

## OVER A THOUSAND PEOPLE ATTEND THE FIRST INTERNATIONAL HUMAN RIGHTS DAY IN KYAIKMAYAW TOWNSHIP, MON STATE



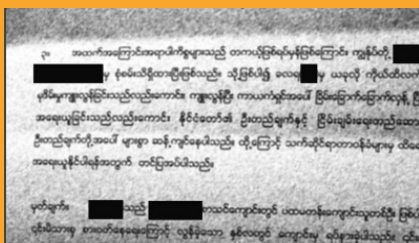
December 14, 2016

HURFOM: Although event organizers provided chairs and food for over 500 people at the International Human Rights Day venue in Kaw Panor village, Kyaukmayaw Township, Mon State, over 1,000 people showed up to actively participate in the first such event in their area.

The International Human Rights Day held in Mon State had been organized through the cooperation of many civil society organizations (CSOs), including Human Rights Foundation of Monland (HURFOM), Mon Women's Organization (MWO), Mon Youth Educator Organization (MYEO), among others. These CSOs are based in Mawlamyine, the capital of Mon State, and they have been working closely with local organizations, such as village-level youth groups, which are traditionally led by Buddhist monks, and women's groups.

Through the close cooperation between CSOs and the local communities, over 1,000 people showed up to the event causing the supply of chairs and food packs for the participants to run out. Participants from over 15 villages arrived to learn about what human rights are and how this applies to them. [Read more on page3>>](#)

### RAPE: THE BURMA ARMY'S UNPUNISHED WEAPON OF WAR



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BRIEFING PAPER



NETWORK FOR HUMAN RIGHTS DOCUMENTATION - BURMA

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### HLUTTAW MILITARY REPRESENTATIVE SAYS THE MILITARY ONLY CONFISCATE LAND WHEN NECESSARY



October 8, 2016

According to Hluttaw military representative General Thein Zaw on September 20, 2016, stated that the military only confiscates land when necessary, and he claims that the reports by the Human Rights

Foundation of Monland (HURFOM) about land confiscation are incorrect.

"Regarding land confiscation, it is usually an order from higher authority, but because we have compassion for the people, we only confiscate land when it is necessity. In relation to HURFOM's report, I find the data is inaccurate. If this inaccurate information is made public, it will not be good", said Hluttaw military representative General Thein Zaw.

On September 20, HURFOM met with Mon State Hluttaw to present and [Read more on page5>>](#)

News

# KINDERGARTEN BOY SEVERELY BEATEN BY TEACHER



October 31, 2016

On September 6, 2016, a Kindergarten student from Thiri Myine Ward, Mawlamyine, was severely beaten by his teacher as she accused him of stealing a pencil from his classmate.

According to the student's grandmother, who held a press conference after the incident, she found the child's eyes bleeding, found bruises, and other marks on his skin. The grandmother believes her grandson was brutally beaten. When she asked him what had happened, the child responded that he was beaten by his teacher. The grandmother immediately went to the school to investigate what happened with her grandson. When asked, the teacher denied the allegations; however, when the child started crying, she admitted that she beat the child because he stole his classmate's pencil. The child specified, "I didn't steal the pencil. I found a pencil under my desk and just picked it up."

At 4 pm on September 6, the grandmother went to the Township Education Administration Office and reported the case to the Deputy Chief Education Administrator; however, the administrator stated that the grandmother should understand why the teacher beat the child and the grandmother should be careful for the sake of the child's future.

"The teacher had inhumanely beaten the child and accused him of stealing, the authority told us to understand the reasons from the teacher's perspective. I have too much hope in the education authority and therefore we discussed the case with them. I'm very disappointed with their response. A month after the incident the teacher had still not been punished for what she did," said the grandmother.

The Mawlamyine Chief Education Administrator Daw Kyi Win said that the teacher has rights to correct the behavior of students; however, it is unacceptable to seriously beat a child.

"Other teachers went to the grandmother's house three times to apologize for their co-workers' manners. They also treated the injuries on the child, but the teacher who beat the child did not come by. The teacher gave an oral statement to the Township Chief Education Administrator and apologized for her actions and promised that she will not severely beat another child in the future," said Daw Kyi Win.

"My grandson has been suffering from both physical and mental problems now. When seeing his classmates, he wants to go to school but when seeing the teacher who beat him, he quickly runs back into the house and hides. He keeps crying in fear, worried that the teacher will beat him," said the grandmother.

The grandmother wants the teacher to transfer to another school; however, she is the only teacher who teaches Kindergarten. She is a special trained teacher for Kindergarten students, therefore, the education authorities are unable to fulfill the request of the grandmother.

The article 37 of the Convention on the Rights of the Child states that "no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age." It is clear that the teacher violated the Convention on the Rights of the Child and should be punished for her actions.

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## OVER A THOUSAND PEOPLE ATTEND THE FIRST INTERNATIONAL HUMAN RIGHTS DAY IN KYAIKMAYAW TOWNSHIP, MON STATE



One event organizer said, “we regret that we could not supply more chairs and food for this event, because we thought only 500-600 people would show up. We have to apologize to them for creating difficulties.”

A senior monk encouraged the participants to build and strengthen their solidarity in order to fight for their and their communities’ rights. He also referred to how people in the area will be affected by the planned coal-fired power plant which will be built by Mawlamyine Cement Limited (MCL). Hence, he urged them to fight for rights.

A human rights discussion panel was organized for the important occasion and the Deputy Speaker of Mon State Parliament Dr. Aung Naing Oo led the panel. He pointed out the restrictive laws which limit human rights and the need for them to be changed and implemented effectively. A local politician, Nai Ye Zaw, also pointed out the human rights violations which are systematically committed by companies

in the area and the need for people to be united in their fight against such problems.

The Director of HURFOM also raised the issue of ‘transitional justice’ and asked the National League for Democracy (NLD) government to respect human rights and lay the ground work for implementing transitional justice. He said, “without addressing the human rights problems in the past, there will be no improvement in the future.”

Mi Jalon Htaw, a female village administrator in the area, spoke about domestic violence in Mon communities and how all people, including men, need to protect women from violence in their communities. She also raised the issue of sexual abuse involving children in Mon State. She noted that she knows of roughly 26 cases in 2016 involving underage sexual abuse and that the Mon State government has paid little attention. According to her, women’s groups and CSOs are cooperating to bring these cases to

attention in Mon State Parliament and to change the law to increase the punishment for perpetrators of sexual abuse committed against minors.

The International Human Rights Day event also included games, a human rights photo competition, and other entertainment.

The communities joined together for International Human Rights Day in order to learn more about their community, environmental, and resource ownership rights. MCL, a joint Thai-Myanmar venture, has been implicated in the destruction of local natural resources, including mountains and rivers, and now the company is planning to build a 40-megawatt coal-fired power plant to supply electricity to their cement factory. This new project has raised concerns amongst local residents regarding environmental destruction and health issues that may subsequently occur.

News

# NMSP'S DECISION ON FORCED MARRIAGE NOT ACCEPTED BY PERPETRATOR

October 25, 2016

On April 21, 2016, Mg Ko Lay, a young man from Ka Lot Thot Village, Mudon Township, Mon State, had forcefully pressured his girlfriend to marry him without her consent. The case was brought to the New Mon State Party (NMSP) representatives; however, the 24-year-old man said in a press conference in early October 2016 that he was not satisfied with the NMSP's decision on the case.

At 4 pm on April 21, Mg Ko Lay, together with 9 friends, forcefully took and engaged in a sexual act without his 17-year-old girlfriends' consent at a rubber plantation in Mae Ta Ro Village. After this incident, Mg Ko Lay took the young girl to his aunt's house in Shwe La Inn Village, Kyar Inn Seik Kyi Township, Karen State.

On April 22, the parents of Mi Ma Lay, the victim, visited the Ka Lot Thot Village Headman and said that they would agree to the marriage off their daughter; however, if their daughter does not agree to the marriage, they want their daughter back. They also said that they will not report the case to authorities. After a short discussion, the village headman signed a mutual consent contract with them.

"On April 4, the village headman, the parents of Mg Ko Lay and Mi Ma Lay and their relatives went to where Mg Ko Lay and Mi Ma Lay live. But, on the way, the village headman changed his mind and turned back without giving any reason. The relatives and parents continued their trip to Shwe La Inn Village," said U Tun Nyo, the uncle of Mg Ko Lay.

"After the girl left the house with his parents, four Mon soldiers from Inn Gua (NMSP) Military Base suddenly appeared and came into the house. After, they arrested Mg Ko Lay," continued U Tun Nyo.

Mg Ko Lay's parents went to Inn Gua Base and had a discussion with Nai Mya Mon, the District Chairman of the NMSP. The parents explained that they had had an agreement with the village headman on the marriage; however, Nai Mya Mon did not accept the reason and intimidated them by saying that they would be arrested if they reported the case to any department of the Myanmar Government.

"Both parties had an agreement, which was made in the presence of the village headman. So the problem must be solved. If the village headman's decision is not acknowledged, then who can we rely on? We're treated like an orphanage," said U Aung Khine, a Ka Lot Thot villager.

Daw Ngwe Taung, the mother of Mg Ko Lay, said that she is a widow and had no money to pay the compensation to the NMSP as they requested for her to see her son. Therefore, she has had to return to work without having a chance to see her son.

"Whenever I went to Inn Gua Base to meet with my son, he was hand and foot cuffed. He has been in handcuffs since his arrest. If my son is found guilty, he must be punished in accordance with the laws," said Daw Ngwe Taung. Daw Ngwe Taung requested the NMSP to release her son from being handcuffed; however, the party replied that her son would be relieved of the cuffs after the family has paid a compensation of 20 million Kyat.

"According to the NMSP, Mg Ko Lay will be relieved from his cuffs only after paying the insurance premium fee of 20 million Kyat to Inn Gua Base. But the defendant's family doesn't have any plantations in Kyar Inn Seik Kyi in order to pay the fee. They have plantations in Mudon Township but Inn Gua Base doesn't acknowledge the property in Mudon," said U Tun Nyo.

On August 28, the Special District Office of the NMSP came to a decision that Mg Ko Lay is guilty of the charges as he forcefully married an under-aged girl; his friends are also found guilty as they were involved in the event. Mg Ko Lay will be imprisoned for 5 years and has to pay fee of 4 million Kayt to Mi Ma Lay. His friends will be imprisoned for 1 year.

"If the case was reported to the Myanmar government, the young boy would not receive such a long sentence," said a Ka Lot Thot resident, U Aung Khine.

Mg Ko Lay's parents have not been satisfied with the decision made by the NMSP and reported the case to the Mon State Government on July 31, claiming that Ka Lot Thot Village is a place under the authority of the (Mon State) Government and the case should be decided and judged by the (Mon State) Government.

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discuss the report “Examining Foreign Direct Investment in Mon State” and human rights violations caused by Foreign Direct Investment (FDI) projects. The report discussed and exposed land confiscation cases caused by FDI. After Hluttaw military representative saw the report, specifically the section on land confiscation and the impacts from FDI, he was not satisfied with it and rejected the findings.

General Thein Zaw said “Now, the Burmese government is holding peace talks. If this report is spread, it could affect the peace process. We are not against the report but we want to urge the organization to maintain it.”

The military government has confiscated land from people to expand their militarization. After the military handed power to the civilian government, led by President U Thein Sein, they continued to confiscate land from people using other methods. For

instance, they cooperated with business investors and confiscated land by force. These violations have all been documented by HURFOM in their reports through conducting thorough interviews with those in villages surrounded by FDI companies.

In the report, land that was confiscated in Mon State are mostly confiscated by the military government before 2011. Overall, it has been documented that 20,000 acres of land has been confiscated.

## BROTHER-IN-LAW RAPES 8-YEAR-OLD SISTER IN MAWLAMYINE

November 2, 2016

**WCRP:** On September 11, 2016, it has been revealed that a 8 year-old-girl has been raped by her brother-in-law in San Mya Thidar Ward, Mawlamyine, Mon State.

According to a neighbor, the young girl was raped at 9 am on September 11, when her mother left the house in order to do her laundry. The neighbor, who was nearby when the incident occurred, retold the story to the victim’s mother and when asking the girl, she also confirmed that she was raped by her brother-in-law.

The girl’s mother reported the case to Zay Yar Thiri Police Station and the

police charged the perpetrator with (Pa) 185/2016 under Myanmar Panel Code Section 376 – Punishment for rape and Section 511 – Punishment for attempting to commit offenses punishable with manual labor or imprisonment.

“The child is continuing her studies now and when she returns home from school, she only plays at home. No one in the ward asked her about the rape. It seems she does not feel any different,” said the victim’s mother. The victim’s mother also mentioned that the girl’s friends and neighbors do not neglect nor discriminate against her.

According to the medical examination results, the penetration was not deep

and the girl felt pain on the day of being raped but her pain has been gradually decreasing day by day.

“Frankly, we’re very angry to hear that an under-aged girl was raped. It also destroys our wards’ reputation. The perpetrator must receive a harsh punishment.” said U Aye Han, a prominent person in San Mya Thidar Ward.

On September 18, 2016, the perpetrator made a full confession to the Police.

The family wants justice for their daughter and wants the perpetrator to be punished in accordance with the existing laws



## News

# ASIAN DEVELOPMENT BANK HOLDS MEETING WITH MON STATE CSOS

October 19, 2016

On October 12, 2016, Asian Development Bank (ADB) held a meeting named "Country Partnership Strategy Consultation" with Mon State Civil Society Organizations (CSOs) at Shwe Myint Mo Tun Hotel in Mawlamyine, Mon State.

ADB introduced their future projects that will take place in Mon State and looked for consultation from Mon State CSOs. Their goal is to achieve sustainable and inclusive economic growth and job creation for poverty reduction.

Projects that they are going to implement in Mon State are: East-West Economic Corridor in Greater Mekong

Sub-region (GMS); HIV/AIDS Prevention and Capacity building in GMS; Town developments through road advancement in GMS; Poverty Reduction and Employment opportunities for Women through East-West corridor; and Equipping Youth for Employment.

The county partnership strategy project is a five-year project starting in 2017 to 2021. Their priorities are on infrastructure, agriculture and rural development, education and training.

ADB have claimed that during this development project period, they will make sure that they follow the environmental and socio-economic impact assessment policies which state that there will not be any negative

impacts to the local people and the environment.

ADB reemerged in Myanmar in 2012 after 20 years as Myanmar became an ADB member in 1973. After 1988, they halted any projects in Myanmar. In early 2014, they opened and developed the Myanmar Resident Mission with offices in Nay Pyi Taw and Yangon.

ADB have said that in the past, they came with their own plans and funds which ended up having a negative impact on the people. They have now realized that they require a new strategy and will cooperate closely with CSOs, especially since CSOs work very closely with the community.

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administrator stated that the grandmother should understand why the teacher beat the child and the grandmother should be careful for the sake of the child's future.

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The Mawlamyine Chief Education Administrator Daw Kyi Win said that the teacher has rights to correct the behavior of students; however, it is unacceptable to seriously beat a child.

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## News

# CHAUNGSONE LAND OWNER DEALING WITH LAND DISPUTES FOR OVER A DECADE



October 20, 2016

U Khin Zaw, from Nat Hmaw village tract in Chaungsone Township, Mon State, says he has been dealing with land disputes for over a decade.

In 1989, U Khin Zaw bought 10.05 acres of land from U Aung Thein and Daw Pu legally, with witnesses, at the administrators' house, U Maung Kyine's.

Administration accountant, Daw Pan Win, who is the sister of U Maung Kyine, said that she will keep the contract in place. At the time, U Khin Zaw was 28-years-old and assumed that Daw Pan Win will respect the contract.

U Khin Zaw explains "After 2000, people started building houses on my land. When I asked them how they could do that, they said that the department let them build on this property. Some people left when I asked them. Every year, one or two houses were built on my land. I always reported the incidents to the authorities but I only reported it verbally. I did not know that I would have to report it with proper documentation. Even though I was reporting the conflicts, they have not

been helpful at all."

In June 2013, after receiving advice from Chaungsone Township Hluttaw representative U Aung Naing Oo on how to report the case, U Khin Zaw started to report the conflict officially.

All of his land on the north, east and south has been disputed; the west has not been disputed because there is a monastery.

In December 2013, township administrator and other officials came to check and measure his land but nothing has been resolved. In November 2013, U Khin Zaw reported the case to the state minister. In January 2014, the state minister called a meeting with all people involved such as the land department, village administrator, and disputers.

U Khin Zaw continued "I have opened this case to the court and they said that the land I work on is only 6.28 acres."

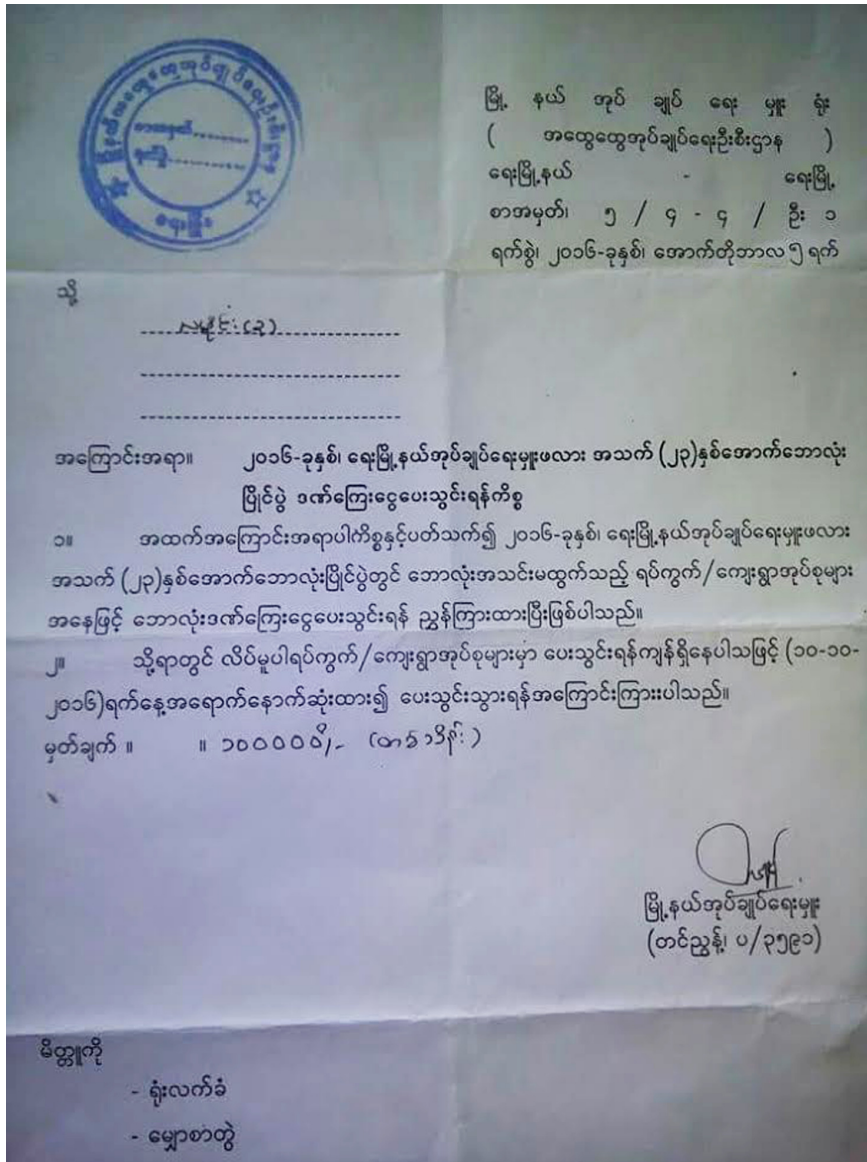
He goes on, "What I am not satisfied about is that the administrator and land department have deducted the land I own from 10.05 acres to 6.28 acres without informing me. The administrator and land department presented incorrect statements in court. They claimed that I work on only 6.28 acres. They drew a map and signed the map themselves, instead of checking with me. They are doing all of this in order for me to lose my land."

U Khin Zaw has been paying taxes on the land since 2010 and has been applying for form-7 since 2013. He has gone to the land department almost 100 times. Today, he has still not received form-7.

He pronounces "They have been tricking me. They gave me several excuses every time I go to get form-7. I don't understand much but I know these people are lying to me. Now I don't care if I get my land back or not. I am getting old. I will be satisfied if the truth is revealed and justice has been done."

News

# THANBYUZAYAT LAND VICTIMS APPEAL TO THE VICE PRESIDENT



November 28, 2016

In October, 2016, 56 rubber plantation owners from various villages near Wae Gali, southern Thanbyuzayat Township, Mon State have launched an appeal to the Burma Second Vice President Henry Van Thio who is the chairman of the Central Review Committee on Confiscated Farmlands and Other Lands claiming that Burma Artillery Regiment (AR) No. 315 had confiscated their rubber plantations and that they want their land back.

It was reported that the commander of AR No. 315 Lieutenant Colonel Tint Nine had seized the rubber plantations in 2001 for the sake of military expansion.

"We've already submitted a letter of appeal before. But it didn't work because the letter was incomplete. So again, I have to help the plantation owners with submitting a letter of appeal. Each plantation owner has to submit a letter of appeal. If they have a Land Use Certificate, they must attach it to their letters of appeal. After signing the letters, they have to make 10 copies. Before, we all together had submitted only one letter of appeal. Now the procedure has been changed. Every single plantation owner has to submit a letter of appeal. We will directly submit the letters of appeal to the vice president in Naypyidaw," said Nai Nyan Tun, a Thanbyuzayat resident who has been helping the local

plantation owners with submitting a letter of appeal.

In 1995, the Burma Army had confiscated thousands of acres of land to expand its military bases in Thanbyuzayat and Ye Townships. The local plantation owners had appealed for a solution; however, there was no reply from the authorities.

Regarding the land confiscated by AR No. 315 in 2001, the local plantation owners had submitted a letter of appeal to the Central Review Committee on Confiscated Farmlands and Other Lands three times during the previous government era. However, their attempts had no result.

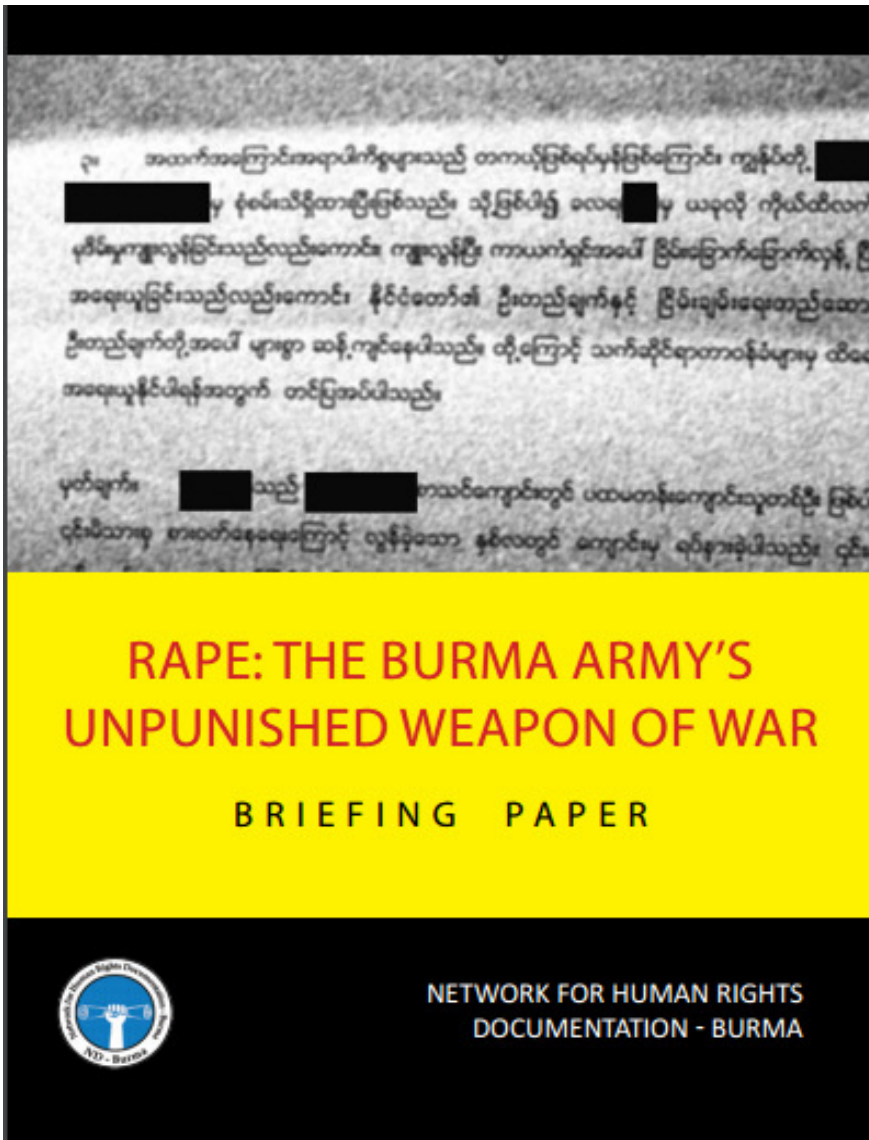
"The plantation owners have been disappointed. They submitted letters of appeal several times but there was no outcome. They thought they would never get their lands back. But we have to make one more attempt with the new government. If okay, we'll get our land back. Now, I have been discussing with the plantation owners to submit letters of appeal. I told them to attach all their witnesses to the letters of appeal. We have to submit the letters of appeal to 10 government departments," continued Nai Nyan Tun.

Each letter of appeal states that AR No. 315 had seized the rubber plantations in 2001; the owners had been allowed to work on the plantations after agreeing to give an annual fee to the military base. However, the plantations had been sold to other villagers after completely being confiscated in 2004. The plantation owners have been facing many challenges in securing their livelihoods after their land loss and thus, they have been launching their appeal to get their land back.

"I have my network. I've already had a talk with them. It's possible to get their land back. That's why I help them," said Nai Nyan Tun.



# RAPE: THE BURMA ARMY'S UNPUNISHED WEAPON OF WAR



November 30, 2016

## Briefing Papers, ND-Burma

In October 2016, amid renewed violence in Rakhine state, it was reported that “dozens” of women had been raped by Burma/Myanmar army soldiers. The story shocked international media and the United Nations Special Representative on Sexual Violence in Conflict called on the Government to conduct an investigation into the alleged incidents.

However, the Burma/Myanmar army has long used rape as a weapon of war, especially against Burma's/Myanmar's ethnic nationalities. Despite the hundreds of rapes that have been recorded by Burma's/Myanmar's NGOs

and civil society organizations (CSOs), no member of Burma's/Myanmar's government forces has ever been punished for committing rape or sexual violence. This is because under Burma's/Myanmar's 2008 Constitution the army gifted itself immunity from the country's laws, meaning allegations of rape are only investigated internally by the army, if at all.

This has resulted in soldiers being able to rape with impunity. A 2002 report by the Shan Women's Action Network called it a ‘license to rape’. This immunity is an infringement of international law as the UN explicitly “does not recognize any amnesty for [...] crimes against humanity, war

crimes, and other serious violations of international humanitarian law.”

## Documenting sexual violence

Since beginning its documentation of human rights violations in 2004, ND-Burma's member organizations have recorded the testimonies of 95 women who have been raped or suffered sexual violence at the hands of the Burma/Myanmar army, police force or Border Guard Force (BGF). Each of these cases was recorded in ethnic nationality areas.

However, when examining the data gathered by other NGOs and CSOs in Burma/Myanmar the number of rapes and cases of sexual violence committed by Burma/Myanmar government forces is clearly significantly higher. Indeed, international organizations and NGOs have repeatedly accused the army of a ‘systematic’ campaign of rape to terrorize and subjugate ethnic nationality communities.

In January 2014, the Women's League of Burma (WLB) published a report documenting 104 cases of sexual abuse in ethnic areas over a period of 4 years. 41 of the cases were accounts of brutal gang rape and some of the victims were as young as 8 years old. 27 of the women were either murdered or died from their injuries. In November 2016, the WLB published an updated report to mark the International Day to End Violence Against Women, which said the organization had documented 92 cases of violence (not specifically sexual violence) against women by government forces between 2010 and 2015, and 18 cases for the period 2015-2016.

The 2014 WLB report included such cases as the 2012 gang rape and prolonged torture by Burmese/Myanmar troops of a grandmother in a church in Luk Pi village near the Kachin-China border. During a Burma/Myanmar army offensive against Kachin rebels in Northern Burma/Myanmar, soldiers found the woman sheltering in a church. About ten troops beat her

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with rifle butts, stabbed her with knives, stripped her naked and gang-raped her over a period of three days. The woman has suffered from severe mental illness since the ordeal. Despite there being a witness to the attack, the Burma/Myanmar army has not opened any investigation into this crime.

Rape has been recognized by the United Nations as a weapon of war used in conflict across the globe. The 2008 UN Security Council Resolution on Women Peace and Security highlights that *"women and girls are particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group."* Rape has also been committed by Ethnic Armed Groups (EAOs), though not on the same scale as by the Burma/Myanmar army.

There is also a reluctance of victims to report due to shame and fear of retribution. The WLB notes that women in Karen, Kachin and Chin states who have been victims of sexual violence are expelled from their villages on the assumption that the village must be 'cleansed' of the victims. The military is also able to close off conflict affected areas of Burma/Myanmar to outside observers such as journalists and aid workers, meaning that reports of individuals or systemic rape cases cannot be verified.

**New government, old system**

The beginning of 2016 saw Burma's/Myanmar's first civilian-led government in more than half a century take power under Daw Aung San Suu Kyi and her National League for Democracy (NLD) party. Ethnic nationalities had overwhelmingly given the NLD their vote over ethnic parties so as to support the party most associated with resistance to the military dictatorship.

However, the autonomy the army enjoys under the 2008 Constitution and the accompanying institutional separation of powers means that the NLD has no formal command over the military's actions. The Government's silence in the face of repeated reports of systematic rape in ethnic nationality areas jars with Daw Aung San Suu Kyi's frequently repeated claim that the peace process is her Government's

priority and that *"we can do nothing without peace in our country."* As human rights expert David Baulk points out in an essay for the Wall Street Journal *"If left unchecked, impunity for grave abuses in Burma's ethnic states will only stifle the country's development."*

On 15 November this year, ND-Burma member organization the Kachin Women's Organization of Thailand (KWAT) released a report examining ongoing Burma/Myanmar army offensives and abuses going on in Northern Burma/Myanmar under the NLD Government, highlighting the fact that the perpetrators of the rape and murder of two Kachin teachers in January 2015 remained at large and that a 73 year-old victim of a military sexual assault attack in April 2015 had passed away in June 2016 without seeing justice. The report went further, noting that in both instances police investigation into the cases had been deliberately obstructed by the military. Burma's/Myanmar's criminal defamation law has also been used to intimidate and prosecute victims and witnesses who have spoken out.

**Fighting for justice for survivors**

The Burma/Myanmar army continues to use rape as a weapon of war as soldiers enjoy impunity for their crimes and the NLD leadership is silent in the face of a litany of accusations. This must end. The new government must also commission an independent investigation into systematic sexual violence committed by the army.

The draft National Law on Protection and Prevention of Violence against Women (PoVAW), on which work began over three years ago, must finally be passed.

Burma/Myanmar must begin honoring its commitments under international law. The country has signed the Declaration of Commitment to End Sexual Violence in Conflict but has not taken any concrete action to follow the guidelines set out therein. At its 64th session in July 2016, the UN's *Committee on the Elimination of Discrimination against Women (CEDAW)* in its concluding remarks on Burma/Myanmar observed that:

*"Continuing sexual violence perpetrated by the military and armed groups against rural women and ethnic minority women, in particular in Kachin, Kayah, Kayin Mon and Rakhine States; widespread impunity enjoyed by perpetrators of such violence as well as threats and revictimization of women who attempt to report such cases; the low rate of prosecution of perpetrators of gender-based violence against women, in particular when such crimes are committed by the military and armed groups; and the conferment of immunity on perpetrators of crimes of sexual violence."*

The most recent WLB report notes that lawyers who try to use CEDAW provisions in court are faced with objections from judges, who order them to use "local criminal law" instead.

However justice for victims does not have to be limited to prosecution of perpetrators, which faces huge resistance from the army and has also not yet been advocated for by the civilian government or Daw Aung San Suu Kyi. Aileen Thomson from the International Center for Transitional Justice (ICTJ) in a discussion with ND-Burma listed medical care, including psycho social support, as one form of reparations that can greatly benefit survivors. Providing medical support services to victims of sexual violence as part of a larger health package benefitting conflict survivors also prevents rape victims being identified and subsequently stigmatized. *"State sanctioned human rights violations do not just affect the victims, but sow distrust in communities and populations as whole. For trust to be re-established and for the country to be able to move forward a process of recognition and reparations must begin,"*said Ms Thomson.

*"we can do nothing without peace in our country."*



## Information on HURFOM and Invitation for Feedbacks from Readers

Dear Readers,

Human Rights Foundation of Monland (HURFOM) was founded in 1995, by a group of young Mon people, The main objectives of HURFOM are:

- ☐ Monitoring the human rights situation in Mon territory and other areas in southern Burma
- ☐ Protecting and promoting internationally recognized human rights in Burma,

In order to implement these objectives, HURFOM produces the monthly “Mon Forum” newsletters. If publication is delayed it is because we are waiting to confirm information, and it comes with our heartfelt apologies.

We encourage you to write to us if you have feedback or if you know someone who you think would like to receive the newsletter.

Please email or mail a name and address to:

HURFOM, P.O. Box 35, Sangkhalburi Post Office,  
Kanchanaburi, 71240 Thailand

E-mail: [info@rehmonnya.org](mailto:info@rehmonnya.org)

Website: <http://www.rehmonnya.org>

With regards,

Director

Human Rights Foundation of Monland

# MISSING KYAIKMAYAW TOWNSHIP TEEN FOUND TRAFFICKED AND RAPED

October 19, 2016

On September 14, 2016, a girl between the age of 16 or 17 from Kyun Kone village in Kyaikmayaw Township disappeared at 4 am in the morning.

According to reports, the girl usually goes to the Karina village market to sell flowers at 4 am but on the morning of September 14, a strange car stopped on the road and the driver started conversation with her by asking where the nearest petrol station is. After she showed him the petrol station, he did not go there, instead he told her that he would like to bring her to the market. When she refused, he forced her into the car. The child reported that on the drive, the man raped her.

Mi Jalon Htaw, Karina village administrator told HURFOM, “on September 14, 2016, we heard from her parents at 7 pm that their daughter had disappeared and not been heard from since 4 am when she usually goes to the market to sell flowers.”

On October 7, 2016, Mi Jalon Htaw received information about the victim from someone unknown. The young girl was found in a restaurant called Yadana Htet KTV in Mawlamyine. On that day after receiving this information, Mi Jalon Htaw went to Mawlamyine to bring the victim home.

“It was 11 pm when we got her. The next morning, we informed the police in our village and then we met with the anti-trafficking group to open the case

in Kyaikmayaw Township Court.” said Mi Jalon Htaw. After that, the anti-trafficking group, police officers from Karina village, police officer from Zayar Myine quarter and quarter administrator in Mawlamyine, the victim with her parents met with the owners of Yadana Htet restaurant.

“After the anti-trafficking group asked her for details of the incident they opened the case as a human trafficking incident. We would also like to open a rape case as the girl was also raped in the car.” On October 11, the case was officially opened as a human trafficking incident. For the rape case, they said they first want to check the victim.

There have not been any reports about who the perpetrator is yet.

# STONE MINING IN KYAIKMAYAW DISTURBING THE ENVIRONMENT AND LOCAL CIVILIZATION



October 8, 2016

Local people in Kyaikmayaw are claiming that stone mining is disturbing the environment and their daily lives.

According to local people in Kyaikmayaw, stone mining appeared after Mawlamyine Cement Limited (MCL) came to build a cement industry. The stone mining started in 2014. It has been two years, within the first year, it was apparent that the environment was slowly being damaged.

Nai Chit from Kwan Ngan village told HURFOM, "There are four stone mining operations in this area. As I know, MCL is the one operating the most. When they use explosives, it sometimes even shakes my house. When they persuaded us before they started mining, they claimed that there would not be any noise from the explosives."

Na Chit continued to explain that there are explosions around 100 times a day. They usually start at 5am and end by 8pm in the evening.

"For me, I am worried about the pagodas because they are very close to the stone mining. Kyaik Jatkaw Pagoda is just two feet away. It has not fully been damaged yet but it is starting to crack", said Nai Chit. He continued that "I heard

that these stone mining operations are not granted permission from the government. The villagers are urging them to stop but they do not stop. They are greedy for the money." It is said that the stone is used for gravel which is transported to Yangon. The transportation of the gravel is causing the roads in the village to become damaged and the companies are refusing to repair it.

When they use the explosives, small rocks fly into the air and drop onto the farms, causing farmers to step on small rocks and become injured. The mining causes farmers to stop working when the explosions are happening. Farmers have also found small rocks, from the mining, in the rice fields.

He continues "When it rains, soil from the stone [limestone] mining washes away with rain and goes into the river. It kills sea life and the river becomes dirty causing us to get itchy skin. We normally use the water from the river but now we try not to use it often as we are afraid to use it. When it rains, we use rain water but summer is approaching and therefore there will not be as much rain and we are worried about not having enough drinking water."

Although they have not been granted permission from the government, they are still paying taxes to the New Mon State Party (NMSP).

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