

# The Plight

## OF WOMEN AND CHILDREN IN BURMA

WOMAN AND CHILD RIGHTS PROJECT (SOUTHERN BURMA)

ISSUE NO.2/2003 June 2003

### Report I:

## A Review of Burma's Obligation to CEDAW

### I. Situation Analysis:

The plight of women and children in Mon State and Southern Burma is under serious concerns for their health, education, social welfare and family planning after the country has faced social, political and economy crisis for over fifth decades. Many of women and children in rural areas have lack of basic education and sometimes most of old women even could not sign their own names on official paper. After Burma has engaged into civil war and military rule for over four decades, many of women have faced a particular problem. It is not a family relationship but it is "Women Rights" issues to ensure for them to work, earn and save money for bearing children. Overall, women are denied to be ownership of their historic lands and farms. They are still denied to have a place in decision making in the community and national political environments.

WCRP (Women and Child Rights Project) has tackled a few fields for a promotion of Women and Child Rights in Mon State and Southern Burma last year. We have experienced that we have been discriminated by fellow men with various means based on traditions and customs especially by Burmese soldier. We have found that many women and children in rural areas, especially in conflict zones are / were more disadvantages than women in urban areas. They were displaced, raped, abused by Burmese soldiers, policemen and border based Immigration Policemen. They have no place to seek help in the country unless members of family have capacity to deal with cases. Women in rural areas have no much choice but fled to border areas then to Thailand for survival and sanctuary. They once again face nightmare in unsafe environments both on the border areas and in Thailand as illegal migrants to the Kingdom.

For a better future of women, they must have a "say" in

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## Message from

Woman and Child Rights Project  
(Southern Part of Burma)

**W**oman and Child Right Project (WCRP) is an cooperative activity with Human Rights Foundation of Monland (HURFOM) and it has main activity in collecting the information related to the human rights violations of women and children in southern part of Burma (Myanmar). It also aims to get world community's awareness for the protection of the rights of women and children.

The Burma's military regime, State Peace and Development Council (SPDC), ratified the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1997 to guarantee the rights to women in Burma. Similarly the regime also ratified Convention on the Rights of the Child (CRC) in 1991 to guarantee the rights to children in Burma. However, the regime has failed in their implementation of the conventional rights and the human rights violations against women and children systematically.

WCRP is dedicated to inform the world community what happens to general women and children in Burma and plans to educate them to know about their rights as the following objectives.

1. To monitor and protect the woman and child rights, by collecting information about their real situation by referencing the CEDAW and CRC, and distribute information to world community.
2. To strengthen women and children community, by providing on their rights accordingly to CEDAW and CRC ratified by regime and encourage them to participate in the struggle in the protection of their own rights.

city of Mon State.

Women and children have no safe place in remote areas while their husbands or parents are away from the jungle house. If there is no protection by local Mon soldiers or other revolutionary groups, they could not sleep over night in the jungle houses if they fear a potential attack by the Burmese soldiers.

As local Burmese authority corrupt and maintain no such rules of law in rural areas, women who left home to Thailand are abused verbally as "ashame" and accused them as prostitutes to foreigners. They are banned to receive national ID cards if the authority found she / they have been to Thailand during the immigration department issued ID cards for adults. Unless local women and men bribed the local Immigration Department they will be received national ID cards. A discrimination against local women has gone further toward local non-Burma women in Mon State and Southern Burma.

Illegal sex dealers and hostel owners take the grant by forcing girls to serve 5-7 customers in local towns. Local policemen, intelligence officers and high rank Burmese soldiers alike have enjoined free sex to local sex workers. Dealers or hostel owners have offered them free as officers allowed them for an illegal sex license in local towns. Girls have no much option for employment for survival but they have no much choice to feed the stomach. So they accepted illegal sex work in towns. Instead of leaving to Thailand, a few girls took the risk while they still can earn cash to feed poor family.

Parents have disappointed with the school system in the country while their children have not received sufficient education from the government schools. Local teachers and school council have prioritized their private tuitions in towns and only attend part time teaching in the class. Children are forced to leave school before year fifth because parents are no longer could financially support for corrupt school system.

## II. Raped: No Legal Punishments

Burma, as a male domains society has placed women to live with fear. There are many untold stories of rapes and domestic violent in the country. The Mon News Agencies have covered occasional reports on rapes, forced sex workers in Mon State and Southern Burma. As many Burmese soldiers, policemen and local Immigration Officials in Mon State exercised a practice of corruption and bribery, most human rights violations in the rural areas have closed down the cases and no further appeals can be made by the victims.

A few rape cases have committed by Burmese soldiers in Mon State and Southern Burma for many years. However, there is / was no reporting system or channel of communication to international community especially to Office of High Commissioner for Human Rights in the last many decades.

Human rights violators have not been punished by the State legal proceeding while a legal system is broken under the hand of ruling Burmese military government in the country as well as powerless in Mon State. If violators are seriously committed crime in the case of State soldiers, army officials, local authority and members of military personals, the case may be brought to the court but there is no access for hearing. The court is only worked for the sake of ruling military junta. Most State soldiers have sanctuary when they are reallocated to other regiments in the country if they are found committed human rights violation.

Victims could not have an access to find legal action to sue Burmese soldiers (State soldiers) if they do not speak Burmese language. They some

times reported to local members of Mon National Liberation Army and other Karen National Union officials in the region for help. However, the evidence has proved that a chance of receiving compensation and legal action to against the Burmese soldiers is rare and mostly the case only finished without legal punishments. Most rural women have no legal aid from the local government for preparing a case after they have raped and abused by Burmese soldiers. What is more, lawyers of Burma only can work under a strict guideline of the State and they have no freedom of conducting legal action to against the violators. Mostly, secret police agents always present in the hearing court if the case is linked to the government agencies. National Human Rights Committee has formed with members of Burmese military personals and public servants in the country. The committee has yet conducted a proper investigation on human rights violations in the country.

### Rape: Case One

Miss Ei Zar age 16, was raped by Thein Naing (Army No Ta 176399) at her grand parents's house on May 22, 2002 at (4.00 AM local time) at Kalein -pa -daw village, in Thanbyuzayat Township, Mon State while she was preparing meal for the Buddhist monks in the morning. After a Burmese soldier raped her, her father, Mr Nai Kun Kyit, secretary of the village asked for help to neighborhood. He was killed by the soldier. Then a fighting between soldiers occurred in the house then killed Mi Zar (16), Mrs Daw Kun Boh (65), wife of Mr Kyit, Mr Wet Tey (41), a hired worker, Min Chit Thau (10), grand child of Mr Kyit were killed. Criminal private Thein Naing (18) also injured to the fire.

Despite it was a crime and utterly human rights violation towards local Mon people and local farmers by the Burmese soldiers, local Burmese Army LIB No (62) based in Thanbyuzayat released the news that it was a fighting between an insurgent group and the Burmese army in order to close down the case. Local member of New Mon State Party has lodged a formal legal action to punish the criminals but there is no confirmed information have been released to the public in regards legal proceeding to violators, Burmese soldiers.

When ordinary soldiers have committed crimes and human rights violations in rural areas, top Burmese army officials took the cases to their hands without legal proceeding in the public courts. They only made own judgment to the cases without consents from the victims and related members of the family. As there is no local human rights defenders and commission in the country in Burma, women and young girls in rural were denied to speak for their rights despite they are being raped.

As there is no local protection by the government, women in rural areas are always on the target of rape by Burmese soldiers in Mon State and Southern Burma. An opportunity of rape is well established by the soldiers either when men are away from home and women are only live in farms and bush villages.

### Rape: Case Two

A well known rape case also has documented in the New Mon State Party's human rights report in 2002. The report said that on January 5, 2002, at (1800) local time, Coporal Kyaw Myint, member of Burmese Army LIB No (61) raped *Miss Htaw Yin*, a daughter of Mr Nai Maung at Zone-na-thar village in Ye Township. The case has brought to legal action to against the violator to local No (5) Burmese Military Intelligence Unit for a further investigation by the NMSP local officials.

### Rape: Case Study Three

The Mon Forum, a monthly human rights report for Mon State and Southern Burma has documented a number of cases on rapes, sexual abuses, discrimination against women and children to forced labor and displace them from their native villages. The report said that on June 7, 2002, Captain Aung Myint, from Burmese Army LIB No (34) raped *Miss Naw Win Yee*, a 27 year old Karen married women at Phar-pya village in Kya In Seik Kyi Township, Karen State.

A few married women whose husbands are away from home to farms and work in other locations live with fear while they are alone at home. Burmese soldiers have kept an eye for an opportunity of rape to those women whose husbands are away from home.

In southern Burma, especially in Mon State as a fighting between various armed resistance organizations and the



Women in the rural area are in a hardship Situation For Survival

government army still takes place in rural areas, women have lived with fear of kill, rape and displace from home for over many decades.

#### Rape: Case Four

On July 8, 2002 three Burmese soldiers from LIB No (587) arrested an 18 year old girl near Kun Doo village in southern Ye and committed gang raped case. They repeatedly raped *Miss Mi Khin Htaw* who is daughter of Mr Nai At until she lost consciousness, Human Rights Foundation of Monland (HURFOM), a border base human rights defenders for local people in the region has covered the story reported in January 2003.

#### Rape: Case Five

On January 17, 2002 Sergeant Zaw Moe raped *Miss Sein Hla* 30 year old at Zar-tha-pyin village in Pa-an Township, Karen State. It is a Mon population reside village and Miss Hla and her seven year old child returned home from the VDO show shop and Zaw Moe kidnapped her on the way then shown her a gun if she shout. He raped her on the street. The child was crying on the street and local men turned the light on to the child then found a rape on the spot. Local relatives appealed to headman for legal action but Miss Hla and her relatives were again threaten for death-threat by officials from Burmese Regiment No (851). They then are forced to close the case to against for legal action to violator and received no compensation, According to report of local monthly Newspaper, Guiding Star.

### III. The Failure of National Women' Affairs Committee

Despite the current ruling junta has established "National Women' Affairs Committee" led by Mrs Daw Khin Win Shwe, wife of senior Military Intelligence Chief, Lt Gen Khin Nyut to comply the implementation that the country has ratified to the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) on 22 July in 1997. However, the committee has not yet tackled a contractive task forces to rural areas in Mon State where a measurable abused toward women have occurred for over a decades. A few workshops have conducted in small towns and the committee urged for prevention to women for not leaving to Thailand.

Traditionally, women in Burma felt so much "ashame" if they were raped by men in the community. They only quietly told the stories to close friends for relief in some cases, they even do not tell their own family as they perceive as it is also "ashame" for the family members. However, National Women's Affairs Committee does not create a system that the women can appeal for legal actions against violators.

### IV. Illegal Sex Services

After Burma became under-developed country in late 1987s then turned to modern market economy in late 1990s, no strong regulations have yet implemented in the country to boom local business but illegal businesses are in danger for social cohesion. A few cease-fire organizations also engaged in border trade during dry season between (September-May) in border areas to Thanbyuzayat Town that only takes seven hours drive from Three Pagoda Pass.

Burma is a country of lawlessness for over forty years after the military rules controlled the country in 1962. Hereafter, local policemen, militiamen and private soldiers acted unlawfully to civilian with an accusation of "rebel supporters" for the last many decades. After 1988 nation-wide uprising in the country, many women lost their sole husbands who fled the country to joint armed resistance in border areas. Thousands of young men and students also fled to the border areas for anti-military rule in the country. Consequently, a great number of women have struggled for family survival.

After 1990s, the ruling junta controls political activities and leave other social aspects behind the national agenda. As there is lack of employment in towns, a few young girls are forced to secretly work as illegal sex workers in major cities such as Ranoog, Madalay, Pegu, Moulmein and other part of Mon States to feed family and survival. Local policemen and militiamen again take an opportunity to make a deal with sex dealers in towns for illegal sex license in private houses or hostels. Women sex workers only receive 10:3 % per customer while they must serve free to local policemen, militiamen and some times top army official with plain -clothes.

Both local hostel owners and brokers have more benefits than sex workers who served three-five customers a day. To be named for a few hostels in towns; Than Lwin Hotel and Ngwe Moe in Moulmein, Kabyar Ser Yeik Mhome near railway station in Ye, Central Market in Tavoy. Many Karaoke and local drinking shops (bars) have under age girls who serve customers and they have received commission for arrangement to contact "on call sex" to private prostitutes in towns.

A few young girls have contracted to work in restaurants and kareoke shops in towns with Kyat 4000.00 per month and they mostly work over ten hour a day. Most sex workers have not aware a transmission disease of HIV/AIDS by various customers as they have lack of education on health by the government. The Ruling military government has posted banners and posters alike in towns for a notice board but there is no greater effort to tackle such a disease. As there is no social welfare or social security benefit for unemployment in the country, women and girls who have no supports from the family and relatives for a substantial jobs in urban areas are forced to accept illegal sex services for survival.

### Case One:

According to Guiding Star, local Mon Newspaper published on December 2002, local illegal sex business dealers (hostel owners) paid Kyat 50000.00 to local police officers for an illegal business license in Thanbyuzayat Town, southern of Moulmein, capital city of Mon State. The worse scenario is that local policemen and military intelligence officers as well as local militiamen unit paid no fee for sex to women in the hostel. The owners of the hostels only kept mouth shut for a deal. Not only many young girls but in some cases, married women are forced to work in private hostel when husband failed to fulfill cost sharing to the family. As women have lack of income at home and no substantial employment in town, they are forced to work in many hostels in Moulmein, Ye, Thanbyuzayat and other part of Southern Burma.

#### Article 6 of international covenant on women's rights

States Parties shall take all appropriate measures, including legislation to suppress all forms of traffic in women and exploitation of prostitution of women

### Case Two: Ngwe Moe Hotel and Sex Workers in Moulmein

Retired Burmese military servants and senior official of Southeast Military Command in Moulmein has opened a local hotel as its is named "Ngwe Moe" in Moulmein. There are many illegal prostitutes in towns who served customers "on call" as it is known in local term "Receive Order". Girls must pay one of third (1/3) of her income per customer to the hotel owners that owned by retired military servants and senior military officials. According local tri-shaws rider, upper class girls are charged Kyat 10000.00 and middle class (physically unattractive) are charged Kyat 3000.00. Grils who work at Ngwe Moe Hotel come from middle level family. The enjoyed easy money in town. Major customers are military personals, policemen, return soldiers from the frontlines and local authority. Only rich men and corrupt officers could afford to buy sex, local Mon Newspaper reported.

There is another hostel that also available for sex on arrangement. It is called 'Ramanya Guest House' in Moulmein.

### Case Three: Ka Bya See Yeik Mhom Hostel and Sex

Local headman Mr. U Thog opened a hostel in Ye Town, southern of Moulmein. Over ten young girls work in the hostel both for massage and sex. Most girls come from other cities such as Rangoon. The Hostel has ten rooms. He can open the hostel because he is local authority, local resident said. He re-named the hostel as new name "**ka bya serr yeik mhom**". An old name was "shwe hin thar hostel". Girls are often transfered and new face arrive to town almost every month, the local resident said. There is another sex hostel in Ye town with a name of "Lin Kareoke" run by Major Lin Oo, a Burmese high military officer in town.

## V. Child Welfare at Risk

Children in rural areas in Mon State and Southern Burma have suffered worse than children who grew up in urban areas. Childrens those whose fathers lost either in civil war or killed by Burmese soldiers with a wrong accusation of rebel supporters have no much hope for future but remain in rural areas especially in refugees camps. Many widows and their children have no much choice if there is no further support from relatives then they left home to refugee camps and find other employments in Thailand via migrant workers' unauthorized agents on border areas. Those children who have fled home villages to Thailand could not learn for formal education.

Many families in Mon State usually have large number of children while their financial circumstance is weaked. Consequently, a few children are forced to leave schools before they finished year fifth-sixth then work at farms, local street shops and live stocks in rural areas. As they missed an opportunity for formal education in rural areas in some cases including children in urban areas finally leave to border areas then Thailand for survival.

A few local Buddhists monasteries (a free education institute) in Mon State have adopted a new education system that meets the need of local children to gain basic skills on trades, administration, writing poetry and publications. Only those childrens who have received relevant education and measurable skills from the monasteries have managed to establish private (small business) in rural areas rather than leaving to neighbouring countries for works.



**A Child Labourer**

### Case one: Compulsory Fee for Dancing Dresses

According to a local resident from Thanbyuzayat town in January 2003, local school council imposed to year ten students for purchasing dancing dress that costs Kyat 10000.00 to joint school ceremony. Most local parents have no sufficient cash on hand to buy the dresses for their children. However, as it is a compulsory for every parent in town, many poor parents borrowed money from neighborhood according local custom with fix interest rate.

The school council in Mon State as well as in other part of Burma technically works under a guideline of the ruling military government. As there is no Students' Union or Association of Students in the country, both students and parents have no communication access to school council to have a "say" on decision making process for public ceremonies. To challenge this kind of discrimination in towns, Mon Teachers Association based in border areas under the administrative of New Mon State Party has campaigned for the rights of child to receive free basic education in the State regardless race, sex, religion and nationality.

### VI. The Failure of Myanmar Maternal and Child Welfare Association:

Myanmar Maternal and Child Welfare Association (MMCWA) was established some years by Rangoon government to tackle to plights of women and children's social welfare in urban areas. The association does not have capacity to monitor or contribute services to rural areas in Mon State and Southern Burma. The ruling military government regards to local social welfare and community based associations as "black and illegal" unless they have registered to the government for an association licence. Consequently, the role of civil society in Mon State as well as in other part of Burma is weak and unable to tackle local community development.

### VII. Ethnic Children Education at Risk:

Children education is under threat both in rural and urban areas in Mon State and Southern Burma under a corrupt education system. Local news service, Independent Mon News Agency has reported such a wrong doing of local teachers and school committee.

The New Mon State Party, a Mon nationalist political party with its armed force Mon National Liberation Army could no longer tolerate the abuse of children for the rights to education. The late President of the party Mr Nai Shwe Kyin formally lodged a letter to Chairman of State Peace and Development Council to Rangoon headquarter in 26 August 1998 and he has demanded for the rights of child. According to his official letter to the Burmese ruling junta;

1. The Mon language is an ancient language that has been used as official language under administrative of Burmese King Anoratha and Kyansittha as the history has proved for the last centuries. However, it is seemed that the language itself nearly disappear in the community.
2. After Burma gained independence, the government of Burma led by Anti-Facist People's Freedom League (AFPFL), the government has granted to teach Mon language in the government schools from primary level to middle level (year one to eight) with the support of the government that employed Mon teachers.
3. On June 28, 1995, on the occasion of cease-fire talk process, First Secretary of SPDC/SLORC Lt Gen Khin Nyunt has addressed and instructed to Ministry of Education and Department of Basic Education (ref:03/08/95) for granting to teach Mon language after school hours at government schools in Mon population residents (Mon, Karen States and Tenussoum Division).
4. However, an order that made by Kyaukmayaw Ma Yaw Township Peace and Development Council dated on (03/07/96), a teaching Mon language is neither permitted to exercise in the government school nor during school hours. The order said that a teaching of Mon language should operate outside the campus of government



Map of Lower Part of Burma

schools. Then, the Mon State Peace and Development also issued an order that said only to teach Mon language outside the government schools. Therefore, during 1996-97 a teaching of Mon language have operated in local community halls such as (monasteries, community halls etc). Despite a teaching is used the text books of the government that have been translated into native language except basic reading Mon scripts outside schools compounds, an order was made by the Mudon Township Peace and Development Council (dated on 06/07/98) that said a teaching Mon language is banned in the township. In regards this matter, senior members of New Mon State Party met senior officials of Southeast Command (in Moulmein) to solve the matter mutually.



A Mon National School in a village

5. Hereby, as the government has implemented "Four National Causes that included "to build unity of nationalities and to gain national reconciliation" in the country, it is to be considered that a teaching of Mon language is appropriated in order to maintain historical heritages of the Mon. We therefore request two proposals to be considered by the ruling government;

1. to be granted a permission a teaching of Mon language and scripts at government schools
2. to be granted a permission for the Mon population to build own schools in the community with self-help programs.

The letter was signed by the late president and forwarded to eight departments and government agencies including military intelligence officials. However, a teaching of Mon language and scripts for children is still under strict control by the ruling government. Non-uniform military intelligence officers, local policemen and military informers frequent visit to local community halls, monasteries and private classrooms in Mon State for searching a sense of anti-government contents that they assume local Mon teachers might teach to children.

## VIII. Women Welfare at Risk

The rights of women and childrens have been advocated by local women activists under leadership of Mon Women Organization (MWO) in Mon State and Southern Burma. After ten years of advocacy undertaken by the organization in the territory, especially under a control areas of New Mon State Party, the organization is now well established projects to foster women and child rights in the community. According to its report, on November 28, 2001, the organization has undertaken projects on Women Capacity Building Training, Basic Language Programs, Childcare Centre, Weaving (dress making) Training and Non-Profit Gifts Shops. It is a well established program with the support of New Mon State Party and other local Human Rights Organization.

Women who are under risk those have no access to local government services rely on the assistance of border based organizations; Mon National Relief and Development Committee, Mon National Education Committee, Mon Women Organization and Human Rights Foundation of Monland. Despite these organizations based in border areas, they have access to rural population inside Mon State and Southern Burma to foster the rights of children.

Burma has no Adult Education Centre in rural areas and only a few technical training schools in urban areas that are dominated by the public servants and military personals. Uneducated rural population have no formal training and skills to find employment in towns. Many married women are only waiting deposit cash from neighboring countries whose husbands work in abroad. If there is no regular cash flow from overseas through black market and border exchange agents, they have to pull out children from basic educational schools and leave them at farm to work for the family.

### Case One: Collect Cash for Building Hospital in Ye

In July 2002, Major Ye Win, a commander of No (19) Military Operation Command based in Ye Town imposed local residents to pay cash for building new hospital in town. He ordered each village in the surrounding area at least Kyat-50000-100000.00 compulsory to pay the government for building and repairing local hospital. He has collected over Kyat five millions and only offered less amount to local Health Department. Local population still have to buy medicines for

treatment despite they have paid for the facilities.

## Case Two: Forced Women to Attend Militia Training in Ye Phyu

In September 2002, Burmese Regiment No 282 and 473 based in Yebyu Township in Tanimisarim Division ordered local men and women to attend training for local militia. Married women with children were urged to participate in seven days training. Local militiaman Mr Nai San Yee, a retired Burmese soldier was incharged for the training to local villages. The purpose of the training is for anti-insurgent groups in local areas. Villagers are assigned to serve local security unity but the Burmese army did not install arms for them for a protection.

## Case Three: Detained and Tortured Villagers for Leaving Native Village in Tavoy

Local Tavoy Policemen arrested eleven people including women at Aung Zetamar Guest House on June 9, 2002. Policemen fined them for leaving their native to Kaw-thaung, a border town between Thailand and Burma in the south of Burma. Police officers fined them for Kyat 12000.00 for release. After they could not pay for fine, all of them were beaten and abused while two young boys were seriously injuries. They are; Mehm Kyi Soe (17), Mehm Mon Myaing (17), Mehm Ye Win, Mehm Kyaw Ko Ko who live in Mudon Township in Mon State. They were sentenced for six months jail on July 14, 2002 for breaking the rule of law. Policemen charned them as an attempted leaving the country illegally.

Article 30 of International Covenant on the rights of the child

In those States in which ethnic, religious or linguistic minorities or persons of indigenous ordigenous shall not be denied the right, in community with other members of his or her group to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

### Report II:

## CHILD RIGHTS AND MON EDUCATION COMMITTEE

The New Mon State Party has established Mon National Education Committee under its controlled areas in Mon territory. The committee has released a white paper on "Education Policy " in 1974, 1979 and 1984 to develop education and the rights of children in the region. Under a title of "Education Policy of New Mon State Party" in which written in Mon language but a fine printed document by the Central Committee of Education. The paper has implemented a key strategies plans for education and the rights of children to receive free education as put;

### Mon National Education Policy:

1. to establish National Schools in areas under a control of the party and remote areas
2. to encourage and consolidate with local Mon Buddhist monks for review the monastic education in the territory
3. to promote formal education system within the party and in the Mon army
4. to advocate local Mon population for a formal request to the government for a teaching of Mon language and scrips at government schools
5. to reproduce text books for national schools that meet the need of the party's guidelines (the national interests)
6. to publish various kinds of journal, magazine and newsletter that give public education and also the committee is considered to play a central role of the publication project in the community

#### The Role of Buddhist Monks For Child Rights:

Local Mon Buddhist Monks and a few scholars have established "Mon Language and Cultural Union as known local term (ga gom pong gom leik pot yin sa ning mon) in late 2000 for enhancing the rights of local Mon population to be able to teach and learn native language outside government schools after a proposal of the New Mon State Party to the SPDC was not well responded to local Mon community. The union acts as informal human rights defenders in the community. The union has comprised four categories; language, drama, music, classic Mon songs under a management of thirteen Executive Committee Members. The union is a first ever un-official union in Mon State perhep in Burma to defend basic human rights including child rights in the Mon State and Southern Burma. The ruling military government regards this union as illegal but as there is no sense of anti-government campaign in politics, the union collectively works with a few local authority including public servants who are Mon race for a manual interests of the country.

Back to a few previous years, local Mon Buddhist monks and scholars have established an education association under a title of "Association of Mon Literature and Culture of Rahmonnay" in 1978 shortly after a creation of Mon State without single power of the Mon race under Gen Ne Win government. The association has proposed seven agendas to the government for grating access of formal education to local Mon children at government schools. However, it received a very limited access to the government schools and finally local monasteries run their own class rooms for children education with native language.



7. to establish and open community library as well as at locations of the party
8. to encourage local people for group reading and discussion in the library on particular subjects that enhance public campaigns in the community
9. to collect old books and other historical related materials for treasure of knowledge.

It is cleared that the committee has adopted an education policy towards the rights of children in the community regardless any political motivation in the territory. However, the ruling Burmese military regime has assumed that it is a practice of New Mon State Party for implementing an education agenda in the community with political motivation behind the sense.

Rural children are mostly attend Mon National Schools for free basic education for the last five decades while a few government schools are no longer accessible for them in Mon State. When they finished the Mon National School, some of them sat examination with government schools in late 1995s.

Many rural children who have not finished year ten (tenth standard) in Burma have fled to Thailand to find work either in sea and on soil. Thousands of young school leavers work in rubber plantations, fishery boats, construction sites, factories and in many part of Thailand to feed family at home. They spend so much money to complete year ten but if they failed for over one or two years, they are no longer to sit the exam. Consequently, children left the schools for nothing on hands.

The Mon National Education Committee (MNEC) has tabled a brief report on a development of national education on 9 February 2001 at the National Views Exchange Seminar. The report put as- on chapter fifth; "The New Mon State Party (in this case Mon National Education Committee) has cooperated with local population, parents and teachers as well as international aid agencies to reach this firm position in education sector. As there are increasing number of students, the committee has considered to build new primary, middle and high schools for the community, of course it is considered to build own National University in the future. Until today, the Mon national education sector has received aid from international agencies but it is not pramatic idelogy that the sector only rely on international aid. For a better and comfortable education service, the committee proposed to establish "National Education Fund" as soon as possible".

The MNEC has a clear thinking on education sector that local community should no longer rely on international aid but to establish with their own capacity for the future. However, the committee has very limited authority and resources to tackle the rights for children education in Mon territory under current circumstances because the ruling military government still refused to acknowledge the role of the committee in urban areas after cease-fire agreement.

Case one:

On April 2002, Local Education Committee in Kawkreik Township imposed public primary schools' students for buying slate pencil in the campus. The price is higher than at private shops. According to local community worker, the slate

## News

### A child soldier refuses to return home as fear of killing

(source: Independent Mon News Agency)

After deporting back by the Thai authorities to a border point in Three Pagoda Pass area of Burma, an orphan child soldier from Burmese Army (BA) refuses to return his home because he is afraid of being killed if re-arrested by his commander.

Child soldier, Soe Min, is 16 years old and he fled from Burmese Army's Infantry Battalion No. 101 based Mergui District in Tenasserim Division, southernmost of Burma. When he was in his battalion, he was detained and seriously tortured by a Major after he complained about insufficient food fed by the battalion. Then when the battalion was in front-line, he decided to flee into Thailand. He was arrested by the Thai police and imprisoned for one week for illegal migration into Thailand, and he was deported back to the border together with many Burmese migrant workers.

Soe Min has Burmese Army's ID No. 230597 and he was born in Pyin-wa village in Delta area of Irrawaddy Division. His father was U Maung Win and mother was Daw Myint Htwe.

When asked why he refused to return home, he said to IMNA, "I fled from front-line and it was a serious guilty in army. The battalion commanders also ordered that if someone who fled in the front-line was re-arrested, he must be killed. So I'm afraid to return home. If I go back, I have no parents and I have to stay with my uncle, and so I wouldn't."

After both of his parents passed away, Soe Min, has stayed with his uncle and but later as he did not stay and when some soldiers from BA's Recruitment Battalion No. 93 organized him, he agreed to join BA.

While 40 new recruits were attending the basic military training in Thaton town in Mon State, there were about 16 children including him were trained. While he was at IB No. 101, he complained about insufficient food in battalion, he was detained and beaten by Major. Soe Naing.

He attended for military training school for 4 months, stayed at battalion base for one week and then was sent for 6 months to front-line in offensives against the rebels. Although the commanders in the battalion said his salary was 4500 Kyat per month and he could receive 5000 Kyat per month if he was in front-line, but he actually received 500-800 Kyat. Major. Soe Naing took most of his and other new recruit soldiers' salaries. As he could not tolerate for the torturing in the battalion, that was he decided to flee, said by the child soldier.

pencils were donated by Non-Government Organization (NGO) with a brand name of "Okinawa". Teachers sold them to students for higher price. The order was issued by Mr Manung Maung, officer of Local Education Department, the Guiding Star Newspaper said.

Case Two:

Burmese Regiment No (587) issues an order to shut down Mon Language Teaching School at Kun-doo village (Ye Township, Mon State) in August 2002. Local Mon teachers were forced to teach language class in local monastery temporary before they could build self-help building. Local monks provided timbers and materials for the building.

Case Three:

Burmese Intelligence Officials from No (5) Military Intelligence Unit in cooperation with local headmen crack-down a teaching of Mon language in the community halls in Mudon Township on June 19, 2001. The officials entered into the halls and monasteries to Kwantar and Kamawet villages then took photography of teachers, recorded their ID cards' numbers, number of students in the class and number of female teachers in the villages. Local Buddhist monks have confronted with Burmese authority in Mudon Township in 2001 during his investigation tour to a teaching of Mon language in the monastery. The monks have requested local authority to be granted a teaching of Mon language in the government if they urge to shut-down a class in the community and monasteries.

**Note:** (more details on discrimination against Child Education in Mon State, see "Burma's Education in Corrupt and Oppression Against Ethnic Education in Mon Territory, March 2002 by WCRP).



A woman beggar in town

*Report III:*

RAPE A MON WOMAN AND  
NO LEGAL PUNISHMENT TO A COMMANDER FROM BURMESE ARMY

Background Information on the rape case

In March 2003, the Burmese Army battalions base in the northern part of Ye Township of Mon State, conscripted the local Mon villagers including women to guard the railway to protect from the rebel attacks or mine explosion. This type of 'using forced labour' is the common practice by the members of Burmese Army. Burmese Army (tatmadaw in official name) is the military faction of the current regime, State Peace and Development Council (SPDC), in Burma.

During many women are used as forced labourer in guarding the railway route, constructing the road, and other infrastructure projects sponsored by the military government, some women fell as victims of rape by gang or individual of the Burmese Army.

On February 26, 2003, a young married Mon woman, Miss Ma Po was raped by a low rank commander of Burmese Army, Sergeant Than Hlaing at night while she was performing her duty of guarding the railway route. Miss Ma Po has to perform her duty because her husband went for fishing.

The commander, Sergeant Than Hlaing brought and raped her on the way from railway route guarding hut to a her village, Kyauk-tan, Ye Township. Sergeant Than Hlaing is from Light Infantry Battalion (LIB) No. 587 of Burmese Army, which is under the command of Military Operational Management Command (MOMC) No. 19. (Note: Some also translate Military Operation Command (MOC) from the Burmese Term.)

This case was not brought to court for fail trial. In an attempt to cover the case, this is just brought to village headman of Taung-bone village, a big village that is close to victim's village.

The punishment to the rapist Sergeant Than Hlaing was: dropped his army rank and transferred him to other regiments. Village chairman forced Miss Ma Po to sign for an agreement to not bring the commander to court for trial. The case ended in minor punishment to the rapist who holds a position in Burmese Army.

Miss Ma Po relatives did not satisfy to the case and sent the trial evidence to Human Rights Foundation of Monland (HURFOM) and Woman and Child Rights Project, WCRP, Southern Burma, a local human rights organization to apply the case to CEDAW and to international human rights organizations how the SPDC fell to obligate for many rape cases in

Burma.

The following information are from the three pages of evidence of testimonies in the trail conducted by Village Chairman (Mr. U Myo Aung) of Taung-bone village, Ye Township.

## THE RAPE CASE IN DETAILS

Victim's details information:

Name:	Miss Ma Po
Age:	17 Years
Father's name:	Mr. Nai Maung
Occupation:	Dependant
Native place:	Kyauk-tan village, Taung-bone village tract, Ye Township, Mon State, Burma
Date of event:	February 26, 2003
Criminal's name:	Sergeant Than Hlaing
Details:	A Burmese low rank commander from Infantry Battalion No. 587, base in the northern part of in Mon State

### Full report on the testimony

The following text is translated from the original account of report in which it is written by local village' headman:

#### Testimony by victim:

On 26 March night, our household is due to take roster for guarding to the railway route in local areas. My husband has gone for fishing in late evening and he did not return home on the night. I took the roster on behalf of my husband. At about 12.00 pm, soldiers' boss (sa ya kyi - in Burmese term) and one of his private came to the guarding hut (kin tey- in Burmese term). He said "woman don't have to perform the duty and go home". I was taken along with them to return home. On the mid way, at Kyauk-tan Village, his private soldier walk at front ahead and the boss (Sergeant - thon yit sa ya kyi in Burmese term) shut my mouth, pushed me down and raped me.

Appealed by:	Witness signed by:
Victim Miss Ma Po	Aung Nyein (Member No.1)

Signature and finger-print	U Hot (Member No. 2)
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Signature of local headman  
Myo Aung, Chairman, Village PDC  
Ye Township, Taung-bone village

#### Testimony by witness

The following text is translated from Burmese language original document:

Name:	Mr. Maung Tun Naing
Age:	17 Years
Father's name:	Mr. Nai Pho Darr
Occupation:	Rubber plant worker
Native place:	Kyauk-tan Village (Ye Township, Mon State, Burma)
Date:	27 February, 2003

On 26 February 2003, in late evening, I am assigned to perform a duty for guarding at Sar-pho-gone Railway Route Guard Box. Mr. Maung Thein Aung and Miss Ma Po were together with me. At about 12.00 pm, a boss (sa ya kyi-in Burmese term) from the army and his private came to the Guarding Hut for inspection. The boss said, "Ma Po is a woman and she doesn't need to take the duty. You go home". Then they brought her along with them to Kyauk-tan Village. Mr Maung Thein Aung and myself remained at the Guarding Hut.

Acronyms	
SPDC	State Peace and Development Council
WCRP	Women and Child Rights Project
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
MMCWA	Myanmar Maternal and Child Welfare Association
AFPFL	Anti-Facist People's Freedom League
NGO	Non Government Organization
NMSP	New Mon State Party
HURFOM	Human Rights Foundation of Monland
MNEC	Mon National Education Committee
MWO	Mon Women Organization

By: Mr. Maung Tun Naing  
Signature and finger-print

Witness By:

Signed -

Mr U Hot

Mr Aung Nyein

Myo Aung  
Chairman, Village PDC  
Ye Township,  
Taung-bone village

**Agreement or case settlement**

The following text is translated from Burmese language original document:

Date: March 4, 2003

The case between Miss Ma Po, daughter of Mr. U Maung, who lives in Taung-bone Village tract in Ye Township and Sergeant Than Hlaing (ta ka ka- Than Hlaing) from Infantry Battalion (kha ma ya - in Burmese term) No. 587 shall be agreed as following;

1. Appreciated to punish Captain (ta ka ka) Than Hlaing to drop his rank and transferred him to other regiments.
2. Agreed not to take further legal action (against him) by Miss Ma Po and signed.

Consented and signed by

Miss Ma Po

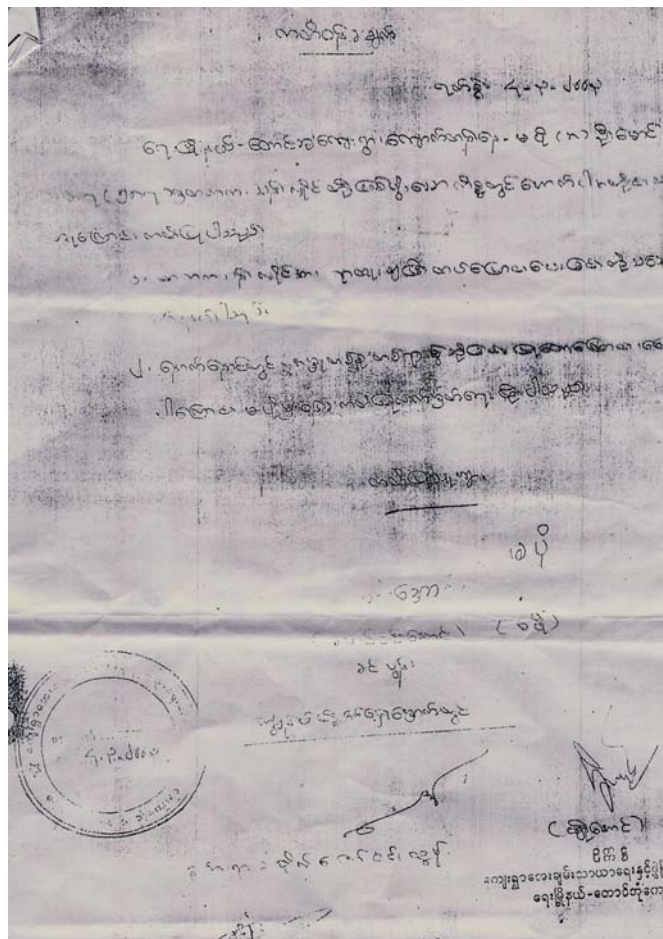
Win Aung (Ma Po's Husband)

Witness and signed by-

- 2<sup>nd</sup> Warrant Officer Zaw Win Tun
- Myo Aung, Chairman, Taung-bon village PDC
- Mr. Nai Aung Nyein (Member No.1)
- Mr. Nai Hote (Member No. 2)

**Conclusion & Recommendation:**

1. Burma (Myanmar) or the regime ratified the 'Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)' in July 1997 to guarantee the rights to the women to obligate most of the rights in UHRD, the political, civil, economics, social and culture rights.
2. "Rape" is the serious violations of human dignity and a type of 'torture' or 'slave'. Therefore, the State party to CEDAW, State Peace and Development Council (SPDC) has obligation to punish Sergeant Than Hlaing accordingly the existing laws and regulations.
3. The international community, especially CEDAW has responsibility to ensure, the regime in Burma, SPDC, has taken actions members of Burmese Army, who involved in rape or sexual violations against women into the courts.



Evidence of forcing Miss Ma Po to sign for promise that not taking action to Sergeant Than Hlaing

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*The Plight*  
of women and children in Burma