



Human Rights Watch Testimony to International Tribunal on Crimes against Women of Burma

Tribunal held in Tokyo, Japan by Women's League of Burma (on June 27, 2010)

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I am very privileged to address this tribunal today regarding one of Burma's major human rights issues, the continuing curtailment of basic freedoms for Burma's women and the active persecution of women who challenge military rule.

The human rights situation in Burma is deplorable, even as the country moves towards the first multi-party elections in 20 years. Human Rights Watch believes those elections to be deeply flawed as they exclude many members of the opposition, who are either in prison or detention, denied by restrictive laws from participating, or too afraid to participate because of the continued denial of basic freedoms in the country. Women have been routinely excluded from the national political affairs of Burma since a military coup d'état in 1962.

Many of the estimated 2,100 political prisoners in Burma are women, including Su Su Nway, a young labor activist who protested the routine use of forced labor in her village, and Nilar Thein, a member of the '88 Generation Students group arrested and sentenced to 65 years in prison for her involvement in peaceful political rallies in 2007. Women in urban and rural areas face routine denial of basic freedoms of assembly, expression, and association. In addition in ethnic conflict zones in Burma's borderlands, women also face abuses that are flagrant breaches of international humanitarian law.

Abuses in Conflict Zones

Human Rights Watch believes that military abuses against civilians in conflict areas are widespread and systematic: extrajudicial killings, forced labor, torture, beatings, and confiscation of land and property. Ethnic minority women living in conflict zones in Burma face especially harsh treatment. Sexual violence by the Tatmadaw (Burma army) and their militia proxies has been extensively documented for more than a decade by women's organizations. Women and girls living in Shan and Kachin states in eastern Burma, and in parts of Chin and Arakan states in western Burma are frequent targets of rape and other ill-treatment. Impunity for such abuses is widespread and Burmese government soldiers are rarely brought to justice for sexual violence. Sexual violence committed by members of non-state armed groups is also a problem, but as ethnic communities are often too terrified to report such cases, the full extent is unknown. Sexual violence by non-state actors is just as destructive as violence committed by government forces.

Other forms of abuses against women include forced labor including carrying supplies for troops under horrendous conditions, being used as "human shields" by walking in front of troops and performing sentry duty to deter insurgent attacks or to trip landmines (a practice called "atrocities de-mining"), building army encampments, and unpaid cooking and cleaning for military units. The widespread use of anti-personnel mines and improvised explosive devices (IEDs) by all parties to Burma's conflicts puts women at particular risk because they often bear the major burden of cultivating food and

caring for livestock in heavily mined areas.

In violation of international humanitarian law, the Burmese army and non-state armed groups continue to routinely use antipersonnel landmines, and target food production and means of civilian livelihood. In February this year, Human Rights Watch interviewed a young woman who was nine-months pregnant when she stepped on a landmine in Burma that blew off her left foot while she was tending to her water buffalos. Incidents such as this are all too common.

Women of the ethnic minority Rohingya Muslim community of western Arakan state face particularly harsh treatment. Effectively stateless since 1982 due to Burmese government citizenship laws, the Rohingya have been the target of long-running military programs to force them out of Burma into Bangladesh, particularly in 1978 and 1991. The conditions for Rohingya in Burma now are dire: they have poor access to services; they are denied mobility to travel for work, livelihoods, education and in basic religious practices. Women are targeted for especially harsh treatment, including denial of basic health care and restrictions on marriage. While there has been considerable reporting on the plight of the Rohingya in the past 15 years, few if any improvements have been made to address their situation. This demonstrates that the Burmese military will not really act in response to international condemnation unless backed by stronger measures, such as targeted sanctions and the prospect of justice for serious abuses.

Ladies and Gentleman, these human rights violations I have outlined have been exhaustively documented by nongovernmental organizations such as Human Rights Watch, United Nations bodies, academic researchers, journalists, and women's groups for nearly 20 years. And still the abuses continue with impunity.

Women's Representation in Civil Society

Burma's official women's organizations -- the Myanmar Women's Affairs Federation (MWAF) and the Myanmar Maternal and Child Welfare Association (MMCWA) -- are para-state organizations: their leadership is dominated by the wives of senior generals of the ruling State Peace and Development Council and they are often used as mouthpieces for pro-government propaganda. Restrictions on Burmese civil society has eased somewhat in urban areas, but the authorities continue to curtail health and education initiatives by Burmese and international aid organizations. In ethnic conflict areas, members of women's organizations such as the Shan Women's Action Network -- an organization based on the border/in Thailand that helps and advocates of behalf of Shan women-- are seen as "enemies of the state," and face dire consequences if they are caught by military officials. Scores of women's organizations do important work at great personal risk in ethnic conflict areas, and under the government's radar in the rest of Burma. For example midwives and doctors provide health services to women and children in refugee camps, and other organizations help document the myriad rights violations against women that this tribunal will hear. Many of these groups are deemed illegal by the military authorities, and often denied access to major donor funds to pursue their work, often in extremely hazardous means across borders in active war zones.

Rule of Law and Women's Rights

The Burmese military uses the legal system as a tool of repressive rule. There has never been a serious, impartial, and independent government investigation into longstanding allegations of abuses against women, particularly allegations of widespread sexual violence during pro-democracy uprisings or in armed conflict areas. One 2003 investigation was turned into a mockery by members of the MWAF and other officials who scoffed at the claims. There is little likelihood that these claims will be investigated by the Burmese government anytime soon. Under the 2008 Constitution, section

343, members of Burma's armed forces are granted effective immunity from civilian prosecution as the final say for their jurisdiction is decided by the military's commander in chief. The Burmese military has always been loath to investigate itself and punish soldiers responsible for serious crimes. The military government has cooperated with the United Nations in a desultory way on the serious issue of child soldiers, but progress in this regard falls far short of the minimum required to address the problem. The issue of routine abuses against women is even more widespread, and prospects for legal investigation more distant.

Support for a Commission of Inquiry into War Crimes and Crimes against Humanity

Human Rights Watch strongly supports the formation of a commission of inquiry, ideally by the UN General Assembly, to investigate reports of violations of international humanitarian law and human rights law in Burma by all parties, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable. Support for such an inquiry has already been voiced by the governments of the United Kingdom, Australia, the Czech Republic, Slovakia, and in a European Parliament resolution. Japan can demonstrate its global leadership and respect for the rule of law, and its commitment to the people of Burma, by officially supporting the convening of an inquiry at the highest levels of the United Nations.

We believe that justice for serious abuses has long been denied the women of Burma, and that its time has come.

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