaya District/
Southern Kayin State (interviewed in August 2013)⁴⁰⁰

³⁹⁴ *Ibid.*

³⁹⁵ See source #156.

³⁹⁶ *Ibid.*

³⁹⁷ *Ibid.*

³⁹⁸ See source #54.

³⁹⁹ See source #156.

⁴⁰⁰ See source #85: this interview was primarily with Naw M---’s husband, Saw D---. However, Naw M--- interjected frequently, including with this quote. For more information, please see the detailed *Appendix* published online with this report.

Many women sought access to justice via local mechanisms, either in the form of requests for compensation or the return of lost land. A common form of agency used by women at a local level, whose lands had been confiscated, was to report their cases to their village heads.⁴⁰¹ One reason for this may be women's concerns over the strength of their negotiating power amongst higher level authorities, or their being unsure of how to navigate official complaint procedures. When the village heads were deemed inactive, other community members,⁴⁰² or the victims themselves, often sought access to justice by attempting to elevate cases from a local level to higher levels of authority:

"I did not have anyone to help me protect my land, I myself had to follow the case, including going to Mawlamyine court and later on I asked for help from my village, like [the] village head. They did help me by talking to them [the land confiscators], but they did not listen."

Daw T--- (female, 32), B--- village, Win Yay Township, Dooplaya District/
Southern Kayin State (interviewed in July 2015)⁴⁰³

Rather than actually travelling to courts, sending complaint letters was a more common way in which women reported their concerns to authorities. In the letters women would often clearly state their claims to the land, the impacts confiscation had on their lives and livelihoods, actions they wished taken in regard to the perpetrators, and appropriate forms of redress for themselves:

"I am a resident of L--- village, Yaypu Gyi village tract, Kawkareik Township. Light Infantry Battalion (LIB)⁴⁰⁴ #546 confiscated the land of my father, U Tin Hla (deceased). Land number 91(A) South Kyonedoe, with the original owner's number 136/B, as a land of camp ownership. No compensation has been received. According to the land record, the acres of the aforementioned land is 10.50 acres, but she [I] mistakenly reported it as 10 acres while submitting the complaint. The land which we have been working on since our ancestors started, by the land title of my father U Tin Hla, is not available to get back and working on. Therefore I respectfully request that you offer me a substitute piece of land, or current price of compensation."

Complaint Letter written by Daw M--- (female), Kyonedoe Township,
Dooplaya District/Southern Kayin State (received in October 2013)⁴⁰⁵

In these complaint letters, women demanded varying forms of action for justice. These included compensation for land lost or damaged, outright objection to the activity carried out on the confiscated land, and direct requests to return confiscated land. Women also detailed the impacts these land confiscations were having on their sustenance.

Despite complaint letters being a fairly typical way that women sought redress for land confiscation, they often faced barriers in accessing the relevant authorities or departments, suggesting that there are limited clear mechanisms for women to submit their complaints, either directly to the company responsible, or to the government department responsible:

"We tried to submit the complaint letter once to twice, but they did not send our complaint letter to the above [relevant department that deals with land issues]. They just said that it is not easy to deal with this, as your land has no [land] grant and you don't have enough evidence [that you own it]. But the third time, our complaint letter arrived to the superiors, and they ordered [their staff to]

⁴⁰¹ See source #97; source #111; source #113; source #114; and source #86.

⁴⁰² See source #128: "Forced relocation and destruction of villagers' shelters by Burma/Myanmar government officials and police in Hpa-an Township, Thaton District, June 2015," KHRG, August 2015.

⁴⁰³ See source #148.

⁴⁰⁴ A Tatmadaw Light Infantry Battalion (LIB) comprises 500 soldiers. However, most Light Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. LIBs are primarily used for offensive operations, but they are sometimes used for garrison duties.

⁴⁰⁵ See source #100.

investigate this land issue, but I don't think this guy [their assistant leader] will help us with the land issue. They just know that our Karen people are easy going, so they do not take us seriously and just treat us this way."

Naw L--- (female, 53), B--- village, Kyaukkyi Township, Nyaunglebin District/
Eastern Bago Region (interview received in November 2015)⁴⁰⁶

In one case reported by Naw H--- from Toungoo District, her local community were able to discuss a potential land confiscation case with their township officers and submit a complaint letter to express their lack of consent with the project:

"They [township leaders] said they [the Government of Myanmar in partnership with a company] are going to confiscate [land] and we can't stand this and we do not understand how to respond to them. We consulted with the township officers [about the land confiscation] and [the township officers helped us to send the complaint letter]."

Naw H--- (female, 39), D--- village, Thandaunggyi Township, Toungoo District/
Northern Kayin State (interviewed in January 2015)⁴⁰⁷

Complaint letters were also used to detail the continued impact that land confiscation was having on women's livelihoods. In another case shared with KHRG, one woman wrote in a complaint letter how, although she had received compensation from a private company for damage to her land following dam construction, the flood area had increased, causing further damage to her crops. As a consequence, she was no longer able to afford to send her children to school:

"As a consequence of this damage, I could not afford [to] continue sending my children to school anymore, so we lost education and economy. Therefore, I reported to the relevant [person] to be able to provide assistance as it is necessary."

Complaint Letter written by Ma C--- (female), Kyauk Me Taung village tract, Ler Doh Soh
Township, Mergui-Tavoy District/Tanintharyi Region (received in November 2012)⁴⁰⁸

Additional agency strategies

In reports received from Dooplaya, Hpa-an, and Toungoo districts, women negotiated with the perpetrators⁴⁰⁹ of land confiscation as a strategy to respond to land confiscation. Strategies such as requesting alternative pieces of land, or directly confronting those involved in land confiscation⁴¹⁰ were reported to KHRG. In one example, the local women who had fled due to conflict returned to their land to find it had been confiscated. They confronted the builders involved:

"When we came back to the village [in 2013], we asked the Burmese [government builders] 'Why are you ploughing on my land?' They said: 'The village head instructed us to plough on this land.' As the village head instructed [them to plough on] the land, the Burmese ploughed."

Ma N--- (female, 44), C--- village, Kawkareik Township, Dooplaya District/
Southern Kayin State (interview received in July 2013)⁴¹¹

In another case, female farmer Naw A--- was violently confronted whilst protesting against local land confiscation for the purpose of a commercial plantation in Toungoo District; her protests did not have any effect:

⁴⁰⁶ See source #156.

⁴⁰⁷ See source #127: "Toungoo Interview: Naw A---, January 2015," KHRG, August 2015.

⁴⁰⁸ See source #16: "Complaint Letter to the Mergui-Tavoy District administrator concerning land damage from mining," KHRG, June 2014.

⁴⁰⁹ See source #56: "Dooplaya Interview: Ma A---, May 2013," KHRG, January 2015.

⁴¹⁰ *Ibid.*

⁴¹¹ *Ibid.*

"I did not permit the plantations which are near my farm, to be cut down, to plant the rubber trees because it will be hotter than before and the fertiliser will be worse than usual. When we did not permit them, a hired person [hired by the land owner] ... wielded a knife towards me. I told him: 'Cut me!'. However, when I asked him to cut me, he did not cut me. Now, they have cut down all of the trees and they have planted rubber trees. ... I tried to stop them but I could not make them stop."

Naw A--- (female, 43), K--- village, Thandaunggyi Township, Toungoo District/
Northern Kayin State (interviewed in March 2015)⁴¹²

In some cases, women were only able to have their confiscated lands returned to them after paying large sums of money. In one case in Hpa-an District, BGF Cantonment Area Commander Kya Aye returned a woman's land only after she had paid 600,000 kyat (US\$ 505.46), despite her claims to ownership. After selling her gold to raise the money, she paid the fee and the land was returned to her by Commander Kya Aye.⁴¹³

Land registration

Seeking to obtain a formal land title for women in southeast Myanmar was identified by KHRG as a form of agency to protect against potential confiscation. Especially pertinent in rural areas, many women felt at risk from land confiscation due to the customary land usage in their areas not being treated as legal ownership by some development actors.⁴¹⁴ Despite their traditional usage and residency on lands, women expressed concern at their lack of land titles or formal registration to legally protect them from land confiscation.

Women described many challenges in obtaining a formal title, and even having such a document did not guarantee their land would not be confiscated in all cases.⁴¹⁵ Women reported attempting to gain formal documentation from both the Myanmar government and the KNU, depending on location; this reflects the complexity facing villagers in navigating legal mechanisms in an attempt to formalise land ownership. In one case, a woman reported that she had to pay 7,000 kyat (US\$ 6.11) per acre of land to surveyors from the Myanmar government, in order to get a land grant.⁴¹⁶ In KNU-controlled areas of southeast Myanmar, KNU land registration systems, which have been recognised as more inclusive of customary land rights, are used either parallel to or in lieu of government registration systems. However, there are cases where these are not recognised by some actors, such as the Tatmadaw.⁴¹⁷ In one case a female farmer explained that many villagers do not have a land title because of the previous instability caused by conflict, where registration was either not possible, land titles were lost as villagers had to flee their homes, or land registration was biased in favour of those land owners with existing relationships with the Myanmar government:

"No one in Shwegyin and Ler Doh [Kyaukkyi Townships] has [a] land grant because it was the conflict time. Even now there are many people who do not have a land grant. But those who have a close relationship with the leaders [Tatmadaw], they do have land grants, and those who do not have a close relationship do not."

Naw L--- (female, 53), B--- village, Kyaukkyi Township, Nyaunglebin District/
Eastern Bago Region (interview received in November 2015)⁴¹⁸

⁴¹² See source #130.

⁴¹³ See source #58.

⁴¹⁴ See source #99; and source #98, which both report that land was confiscated despite the women's historic residency on their land, and local land-titles.

⁴¹⁵ For an example of this see the *Case I: Thaton District* at the end of this chapter.

⁴¹⁶ See source #126: "Toungoo Interview: Naw A---, January 2015," KHRG, October 2015.

⁴¹⁷ See source #43.

⁴¹⁸ See source #156.

Other women reported that they were not aware of how to register or update their land titles to a “Form #7”, the recognised land title issued by the Myanmar government.⁴¹⁹ Overall, women reported significant barriers in access to and understanding of land laws. These barriers to obtaining formal ownership documents contributed to a feeling of women’s insecurity related to their land:

“What we do not feel good about is that we have worked hard on our land and they [the Government of Myanmar] do not give us the land grant and does that mean we are not going to belong [stay] on our land? If they [the local Tatmadaw] confiscated our land will they give us any compensation or how will they handle this for us? If we have to lose our land they should help us for something.”

Naw N--- (female, 60), T--- village, Thandaunggyi Township, Toungoo District/
Northern Kayin State (interviewed in July 2015)⁴²⁰

Compensation

KHRG received reports from all seven research areas in which women whose land had been confiscated had been offered or had received some form of compensation. In the majority of cases in which compensation was paid to women for their land, a private company was involved in the confiscation, although KHRG also received reports of women receiving some form of compensation from BGFs and Tatmadaw soldiers.⁴²¹ In nearly all cases, women described not being satisfied with the amount of compensation paid.

In one case, Naw K--- explained that after informing her they would be confiscating her land in Dwe Lo Township, Hpapun District, BGF soldiers offered her 450,000 kyat (US\$ 379.09) per acre. After requesting a higher price, Naw K--- was told that if she did not accept this amount she would receive nothing.⁴²² Notably, KHRG has not received any reports describing cases where a woman whose land was confiscated deemed the amount of compensation offered by the perpetrator to be acceptable.

A common theme in reports describing some form of compensation was intimidation against women, to force them to comply and accept an inadequate amount of compensation. One woman from Hpapun District, who had two acres of her plantation land confiscated to make way for a gold mine, reported that she only received a portion of what was originally promised; she was threatened to accept the offered amount, or get nothing:

“At first I was told that I would be given four million kyat (US\$ 4,132.23) but I was given only three million, four hundred thousand kyats (US\$ 3,512.39). ... And they told me: ‘If you are talkative [complaining], you will not receive any money.’ So I dare not talk [complain].”

Land Grabbing Form written by Naw M--- (female), Dwe Lo Township,
Hpapun District/Northeastern Kayin State (received January 2015)⁴²³

Many women also explained that financial compensation was not an appropriate replacement for the loss of their land, as compensation might sustain them only over a short-term period whereas their land had provided them with a sustainable livelihood for life.

Investigation by authorities

KHRG received a small number of cases in which women were able to prompt an investigation into the confiscation of their land, conducted by representatives of the USDP-led government. In

⁴¹⁹ See source #127: “Toungoo Interview: Naw A---, January 2015,” KHRG, August 2015.

⁴²⁰ See source #101.

⁴²¹ See source #31; and source #84.

⁴²² See source #32: “Papun Situation Update: Dwe Lo Township, July to October 2012,” KHRG, February 2013.

⁴²³ See source #11.

these cases, the incidents of land confiscation being investigated were historical cases, in which land was confiscated from women by the Tatmadaw in the 1990s.⁴²⁴

In one case, Nan A---, along with other women in her village, reported the confiscation of their lands by the Tatmadaw in 1991 and 1992, to the relevant department. This successfully led to the case being investigated by the Farmland Investigation Commission,⁴²⁵ who visited the area accompanied by a female Karen parliamentarian. The Tatmadaw soldiers who had been using the land for the past twenty years however, hindered the investigation, and Nan A--- at the time of reporting, had not heard anything further from the Farmland Investigation Commission.⁴²⁶

Serious obstacles continue to undermine women's attempts to seek justice via authorities. Naw L---, a female land owner from Nyaunglebin District, explained that even after her community reported their land confiscation case to the township officials, they encountered different authority actors passing blame and not claiming responsibility:

“According to our previous meeting with township officers – not the top one [highest-ranking officer] just the lower two officers – they said that they do not know about this land [confiscation] issue and they just got the order from the Nay Pyi Taw [headquarters] to inquire and report about it and they did it. But, seven to 8 months after that report about our investigation [about the land confiscation issue] we did not get any response from them. They also told me that they did not know about the building [on the confiscated land] either so I had to ask the general administration officer about that. But at lunch time we could not find the general administration officer and we do not know where he is. So we do not know what their tricky action [plan] to us is.”

Naw L--- (female, 53), B--- village, Nyaunglebin District/
Eastern Bago Region (interviewed in November, 2015)⁴²⁷

Adding to further negative experiences and suspicion of authorities, in one case detailed below, a woman from Thaton District was deceived into signing her land over to confiscators. The intimidating atmosphere and unknown environment for many rural women when seeking access to justice, combined with frequent cases of women's actions not resulting in the outcome they seek, often means women do not seek access to justice for land confiscation abuses in southeast Myanmar.

Case I: Thaton District

Ma A---, a 43 years old vendor, fled from her land in Hpa-an Township, Thaton District, after USDP-led government officials and police attempted to arrest her and then proceeded to burn down her property, in July 2015, after a process starting in January 2015 during which Ma A--- and other villagers were tricked into signing away their land to the Department of Forest Management. Consequently displaced and homeless, she spoke with KHRG about the incident and events preceding it. After receiving land grants from the KNU in January 2015, leading them to believe that their tenure over their land was secure, Ma A--- and other rural women in her community were informed by the village head that they had to visit the office of the USDP-government's Department of Forest Management on February 1st 2015:

“He said to us, ‘You are ordered to go to the office. You have to go to the office. People will negotiate with you. The land that you took is very large. You will be given a smaller size of land.

⁴²⁴ See source #147.

⁴²⁵ In March 2013, the Farmland Investigation Commission, a parliamentary investigation team, submitted a report to the Union Parliament of Myanmar outlining massive land grabbing by the Tatmadaw. The Myanmar government agreed to return 18,364.49 acres of the approximately 300,000 acres of land confiscated by the Tatmadaw over the past decades. See: *“Military Involved in Massive Land Grabs: Parliamentary Report,”* The Irrawaddy, March 2013; see also, *“Only Fraction of Land Seized by Military Will Be Returned: Minister,”* The Irrawaddy, July 18th 2013.

⁴²⁶ See source #147.

⁴²⁷ See source #156.

You will be negotiated with only about that issue.’ We asked him [village head], ‘Who orders us?’ He told us: ‘It is the Department of Forest Management.’ We were also afraid that we would be arrested but then we went [to the office anyway].”

Upon arrival, the local women were told that they would in fact be meeting with the chief minister of Kayin State, Zaw Min. They met with the minister, who asked them to sign a document:

“The chief minister came back to the office at 1:00 pm. Then he called us to go into his office. I have never been to his office. We first went into the guest room in the office. He asked what our names were and which village we live in. We told him: ‘We are from E--- village.’ He asked: ‘Do you all live in E--- village?’. We replied to him: ‘Yes, we all live in E--- village.’ He told us: ‘You need to sign.’ We did not know anything [about that] so we asked him: ‘Ay, what are we going to sign for?’. He said: ‘It is for nothing. You have to provide the signature to go into the chief minister’s room.’ We said: ‘Oh. If it is like that, we are going to provide our signatures.’ We were not afraid to sign for that. The chief minister watched us [silently] while we were providing the signatures.”

During the meeting, it transpired that the community members had signed an agreement to demolish their own houses. The rural women returned to their houses, but were repeatedly threatened with arrest for trespassing by the village head and two of his colleagues:

“They came and said: ‘You cannot live here. You will be arrested and put in jail. This is trespassing [on Myanmar government] land. You’re living on forest [reserve] land. You cannot live here.’ They always came and told us like that once every one or two days. We [kept] living there because we have the [KNU] land grants and we are courageous. We thought that if people ask us [for documentation], we would show them our land grants. However, we did not have time to show them our land grants when they came into the village. As soon as they turned up, they arrested U G--- and my younger brother Saw F--- and they were put in jail for two months. I do not remember the date.”

Eventually, after repeated threats and despite attempts made by Saw P---, a third party mediator, the police arrived to arrest the community members:

“On June 2nd [2015], they [police] came and tricked us and noted down our names on a list. They said that they were going to submit the list of our names [to the Department of Forest Management] for us which they were lying to us [about, even though] they talked to us nicely at first. Later, they said that they were going to arrest us and put us in jail if we do not move. If they could not arrest the men, they were going to arrest the women. They said that they were going to arrest all of the villagers in the village. On June 2nd [2015], 9 police trucks were in the village and came to arrest the villagers. That’ll be about 50 police [officers]. Then we ran away; we ran like thieves being chased by people who are trying to catch them.”

Using the list of names, they arrested a total of 27 local community members that day in B--- village. Ma A--- was able to evade arrest. However a new date of June 21st was set for her to demolish her own house. As her husband had been arrested, Ma A--- was unable to demolish her house on her own; on June 22nd, around 100 police officers arrived in the village and began demolishing houses. Ma A--- hid and watched the police officers destroy her house and belongings. She then fled to Myawaddy Town.

“We had to flee from them [the police] until we arrived in this place [Myawaddy Town], as our houses were destroyed [and burnt down] and we did not have any place of residence. When we arrived at this village, people helped us with food. We are very happy. When we came to this village, we did not have clothes and people gave us clothes.”

Ma A--- described the difficulties the local community members faced in fleeing from the police, and her desire to return home:

“What I want to say is that we [villagers and police] need to get along with each other so that we will have a chance to go back and live in our village. They also must guarantee that they will not disturb us and allow us to go back and live in our village and release those who are in jail because they have not done anything wrong, right? That is all I want. Now, we have to stay away, far from our parents [who are in C--- village]. We could not have regular meals in the past [after the village was burnt down and before we arrived in Myawaddy Town]. We could [only] have regular meals when we arrived here. When we were fleeing, we could not have meals. We had to flee the whole day. We had to ask for rice from other people’s houses, and say: ‘I am very hungry, can you provide me a meal?’. I also felt shy and didn’t dare eat very much, the way we wanted to. We also didn’t dare go back home to cook [our own] rice. That is what I have experienced. To be honest, I don’t dare to go back [to my village] now. I am so disappointed [in the Myanmar government and police].”

Ma A--- (female, 51), B--- village, Hpa-an Township, Thaton District/
Northern Mon State (interviewed in July 2015)⁴²⁸

⁴²⁸ See source #138: “Thaton Interview: Ma A---, July 2015,” KHRG, August 2015.

Photos: Land Confiscation



This photo was taken on July 8th 2015, in Myawaddy Town, Kawkareik Township, Dooplaya District. It shows Ma A--- being interviewed after fleeing to Myawaddy Town. Ma A---’s house was burnt down and police attempted to arrest her after the land on which she was living was reclassified as forest land. [Photo: KHRG]



The above photo, taken on April 5th 2014, shows Naw M--- in D--- village, Waw Muh village tract, Dwe Lo Township, Hpapun District. Naw M---’s land was destroyed due to water erosion from a gold mining project near Buh Loh River. For more information on this case see the sub-heading *Natural resource extraction* in this chapter. [Photo: KHRG]



The photos shown above were taken by a KHRG community member on January 7th 2015. The photos show Naw M--- and her farmland in T--- Village, Win Yay Township, Dooplaya District. Naw M---’s land was included in a road construction project by a company. Naw M--- is concerned that if the construction goes ahead herself and other villagers will have nothing left. [Photos: KHRG]



The photos shown above were taken on December 31st 2014. The photo on the left shows 60-year-old Naw A--- who lives in B--- village, Win Yay Township, Dooplaya District. The photo on the right shows Naw A---'s plantation. Due to the construction of the Asian Highway,⁴²⁹ her betel nut, coconut, mango, and jack fruit trees were destroyed. She said that she had not received any compensation for what she had lost. [Photos: KHRG]

⁴²⁹ The Asian Highway Network is a United Nations Economic and Social Council for Asia and the Pacific-supported project that aims to link 32 countries in Asia across 141,000 kilometres of roadway. In Myanmar, the project has been marred by land confiscation and forced labour. For more information about the Asian Highway Network, see: "The Asia Highway: Planned Eindu to Kawkareik Town road construction threatens villagers' livelihoods," KHRG, March, 2015; "Hpa-an Situation Update: Paingkyon Township, July 2014," KHRG, October 2014; "Tollgates upon tollgates: En route with extortion along the Asian Highway," KHRG, October 2009; and "Development by Decree: The politics of poverty and control in Karen State," KHRG, April 2007.

Chapter VIII: Landmines

“When they [the BGF] first came [to the village area], they announced that they had planted some landmines [in the village area] and [since then] I dare not go around freely. People have said: ‘You can avoid the wild elephant but you cannot avoid landmines,’ because you don’t know where they are [planted].”

Daw A--- (female, 47), M--- village, Bu Tho Township, Hpapun District/northeastern Kayin State (interviewed in July 2013)⁴³⁰

Anti-personnel and other landmines have posed a continuous and widespread threat to villagers throughout southeast Myanmar. Beginning in 1992, KHRG has documented the extensive impact landmines have had, including death and injury, livelihood challenges resulting from the death or injury of family members and livestock, as well as restrictions on movement.⁴³¹ Multiple armed actors have utilised landmines for various purposes, and in some cases villagers themselves have used landmines to protect their homes or provide early warnings, enabling them to flee impending attacks.⁴³²

Key Findings

- Despite the 2012 preliminary ceasefire, women in southeast Myanmar reported that they continued to face the severe consequences of landmine contamination. These included death and injury, livelihood challenges related to the loss of livestock, and access restrictions to contaminated farmlands and forests.
- Women who had been left widowed, after their husbands stepped on landmines, reported serious grievances to KHRG as they struggled to provide for their families.

Mines are an inherently indiscriminate weapon; once planted they cannot differentiate between soldier and civilian, human and animal; and KHRG has documented the severe consequences faced by villagers living in mine-contaminated areas. Women in southeast Myanmar face a number of challenges due to mine contamination; not only death or injury due to stepping on mines, but also livelihood challenges due to the deaths of, or injuries to, their family members, usually husbands, and their livestock, as well as access restrictions to their fields. Women have employed various strategies to confront this threat and address the consequences, including directly negotiating with armed actors to remove mines, sending letters to bodies such as the Myanmar National Human Rights Commission (MNHRC), migrating to foreign countries to pursue new livelihood opportunities, or engaging in alternative labour practices, outside of agriculture.

Death and injury

Since January 2012, KHRG has received multiple reports detailing the deaths and injuries of women in southeast Myanmar who stepped on landmines, usually while engaging in agricultural activities. In one example from Nabu Township, Hpa-an District, BGF Battalion #1017 planted over 100 landmines in September 2011 as part of an operation against the Karen National Liberation Army (KNLA). In the following months, more than ten villagers were reported to have stepped on the mines, including two female villagers, one of whom was eight years old at the time.⁴³³ The other female victim of this incident, Naw A---, aged 32, lost both of her legs.⁴³⁴ In another incident, a woman from A--- village in Hpa-an District was severely injured by a landmine while foraging in the forest for vegetables.⁴³⁵

⁴³⁰ See source #62.

⁴³¹ For more information, see the previous KHRG thematic reports, *Truce or Transition: Trend in Human Rights Abuse and Response in Southeast Myanmar Since the 2012 Ceasefire*, KHRG, May 2014; and *Uncertain Ground: Landmines in eastern Burma*, KHRG, May 2012.

⁴³² *Ibid.*

⁴³³ See source #5.

⁴³⁴ *Ibid.*

⁴³⁵ See source #11.

"I lost all of the skin on my toes. When I touched them with my hand, there was no more flesh. None of my toes blew off, they all remained, but people [doctors] operated on me."

Naw M--- (female, 33), A--- village, Hpa-an District/
Central Kayin State (interviewed in May 2012)⁴³⁶

Livelihood issues

One of the most commonly cited issues by women, related to landmine contamination, was that of the negative impacts on their livelihoods, either due to family members and/or livestock being injured or killed, or restrictions on access and movement. In one case in Lu Thaw Township, Hpapun District, in June 2013, a woman was left widowed after her husband was killed by a landmine while travelling to go fishing:

"He died shortly [after he was injured] and left behind his wife and children. [His death] has left his wife and children in a miserable situation; they do not know what to do next for their livelihood and they have only their neighbour and [the wife's] sibling to rely on."

Incident Report written by a KHRG researcher, Lu Thaw Township,
Hpapun District/Northeastern Kayin State (received in June 2013)⁴³⁷

In addition to family members being killed or wounded by landmines, many female villagers faced livelihood problems after their livestock stepped on landmines. In one case in Bu Tho Township, Hpapun District, after a woman's buffalo was wounded by a BGF landmine, BGF soldiers killed the animal for its meat. While they provided her some, she was only able to sell it for a total of 24,000 kyat (US\$ 24.34). The animal's estimated worth before stepping on the landmine was 500,000 kyat (US\$ 507.10).⁴³⁸ In another case in Nabu Township, Hpa-an District, one woman lost six buffaloes and cows to landmines in a four-month period from November 2011 to February 2012.⁴³⁹

"When they [the BGF] first came [to the village area], they announced that they had planted some landmines [in the village area] and [since then] I dare not go around freely. People have said: 'You can avoid the wild elephant but you cannot avoid landmines,' because you don't know where they are [planted]."

Daw A--- (female, 47), M--- village, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interviewed in July 2013)⁴⁴⁰

Restrictions on movement, and access to fields, due to landmine contamination, were also consistently highlighted as challenges to livelihoods for women. In one case, a KHRG researcher reported that villagers in Hpa-an District had to resort to making charcoal and alcohol to support themselves, as they could no longer safely access their fields.⁴⁴¹

"I saw many villagers who were complaining differently in many villages. Some [villagers] do not dare go to their paddy fields or to their plantations. A reason for this is that the Border Guard [BGF] have planted landmines in their plantations, so some of the villagers have been injured and many of the villagers' farm animals, such as cows, buffaloes and goats have been killed."

Situation Update written by a KHRG researcher, Nabu Township,
Hpa-an District/Central Kayin State (received in May 2012)⁴⁴²

⁴³⁶ *Ibid.*

⁴³⁷ See source #83; "Hpapun Incident Report: Landmine Incident in Lu Thaw Township, May 2013," KHRG, December 2014.

⁴³⁸ See source #62.

⁴³⁹ See source #12.

⁴⁴⁰ See source #62.

⁴⁴¹ See source #13.

⁴⁴² *Ibid.*

Agency

Women in southeast Myanmar employ a number of agency responses to the threat and consequences of landmines. These have included submitting complaint letters to the MNHRC; negotiating directly with armed actors who use landmines, sending landmine incident reports to the Karen National Union (KNU); sending their children to Thailand for work in order to support the family; changing labour roles, such as weaving bags, as their agriculture activities have become too dangerous; avoiding working outside of the village and grazing their livestock in other places. In one case, a woman from Me--- village, Bu Tho Township, Hpapun District, attempted to negotiate directly with the actors, to remove the landmines that had been planted in her plantation, after her buffalo stepped on one, which had reportedly been planted by the BGF. She requested that the BGF remove all the remaining landmines in her plantation, and after being asked if they had complied, she stated:

“No, they [the BGF] didn’t. I asked them to remove them, they did not. They said the grass has grown tall and hidden the landmines, so they dare not [try] to remove them.”

Daw A--- (female, 47), Me--- village, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interviewed in July 2013)⁴⁴³

In another case, Naw My--- from B--- village, Bu Tho Township, Hpapun District responded to her husband’s death when he was portering for the Democratic Karen Buddhist Army (DKBA), by contacting the MNHRC. She sent a complaint letter to the secretary of the MNHRC, highlighting the problems that she faced after her husband’s death, as she had one child to take care of and had to depend on her parents.

“After my husband passed away, I stayed with my children and I felt so many troubles. So I want to report my own problems. The DKBA soldiers forced and took my husband then he stepped on the landmine and died. The DKBA soldiers took my husband a week ago.”

Complaint Letter written by Naw My--- (female), B--- village, Bu Tho Township,
Hpapun District/Northeastern Kayin State (received in January 2012)⁴⁴⁴

Access to justice

In many of the landmine incidents reported to KHRG, true access to justice did not occur. Women often did not receive compensation from the perpetrators, or they remained unsure as to who the perpetrator actually was. In some cases, the victims were promised compensation, but only received half of the compensation amount that they had been promised, or were given some food or supplies instead.

In one case, a woman’s husband died while portering materials for BGF and Tatmadaw soldiers during a military operation against the Karen National Liberation Army (KNLA). A village head from Ky--- village, Kyaw Paa village tract, Bu Tho Township, Hpapun District, described the compensation offered to one KHRG researcher:

“Saw Ky--- was one [of] the porters and he was 38, with three children and [he] was a villager from Ky--- village. Ky--- stepped on the landmine before they arrived at the riverside. The BGF did not take good care of him and he died; his children became orphans and his wife became a widow. The BGF gave two sacks of rice, twelve bottles of alcohol and 80,000 kyat (US\$ 67.39) for his funeral. The head of the village said that the wife of Ky--- faces a lot of difficulties because she has to look after her three children and the BGF does not give her anything else after the funeral.”

Incident report written by a KHRG researcher, Bu Tho Township, Hpapun District/
Northeastern Kayin State (received in November 2012)⁴⁴⁵

⁴⁴³ See source #62.

⁴⁴⁴ See source #1.

⁴⁴⁵ See source #35.

In another incident, a woman who was seven months pregnant stepped on a BGF landmine when she was on the way back from collecting firewood. After the incident she wanted to go to Mae Tao Clinic, in Mae Sot Town, Thailand, where she could receive free treatment, but people did not send her for fear of problems with authorities on the border.⁴⁴⁶ Later on she was taken to Kawkareik Hospital, and she was compensated with 50,000 kyat (US\$ 42.12) by Hpah Naw Poo, a BGF officer, only to cover her food costs in the hospital. Likewise, another BGF officer supported her with 100,000 kyat (US\$ 84.24) and her relatives provided assistance with additional costs and needs in the hospital:

“We had no money. We didn’t have money because people just handed [some] money to us urgently. My older sister sent money to me when my injury was recovering. I said: ‘We are still lucky, having a sister who lives away from us [stays away and sends money to the family]; if my sister didn’t live away from us, I would die.’”

Ma--- (female, 33), N--- village, Nabu Township, Hpa-an District/
Central Kayin State (received in May 2012)⁴⁴⁷

⁴⁴⁶ Villagers feared that Thai authorities may detain them when attempting to cross the border from Myanmar to Thailand.

⁴⁴⁷ See source #11.

Photos: Landmines



This photo was taken by a KHRG community member in February 2012, in N--- village, Kawkareik Township, Dooplaya District. Naw P---, 47 years old, was injured by a landmine near N--- village before a warning sign was placed there. Her left leg and was badly injured, as was her left foot, which later had to be amputated. She received treatment at Mae Sot General Hospital in Thailand. Naw P--- has six children. [Photo: KHRG]



This photo was taken by a KHRG community member on December 21st 2014, in Kheh Der village tract, Kyaukkyi Township, Nyaunglebin District. The sign says, in both Karen and Myanmar languages, "There are landmines." [Photo: KHRG]



This photo, showing a landmine, was taken by a KHRG community member on June 2nd 2014, on Meh Baw Kyoh hill, Meh Klaw village tract, Bu Tho Township, Hpapun District. There had previously been a Tatmadaw army camp in the Meh Baw Kyoh area, but the area has since been used by villagers to work and graze their buffaloes. Villagers reported being worried that their livestock might step on landmines. The Tatmadaw has informed villagers not to go into the area as many landmines are still there. [Photo: KHRG]



This photo was taken by a KHRG community member on June 6th 2015, in Hpapun Hospital, Hpapun Town, Bu Tho Township, Hpapun District. This photo shows Saw F--- and his wife. Saw F--- was hunting when he stepped on a landmine in the forest. He was taken to hospital where his leg was amputated. Naw F--- said the Tatmadaw had claimed that if Saw F--- had stepped on a Tatmadaw landmine, he would have died, leading Naw F--- to suspect that the landmine may have been planted by the KLNA. [Photo: KHRG]

Chapter IX: Arbitrary Taxation and Extortion

“Yes, we have to pay a farm tax...it is our land. Even though it is our land, we have to pay.”

Naw L--- (female, 54), T--- village, Nabu Township, Hpa-an District/central Kayin State (interviewed in July 2012)⁴⁴⁸

During KHRG’s reporting period, arbitrary taxation and extortion were reported by women in southeast Myanmar to significantly impact their everyday lives. These were often reported to be linked to other abuses such as land confiscation, and backed up with the threat of violence for non-compliance. Women across southeast Myanmar faced challenges related to these two issues during the reporting period, and engaged in multiple agency strategies to address them and minimise their impacts.

Arbitrary taxation

Arbitrary taxation was typically carried out by a powerful authority or multiple authorities in particular areas, whether it was the Myanmar government, the Tatmadaw, Border Guard Forces (BGFs) or the Karen National Union (KNU). Cases were reported by women across southeast Myanmar, in five of the seven locally defined Karen districts. Villagers were taxed at checkpoints when they travelled,⁴⁴⁹ for property or assets they owned,⁴⁵⁰ crops they harvested and transported to markets,⁴⁵¹ and for business activities.⁴⁵² Under the preliminary ceasefire signed in 2012 between the Myanmar government and the KNU, it was agreed in principle that arbitrary taxation would be eliminated; however, as the following cases show, arbitrary taxation and extortion have continued to be reported to KHRG.⁴⁵³

In Lu Thaw Township, Hpapun District, a female village head reported that villagers in her area, which is an area of mixed control between the Myanmar government and the KNU, had to pay twenty separate taxes to the two authorities, including in some cases, the same tax to both:

“There are 16 kinds of taxes which have been collected by the KNU...they are farming tax, gardening tax, cultivating [hill farming] tax, shop [owner] tax, elephant tax, gun tax, chainsaw tax, motorboat tax, motorbike tax, car tax, people [individual] tax, and household tax. ... They [the Myanmar government] collected tax on motorboats, motorbikes, gardens [house compounds] and shops.”

Naw A--- (female, 51), Section C-- of D--- Town, Lu Thaw Township, Hpapun District/Northeastern Kayin State (interviewed in April 2015)⁴⁵⁴

In another case in Nabu Township, Hpa-an District, a woman described having to pay a farm tax to the Tatmadaw, despite owning the land she was farming.

Key Findings

- Women reported being targeted for extortion and arbitrary taxation throughout KHRG’s research areas. These abuses were generally committed by armed actors or the Myanmar police.
- Arbitrary taxation demands affected women through taxation on livelihood activities, such as farming, logging, and travelling; extortion cases were less frequent and involved criminal proceedings where women were asked to pay bribes.
- In cases of women’s agency, women directly refused to pay taxes, or negotiated with those demanding the tax to lower the amount, or requested official receipts, as a means of defiance.

⁴⁴⁸ See source #23.

⁴⁴⁹ See source #8.

⁴⁵⁰ See source #135.

⁴⁵¹ *Ibid.*

⁴⁵² See source #115; and source #135.

⁴⁵³ For more information, see *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*, KHRG, May 2014.

⁴⁵⁴ See source #135.

“Yes, we have to pay a farm tax...it is our land. Even though it is our land, we have to pay...we have to give baskets of paddy grain. For us, we have to pay seven baskets. This year, they asked us to sign in order to work our farm. We didn't sign...they said we have to sign. If we don't sign, we can't work our farm anymore. And they said they will not allow us to go to our farm anymore.”

Naw L--- (female, 54), T--- village, Nabu Township, Hpa-an District/
Central Kayin State (interviewed in July 2012)⁴⁵⁵

In response to these challenges, women directly refused to pay taxes, or negotiated with those demanding the tax to lower the amount, or provide receipts, so they could not be taxed twice by the same group for the same thing.⁴⁵⁶

“The reason the villagers complain [is] because they collected the tax for the chainsaws at 30,000 kyat (US\$ 23.10). They collected this tax from the [loggers for] logging. As I am a village head, I did not permit the [villagers] to pay the tax because there has been no logging work [for the loggers]. We could not pay [those taxes], therefore the elephant and chainsaw taxes were not paid by the villagers [who live in my section].”

Naw A--- (female, 51), D--- Town, Lu Thaw Township, Hpapun District/
Northeastern Kayin State (interviewed in April 2015)⁴⁵⁷

Extortion

Women in southeast Myanmar also regularly had to deal with corrupt government officials who sought to extort money from them, most commonly within the Myanmar police.⁴⁵⁸ Cases reported to KHRG involved extortion related to a vehicle accident,⁴⁵⁹ and permission to sell lottery tickets.⁴⁶⁰

In one case, the Myanmar police attempted to extort a woman whose brother had been involved in a car accident and subsequently imprisoned.

“He [Hla Min Thuang] told me to give 500,000 Kyat (US\$ 504.50) to the investigator of the Ka Ma Maw [police], 500,000 kyat to the sub-law officer [a local court official], and 500,000 kyat to the camp commander of Ka Ma Maw police station [and 500,000 kyat to him] and then the case would be finished if I gave 2,000,000 [Kyat] (US\$ 2,018.16) [in total]. He said that he could foresee that [C---] would be put in prison if I did not give it.”

Ma A--- (female, 36), Bu Tho Township, Hpapun District/
Northeastern Kayin State (interviewed in January 2014)⁴⁶¹

In cases reported to KHRG, women generally had little recourse when faced with such extortion attempts; in some cases they were simply unable to pay,⁴⁶² or had to pay large sums in order to free their family members from police custody.⁴⁶³ In the case of the vehicle accident, Ma A--- wrote a letter to the vice president of Myanmar, attempting to have her case addressed; a response has yet to be reported to KHRG.

⁴⁵⁵ See source #23.

⁴⁵⁶ See source #135.

⁴⁵⁷ *Ibid.*

⁴⁵⁸ The Myanmar police were mentioned in all cases which were reported to KHRG regarding corruption in this reporting period.

⁴⁵⁹ See source #93; and source #116.

⁴⁶⁰ See source #33.

⁴⁶¹ See source #116: “Hpapun Interview, Ma A---, October 2013,” KHRG, October 2014.

⁴⁶² In Ma A---'s case, she was unable to afford the two million kyat (US\$ 2,018.16) demanded by the police, and at the time of publication of the interview, her brother was still imprisoned. See source #116: “Hpapun Interview, Ma A---, October 2013,” KHRG, October 2014.

⁴⁶³ See source #33; in this case, a woman was forced to pay 600,000 kyat (US\$ 680.27) in order to free her nephew from prison, after they detained him for selling lottery tickets.

“All of the people in Hpapun already know that the police are not just. I know that the police should not be corrupt. As I am a government employee, I cannot afford 2,000,000 kyat (US\$ 2,018.16), so the car was impounded under the import and export Article #8. I deferentially and pleadingly report this so that the Minister of Home Affairs will take action and the truth will [be] evoked, as they are doing such an injustice.”

Complaint Letter written by Ma A--- (female, 36), Bu Tho Township, Hpapun District/Northeastern Kayin State (received April 2014)⁴⁶⁴

⁴⁶⁴ See source #93.

Chapter X: Violent Abuse, Killing, and Explicit Threats

"I told them: 'I do not need your money. I need my husband only. Release him for me.'"

Ma P---, (female, 42), M--- village,
Sa Kan Gyi village tract, Thaton District/
Northern Mon State (received in July 2015)⁴⁶⁵

Violent abuse, killing, and explicit threats are some of the core categories of human rights violations consistently covered by KHRG. Community members often report instances in which soldiers or other people in positions of power commit such violations against them. This chapter sheds light on some of the issues within these categories that are of particular concern for women.

Information from reports received by KHRG from January 2012 to March 2016 indicates that most direct victims of violent abuse, killing, and explicit threats are men; women are less often directly targeted. However, there were several cases during the reporting period in which women suffered directly from these abuses. Women reported explicit threats issued by soldiers or other authorities directed at them, often in relation to them confronting perpetrators, or trying to access justice or claim compensation. The cases reported where women were killed were often linked to issues the drug trade or accusations of witchcraft.

In addition, women are often indirectly affected by these abuses in a substantial way. For example, when husbands are arrested, women find themselves in difficult situations, with one less person to take care of the children, work in the fields, or otherwise contribute to the family's livelihood. Other reported difficulties faced by women following abuse against family members include mental health problems.⁴⁶⁶

During the reporting period, KHRG received several reports of women being direct victims of explicit threats and killing. Through analysing the report data, violent abuse, however, is a category in which mostly men are targeted. In the cases where women were targeted, the abuse tended to fall under other another category used by KHRG, namely gender-based violence (GBV),⁴⁶⁷ but KHRG has received some reports where women were violently abused because their male family members were suspected of various offences.⁴⁶⁸ This chapter focuses mainly on killing and explicit threats directed towards women.

Prior to the 2012 preliminary ceasefire,⁴⁶⁹ entire villages, as well as specific individuals, lived through explicit threats of violence for perceived or suspected associations with opposing armed groups. Explicit threats of violence were also made to prevent villagers from reporting the occurrence of other abuses; villagers were threatened with violence if they reported cases of rape and sexual violence or of summary execution to Tatmadaw, BGFs operating in southeast

Key Findings

- Reports received by KHRG concerning violent abuse, killing, and explicit threats indicated that most victims of these abuses were men. Cases where women were violently abused or killed most often involved accusations of witchcraft within a woman's family, or women speaking out against drug trafficking and use.
- Women who had already suffered some form of abuse reported facing explicit threats or violence by perpetrators when seeking justice.
- In many cases where women were offered some form of compensation, they expressed reluctance to accept it on terms dictated by the perpetrators.

⁴⁶⁵ See source #140.

⁴⁶⁶ See source #22: "Papun Interview: Saw E---, June 2012," KHRG, September 2012.

⁴⁶⁷ For more information on this see Chapter VI *Gender-based Violence* chapter of this report.

⁴⁶⁸ See source #108.

⁴⁶⁹ For more information on the 2012 preliminary ceasefire, see Chapter I *Women's Perspectives on Ceasefire, Militarisation, and the 2015 General Election* of this report.

Myanmar, or ethnic armed group (EAG) commanders.⁴⁷⁰ During KHRG's post-ceasefire reporting period, many abuses continued to be backed by explicit threats of violence to ensure compliance.

KHRG uses the term 'violent abuse' to summarise concerns raised by villagers about incidents which fall short of the international legal definition of torture as defined in the United Nations Convention against Torture,⁴⁷¹ but nonetheless constitute serious abuse. The term 'explicit threat' includes all cases where an explicit threat is issued by military actors, such as the Tatmadaw, BGFs, and EAGs, or state and local authority figures, such as the police, and village heads, regardless of the medium. The term 'killing' is here used to refer to civilian deaths resulting from summary execution, sometimes following arbitrary arrest, detention and torture; or resulting from attacks that fail to distinguish civilians from combatants.

Killing

Since 1992, KHRG has documented attacks and killing of civilians consistently in all research areas.⁴⁷² Reports received by KHRG of the killing of civilians have steadily declined since the 2012 preliminary ceasefire. The so-called 'shoot-on-sight' practices of the Tatmadaw have all but been abandoned, and as the ceasefire period continues, fewer skirmishes occur between armed actors, resulting in fewer instances of civilians being killed. There were however, reports of cases in which unarmed civilians were killed by armed groups during the reporting period. One such incident reported to KHRG was the killing of four members of a family in Hpa-an District by soldiers from BGF Battalion #1015. Commander Kya Aye reportedly ordered his soldiers to shoot and kill Hpah Htay Poe, aged 60, who had been accused of practicing witchcraft, and the rest of his family staying in the house as well.⁴⁷³ All four family members were killed in their house in the evening of June 11th 2013: Hpah Htay Poe himself, his wife Naw Muh, 55 years old, their daughter Naw Tha Pweh, 28 years old, and their younger daughter Naw Paw Hkler, who was 13 years old. After the family members had been killed, the BGF soldiers burnt down their house and left the scene. The couple's third daughter survived because she was not living with the rest of the family at the time.

Soldiers from BGF Battalion #1016 were implicated in the killing of a woman from Nabu Township in Hpa-an District. The woman, a 67 years old well known for speaking openly and publically on a range of issues, was killed after she confronted the soldiers on the issue of their involvement in the drug trade. As reported at the time by a KHRG community member:

"This grandma told BGF's people that, 'You all are Burma's [Tatmadaw] people. You became rich because you sell k'thee k'thay [yaba].'⁴⁷⁴ I don't respect you.' She argued with BGF Battalion

⁴⁷⁰ More information on the situation for women during the conflict period can be found in *Dignity in the Shadow of Oppression: The abuse and agency of Karen women under militarisation*, KHRG, November 2006.

⁴⁷¹ The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (commonly referred to as CAT). Article 1, paragraph 1 defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." The Government of Myanmar is not a signatory of the convention. Source: *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, UN General Assembly, December 1984.

⁴⁷² For an example, see "Mergui-Tavoy Short Update: Ler Muh Lah Township, 1998 to 2013," KHRG, November 2015. For a detailed account of the targeting of civilians during the conflict period, see *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010.

⁴⁷³ See source #75: "Hpa-an Incident Report: Extrajudicial killing in Paingkyon Township, June 2013," KHRG, May 2014.

⁴⁷⁴ *Yaba*, which means 'crazy medicine' in Thai, is a tablet form of methamphetamine. First developed in East Asia during the Second World War to enhance soldiers' performance, methamphetamine has become increasingly

#1016 [soldiers], and then four of Battalion Commander Mya Khaing's soldiers murdered grandma in G--- village at the riverside. The process by which they murdered grandma was that they tied grandma's neck with rope and hit grandma's head with stone. A villager who told me this saw it by himself. He was worried that people would know what he reported and he was scared. He did not allow me to record his voice or take a picture. [The BGF soldiers] said that they murdered grandma because they were worried that grandma would say that they are selling k'thee k'thay. This event is true and I got it from when one villager told me."

Situation Update written by a KHRG researcher, Nabu Township, Hpa-an District/Central Kayin State (received in July 2013)⁴⁷⁵

Even though most people killed during the reporting period were men, women were still affected. KHRG has received several reports detailing the livelihood struggles of widows and the victims' families.⁴⁷⁶ For example, Saw B--- in K--- village, Kyainseikgyi Township, explained how he and his fellow villagers wanted the perpetrators to compensate the family of Saw T---, a villager who was killed after he was accused of practising witchcraft:

"I want to say one thing, this family are poor, they do not even have money for the funeral. This person [Saw T---], he was an innocent [man] but he had to die violently, and the family are also poor, so for this reason someone has to take responsibility for the death in this family. As a single mother, the livelihood situation is getting harder for her. If her husband were [still] alive, the situation would be much better. For this reason, we want the responsible person to assist the victim's family."

Saw B--- (male, 37), K--- village, Kyainseikgyi Township, Dooplaya District/Southern Kayin State (interviewed in March 2015)⁴⁷⁷

In another report collected by a KHRG community member, Saw A---, a villager from B--- village, Htee Tha Daw Hta village tract, Bu Tho Township, was shot and killed by a soldier from BGF Battalion #1013 on March 15th 2015. After his death, his family struggled with their livelihood and his widowed wife went to meet with the battalion commander in charge of the soldier who shot Saw A---. She demanded compensation for the killing of her husband, and although the commander agreed verbally to provide her with financial support for one month, no compensation had been given by the time KHRG received the report.⁴⁷⁸

Yet another case was the killing of Saw N---, on June 13th 2012.⁴⁷⁹ Saw N--- was shot dead by soldiers from Tatmadaw IB #19 while he and other villagers in the area were in the forest looking for truffles to sell in the market. He was unarmed and dressed in civilian clothes. Saw E--- recalled how it happened:

"As we carried on listening, we heard heavy weapons being fired, which is not a good thing. This is when we realised that something bad was happening, and that the Tatmadaw were doing something bad. ... At first we dared not go directly to where the incident had taken place, but on the 14th, we went to the place where the corpse was. At that time, we saw that the villager had been shot three times in the armpit. After that, they had shot him in one of his eyes. ... This villager

popular in Thailand, Laos, Cambodia, Vietnam, and in Myanmar, where it is typically manufactured. For more information, see "Yaba, the 'crazy medicine' of East Asia," UNODC, May 2008.

⁴⁷⁵ See source #59: "Hpa-an Situation Update: T'Nay Hsah Township, March to May 2013," KHRG, August 2013.

⁴⁷⁶ See sources #131; and source #139: "Hpapun Incident Report: Villager killed by Border Guard Force (BGF) Battalion #1013 in Bu Tho Township, March 2015," KHRG, September 2015.

⁴⁷⁷ See source #131.

⁴⁷⁸ See source #139: "Hpapun Incident Report: Villager killed by Border Guard Force (BGF) Battalion #1013 in Bu Tho Township, March 2015," KHRG, September 2015.

⁴⁷⁹ See source #22: "Hpapun Interview: Saw E---, June 2012," KHRG, September 2012.

was not wearing an army uniform; he was wearing a white t-shirt with green sport shorts and a Karen longyi. His clothes did not make him look like a soldier. ... We do not know why the Burmese soldiers chose to kill him."

Saw E--- (male, 36), Bu Tho Township, Hpapun District/
Northeastern Kayin State (interviewed in June 2012)⁴⁸⁰

The killing of Saw N--- had severe implications for his family, both in terms of their livelihood and the mental health of his wife. As Saw E--- explained:

"He had six children, with him and his wife, altogether eight people. I would like to tell you about his wife's very pitiful situation. When I went to see her, it was very pitiful. After his wife delivered her youngest baby, she did wrong with water,⁴⁸¹ so now her brain is not working so well. When they came to stay in T--- camp, it seemed like her situation had improved. Now, since her husband has died the disease has occurred again and she cries every day. Now, after a while, she called out her husband's [name], then ran outside into the rain, and then she slipped and fell. So, her disease is happening again like before and we can't cure her. It is a very pitiful situation for his wife and children."

Saw E--- (male, 36), Bu Tho Township, Hpapun District/
Northeastern Kayin State (interviewed in June 2012)⁴⁸²

Naw K--- from Bu Tho Township also shared her thoughts with a KHRG researcher on the difficult situation of her family after the killing of her husband. Her husband was killed by soldiers from the Karen National Defence Organisation (KNDO)⁴⁸³ after he was accused of practising witchcraft:

"I can't work and earn a living on my own. I don't even have money to buy MSG⁴⁸⁴ now. There is not enough shrimp paste now to make even a batch of pounded chili paste. A while ago, I went and asked my friend to give me some shrimp paste to make a batch of chili paste. I told her that I would buy it and pay her back when I had money. If my husband were still alive, I would tell him: 'there is no more MSG and salt now. Can you please find some money and I will buy MSG?' Then, he would make a winnowing tray or a basket, and then we could sell them and buy the MSG. I used to ask him to make a winnowing tray or a basket and I sold them and bought things to eat for the family. Because he is dead now, we don't have anything to eat."

Naw K--- (female, 43), G--- village, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interviewed in February 2015)⁴⁸⁵

Speaking of what she considered to be the failure of the local justice system to issue disciplinary measures to deal with the witchcraft accusation prior to the killing of her husband, Naw K--- made the following comments:

"If they suspected that he could kill people with his witchcraft skills, why didn't they arrest him and tie him, and then discipline him according to their rules? One person has to be disciplined three times right? ... I don't think it's the right way. If my husband was bad, why didn't they discipline him according to the rules? Now, they didn't discipline him. Why didn't they discipline him or

⁴⁸⁰ *Ibid.*

⁴⁸¹ Even though the interviewer prompted Saw E--- to elaborate on "doing wrong with water," the exact problem regarding what has happened to Saw N---'s wife is unclear. Although the exact medical condition Saw E--- is referring to is unclear, it is a belief in Karen culture that women should not expose their heads to water of any kind while menstruating, as it can cause symptoms such as the ones described here by Saw E---.

⁴⁸² See source #22: "Papun Interview: Saw E---, June 2012," KHRG, September 2012.

⁴⁸³ The Karen National Defence Organisation (KNDO) was formed in 1947 by the Karen National Union and is the precursor to the Karen National Liberation Army (KNLA). Today the KNDO refers to a militia force of local volunteers trained and equipped by the KNLA and incorporated into its battalion and command structure; its members wear uniforms and typically commit to two-year terms of service.

⁴⁸⁴ Monosodium glutamate (MSG) is a flavour enhancer commonly used in cooking.

⁴⁸⁵ See source #129.

arrest him, tie him, interrogate him, or put him in prison? Why didn't they question him continuously, like: 'Did you do it? Do you have witchcraft skills?'

Naw K--- (female, 43), G--- village, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interviewed in February 2015)⁴⁸⁶

Explicit threats

This section covers documented explicit threats that have been issued verbally or in writing. KHRG has consistently documented explicit threats since 1992 in all of KHRG's research areas.⁴⁸⁷ The following section focuses on the particular vulnerabilities that women face, and the strategies they make use of to cope with explicit threats. Two main categories of explicit threats emerge from the testimonies included in this report: (1) threats that are used to make villagers comply with orders, such as vacating land,⁴⁸⁸ providing food, fuel, or labour;⁴⁸⁹ and (2) threats that are used to prevent victims from accessing justice, such as to not press charges, file for compensation, or report perpetrators.⁴⁹⁰

One incident that took place in Hpapun District demonstrates how explicit threats sometimes have severe consequences even when they are not acted upon or followed by direct abuse. At about 2:00 pm on January 15th 2013, Naw M--- was sitting outside her house with her son, when an intoxicated soldier from BGF Battalion #1014 approached them asking for petrol. When she responded that she did not have any, he threatened to fire at them with his grenade launcher. Moments later, his grenade launcher accidentally discharged, injuring both Naw M--- and her son.

"At that time, Saw Day Day was slightly drunk, so when he saw Naw M--- and her son, he asked if she had gasoline or not. Naw M--- replied to him that she did not have it. Saw Day Day told her that he would fire a 40 mm mortar [grenade launcher] at her. A few seconds after he started [aimed] the mortar, the sound of the mortar [being fired] went off. So, it hit Naw M---, who was breast-feeding her son, on her calf and the grenade grazed her son's back. The bullet [grenade] stopped four yards away from the mother and son. Fortunately, the bullet did not explode."

Incident Report written by a KHRG researcher, Bu Tho Township, Hpapun District/
Northeastern Kayin State (received in August 2013)⁴⁹¹

Another incident occurred in June 2013, when police officers came into Ma P---'s house in the middle of the night at 4:00 am while she and her children were sleeping. Her husband, Saw Z---, had been accused of robbery and the police questioned Ma P--- about his whereabouts while pointing a gun towards her head.

"They asked me: 'Is Z--- your husband?' 'Yes', I replied. They asked me: 'Where is he now?' I said: 'He is out pulling out the rice seedlings.' They came at 4:00 am with a torch light and my children cried. They did not allow my children to cry. We slept under the mosquito net and they came and ripped off the mosquito net and pointed at my head with guns. I did not know anything and I was so scared. ... The chief police officer also was there."

Ma P--- (female, 42), M--- village, Sa Kan Gyi village tract, Thaton District/
Northern Mon State (received in July 2015)⁴⁹²

⁴⁸⁶ *Ibid.*

⁴⁸⁷ See for example *'All the information I've given you. I faced it myself': Rural testimony on abuse in eastern Burma since November 2010*, KHRG, December 2011; for information on KHRG's research areas see the *Methodology* section of this report.

⁴⁸⁸ See sources #92: "Hpa-an Short Update: Don Yin Township, March 2014," KHRG, July 2014; and source #138: "Thaton Interview: Ma A---, July 2015," KHRG, August 2015.

⁴⁸⁹ See source #60: "Hpapun Incident Report: Attack on villager in Bu Tho Township, January 2013," KHRG, June 2014.

⁴⁹⁰ See source #134: "Hpa-an Incident Report: Explicit and violent threats in Myaing Gyi Ngu Town, Hlaingbwe Township, April 2015," KHRG, August 2015.

⁴⁹¹ See source #60: "Hpapun Incident Report: Attack on villager in Bu Tho Township, January 2013," KHRG, June 2014.

Her husband was subsequently arrested, mistreated and tortured while in detention. Following his arrest, Ma P--- and her children struggled with their livelihood; when comparing their situation after his arrest to before, she described how they had to work *“hand-to-mouth.”* The case was transferred to be handled by a court and she struggled to cover the legal and travel costs.

KHRG also received reports of teachers, nurses, midwives or other professionals, perceived by some members of local communities to be working for the Government of Myanmar, being met with suspicion in the communities they are working in.⁴⁹³ According to the reports received by KHRG, women were disproportionately targeted with such suspicions and accusations. One incident took place on November 29th 2013, in Dwe Lo Township, Hpapun District, when four home guards⁴⁹⁴ threatened two Myanmar government teachers and accused them of spying on behalf of the government. The home guards showed up at the house where the two teachers were staying at 10:00 pm and forced their way in without taking their shoes off. The home guards went through the teachers' belongings and asked if they had come to the village to teach so that they could spy for the Thein Sein-led government. The two teachers were quoted in a KHRG incident report as replying:

“We are school teachers and we came here to teach because we were ordered from the above [by our superiors] to come here. Even though we don't want to come, we have to come. We came here to teach because we love the villagers and children. The fact that we are teaching is not against the law. We are teachers because our parents sent us to school and we learnt good things from school. If we are spies, we would not live our lives like this. We can't get enough food from doing this [teaching] and we also would not live very long. We know the good and bad things clearly.”

Incident Report written by a KHRG researcher, Dwe Lo Township, Hpapun District/
Northeastern Kayin State (received in February 2014)⁴⁹⁵

Agency and access to justice

Despite the frequent threats, accusations, and disrespect that many women are met with when confronting perpetrators or attempting to access justice or compensation, KHRG has received several testimonies from women highlighting their agency. Female villagers have developed a multitude of strategies and tactics to cope with abuse.

One way for villagers to access to justice is by reporting abuses to a person in a position of power. Often, abuses get reported to village heads who can then take further action. However, evidence in KHRG reports suggests that whether or not the village head is able or willing to take further action depends very much on the context and the individual involved. There are several cases reported to KHRG where village heads have failed to take action or even colluded with perpetrators.⁴⁹⁶ One woman, who was forced off her land and had her house demolished, along with most of her possessions, indicated that she was afraid to report the incident to the village head:

⁴⁹² See source #140.

⁴⁹³ See source #89.

⁴⁹⁴ ‘Home guard’ or *gher der* groups were organised locally during the conflict period, mainly in parts of Toungoo and Hpapun districts to address Tatmadaw operations targeting civilians, and the resulting acute food insecurity. Villagers interviewed by KHRG have reported that *gher der* were established with the objective of providing security for communities of civilians in hiding, particularly when those communities engage in food production or procurement activities, and when other modes of protection are unavailable. KHRG has received increasingly few reports of home guards after the 2012 preliminary ceasefire. For more on the *gher der*, see: *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010.

⁴⁹⁵ See source #89.

⁴⁹⁶ See source #138: “Thaton Interview: Ma A---, July 2015,” KHRG August 2015.

"I didn't dare see the village head. I was afraid of him more than a king. Even if I see a tiger, I dare to run in front of it. For him, I don't dare to run in front of him. I was afraid of him that much. He made me feel disappointed."

Ma A--- (female, 43), villager, K--- village, Thaton District/
Northern Mon State (interviewed in July 2015)⁴⁹⁷

One finding from KHRG's interviews with women is that while compensation is often something that victims want, it is only welcomed and seen as a form of justice if it is given on terms that are acceptable to the victims themselves. In several cases, women did not feel comfortable and were not willing to accept monetary compensation from perpetrators, although desperate situations and poverty often required them to accept it reluctantly, adding to their sense of indignity.⁴⁹⁸ For example, Ma P--- explained how she was offered money as support, because her husband had been imprisoned, from what she perceived to be a government-affiliated organisation and how she tried to refuse it, saying:

"I told them: 'I do not need your money. I need my husband only. Release him for me.' ... I did not want to take it, but they gave it to me forcibly and I took [the money]."

Ma P--- (female, 42), M--- village, Sa Kan Gyi village tract,
Thaton District/Northern Mon State (received in July 2015)⁴⁹⁹

She went on to explain that she was not taken seriously and they made her take the money. In the end, she felt that she could not refuse the money because she was in such a dire situation after her husband's incarceration.⁵⁰⁰

Another example of women actively challenging perpetrators and seeking retribution is when Daw A--- sought out and confronted the commander in charge of a soldier who had fired his grenade launcher at her daughter and grandson. She was discouraged from reporting it by her husband, because it was likely to cause more problems, but she chose to do so anyway.

"[He said:] 'Do not go otherwise they [people] will say we make trouble by reporting [to the authorities] and you ... also need to have sympathy for the front line people [the BGF leaders].' ... I replied to him: 'No, I do not need to have sympathy, because for me there is nothing that can replace your life.'"

"Then I myself went to the military office to report it to them and they said to wait a couple days until the commander is back. After the commander got back he sent word for me to go and see him. I went there to see him and the officer told me: 'Friend, do not report about this to other organisations, like the KNU, etc. We apologise to you for this and if you report it, the news will come out on the BBC and be published in the newspaper and that is not good.' [After I returned from the office] I told this to your brother⁵⁰¹ and your brother said: 'We will not report it, investigate it yourself [meaning the BGF] and report it yourself [to other organisations].' I cannot remember all the words he [the officer] said."

Daw A--- (female, 47), B--- village, Bu Tho Township, Hpapun District/
Northeastern Kayin State (interviewed in February 2013)⁵⁰²

⁴⁹⁷ *Ibid.*

⁴⁹⁸ See source #140; and source #65: "Toungoo Interview: A---, August 2013," KHRG, July 2014.

⁴⁹⁹ See source #140.

⁵⁰⁰ *Ibid.*

⁵⁰¹ Here and throughout the interview, the interviewee refers to her husband as 'your brother'; this does not mean biological brother, but rather is a term of endearment used in S'gaw Karen.

⁵⁰² See source #62: "Hpapun Interview: Daw A---, February 2013," KHRG, May 2015.

After confronting the BGF soldier, Daw A--- was promised that her family would receive compensation. However, at the time of the interview, she had only received half of the compensation that was promised to her family.⁵⁰³ She reported that the BGF soldier who shot at and injured her daughter and granddaughter was nicer to the villagers following the incident, but that he was not punished for what he did.

"He did not pay at the same time [as when I met him]. He said he will pay me but I haven't received [all of] it yet. I met him recently and he said he will pay me when he comes back again...he did not come and see me. I just want to tell [discuss] the truth. I don't know if he is scared to see me or ashamed to see me."

Daw A--- (female, 47), B--- village, Bu Tho Township, Hpapun District/
Northeastern Kayin State, (interviewed in February 2013)⁵⁰⁴

KHRG received many reports of instances where villagers in general, and women in particular, were treated unfairly and with disrespect by people in positions of authority. Women reported not being taken seriously or being treated badly, in some cases even being scolded or threatened when they tried to bring attention to abuses they had faced, or when they tried to claim compensation. One example of such mistreatment was when Saw A--- was arbitrarily arrested, kicked and punched by Tatmadaw soldiers from IB #35. After he got away, his wife tried to help him. As he was bleeding a lot and had incurred serious injuries, including to his eyes, cheeks, and chest, she and some other villagers tried to attend to his wounds, when Battalion Deputy Commander Hsan Htun, who had himself abused Saw A--- earlier, showed up:

"He said to the school committee [member]: 'What kind of person are you? Who the hell is he [A---]? Do not stitch him up.' Then he kicked me. My wife was crying and he told my wife: 'Why are you crying? We are not asking you to shoot a film. Do you think of yourself as the [Burmese] actress May Thet Khaing?' He scolded her. Then he said that he would order me back to the camp and my wife was crying and begged him not to order [me back]. Battalion Deputy Commander Hsan Htun said: 'Starting from tomorrow, I do not want to see either'⁵⁰⁵ of you.' He said that to us and drove us out of B--- village."

Saw A--- (male, 31), B--- village, Thandaunggyi Township,
Toungoo District/Northern Kayin State (interviewed in August 2013)⁵⁰⁶

His wife later went to report this incident to Representative Win Myint at the *Pyidaungsu Hluttaw*,⁵⁰⁷ who passed her complaint on to the United Nations Children's Fund (UNICEF) and a non-governmental organisation (NGO), and also informed a Tatmadaw battalion commander from a nearby camp about the need for special treatment for the damage done to Saw A---'s eyes.⁵⁰⁸

⁵⁰³ KHRG received reports that the family had been promised 250,000 kyat (US\$ 253.55) as compensation by Commander Ye Thway, to cover the medical costs incurred. However, at the time of the interview, they had only received 100,000 kyat (US\$ 101.42). The perpetrator, Saw Day Day remained unpunished. See source #61.

⁵⁰⁴ See source #62: "Hpapun Interview: Daw A---, February 2013," KHRG, May 2015.

⁵⁰⁵ This word has been amended correctly to 'either' from 'both', as published on the KHRG website for the original report, see source #65: "Toungoo Interview: A---, August 2013," KHRG, July 2014.

⁵⁰⁶ See source #65: "Toungoo Interview: A---, August 2013," KHRG, July 2014.

⁵⁰⁷ The national legislature of Myanmar is known as the *Pyidaungsu Hluttaw* (the Assembly of the Union). It is made up of two houses, the *Amyotha Hluttaw* (House of Nationalities) and the *Pyithu Hluttaw* (House of Representatives).

⁵⁰⁸ See source #65: "Toungoo Interview: A---, August 2013," KHRG, July 2014: Saw A--- and his wife had to cover medical expenses themselves, but they were offered some compensation by the Tatmadaw; the battalion commander of IB #30 asked one of his soldiers to give 50,000 kyat (US\$ 51.60) and some snacks as compensation. This amount did not cover all of the expenses incurred on the family.

Photos: Violent Abuse, Killing, and Explicit Threats



The above photos were taken by a KHRG community member on April 6th 2015, in B--- village, Htee Th'Daw Hta village tract, Bu Tho Township, Hpapun District. The photo on the left shows Saw A---'s wife, Naw E---, who reported that her husband was shot on March 15th 2015, in B--- village at around 7:00 pm by a soldier from BGF Battalion #1013. On the same night, the villagers and village head gathered to send the victim to Hpa-an Hospital. Despite their efforts to save his life, Saw A--- died on March 17th 2015. An autopsy of his body revealed that his internal organs had been torn by bullets. The photo on the right is of a video that was taken by his wife. It shows that Saw A---'s body was disfigured as a result of being hit by several bullets, as well as the subsequent medical treatment and autopsy. [Photos: KHRG]



These two photos were taken by a KHRG community member on May 23rd 2013, in M--- village, Htee Th'Daw Hta village tract, Bu Tho Township, Hpapun District. The photo on the left shows Ma A--- and her son M--- who were hit by a 40 mm grenade, fired from an M79 grenade launcher that BGF Warrant Officer Saw Day Day was carrying. The photo on the right shows Daw N--- who went and met BGF Battalion #1014's battalion commander and demanded compensation for her grandson, who was injured when BGF Warrant Officer Saw Day Day's grenade launcher discharged. [Photos: KHRG]



This photo was taken by a KHRG community member on June 15th 2015, in H--- village, Sa Kan Gyi village tract, Thaton Township, Thaton District. It shows Ma P--- and her two children in front of their house. Her husband Saw Z--- was accused of robbery and police officers entered her house in the middle of the night looking for him. They threatened Ma P--- at gunpoint to disclose the whereabouts of her husband. *[Photo: KHRG]*



This photo was taken by a KHRG community member on January 2nd 2015, in H--- village, Meh Klaw village tract, Bu Tho Township, Hpapun District. It shows Naw H---, whose husband was killed on November 9th 2014, by KNDO soldiers based in Bu Tho Township. She reported to KHRG about the livelihood difficulties that she and her children faced after her husband was killed. *[Photo: KHRG]*



The above photo was taken by a KHRG researcher on August 3rd 2013. It shows Saw A---, a villager from C--- village in Thandaungyi Township, who was arbitrarily detained and violently abused by Battalion Deputy Commander Hsan Htun and other soldiers from Tatmadaw Infantry Battalion #35. As his wife and other villagers attended to his injuries following the assault, they were threatened by the battalion deputy commander. Saw A---'s wife later reported the incident to a parliamentary representative who in turn passed it on to UNICEF and an NGO. *[Photo: KHRG]*



Challenges faced by women in southeast Myanmar are changing, due in part to the evolving political, military, and development context that they are a part of. The continued presence of armed actors undermines women's sense of security when travelling around their communities. Land confiscation and associated development projects are damaging local environments on which women rely, and women report being left out of consultation processes for development projects occurring in their communities. Health and education remain important for women and in this report they express concerns about access to, quality, and cost of both healthcare and schooling. Gender-based violence is a serious concern not only in the case studies of attacks against women but also in the persistent impunity that powerful perpetrators enjoy which denies women access to justice following abuse. In addition, landmines, forced labour, arbitrary taxation, and extortion are also reported as significant impediments that continue to limit women's freedoms and experiences of daily life in southeast Myanmar.

Importantly, women's actions and agency in the face of abuse and injustice are also documented in this report. Women's agency is used prior to or during situations of abuse as a form of resistance, and following an abuse as a means of accessing justice. Forms of agency covered in this report include writing complaint letters, raising concerns with village heads, addressing problems directly with employees of the offending companies or authorities, and following cases with the police and justice system. These agency strategies are documented to highlight women's actions as women are not passive recipients of abuse.

"In my opinion, I can't entirely trust what the government said. ... They both [the government and the KNU] held their guns, here and there. They were enemies before. Now, they made peace. I can't believe it yet, but if they stop holding their guns, I can believe."

Naw T--- (female, 50), S--- village, K'Dee Poo village tract, Thaton Township, Thaton District/northern Mon State (interviewed in May 2012)

"Regarding the development projects, I think if we are doing it, we need to consider it very carefully, so as to benefit those who agree on that project. It should not be one which will impact [negatively] on the people."

Ta--- (female, 51), D--- Town, Toungoo District/northern Kayin State (interviewed in August 2013)

Founded in 1992, KHRG is an independent local organisation committed to improving the human rights situation in Myanmar by training and equipping local people to document their stories and gather evidence of human rights abuses; disseminating this information worldwide; and working directly with local villagers to enhance their strategies for protecting themselves from abuse and the effects of abuse. Examples of our work can be seen online at www.khrg.org