



“A girl’s life was destroyed”

Sexual violence against children continues to rise in Mon State and Mon areas of southern Burma



"A Girl's Life Was Destroyed"

“A Girl’s Life Was Destroyed”

“A Girl’s Life Was Destroyed”

Sexual violence against children continues to rise
in Mon State and Mon areas of southern Burma



A REPORT BY

WOMEN AND CHILD RIGHTS PROJECT (WCRP)

THE HUMAN RIGHTS FOUNDATION OF MONLAND (HURFOM)

July 2018

“A Girl’s Life Was Destroyed”

Sexual violence against children continues to rise
in Mon State and Mon areas of southern Burma

Copyright © 2018 Human Rights Foundation of Monland (HURFOM)

All rights reserved.

Date of publication: July, 2018

Publisher: Human Rights Foundation of Monland (HURFOM)

Contact Address: P.O Box 35, Sangkhlaburi PO, Kanchanaburi 71240, Thailand

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

All photos and information in this report are copyrighted materials of the Women and Child Rights Project of the Human Rights Foundation of Monland (HURFOM)

Table of Contents

Summary	6
Methodology	11
Upwards Trend	12
Technology and culture	12
Poverty	14
Impunity caused by inadequate legislation	14
Rape and other forms of sexual violence committed against children	17
Rape and intimidation	17
Abduction and rape	18
Attempted rape	18
Obstacles to accessing justice	19
Children reporting to family/guardians	19
Families’ attempts to access justice	21
Seeking justice at the village level	22
Failures of village-level arbitration	22
Seeking justice through the judicial system	24
Recommendations	29
Appendices	31
Appendix 1: Case logs	31
Appendix 2: Reporting	32
Appendix 3: Outcomes	34



'A Girl's Life Was Destroyed':

Sexual violence against children continues to rise in Mon State and Mon areas of southern Burma

Summary

"After the incident she feels shy and does not want to go to school. Even though I encourage her to go to school, she does not dare to go.... I feel this incident has destroyed my daughter's life. I want him to be punished for his actions."

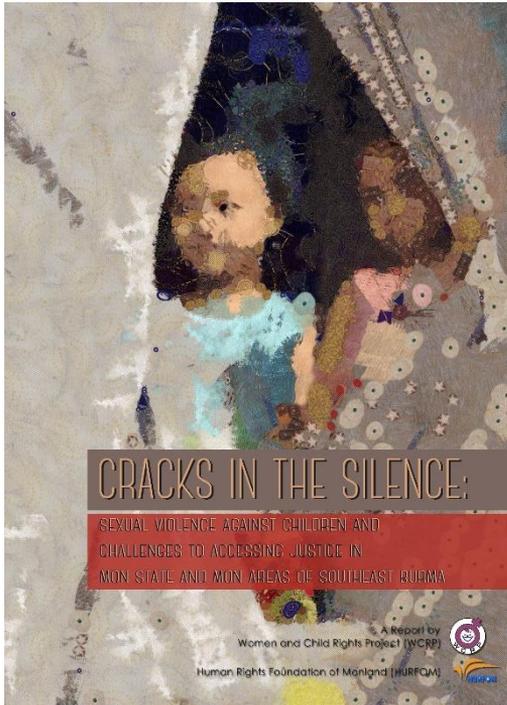
-Daw K—, mother of 14-year-old survivor of rape, June 2017.¹

In March 2017, HURFOM's Women and Child Rights Project (WCRP) released "[Cracks in the Silence](#)", which documented the phenomenon of the increase in reported cases of sexual violence against children in Mon State and Mon-

¹ '14-year-old girl raped twice by her step-father in Ye Township', HURFOM, July 6, 2017, [URL: <http://rehmonnya.org/archives/4317>].

“A Girl’s Life Was Destroyed”

populated areas of southern Burma.² In the year since this report was published, the number of reported cases has only continued to rise.



Since WCRP's last report on sexual violence against children was released in March 2017, we have documented an additional 14 cases of sexual violence against children in Mon State. In May 2018, Mawlamyine Police Station released statistics showing a 42% increase in the number of cases they received regarding sexual violence against children in Mon State.³ Mon State police received a total of 61 rape cases in 2017. Forty-four out of these 61 cases were of child rape.⁴

This increase in reported rapes in Mon State is part of a Burma-wide trend. In February, the Ministry of Home Affairs released crime statistics for 2017, which showed that 1,405 rapes were reported

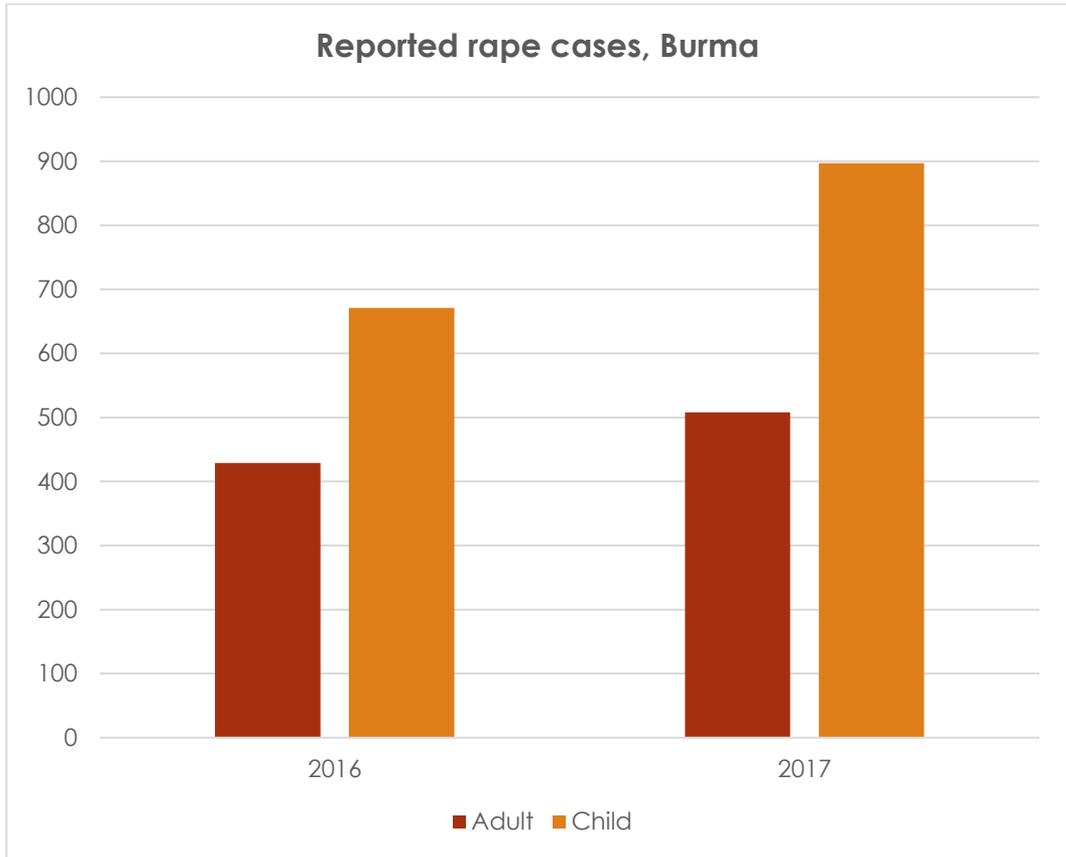
across Burma in 2017, including 508 rapes of adult women and 897 rapes of children. In 2016, 1,100 sexual assault cases were recorded, 429 against adults and 671 against children. This represents a 27% increase in the total number of recorded rapes, and a 33% increase in recorded child rapes.⁵

² 'Cracks in the Silence: Sexual Violence against Children and Challenges to Accessing Justice in Mon State and Mon Areas of Southeast Burma', Women and Child Rights Project, HURFOM, March 2017.

³ 'Sexual violence against children in Mon State up 42% in 2017', HURFOM, May 1, 2018, [URL: <http://rehmonnya.org/archives/4741>].

⁴ Interview with Sergeant Khin Maung Win, Officer of Chief of Department, Myanmar Police Office, Mawlamyine, Mon State.

⁵ 'Sexual assault cases rising in Myanmar', *Myanmar Times*, February 19, 2018, [URL: <https://www.mmtimes.com/news/sexual-assault-cases-rising-myanmar.html>].



However, the true number is likely to be much higher, as traditional beliefs and the accompanying stigma surrounding sexual violence lead many to remain silent. This is further compounded by a lack of faith in formal legal systems, which is sustained in part by the challenges of navigating Burma’s overlapping jurisdictions and plural legal system in its politically complex and ethnically diverse states and regions. For many, these challenges to accessing justice create sufficient disincentives to report crimes of a sexual nature to police.

As a priority, the government must reform current legislation to combat this worrying trend. The Prevention and Protection of Violence against Women Bill has been stalled in the

“the government must prioritize reforming current legislation to combat this worrying trend.”

“A Girl’s Life Was Destroyed”



Pyithu Hluttaw since 2013.⁶ In addition, this briefing paper makes clear how weak enforcement of existing laws and lack of legal knowledge hinder families' search for justice. This briefer also highlights the underlying problems of poverty and cultural issues which perpetuate the violence.

HURFOM calls on legislators to pass legislation combating sexual violence (particularly the Prevention and Protection of Violence against Women Bill). We call on the Burmese government to eliminate corruption and strengthen the enforcement of the law, and to fund community-based organizations (CBOs) who provide communities with sex and gender education, and who support families in accessing justice.

This briefer carries on the work WCRP started two years ago, documenting new cases that have emerged, continuing to document how families navigate the pluralistic legal system in Burma.

⁶ 'Women of Burma pushing the boundaries', DVB, March 8, 2018, [URL: <http://dvb.no/news/women-myanmar-pushing-boundaries/80023>].



LEGEND

- Location of new incidents documented in 2017-2018
- Location of incidents documented in WCRP 2017 report
- Railway
- Motor road
- Town
- International boundary
- State boundary

Kilometers
0 5 10 20 30 40
Base Map : MIMU

Methodology



Our methodology focuses on bringing forward the voices and perspectives of individuals affected by this violence. We recognize that these cases represent only a small proportion of total cases, as community shame and stigma prevent many people from coming forward.

This briefing in particular aims to trace the routes by which individuals and families seek to access justice. Focusing on access to justice highlights the agency of individuals. It also points to a way forward for the future; improving institutions and the rule of law is a vital first step to ending the problem of perpetrators' impunity.

WCRP employed three community-based field researchers to gather information and conduct interviews regarding violence against children. Two permanent WCRP staff also conducted interviews in addition to organizing, translating, and analyzing the data collected from the field.

We also interviewed three members of civil society, including a lawyer, a CBO leader, and an academic/activist, who are working to improve survivors' access to justice, as well as a Police Officer from Mawlamyine Police Station.

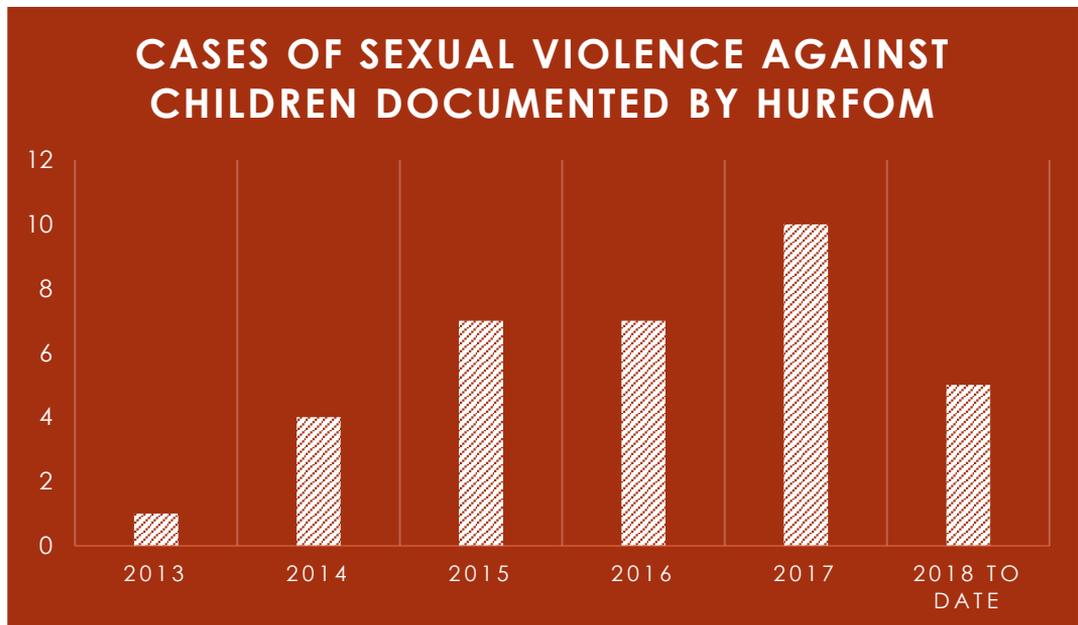
During the field research phase of this briefing, field researchers faced many challenges and limitations, including the stigma and sense of shame felt by individuals in reporting these crimes, the security issues facing both WCRP reporters and interviewees, as well as the trauma inflicted by asking survivors of abuse to relive their experiences.

Due to the interlinked nature of the themes covered in this briefing, some cases feature in multiple sections.

Upwards Trend

The increase in reported sexual violence is possibly the result of increased reporting of incidents, as Daw Khin Than Htwe, representative of Mon State Women and Children Upgrade Committee, pointed out.⁷

It is also likely that these figures underrepresent the true incidence of crimes of sexual violence, given the stigma which prevents people from reporting rapes.



Numerous factors are behind the rise in sexual violence:

Technology and culture

In an interview with HURFOM researchers in March 2018, Dr Ma Khin Mar Mar Kyi, Fellow of the University of Oxford, described how rape is now the second-most prevalent crime in Myanmar. She attributed this prevalence to several factors, including recent technological changes due to globalization:

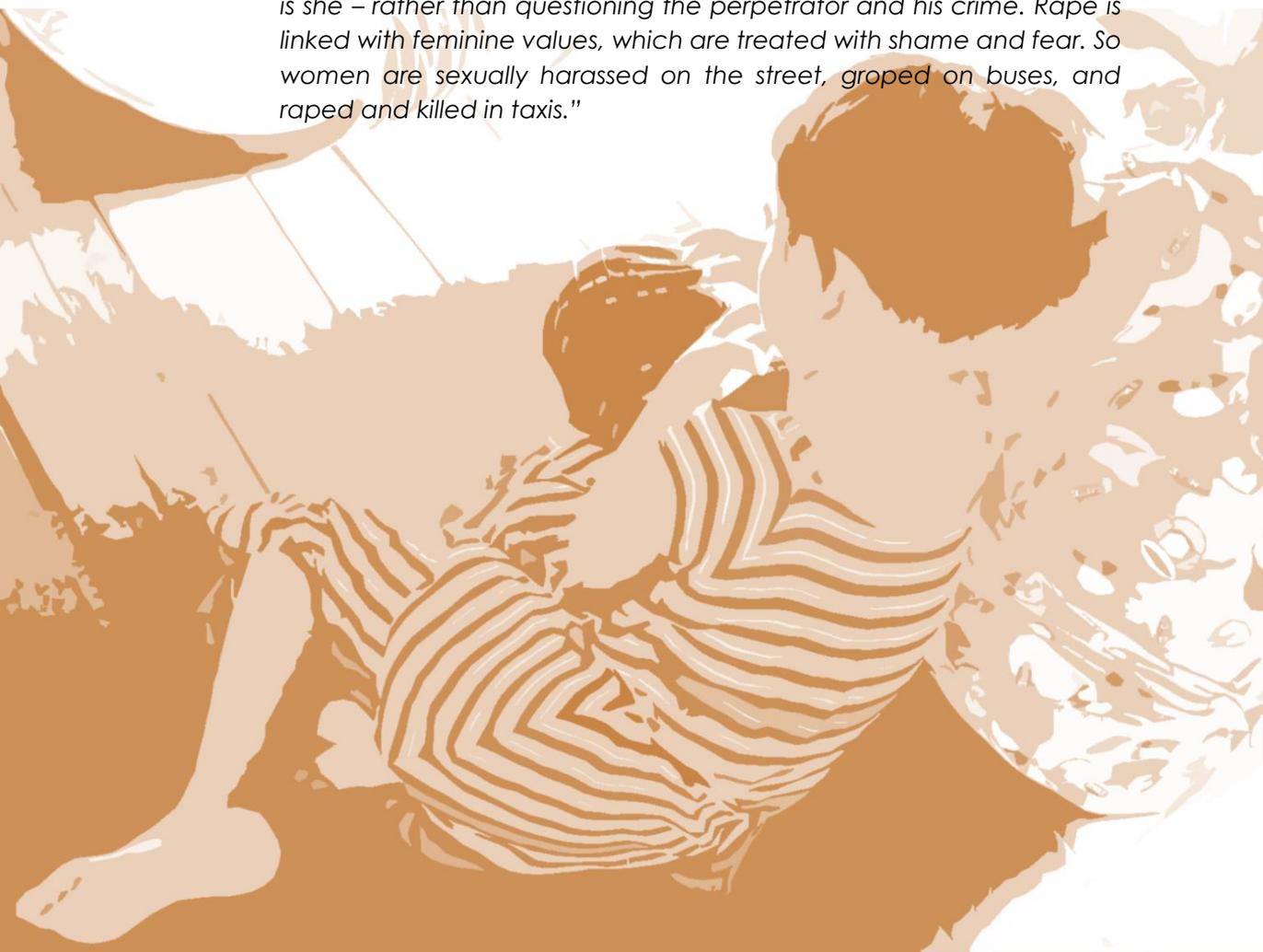
⁷ Multiple interviews with HURFOM researchers between September 2017 and May 2018.

“A Girl's Life Was Destroyed”

“Sadly, Burma's struggle for democracy was long and painful. And yet, sudden and rapid opening up and transition and globalization has impacted very negatively on Burmese society. So for example pornography, revenge pornography, technology... Up to 2011, [Burma] was so closed, and owning a fax machine could land you in jail.”

Dr Mar also cited cultural issues including gender discrimination and lack of sex education as factors influencing the prevalence of rape in Burma:

“Rape is the second-largest crime in Myanmar, and the rape of children is 60% to 70% of all rapes. At the same time Burmese society is very conservative. They do not want to teach sex education to children or even youths. So if we look at the vocabulary and concept of rape, there is no vocabulary equivalent to rape in Burmese culture. And society considers, if a woman is raped, she would be the first to be questioned why has she been raped – what was she doing, what was she wearing, when and why did she go out, and what kind of woman is she – rather than questioning the perpetrator and his crime. Rape is linked with feminine values, which are treated with shame and fear. So women are sexually harassed on the street, groped on buses, and raped and killed in taxis.”



Poverty

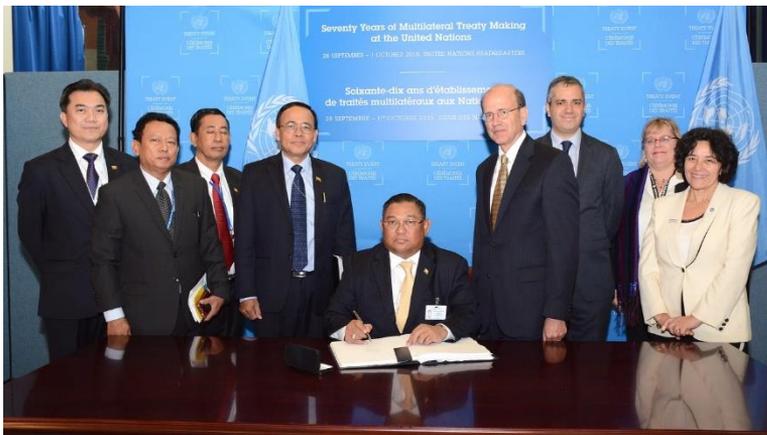
Another factor behind child rape in Burma is poverty. Underlying poverty leaves children vulnerable to exploitation and abuse.

Daw Khine Khine Lei, Chair of the Mon State Parliament’s Women and Children’s Rights Committee, explained that children from poor families are more likely to face abuse. In a speech in November 2017 she detailed how some of the most common reports received by the committee pertain to cases of sexual violence against children and child labor.⁸



Impunity caused by inadequate legislation

The legislation currently on the books in Burma is unsuitable for the prosecution of gender-based violence.



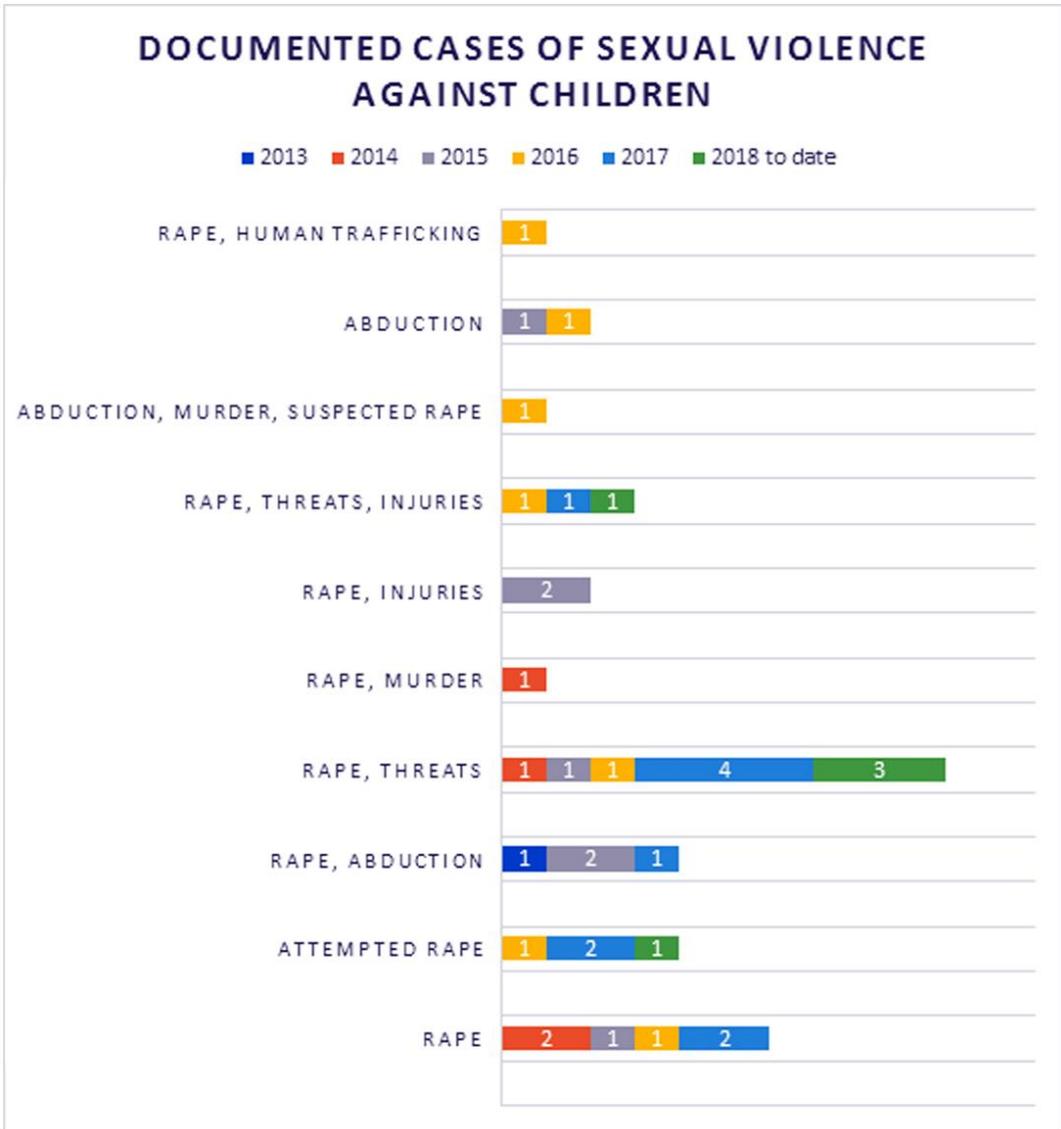
Burma is signatory to multiple legally-binding international laws to protect children from violence, including the United Nations Convention on the Rights of the Child, as well as both the Optional Protocols on the Involvement

⁸ 'Children from poor families more likely to face abuse: Mon Hluttaw Women and Children's Rights Committee', HURFOM, December 4, 2017, [URL: <http://rehmonnya.org/archives/4514>].

“A Girl’s Life Was Destroyed”

of Children in Armed Conflict and on the Sale of Children, Child Prostitution, and Child Pornography.

Yet Burma’s domestic legislation concerning gender-based violence, particularly against children, is antiquated and inadequate. All of the cases in this briefing which were brought to trial used the 1861 Penal Code. This does contain provisions for the offence of rape — up to ten years in prison, as well as the possibility of a fine — but there are no sections that pertain specifically to the violent or sexual abuse of children. Furthermore, in some cases sexual violence against minors is legitimized.



Marital rape in cases where the wife is above the age of 12 is legal according to the penal code.⁹ Legislators’ response to the increase in sexual violence is lacking. The Prevention and Protection of Violence against Women Bill has been in development since 2013. Acknowledging the urgent need to give women and girls separate legal protection from violence including domestic violence, marital rape, sexual violence, harassment and assault in the workplace and public places, the Ministry of Social Welfare, Relief and Resettlement, and women’s rights groups began drafting the Bill in 2013.¹⁰

In January 2017 the *Pyithu Hluttaw* Bill Committee secretary U Kyaw Soe Lin said the prevention of violence law was a ‘priority’ for the next parliamentary session.¹¹

This Bill has still not been passed into law.



⁹ Myanmar Penal Code, 1861, Section #375.

¹⁰ ‘New Law to Protect Women, Girls Against Violence’, *The Irrawaddy*, October 17, 2017 [URL: <https://www.irrawaddy.com/news/burma/new-law-protect-women-girls-violence.html>].

¹¹ ‘Commission Prepares 47 Redrafted Laws for next Hluttaw Session to Enact’, *Myanmar Times*, January 27, 2017, [URL: <https://www.mmtimes.com/national-news/nay-pyi-taw/24725-commission-prepares-47-redrafted-laws-for-next-hluttaw-session-to-enact.html>].

Rape and other forms of sexual violence committed against children

"The girl shouted and called out to her friend when the perpetrator took her, but the perpetrator threatened to kill her friend if she followed them. After he raped the girl, he brought the two of them back to the village and threatened to kill them both if they told anyone about the incident."

- U Hla Aung Nge, Duya village administrator, May 2018.¹²

In the year between June 2017 and July 2018, HURFOM documented 14 cases of sexual violence against children. It is important to note that the total number of incidents is likely much higher. The stigma surrounding sexual violence against children means it is likely that many cases were not reported.

Those experiencing violence ranged in age from three to 16. Six out of 14 children were aged between 12 and 13 years of age.

In four of the incidents the perpetrator was a member of the child's family. In eight incidents they were a neighbor, and in one incident the perpetrator was a monk.

Of the 14 incidents of sexual violence documented here, eleven were of rape and three were of attempted rape. Nine incidents also involved intimidation.

Rape and intimidation

In the majority of incidents, the rapists threatened to harm or kill the girls if they told anyone what happened.

One 14-year-old girl was raped twice by her step-father. The girl's 11-year-old cousin witnessed the first rape. The man threatened to kill both girls if they told anyone. Nearly two weeks after the second rape, the girl told her mother what had happened. Her mother immediately reported the rapes to the police.

¹² 'Second case of child rape in a month in Ye township', HURFOM, May 24, 2018, [URL: <http://rehmonnya.org/archives/4770>].

“I feel very sad for my daughter. I feel this incident has destroyed my daughter’s life.”¹³

Abduction and rape

Cases of abduction and rape were rare. In one incident, a 16-year-old girl was lured by a distant relative’s husband to accompany him to Myawaddy, a town on the border of southeast Burma and Thailand. While there he raped her. The following morning, the girl asked to be allowed to return home, but he refused. It was only after he realized that her family had reported her disappearance to the police that he allowed her to return home, telling her to lie and say that she had been in Rangoon.¹⁴

Attempted rape

In an attempted rape, a 17-year-old boy grabbed hold of an 11-year-old girl when she was sleeping, took her outside, stripped off her pants, and threatened her with a knife. The girl immediately shouted for help and the perpetrator ran away. Her grandmother described the lasting effects this incident had on her granddaughter:

“She goes to school every day. We encourage her and try not to talk about it because we are worried for her. Even among her friends we don’t let them talk about it to her. It has affected her whole life. I’m very unhappy for my granddaughter.”¹⁵

¹³ ‘14-year-old girl raped twice by her step-father in Ye Township’, HURFOM, July 6, 2017, [URL: <http://rehmonnya.org/archives/4317>].

¹⁴ ‘Family unhappy with police handling of 16-year-old girl’s kidnapping and rape’, HURFOM, June 13, 2017, [URL: <http://rehmonnya.org/archives/4257>].

¹⁵ ‘Attempted rape of 11-year-old girl in Ye City’, HURFOM, September 15, 2017, [URL: <http://rehmonnya.org/archives/4427>].

Obstacles to accessing justice

Children reporting to family/guardians

Many survivors found that the trauma caused by the rape, or the stigma surrounding rape, made it difficult to tell anyone what had happened.

One nine-year-old girl was only able to talk about the rape to a doctor. She was raped by her brother-in-law when they were working on their farm. When she returned home from the farm her brother noticed that she was bleeding and asked her what had happened. She said that a leech had bitten her. The bleeding did not stop, and so her brother and sister took her to the village clinic. The village clinic sent her to Mudon hospital. It was only there, when a doctor gently asked her in private what had happened, that the girl said that she had been raped. The doctor phoned the police and they arrested the perpetrator.¹⁶



Rapists' threats to kill their victims if they told anyone also stopped many survivors being able to talk about the rape.

An 11-year-old girl refused at first to disclose to her family what had happened to her, despite her mother noticing that something was wrong. It was only later when her parents noticed a leech on her body that she told

¹⁶ '9-year-old girl raped by her brother-in-law in Kyaikmayaw Township', HURFOM, June 21, 2017, [URL: <http://rehmonnya.org/archives/4285>].

them she had been raped. A 42-year-old man had taken her to some bushes and raped her, threatening to kill her if she told her family.¹⁷

One nine-year-old girl didn’t tell her family about the rape until months later, when her family saw a video of the rape circulating on social media. The monk’s nephew had witnessed his uncle, the monk, rape the girl, and he made a video recording which he shared with his friends. U M—, a relative of the girl, said:

“We can’t ask her about the incident because she starts crying as soon as we start talking about it. She won’t answer our questions about it. She seems fine and plays with her friends so long as no one asks her about the rape. She never told us what happened. Before the rape she was fine, but it looks like she has been mentally scarred by what happened.”¹⁸

Some girls were too young to understand rape and were unable to articulate what had happened.

A 35-year-old male neighbor took a three-year-old girl to a plantation behind her home and raped her. Her 25-year-old aunt, who was also her guardian, discovered that she had been raped when she saw the girl crying. The girl was admitted to the Intensive Care Unit at Mawlamyine’s Women and Children’s Hospital, according to Dr. Nine Oo, the Chief Physician.¹⁹

¹⁷ ‘Sexual violence towards children in Mon State continues, as 11-year-old girl raped’, HURFOM, December 26, 2017, [URL: <http://rehmonnya.org/archives/4531>].

¹⁸ ‘Family learns of daughter’s rape by monk over social media’, HURFOM, May 18, 2018, [URL: <http://rehmonnya.org/archives/4764>].

¹⁹ ‘3-year-old rape victim in critical care, village admins order family not to seek medical treatment or report to police’, HURFOM, June 7, 2017, [URL: <http://rehmonnya.org/archives/4243>].

Families' attempts to access justice

"A girl's life was destroyed. Even if she gets 10 million or 20 million kyat (US \$7,412 or \$14,825) as compensation that cannot make her life any better. We will only be satisfied if the perpetrator is punished for his crime."

-Grandmother of nine-year-old rape survivor, April 2018.²⁰



Families of children who had been subjected to violence had two options when reporting the crime. They could report the crime either to the police or to village administrators.

Seeking justice at the village-level often means that cases are not taken to court but instead settled by negotiation, often involving compensation or the victim marrying the rapist. Many families simply need the money and cannot afford to embark on the slow, expensive legal process.

The judicial system also let down many families in their search for justice. Taking a case to court is an expensive and arduous process, often further complicated by the

misapplication of existing laws, and official corruption and incompetence. In addition, many families report a lack of transparency in the police system, where they could be left waiting for weeks or months to hear what was happening with their case.

²⁰ 'Family learns of daughter's rape by monk over social media', HURFOM, May 18, 2018, [URL: <http://rehmonnya.org/archives/4764>].

Seeking justice at the village level

In just over half of the total cases recorded (seven out of the total 14 cases), families reported the rape to village administrators first.

Daw Pyone Pyone Myint, a lawyer at Legal Clinic Myanmar, explained in interviews in February 2018, how families often prefer to negotiate and settle cases at the village level. Daw Khin Than Htwe, representative of Mon State Women and Children Upgrade Committee, sees poverty, together with lack of legal knowledge, as the two main reasons for families’ preference for negotiated settlement.

In all but one of the cases, the rape was subsequently referred to the police either by the family or by a hospital.

Failures of village-level arbitration

Daw Khin Than Htwe argued that seeking justice at the village level can have negative effects in the long term, as village-level justice fails to act as a deterrent for the future. She acknowledged, however, how difficult it is for families to choose to seek justice through the legal system, given the expense of the process and families’ lack of legal knowledge.



In one case we recorded, the village administrators purposely by-passed the police, pressuring the family to not tell the police. After a three-year-old girl was raped, the girl’s 25-year-old aunt reported the case to the village administrator. The administrators told her that they would solve the problem at the village level. They also pressured her not to report the case to the police, telling her that she had no witnesses to corroborate her story if she did report it, while intimating that the perpetrator would seek revenge on her, endangering their lives upon his release from prison if he were convicted. They persuaded the girl’s aunt to accept 1 million kyat (US \$740) in cash as compensation in exchange for signing an agreement stating satisfaction with the outcome of the case. In addition, the

“A Girl’s Life Was Destroyed”

village administration office told her not to seek any medical treatment for the child, including going to Ye General Hospital or consulting with health workers or midwives.

The three-year-old girl who was raped continued to experience so much pain that her family was forced to take her to the local hospital. The hospital refused to treat her until they reported the rape to the police.



When the police found out about the rape, they charged not only the perpetrator (for rape and intimidation), but also the village administrators (for withholding information about a criminal offence). The police are still, however (as of June 2017), awaiting permission from the General Administration Department (GAD) before they can arrest the village administrators.²¹

This case was an outlier, being the only case we documented last year where the police prosecuted village administrators for trying to hush up a rape.

Poverty is a major reason why families are likely to seek justice at the village level rather than taking rapists to court.

Not only are children from poor families more likely to suffer sexual violence, their families are also more likely to want monetary compensation rather than trying to prosecute the rapist. The financial and time commitment required to take a case to court is, for many, prohibitive.

One 12-year-old girl was raped nine times by the son of her boss. The girl's aunt (who was her guardian) drank a lot and didn't take proper care of her, according to a neighbor. Her aunt let her stay with anyone who would take care of her, and

²¹ '3-year-old rape victim in critical care, village admins order family not to seek medical treatment or report to police', HURFOM, June 7, 2017, [URL: <http://rehmonnya.org/archives/4243>].

so a neighboring woman took her and exploited her as a domestic worker. The woman’s son raped the girl several times, and threatened to kill her if she told anyone. Daw Myint Aye, Nee Mote village middle school teacher, said:

“The perpetrator threatened the girl that if she were to tell anyone about the rape, he would kill her. The girl was afraid, so she did not dare to tell others and continued to stay with the perpetrator’s family.”

Finally, after several days of being raped repeatedly, the girl told a neighbor about the rape. The neighbor, the school teacher, and the village administrator went together to tell the police.

The village administrator from Nee Mote village told HURFOM:

“The perpetrator was arrested by the police from Chaung zone on the day we reported him. He provided a confession and currently is being detained in Chaung zone police station and waiting to go to court.”

However, the perpetrator’s mother went separately to the victim’s aunt’s house to negotiate a settlement, offering her 300,000 kyat (US \$224) as compensation. The girl’s aunt agreed to take the compensation. It was left to the school teacher and the neighbor, together with civil society organizations, to attempt to prosecute the perpetrator.²²

Seeking justice through the judicial system

“I want everything to happen in accordance with the law. He was freed from the charge under the Monogamy Law. He was freed from such a big accusation [of rape]. I don’t know how the police will handle the charge under Penal Code #363 [kidnapping]. Now we have no money so we just wait and see. Even though there is a charge under Penal Code #363, the police do not inform us of any developments.”

-Daw M—, mother of a 16-year-old rape survivor, June 2017.²³

²² ‘12-year-old domestic worker raped repeatedly in Chaungzone Township’, HURFOM, March 29, 2018, [URL: <http://rehmonnya.org/archives/4690>].

²³ ‘Family unhappy with police handling of 16-year-old girl’s kidnapping and rape’, HURFOM, June 13, 2017, [URL: <http://rehmonnya.org/archives/4257>].

“A Girl’s Life Was Destroyed”

Families reported the rape straight to the police in six out of 14 cases.

When a 14-year-old girl was raped twice by her step-father, the girl at first did not tell anyone about the rape. As soon as she told her mother, however, the mother reported it immediately to the police station. The rapist, her husband, was arrested that same night. The girl’s mother said:

“I feel very sad for my daughter. I feel this incident has destroyed my daughter’s life. I want him to be punished for his actions [even though he is my husband].”²⁴

Families encountered a number of obstacles in their attempts to seek justice through the judicial system.

Weak law enforcement and police and courts’ misapplication of the law frequently frustrated families’ attempts to access justice.

Families were often unhappy with how police only charged perpetrators with minor crimes such as kidnapping or attempted rape. After a 16-year-old girl was kidnapped and raped in Mawlamyine District, the perpetrator was only charged with kidnapping (Penal Code #363) and was released on bail within a week.

Frustrated, the mother consulted with a lawyer who advised her to request the record of the rapist’s arrest from the police. Upon seeing the record, her lawyer suggested she file a lawsuit against the rapist, citing violation of the Monogamy Law. The mother said:

“The lawyer said that he should not be released [from jail], and that I should sue him with the Monogamy Law. He [the lawyer] wrote a letter and told me to go to the police and file a lawsuit. The police did not receive our complaint on that day, but we went to the station again on May 14th 2017 and the police accepted our lawsuit and arrested the culprit. But he was released again. The police told nothing to us and we knew nothing [again].”

²⁴ ‘14-year-old girl raped twice by her step-father in Ye Township’, HURFOM, July 6, 2017, [URL: <http://rehmonnya.org/archives/4317>].

According to the family, the police informed them that they had released the perpetrator on bail under Penal Code #363, and that they had dropped the charges under the Monogamy Law. In July 2018 the family told HURFOM that they still want to charge him with rape but police say they cannot.²⁵

One girl's mother wanted the rapist to be charged with rape (Penal Code #376). However, the police only charged the perpetrator with attempted rape (Penal Code #511), as they were not able to medically prove that the girl had been raped.²⁶

In another case, the perpetrator fled to Thailand after having lived in his village for a month without being arrested. The police were informed that the perpetrator was still living in the village, but they did not arrest him, according to Daw Tin Tin Win, chair of Mon Women's Group in Ye Township.²⁷

Courts' administrative failings – whether through corruption or lack of transparency – often aggravated the widely-felt lack of trust in the court system.



One family were not informed of the date of the first hearing of their case. When they arrived for the second hearing, the mother found that her signature had been forged on the court attendance register. When she asked a police officer about the forged signature he told her that someone from Pa Nga village had signed. But when Daw Ngo asked Pa Nga villagers, they told her that someone from the police had signed it. Mi Cherry

²⁵ 'Family unhappy with police handling of 16-year-old girl's kidnapping and rape', HURFOM, June 13, 2017, [URL: <http://rehmonnya.org/archives/4257>].

²⁶ 'Attempted Rape of 13-year-old girl in Thanbyuzayat Township, Mon State', HURFOM, October 24, 2017, [URL: <http://rehmonnya.org/archives/4460>].

²⁷ 'Second case of child rape in a month in Ye township', HURFOM, May 24, 2018, [URL: <http://rehmonnya.org/archives/4770>].

“A Girl’s Life Was Destroyed”

Soe, Project Director at Jeepyah Civil Society Development Organization (JCSDO), said:

“Actually, [this incident] can be considered a form of corruption.... Due to these kinds of problems, citizens don’t trust in the rule of law and they have little faith in government staff either.”²⁸

A lack of trust in the legal system often lead to survivors’ families taking unusual routes to access justice.



After a 12-year-old girl was raped by a 19-year-old fisherman, the girl's mother first went to the perpetrator to try to extract a confession from

him. When this failed, she went to the perpetrator's boss. The boss managed to get the man to confess. The Mon Women's Network at this point sent a team to give the girl a medical examination. They then sent the girl to hospital, and paid her medical and legal fees. Police prosecuted the man after receiving the girl's medical records.²⁹

Many families reported a lack of transparency in the police investigations.

After the attempted rape of an 11-year-old-girl, the girl's grandmother informed the police the next day. The perpetrator was arrested and charged, but a month afterwards the police still had not informed the girl's family what was happening next.³⁰

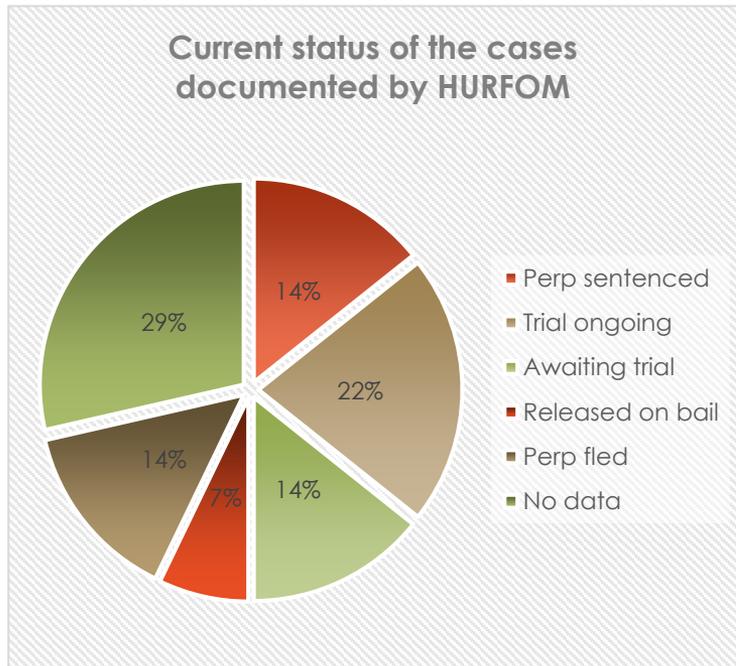
²⁸ 'Family of child rape victim upset after forged signature causes them to miss court date', HURFOM, February 7, 2018, [URL: <http://rehmonnya.org/archives/4577>].

²⁹ '12-year-old domestic worker raped repeatedly in Chaungzone Township', HURFOM, March 29, 2018, [URL: <http://rehmonnya.org/archives/4690>].

³⁰ 'Attempted rape of 11-year-old girl in Ye City', HURFOM, September 15, 2017, [URL: <http://rehmonnya.org/archives/4427>].

Even in the one case we documented where a survivor’s family accessed legal counsel, the family still confronted the problem of the police’s lack of communication. The girl’s mother said:

“We waited for the police to update us at home, but [he] was released [on bail] three days after his arrest; the police did not inform us about anything.”³¹



Families face a lengthy wait in the hope to see justice served in court.

As of June 2018, only two of the 14 cases HURFOM documented have seen sentences handed down. In the case of the rape of a three-year-old girl, which happened in May 2017, the perpetrator was sentenced in April 2018 to 20 years in prison.³² The second case in which the perpetrator

has been sentenced was the attempted rape of an 11-year-old girl in Ye City in August 2017. The perpetrator was sentenced to 10 years in prison by Mawlamyine District Court in January 2018.³³

³¹ 'Family unhappy with police handling of 16-year-old girl's kidnapping and rape', HURFOM, June 13, 2017, [URL: <http://rehmonnya.org/archives/4257>].

³² '3-year-old rape victim in critical care, village admins order family not to seek medical treatment or report to police', HURFOM, June 7, 2017, [URL: <http://rehmonnya.org/archives/4243>].

³³ 'Attempted rape of 11-year-old girl in Ye City', HURFOM, September 15, 2017, [URL: <http://rehmonnya.org/archives/4427>].

Recommendations

HURFOM recommends the Burma government to:

- Eliminate corruption in police and judicial systems, and ensure all reported cases of sexual violence are investigated thoroughly, without victim blaming or collusion with alleged perpetrators;
- Educate all parties involved in legal and judicial processes on sexual violence and gender equality;
- Provide sex and gender equality education in schools and work to eliminate harmful beliefs surrounding sexual violence; and
- Implement poverty reduction programs for villagers and provide legal assistance for low-income families.

HURFOM recommends the Burma Parliament to:

- Amend the penal code to include specific provisions which target perpetrators of violence toward children, ensuring they receive adequate and proportional punishment;
- Pass the Prevention and Protection of Violence Against Women Bill; and
- Release and consult with civil society on the draft amendment of the 1993 Child Law, and ensure the law includes a section on the prevention of violence and sexual violence toward children.

HURFOM recommends the GAD to:

- Ensure that GAD authorities at all levels of government report all crimes of a sexual nature to the police; and
- Eliminate the use of customary law and village-level arbitration and compensation as a method of settling cases of sexual violence.

HURFOM recommends local CBOs to:

- Continue to campaign and raise awareness on the issue of sexual violence;
- Continue to educate communities, especially in remote locations, on sexual violence, child rights, and legal rights and procedures when reporting incidents of violence toward children. Training should include all members of society, including village administrators;
- Continue to provide education which challenges traditional beliefs surrounding the stigma and shame associated with sexual violence; and
- Continue to provide support to survivors of sexual violence and encourage communities to do the same.

HURFOM recommends the International Community to:

- Continue to fund and promote education in Burma on sexual violence, child rights, and women’s empowerment; and
- Continue to pressure the Burma government to meet its obligations under CEDAW and the CRC.



Appendices:

Appendix 1: Case logs

Case No.	Month	Year	Location	Location	Location	Age	Ethnicity
1	May	2017	Ka Log village	Ye Township	Mon State	3	Mon
2	May	2017	Mote Tama city	Mawlamyine District	Mon State	16	Burman
3	June	2017	Pha None village	Kyaikmayaw Township	Mon State	9	Mon
4	May, June	2017	A Sin village	Ye Township	Mon State	14	Burman
5	August	2017	Ye city	Ye Township	Mon State	11	Mon
6	October	2017	Pa Nga village	Thanbyuzayat Township	Mon State	13	Mon
7	August	2017	Kwan Hlar village	Mudon Township	Mon State	9	Mon
8	October	2017	Kaw Hla village	Mudon Township	Mon State	11	Mon
9	November	2017	Pa Nga village	Thanbyuzayat Township	Mon State	13	Mon
10	March	2018	Kwankabee village	Mudon Township	Mon State	8	Mon
11	Feb	2018	Nee Mote village	Chaungzone Township	Mon State	12	Mon-Karen
12	April	2018	Patamyar Kyout Tan quarter, A Baw village tract	Ye township	Mon State	12	Burman
13	May	2018	Duya village	Ye Township	Mon State	12	Mon
14	July	2018	A Sin village track	Ye Township	Mon State	16	-

Appendix 2: Reporting

Case No.	Abuse 1	Abuse 2	Offender	Reporting	Reporting chain - 1st	Reporting chain - 2nd	Reporting notes
1	Rape	Threats	Community member	When questioned	Family to village admin	Hospital to police.	Village admin pressured aunt not to report rape to police. Hospital reported rape to police.
2	Rape	Abduction	Other relative	Intentionally	Family to police.		Family reported disappearance, and rape on discovery, to police.
3	Rape	Threats	Other relative	When questioned	Family to village clinic.	Hospital to police.	Family visited village clinic. Mudon Hospital questioned child, discovered rape, and reported to Mudon Police
4	Rape	Threats	Step-father	Intentionally	Family to police.		Mother to police
5	Attempted rape	Threats	Community member	When questioned	Family to police.		Grandmother to police
6	Attempted rape	Threats	Community member	Accidental	Family to village admin.	Family to police.	Mother and neighbour to police
7	Rape		Monk	Accidental	Family to all.		Grandmother to head of Mudon Township Monk Association, who discussed the case with the Township

"A Girl's Life Was Destroyed"

							administrator, police, and monks.
8	Rape	Threats	Unspecified	When questioned	Family to village admin.	Village admin to police.	Parents to village administrator, who arrested perp, called police
9	Rape		Community member	Intentionally	Family to village admin.	Village admin to police.	
10	Attempted rape		Community member	Accidental	Family to police.		Grandmother to police
11	Rape	Threats	Community member	Intentionally	Neighbour and teacher to village admin.	Neighbour, teacher and village admin to police.	Neighbor took girl to schoolteacher. Village admin, girl and teacher went to police
12	Rape	Threats	Community member	Intentionally	Family to perp's boss.	Family to police.	Mother first questioned perp, then told perp's boss, who made him confess
13	Rape	Threats	Community member	Intentionally	Family to village admin.		Grandmother to village admin
14	Rape	Grievous bodily harm	Family member	Intentionally	Family to police		Mother to police

Appendix 3: Outcomes

Case No.	Outcome 1	Outcome 2	Latest
1	Arrested and charged under Penal Code #376 (rape) and #506 (criminal intimidation)	Village admins were also arrested and charged under #202 (intentionally omitting to give information of an offense)	Perp sentenced to 20 years in prison. Village admins trial ongoing.
2	Arrested and charged under #363 (kidnap)	Released on bail	Family still want police to charge perp with rape
3	Arrested and charged under #376 (rape) and #363 (kidnap)		
4	Arrested and charged under #376 (rape)		
5	Arrested and charged under #376 (rape) and #511 (attempted rape)		Perp sentenced to 10 years in prison
6	Arrested and charged under #511 (attempted rape)		
7	Perp fled		Perp fled
8	Arrested and charged under #376 (rape)		
9	Arrested and charged		Trial is ongoing
10	Arrested and charged under #376 (rape) and #511 (attempted rape)		Trial is ongoing

"A Girl's Life Was Destroyed"

11	Arrested and charged under #376 (rape) and #511 (attempted rape)	Perp's mother gave girl's aunt 300,000 kyat compensation	Trial is ongoing
12	Arrested and charged under #376 (rape) and #511 (attempted rape)		Perp charged but yet to appear in court
13	Arrested and charged under #376 (rape) and #511 (attempted rape)	Released on bail	Perp fled
14	Arrested and charged under #325 (grievous bodily harm) #376 (rape) and #506 (intimidation)	-	-



“A girl’s life was destroyed”

Sexual violence against children continues to rise in Mon State and Mon areas of southern Burma

“The government must reform current legislation to combat this worrying trend.”

“Burmese society is very conservative. They do not want to teach sex education to children or even youths.”



A Report by

Women and Child Rights Project (WCRP)

Human Rights Foundation of Monland - Burma, July 2018