

# **Women demand an immediate end to war crimes in Burma**

POSITION PAPER PREPARED BY

**Women's League of Burma (WLB)**

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Burma's military regime, the State Peace and Development Council (SPDC), signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1997. The SPDC has since claimed that "necessary mechanisms have been put in place towards the protection of human rights of women and children" to fulfill its obligation under CEDAW.

The Burmese military regime insists at various UN forums that, "Myanmar women have been enjoying equal rights to men since the beginning of civilization." At the 23<sup>rd</sup> Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century" (Beijing +5), a male spokesman from the SPDC stated that "violence against women and girl child does not pose a major problem" in Burma. Moreover, he claimed that as the regime had been "able to bring peace and stability to the country," he guaranteed that the country would "redouble its efforts in promoting the rights of women and girl child in an environment of peace, stability and development."

Furthermore, last month at the Second Session of the Human Rights Council, another representative of the regime reiterated that Burma "is not a country of armed conflict," and it "is enjoying peace and tranquility." The regime had even released a statement at the United Nations' 2005 Open Debate on Women, Peace, and Security to say they had recently achieved national reconciliation and that women were taking an active part in the National Convention, which the United Nations has criticized as a "meaningless and undemocratic exercise" that will not even "work on Mars".

The actual conditions in Burma are in stark contrast to the regime's claims. The SPDC's ongoing armed aggression and tyranny are continuing to oppress the women of Burma.

## **Continuing armed conflict**

Armed conflict has been continuing for over half a century in Burma between consecutive military regimes and various ethnic resistance groups.

The SPDC has continued to commit war crimes against the ethnic people, whom it labels "insurgents" when in fact they are merely asking for equal rights and freedoms. The military regime's "counter-insurgency" operations seek to crush the ethnic movement by deliberate targeting of civilians. Common tactics employed by the SPDC under its "Four Cuts Policy", involve the systematic use of rape as a weapon of war, forced relocations and destruction of villages using scorched-earth tactics.

Even in areas where ethnic armies have reached ceasefire agreements with the regime, the SPDC Army continues to perpetrate war crimes against civilians. Furthermore, the threat of a return to

armed conflict remains, as the regime continues to stall on meaningful political dialogue with these groups, and since 2005 has been pressuring them to give up their arms.

In November 2005, SPDC resumed large-scale military offensives in Karen State. These offensive campaigns have targeted the Karen National Union (KNU), one of the biggest remaining armed resistance groups. Despite the informal “gentleman’s agreement” since December 2003 to suspend hostilities between the KNU and the SPDC, the SPDC has continued to attack KNU areas and the recent attacks are among the worst in Eastern Burma since 1997. The recent SPDC offensives have had grave impacts on civilians, especially women and children. To date, at least 20,000 civilians have been forced to flee from the conflict zones in Karen State. In addition the regime’s military campaigns have led to increased levels of internal displacement and increased flow of refugees into Thailand.

### **Increased Militarization**

Under the pretext of the need to crush “insurgency,” in other words to crush the ethnic people’s legitimate demands for equal rights, SPDC has been continually expanding its army. Currently, there are nearly half a million soldiers and the Burmese military regime spends over 40% of its budget on its military infrastructure. UNDP statistics reveal that the SPDC’s arms imports comprise more than one-fifth of its total imports and the SPDC’s main suppliers of arms include China, Pakistan, Israel, Singapore, Ukraine, Russia and India.

Even more disturbing are reports that North Korea has been providing nuclear technology to the regime<sup>1</sup>. In 2003, a team of North Korean technicians was sent to Burma’s capital Rangoon to install surface-to-surface missiles on some new Burma Navy vessels. In the same year, it was reported that North Korea was assisting Burma with the construction of a nuclear reactor. As recently as 12 October 2006, an Associated Press article described how Burma is one of the countries with which “Pyongyang is believed to have engaged in conventional arms deals for cruise missiles and other wares.” This raises serious concerns that Burma may be developing a nuclear weapon.

### **Ongoing systematic war crimes and crimes against humanity:**

SPDC’s policies of increased militarization have led to widespread war crimes and crimes against humanity, such as rape, sexual slavery, torture, mass forced relocation, forced labour, and extrajudicial killing. The reports by the UN Special Rapporteurs on Burma submitted to the UN General Assembly and the UN Commission on Human Rights, since 1991 and 1992, have contained an abundance of summaries of testimonies of extreme human rights violations committed by the Burmese military regime.

The human rights situation has been exacerbated by the regime’s development policies, which prioritize the exploitation of natural resources in the ethnic states to earn foreign currency to buy weapons and build up military infrastructure. In particular, large-scale energy development projects implemented by the regime to gain funds from the sale of energy to neighbouring countries, have led to increased militarization to secure project areas, and a corresponding increase of human rights abuses by the SPDC troops against local populations, including rape

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<sup>1</sup> SPDC bought small arms ammunition in 1990, and the sixteen 130mm artillery pieces in 1998 from North Korea.

and mass forced relocation. These projects include the Yadana-Yetagun gas pipelines in southern Burma and four planned giant hydropower dams along the Salween River in Shan and Karen States. Planned pipelines from the newly found Shwe gasfields off the coast of Western Burma, which are being invested in by several foreign companies, including Daewoo of South Korea, are also already leading to increased human rights abuses against the local people of Arakan State.

## **Impact on the lives of women and girls in Burma**

### **Results of SPDC's prioritization of military spending**

The regime's prioritization of military expenditure in the state budget has seriously affected the social sectors of health and education. The regime invests less than \$1 per person per year for health and education combined.<sup>2</sup> According to the World Health Organisation's assessment of overall health system performance, Burma ranked 190 out of 191 states.

In addition to its meager allocation of budget for public services, the SPDC has restricted the activities of INGOs and UN agencies working on health and other humanitarian assistance programs, allowing them only to work in designated areas and requiring agency personnel to have official approval to travel to project areas, often a lengthy process. In February 2006, the SPDC announced new, even more restrictive, guidelines for NGOs (both local and international), and UN agencies working in Burma. These have given SPDC authorities at every level, from the state down to the village level, increased power to control the work of all agencies.<sup>3</sup> The new restrictions led Medicins Sans Frontieres - France to pull out of Burma in March 2006. The UN Global Fund for AIDS, Malaria and Tuberculosis had already pulled out in 2005.

UNICEF statistics show that Burma has an extremely high maternal mortality rate: estimated at 230 deaths per 100,000. The September 2006 report by the Back Pack Health Worker Team (BPHWT), "Chronic Emergency: Health and Human Rights in Eastern Burma," based on surveys carried out since 2000 in Karen, Karenni, and Mon states indicate a far higher rate: 1,000-1,200 maternal deaths per 100,000 births. These shocking figures, for which the SPDC must take direct responsibility, are among the highest in the world. With the new restrictions on international agencies, the situation is likely to deteriorate further.

In addition, as a result of decades of economic mismanagement by the regime, rampant corruption and excessive expenditure on the military, the UN Human Development Index ranks Burma as one of the 50 poorest countries in the world. The poverty has also forced women and girls to leave home to find ways to earn money to support their families or to continue their education. This has forced them into situations where they are vulnerable to trafficking. *Driven away*<sup>4</sup> describes 63 trafficking cases that occurred primarily during 2000-2004 involving 85

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<sup>2</sup> According to the Asian Development Bank's April 2002 report, *Outlook 2002, Economic Trends and Prospects in Developing Asia*, "deficits in the provision of basic education and health services stand out", and "each receives less than 0.5% of GDP in terms of recurrent and capital expenditures."

<sup>3</sup> For example : ministry-level approval of programs; coordination, project implementation, opening and registration of field offices; appointment of staff; internal travel; management and equipment purchases; and etc at the state, division, and township levels ( source : Hardcopy of Ministry of National Planning and Economic Development [Myanmar] (2006) Guidelines for UN agencies, international organizations and NGOs/INGOs on cooperation programme in Myanmar. Rangoon: Ministry of National Planning and Economic Development.)

<sup>4</sup> A report by the Kachin Women's Association Thailand ( KWAT), a WLB member organization. For more details, please visit<[www.womenofburma.org](http://www.womenofburma.org)>

women and girls, mostly between the ages of 14 and 20, and refutes the effectiveness of current anti-trafficking measures being promoted by the Burmese military regime.

The regime's need to sustain its expanded military infrastructure has led to increased involvement of military personnel at all levels in illicit drug production. While claiming to the international community that it is successfully reducing opium and heroin production in Burma, it is directly promoting and profiting from the drug trade. The recent report *Hand in Glove*,<sup>5</sup> released in August 2006, gives detailed evidence of Burma Army involvement in all aspects of the drug trade. The regime is thus directly complicit in the increased opium production and rising addiction rates which are having serious impacts on wives and children of addicts, as exposed in the report *Poisoned Flowers*.<sup>6</sup> Already living in dire poverty, with little access to education or health care, women are being forced to struggle single-handedly to support their families, sometimes with as many as ten children.

### **Results of SPDC's systematic violence against women**

Far from enjoying equal rights to men, women and girls have been suffering increased violence under prolonged military rule in Burma. They are targeted by the regime's soldiers for rape and various forms of sexual violence. These rapes are politically motivated war crimes. Rape is being used by the regime's army as a strategy of war against different ethnic groups, to attack them, humiliate them and demoralize them, in order to establish control over their land and resources. Members of WLB as well as other human rights networks from Burma have released reports providing detailed evidence of systematic, in other words *political*, rape committed by the regime's troops nationwide, though overwhelmingly in the ethnic lands.

In 2002, *Licence to Rape*<sup>7</sup> detailed 173 incidents of rape and other forms of sexual violence involving 625 women and girls committed by SPDC soldiers and officers from 52 different battalions in Shan State mostly between 1996 -2001.

In 2004, *Shattering Silences*<sup>8</sup> exposed 125 cases of sexual violence between 1988 until February 2004. Half of the rapes were committed by high-ranking military officers.

In 2005, *Catwalk to the Barracks*<sup>9</sup> documented sexual violence in Mon ceasefire areas of Eastern Burma State by troops of the Burmese military regime against 50 women and girls aged between 14 and 50. During 2003-2004, women from 15 villages in southern Ye township were systematically conscripted by SPDC military to serve as sex slaves. Schoolgirls were also forced to parade on a catwalk for the entertainment of military officers.

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<sup>5</sup> A new report by the Shan Herald Agency for News ( SHAN) . Further information, please visit <[www.shanland.org](http://www.shanland.org)>

<sup>6</sup> A report by the Palaung women's Organization ( PWO), WLB member organization. For more details, please visit<[www.womenofburma.org](http://www.womenofburma.org)>

<sup>7</sup> A joint report by Shan women's Action Network ( SWAN) , a WLB member organization, and the Shan Human Rights Foundation ( SHRF). For more information, please visit<[www.shanwomen.org](http://www.shanwomen.org) & [www.shanland.org](http://www.shanland.org)>

<sup>8</sup> A report by the Karen Women's Organization ( KWO), a WLB member organization. For more information, please visit <[www.karenwomen.org](http://www.karenwomen.org)>

<sup>9</sup> A report by the Woman and Child Rights Project ( WCRP) of the Human Rights Foundation of Monland (HURFOM)- Burma. For further information, please visit < <http://www.rehmonnya.org/catwalk-to-the-barracks.php>>

It is critical to recognize that while these reports reveal alarming statistics regarding rampant political raping of women, they represent only a fraction of the actual rapes and sexual violence committed by the SPDC military, as a system of impunity and culture of fear and reprisal prohibits women from reporting their rapes to anyone.

Despite the high level of international attention paid to this issue, resulting in resolutions passed in both the UN Commission on Human Rights and the UN General Assembly, since 2002, and letters of allegation sent by the UN Special Rapporteur on Violence Against Women to the regime, women and girls continue to be raped today.

Since 2002 until today, at least **254** women and girls in Shan State have been raped by SPDC troops from 42 battalions. This year between January and April alone, at least 29 women in six Palaung villages in Shan State reported sexual violence, including gang-rape, sexual slavery and torture to death, committed by SPDC officers and soldiers. Women and girls were seized by patrolling troops and kept for sexual abuse for up to five nights. In one village, women were gang-raped in front of their husbands, who had been tied up. One mute woman was beaten to death and her body left outside her village.

These acts are forms of violence against women which have been recognized as war crimes under various international conventions and are a serious form of discrimination “that seriously inhibit women's ability to enjoy rights and freedom on a basis of equality with men.” (CEDAW General Recommendation No.19). Such violence is a violation of the following rights and freedom: right to life, right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; right to equal protection according to humanitarian norms in time of international or internal armed conflict; right to liberty and security of person and right to the highest standard attainable of physical and mental health.

These *political* rapes, war crimes, have been continuing because of the system of impunity that exists in Burma and the complete lack of any improvement politically inside Burma – the SPDC is still tightening its grip on power and there has been no serious and concrete action against SPDC at the United Nations.

Therefore, WLB wants to reiterate that these sexual war crimes are not committed by rogue elements within the military but are central to the modus operandi of this regime. They are systematic and structuralized. The same patterns of rape and sexual violence are everywhere throughout Burma. Soldiers are confident of impunity. They know that they are holding absolute power, therefore the women, girls and the community will not make complaints for fear of retaliation. Owing to the climate of impunity for military rape, sexual violence is not only taking place in areas of conflict, but also in the ceasefire areas where SPDC controls. Because rape is officially condoned by the regime, its troops have become so emboldened that they feel no fear or shame at being witnessed while committing rape.

### **Lack of protection and access to basic needs and social services for IDP and refugee women form Burma**

SPDC's military offensives, war crimes and crimes against humanity including sexual violence, and extreme hardship resulted from SPDC's oppressive policies have been directly responsible for forcing people from Burma to become internally displaced or to seek refuge in neighbouring

countries. The number of internally displaced persons (IDPs) is estimated at around 600,000, mostly from Karen, Karenni, Shan, Tavoyan, and Mon ethnic national groups, and there are estimated to be 727,100 refugees<sup>10</sup>, most of whom are living in Burma's neighbouring countries, particularly in Thailand, Bangladesh and India. However, the actual figures are likely to be much higher.

During this displacement and upheaval, women and children have faced immense hardship. Unsanitary living conditions, lack of food, lack of access to medical treatment and mental stress caused by displacement, have caused increased morbidity and mortality rates.

Many refugees, particularly from Shan State, who have crossed the Thai border are not recognized as refugees, and do not have access to refugee camps where basic needs are provided by international aid agencies. Therefore they have been forced to survive as migrant workers doing "3D" jobs: dirty, difficult and dangerous, often illegally with insufficient pay to support their family members. They often work in very exploitative conditions and are highly vulnerable to abuse.

There are about 70,000 unregistered refugees from Burma in India, Most of the refugees are staying along Burma's borders, with around 1800 registered living in New Delhi slum areas. Forms of sexual violence for women and girls include rape by employers, and forced marriage. In 2002, UNHCR stopped recommending third country resettlement for refugees in India, and also cut the subsistence allowance including children's school fees. This has caused more serious problems for the refugees, particularly the women who are often forced to collect leftover food and vegetables at the market at night to feed their family and some reported being raped while collecting food in the market at night

Regardless of their 'categorization' and location, women from Burma lack access to information on basic healthcare and life skills, with even less access to information about their rights as humans, as recognized or registered refugees, or as migrant workers. Basically they are stateless and lack legal status in host countries. As a result, women of Burma face threats of arrest, and deportation, and have little access to effective protection under domestic law in host countries.

The urgent and immediate needs for the women and girls in their refugee/migrant communities are:

- Protection, basic humanitarian assistance, services and community-based support systems
- Protection for local groups which are working closely with and assisting them
- Capacity-building of women's groups from Burma to address and prevent VAW through community-based strategies & actions.

The main root cause of the problems faced by people of Burma is the system of military dictatorship in Burma itself.

Resolutions adopted by the UN General Assembly each year since 1991 and each year since 1992 by the UN Commission on Human Rights on the situation of human rights in Myanmar, have expressed their grave concerns at the regime's "ongoing systematic violation of human rights," including widespread rape, throughout Burma, and called for political reforms. The

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<sup>10</sup> Source: World Refugee Survey: Dec2005 <  
[http://www.refugees.org/data/wrs/06/docs/principal\\_sources\\_of\\_refugees.pdf](http://www.refugees.org/data/wrs/06/docs/principal_sources_of_refugees.pdf)>

SPDC has ignored each and every resolution. Successive attempts by the UN Special Rapporteur on Human Rights in Burma Paulo Sergio Pinheiro, UN Special Envoy Razali Ismail, and UN Under Secretary General for Political Affairs Ibrahim Gambari, and Secretary General Kofi Annan have all failed to persuade the regime to even engage in a dialogue let alone halt its perpetrations of war crimes. The regime has refused to implement recommendations made by any UN body, particularly by the Office of the Secretary-General.

***Refugee women of Burma call for peace***

**The overwhelming desire of women has been to be able to return to their homes inside Burma, where their families have lived for generations, and to live in peace free from the fear of violence. They want all parties involved to pursue through peaceful means an immediate end to conflict and an end to military rule in Burma. They want the Burma Army to withdraw from all ethnic states and let them live without fear and abuse**

***Therefore, the Women's League of Burma calls on the Security Council:***

- § To intervene in Burma based on S.C. Resolution 1325, Articles 9, 10, 11 & 12
- § To ensure all parties involved to comply with S.C. Resolution 1325, Articles 1, 7, 8, 13, 14, 15

***The Women's League of Burma also urges the members of the Security Council and Individual States to:***

Demand that the UN Security Council bring genuine peace & democracy to Burma by:

1. Pressuring the regime to immediately and fully implement a nationwide ceasefire, cessation of war crimes against civilians in Burma and to withdraw their troops from ethnic states;
2. Beginning a tripartite dialogue with the representatives of the political parties and ethnic representatives (A/C.3/58/L.68/Rev.1: the 58th Session of UNGA Resolution 2003 on the situation of human rights in Burma, No. 4.d and 5. h );
3. Suspending all trade and investment in Burma, and stop any form of loans to the regime, until there is an end to war crimes against civilians in Burma and genuine democratic reform;
4. Calling for UN bodies to authorize comprehensive sanctions against the regime, including an arms embargo, until there is an end to war crimes against civilians in Burma and genuine democratic reform takes place in Burma;
5. Requiring that all actions on Burma include women in a decision-making capacity as well as take into account the impact on women;
6. Giving support for capacity-building of women's groups from Burma to address violence against women, to work towards peace through community-based strategies and actions, and to increase their participation in all processes of peace and reconciliation; and in decision-making processes at all levels.

***The Women's League of Burma calls on the Security Council and Individual States to:***

Urge Burma's neighbouring countries in co-operation with UNHCR and the international community to:

- Provide international protection as defined in the Refugee Convention to all civilians seeking asylum in their countries.
- Provide refugees in their countries with access to shelter and basic services, particularly reproductive health services for women, and give the refugees the opportunity to earn a livelihood.
- Allow support for cross-border humanitarian programs providing assistance to internally displaced persons.
- Provide survivors of rape and sexual violence with any necessary services, including psychosocial and medical services, in these countries
- Ensure the safety and security of individuals and women's groups providing services to women and girls who have suffered violence, and working to put an end to all violence against women and girls.

**For further information contact WLB at [wlb@womenofburma.org](mailto:wlb@womenofburma.org)  
or [www.womenofburma.org](http://www.womenofburma.org)**