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WOMEN'S LEAGUE OF BURMA

Joint UNIVERSAL PERIODIC REVIEW Submission by Women's League of Burma (WLB)

July 9, 2020

Burmese Women's Union, Kachin Women's Association Thailand, Karen Women's Organization, Karenni National Women's Organization, Kayan Women's Organization, Kuki Women's Human Rights Organization, Lahu Women's Organization, Pa-O Women's Union, Rakhaing Women's Union, Shan Women's Action Network, Ta'ang Women's Organization, Tavoy Women's Union and Women for Justice.

The Women's League of Burma, an umbrella organization of 13 ethnic women's organizations, has been documenting human rights violations against women and girls in Burma's ethnic communities through member organizations since it was founded. Since the 2011 UPR, we have been working in affected communities to track the progress of the commitments made by the Government of Burma (hereinafter 'the GOM'). Through our 13 member organisations, field-staff monitor human rights violations against women and girls in communities which often remain inaccessible to observers, international NGOs, and providers of humanitarian assistance. Alongside this, we work closely with our networks in civil society organisations, political parties, and the media to ensure access to diverse sources of information unearthing human rights violations against women and girls. Our submission is a reflection both of this diversity, and the primary information we receive from the ground on a regular basis.

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I. Introduction

Women in Burma suffer from serious human rights abuses as a consequence of over 60 years of continuing civil conflict between Burma's defense forces ("Tatmadaw") and various ethnic groups. Violence against women and girls, in both conflict and non-conflict settings, is rampant, leading women and girls to fear for their physical safety. Victims of violence suffer physical, emotional and economic harm and are left without adequate recourse to accountability or justice mechanisms. Protracted conflict and increased militarization also have caused displacement, trafficking and economic insecurity for women. The Government of Myanmar ("GOM") has not addressed these and other issues central to women's safety and security, in part because women have been marginalized and excluded from peace negotiations and political life.

The GOM has not fulfilled its numerous commitments to protect women and girls and provide effective remedy for human rights violations. These obligations derive from international humanitarian law ("IHL") and international human rights law, and are codified in, *inter alia*, the United Nations ("UN") Charter,ⁱ UN Declaration of Human Rights,ⁱⁱ the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW"),ⁱⁱⁱ the Convention on the Rights of the Child,^{iv} International Covenant on Economic, Social and Cultural Rights ("ICESCR"),^v international declarations to end violence against women and UN Security Council resolutions on Women, Peace and Security ("WPS Resolutions").^{vi} Moreover, the GOM also has failed to implement adequately the multiple recommendations to enshrine and protect the human rights of women and girls which were put forth during the country's last Universal Periodic Review ("UPR") in 2015.

In this third cycle UPR, the Women's League of Burma ("WLB") will highlight the following urgent issues: (I) sexual violence is committed against women and girls in areas of both conflict and increased militarization and there are insufficient justice mechanisms to address these crimes; (II) conflict and increased militarization have negatively impacted women, leaving them displaced, vulnerable to trafficking, subject to loss of land and economic insecurity and without adequate health and other services; and (III) women are marginalized in the peace process and politics, leaving issues specific to women and girls unaddressed and exacerbating gender inequalities.

II. Sexual violence is committed against women and girls in areas of both conflict and increased militarization and there are insufficient justice mechanisms to address these crimes.

1. Gender-based violence in Burma is a common occurrence, due in part to patriarchal attitudes and cultural mores, and is exacerbated by the absence of effective legal recourse for victims.^{vii} Burma currently has no comprehensive law protecting women from violence or allowing for restraining orders, and overlapping and contradictory legal provisions complicate justice efforts.^{viii} Government-provided social services to assist victims of violence are also inadequate.

2. Situations of armed conflict and increased militarization are particularly dangerous, as women suffer from violence at the hands of the Tatmadaw, which operates with complete impunity.^{ix} Conflict-related sexual violence (“CRSV”), a hallmark of Tatmadaw strategy to intimidate, terrorize and punish ethnic groups, continues to be widespread and systematic.^x From 2015 to 2020, our constituent groups reported 424 cases of rape and sexual violence by civilians and more than 115 by the Tatmadaw in their areas; these numbers do not cover the entire country and thus are only the tip of the iceberg. (*For more on sexual violence cases, see Annex 1.*)
3. The Tatmadaw’s involvement in the drug trade fuels sexual violence, as increased drug cultivation and use has driven domestic violence and abuse. Government policy inadequately addresses the problem.^{xi}
4. With respect to gender-based violence, victims face serious obstacles to bringing perpetrators to justice. Most survivors are not aware of legal procedures and reporting to local, predominantly male authorities or informal male-led justice mechanisms mostly is ineffective.^{xii} Often, perpetrators do not see sexual violence as a serious crime and rely on the fact that perpetrators are rarely brought to justice. Police frequently do not respond actively or thoroughly to reported cases and corruption is prevalent, which causes distrust in legal procedures.^{xiii} The country’s outdated, colonial-era criminal and procedural laws present substantial obstacles to addressing violence against women and do not meet international standards.
5. Victims, their families and advocates suffer from harassment, threats and intimidation when they report sexual violence crimes and are deterred by a culture of victim-blaming.^{xiv} Victims also report being harassed in court and offered small bribes to drop their cases. This strategy is effective since the financial costs associated with filing and prosecuting cases are steep. Ethnic women face the additional burdens of discrimination and language barriers.
6. With respect to CRSV, the legal system does not provide adequate justice mechanisms and the 2008 Constitution prevents accountability.^{xv} The Constitution grants the Tatmadaw complete control over its own justice system and rarely charges perpetrators, meaning that members of the military generally enjoy impunity.^{xvi} Information about the few prosecutions within the military justice system is not accessible to the public so there is no transparency. Informally, the Tatmadaw possesses significant clout over politics and the judicial system which often prevents victims from filing complaints due to threats or other forms of suppression to discourage prosecution.^{xvii} All the issues that prevent reporting sexual violence in general increase exponentially in cases of CRSV.
7. The Protection and Prevention of Violence Against Women Law (“PoVAW Law”) introduced in Parliament in January 2020, after a seven year drafting process, does not sufficiently or completely address the problem and falls far short of international legal standards for protecting and providing recourse and restitution for victims. Specifically, it does not address adequately CRSV by state actors which leaves victims unable to access official justice mechanisms and encourages impunity for CRSV. Other significant shortcomings include: definitions fail to meet international standards (including rape, domestic violence, sexual harassment and consent); the process for emergency measures and protection orders is unclear, cumbersome and inadequate; support services are inadequate; procedural safeguards, including victim impact

statements, are necessary; women and CSOs should be involved in implementation; and uniform training of all service providers is necessary.^{xviii}

8. The Myanmar National Human Rights Commission (“MNHRC”) lacks independence and transparency, and has a limited mandate to investigate abuses.^{xix} The MNHRC has not examined cases of CRSV so is not a viable justice option for victims.^{xx}
9. Women Human Rights Defenders (“WHRD”) focusing on sexual violence are subject to threats and harassment, and report being followed by authorities. WHRD confront powerful religious and community leaders who frequently are not supportive of efforts to achieve justice for victims. These issues lead to unsafe conditions for WHRD.
10. The GOM has failed to fulfill the promises it made during the 2015 UPR to: take effective measures to prevent and combat violence against women, including CRSV; ensure independent, impartial and effective investigation of violence and human rights abuses and prosecution thereof; ensure sufficient remedy and reparations for human rights abuses; and eliminate defense forces impunity for human rights violations.^{xxi}
11. International law requires the GOM to protect women and girls from sexual violence in conflict and non-conflict situations. In particular, Burma is a signatory to CEDAW, which establishes that women and girls have the right to be free from violence, and is bound by ICESCR, the Convention on the Rights of the Child (“CRC”) and WPS Resolutions.^{xxii} Burma also signed a Joint Communique with the Special Representative of the Secretary-General on Sexual Violence in Conflict in December 2018 that requires the GOM to undertake preventive measures such as legal reforms to ensure accountability for CRSV, train and capacity-build service providers, improve service delivery for victims and eliminate impunity.^{xxiii} In its 2016 CEDAW review, the GOM was advised, *inter alia*, to reform domestic laws in compliance with CEDAW, repeal laws that perpetuate impunity for CRSV, expedite the investigation and prosecution of sexual violence crimes committed by the military and establish an independent body to investigate allegations of violence against ethnic minority women and girls.^{xxiv}

III. Conflict and increased militarization have negatively impacted women, leaving them displaced, vulnerable to trafficking, subject to loss of land and economic insecurity and without adequate health and other services. The GOM has not provided humanitarian or other assistance during their cycle of displacement and has failed to provide adequate social services and economic security to rural women.

12. The Tatmadaw has long executed land confiscation and forced evictions in rural areas to achieve military purposes and for development projects.^{xxv} Small farmers have borne the brunt of the resulting negative economic, social, cultural and political impacts, and are unable to reclaim land even with proper documentation.^{xxvi} Women, in particular, face economic insecurity and additional burdens as loss of land forces women to generate additional income, frequently through daily wage labor and men must find additional income sources, often far from home. This situation increases women’s already considerable responsibilities, since traditional gender norms dictate that women tend to the home and family.^{xxvii} The impact of land grabs reverberates through communities; for example, victims of land grabbing move onto other lands (as seen with the Mone Hydropower Dam) or livestock is lost as a result of environmental

damage caused by development projects (as experienced in Kawhmu Township).^{xxxviii} (*For more on land confiscation, see Annex 2.*)

13. In an ironic twist, land confiscations can lead to more work for women since it is often women who negotiate with the land usurpers, even though they are not frequently the official land holder.^{xxxix} Women are viewed as more conciliatory and therefore better suited to interact with officials, especially the Tatmadaw. Villagers believe that the military is more paternalistic and less aggressive to women and therefore more likely to soften in negotiations with women.^{xxx} Nevertheless, resolutions to land disputes can be unsatisfactory as farmers agree to a sharecropping arrangement whereby they pay the military to farm their own land.
14. In a troubling development, the Tatmadaw has initiated criminal trespassing suits against farmers for farming lands that were illegally seized by the defense forces and defamation suits against farmers who complain. To date more than 50 such trespassing suits against 27 individuals (including women) have been filed in Kayah /Karenni state alone, and conviction can carry a prison term up to seven years.^{xxxi} In one defamation case, a farmer who raised concerns directly to Aung San Suu Kyi at a town hall meeting was charged with defamation which could carry a prison term of up to two years.^{xxxii} (*For more on land confiscation, see Annex 2.*)
15. Trafficking in female Internally Displaced Persons (IDPs) and refugees is still prevalent and social and support services for victims are limited.^{xxxiii} The GOM's anti-trafficking efforts are inadequate, in part because they do not address the root causes of trafficking such as protracted conflict, economic underdevelopment, insufficient Government social services, drug addiction and limited employment opportunities. Further, Government policies, such as failing to issue citizen identification cards that would facilitate legal migration, contribute to trafficking. Moreover, police and border officials are often implicated in trafficking schemes so holding perpetrators accountable is difficult. (*For more on trafficking, see Annex 3.*)
16. These underlying problems, combined with the shortage of females in China, create a dangerous situation for women from Kachin and northern Shan state. Traffickers sell vulnerable women into sexual slavery, forced marriage and forced childbirth in China by falsely promising victims jobs and economic security.^{xxxiv}
17. The GOM denies humanitarian access, aid and support to IDPs making life in the camps increasingly difficult.^{xxxv} Since June 2016, the GOM has banned international organizations from certain areas and local support is inadequate to meet the basic needs of IDPs.^{xxxvi} Reduced aid, combined with poor infrastructure, leads families to make desperate choices in order to survive and increases violence and drug use. Women and girls, who make up roughly 75% of displaced populations in Kachin and northern Shan state, are particularly vulnerable to trafficking and exploitation.^{xxxvii} Of particular concern is the limited access to healthcare, in particular reproductive health services.
18. The GOM's proposed resettlement of IDPs is putting the cart before the horse; without peace and security, including clearance of landmines, any resettlement is unsafe.^{xxxviii} Government resettlement plans for IDPs, refugees and victims of trafficking have been negotiated without input from local communities, affected individuals or CSOs leading to an incomplete and unsatisfactory plan that is not the voluntary return required by international law. Shortcomings include: proposed resettlement sites are located close to military bases; there is no plan for

ensuring the safety of returnees (e.g. land mine removal); the plan does not address livelihood issues/women's economic insecurity; and returnees will not be issued ID cards or allowed to vote. Moreover, the existence of a plan has led to dangerous service cuts within camps, forcing involuntarily return to relocation sites.

19. The GOM has not fulfilled its second cycle UPR promises to protect and provide for displaced women and girls. Specifically, the GOM has not met its obligations to: provide economic growth that benefits the entire country,^{xxxix} address and prevent land grabbing,^{xi} combat human trafficking,^{xii} provide for the safety and security of ethnic women and human rights defenders,^{xiii} respect the human rights of ethnic and religious minorities,^{xiiii} improve access to basic services, including health services, and freedom of movement for the population^{xliv} and provide humanitarian aid and ensure the safe and voluntary return of IDPs.^{xlv}
20. The GOM has further obligations to protect displaced women and girls deriving from both CEDAW and the CRC which provide basic rights to land as well as special protections for displaced women, especially those with a dependence on land,^{xlvi} and victims of trafficking. The GOM has additional obligations under ICESCR which enshrines the right to adequate housing, an adequate standard of living and protections against forced evictions.^{xlvii} In its 2016 CEDAW review, the GOM was advised to improve its anti-trafficking efforts, ensure access to basic services, including healthcare, for IDPs, revise its anti-trafficking law to meet international standards, address the root causes of trafficking, increase awareness of trafficking and increase international cooperation to prevent trafficking.^{xlviii}

IV. Women are marginalized in politics and excluded from the peace process, leaving issues specific to women and girls unaddressed and exacerbating gender inequalities.

21. Women in Burma for the most part have been excluded from peace negotiations, even though ethnic women are affected deeply by conflict.^{xlix} In 2015, with very limited participation of women, the GOM signed a Nationwide Ceasefire Agreement ("NCA") with eight (out of 16) ethnic armed organizations ("EAO") which promised to include a "reasonable" number of women in all future peace talks.^l The Framework for Political Dialogue signed a few months later pledged to make efforts to achieve 30% participation of women, the threshold recommended by the UN.^{li} Aung San Suu Kyi has called for 50% participation of women in the peace process, but to date not a single peace conference or negotiating committee has met this goal.^{lii}
22. The 21st Century Panglong conferences, seen as mostly symbolic and non-inclusive by ethnic residents, did not meet this target, and the Union Peace Conferences held from 2016 to 2018 achieved 13, 17 and 22% female participation, respectively.^{liii} Currently there are only four women out of 78 participants in NCA mechanisms and only 9% women on the Joint Ceasefire Monitoring Committee.^{liv} While complex social, political and historical factors hamper women's participation, the failure is due also to the absence of any firm commitments or mechanism to ensure this 30% threshold.
23. The parties to the peace dialogues - the defense forces, EAOs, the Government and certain political parties - do not afford women substantive, policy-making roles. In the Tatmadaw and EAOs, women play subordinate roles and male leaders tend to ignore the ideas of women.^{lv}

Women hold few leadership positions and face discrimination in ethnic political parties (“EPP”) as well.^{lvi} Moreover, only 10 out of 52 EPPs can participate in the Union Peace Dialogue Joint Committee which further restricts ethnic women’s participation.^{lvii}

24. One representative study that included both men and women in Kayah/ Karenni state found that women were not included in peace discussions and that women lacked knowledge and information about the peace process.^{lviii} Even superficial “progress” is not meaningful. While the 21st Century Panglong conference saw approximately a 20% female participation rate, this figure includes women who participated as police officers, administrative support and cleaners.^{lix}
25. Women must be at the negotiating table so that the differential impact of conflict and peace agreements on women is acknowledged. As a result of women’s marginalization, military issues dominate, and issues impacting women and girls have been excluded from principles adopted under the Union Peace Conference. Research indicates that a broader involvement of women correlates with higher chances of reaching agreement. Moreover, gender parity at the negotiating table will determine the quality and sustainability of any peace agreement that is negotiated.^{lx}
26. In part, the exclusion of women from the peace process is a reflection of their limited role in political life - locally, regionally and nationally. This is due to a complex interplay of factors, including decades of male-dominated military rule and deeply-rooted patriarchy. While women make up half of the country’s population, currently they hold 48 of 432 seats in the lower house and 27 of 22 seats in the upper house. This translates to approximately 11% overall representation.^{lxi} Regional and local governments also include a very low percentage of women; for example, roughly only 100 of over 16,000 village tract and ward administrators are women.^{lxii}
27. Political parties, including Aung San Suu Kyi’s National League for Democracy (“NLD”), have not done enough to support women in politics. Few of the 90 political parties’ platforms include measures to increase female participation, and party representatives cite women’s inexperience and lack of knowledge as reasons for low female participation rates.^{lxiii} In fact, in 2015 the NLD fielded only 15% female parliamentary candidates and no female candidates in the 2018 by-election.^{lxiv}
28. During the last UPR cycle, the GOM committed to promoting women’s participation in political, socio-economic and administrative decision making,^{lxv} enhancing women’s empowerment and gender equality^{lxvi} and ensuring better representation of women in the peace process.^{lxvii} Little progress has been made to fulfill these promises.
29. As a party to CEDAW, the GOM is obliged to include women in political and social life in order to achieve women’s empowerment and advance society as a whole.^{lxviii} This obligation is required both in law and in effect, so the relevant consideration is whether women are equally represented even if there are no specific prohibitions in place.^{lxix} Both CEDAW and the WPS Resolutions assert that women must be meaningful participants in the peace and transitional processes relating to conflict situations.^{lxx} Specifically, the CEDAW Committee has recommended that States parties ensure and provide for women’s participation in the prevention, management and resolution of conflicts, women’s equal representation at all decision-making levels, the participation of women’s CSOs, leadership training for women and temporary special measures to accelerate equality.^{lxxi}

30. During the country's 2016 CEDAW review, the CEDAW Committee recommended that GOM adopt measures, including temporary special measures, to guarantee and accelerate women's full and equal participation at all levels of government.^{lxxii} The Committee further instructed GOM to fully involve women at all stages of the peace process, and ensure that representatives of ethnic minority women groups participate in peace and post-conflict processes.^{lxxiii}

RECOMMENDATIONS:

- Declare a nationwide ceasefire and withdraw the Tatmadaw troops from ethnic areas within the next 12 months and immediately stop military offensives in ethnic areas. Develop and train the military in acceptable protocols to safeguard the rights of minorities and vulnerable groups.
- Repeal all laws that restrict women's human rights, such as 2015 Protection of Race and Religion Laws, and discriminatory clauses in the 2008 Constitution.
- End impunity for human rights violations by undertaking independent and transparent investigations into allegations of abuses by Tatmadaw in civilian courts.
- Immediate pass a comprehensive PoVAW in line with international human rights standards and establish a separate ministry of women to implement the law.
- Implement commitments made under international law to end CRSV; allow an independent international investigation into CRSV ensuring legal penalties against the perpetrators irrespective of their institutional affiliation.
- Ensure national gender equality plans are operationalized at all levels, with a sufficient allocated budget and effective monitoring and evaluation mechanisms.
- Immediately lift restrictions and provide open access to international relief, aid and humanitarian agencies and UN bodies, ensure the safety of those workers and allow humanitarian aid reach to the remote areas.
- Ensure that IDPs, refugees, community organizations and communities are consulted on all return plans and ensure transparency so that return is truly voluntary and continue aid to these groups until such plans are in place.
- Immediately ratify the Mine Ban Treaty, cease the production and use of landmines, and hold meaningful consultations with all relevant actors to initiate mine clearance activities.
- Demonstrate good faith towards an inclusive political peace process, ensuring meaningful participation of women and CSOs by allocating seats for women and CSO delegates at the Union Peace Conference and incorporating their input into ongoing political dialogues.
- Address inequalities in political representation, decision-making authority, and economic and leadership opportunities through awareness-raising campaigns, training for government officials, developing gender-sensitive policies and temporary special measures such as quotas.

ⁱ United Nations, *Charter of the United Nations*, UNTS XVI (Oct. 24, 1945).

ⁱⁱ United Nations General Assembly, *Universal Declaration of Human Rights*, 217 (III) A (Paris, 1948).

ⁱⁱⁱ Convention on the Elimination of All Forms of Discrimination against Women, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereafter "CEDAW"]. CEDAW was ratified by Burma in 1997.

^{iv} UN Commission on Human Rights, *Convention on the Rights of the Child*, 7 Mar.

1990, E/CN.4/RES/1990/74, available at: <https://www.refworld.org/docid/3b00f03d30.html> [hereafter "CRC"].

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- ^v International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 [hereafter “ICESCR”]. Burma ratified CRC in 1991 and ICESCR in 2018.
- ^{vi} The Women Peace & Security resolutions include: Security Council Res. 1325, U.N. Doc. S/RES/1325 (Oct. 31, 2000) and subsequent resolutions, including S.C. Res. 1820, U.N. Doc. S/RES/1820 (June 19, 2008), S.C. Res. 1888, U.N. Doc. S/RES/1888 (Sept. 30, 2009), S.C. Res. 1889, U.N. Doc. S/RES/1889 (Oct. 5, 2009), S.C. Res. 1960, U.N. Doc. S/RES/1960 (Dec. 10, 2010), S.C. Res. 2106, U.N. Doc. S/RES/2106 (June 24, 2013), S.C. Res. 2122, U.N. Doc. S/RES/2122 (Oct. 18, 2013), S.C. Res. 2242, U.N. Doc. S/RES/2242 (Oct. 13, 2015), S.C. Res. 2467, U.N. Doc. S/RES/2467 (Apr. 23, 2019). The Declarations to eliminate sexual violence include: The Declaration on the Elimination of Violence Against Women (Dec. 20, 1993) and the Declaration of Commitment to End Sexual Violence in Conflict (June 2014).
- ^{vii} Gender Equality Network, *Behind the Silence: Violence Against Women and their Resilience* (Nov. 14, 2014).
- ^{viii} Gender Equality Network, *Burma Law and CEDAW: The Case for Anti-Violence Against Women Laws* (Jan. 2013); U.S. Dep’t of State, *2019 Country Reports on Human Rights Practices: Burma* (Mar. 11, 2020).
- ^{ix} International Commission of Jurists, *Redress and Accountability in Myanmar: Baseline Study*, (Jan. 2018), at 13.
- ^x For a comprehensive review of the situation in Burma, see Human Rights Council, *Sexual and Gender-Based Violence in Myanmar and the Gendered Impact of its Ethnic Conflicts* (Aug. 22, 2019), ¶¶ 25 – 65, available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/sexualviolence/A_HRC_CRP_4.pdf; Women’s League of Burma, “If they had hope they would speak”, *The ongoing use of state-sponsored sexual violence in Burma’s ethnic communities* (Nov. 2014); Lawi Weng, *Ta’ang Rape Victim Claims Attackers Army Soldiers*, THE IRRAWADDY (May 17, 2019) available at: <https://www.irrawaddy.com/news/ethnic-issues/taang-rape-victim-claims-attackers-army-soldiers.html>.
- ^{xi} For an overview of the drug situation in Myanmar, see International Crisis Group, *Fire and Ice: Conflict and Drugs in Myanmar’s Shan State* (Jan. 8, 2019) available at: <https://www.crisisgroup.org/asia/south-east-asia/myanmar/299-fire-and-ice-conflict-and-drugs-myanmars-shan-state>.
- ^{xii} Burma/Myanmar Forum on UPR, Universal Periodic Review Mid-Term Report, at 23 (Feb.-June 2018).
- ^{xiii} *Id.* at 24.
- ^{xiv} See generally Karen Human Rights Group, *Suffering in Silence? Sexual Violence Against Women in Southeast Burma* (Dec. 10, 2018)
- ^{xv} Kachin Women’s Association in Thailand, *Justice Delayed, Justice Denied: Seeking Truth about Sexual Violence and War Crime Case in Burma* (Jan. 2016); U.S. Dep’t of State, *2019 Country Reports on Human Rights Practices: Burma* (Mar. 11, 2020).
- ^{xvi} Constitution of the Republic of the Union of Myanmar (2008), arts. 6(f), 14, 20 (b), 20(c), 40(c), 232(b), 232(d), 339, 343, and 445.
- ^{xvii} International Commission of Jurists, *Redress and Accountability in Myanmar: Baseline Study*, (Jan. 2018), at 14.
- ^{xviii} Women’s League of Burma, *Procedural and Substantive Suggestions for the Proposed Protection and Prevention of Violence Against Women Law* (Feb. 2019).
- ^{xix} International Commission of Jurists, *Four Immediately Implementable Reforms to Enhance Myanmar’s National Human Rights Commission* (Nov. 12, 2019).
- ^{xx} Nyein Nyein, *Can Burma’s Human Rights Commission Fight Sexual Violence in Conflict Areas?* (Mar. 8, 2016) available at: <https://www.irrawaddy.com/news/burma/can-burmas-human-rights-commission-fight-sexual-violence-in-conflict-areas.html>
- ^{xxi} 2015 UPR Recommendations: 143.55 (Cyprus), 143.66 (Sweden), 143.67 (Namibia), 143.68 (Serbia), 143.69 (Spain), 143.70 (Portugal), 143.71 (Paraguay), 143.77 (Finland), 143.78 and 143.79 (Iceland), 143.80 (Senegal), 143.81 (Lithuania), 144.72 (United Kingdom), 145.24 (Albania).
- ^{xxii} CEDAW establishes that violence against women is a form of discrimination and a violation of women’s human rights. See CEDAW General Recommendation No. 19 (interpreting CEDAW’s violence against women mandates) and CEDAW General Recommendations No. 30 and 35 (reiterating that these mandates apply to situations of contention and political instability, including armed conflict). Security Council Resolution 2467, adopted in April of 2019, reaffirms the eight previous Women Peace and Security Resolutions and recalls States’ responsibilities to prosecute those responsible for human rights abuses and reiterates that CRSV is a serious crime under international law. UN Security Council, Resolution 2467 (2019) (Apr. 23, 2019), UN Doc. S/RES/2467 (2019). See also CRC at art. 19(1); ICESCR at art. 2(2), 7, 12.

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- ^{xxiii} Joint Communique of the Republic of the Union of Myanmar and the United Nations on Prevention and Response to Conflict-Related Sexual Violence (Dec. 7, 2018)
- ^{xxiv} Committee on the Elimination of Discrimination against Women, Concluding Observations of the Committee on the Elimination of Discrimination against Women: Burma (Jul. 25, 2016), U.N. Doc CEDAW/C/MMR/CO/4-5 (hereinafter “2016 CEDAW Concluding Observations”), at ¶¶ 27(a), (b) (d); 45(b), (f).
- ^{xxv} Human Rights Watch, *Nothing for Our Land: Impact of Land Confiscation on Farmers in Myanmar* (Jul. 17, 2018).
- ^{xxvi} Land In Our Hands Network, *Destroying People’s Lives: The Impact of Land Grabs on Communities in Myanmar* (Dec. 2015); Nyi Nyi Htwe & Caitlin Pierce, *Evidence is not enough to secure land rights in Myanmar*, NAMATI (Jan. 31, 2017) available at: <https://namati.org/resources/evidence-is-not-enough-to-secure-land-rights-in-myanmar-english/>.
- ^{xxvii} Peirce, Hurtle & Bainbridge, Saferworld, *Gendered Experiences of Land Confiscation in Myanmar* (Feb. 2018).
- ^{xxviii} Land In Our Hands Network, *Destroying People’s Lives: The Impact of Land Grabs on Communities in Myanmar* (Dec. 2015), at 30-31.
- ^{xxix} Globally, less than 15% of landholders are women. See Food & Agricultural Organization of the United Nations, *The gender gap in land rights* available at: <http://www.fao.org/3/I8796EN/i8796en.pdf>.
- ^{xxx} Peirce, Hurtle & Bainbridge, Saferworld, *Gendered Experiences of Land Confiscation in Myanmar* (Feb. 2018).
- ^{xxxi} Zaw Zaw Htwe, *Military Sues 27 Farmers Using Seized Land in Kayah State*, THE IRRAWADDY (Dec. 10, 2019) available at: <https://www.irrawaddy.com/news/burma/military-sues-27-farmers-using-seized-land-kayah-state.html>
- ^{xxxii} Phyto Thiha Cho, *Man Who Told Suu Kyi About Military Land Grab Charged With Defamation*, MYANMAR NOW (May 15, 2019) available at: <https://myanmar-now.org/en/news/man-who-told-suu-kyi-about-military-land-grab-charged-with-defamation>
- ^{xxxiii} Burma was placed in Tier 3 (the worst level) of the most recent U.S. Department of State’s Trafficking in Persons Report. U.S. Dept. of State Trafficking in Persons Report (Jun. 2019), at 48, available at: <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>.
- ^{xxxiv} Human Rights Watch, “Give us a baby and we’ll let you go”: Trafficking of Kachin ‘Brides’ from Myanmar to China (Mar. 21, 2019); Amy Gunia, *A shortage of women in China has led to the trafficking of ‘brides’ in Myanmar*, TIME (Mar. 22, 2019) available at: <https://time.com/5555695/china-women-trafficking-myanmar/>
- ^{xxxv} International Crisis Group, *An Opening for Internally Displaced Person Returns in Northern Myanmar: Briefing No. 156* (May 22, 2019).
- ^{xxxvi} *Id.*
- ^{xxxvii} *Id.*
- ^{xxxviii} Khin Myat Myat Wai, *Women’s groups say IDPs need peace not resettlement*, MYANMAR TIMES (Dec. 9, 2010) available at: <https://www.mmtimes.com/news/womens-groups-say-idps-need-peace-not-resettlement.html>; Oliver Slow, *In Myanmar’s North Displaced People Fear They’ll Never Go Home*, US NEWS & WORLD REP’T (Oct. 2, 2019) available at: <https://www.usnews.com/news/best-countries/articles/2019-10-02/in-myanmars-north-displaced-people-fear-theyll-never-go-home>; Sai Wansai, *Refugee Conundrum: Little Movement in Myanmar’s Repatriation Scheme*, Mizzima (Jan. 8, 2020) available at: <http://www.mizzima.com/article/refugee-conundrum-little-movement-myanmars-repatriation-schemes>.
- ^{xxxix} 143.32 (Ethiopia); 143.34 (Venezuela); 143.38 (Cuba); 143.39 (Iran); 143.35 (Cuba); 143.36 (Iran); 143.37 (Lao People’s Democratic Republic); 143.25 (Holy See).
- ^{xl} 143.123 (Germany); 143.124 (Czech Republic); 143.88 (Netherlands; Noted).
- ^{xli} 143.75 (Malaysia); 143.76 (Serbia); 143.74 (Greece); 143.73 (Ecuador); 143.22 (Kyrgyzstan); 145.26 (Thailand; Noted); 145.27 (Saudi Arabia; Noted)
- ^{xlii} 144.82 (Chile); 144.83 (Norway); 145.22 (Italy; Noted);
- ^{xliii} 143.97 (Poland)
- ^{xliv} 143.87 (Japan); 143.104 (Sri Lanka); 143.108 (Viet Nam);
- ^{xliv} 143.120 (Turkey); 143.122 (Panama); 143.121 (Kuwait); 145.68 (Kuwait; Noted); 145.69 (Saudi Arabia; Noted)
- ^{xlvi} CEDAW General Recommendation 21, at ¶27; CEDAW General Recommendation 30, at ¶57(d); CRC General Comment 6, at ¶¶ 41, 47.
- ^{xlvii} See UN Women, *Realizing Women’s Rights to Land and Other Productive Resources* (2013) available at: <https://www.ohchr.org/Documents/Publications/RealizingWomensRightstoLand.pdf>; see also *Basic principles and guidelines on development-based evictions and displacement* (2007), A/HRC/4/18.

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- ^{xlviii} 2016 CEDAW Concluding Observations, *supra* note xxiv, ¶¶ 29(a), (b), (c) and (d); 45(c), 45(e),
- ^{xlix} For a comprehensive overview of this topic, see Women’s League of Burma & The Carter Center, *Broadening Participation of Women of Ethnic Political Parties in the Peace Process* (Mar. 2019).
- ^l *Myanmar Signs Ceasefire with Eight Armed Groups*, REUTERS (Oct. 15, 2015). For an analysis of women’s participation, see Muehlengeck & Palmiano Federer, *Women’s Inclusion in Myanmar’s Nationwide Ceasefire Agreement* (July 2016) available at: <https://www.inclusivesecurity.org/wp-content/uploads/2016/09/Womens-Inclusion-in-Myanmars-Nationwide-Ceasefire-Agreement.pdf>.
- ⁱⁱ Framework for Political Dialogue, Chapter 2(j) available at: <http://eprpinformation.org/files/recent-events/the-framework-for-political-dialogue-unofficial-translation--22dec2015--eng.pdf>.
- ⁱⁱⁱ Htet Naing Zaw, *Daw Aung San Suu Kyi Encourages Women to Participate in Peace Process*, The Irrawaddy (Mar. 9, 2017) available at: <https://www.irrawaddy.com/news/burma/daw-aung-san-suu-kyi-encourages-women-to-participate-in-peace-process.html>
- ^{liii} Women’s League of Burma & The Carter Center, *Broadening Participation of Women of Ethnic Political Parties in the Peace Process* (Mar. 2019) at 10; Alliance for Gender Inclusion in the Peace Process, *Analysis of Myanmar’s 2nd Union Peace Conference – 21st Century Panglong from a Gender Perspective* (June 2017) available at: https://www.agipp.org/sites/agipp.org/files/agipp_gender_analysis_paper_eng_version.pdf
- ^{liv} Khuliar, Akanksha, IPCS, *Women’s Participation in Myanmar’s Peace Process* (Aug. 8, 2019).
- ^{lv} Prio Centre on Gender, Peace and Security, *Women in Ethnic Armed Organizations in Myanmar: GPS Policy Brief 01*, 2019.
- ^{lvi} Women’s League of Burma & The Carter Center, *Broadening Participation of Women of Ethnic Political Parties in the Peace Process* (Mar. 2019), at 10.
- ^{lvii} Women’s League of Burma & The Carter Center, *Broadening Participation of Women of Ethnic Political Parties in the Peace Process* (Mar. 2019), at 1.
- ^{lviii} https://www.burmalink.org/wp-content/uploads/2017/03/the-report-on-the-process-of-collecting-the-voices-of-karenni-women-and-policy-brief-for-peace-process_english.pdf
- ^{lix} Nyein Nyein, *Gender alliance reports 20 percent women’s participation at peace conference* (May 30, 2017) available at: <https://www.irrawaddy.com/news/burma/gender-alliance-reports-20-percent-womens-participation-peace-conference.html>
- ^{lx} Prio Centre on Gender, Peace and Security, *Women in Ethnic Armed Organizations in Myanmar: GPS Policy Brief 01*, 2019.
- ^{lxi} A quarter of seats are reserved to the military by the Constitution. Akanksha Khullar, *Dashed Hopes for Myanmar’s Women*, THE DIPLOMAT (Aug. 9, 2019) available at: <https://thedi diplomat.com/2019/08/dashed-hopes-for-myanmars-women/>; <https://www.irrawaddy.com/opinion/guest-column/womens-participation-politics-undermined-nld.html>; Inter-parliamentary Union data for Myanmar (last accessed Mar. 14, 2020) available at: <https://www.ipu.org/parliament/MM>
- ^{lxii} UNDP, *Trailblazers of Local Democracy and Gender Equality in Rakhine* (Sept. 24, 2018) available at: <https://www.mm.undp.org/content/myanmar/en/home/stories/trailblazers-of-local-democracy-and-gender-equality-in-rakhine.html>
- ^{lxiii} The Asia Foundation and Phan Tee Eain, *Women’s Political Participation in Myanmar* (Apr. 2017) available at: https://asiafoundation.org/wp-content/uploads/2017/05/Womens-Political-Participation-in-Myanmar-MP-Experiences_report-1.pdf.
- ^{lxiv} Nyein Nyein, *NLD Struggles to Field Female Candidates for By-election, Aims for 2020*, (Jun. 27, 2018) available at: <https://www.irrawaddy.com/news/burma/nld-struggles-field-female-candidates-election-aims-2020.html>
- ^{lxv} 143.102 (Venezuela); 143.103 (Italy).
- ^{lxvi} 143.53 (Pakistan); 143.56 (France);
- ^{lxvii} 143.54 (Slovenia)
- ^{lxviii} Convention on the Elimination of All Forms of Discrimination Against Women, Arts. 7 & 8. Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].
- ^{lxix} Comm. On the Elimination of Discrimination against Women, General Recommendation No. 23 on Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women, on Women in Political and Public Life, U.N. Doc. A/52/38 (Jan. 13, 1997), at ¶ 15.
- ^{lxx} Comm. On the Elimination of Discrimination against Women, General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, U.N. Doc. CEDAW/C/GC/30 (2013). Security Council Res.

1325, U.N. Doc. S/RES/1325 (Oct. 31, 2000) and subsequent resolutions, including S.C. Res. 1820, U.N. Doc. S/RES/1820 (June 19, 2008), S.C. Res. 1888, U.N. Doc. S/RES/1888 (Sept. 30, 200), S.C. Res. 1889, U.N. Doc. S/RES/1889 (Oct. 5, 2009), S.C. Res. 1960, U.N. Doc. S/RES/1960 (Dec. 10, 2010), S.C. Res. 2106, U.N. Doc. S/RES/2106 (June 24, 2013), S.C. Res. 2122, U.N. Doc. S/RES/2122 (Oct. 18, 2013), S.C. Res. 2242, U.N. Doc. S/RES/2242 (Oct. 13, 2015), S.C. Res. 2467, U.N. Doc. S/RES/2467 (Spr. 23, 2019).

^{lxxi} CEDAW General Recommendation No. 30, at ¶¶ 46, 72 and 73.

^{lxxii} 2016 CEDAW Concluding Observations, *supra* note xxiv, at ¶131(a).

^{lxxiii} 2016 CEDAW Concluding Observations, *supra* note xxiv, at ¶13(a), 13(b), 45(g).



ANNEXES to Women's League of Burma's Stakeholder Report
for the Universal Periodic Review
9 July 2020)

ANNEX 1: Sexual Violence in Conflict Areas

Case 1: Sexual Violence Case Committed by Tatmadaw in Kyaukme in 2017¹

In the afternoon (approximately 12:30 p.m.), on 7 January 2017, a soldier from the Tatmadaw's Light Infantry Battalion /LIB 148 raped Lway Aye (a pseudonym) at her home in Pann Thang village, Minelon subtownship, Kyaukme district, Kyaukme Township. Lway Aye's brother reported that a neighbor urgently called him to report that he had seen a soldier enter his house. When he arrived at his house, he saw that a soldier was raping his sister and he asked him why he had done this to his sister. The soldier loaded his gun and targeted him so he couldn't say anymore. Her brother went to the military camping at the village entrance and told them that a soldier raped his sister and the military captain beat the soldier 10 times as punishment for behaving in a defamatory way to the military. Her brother asked compensation of 300,000 kyat but the captain gave him only 200,000 kyat. The captain told the brother that it had happened already and so nothing could be done but promised that no more happened like that and it should be finished. The family did not sue. Three days after the incident, the soldiers of LIB 148 left but it crosses very often near Pan Thang village.

Case 2: Sexual Violence Case Committed by Tatmadaw soldiers in Namhsan in 2019²

In the afternoon (approximately 2:30 p.m.) on 10 May 2019, two soldiers from the Tatmadaw raped Lway Aye Sein (a pseudonym) at gun point at a tea leaf farm when she was working in Huu Khin village, Namhsan township, Northern Shan State. Lway Aye Sein, a daughter of U Aik Sein (a pseudonym) and Daw Yin Yin (a pseudonym) collected tea at the tea farm, arriving around 9:00 a.m. and breaking for lunch at 12:00 p.m. After lunch, she collected tea. During the time she was collecting tea, two soldiers came and pointed with gun by the side of her body and asked her if she had "any companion" and she replied, "No." Moreover, they asked her, "Is there any Palaung soldiers in your village?" and she replied, "No." Then, the soldiers said that she was lying, pulled her arms side by side, took off her clothes and raped her at a hut near the farm. She was wearing dark blue pants and white-striped colored underwear at that time.

She reported that when one perpetrator raped her another one was standing guard and they took turns raping her. The assault lasted approximately one and a half hours. She said that she was afraid and shouted during rape but nobody was there and she couldn't be safe. She was afraid and shocked and she could not recognize well their faces. But one was tall and one was short. One is holding pistol gun and she was not sure if the other one had a pistol or not. She said that one perpetrator was wearing a brown shirt and looked like a Burmese soldier. After the rape, she ran out to her tea farm and didn't look back. She crossed the stream and ran through the forest until she got to the main road.

Case 3: Case of Six Captive Nurses Killed by the Tatmadaw soldiers³

In the afternoon of 11 July 2018, six nurses were arrested, held captive, killed and buried as a group by Tatmadaw ID 88 and LIB 301 of the, Montong township, Palaung Self administrative area. The six

¹ Source: Ta'ang Women's Organization (TWO)

² Source: Ta'ang Women's Organization (TWO)

³ Source: Ta'ang Women's Organization (TWO)

captive nurses killed were Lway Yay Pe, Lway Ei Ti, Lway Yay Sang, Lway Zar Zar, Lway Yay and Ohlarwt (pseudonyms) and they were from Mongton and Namkham townships. The female nurses and two soldiers of TNLA (Ta'aung National Liberation Army) came by car from Baw Ho Kyan and met 30 people from the Burmese military at the junction of Mai Baw and Eowl Law village road. They clashed for a few minutes but it was not a balanced battle; one of the soldiers from TNLA was killed and one escaped. The six female nurses were arrested and brutally killed by Burmese military. One of the TNLA soldiers were buried beside the road and the six nurses' bodies were buried in the forest after being tortured that night.

In the morning of July 12, the villagers were informed by village leader that they could not go to the fighting site for five days after clash and he left. A person who dug up the dead bodies said that three of the nurses' bodies didn't have skulls and the rest of the others' bodies were found that many injured with many dark wounds. According to the people who found the bodies, three of the nurses got a little injures during the clash and the rest of the three were not found to have gun shot wounds and just torture to their bodies. According to the people who found the bodies, the female nurses of TNLA bodies were with uniform but they are not normal and one had no pants or underwear. Also, they found a bloody stone and blood near the dead bodies and all six nurses bodies were buried at the same dig. On 11 July after the clash, the villagers found the car that TNLA members took on the road but they found that car dropped into cliff on 12 July. Moreover, the villagers said they found that some piece of longyi (male sarong), blood and a stone with blood were found near these female nurses were dead. They suspected that these female nurses might close the mouths and eyes because of they found some pieces of the longyi.

According to one villager everyone was "upset to hear about nurses were arrested. But don't know where they took to. Nobody known. After Burmese soldiers left from the village, the villages were trying to find and found outside of village in the forest on 14th." According to other villagers, three cars from mineral mine came and the took the last car, found by Tatmadaw troops and arrested them. Some of the other villagers from neighbouring villages told that they heard about female nurses were arrested by Burmese military and they don't know where they were. Then, the villagers were looking for them and finally found them dead as a group near where they were arrested on 14 July (approximately 1:00PM). They know that the driver who took the nurse also was arrested by Burmese military. The villagers said that two of the nurses were shot by gun and the rest of others were brutally tortured by cutting their bodies with a knife. Female nurses have cut off the communication line to contact with their family after the incident. The government and the Tatmadaw remain silent about this case

Annex. 2: Land Confiscation in Karenni State

Case 1: Dawso Village, Demoso Township⁴

Nineteen farmers in Dawso, based in six-mile village in Demoso township at Kayah/Karenni State, were sued under article no. 6.1 by the military (known as the Tatmadaw) with Artillery battalion no. 360. Five widows were included among the 19 accused farmers. Maw Moe Myar (given name) during the trial, she got handcuffed while processing in the court. According to article no. 447, the municipal court ordered Maw Moe Myar to pay fine of 10,000 Kyat and imprisonment for three months for her retribution. The incident was the case of six-mile villagers, Demoso township at Kayah/Karenni State, which was displaced since 1988 due to civil war. The ancestral lands of the villagers were confiscated

⁴ Source: Karenni Women's Organization (KNWO)

by the army due to forced relocation during the civil war. While all of their lands were confiscated at the same time, they also lost their daily livelihoods.

Furthermore, in 2019, villagers from Chikal, Tawmukala village at Loikaw districts were sued by the Tatmadaw's LIB 360 again, through the Tatmadaw accused the villagers got invention over the military's land. Actually, those areas (lands) were the lands of the villages for many decades and they always use the lands for their livelihoods and the villagers refuted to the Tatmadaw that those lands are theirs. However, the Tatmadaw LIB 360 took action to prevent the villagers by building the fences and dyking the canal surrounding the areas. The farmers went to destroy the fences around the lands for their farming consequence, the military sued the farmers for invention over the military's land through article no. 477 (Fraudulent cancellation destruction, etc, of will, authority to adopt, or valuable security) under Penal Code and article no.6(1) The Public Property Protection Act.

During the court proceedings, civil society organizations wrote letters to inform the state parliament, state government and even Aung Suu Kyi; however, all of the government ignore and not even replied. In order to help the farmers who got lawsuit by the Tatmadaw, the Farmer's Union, Karenni Women's Organization, and some civil society organizations those were based in Loikaw , Kayah/Karenni State.

Some challenges that the farmers have to face during the legal proceedings include:

1. The legal proceeding coincided with the farmers farming season. The farmers have no time for their farming and they lost their crops.
2. The legal proceeding consumed a lot of the farmers' time because they have to walk from their village to the court at Loikaw township since they do not have transportation fee.
3. In addition, most of the women got traumatic stress and impact on their children's education while children in Dawso stopped to attend the school.
4. Another challenge for the farmers was language barriers since most of the farmers don't understand the Burmese language well.
5. Moreover, most of the farmers did not understand the principle of the law and regulation.
6. One of the woman who her husband was imprison, she faced the liar by a man who pretend to be a lawyer and told her that he will help the women's husband related from the person and asked the women to pay 2,000,000 Kyat (two million kyat). After her husband's got released from the prison and known about his wife went to borrow money and had to pay back for 2,500,000 to other people. So the wife and her children often got abused by her husband that accused his wife for the money.
7. While parents were imprisoned, their children were traumatized and also lacked security for them.
8. Even some got released from the prison there were no lands for their farming or their livelihood since the Tatmadaw already confiscated it.
9. The Tatmadaw has no empathy on the civilian and use the injustice law and oppress the farmers in Kayah/Karenni state.

Case 2: Ngwe Taung Thit Village, Demoso Township⁵

On 25 May 2020, a widow from Ngwe Taung village built a hut and was staying in her own field for taking of the crops. The reason she was living in the field was because her home is far from the field. She got reprimanded by the government which accused her of breaking the land law through building a living house in the field and she had to pay a fine of 9,000,000 (nine million kyat). If she did not pay, her house will get destroyed, no permission to stay and also will be lawsuit, she was threatened by

⁵ Source: Karenni Women's Organization (KNWO)

the course of justice of Demoso Township. So she had to pay the fine to the government because she was concerned that they will destroy her properties. According from this case, which happened during COVID – 19, it shows that the government uses the injustice law to oppress the farmers and abuse the rights of villagers in Kayah/Karenni State. Therefore, even the lands in that village owned by the villagers if the government uses the land law to request the land in those areas, the villagers had to allow without any justification.

Case 3: Land Confiscation in Hsi-Hseng – Kaung Taung Rao Village in Shan State⁶

Kaung Taung Rao village is located North-East of Hsi Hseng township, near Kaung Mu Bwar village. There were (80) households in the village before land was confiscated, now only (20) households left in the village. Most of the households have to move to villages nearby like Kaung Mu Bwar and Hti Man villages. The households left at Kaung Taung Rao are farmers, who had to depend on land for cultivation. Tatmadaw LIB 423 confiscated 500 acres of the land on the east of main road including a health care center, cemetery, agricultural land and land interconnecting the town. Tatmadaw , at the beginning, blocked the road by fencing with bamboo, later a big wall was built. As the land confiscated has been agricultural land for generation, farmers grew their seasonal plants. They took loan from the company to buy fertilizer and seeds. The military came and destroyed all the plants claiming farmers illegally used the army land and they sued the farmers.

- On 22.8.2019, 7 Farmers have been charged by the military at HsiHseng
- On 13 March 2020, another 50 people were charged including local administrator and a woman activist named Daw Cho Cho Win. 26 more were charged on 26 April 2020, and another 14 on 14 May 2020

Case 4: Land Confiscation to the West of Hsi-Hseng Main Road in Shan State⁷

Some land to the west of HsiHseng Main Road was confiscated by LIB 423 and LIB 424. Farmers have the rights to grow only in excess areas. In addition to growing the second crop, the military did not allow farmers to cultivate the land in 2019, and various threats were made by the military. However, farmers are plowing because they are cultivating. In 2019, the army plowed into their land. Twenty-three farmers entered their farmland because they owned their land and farmers were paying 125,000 kyat for per acre to the military, and the farmers are facing lawsuits by the Burmese Tatmadaw. The total amount was 700,000 kyat and 7 million kyat.

The Tatmadaw confiscated land on the west side of HsiHseng Road totaling more than 1,900 acres and villagers of two Naunglone villages were displaced. Some Land confiscated farmers are grandparents without children, while some family members have children with a total of 11 family members. Land confiscated farmers called on U Aung Kham Hti (an influential elderly in the PaO community) for advice, but he refused to meet the farmers.

Case 4: Nang Yin is a single mother and the women-headed household from Kaung Taung Roa Village in Hsi Hseng Township. She has two sons and they are attending the government school. She made a living farming on her four acres of land. This farmland was given by her parents many years ago, long before the LIB 423 came in 1992. When the LIB 423 first came, Nang Yin and villagers had to provide food, and build shelters for them. Now the LIB 423 has confiscated her farmland, and she did not know how her family would survive.

⁶ Source: Pa-O Women's Union (PWU)

⁷ Source: Pa- O Women's Union (PWU)

Case 5: Nang Nu Aye, age (51), is a single parent with two adult daughters, who depend on the land for cultivation. Nang Nu Aye said “Currently the military are around the village and on our farm every day and every night. In my house there are only female (me and my two daughters) so we can’t even sleep at night since they are around. We are very worried about our security. We wonder if they jump into our house or if they kill us”

Case 5: Nang Aein from Kaung Mu Bwar land was confiscated by the Tatmadaw in 2006. After her land had been confiscated she had to sell vegetables and sometimes she works for other families to get money to survive. Now most of the villagers’ land was confiscated and she cannot work for other families. So she has very little income and is facing many difficulties.

Annex 3: Trafficking

Trafficking Cases from IDP camps⁸

Case 1: In 2018, two Kachin girls, a girl from COC IDP camp in Myitkyina and a girl from a place near that IDP camp were trafficked into China while they were trying to find job.

On 15 January 2018, two girls travelled in a group of 8 to find work in China. They all got job to work at the factories, but later one girl lost the job. The person who brought them to China told her that she had been sold, therefore had to go with another Burmese woman. While staying at guest house, the girl was forced to sleep with a Chinese man. On 8 August 2018, she was taken to Hainan by car, and arrived at Hainan on 24 August 2018. In Hainan, she had to stay at the Burmese woman’s house. While staying there, she was again forced to sleep with a Chinese man at that house. Later a small wedding ceremony was arranged to get married with him. During the ceremony, the girl ran out of the house and escaped. She reached to the Hainan police station, and was jailed for two months there. Then, Hainan Chinese police gave 100 Yuan and released her in Kan Bi Tee province.

Case 2: A 17 years old Kachin girl was the second daughter of five children. In 2011, They fled from the village to Inkaung par IDP camp because of the fighting. The situation got worse and in 2013 they moved to Paka Thaug IDP camp in Momauk Township, Kachin State. She was sent to study at Maijayan high school, but she had to quit school at grade 5 due to their family financial crisis. Her younger sister and brother were sent to an orphanage, and her father went to China working. She remained in the camp living with her aunt. In November 2018, a woman came and told her there was job opportunity for selling food in Janpone in China. So she went with her to Japone illegally because she had no ID card. When she arrived at Japone, the woman left her with a Chinese man. All her belongings including phone were taken away and three days later, she was taken to another place in China by bus. After 3 days’ bus ride, she was taken to a guest house by a woman named Zowa. There, she was forced to marry a Chinese man of about 30 years old. She tried to escape from the house many times, at one point she met a Kachin man through WeChat app. He helped her escape in 2019.

Case 3: A Kachin girl, 20 years old was from Putao, Kachin State, she fled to the COC camp in Myitkyina, Kachin State due to the fighting.

When she stayed at the IDP’s camp, she didn’t have regular income. She wanted to get a job, so she contacted her uncle working in China and had him to find a job for her in China. In December 2017, her parents allowed her to go to Kuntong, a small town in China where she worked at a factory making locks for three months with 3,000 Yuan per month. She lost her job when the police found out that

⁸ Source: Kachin Women’s Association Thailand (KWAT)

she had no work permit or an ID card as Arzee ethnic of China. Then, a Kachin man found her a job at a bone waxing factory where she earned 12 Yuan per hour, but she lost the job again after one month after the police check.

Three weeks later, she met the sister of the Kachin man, who married to a Chinese man. She introduced her to a Burmese woman who took her to a town, a day journey from Kuntong. There, she was forced to marry with a Chinese man. Later she found out that the Burmese woman took 50,000 Yuan from the Chinese man and ran away.

She has to stay with a Chinese man and his parents. The Chinese man grew corn on his self-own farm. She was not allowed to go out alone. She had no money in hand, and sometimes she didn't even have food to eat. During her stay with the Chinese man, she was physically abused whenever he got drunk. After six months, the police arrested her and her Chinese husband. The police helped her and was sent to Lwe Je trafficking police on 22 July 2019. Later on, she could come back from China and stayed at a safe place.