



Executive Summary

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

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

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

These crimes are more than random, isolated acts by rogue soldiers. Their widespread and systematic nature indicates a structural pattern: rape is still used as an instrument of war and oppression. 47 cases were brutal gang rapes, several victims were as young as 8 years old and 28 of the women were either killed or died of their injuries. Over 38 different battalions are implicated in these cases, while several battalions are involved across multiple cases and timeframes, and the incidents took place in at least 35 different townships. These rapes cannot be explained away as a human impulse gone astray. The use of sexual violence in conflict is a strategy and an act of warfare that has political and economic dimensions that go beyond individual cases. In Burma, counterinsurgency tactics designate civilians in ethnic areas as potential threats. Sexual violence is

used as a tool by the Burmese military to demoralize and destroy ethnic communities. Army officers are not only passively complicit in these sexual crimes but often perpetrators themselves. Combined with blatant impunity, soldiers are given a “license to rape”, as SWAN highlighted in 2002.

Several international treaties to which Burma is party, and other sources of international law applicable to Burma prohibit sexual violence; rape is also criminalized under Burma’s penal code. But neither international nor domestic laws are enforced effectively. The systematic and widespread use of sexual violence by the Burma Army makes the abuses documented in this report potential war crimes and crimes against humanity under international law, requiring thorough independent investigation.

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

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

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

In addition, the government needs to deeply change its political approach to the peace process, in order to make it a meaningful way to end abuses. Achieving sustainable peace and putting an end to abuses against women will not happen without women’s representation in the political dialogue for peace. The fact that almost all the participants involved in the official peace process are male excludes critical perspectives on peace and conflict, and preserves structural gender inequality.

Moreover, it is crucial that the upcoming political dialogue addresses past human rights violations as well as the role of the army. This includes accepting that, in a free country, the military is subject to civilian authorities representing the genuine will of the people. Unless and until the military is placed under civilian control through constitutional amendments, we will not see an end to militarized sexual violence.