Same Impunity, Same Patterns

Sexual abuses by the Burma Army will not stop until there is a genuine civilian government

Women's League of Burma
January 2014

Women's League of Burma (WLB)

The Women's League of Burma (WLB) is an umbrella organization comprising 13 women's organizations of different ethnic backgrounds from Burma. WLB was founded on 9th December, 1999. Its mission is to work for women's empowerment and advancement of the status of women, and to work for the increased participation of women in all spheres of society in the democracy movement, and in peace and national reconciliation processes through capacity building, advocacy, research and documentation.

Aims

- To work for the empowerment and advancement of the status of women
- To work for the rights of women and gender equality
- To work for the elimination of all forms of discrimination and violence against women
- To work for the increased participation of women in every level of decision making in all spheres of society.
- To participate effectively in the movement for peace, democracy and national reconciliation.

Acknowledgments

This report could not have been written without the girls, women and other community members who dared to share their stories despite continual risk to their own security. We firmly believe that their courage in speaking out is a first step to bringing about genuine political change in Burma and restoring the peace and safety they so fervently desire.

The Women's League of Burma would particularly like to thank AJAR (Asia Justice and Rights) for their work towards the realization of this report. We would also like to thank our volunteer, Claire Brand, for her contributions, BRC (Burma Relief Center) for their ongoing support and Ying Tzarm for the report design.

We would like to thank our member organizations who have provided the information relating to the cases highlighted in this report: Kachin Women's Association Thailand (KWAT), Karen Women Organization (KWO), and Shan Women's Action Network (SWAN). We also thank Karen Human Rights Group (KHRG) for providing documentation information and photographs.

Table of Contents

Executive Summary **1**
Introduction **3**
Background **5**

Part I: Systematic sexual abuse of ethnic women by the Burma Army **7**
A] More than 100 cases documented under Thein Sein Government; more hidden **7**
1) More than 100 cases documented 8
2) Only "the tip of the iceberg" 10
3) Nature of crimes committed against women 11

B] Rape used as an instrument of war and oppression **14**
1) Signs of a systematic policy 14
2) An institutionalized practice 16
3) Signs of a widespread practice 20
4) Link to offensives and control over natural resources 22

C] Legal analysis: serious crimes **23**
1) National law 23
2) International law 24

Part II: The need for an end to impunity **28**
A] Rule of Law has to be established, not talked about **28**
1) Change the Constitution 29
2) Reform the judiciary 32
3) Adopt laws for the protection of women of Burma 38
B] Meaningful and deep political changes have to happen **39**
1) The government needs to take responsibility for human rights abuses 40
2) Make the peace process a meaningful way to end abuses of Burma's people 40

Conclusion: Bring the military under civilian control **43**

Recommendations **44**
Bibliography **45**
End notes **49**

Executive Summary

Almost a decade ago, the Women's League of Burma (WLB) denounced systematic patterns of sexual crimes committed by the Burma Army against ethnic women and demanded an end to the prevailing system of impunity. Today WLB is renewing these calls. Three years after a nominally civilian government came to power; state-sponsored sexual violence continues to threaten the lives of women in Burma.

Women of Burma endure a broad range of violations; this report focuses on sexual violence, as the most gendered crime. WLB and its member organizations have gathered documentation showing that over 100 women have been raped by the Burma Army since the elections of 2010. Due to restrictions on human rights documentation, WLB believes these are only a fraction of the actual abuses taking place.

Most cases are linked to the military offensives in Kachin and Northern Shan States since 2011. The Kachin Women's Association Thailand (KWAT) documented that 59 women have been victims of acts of sexual violence committed by Burmese soldiers.[1] The Shan Women's Action Network (SWAN) reports 30 cases of sexual violence involving 35 women and girls in the past three years.[2] The incidence of rape correlates with the timing of conflict.

These crimes are more than random, isolated acts by rogue soldiers. Their widespread and systematic nature indicates a structural pattern: rape is still used as an instrument of war and oppression. 47 cases were brutal gang rapes, several victims were as young as 8 years old and 28 of the women were either killed or died of their injuries. Over 38 different battalions are implicated in these cases, while several battalions are involved across multiple cases and timeframes, and the incidents took place in at least 35 different townships. These rapes cannot be explained away as a human impulse gone astray. The use of sexual violence in conflict is a strategy and an act of warfare that has political and economic dimensions that go beyond individual cases. In Burma, counter-insurgency tactics designate civilians in ethnic areas as potential threats. Sexual violence is used as a tool by the Burmese military to demoralize and destroy ethnic communities. Army officers are not only passively complicit in these sexual crimes but often perpetrators themselves. Combined with blatant impunity, soldiers are given a "license to rape", as SWAN highlighted in 2002.

Several international treaties to which Burma is party, and other sources of international law applicable to Burma prohibit sexual violence; rape is also criminalized under Burma's penal code. But neither international nor domestic laws are enforced effectively. The systematic and widespread

use of sexual violence by the Burma Army makes the abuses documented in this report potential war crimes and crimes against humanity under international law, requiring thorough independent investigation.

It is high time for Burma's government to take responsibility and live up to the expectations the recent changes have created, to restore the dignity that women of Burma deserve. This can only be achieved through truth and justice for the violence women endure. It necessitates not only an immediate end to the violence, but also a deep reform of Burma's legal framework.

Changing the 2008 Constitution, which gives the military the right to independently administer all its affairs, is the first step towards ensuring justice for the women of Burma. Judicial independence has to be guaranteed by the constitution, to allow for reform of the judicial system that will ensure its impartiality. The court-martial system, established by the Constitution to adjudicate all crimes committed by the military, has an unrestricted mandate and overly broad powers: it needs to be reformed to place the military under civilian judicial control. In both military and civilian jurisdictions, victims' access to justice has to be ensured through appropriate complaint mechanisms. At the moment, the National Human Rights Commission does not have the mandate, capacity and willingness to address serious human rights violations in an independent and transparent manner.

If the government is serious about its commitments to address violence against women, it should acknowledge ongoing abuses against ethnic women, sign the recent international declaration for prevention of sexual violence in conflict, and adopt laws specifically aimed at protecting women from violence. Recent proposals set out concrete requirements for effective legal protection for women.

In addition, the government needs to deeply change its political approach to the peace process, in order to make it a meaningful way to end abuses. Achieving sustainable peace and putting an end to abuses against women will not happen without women's representation in the political dialogue for peace. The fact that almost all the participants involved in the official peace process are male excludes critical perspectives on peace and conflict, and preserves structural gender inequality.[3] Moreover, it is crucial that the upcoming political dialogue addresses past human rights violations as well as the role of the army. This includes accepting that, in a free country, the military is subject to civilian authorities representing the genuine will of the people. Unless and until the military is placed under civilian control through constitutional amendments, we will not see an end to militarized sexual violence.

Introduction

> *"These stories bear witness to the fact that, despite the regime's claims to the contrary, nothing has changed in Burma. Regardless of their location, be it in the civil war zones, the ceasefire areas or "non-conflict" areas, it is clear that no woman or girl is safe from rape and sexual torture under the current regime. Soldiers, captains, commanders and other [...] officials continue to commit rape, gang rape and murder of women and children, with impunity. The documented stories demonstrate the systematic and structuralized nature of the violence, and the climate of impunity, which not only enables the military to evade prosecution for rape and other crimes against civilian women, but also fosters a culture of continued and escalating violence. Even when crimes are reported no action is taken and moreover complainants are victimized, threatened or imprisoned. Women and children continue to be raped, used as sex slaves, tortured and murdered across the country by the regime's armed forces and authorities."*[4]
>
> **WLB, "System of Impunity", 2004**

These words written almost a decade ago resonate in today's reality. The same patterns of sexual crimes committed against ethnic women are observed, the same system of impunity prevails. Yet, today, the political context is radically different. The previous pariah state is no longer the object of international sanctions but is largely welcomed in the international economic community. Foreign countries appear happy to accept a simplistic narrative on current developments in Burma, overlooking the fact that such a narrative is only one side of the story.[5]

At the same time as the government promotes its recent "reforms" and "progressive developments" at the United Nations,[6] military attacks continue in ethnic areas, and women and girls are being raped. While it claims to be "striving to fulfill the fundamental desires of the people," including to "live in peace where the rule of law prevails",[7] the government actively maintains a system where impunity for sexual violence predominates and obstructs the removal of a constitution that maintains the military's long-lasting dominance over the country.

This report aims at demonstrating the huge gap between the appearance of change given by the "new" government since 2010 and the sad reality for women of Burma: WLB and its member organizations have gathered documentation showing that 104 women have been subjected to sexual violence by Burmese soldiers under Thein Sein's government, and more cases are concealed. Rape is still used today as an instrument of war and oppression. Its systematic and widespread use makes these acts potential war crimes and crimes against humanity. Yet, the rapists walk free, protected by an institutionalized impunity.

This report focuses on sexual violence as the most gendered crime, while at the same time recognizing that women of Burma endure a broad range of violations. They are the ones bearing the burden of war and displacement, as highlighted by our member organizations. The impact of war and oppression by the Burma Army on ethnic women is multiple, and cannot be reduced to women's sexual integrity. However, among the continuous violations perpetrated under rampant impunity, sexual violence is the most assaulting to women's dignity and the most obvious result of Burma's patriarchal culture that subjects women to violence.

It is high time for Burma's government to take responsibility and live up to the expectations the recent changes have created, to restore the dignity that women of Burma deserve. This can only be achieved through truth and justice for the violence women endure. It necessitates not only an immediate end to the violence, but also a deep reform of Burma's legal framework, from the flawed constitution and judiciary system to the adoption of laws protecting women. None of this will happen unless the government deeply modifies its approach to the political dialogue necessary for bringing peace to Burma. This includes accepting that, in a free country, the military is subject to civilian authorities representing the genuine will of the people. The Women's League of Burma will not stop until this is achieved.

Background

"In 1962, the last democratic government in Burma was ousted by a military coup d'état, paving the way for over 40 years of oppression under one of the most brutal regimes in the world. Popular uprisings in 1988 led to elections in 1990, in which the people overwhelmingly rejected military rule and awarded Daw Aung San Suu Kyi's National League for Democracy and ethnic opposition parties with more than 80% of the seats in parliament. The military never allowed them to take power, and instead imprisoned many democratic and ethnic leaders."[8]

In 2008, the ruling State Peace and Development Council[9] drafted and ratified a new constitution, which, while creating a new 'civilian' facade, contains multiple provisions that ensure continued military rule. General elections were held on 7 November 2010; the new Parliament was convened in January 2011; and the Council transferred power to the new Government of Myanmar, headed by President Thein Sein, on 30 March 2011. In the process, the Council was officially dissolved and the Chair of the Council, Senior General Than Shwe, and Vice-Chair, Vice-Senior General Maung Aye, officially resigned from their formal positions of power. On 13 November 2010, one week after the election, Daw Aung San Suu Kyi was released after a total of seventeen years of house arrest.

Burma has seen many changes following the handover to the Union State and Development Party (USDP)'s civilian government in 2011; drastically improving its international standing. Early 2012 saw Australia, Canada, Switzerland, the USA and the EU suspend almost all sanctions, save arms embargoes.[10] Yet the changing situation in Naypyidaw and reformist international image presents a stark contrast with the reality in many rural ethnic areas.

The government established the Myanmar National Human Rights Commission (MNHRC) in 2011; adopted the ASEAN Human Rights Declaration, ratified United Nations Security Council Resolution 16 and made Daw Aung San Suu Kyi chairperson of the Committee for Rule of Law and Tranquility in 2012; and

most recently published the National Strategic Plan for the Advancement of Women 2013-2022 (NSPAW).

Despite declarations and promised reforms, year after year human rights documentation has exposed systematic failure to investigate or prosecute reported human rights abuses.[11] Reports by international and national organizations detail extensive abuses from arbitrary arrest, unlawful killings, torture and sexual violence to forced labor, land confiscation and forced displacement[12]. The USDP has signed preliminary ceasefire agreements with several ethnic armed groups; 2012 saw eight new agreements, including with the Karen National Union and Shan State Army North. Yet right through to 2013, fighting was ongoing in Northern Shan and Kachin States destroying villages and displacing thousands of people. In October 2013, ten days after ceasefire talks with the Kachin Independence Organisation (KIO), villages in Mansi township were attacked and occupied by over 1,000 Burmese troops.[13] Currently over 100,000 civilians from Kachin areas have been displaced by ongoing fighting with an estimated 58,282 IDPs sheltering along the Chinese border[14]. The resource rich ethnic areas are sites of strategic importance for government development projects.[15] Recent fighting in Kachin areas has centred around the Shwe Gas pipeline and transport routes from concession areas to the China border. Far from demilitarization, ceasefire areas have seen increased troop presence and base expansions in conjunction with intensified extractive development projects, in turn displacing thousands of villagers and destroying local livelihoods[16].

Even while ethnic armed groups were meeting with government representatives in Kachin State to discuss a proposed nationwide ceasefire accord in November 2013; the Burmese military were attacking villages in southern Kachin State, displacing around 2,000 people. It has been reported that Burma Army soldiers opened fire as they entered the five villages under attack[17]. This is the latest sign that surface reforms obscure the reality of ongoing abuse in ethnic areas.

Part I: Systematic sexual abuse of ethnic women by the Burma Army

Since the new "civilian" government took office, the Women's League of Burma (WLB) and its member organizations have documented that 104 women have been subjected to sexual violence perpetrated by the Burma Army. These cases are only the tip of the iceberg. The nature of the acts and the way they are conducted show patterns confirming that rape is still used today as an instrument of war and oppression against the ethnic population. These abuses may amount to war crimes and crimes against humanity. They must stop.

[A] More than 100 cases documented under Thein Sein Government; more hidden

For over a decade WLB, its member organizations, and other local and international organizations, including the United Nations, have reported human rights violations, particularly widespread cases of sexual violence committed by the Burma Army against the civilian population in ethnic areas. These abuses continue under the present government. This report focuses on the sexual violence cases that continue to be reported and documented, perpetuating past patterns.

Source: Kachin News Group

April 2013, the numbers of Burmese government troops increases in Kachin State

1) More than 100 cases documented

Cases documented by WLB members

Since the elections of 2010, WLB's member organizations have gathered reports detailing cases of rape or other forms of sexual violence committed by Burma Army soldiers: these cases comprise 69 different incidents where a total of 104 women have been subjected to sexual violence. WLB believes these are a small fraction of the actual violations committed in this period (see below) Most cases are linked to military offensives in Northern Shan State since March 2011 and Kachin State since June 2011, wherein civilians are often targeted (see below). The Kachin Women Association Thailand (KWAT) documented that 59 women have been victims of acts of sexual violence since the Burma Army broke the ceasefire in June 2011.[18] Many of these cases have been highlighted in various reports issued by KWAT. They include the cases of Sumlut Roi Ja who was abducted in October 2011[19] by the Burma Army and seemingly raped and killed, and whose case was dismissed by the Supreme Court (see below in the second part of this report). KWAT recently reported atrocities committed against Kachin civilians by Burmese government troops despite ongoing peace negotiations, including the rape of a young woman by an army officer in September 2013 (see case highlighted later in this report).

Gang raped in a church

The gang-rape and prolonged torture of a woman in a church near the Kachin-China bordertown of Pang Wa in early May 2012 show the ongoing impunity for sexual violence enjoyed by the Burma Army.

On May 1, 2012, a patrol of Burmese troops from two battalions (Light Infantry Battalion 347 and Infantry Battalion 118) arrived in Chipwi township, northwest of Pang Wa,and found "Ngwa Mi" (not her real name) aged 48, sheltering alone in a church, after most of the other villagers had fled. About ten troops beat her with rifle butts, stabbed her with knives, stripped her naked and gang-raped her over a period of three days in the church.

This abuse was witnessed by another villager who was captured while caring for his paralyzed wife. He was tied up in the church compound and kicked and stabbed by the Burmese troops. After the troops had left, on May 4th, he and Ngwa Mi were found semi-conscious by some Kachin villagers and taken to Pang Wa hospital.

Ngwa Mi, a grandmother with 12 children, has been reunited with her family, but has now become mentally deranged.

Source: KWAT[20]

The Shan Women's Action Network (SWAN) reports 30 cases of sexual violence involving 35 women and girls, committed by Burma Army soldiers between April 2010 and May 2013.[21] Some of these cases are highlighted in the present report.

The Palaung Women's Organization (PWO) reported in October 2012 that testimonies of IDPs show that government troops are continuing to commit gross human rights violations against civilians with impunity, including sexual violence.[22] PWO highlights the security risk posed to women IDPs by the presence of Burma Army outposts, including attempts of sexual violence. Additionally, in a statement of May 2013, PWO and Ta'ang Students and Youth Organization (TSYO) exposed widespread abuses against civilians committed by the Burmese military following its latest offensives in the Palaung area.[23] They reported that women had been raped, highlighting the case of two women.

The Karen Women's Organization (KWO) and the Karen Human Rights Group (KHRG) have documented 8 cases of sexual violence by Burmese soldiers, involving 9 women, between 2010 and 2012.[24] WLB believes that many more cases might have occurred in the Karen areas that have not been reported by the victims, for various reasons (see below).

Latest case reported

Thursday, Oct 31, 2013

Sumlut Roi Ja, a 15-year-old girl, was gang-raped by Capt. Thet Hpyo Aung, also known as Capt. Zaw Htet Aung and two other Burmese army soldiers from 116th Light Infantry Regiment (LIR) in Waingmaw Township, Kachin State, on Oct 30 at 9 am. She was handed back to her parents yesterday evening, reported a local source.

The battalion commander of 116th LIR is Lt. Col. Min Kyin San. 116th LIR is a mobile battalion under Sagaing-based 33rd Light Infantry Division led by Col. Myit Maw.

Source : Kachin Land News[25] (not verified by WLB)

Reporting by other local and international organizations

The Network for Human Rights Documentation – Burma (ND-Burma) has been reporting ongoing cases of sexual violence committed by the Burma Army, amongst other violations. Between January and December 2012, it documented 13 cases of rapes and other forms of sexual violence, in Kachin, Rakhine and Shan areas.[26] In the period January-June 2013, it documented 147 human rights violations, mostly at the hands of the Burma military, including 8 cases of rape and other forms of sexual violence in Kachin, Chin and Shan areas.[27] Some of these cases have been documented by organizations that are members of WLB, whose reports are highlighted above.

Moreover international non-governmental organizations such as Human Rights Watch (HRW) and Amnesty International (AI) have also reported sexual violence committed by the Burma Army since the 2010 elections.[28]

Endorsement by the United Nations

The Special Rapporteur on the Situation of Human Rights in Burma indicated in its report of March 2013 that he "has followed closely developments in Kachin and Northern Shan States and is concerned by the allegations he continues to receive of attacks against civilian populations, extrajudicial killings, sexual and gender-based violence, arbitrary arrest and detention, as well as torture".[29] The 2012 report of the Secretary-General on conflict-related sexual violence highlighted cases of rape by the Burma military between June and August 2011[30], as did the Concluding Observations of the Committee of the Rights of the Child in March 2012 which stated that "the Committee is deeply concerned about […] information on acts of rape and sexual violence committed by military personnel and police officers against young girls and adolescents over the past years".[31]

2) Only "the tip of the iceberg"

The information collected by WLB members through their networks relies mainly on the testimonies of people who have been victims of or have witnessed the violations. The data and specific cases highlighted in this report come mainly from interviews conducted by researchers and documenters from WLB member organizations. They have been trained in best practices for human rights investigation and data collection.

The cases collected through WLB member networks and presented in this report cannot be seen as representative of the entirety of the violations taking place in the country. They represent only a fraction of the abuses taking place. Indeed, many factors limit human rights documentation in Burma, given that it cannot take place openly due to security concerns.

Firstly, field workers face many security and logistical challenges and are not able to reach all areas where violations might have taken place. Secondly, access to areas of armed conflicts, as well as those where civilians have been displaced due to fighting, is often not possible. Thirdly, many victims and witnesses are reluctant to give their testimonies for fear of retribution or because they are not comfortable in speaking openly about sexual violence. The testimony given to PWO and TSYO by a villager from the Palaung area is significant in this regard: "It is very difficult for the victims to speak out about rape. They were threatened by the soldiers not to tell anyone, so the rest of the community is scared. It is very dangerous for us to speak out."[32]

ND-Burma reports the same difficulties in monitoring human rights violations in Burma: "Due to security concerns human rights monitoring cannot take place openly; thus, a representative sampling of all violations that take place in Burma is not possible. Fieldworkers and the people who communicate with them face security risks even in ceasefire areas, as the military and police often intimidate victims into keeping quiet. If a member of the military or police discovers that a fieldworker is gathering information on human rights violations, that person could be at risk of arrest under repressive laws, harassment or even violent retribution".[33]

For all these reasons, WLB believes that the violations highlighted in this report represent only the "tip of the iceberg" and that it is likely many more crimes of sexual violence have been committed. This is why a proper international independent investigation is necessary.

3) Nature of crimes committed against women

Women bear the burden of war

As explained earlier, this report focuses on sexual violence as the most gendered crime, while at the same time recognizing that women of Burma endure a broad range of violations. They are the ones bearing the burden of war and displacement, as highlighted by our member organizations. The impact of war and oppression by the Burma Army on ethnic women is multiple, and cannot be reduced to women's sexual integrity. However, among the continuous violations perpetrated with rampant impunity, sexual violence is the most assaulting to women's dignity and the most obvious result of Burma's patriarchal culture that subjects women to violence.

Indeed, most of the crimes of sexual violence are committed in the context of widespread human rights abuses of varying nature, such as confiscation and destruction of property, forced displacement, forced labor, torture, arbitrary arrest and detention, disappearance and killing. 28 of the women in the cases documented were either killed or died of their injuries.

Rape, torture and killing in a family

An evening on 9 August 2011, Burma Tatmadaw soldiers gang-raped and then killed a 39-year old woman and her 17-years old daughter. The soldiers also tortured and then shot and killed the girl's father, aged 44. This incident took place in Wai Maw Township, Bhamo District, in Kachin State.

Source: KWAT[34]

In on-going conflict areas, indiscriminate attacks against civilians have been reported, leading to the deaths and injuries of men, women and children, destruction of their property, and widespread displacement.[35]

Sometimes, other types of human rights abuses leads to the rape of women; for example in a case reported in October 2013 by KWAT, a woman was raped by an officer after asking for the release of her husband who had been illegally arrested by the military on allegations that he was a KIA soldier (see the case highlighted later in this report).

Gang rapes

In many cases, women are not abused by isolated soldiers but by several of them. In total 47 of the cases documented were brutal gang rapes. This commonality evidences a collective culture of civilian abuse across different battalions. It signifies not only the Burmese soldiers' sense of entitlement over ethnic women's bodies, but also of their confidence of being able to commit these crimes openly and remain unpunished. This is a direct result of the culture of impunity encouraged by the authorities for so many years.

Two gang-rapes in the same night

On 21 March 2011, in Tang Yan township, two women were gang-raped by troops from LIB 291 based at Nam pong (local commander Major Hla Noe) and IB 33 from Mong Gao. One woman was gang raped by a large group of soldiers at night. She had just delivered a one-month-old child. She died immediately after being gang raped. Troops from the same units raped another ethnic Chinese woman at her house. While they were raping her, her elder sister came to the house and screamed for help. The soldiers then pointed their guns at her and told her "If you do not want to be raped and killed, you must not tell anyone about this!" They then threw 30,000 kyats at her and went back to their base.

Source: SWAN[36]

Age of victims

WLB members have documented cases where girls as young as 8 or 9 have been raped by soldiers (see the case of an 8-year old highlighted later in this report). The fact that the most recent case reported by Kachin Land News on 31st October 2013 (see box above) involves a 15-year old girl is significant as it shows that this pattern continues today.

Perpetrators

The majority of crimes documented have been committed by soldiers of the Burma Army, while wearing arms and uniforms, though three cases involve ex-soldiers who had just left the army. Many cases involve officers, such as captains, commanders, majors. A recent case in October 2013 documented by KWAT involves a major general (see case highlighted later in this report).

In addition to crimes committed by Burmese soldiers, cases perpetrated by security forces other than the military, such as police, are also reported. KWAT reported a case in June 2012 involving security guards from Asia World, a company with ties to the government involved in the construction of the Myitsone Dam.[37] While these incidents fall outside the scope of this report, which is to highlight sexual crimes committed by the Burma Army, they show the consequences of the culture of impunity, which encourages and emboldens men from any kind of security forces to rape civilian women.

[B] Rape used as an instrument of war and oppression

In 2011, pro-democracy leader Aung San Suu Kyi stated:

> *Rape is used in my country as a weapon against those who only want to live in peace, who only want to assert their basic human rights. It is used as a weapon by armed forces to intimidate the ethnic nationalities and to divide our country.*[38]

WLB reiterates that sexual violence is used by the Burma military as an instrument of war and oppression against the ethnic populations. This fact has been highlighted by WLB many times in the past, and has been reported in the past and recently by its member organizations and international organizations.[39] A careful analysis of the data collected since 2010 shows that the same patterns are still present today: the crimes committed by the Burma Army since the new government took office resemble those documented over the past decade. Sexual crimes are committed with particular cruelty, cases increase with military offensives, violations relate to control over natural resources; rape continues to be used by the Burma Army as an instrument of war and oppression.

1) Signs of a systematic policy

These rapes are not random incidents

The widespread or systematic nature of the crimes of sexual violence committed by the Burma Army in ongoing conflict areas lies in various elements:

- Cases are documented across many different geographical areas.
- Cases involve many different battalions of the Burma military.
- Crimes are committed with frequency in periods of ongoing conflicts.
- Many cases, such as gang-rapes, are of a collective nature.
- The aggravated nature of the sexual violence cases is part of a wider use of torture in offensive strategies
- Sexual violence is perpetrated by high ranking officials, institutionalizing its acceptance as valid practice.
- Few to no cases of rape are punished; soldiers believe they have authority to rape.

These patterns as applied to the Kachin conflict have been analyzed in various KWAT reports in the past few years.

All of these elements confirm that these crimes are more than single, random, isolated acts by rogue soldiers, but rather are a sign of a structural pattern.[40]

These rapes are not interpersonal acts of sex

As highlighted by the UN Security Council, it is crucial to *"challeng[e] the myths that sexual violence in armed conflict is a cultural phenomenon or an inevitable consequence of war or a lesser crime".*[41] Indeed, rape cannot be categorized as sex, in particular when it is committed by soldiers. We cannot isolate sexual violence as interpersonal, cordoning it off as a product of sexual proclivities, desperation, lack of discipline or simply impunity. Rape during conflict cannot be explained away as a human impulse gone astray. It has political and economic dimensions that go beyond individual cases, a systematicity that should not be concealed by focusing on the interpersonal.[42]

Source: KHRG

In Burma, the "Four Cuts"[43] policy institutionalizes the assumption that civilians can be dangerous and means that they are seen as legitimate targets of warfare. This strategy of the Burma military is aimed at instilling fear in the population to prevent the possibility that they will provide material support to the armed groups. In this context, raping women is a strategy and an act of warfare that has political and economic dimensions going beyond individuals.

Rape used as a means of punishment and control

As WLB has reported in the past, sexual violence is used as a tool by the Burmese military to demoralize and destroy ethnic communities, in an attempt to establish dominance over them. The brutality and context in which these crimes are committed are signs of this psychological warfare. In many cases, rapes are committed in front of the woman's husband or other members of her family.

The acts of torture and killings that often accompany rapes of ethnic women by Burma Army soldiers show that sexual violence is part of a campaign to terrorize and subjugate ethnic populations, This is even more evident when analyzed in the context of the "Four Cuts" policy (see below).

In many cases, human rights violations, including rape, are used as a way to punish civilians for their alleged support to armed ethnic groups. In a recent update, KWAT reported how Burmese troops committed serious abuses against inhabitants of a village in Northern Kachin State in August 2013, with the apparent purpose of questioning them about the KIA, and how the wife of one of these detained villagers was raped by an officer (see box below).

2) An institutionalized practice

These crimes are perpetrated and/or encouraged by the military hierarchy

As mentioned above, the majority of these crimes are committed by uniformed, armed soldiers of the Burma Army. The data collected shows that many crimes of sexual violence are committed by men with the rank of officers in the Burma Army, such as captains, commanders and majors. A recent case of October 2013 involves a major general (see box below).

This shows that army officials are not only being passively complicit in abuses committed by their soldiers by failing to act on them, but that they are encouraging and condoning such abuses by their actions. Combined with the impunity they ensure for those crimes (see below), military officers are giving their men a "license to rape", just as SWAN was highlighting in 2002.

Raped by a major because she was accused of links to the KIA

Despite ongoing peace negotiations with the Kachin Independence Organization (KIO), in early September 2013 Burmese government troops raided a village near Putao in northern Kachin State, accusing the villagers of supporting the KIA. They detained and tortured ten villagers, shot three men to death, and raped the wife of one of the detainees. The troops have since been encamped in the village, restricting all civilian movement.

"Ma Kaw" (not her real name), the wife of the one of the men arrested in the headman's house, was detained with other villagers in the church hall. At 7 pm in the evening of September 2, she requested permission from the soldiers guarding the hall to go and see Major Zaw Tun Hang, commanding officer of LIB 138, to beg for her husband's release. When she went to see Major Zaw Tun Hang, in another house, the officer threatened her and accused her of being linked to the KIA, then raped her. She returned crying back to the hall at 9 pm.

Source: KWAT[44]

The system of impunity; these crimes are condoned by the authorities

Impunity is the rule for perpetrators of these crimes. Punishment is the rare exception. WLB members have been made aware of very few cases of actions taken against soldiers who have committed rapes in the past few years.[45]

A rare case successful in the courts, thanks to WLB support

HPRUSO—The rape of a 10-year-old girl in Hpruso, near Loikaw in Kayah State, has caused outrage and demonstrations in response to ongoing sexual violations in the district due to the close proximity of a military camp based nearby. Protestors have used this incident to call for severe punishment for the perpetrators of these violent crimes and to highlight the need for the military camp to take responsibility for their soldiers and try to prevent such crimes from occurring.

The perpetrator is a soldier who ran away from Army Battalion No. 6002 and was working as a construction worker in Military training Center No.14 based in Hpruso.

The Assault of a Child

On Jan. 24th 2013, the young girl was abducted after an evening class by the perpetrator, who pretended to know her sister and offered her a snack. After convincing the girl that her sister sent him to pick her up, he took her to a distant cemetery and held a knife to her, threatening to kill her as he raped her throughout the night.

That evening when the girl's parents realized she had gone missing, they searched houses nearby and went to see the friend their daughter had been playing with earlier that day. Her friend told them she had gone off with a man she did not recognize and had not heard from her since.

Around noon the following day, the girl was discovered by three motorcyclists on a highway road leading to Loikaw. They witnessed the rapist trying to leave her body in an empty car and immediately contacted the police. Once taken into custody at the police station, the girl was able to identify and describe how he had abused her. The girl's friend whom she had been with when she was abducted also came to the station and identified him as the perpetrator.

At the time when the young girl was discovered she appeared wounded on her back and face, as if beaten and cut with a knife, and was immediately sent to the hospital for evaluation. The doctor's report stated that she was terrified and unable to walk when she arrived, and had suffered bruising to the cervix and vaginal tearing from the rape. She remained in the hospital for three days and required medical treatment for a month following the attack.

Since the attack the girl has received support from local groups and was provided with a trip to see a gynecologist in the first week of March, as well as ongoing counseling sessions. She said that she is afraid to return home or go anywhere near Hpruso. She is still traumatized, but wishes to be placed in another town where she can attend school once again.

The perpetrator of this heinous sexual assault was kept in jail after the incident until being transferred to city court to be tried for the rape case. On March 15th he was determined guilty and convicted of child abduction, battery, and rape. He now faces a lifetime sentence in Loikaw prison.

Source: WLB[46]

The vast majority of cases remain unpunished, with the military and judicial authorities actively maintaining the system of impunity in place (see second part of this report). As ICTJ stated in 2009, "the perpetrators have a level of impunity that indicates institutional support for these practices".[47]

The fact that soldiers often act openly, and sometimes collectively, show that they have no fear of being punished, and are confident that the system endorses their behavior.

Attempts to seek justice are either ignored or retaliated, adding to the general climate of fear and distrust in the judicial system (see second part of this report). Silencing of complainants, through threats, torture or illegal detention, is common practice.

"We have the authority to rape women"

On November 27, 2012, a 26-year-old woman from a village in Putao Township was gang-raped in her farm hut by seven Burmese soldiers from command post 33 near Putao.

"Ah Mi" (not her real name), married with two children, had gone with her husband to look after their farm. The seven soldiers came to their farm hut and asked her husband to go and buy them cigarettes at about 3.25 pm. While he was away, they gang raped Ah Mi. One held her head, and another her legs, while they raped her one after the other. When the husband returned at about 4.15 pm, the soldiers threatened they would kill him if he reported the rape. They said to him: "Even if you tell other people, there is no one who will take action. We have the authority to rape women."

The couple reported the crime to the head of their village, but he didn't take any action. Ah Mi fell seriously ill after the incident.

Source: KWAT[48]

In some cases, small amounts of money are being handed over to the victim's family in order to silence them (see case below). These types of compensation cannot in any way be seen as appropriate reparation for the crime committed, especially as no other measures are taken to hold perpetrators accountable.

8-year old girl: He came back and threw money at her

The incident took place in Hsipaw Township, Northern Shan State, on 14th April 2013. The soldier, from IB 17, raped an 8-year old girl who was living with her grandparents. When her parents came back, they found her crying and shaking in fear.
The soldier came back and threw money at her (50,000 Kyats/circa 50 USD).

Source: SWAN[49]

100,000 kyat to not spread the word

On June 15th 2012, a column of 27 Tatmadaw soldiers from LID 44 entered the village in Dwe Lo Township, Papun District and spent their nights there. On June 16th 2012, in the night time at 11:00pm, most of the villagers were asleep. At that time, the company's second-in-command, Moe Win, went to a villager named Naw C---'s house, and went inside her bedroom. Without saying anything, he lifted up Naw C---'s sarong. At that time, Naw C--- was about to move and her child cried, so her husband who slept in front [room] of the house was awakened and called his wife to ask why she did not hear her child crying. When Moe Win heard her husband's voice, he tried to run. At that time, Naw C--- shouted that someone was in her room, so her husband went inside the room and saw Moe Win sitting by the fireplace. When C---'s husband went to check his wife, Moe Win ran away from the house. In the morning, C---'s husband went to see Commander Soe Wunna and reported it to him. Commander Soe Wunna told him not to spread [word of] the incident; [Soe Wunna] would compensate them with 200,000 kyat (US $234.74). No one spread [information of] the incident. Until now he [Soe Wunna] only paid 100,000 kyat (US $117.37), the other 100,000 has not been paid yet.

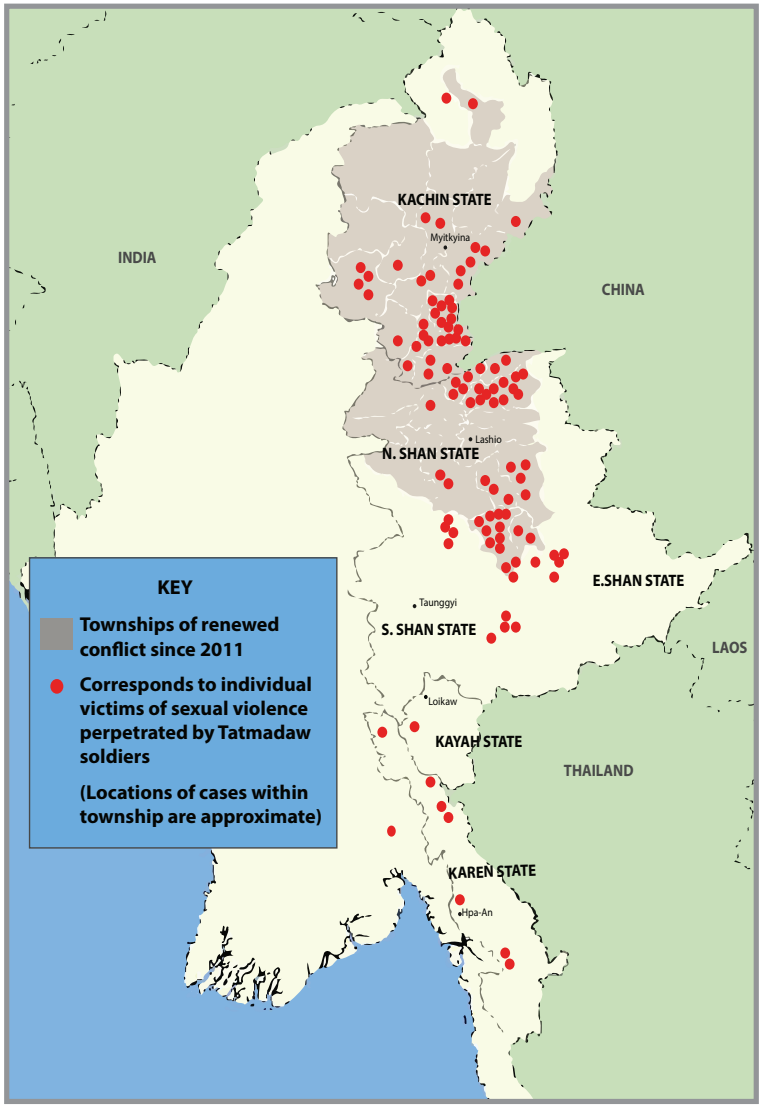
Source: KHRG[50]

3) Signs of a widespread practice

The use of sexual violence against ethnic women can be qualified as widespread as it encompasses incidents which took place in many different geographical locations, involving many different battalions of the Burma Army.

The cases documented in the past 3 years took place across more than 35 townships and involved soldiers from 38 different battalions. Certain battalions have been involved in 2 or 3 different cases.

Map of Rape Incidents by Tatmadaw in Conflict Areas since 2010



Although this report focuses on crimes committed under the new government, cases of sexual violence committed by the military have occurred for decades. Under Thein Sein's government there is a continuation of the same patterns as under previous regimes.

4) Link to offensives and control over natural resources

The correlation with military offensives

The data WLB members have gathered shows a pattern of increasing rape and sexual violence by soldiers during military offensives. The vast majority of cases documented in this report took place during military offensives. The incidence of rape positively correlates to timing of the offensives and fighting. As described above, in many cases sexual violence is perpetrated with wider forms of torture, killings and raids on villages. The case below is a clear example of this pattern, as the incident took place in the midst of intensified fighting in Shan State that broke out in March 2011 when government troops broke an existing ceasefire.

Multiple rape as a battalion enters a village

On 5th July 2011 Troops from Light Infantry Battalion 513, from Pang Long, entered a village in Ke See township and raped 3 women and a 12 year old girl. The girl was raped in front of her mother, a third woman who was 9 months pregnant was raped and the last woman was stripped naked, beaten and raped outside of the village.

Source: SWAN[51]

Additionally, as PWO has highlighted, the presence of Burma Army outposts increases dramatically the security risk posed to women IDPs, including risks of sexual violence abuses.[52]

The link to natural resources

It is well-known that the armed conflicts in Burma have been and are still closely tied to control over resource-rich ethnic areas. This has been, for example, highlighted again in the Special Rapporteur's September 2013 report to the UN General Assembly.[53]

It has also been widely reported that renewed military offensives in Kachin State and Northern Shan State since 2011 are linked to control over the rich resources in Kachin and Shan areas, including where Chinese-led hydropower dams are being built and the Shwe Gas and Oil Pipeline project is located.[54] In their recent update, KWAT highlighted that the military operation that led to widespread abuses against civilians in September 2013 is "directly linked to the securing

of control over northern Kachin State's rich timber and mineral resources. Nhka Ga village lies on a new road being built from the China border to large concession areas recently granted to billionaire crony Tay Za."[55]

Because of all of these patterns, WLB believes that the use of sexual violence in ongoing conflict areas is still systematic and structural in nature: it is central to the modus operandi of the army, as it has been in the past. Some of these elements will have an impact on the legal qualifications of these crimes.

[C] Legal analysis: serious crimes

According to the Rome Statute of the International Criminal Court, the ignominy of such acts of sexual violence makes them among "the most serious crimes of concern to the international community as a whole".[56] But crimes of sexual violence are not only condemned under international law; they are also prohibited under Burma's domestic law, although not in an sufficiently effective manner. National legislation should incorporate norms of international law which prohibit such actions as serious violations of human rights, as well as war crimes and crimes against humanity.

1) National law

Rape is criminalized under Burma's national law. Article 375 of the Myanmar Penal Code prohibits rape, and Article 376 allows the courts to sentence convicted rapists to life in prison.

In addition, past governments have made statements identifying the Defense Services Act and Defense Services Rules as applicable law prohibiting rapes committed by Burma Army soldiers, stating that "any member of the Armed Forces convicted of murder or rape can be sentenced to the maximum punishment of death penalty."[57]

As stated in the past, WLB is of the view that domestic laws prohibiting rape are limited, extremely outdated and rarely if ever applied.[58] The judicial system is neither willing nor able to prosecute soldiers and officers responsible for the cases highlighted in this report (see the second part of this report). It is high time that Burma adopts new laws for protection of women that are in conformity with international law.

2) International law

Burma is party to several international treaties containing prohibitions of sexual violence (see below). Moreover, Burma is bound by the norms of international customary law prohibiting sexual violence, which imply that countries have an obligation to investigate sexual violence crimes, hold those responsible accountable and provide victims with an effective remedy.[59] In particular, WLB considers that Burma is bound by international humanitarian customary law as described by the International Committee of the Red Cross (ICRC).[60] The Rome Statute of the International Criminal Court (ICC) is believed to codify the customary norms in terms of international criminal law.

Sexual violence as a human rights violation

Sexual violence, including rape, is a human rights violation defined as any non-consensual or coercive sexual act by a state actor, including "all forms of sexual threat, assault, interference and exploitation."[61]

Several international treaties to which Burma is party prohibit acts of sexual violence and require from states that they protect all of their residents from such acts and prosecute those responsible: the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the International Labour Organization (ILO) Forced Labour Convention of 1929.

As noted in previous WLB reports[62], the Declaration on the Elimination of Violence Against Women, 1993, outlines in Article 4 (c) that States should "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons". The Special Rapporteur on Violence Against Women further noted that States are required to ensure equal protection of the law for their citizens. So if there is evidence of systematic, discriminatory, non-prosecution by the State of crimes of violence against women, then, States arguably have violated their responsibility under international human rights law.

The cases and information highlighted in this report therefore constitute a clear violation of these human rights provisions and a breach of Burma's international obligations. The government should ensure that its domestic legislation is in line with its current international obligations and other norms of international law, and guarantee its respect by protecting women of Burma from such abuses. A start would be to sign the recent Declaration of Commitment to End Sexual Violence in Conflict (see below).

A breach of UN Security Council Resolutions

It is important to note that the government's failure to deal with crimes of sexual violence is in direct violation of a certain number of Security Council Resolutions, in particular Resolution 1325 on women and peace and security adopted on 31 October 2000.[63] The call by the Security Council "on all parties to conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, in situations of armed conflict" and to prosecute those responsible for such acts has been reiterated numerous times since Resolution 1325.[64]

The latest resolution on the issue, dated 24 June 2013[65], states that the Security Council:

> *"reiterates its demand for the complete cessation with immediate effect by all parties to armed conflict of all acts of sexual violence and its call for these parties to make and implement specific time-bound commitments to combat sexual violence, which should include, inter alia, issuance of clear orders through chains of command prohibiting sexual violence and accountability for breaching these orders, the prohibition of sexual violence in Codes of Conduct, military and police field manuals or equivalent and to make and implement specific commitments on timely investigation of alleged abuses."*

Sexual violence as war crimes and crimes against humanity

The cases highlighted in the present report may amount to war crimes and crimes against humanity according to international law applicable to Burma.

Source of law

Sexual violence is prohibited under International Humanitarian Law, including the Geneva Conventions of 1949 to which Burma is party and other norms of customary law[66] applicable to Burma (see above). Grave breaches of International Humanitarian Law constitute war crimes and crimes against humanity under International Criminal Law. The Rome Statute of the International Criminal Court (ICC) is seen as the most recent codification of norms of customary law in this regard. It is therefore a useful evaluative tool to analyze whether acts may qualify as war crimes and crimes against humanity, even if Burma is not a party to this treaty.

War crimes

Under the Rome Statute of the ICC, the acts of rape, sexual violence and sexual slavery can amount to a war crime pursuant to Article 8(2)(e)(vi) if they are committed in the context of an armed conflict of a non-international character.

In the context of the present report, the most important element under this article for an act to qualify as a war crime is that it must have a "nexus" with an armed conflict. This does not mean that such acts must take place in battle. It requires only that they have an "association" with the conflict.[67] Most of the crimes highlighted in the present report can be considered as associated to a conflict in this sense, in particular the ones documented in Kachin and Shan State. Numerous factors lead to this conclusion, such as the correlation between rapes and military offensives, the consistent identification of Burmese military members as perpetrators, the fact that sexual violence is used as a tool for punishing civilians for their alleged support to ethnic armed groups and as part of actions used to terrorize or subjugate the population (see above "Rape used as an instrument of war and oppression").[68]

For these reasons, most of the rapes documented by WLB member organizations over the past three years may be qualified as war crimes.

"Families fleeing ongoing fighting in Kachin State, 2013
Source: KWAT

Crimes against humanity

The acts of rape, sexual violence and sexual slavery can amount to crimes against humanity if they are committed as part of a widespread or systematic attack directed against any civilian population (Article 7(1) of the ICC Statute).

Among the various elements constitutive of a crime against humanity, the existence of an "attack directed against a civilian population" in Burma's ethnic areas may be inferred from the high level of reported abuses committed against civilians, in particular in ongoing-conflict areas. This "course of conduct involving the multiple commission of prohibited acts" seems to constitute such an attack.[69]

The "widespread or systematic"[70] nature of the attacks on civilians in Burma's ethnic areas may be inferred from a range of factors showing that abuses against civilians, including sexual violence, are used as an instrument of war and oppression (see above):[71]

- The long-term, ongoing nature of the violations;
- The scale and extent of the violations, in particular as the reported figures are far lower than the reality;
- The widespread geographical location of the violations;
- The fact that such violations are committed as means to control, terrorize and subjugate the population;
- The fact that they are used as punishment against the civilian population for alleged support to the ethnic armed groups;
- The impunity surrounding such violations, actively maintained by the authorities.

The other elements of a crime against humanity[72] focus on individual perpetrators and would be looked at during investigation and prosecution procedures.

For the reasons described above, there are reasons to believe that many of the acts of sexual violence highlighted in this report may amount to crimes against humanity. Only a proper and thorough independent investigation can confirm this prima facie case of potential crimes against humanity.

Part II: The need for an end to impunity

> *"The Special Rapporteur highlights, however, the dangers of glossing over shortcomings in the area of human rights or presuming that these shortcomings will inevitably be addressed through the momentum of current reforms. He warns that, if these shortcomings are not addressed now, they will become increasingly entrenched in areas such as accountability for human rights violations; the rights of ethnic and religious minorities; the rights to peaceful assembly and association; the representation of women in decision-making positions; land rights; and human rights and development. Furthermore, they will eventually undermine the reform process itself if they are not addressed in accordance with international human rights standards."*[73]

It seems that these recent words by the Special Rapporteur do, unfortunately, announce what will happen in Burma if the international community persists in refusing to acknowledge that the actions undertaken by the government in the past three years only provide the appearance of democratic change while maintaining the status quo. Obvious signs of this are that, despite the government's claims of reform and opening, military offensives continue to take place in ethnic areas, human rights abuses against civilians persist, and impunity prevails. The peace initiatives conducted by the government appear to be a public relations exercise enabling other political agendas, such as the chairmanship or ASEAN and the upcoming 2015 elections. The government excels in this game of communication, using terms such as the "rule of law" widely, to the point where the UN Special Rapporteur felt the need to remind them of the real signification of this word.[74] Indeed, rule of law has to be established, not talked about, and deep political changes have to take place before the long-term cycle of impunity can be brought to an end.

A) Rule of Law has to be established, not talked about

As experts say, "unless and until the military is placed under civilian control through constitutional amendments, talk of democracy and rule of law in Burma is just that, talk"[75]. The UN Special Rapporteur on the Situation of Human Rights in Myanmar noted on 16 February 2013, after a five-day mission to Burma, that the Constitution could "undermine the rule of law and fundamental human rights" and in September 2013, he stated:

> *The Special Rapporteur emphasizes that all persons and institutions, including the military, should be held accountable by independent judicial mechanisms under publicly promulgated laws. He therefore recommends the amendment of the constitutional provisions that provide for the establishment of permanent military tribunals (art. 293 (b)) with no oversight by a civilian justice mechanism and whose decisions can be appealed only to the Commander-in-Chief (art. 343 (b)); and that stipulate that no legal proceeding is to be brought against any member of the Government in respect of any act performed in the execution of his or her duties (art. 445).*[76]

Changing the 2008 Constitution is the first step towards ensuring justice for the women of Burma. Reforming the judiciary to guarantee its independence and impartiality and ensure victims' access to justice comes next, together with the adoption and implementation of laws protecting women.

1) Change the Constitution

The amnesty provision

Article 445 intends to guarantee the military impunity from prosecution by providing regime officials blanket amnesty for all crimes committed as a result of their official duty:

> *"No proceeding shall be instituted against the said [previously-ruling] Councils or any member thereof or any member of the Government, in respect to any act done in the execution of their respective duties."*

This provision is interpreted by the current government as providing immunity to its members.[77] Such an interpretation gives the military a green light to commit any crime in total impunity.

As stated by many experts, this article should be interpreted restrictively as not encompassing immunity for "serious criminal acts", as for example acts done in violation of national or international law that by definition are outside the scope of "their respective duties".[78] A different interpretation would be in contradiction with Burma's international obligations, as it is clear under international law that national laws or constitutions cannot provide amnesties for crimes against humanity or other serious violations of humanitarian law, and it violates the Geneva Conventions and other treaties to which Burma is party.[79]

However, this provision needs to be amended immediately so that it cannot serve as a basis for further impunity in practice. This is a repetitive recommendation of the UN Special Rapporteur.[80]

Court Martial: soldiers judged by soldiers

"It's a military court. He got some mercy because of his family."

Than Tun told Human Rights Watch a soldier from his battalion admitted to their superior officer and described in detail his participation in a gang-rape of a young Kachin women on June 13, 2011, in the area of Ahlaw Bum.

Than Tun told Human Rights Watch he witnessed the mother of the rape survivor come to the battalion to complain to the commander about the case. Than Tun said that the battalion's lieutenant colonel determined that only one of the four soldiers involved would take responsibility:

"After he was ordered to do so, he admitted when the officers interrogated him. There is a rule—if they want to go to civilian prison and get out of the army, then they have to go to prison for three years, but if they want to go to the army prison it's only one year. He chose the option to be in prison in the army for one year. The sentence depends on the crime. It's a military court. He got some mercy because of his family; because he has a family.... Before I had heard about these types of [rape] cases but they weren't my colleagues, so I didn't believe it.... The girl's family was provided with rice and oil. They moved to [village withheld] after the rape.... They moved because of dignity."

Source: Human Rights Watch[83]

The 2008 Constitution establishes a different set of courts to adjudicate all crimes committed by the military, operating outside the regular court system. While many countries have court-martial systems to judge military offenses, the court-martial system established by Articles 20(b) and 319 of the 2008 Constitution gives the military jurisdiction an unrestricted mandate and overly broad powers.[81]

Article 294 provides that the supreme judicial authority of the court-martial is not the Supreme Court, which is the highest civilian court normally in charge of appeals from military trials,[82] but the

Commander-in-Chief of the Defense Services, whose decisions are therefore not subject to review by any courts. This ensures members of the military never have to appear before civilian courts.

Under this framework, it appears that serious human rights violations committed by the military, including rapes and other forms of sexual violence, fall under the jurisdiction of a totally military-controlled system. Given the history of impunity within the Burma military, it is obvious that this system cannot be trusted to enact justice and instead allows the military to maintain and consolidate its power. The military needs to be placed under civilian control (see below).

The power of the military over the civilian government

On the contrary, with provisions such as Articles 74, 109 (b)and 141 (b), allowing for military appointees to occupy 25 per cent of seats in Parliament and effectively providing the military with a veto on constitutional amendments, the Constitution ensures that the civilian government of Burma is deprived of its sovereign powers over the military.[84]

As stated by ICTJ in 2009, the Constitution creates "a governing structure that gives the military the ability to dominate the government and protect its interests in perpetuity".[85] As repeatedly recommended by the UN Special Rapporteur,[86] these provisions have to be amended.

Evidence of the troubling autonomy of the military is the fact that, on 19 January 2013, only hours after President Thein Sein asked the army to stop attacks on ethnic groups, the military started new offensives against the Kachin Independence Army (KIA), despite peace negotiations efforts by the government.[87] Another example of the inconsistencies between military action and civilian government rhetoric are the attacks by Burma Army forces on Kachin villages at the same time as a summit of ethnic armed groups was being held in Laiza to discuss the government's proposed nationwide ceasefire.

The Constitution has been drafted by the military in order to preserve its power, rather than to promote democracy and rule of law. It must be amended or replaced in order to reflect the will of the people, rather than protect the interests of the military. The Constitution renders the government unable to comply with its international obligations, including many UN Security Council Resolutions, the UN Charter, the Geneva Conventions and others.

The international community should use its power and leverage to pressure the military and the government to change the Constitution. As has been suggested by experts, the UN General Assembly or the Security Council could request an advisory opinion on the Constitution from the International Court of Justice.[88]

2) Reform the judiciary

As stated above, the court-martial system needs to be reformed in order to place the military under civilian judicial control. However, even this would not ensure accountability and justice for crimes committed by the army, as the civilian judicial system also needs to be deeply reformed and reinforced in order to be capable of protecting people's rights.

The UN Special Rapporteur stated in March 2012:

> *Myanmar lacks an independent, impartial and effective judiciary, which is not only essential for its transition to democracy but also necessary to uphold the rule of law, ensure checks and balances on the executive and the legislative, and safeguard human rights and fundamental freedoms in Myanmar.*[89]

Create an independent, impartial and effective judiciary

It is widely reported that the judiciary in Burma totally lacks independence from the military.[90] In its latest report of September 2013, the UN Special Rapporteur reiterated that there is still no evidence that the judiciary is developing any independence from the executive.[91] More specifically, it has been noted that "the problem in Burma today is not that judges are struggling to be independent against a heavy-handed regime, but rather that judges are part and parcel of decades of a military governing system".[92]

Indeed, the President's constitutional power to appoint the judges of Burma's Supreme Court ensures that the members of the judiciary are reliant on the military for their appointments, given that the President himself is chosen by a military dominated parliament. The President also retains a role in removing judges, and there are no constitutional counter-powers to avoid political interference.[93]

Logically, this leads to "judges routinely imposing unjustified sentences in political cases, allowing them to keep their jobs and access to the benefits of a corrupt system".[94] The UN Special Rapporteur has reported the problem of corruption within the judiciary:

> *"the Special Rapporteur is concerned at allegations of widespread corruption, which, according to many sources, is institutionalized and pervasive. According to studies by civil society organizations, payments are made at all stages in the legal process and to all levels of officials, for such routine matters as access to a detainee in police custody or determining the outcome of a case."*[95]

"The higher authority would not listen to your complaint"

On 15 June, Burma Army troops entered a village in Man Je township and, when villagers tried to flee, shot Ma Lu, an unarmed 52 year old woman and Ma Gam, her four year old grandson in the head, killing both instantly. Ma Gam's mother saw her son bleeding and ran to him, cradling him in her arms and saying "dear son, get up, get up." The soldiers shouted at her to put him down and told her "this happened to you because of the KIA." The village headman tried to call the local authorities to report the murders, but the phone had been cut off. When the headman reached the local authorities the next day he was told "the higher authority would not listen to your complaint" and no investigation of the perpetrators took place. Instead, the victims' family became the subject of scrutiny with local authorities sending detectives to investigate their activities.

Source: KWAT[96]

Finally, WLB has repeatedly denounced the use of the justice system as another tool of repression by the military.[97] Today, it is actually increasingly used as a weapon to silence peaceful demonstrators, human rights defenders and political activists. If the government is going to live up to its promises of establishing rule of law in Burma, the judiciary has to be reformed.[98]

Provide victims with access to justice

Because of the failing judiciary, victims have little or no meaningful ways to seek justice and access redress for the crimes they have suffered. The lack of effective and accessible complaints mechanisms[99] is combined with a lack of awareness and trust towards the judicial system among the population. The Special Rapporteur noted that the courts are not an accessible or viable means for people to seek justice.[100]

> *"People are afraid to go to the court, especially for sexual abuse, because culturally in our society, if you were raped by someone; you know society will treat you differently. The corrupt system makes it very expensive to go to the court. Even if you open a case, the judiciary is not independent. There is no justice for poor people and those without power."*
>
> **San Htoi (KWAT Documentation and Research Program Coordinator)**

On the contrary, victims experience harassment and retaliation when they try to seek justice or speak up. As mentioned earlier in this report, silencing of complainants, through threats, torture or illegal detention, is common practice. Sometimes, meager financial compensation is offered to the victims' family as a way to discourage them to go to courts (see cases highlighted in the first part of this report).

The testimony given to PWO and TSYO by a villager from the Palaung area is significant with regards to the general climate of fear surrounding denunciation of human rights violations: "It is very difficult for the victims to speak out about rape. They were threatened by the soldiers not to tell anyone, so the rest of the community is scared. It is very dangerous for us to speak out."[101]

The few cases that make it to the courts mainly end up with soft sentences against the perpetrators or are simply rejected.

The most blatant example is the case of Sumlut Roi Ja, who was abducted and gang-raped by the military in Kachin State in October 2011. The case was dismissed by the Supreme Court in February 2012 after a sham trial, without hearing the evidence. The Special Rapporteur has highlighted this case on numerous occasions.[102] Together with KWAT, WLB calls for a re-trial of this case to ascertain what has happened to Sumlut Roi Ja and bring to justice those responsible for her arrest and disappearance.[103]

Sumlut Roi Ja: the Supreme Court as a tool to maintain impunity

Source: KWAT

Sumlut Roi Ja with her husband at their wedding

Sumlut Roi Ja is a 28-year-old mother who was arrested by Burma Army soldiers on October 28th 2011 while working on a family's farm near her village Hkai Bang, close to the China border. Her husband and father-in-law were also arrested and they were forced at gunpoint to carry corn to a military camp, Battalion 321, at Mubum. They managed to escape, but Sumlut Roi Ja was recaptured.

After her abduction, she was seen at the military camp by several witnesses. According to men who escaped from the outpost, she was being made to clean and cook for the soldiers during the day, and was gang-raped by them at night. A KWAT documenter reported seeing Sumlut Roi Ja through a zoom lens at the camp from a nearby hilltop on October 31. The next day, on November 1, she was able to see a woman being dragged by four soldiers into a bunker at the camp, but could not clearly identify her. After that, she had not been able to see any women at the camp.

On November 1, Sumlut Roi Ja's family members met with Lt. Col. Zaw Myo Htut, the Burma Army commander at the Loi Je military base, and begged for her release. He told them that she would be released on November 2, but they waited the whole day at the foot of the mountain and she did not appear.

It is now presumed that Sumlut Roi Ja has been killed.

In January 2012, a Kachin lawyer assisted Roi Ja's husband to file a case at the Supreme Court at Naypyidaw against LIB 321 for the abduction of his wife. Roi Ja's husband travelled down Nawypyidaw to attend the hearing on February 23. However, he was not permitted to speak at the hearing, although he had witnessed the abduction. The court simply heard the testimony of a lieutenant from LIB 321, who asserted that no woman by the name of Roi Ja had been detained at the camp.

On 23 February, 2012, the Naypyidaw Supreme Court dismissed the case for lack of evidence. The judge based his ruling entirely on the testimony of the military defendants. Falsehoods in the judge's report included the claim that the case was never reported to local officials. In fact, a week after the arrest, Sumlut Roi Ja's father-in-law had written appeal letters to the Kachin State Chief Minister, the Bhamo District governor and the Burma Army Battalion 321 commander.

What really happened to Sumlut Roi Ja is still unknown.

Source: KWAT[104]

Turn the Human Rights Commission into an effective independent body

The Myanmar National Human Rights Commission (MNHRC) is also not a reliable and effective avenue for victims to seek justice. It suffers from an obvious lack of independence and capacity, and the lack of willingness and ability of its members to investigate human rights abuses is blatant.[105] The UN Special Rapporteur and the UN Committee for the Rights of the Child have expressed concerns in this regard.[106]

Its mechanisms are not known by the population, as very little information has been provided to the public about this body, and the process is very complicated and can even be risky for the individual.[107]

While many complaints have been sent to the MNHRC regarding human rights violations committed in ethnic areas, the Commission refuses to investigate these human rights abuses. The chairman of Burma's National Human Rights Commission said in February 2012 that it was premature for the newly established body to investigate allegations of human rights abuses in ethnic minority areas. "The national reconciliation process is political" said Win Mra, the chairman of the NHRC, speaking at a press conference at Thailand's Ministry of Foreign Affairs. He added that "to investigate into conflict areas would not be appropriate at this time."[108]

In the enabling law approved by the Upper House of Parliament on 28 August 2013, some provisions pose serious threats to the independence of the Commission.[109] It is vital that this draft legislation be reconsidered and that a law be enacted that establishes a fully independent commission in line with the UN Paris Principles,[110] as recommended by the UN Special Rapporteur.[111]

Brang Shwan: prosecuted after attempting to complain to the MNHRC

His 13 year old daughter was hiding from Burma Army soldiers in a house with her school friends in Hpakant Township, Kachin State, in September 2012. One of the soldiers opened fire into the house and she was killed in front of the others.

On 18 September 2012, the village administrator called Brang Shawng and said that the army officer wanted to meet him. When he reached the military post, Colonel Zaw Min expressed his sympathy for the loss and offered 100,000 Kyats (equivalent to USD110) to the bereaved family.

One week later, the family went to the capital of Kachin State, Myitkyina, where they sought help from local lawyers. They sent an appeal letter to the president on 25 September 2012, in which Brang Shawng asked for justice for his daughter's death, and urged that the army stop shooting at civilians. On 1 October 2012, he sent a letter to the Myanmar National Human Rights Commission, asking it to take action against the military personnel who committed the murder. He also sent appeal letters to the Kachin State chief minister, and northern army commander. However, he got no replies to any of the letters.

On Kachin State Day, 10 January 2013, Brang Shawng spoke at a public gathering in Rangoon about the death of his daughter and attracted strong support from the audience.

Thereafter, on 20 February 2013 Brang Shawng learned that he was being charged with making false allegations against the military. The military claimed that artillery or a mine caused the injuries to the girl's body resulting in her death, because no bullet was found in her body. A case was opened against him on February 25.

After lodging the case, the army officer responsible failed to appear on scheduled hearing dates five times in a row. Only on the sixth occasion on May 20 did the two parties meet in court. The case is continuing

Source: Asian Human Rights Commission[112]

In its current form, the Commission therefore appears to be purely a distraction for the international community, to avoid an international investigation into human rights abuses in Burma.[113] Unless and until drastic changes are made to ensure that the MNRHC has the mandate, capacity and willingness to address serious human rights violations in an independent and transparent manner, calls should be renewed for international investigations. In particular, as it appears that the commission would not have the mandate to look into abuses committed before its establishment; it cannot replace a truth seeking mechanism.[114]

In any case, as mentioned earlier in this report, as long as the 2008 Constitution is in place, it would impede any attempts by the MNHRC to address serious violations committed by members of the regime. Changing the Constitution is therefore crucial as a first step (see above), as is the adoption of proper legal instruments protecting women from human rights abuses.

3) Adopt laws for the protection of women of Burma

Despite declarations of good intention by the government, the reality is that women of Burma are not protected by law from violence and discrimination. Many concrete steps can be taken today to help ensure abuses against women stop.

The government recently released a National Strategic Plan for the Advancement of Women (NSPAW). It makes promises with regards to addressing violence against women that will remain empty without a change of the Constitution and a reform of the judiciary.

WLB welcomes the aims of the National Strategic Plan, whose "key objective is to develop and strengthen laws, systems, structures and practices to eliminate all forms of Violence Against Women and Girls and to respond to the needs of women and girls affected by violence."[115] The NSPAW mentions various initiatives to support documentation, prosecution of and education on violence against women and girls. This includes awareness raising activities, such as training and capacity building of judicial officers and police forces. Even more interestingly, the National Plan's "Implementation procedures" cover "taking legal action against the perpetrators of violence against women and girls".

These initiatives all appear to be positive steps towards recognition of the existence of sexual violence against women. However, there is no sign yet that the government will allow this program to include sexual violence committed by the Burma Army against ethnic women, in particular sexual violence committed in armed conflict areas. In any case, as stated above, the planned actions mentioned in this document would require extensive and deep reform of the current legal and judicial system. Moreover, the National Plan does not mention any initiatives to deal with crimes committed against women in the past.

If the government was serious about its commitments to address violence against women, it should include in its efforts violence committed in the context of armed conflict, and therefore should have signed the recent international declaration for prevention of sexual violence in conflict.

The Declaration of Commitment to End Sexual Violence in Conflict, signed by 115 countries, which was launched on 24th September 2013 by British Foreign Secretary William Hague and Zainab Hawa Bangura, Special Representative of the Secretary-General on Sexual Violence in Conflict, contains practical and political commitments to end impunity, promote accountability, and provide justice and safety for victims of sexual violence in conflicts. The failure of Burma's

President Thein Sein to support the declaration demonstrates a lack of willingness to address the issue of sexual violence in conflict in Burma.

Another starting point to take concrete steps towards more protection of women would be to adopt a law specifically for this purpose. The proposal by Gender Action Myanmar "Case for Anti-Violence Against Women Laws" sets out concrete requirements for effective legal protection for women.[116] Formulating a law which incorporates these recommendations is key.

To really concretize its declarations towards ensuring rule of law and democracy in Burma, the government should also sign and ratify the Rome Statute of the International Criminal Court. It should implement its provisions in its domestic law, in order to ensure that serious violations of humanitarian law, and in particular rapes and sexual violence as war crimes and crimes against humanity, can be prosecuted under the national legal system, as recommended by the UN Security Council in its recent resolution.[117]

The government should also adopt other international instruments such as the International Covenant on Civil and Political Rights, the two Optional Protocols to the Geneva Conventions, and the Convention Against Torture, and ensure that its domestic legislation comply with these instruments and the ones it has already signed.

For this to happen, there must be drastic changes in the government's political orientation.

B] Meaningful and deep political changes have to happen

While it is indisputable that the Constitution has to change for rule of law to prevail and impunity to stop, the ruling party, the Union Solidarity and Development Party (USDP), has gone as far as to state recently, in October 2013, that "People will suffer bad consequences if the 2008 Constitution is abolished and redrawn".[118] This attempt by power-holders to paint constitutional reform as a threat to democratization obviously represents a huge challenge. For genuine democratic change to happen, we will need to see a deep transformation of the ruling party's politics. In terms of addressing impunity and protecting women from military abuses, this starts by taking responsibility for human rights violations happening and making the peace process a meaningful way to end abuses.

1) The Government needs to take responsibility for human rights abuses

The first step towards the establishment of a genuine democratic system is for the government to acknowledge and take responsibility for past human rights abuses. Only this will put an end to the long suffering of the women of Burma. Instead, the government is in constant denial of what happens in ethnic areas.

In October 2012, President Thein Sein stated during an interview that "Our military is very disciplined, there is no reason for the military to commit acts of rape or murder".[119]

In March 2013, Senior General Min Aung Hlaing said in an address to mark Armed Forces Day: "We are a military that adheres not only civil and to martial laws and regulations, but also to the Geneva Convention. […] Since we train our Tatmadaw men to acknowledge and adhere to the Geneva Convention, our Tatmadaw have never committed any war crimes and soldiers who [committed punishable acts] have had effective action taken against them according to military regulations."[120]

To the allegations of attacks against civilian population and other forms of human rights violations reported by the UN Special Rapporteur in its report of March 2013, the government responded to the UN Human Rights Council that "these allegations are unfounded".[121]

This failure by the government and the military to admit human rights abuses demonstrates a serious lack of commitment to genuine reform and reconciliation.[122] The government should instead, as recommended by the Security Council in its latest resolution on the issue of sexual violence in conflict, dated 24 June 2013, *"implement specific time-bound commitments to combat sexual violence, which should include, inter alia, issuance of clear orders through chains of command prohibiting sexual violence and accountability for breaching these orders."*[123]

2) Make the peace process a meaningful way to end abuses against Burma's people

Instead of using the peace process as a public show for the international community, the government should make it a meaningful tool to end abuses in ethnic areas. It is crucial that upcoming political dialogue with the ethnic armed groups fully includes women and that it addresses women's issues and past human rights violations.

Include women

A recent report on the inclusion of women in the peace negotiations in Burma concluded the following:

> *"Women in Burma are effectively excluded from participating in the negotiations for peace. Less than a handful of women have been part of the official talks held between the State and the armed groups, and none of the 12 preliminary ceasefire agreements reviewed for this report includes any references to gender or women. The expertise of local women's groups in peacemaking and trust building efforts has gone unnoticed, and concerns raised by women are being sidelined. The interest by the dominant funders of the Burmese peace building initiatives, the international community, in advocating for the increased participation of women or for the mainstreaming of gender responsiveness has been, at best, inadequate. This is a worrisome development which requires action from both international and local actors as the continued exclusion of women risks undermining the legitimacy of the entire process."*[124]

The absence of women in peace efforts is striking both for the government and the ethnic armed groups. The Myanmar Peace Center, the body in charge of coordinating the peace negotiations for the government, is primarily run by ethnically Burman men. Representation for the ethnic armed groups is slightly better but still insufficient, as women lack proper representation and participation in decision-making (with the exception of former KNU leader Naw Zipporah Sein). [125]

Since the unanimous adoption of the United Nations Security Council Resolution 1325 on Women, Peace and Security in 2000, international consensus has been built around the need to involve women in peace processes in order for peace building to be sustainable, democratic and inclusive. [126] This policy framework now includes six resolutions, including the latest one of 24 June 2013 which

> *"reiterates the importance of addressing sexual violence in armed conflict whenever relevant, in mediation efforts, ceasefires and peace agreements; requests the Secretary-General, Member States and regional organizations, where appropriate, to ensure that mediators and envoys, in situations where it is used as a method or tactic of war, or as part of a widespread or systematic attack against civilian populations, engage on sexual violence issues, including with women, civil society, including women's organizations and survivors of sexual violence, and ensure that such concerns are reflected in specific provisions of peace agreements, including those related to security arrangements and transitional justice mechanisms; urges the inclusion of sexual violence in the definition of acts prohibited by ceasefires and in provisions for ceasefire monitoring; stresses the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes".*[127]

The fact that almost all the participants involved in the current discussions around the peace process are men is a serious problem, as women experience conflict in a very different ways from men and many problems faced by women cannot be truly understood by men. Without women's inclusion at all levels of decision-making, important and critical perspectives on peace and gendered issues risk being ignored and structural gender inequality will remain throughout Burma.[128] It is therefore crucial that comprehensive political dialogue, for which the ethnic armed groups are calling, fully includes women.

How can a male club come up with any policy that includes a gender perspective?

"Honestly, there was no engagement or attempt to engage [with women and gender issues]. The institutions such as the President's office and the Myanmar Peace Center are heavily, if not exclusively, male dominated ones… the Burmese government's delegation did not include any woman…I do not have a feeling that they understand what Resolution 1325 means…The men in Burmese politics are not yet used to seeing things comprehensively, including from a gender perspective. As long as gender issues have not been mainstreamed, it is impossible to expect any exclusive male club to come up with any policy or plan that considers or includes a gender perspective."

Naw May Oo, KNU[129]

Address women's issues and human rights violations

A May 2013 study of the peace agreements concluded by the individual ethnic armed groups showed that "none of the state or union-level ceasefire agreements include any references to women or gender issues. There is no mention of the use of sexual violence as a tool of warfare."[130] It appears indeed that only the KNU tried to make mention of the importance of the inclusion of women – which is the consequence of the rare involvement of a woman in the discussions.

In addition, the peace agreements barely mention human rights violations. When they do, it is with the intention of avoiding further human rights abuses in the future. There appears to be no willingness to address past human rights violations. In its recent proposal for an agreement on the nationwide ceasefire accord, the government proposes that both sides "agree not to prosecute any person or organization which takes part in the ceasefire process" (informal translation). In the meantime, women continue to be subjected to violence.

Any future comprehensive political dialogue has to address the calls of Burma's women for justice. Accountability for crimes of sexual violence is necessary for sustainable peace. Together with other civil society organizations, WLB believes that "if this issue is ignored, grievances and an underlying sense of injustice will prevail and true national reconciliation will not be achieved".[131]

The post-conflict plan might overlook violence against women

"We are working very hard for women to be included at all levels. If women are excluded from the process, the post-conflict plan might not include consideration for women. They might overlook [violence against women], and might not reform gender-relevant laws. These considerations come from women's groups, not from them, they would never look at this unless we tell them."

Tin Tin Nyo, WLB[132]

Conclusion: Bring the military under civilian control

The comprehensive political dialogue to come must include addressing the role of the Burma Army. This report shows that this is the most crucial point in order to protect women of Burma from further abuses by the military.

Almost a decade ago, in ***System of Impunity***, WLB pointed out that systematic sexual violence is endemic to military rule in Burma. Today, it must be noted that this has not changed. Unless and until the military is placed under civilian control through constitutional amendments, sexual abuses against ethnic women will not stop. If this vital change does not take place, the same impunity and the same patterns will continue to resonate for the years to come.

Recommendations

To the government of Burma:

- Immediately put an end to sexual violence against women and ensure justice for those crimes
- Change the 2008 Constitution, in order to ensure that the military is constitutionally placed under civilian control and that women's rights are promoted
- Ensure that Burma's domestic legislation incorporates relevant norms of international law and effective national laws for protection of women
- Establish effective judicial and non- judicial transitional justice mechanisms to investigate human rights abuses, including an independent international investigation, truth-commissions and impartial independent national courts, in compliance with international standards
- Ensure women's participation in the peace process dialogue and include accountability for past human rights violations in the discussions

To ethnic armed groups:

- Ensure women's participation in the peace process dialogue and call for accountability for past human rights violations
- Maintain demands to the government of Burma to change the 2008 Constitution, in order to ensure that the military is constitutionally placed under civilian control and that women's rights are protected, as a condition to the peace process

To the international community:

- Acknowledge that rule of law and democracy in Burma will not come until the military is placed under civilian control through constitutional changes
- Put pressure on the government of Burma to change the Constitution in order to ensure that it truly reflects the will of the people and ensures democracy and rule of law
- Put pressure on the government of Burma to immediately stop sexual violence against women and call for accountability for these crimes
- Call on the government of Burma to establish effective judicial and non- judicial transitional justice mechanisms to investigate human rights abuses, including an independent international investigation, truth-commissions and impartial independent national courts, in compliance with international standards

Bibliography - Reports and position papers

WLB and its member organizations

- "Undermining the Peace Process; Burmese Army atrocities against civilians in Putao, northern Kachin State", Kachin Women Association Thailand (KWAT), October 2013
- "The Burmese government must immediately end human rights violations, including violence against women, in Palaung areas", Statement of PWO and TSYO on Current Palaung Situation, Palaung Women Organization (PWO) and Ta'ang Students and Youth Organization (TSYO), May 2013
- "State terror in the Kachin hills; Burma Army attacks against civilians in Northern Burma", Kachin Women Association Thailand (KWAT), February 2013
- "The Burden of War; Women bear burden of displacement", Palaung Women Organization (PWO), October 2012
- "Ongoing Impunity: Continued Burma Army Atrocities Against the Kachin People", Kachin Women Association Thailand (KWAT), June 2012
- "Burma's Covered-Up War: Atrocities Against The Kachin People", Kachin Women Association Thailand (KWAT), 2011
- "Bringing Justice to Women of Burma", video, Women's League of Burma (WLB), 2011
- "International Tribunal on Crimes Against Women of Burma", Nobel's Women Initiative & Women's League of Burma (WLB), 2 March 2010
- "Walking Among Sharp Knives; The unsung courage of Karen women village chiefs in conflict areas of Eastern Burma", Karen Women Organization (KWO), February 2010
- "Women demand an immediate end to war crimes in Burma", Position Paper, Women's League of Burma, 23 October 2006
- "In the Shadow of the Junta", CEDAW Shadow Report, Women of Burma, 2008
- "System of Impunity; Nationwide Patterns of Sexual Violence by the Military Regime's Army and Authorities in Burma", Women's League of Burma (WLB), September 2004
- " Licence to rape: The Burma's military regime use of sexual violence in the on-going war in Shan State", Shan Women's Action Network (SWAN) & Shan Human Rights Foundation, 2002
- "Burma: The Current State of Women in Conflict Areas – A Shadow Report to the 22nd Session of CEDAW", Women's Organizations of Burma Shadow Report Writing Committee, 2000

Other non-governmental organizations

- "Nationwide Ceasefire Accords Not the End Game", Burma Partnership, 4 November 2013
- "Sexual violence in Burma 'deeply troubling' says UK Foreign Secretary William Hague", Burma Campaign UK, 1 November 2013
- "2nd Anniversary of Sumlut Roi Ja Abduction Highlights Impunity in Burma" Burma Campaign UK, 28 October 2013
- "Burma: Joint Letter from Ethnic Nationalities Civil Society Organizations Regarding Foreign Military Engagement with the Burmese Military", by 133 Ethnic Civil Society Organizations, 17 October 2013
- "Burma Refuses To Sign Sexual Violence Declaration", Burma Campaign UK, 25 September 2013
- "Whose Guns are Silent; An Analysis of Burma's Fractured Peace Process", Burma Partnership, 20 September 2013
- "Rule by Law; An Analysis of the Use of Legislation to Stifle Civil Society Space in Burma", Burma Partnership, September 2013
- "Report on the Human Rights Situation in Burma; January to June 2013", Network for Human Rights Documentation – Burma (ND-Burma), September 2013
- "Burma/Myanmar: Father of girl killed by military prosecuted by for complaint to human rights commission," Asian Human Rights Commission, 14 June 2013
- "Where Are The Women: Negotiations for Peace in Burma", Swedish Burma Committee, May 2013
- "Report on the Human Rights Situation in Burma; January to December 2012", Network for Human Rights Documentation – Burma (ND-Burma), January 2013
- "World Report 2013, Myanmar", Amnesty International, 2013
- "The Rule of Law in Myanmar: Challenges and Prospects", International Bar Association, December 2012
- "Extreme Measures; Torture and Ill Treatment in Burma since the 2010 Elections", Network for Human Rights Documentation – Burma (ND-Burma), May 2012
- "Revisiting Human Rights in Burma", Amnesty International, 25 May 2012
- "The Use of Rape as a Weapon of War in Burma's Ethnic Areas", Info Birmanie – France and Swedish Burma Committee – Sweden, March 2012

- “Burma: Reforms Yet to Reach Kachin State”. Human Rights Watch. 20 March 2012
- “Untold miseries; Wartime Abuses and Forced Displacement in Burma’s Kachin State”, Human Rights Watch, March 2012
- “Revealing Burma’s System of Impunity”, Burma Lawyer’s Council, 9 September 2011
- “Impunity Prolonged: Burma and its 2008 Constitution”, International Center for Transitional Justice (ICTJ), September 2009
- “Crimes in Burma”, The International Human Rights Clinic, Harvard Law School, 2009
- “School for Rape; The Burmese Military and Sexual Violence”, Betsy Apple, Earth Rights International, 1998
- “Rule 93. Rape and Other forms of Sexual Violence”, Customary International Humanitarian Law, International Committee of the Red Cross (ICRC), , http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule93

United Nations

- “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, Tomas Ojea Quintana, 68th Session of the General Assembly, 23 September 2013, A/68/397
- “Resolution 2106 (2013)”, adopted by the Security Council at its 6984th meeting, 24 June 2013, S/RES/2106 (2013)
- “Situation of Human Rights in Myanmar”, Resolution at the 22nd Session, Human Rights Council, 19 March 2013, A/HRC/22/L.20/Rev.1
- “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, Tomas Ojea Quintana, 22nd Session of the Human Rights Council, 6 March 2013, A/HRC/22/58
- “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, Tomas Ojea Quintana, 67th Session of the General Assembly, 25 September 2012, A/67/383
- “Concluding Observations: Myanmar”, Committee of the Rights of the Child, 59th Session, 14 March 2012, CRC/C/MMR/CO/3-4
- “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, Tomas Ojea Quintana, 19th Session of the Human Rights Council, 7 March 2012, A/HRC/19/67
- “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, Tomas Ojea Quintana, 66th Session of the General Assembly, 16 September 2011, A/66/365
- “Report of the Secretary General on the Situation of Human Rights in Myanmar”, Secretary General, 66th Session of the General Assembly, 5 August 2011, A/66/267

Articles and opinions

- “Only one side of the story of reform in Burma”, Khin Ohmar, 17 October 2013
- “Myanmar: civilmilitary relations and constitutional reform,” Melissa Crouch, East Asia Forum, 21 June 2013
- “Burma’s Military Rejects Rights Abuse Charges,” Radio Free Asia, 27 March 2013
- “Myanmar needs to admit rape of minority women”, Christine Leah and Nan Paw Gay, Bangkok Post, March 2013
- “It’s time for the international community to address Burma’s Constitution”, Janet Benshoof, 20 February 2013
- “Burma’s push for freedom is held back by its institutionally corrupt courts”, James Ross, The Guardian, 20 March 2012
- “Burma’s human rights commission rules out conflict-zone investigation,” The Irrawaddy, 15 February 2012
- “Rape in Burma: Weapon of War”, Cheery Zahau, The WIP, 2 June 2008

Government of Burma

- “National Strategic Plan for the Advancement of Women (2013-2022)”, Myanmar National Committee for Women’s Affairs, Ministry of Social Welfare, Relief and Resettlement, 2013

NOTES

1. Data provided to WLB by KWAT
2. Data provided to WLB by SWAN
3. "Whose Guns are Silent; An Analysis of Burma's Fractured Peace Process", Burma Partnership , 20 September 2013; "Where Are The Women: Negotiations for Peace in Burma", Swedish Burma Committee, May 2013
4. "System of Impunity", WLB, 2004
5. "Only one side of the story of reform in Burma", Khin Ohmar, 17 October 2013
6. See the the statement by Burma's Minister for Foreign Affairs, Wunna Maung Lwin, on 13 September 2013 at the 24th session of the United Nations Human Rights Council, as reported in "Nationwide Ceasefire Accords Not the End Game", Burma Partnership, 4 November 2013
7. See the the statement by Burma's Minister for Foreign Affairs, Wunna Maung Lwin, on 13 September 2013 at the 24th session of the United Nations Human Rights Council, as reported in "Nationwide Ceasefire Accords Not the End Game", Burma Partnership, 4 November 2013
8. From "2010 Elections ", Website, Burma Partnership
9. The State Peace and Development Council (SPDC) was formerly known as the State Law & Order Restoration Council (SLORC). The name was changed to SPDC in 1997.
10. Amnesty International, World Report 2013, Myanmar.
11. 'Report on the Human Rights Situation in Burma' (Jan-Dec 2012) ND-Burma; Report on the Human Rights Situation in Burma (Jan-Jun 2013) ND-Burma.
12. "All You Can Do is Pray" Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State' Human Rights Watch April 2013 ; 'Untold Miseries: Wartime Abuses and Forced Displacement in Burma's Kachin State' March 2012. Human Rights Watch; 'Revisiting human rights in Myanmar' Amnesty International Index: ASA 16/03/2012; 'Extreme Measures: Torture and Ill Treatment In Burma since the 2010 Elections' ND-Burma;
13. 'Undermining the Peace Process' Oct 2013 Kachin Women's Association Thailand (KWAT)
14. 'Internally Displaced Persons and Refugees' Myanmar Peace Monitor (MPM) http://www.mmpeacemonitor.org/conflict/idps-and-refugees
15. See Maps of Natural Resource Extraction in 'Economic and Political Stakes' Myanmar Peace Monitor http://www.mmpeacemonitor.org/background/economic-and-political-stakes
16. Report on the Human Rights Situation in Burma (Jan-Jun 2013) ND-Burma.
17. "Nationwide Ceasefire Accords Not the End Game", Burma Partnership, 4 November 2013
18. Data provided to WLB by KWAT
19. Such as "Burma's Covered-Up War: Atrocities Against The Kachin People" (2011), "Ongoing Impunity: Continued Burma Army Atrocities Against the Kachin People" (June 2012) and "State terror in the Kachin hills" (February 2013)

20. Information provided to WLB by KWAT. Also mentioned in “Gang-rape in church highlights Burma Army impunity for sexual violence in Kachin conflict”, KWAT, 18 May 2012
21. Data provided to WLB by SWAN
22. “Burden of War”, PWO, October 2012
23. Statement of PWO and TSYO on the Current Situation in Palaung Area, 6th May 2013
24. Data provided to WLB by KWO and KHRG
25. http://kachinlandnews.com/?p=23927
26. Report on the Human Rights Situation in Burma (Jan 2012-Dec 2012)”, ND-Burma, January 2013
27. “Report on the Human Rights Situation in Burma (Jan 2013-June 2013)”, ND-Burma, September 2013
28. «Untold miseries », Human Rights Watch, March 2012, « Revisiting Human Rights in Myanmar », Amnesty International, May 2012, « The Use of Rape as a Weapon of War in Burma’s Ethnic Areas”, Info Birmanie and Swedish Burma Committee , March 2012; « Sexual violence in Burma ‘deeply troubling’ says UK Foreign Secretary William Hague”, Burma Campaign UK, 29 Oct 2013
29. “Progress Report of the Special Rapporteur on the situation of human rights in Myanmar”, March 2013. See also inter alia the reports of March 2012, and September 2011
30. “Report of the Secretary-General on conflict-related sexual violence”, A/66/657-S/2012/33
31. “Concluding Observations : Myanmar”, Committee on the Rights of the Child, 14 March 2012, CRC/C/MMR/CO/3-4
32. “The Burmese government must immediately end human rights violations, including violence against women, in Palaung areas”, Statement of PWO and TSYO on Current Palaung Situation, Palaung Women Organization (PWO) and Ta’ang Students and Youth Organization (TSYO), May 2013
33. “Report on the Human Rights Situation in Burma; January to June 2013”, Network for Human Rights Documentation – Burma (ND-Burma), September 2013
34. Information provided to WLB by KWAT
35. See for example « State Terror in the Kachin Hills”, KWAT, 2013
36. Information provided to WLB by SWAN
37. Information provided to WLB by KWAT
38. Cited in “Myanmar needs to admit rape of minority women”, Christine Leah and Nan Paw Gay, Bangkok Post, March 2013
39. For WLB reports: “Burma: The Current State of Women in Conflict Areas – A Shadow Report to the 22nd Session of CEDAW”, Women’s Organizations of Burma Shadow Report Writing Committee, 2000; « System of Impunity”, WLB, 2004; “In the Shadow of the Junta”, CEDAW Shadow Report, Women of Burma, 2008. For WLB members reports, see among others “License to Rape”, SWAN, 2002 ; “Shattering Silences”, KWO, 2004; “Walking Among Sharp Knives”, KWO, 2010; “Burma’s Covered Up War”, KWAT, 2011; “Ongoing Impunity”, KWAT, 2012; “State Terror in the Kachin Hills”, KWAT, 2013.

For other organizations, see for example "Impunity Prolonged: Burma and its 2008 Constitution", International Center for Transitional Justice (ICTJ), September 2009 and "The Use of Rape as a Weapon of War in Burma's Ethnic Areas", Info Birmanie and Swedish Burma Committee, March 2012.

40. "Ongoing Impunity", KWAT, 2012; "State Terror in the Kachin Hills", KWAT, 2013
41. "Resolution 2106 (2013)", adopted by the Security Council at its 6984th meeting, 24 June 2013, S/RES/2106 (2013)
42. Enloe, C. (2000). 'When Soldiers Rape,' chapter 4 in Maneuvers: The International Politics of Militarizing Women's Lives, Berkeley: U. California Press, pp. 108-152.
43. See "Extreme Measures", ND-Burma, May 2012; "Concluding Observations: Myanmar", Committee of the Rights of the Child, March 2012, CRC/C/MMR/CO/3-4 ; and "War Office in Naypyidaw Orders New "Four Cuts" Campaign", 4th March 2011, http://democracyforburma.wordpress.com/2011/03/04/war-office-in-naypyidaw-orders-new-%E2%80%9Cfour-cuts%E2%80%9D-campaign/
44. Information provided to WLB by KWAT. Also mentioned in "Undermining the Peace Process; Burmese Army atrocities against civilians in Putao, northern Kachin State", Kachin Women Association Thailand (KWAT), October 2013
45. For example, SWAN reports the case of a soldier who raped a woman in Kae See township in February 2013 and who was then convicted : "The case was reported to police station and brought into court and considered according to court-martial, he was sentenced to jail for 9 years." Data provided to WLB by SWAN.
46. "Rape of 10 year old girl causes outrage », WLB, 2013, http://womenofburma.org/rape-of-10-year-old-girl-causes-outrage
47. "Impunity Prolonged: Burma and its 2008 Constitution", International Center for Transitional Justice (ICTJ), September 2009
48. Information provided to WLB by KWAT. Also mentioned in "Undermining the Peace Process; Burmese Army atrocities against civilians in Putao, northern Kachin State", Kachin Women Association Thailand (KWAT), October 2013
49. Information provided to WLB by SWAN.
50. Information provided to WLB by KHRG
51. Information provided to WLB by SWAN
52. "Burden of War", PWO, October 2012
53. "Report of the Special Rapporteur on the Situation of Human Rights in Myanmar", Tomas Ojea Quintana, 68th Session of the General Assembly, 23 September 2013, A/68/397
54. See for example « Ongoing Impunity », KWAT, 2012; "Burma: Reforms Yet to Reach Kachin State", Human Rights Watch, 20 March 2012; "Whose Guns Are Silent", Burma Partnership, September 2013; "The Burden of War", PWO, 2012

55. “Undermining the Peace Process; Burmese Army atrocities against civilians in Putao, northern Kachin State”, Kachin Women Association Thailand (KWAT), October 2013
56. Preamble of the Rome Statute of the International Criminal Court
57. Cited in “Impunity Prolonged: Burma and its 2008 Constitution”, International Center for Transitional Justice (ICTJ), September 2009
58. «System of Impunity », WLB 2004
59. See the analysis in “Impunity Prolonged: Burma and its 2008 Constitution”, International Center for Transitional Justice (ICTJ), September 2009
60. Customary IHL, ICRC, Rule 93. Rape and Other forms of Sexual Violence, http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule93
61. Radhika Coomaraswamy, Special Rapporteur on Violence Against Women, “Sexual Violence Against Refugees: Guidelines on Prevention and Response,” (1995) , cited in “Untold Miseries”, HRW, 2012
62. «System of Impunity », WLB, 2004
63. UN Security Council, Resolution 1325, S/Res/1325, adopted 13 Oct. 2000
64. See Resolutions 1820, 1888, 1889 and 1960.
65. “Resolution 2106 (2013)”, adopted by the Security Council at its 6984th meeting, 24 June 2013, S/RES/2106 (2013)
66. Customary IHL, ICRC, Rule 93. Rape and Other forms of Sexual Violence, http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule93
67. See the analysis in “Crimes in Burma”, The International Human Rights Clinic, Harvard Law School, 2009
68. “Crimes in Burma”, The International Human Rights Clinic, Harvard Law School, 2009
69. “Crimes in Burma”, The International Human Rights Clinic, Harvard Law School, 2009
70. The attack must be widespread or systematic; it does not need to be both widespread and systematic. “Widespread” generally means a large-scale attack with numerous victims, while “systematic” denotes a “high degree of organization” or “a pattern or methodical plan”. This requirement applies to the general attack. “Crimes in Burma”, The International Human Rights Clinic, Harvard Law School, 2009
71. “Crimes in Burma”, The International Human Rights Clinic, Harvard Law School, 2009; “International Tribunal on Crimes Against Women of Burma”, Nobel’s Women Initiative & Women’s League of Burma (WLB), 2 March 2010; “Burma’s Covered-Up War: Atrocities Against The Kachin People”, Kachin Women Association Thailand (KWAT), 2011; “Walking Among Sharp Knives; The unsung courage of Karen women village chiefs in conflict areas of Eastern Burma”, Karen Women Organization (KWO), February 2010; “The Use of Rape as a Weapon of War in Burma’s Ethnic Areas”, Info Birmanie – France and Swedish Burma Committee – Sweden, March 2012

72. The conduct of the perpetrator must be "part of" such an attack and the perpetrator must have "knowledge" that, or intended that, his or her conduct is part of such an attack. "Crimes in Burma", The International Human Rights Clinic, Harvard Law School, 2009
73. "Report of the Special Rapporteur on the Situation of Human Rights in Myanmar", Tomas Ojea Quintana, 68th Session of the General Assembly, 23 September 2013, A/68/397
74. "Report of the Special Rapporteur on the Situation of Human Rights in Myanmar", Tomas Ojea Quintana, 68th Session of the General Assembly, 23 September 2013, A/68/397: The Special Rapporteur welcomes the importance placed by the Government on the rule of law in Myanmar. Given the widespread use of the term, he sees value in highlighting the definition of the rule of law previously provided by the Secretary-General in his report on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616): "A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency."
75. "It's time for the international community to address Burma's Constitution", Janet Benshoof, 20 February 2013.
76. "Report of the Special Rapporteur on the Situation of Human Rights in Myanmar", Tomas Ojea Quintana, 68th Session of the General Assembly, 23 September 2013, A/68/397
77. For example, officials from the Ministry of Communications and Information Technology cited the Article 445 immunity clause in the constitution as the reason to limit the corruption investigation of former officers and Minister of Telecommunications, Thein Zaw. Cited in "It's time for the international community to address Burma's Constitution", Janet Benshoof, 20 February 2013.
78. "Impunity Prolonged: Burma and its 2008 Constitution", International Center for Transitional Justice (ICTJ), September 2009; "The Rule of Law in Myanmar : Challenges and Prospects", International Bar Association, December 2012
79. See "Impunity Prolonged: Burma and its 2008 Constitution", International Center for Transitional Justice (ICTJ), September 2009; "Revealing Burma's System of Impunity", Burma Lawyer's Council, 9 September 2011
80. "Report of the Special Rapporteur on the Situation of Human Rights in Myanmar", Tomas Ojea Quintana, 68th Session of the General Assembly, 23 September 2013, A/68/397
81. "Revealing Burma's System of Impunity", Burma Lawyer's Council, 9 September 2011; "Impunity Prolonged: Burma and its 2008 Constitution", International Center for Transitional Justice (ICTJ), September 2009

82. Like in Indonesia for example. See “Myanmar: civil military relations and constitutional reform”, Melissa Crouch, East Asia Forum, 21 June 2013
83. “Untold miseries; Wartime Abuses and Forced Displacement in Burma’s Kachin State”, Human Rights Watch, March 2012
84. Cited in “It’s time for the international community to address Burma’s Constitution”, Janet Benshoof, 20 February 2013
85. “Impunity Prolonged: Burma and its 2008 Constitution”, International Center for Transitional Justice (ICTJ), September 2009
86. “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, Tomas Ojea Quintana, 22nd Session of the Human Rights Council, 6 March 2013, A/HRC/22/58
87. “It’s time for the international community to address Burma’s Constitution”, Janet Benshoof, 20 February 2013
88. “It’s time for the international community to address Burma’s Constitution”, Janet Benshoof, 20 February 2013
89. “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, Tomas Ojea Quintana, 19th Session of the Human Rights Council, 7 March 2012, A/HRC/19/67
90. “Impunity Prolonged: Burma and its 2008 Constitution”, International Center for Transitional Justice (ICTJ), September 2009; “Rule by Law; An Analysis of the Use of Legislation to Stifle Civil Society Space in Burma”, Burma Partnership, September 2013; see reports of the Special Rapporteur ; “Burma’s Covered-Up War: Atrocities Against The Kachin People”, Kachin Women Association Thailand (KWAT), 2011; “In the Shadow of the Junta”, CEDAW Shadow Report, Women of Burma, 2008; “Revealing Burma’s System of Impunity”, Burma Lawyer’s Council, 9 September 2011; “Extreme Measures; Torture and Ill Treatment in Burma since the 2010 Elections”, Network for Human Rights Documentation – Burma (ND-Burma), May 2012; Ross, James (20 March 2012). “Burma’s push for freedom is held back by its institutionally corrupt courts”. The Guardian; “Rule by Law; An Analysis of the Use of Legislation to Stifle Civil Society Space in Burma”, Burma Partnership, September 2013; “The Rule of Law in Myanmar: Challenges and Prospects”, International Bar Association, December 2012
91. “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, Tomas Ojea Quintana, 68th Session of the General Assembly, 23 September 2013, A/68/397
92. Ross, James (20 March 2012). “Burma’s push for freedom is held back by its institutionally corrupt courts”. The Guardian
93. “Extreme Measures; Torture and Ill Treatment in Burma since the 2010 Elections”, Network for Human Rights Documentation – Burma (ND-Burma), May 2012 “Revealing Burma’s System of Impunity”, Burma Lawyer’s Council, 9 September 2011; Ross, James (20 March 2012). “Burma’s push for freedom is held back by its institutionally corrupt courts”. The Guardian

94. Ross, James (20 March 2012). “Burma’s push for freedom is held back by its institutionally corrupt courts”. The Guardian
95. “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, Tomas Ojea Quintana, 66th Session of the General Assembly, 16 September 2011, A/66/365
96. “Burma’s Covered-Up War: Atrocities Against The Kachin People”, Kachin Women Association Thailand (KWAT), 2011
97. “In the Shadow of the Junta”, CEDAW Shadow Report, Women of Burma, 2008
98. “Rule by Law; An Analysis of the Use of Legislation to Stifle Civil Society Space in Burma”, Burma Partnership, September 2013; Ross, James (20 March 2012). “Burma’s push for freedom is held back by its institutionally corrupt courts”. The Guardian
99. “Impunity Prolonged: Burma and its 2008 Constitution”, International Center for Transitional Justice (ICTJ), September 2009; “Rule by Law; An Analysis of the Use of Legislation to Stifle Civil Society Space in Burma”, Burma Partnership, September 2013; “The Rule of Law in Myanmar: Challenges and Prospects”, International Bar Association, December 2012
100. “Situation of Human Rights in Myanmar”, Resolution at the 22nd Session, Human Rights Council, 19 March 2013, A/HRC/22/L.20/Rev.1
101. “The Burmese government must immediately end human rights violations, including violence against women, in Palaung areas”, Statement of PWO and TSYO on Current Palaung Situation, Palaung Women Organization (PWO) and Ta’ang Students and Youth Organization (TSYO), May 2013
102. See reports of the Special Rapporteur of March 2012 , September 2012 and March 2013
103. http://womenofburma.org/open-letter-to-thein-sein-demanding-justice-in-the-case-of-kachin-villager-sumlut-roi-ja/
104. http://womenofburma.org/open-letter-to-thein-sein-demanding-justice-in-the-case-of-kachin-villager-sumlut-roi-ja/; “Ongoing Impunity: Continued Burma Army Atrocities Against the Kachin People”, Kachin Women Association Thailand (KWAT), June 2012; “2nd Anniversary of Sumlut Roi Ja Abduction Highlights Impunity in Burma” Burma Campaign UK, 28 October 2013
105. “Revealing Burma’s System of Impunity”, Burma Lawyer’s Council, 9 September 2011; “Whose Guns are Silent; An Analysis of Burma’s Fractured Peace Process”, Burma Partnership , 20 September 2013; “Burma: Reforms Yet to Reach Kachin State”. Human Rights Watch. 20 March 2012; State Terror KWAT; “NHRC Monitor”, Website, Burma Partnership; “World Report 2013, Myanmar”, Amnesty International, 2013; “Extreme Measures; Torture and Ill Treatment in Burma since the 2010 Elections”, Network for Human Rights Documentation – Burma (ND-Burma), May 2012; “The Rule of Law in Myanmar: Challenges and Prospects”, International Bar Association, December 2012
106. “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, Tomas Ojea Quintana, 19th Session of the Human Rights Council, 7 March 2012, A/HRC/19/67; “Concluding Observations: Myanmar”, Committee of the Rights of the Child, 59th Session, 14 March 2012, CRC/C/

MMR/CO/3-4; "Revealing Burma's System of Impunity", Burma Lawyer's Council, 9 September 2011
107. "State terror in the Kachin hills; Burma Army attacks against civilians in Northern Burma", Kachin Women Association Thailand (KWAT), February 2013; "NHRC Monitor", Website, Burma Partnership
108. "Burma's human rights commission rules out conflict-zone investigation," The Irrawaddy, 15 February 2012
109. "Whose Guns are Silent; An Analysis of Burma's Fractured Peace Process", Burma Partnership , 20 September 2013
110. "Whose Guns are Silent; An Analysis of Burma's Fractured Peace Process", Burma Partnership , 20 September 2013
111. "Situation of Human Rights in Myanmar", Resolution at the 22nd Session, Human Rights Council, 19 March 2013, A/HRC/22/L.20/Rev.1 and "Report of the Special Rapporteur on the Situation of Human Rights in Myanmar", Tomas Ojea Quintana, 68th Session of the General Assembly, 23 September 2013, A/68/397
112. "Burma/Myanmar: Father of girl killed by military prosecuted by for complaint to human rights commission," Asian Human Rights Commission, 14 June 2013
113. "Revealing Burma's System of Impunity", Burma Lawyer's Council, 9 September 2011; State Terror KWAT
114. "NHRC Monitor", Website, Burma Partnership
115. Point 10, pg 13 National Strategic Plan for the Advancement of Women (2013-2022) Ministry of Social Welfare, Relief and Resettlement of the Government of the Union of Myanmar (GoUM), through its Department of Social Welfare (DSW) with Myanmar National Committee for Women's affairs
116. "The Case for Anti-Violence Against Women Laws" Gender Action Myanmar, January 2013
117. "Resolution 2106 (2013)", adopted by the Security Council at its 6984th meeting, 24 June 2013, S/RES/2106 (2013). The Security Council "Notes that sexual violence can constitute a crime against humanity or a constitutive act with respect to genocide; further recalls that rape and other forms of serious sexual violence in armed conflict are war crimes; […]; encourages Member States to include the full range of crimes of sexual violence in national penal legislation to enable prosecutions for such acts; recognizes that effective investigation and documentation of sexual violence in armed conflict is instrumental both in bringing perpetrators to justice and ensuring access to justice for survivors."
118. 8th October 2013 statement as quoted by The Irrawaddy – English Version; http://www.irrawaddy.org/burma/burmas-ruling-party-says-constitutional-change-mean-serious-danger.html
119. President Thein Sein speaking to Hard Talk 06/10/2012 http://www.bbc.co.uk/programmes/b01n3s87; http://www.dvb.no/news/thein-sein-tipped-for-nobel-peace-prize/24150
120. Quoted in RFA 27/03/2013 "Burma Military Rejects Rights Abuse Charges http://www.rfa.org/english/news/myanmar/military-03272013175507.html

121. Response of the Government of Myanmar to the Special Rapporteur report of March 2013
122. “Burma: Joint Letter from Ethnic Nationalities Civil Society Organizations Regarding Foreign Military Engagement with the Burmese Military”, by 133 Ethnic Civil Society Organizations, 17 October 2013
123. “Resolution 2106 (2013)”, adopted by the Security Council at its 6984th meeting, 24 June 2013, S/RES/2106 (2013)
124. “Where Are The Women: Negotiations for Peace in Burma”, Swedish Burma Committee, May 2013
125. “Whose Guns are Silent; An Analysis of Burma’s Fractured Peace Process”, Burma Partnership , 20 September 2013; “Where Are The Women: Negotiations for Peace in Burma”, Swedish Burma Committee, May 2013
126. “Resolution 2106 (2013)”, adopted by the Security Council at its 6984th meeting, 24 June 2013, S/RES/2106 (2013)
127. “Whose Guns are Silent; An Analysis of Burma’s Fractured Peace Process”, Burma Partnership , 20 September 2013;
128. “Where Are The Women: Negotiations for Peace in Burma”, Swedish Burma Committee, May 2013
129. Cited in “Where Are The Women: Negotiations for Peace in Burma”, Swedish Burma Committee, May 2013
130. “Where Are The Women: Negotiations for Peace in Burma”, Swedish Burma Committee, May 2013
131. “Nationwide Ceasefire Accords Not the End Game”, Burma Partnership, 4 November 2013
132. Cited in “Where Are The Women: Negotiations for Peace in Burma”, Swedish Burma Committee, May 2013

G.P.O. Box (413)
Chiang Mai 50000 Thailand

www.womenofburma.org

graphic design by Ying Tzarm