



Report Briefer
October 2017

Foundation of Fear: 25 years of villagers' voices from southeast Myanmar

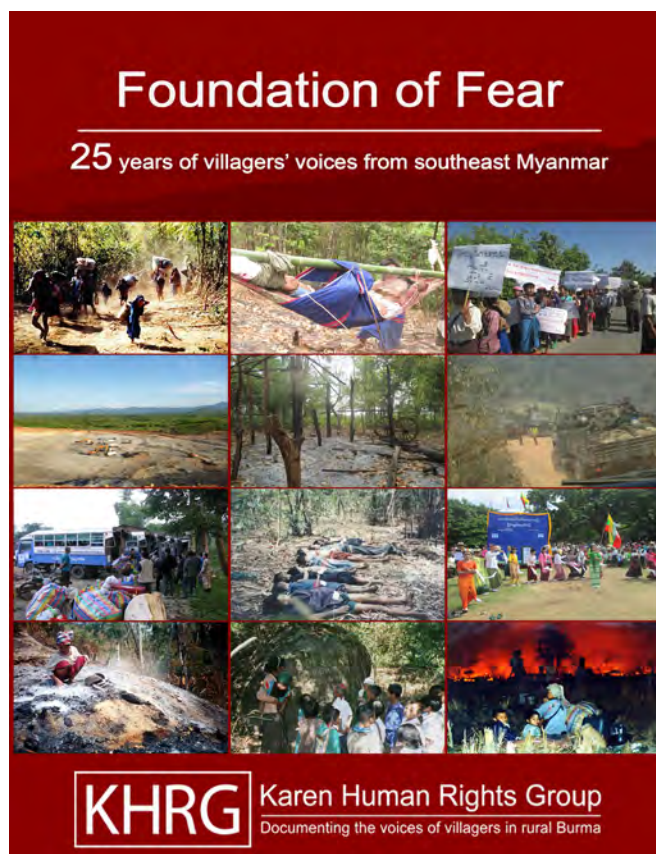
"During the conflict period before the [2012] preliminary ceasefire had taken place, many civilians and leaders died. Many villagers fled to refugee camps and to other countries because of the war. We recommend both governments open more livelihood opportunities for the villagers. We recommend both the KNU and Myanmar government build trust between each other and do not break their promises. We do not want to see human rights abuses happen in our grand-children's generation."

Saw CJ--- (male, 24), Ck--- village, Shwegyin Township, Nyaunglebin District/
eastern Bago Region (interviewed in November 2016)

Since 1992, the Karen Human Rights Group has been documenting villagers' voices on the human rights situation in southeast Myanmar. 25 years on, KHRG presents this extensive review, an analysis of villagers' current concerns seen in the light of 25 years of testimonies on human rights and abuse. By revisiting these testimonies we can understand ongoing obstacles to peace, security and freedom for local community members in southeast Myanmar, and prevent human rights abuses from being forgotten, silenced and, crucially, from continuing and being repeated.

To make this possible, KHRG has taken a significant sample of the thousands of reports we have produced since 1992. The eventual report, from an initial analysis of 944 KHRG reports, draws directly on 489 KHRG documents: 312 published reports and 177 unpublished reports including, 114 interviews, 116 situation updates and 106 photo notes and photo sets collected consistently by KHRG between November 1992 and March 2017.

The final report uncovers concerning trends where the history of violent abuse, ethnic and religious discrimination, and neglect of basic services for rural communities in southeast Myanmar has continued to repeat itself. These trends have created a 'foundation of fear' for villagers, with the history of human rights abuse resulting in a deep lack of trust in the Tatmadaw and the Myanmar government, which has only been exacerbated by an absence of accountability. Of equal importance, this report exposes new areas following the 2012 preliminary ceasefire, in which villagers' rights are at risk of being exploited, such as by private companies through so-called development projects; by Tatmadaw, Border Guard Forces and ethnic armed groups through arbitrary financial demands made on villagers; and by the pressure on refugees and internally displaced persons to return to their places of origin. Furthermore, 'Foundation of Fear' highlights villagers' agency strategies in confronting these abuses and accessing justice, recognising that at no point throughout KHRG's reporting period have villagers been 'helpless victims' or passive recipients of rights



This briefer is available in English, Karen and Myanmar language. The full report is available in English and Myanmar language. All versions are available for download at www.khr.org

violations, but instead have actively sought ways to avoid, confront or mitigate abuses and impacts and claim their rights.

KHRG's findings are presented in this briefer under the following key findings: militarisation; violent abuse; education; health; arbitrary taxation; development; displacement and return; discrimination and division; and perspectives on peace. Finally, the report gives concrete recommendations on the key issues identified, to actors in southeast Myanmar, including the Myanmar government, the Karen National Union, development actors, Tatmadaw, Border Guard Forces, and ethnic armed groups (EAGs). 'Foundation of Fear' is essential reading for practitioners and stakeholders in southeast Myanmar and Myanmar as a whole to develop a fuller awareness of the historical context in which they are active, but also to consider their responsibility towards what still needs to change to address the serious concerns raised by community members in southeast Myanmar.

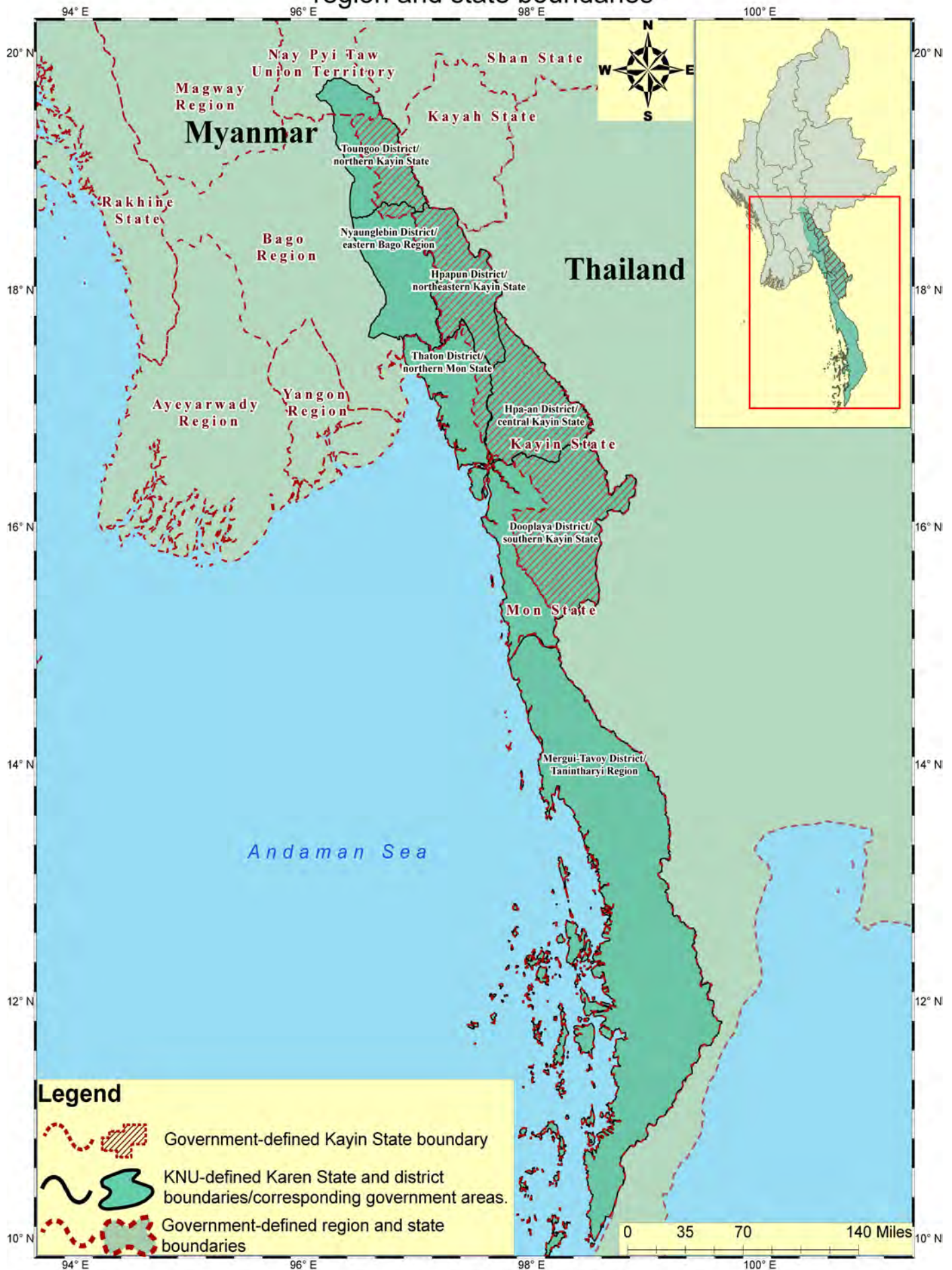


This photo was taken on December 5th 2015 in Htantabin Township, Toungoo District. The photo shows villagers holding a peaceful demonstration and marching on the road from Toh Boh village to Na Ga Mauk village against Kaung Myanmar Aung Company (KMAC). KMAC confiscated villagers' lands and made long-term plantations on those lands. Therefore, about 80 people whose lands were confiscated by KMAC from three local villages, Toh Boh, Na Ga Mauk and Yay Own Zin, marched in the street and held a demonstration in order to demand their lands back. Some of these villagers are the same villagers who lost plantation lands and had to relocate due to flooding and land destruction under Toh Boh Dam previously. In accordance with the law, the local demonstrators proclaimed and raised placards which stated, "We do not need Kaung Myanmar Aung Company; We do not need the Farmers' Benevolent Party; Return local people's lands, which have been inherited from our parents and grandparents, at once." [Photo: KHRG]

"Democracy will not magically eliminate the militarism, racism and will to power fuelling the abuses in Burma [Myanmar]. It is only one of many steps - and not necessarily even the primary step - required. If some form of democratically-structured government were to take over from the SPDC next week, the need for our work would continue. If anything, the need would be even greater because we would have to overcome assumptions that things would immediately be 'better' - assumptions that persist despite having been proven false time and time again in transitions to democracy worldwide. It would be a difficult struggle, because no one outside the country would want to hear bad news anymore, while donors and other supporters would most likely shift their priorities from human rights to 'development' or simply shift their support to countries elsewhere. More than ever the voices of villagers will need to be heard, but will risk being drowned out by the cacophony of development and democracy 'experts'. We may be drowned out too, but we will try to present the villagers' own perspective on their situation, drawing not on international definitions and frameworks but on their own more holistic, interconnected way of viewing human rights and dignity."

Commentary written by KHRG researchers, southeast Myanmar
 (published in August 2006)

KNU-defined Karen State and Myanmar government-defined region and state boundaries



Detailed Findings

Militarisation

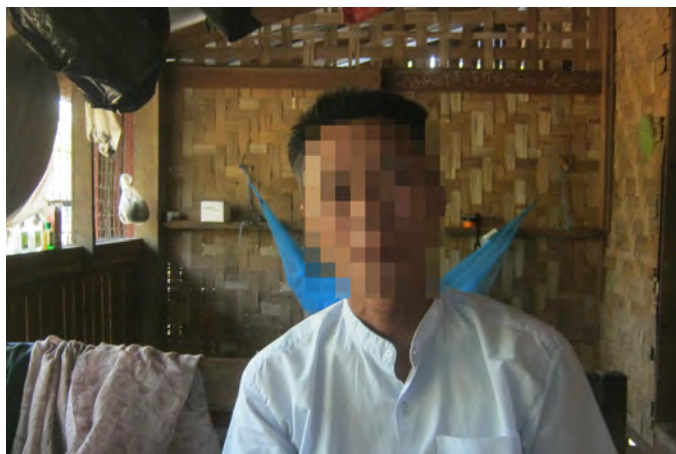
"Nobody had guns or was wearing uniforms - we were all only civilians. The Tatmadaw soldiers just saw people running and shot them. They knew for sure that they were villagers, they shouted "Don't run!", but the villagers were afraid of them and ran and they shot at them. Three of them were running through the field, and two of them were hit. Pa Kyi Kheh was hit in the middle of his back. He was hit twice. My younger brother P--- was also wounded. The people who didn't run saw their friends get shot, so they ran too and then they were also shot at by the soldiers. The Burmese say if we run they will shoot - so they did shoot."

Villager quoted in Commentary written by KHRG researcher, Hpa-an District/central Kayin State (published in September 1997)

- Throughout KHRG's 25 years of reporting, militarisation and human rights violations mainly by Tatmadaw and DKBA (Buddhist), the majority of whom later transformed into Tatmadaw's Border Guard Forces (BGFs), has deliberately harmed and systematically targeted civilians through tactics including forced labour, forced recruitment, landmines and deliberate attacks on villages.
- Continued militarisation and the presence of Tatmadaw and BGFs in communities in southeast Myanmar results in an environment where villagers fear for their safety and security. Furthermore, it leads to the continuation of landmine contamination, and in some cases forced recruitment of adults, forced labour, and deliberate attacks on villages.
- A significant impact of militarisation and human rights violations is that villagers' trust in Tatmadaw and, by association, the Myanmar government remains low. An additional impact over 25 years has been severe livelihood struggles for villagers in southeast Myanmar.
- Villagers have employed agency tactics including direct negotiation with perpetrators, deliberate avoidance of Tatmadaw, BGFs and DKBA (Buddhist and Benevolent) and strategic displacement to avoid human rights violations. Villagers have also sought recourse through local government authorities and the justice system, but state that significant barriers including fear of retaliation continue to prevent them accessing justice in cases of human rights violations.



This photo was taken in January 2002, in Lu Thaw Township, Hpapun District. The photo shows Naw S--- looking for any paddy that may be saved after SPDC (Tatmadaw) soldiers burned down her paddy barn in M--- village in Hpapun District in 2002. There were 50 baskets (1,250 kgs. / 2,750 lbs.) of paddy in the barn. [Photo: KHRG]



This photo was taken on January 10th 2016 in Cc--- village, Kyaukkyi Township, Nyaunglebin District. The photo shows UA---, who estimated that there had been 16 landmine victims in his home village, Cc--- village, since the 'Four Cuts' (conflict) period. Because of livelihood difficulties, villagers continue to go out to the forest to find food for their survival even though the area is restricted. For this reason, they are injured by landmines. Among the landmine victims are three of his family members: two of his brothers-in-law and one of his nieces. [Photo: KHRG]

Violent Abuse

"All night long the soldiers would come and drag women away to be raped. They took turns and women were often raped by several soldiers in one night. I was raped frequently like the others. While I was being raped or trying to sleep I could hear the screams of other women all around. This went on all night, and then in the morning they'd make us carry our loads over mountains again. I felt especially sorry for Naw Ae---, who was being raped very badly every night and was much too small to carry her load."

Daw Ad--- (female, 32), Kyaikto Township, Thaton District/
northern Mon State (interviewed in January 1992)

- Since the preliminary ceasefire, extrajudicial killings and torture by the Tatmadaw, BGFs and EAGs, have decreased considerably. However, the legacy of these killings and torture means that villagers continue to feel unsafe in the presence of armed actors. Moreover, violent threats continue to be used to advance the interests of Tatmadaw, BGFs and EAGs, as well as the Myanmar government and private companies. These threats are frequently of a serious and violent nature, which means that community members are often fearful of retaliation if they report the abuse, which deprives them of access to justice.
- Gender-based violence (GBV) is a common abuse that has not directly declined since a decrease in conflict. Women continue to report feeling insecure in their own communities, which is in part because of the use of GBV as a military tactic during the conflict, as well as the ongoing violence perpetrated by other community members. Women also report a lack of justice, as frequently the abuse is not investigated fully or the perpetrator is not given an appropriate punishment.
- Torture is used in some cases as a means of punishment and interrogation by the Myanmar police, Tatmadaw, BGFs and EAGs, which has led to reports of miscarriages of justice.
- The lack of access to the justice system and weak implementation of the rule of law results in cases of violent abuse remaining unpunished and leaving victims without justice or feelings of closure.



This photo was taken in Kyainseikgyi Township, Dooplaya District, and shows the T'la aw tree that was cut down by a member of the KNU, called Ba Oo, on the 16th October 2015. The villagers explained that they used the tree to collect leaves, and faced threats from Ba Oo when he cut down the tree. Ba Oo threatened the villagers by saying: "Who dares to come? Whoever comes, I will kill them all." In response the villagers asked, "Does this armed actor have a leader? He lives in the village but nobody dare to tell him to [stop]." [Photo: KHRG]



This photo shows three women who were interviewed about the torture they suffered at the hands of the Tatmadaw in 1992. They were part of a group of eight women who were tortured over a number of days, which included incidences of burning, beating, waterboarding and mentally torturing a woman by making her dig and lie beside a grave. These three women are: Naw AAw---, age 55, Naw AAX---, age 26, and Naw AAY---, age 40. [Photo: KHRG]

Education

"At this time, we see [the] Burmese [Myanmar] government tells [us] that they are going to give the rights [to teach the Karen language] to the local Karen school. It says that Karen language will be taught in the class. Not in the extra class [extra time outside of official school hours]. In spite of saying like that, we clearly see that school teachers do not teach Karen language in the class."

Situation Update written by a KHRG researcher, Mergui-Tavoy District/Tanintharyi Region (received in November 2015)

- Over 25 years, human rights abuses and the consequences of the conflict including displacement and restrictions on freedom of movement, have severely hindered villagers' access to and quality of education in southeast Myanmar. Despite the recent ceasefire agreements and increased expenditures by the Myanmar government to increase access to education among all of its citizens, children in southeast Myanmar still lack access to affordable, high quality schools within a safe physical distance from where they live.
- Financial barriers and livelihood struggles have acted as impediments to villagers accessing education over 25 years. Free and compulsory primary education is not accessible to all children in southeast Myanmar due to both upfront and hidden costs in the education sector. During conflict, financial demands were often made on villagers separate to education, which affected the extent to which they could pay for schooling. Middle and high school education is particularly hard to access as there are less schools and the fees are higher. These costs create a heavy financial burden for villagers, many of which are already experiencing livelihood and food security issues.
- The teaching of minority ethnic languages remains a priority for villagers. Since 2014, Karen language and culture have been allowed to be taught in the Myanmar government schools, although often only after school hours and if self-funded by villagers. Villagers' testimony highlights the importance of teaching Karen history, literature, and language within schools for their cultural identity. During conflict, Tatmadaw explicitly targeted Karen education schools; schools were forcibly closed or converted to a state-sanctioned curriculum.
- Due to the unresolved legacy of the conflict and their poor experience with Myanmar government schools, many villagers in southeast Myanmar mistrust the Myanmar government, and by association Myanmar government teachers. In addition to not trusting their staff, villagers also question the commitment and quality of education being provided by these teachers.

"Now our children can't write or speak their language because they don't have a chance to learn at school. Our literature has disappeared and is destroyed. The Burmese are fighting us in this way."

Saw Fi--- (male) quoted in a Commentary written by a KHRG researcher, Kler Lah Relocation site, Htantabin Township, Toungoo District northern Kayin State (published in October 2000)



This photo was taken in Hpapun District, 2000. After their villages and schools were burned by Tatmadaw Light Infantry Division #66 in December 1999/January 2000, a village teacher teaches some of the children from three villages in western Lu Thaw township, Hpapun District, that have been displaced in the forest. [Photo: KHRG]



This photo was taken in Hpapun District, March 2009. Students who have just finished their school year at an internally displaced persons (IDP) camp in Hpapun District return to their home villages. The students are shown here on March 20th 2009 hurriedly crossing a Tatmadaw-controlled vehicle road while Karen National Liberation Army (KNLA) soldiers take security. Because of insecurity and a lack of educational facilities at their home villages, which remain outside of Tatmadaw-controlled areas, these students must take this risky journey simply to access schools. [Photo: KHRG]

Health

- Access to healthcare has been a significant concern throughout 25 years of KHRG reporting. Access to healthcare for villagers has been deliberately denied through Tatmadaw's imposed restrictions on freedom of movement and the trading of medical supplies in the 1990s and 2000s. Since the 2012 ceasefire, barriers in accessing healthcare have changed from conflict-related to infrastructure-dependent, including the lack of adequate roads to rural areas, and the lack of functioning healthcare facilities in rural areas.
- Displaced villagers suffer disproportionately from a lack of access to healthcare and medical supplies when in hiding. Due to severe restrictions on villagers' movement, sickness, malnutrition and disease have killed more people throughout the conflict than the direct violent abuses of Tatmadaw and EAGs.
- When healthcare facilities are available and accessible, patients report that they are frequently understaffed, lack essential medical supplies, and operate unreliable opening hours. Additionally, villagers have raised complaints about the acceptability of healthcare standards, particularly those made recently available since the 2012 ceasefire. They have experienced disrespectful healthcare staff, lack of information on the side effects of medicine prescribed, and arbitrary denial of treatment.
- The standard of healthcare services, when made available, has been consistently low throughout 25 years of KHRG reports, particularly in rural areas of southeast Myanmar. Villagers have relied on traditional medics and traditional medicines, most especially during conflict and when in hiding, but this dependence continues in areas which are not served by permanent healthcare staff and in areas where medical supplies are not available.
- Significant financial barriers persist with regard to free and equal access to healthcare. The financial consequences of human rights violations by the Tatmadaw, BGFs and EAGs, including financial extortion and a lack of time for villagers to work for their own livelihoods, left many villagers financially insecure and unable to pay for basic medicines. Whilst the human rights situation has improved, villagers report that they continue to find healthcare inaccessible due to financial barriers including the cost of travel to hospitals, the cost of medicine, and the unwillingness of some healthcare staff to treat poorer patients.



This photo was taken on November 29th 2015 in Tha Main Dwut village, Tha Main Dwut Village Tract, Kawkaik Township, Dooplaya District. It shows a clinic constructed by the Myanmar government health department. However, since the clinic was constructed there have been no health workers or medicines. For these reasons, villagers couldn't use it.

[Photo: KHRG]



This photo is of a villager in Hpapun District, 1994, who was shot from behind by a Tatmadaw patrol as he was fleeing to avoid being taken as a forced porter. The bullet entry wound is in the back of his right thigh, and the larger exit wound on the front of his thigh. He is having the wound cleaned with a needle and a string soaked in antiseptic, without anaesthetic. His bandage is a rag held on with a bamboo legging. [Photo: KHRG]

Looting, Extortion and Arbitrary Taxation

- Villagers report that taxes remain unclear and arbitrary, and that they are often taxed by multiple actors, including the Tatmadaw, BGFs and EAGs. They state that often the tax is not proportionate to their income and therefore brings additional financial burdens. Furthermore, villagers continue to mistrust the Myanmar government tax system due to excessive taxes and extortion levied on them throughout the conflict by the Tatmadaw and EAGs.
- The persistent presence of armed checkpoints is a significant restriction on villagers' trade, freedom of movement, access to basic goods and ability to make income, and the checkpoints are often run by multiple actors, including the Tatmadaw, BGFs and EAGs. Furthermore the presence of armed checkpoints increases villagers' exposure to the risk of additional human rights violations including threats, arbitrary arrest, violent abuse and arbitrary detention.
- Prior to the 2012 ceasefire, looting and extortion, committed most commonly by Tatmadaw, acted as direct attacks on villagers' livelihoods. Looting and extortion, when combined with additional abuses in armed conflict, resulted in many villagers strategically choosing to displace themselves.
- Extortion, while less frequent since the 2012 preliminary ceasefire, acts as a barrier for villagers to access justice, especially when it is imposed by powerful actors including Myanmar Police, Tatmadaw, BGFs and EAGs.



This photo shows a rice field, which had already been harvested, burnt by SLORC [State Law and Order Restoration Council /Tatmadaw] in December 1995 in Toungoo District, in order to starve villagers and opposition forces.

[Photo: KHRG]



This photo was taken on October 14th 2016 at Si Pin K'Lay village tract, Thandaunggyi Township, Toungoo district. It shows KNU checkpoints, where the KNU has been checking the motorcycle taxis that are going to sell goods such as food and vegetables in the rural villages. This KNU checkpoint is mainly checking for security and drugs. It also shows a KNU tax collector at the checkpoint, who smashed the bottles of alcohol that civilians brought to sell in the rural villages.

[Photo: KHRG]

Development

"Challenges are increasing after the ceasefire because companies are coming in and it is like we have to move away from our land. We are farmers and if we do not do this work what else can we do? If they do business operations on our land where are we going to live?"

Saw PP--- (male, 37), A--- village, Win Yay Township, Dooطلا District/southern Kayin State (interviewed in November 2016)

- Since the ceasefires have been in place and the armed conflict reduced, the Tatmadaw has decreased its use of violence to confiscate villagers' land for development projects, and has largely stopped demanding villagers as forced labourers for large-scale infrastructure projects. However, villagers are increasingly facing non-violent development-related rights violations such as land confiscations and damage to lands, which results in severe livelihood consequences such as food insecurities, employment loss, and financial and emotional damages from losing their land and means of survival.
- Villagers most frequently voice their complaints about private companies' development projects that are conducted with the support of the Tatmadaw, BGFs, and EAGs. Villagers are often not consulted prior to the implementation of the development projects, and fair compensation for lost lands, property and livelihoods is almost never given. Villagers risk facing legal battles from private companies when reclaiming their land in addition to their attempts at claiming fair

compensation for land confiscations committed by the Tatmadaw, BGFs, and private companies during the time the military regime was in power.

- Villagers' agency strategies to contest development-project related abuses have expanded and diversified alongside the political changes in Myanmar and include sending complaint letters, engaging in negotiations, direct protest, demanding compensation and forming committees, whereas under the military regime these strategies were mostly impossible as they led to arbitrary arrest, torture and other abuse.
- In development projects involving many actors, the government, Tatmadaw, BGFs, EAGs, and private companies use collaboration as a strategy to evade responsibility for human rights violations, which impedes villagers' ability to seek justice. Villagers report that private companies are often owned by former commanders in the Tatmadaw, BGFs and EAGs. Furthermore, private companies often receive support from Myanmar police, Tatmadaw, BGFs and EAGs to carry out their unlawful activities leading to human rights violations against villagers.
- In recent years EAGs, international and local non-governmental organisations (NGOs) and other humanitarian and development actors have been diversifying their projects in southeast Myanmar, especially in rural areas which are hard to reach for the Myanmar government. They have expanded their activities beyond humanitarian aid to include livelihood trainings, water and electricity provision, supporting the construction of schools and clinics, and dispersing health information. In many cases, these actors receive permission and consult with villagers prior to the start of their projects. When complaints do surface, it is usually because of weak communication between them and the villagers and not integrating villagers' stated needs.



This photo was taken on November 25th 2015 in Htantabin Township, Toungoo District. It shows Toh Boh Dam, also known as Thaukyaykhat-2 Dam. In the initial construction of Toh Boh Dam, villagers were used as forced labour by SPDC. The areas above the dam were flooded causing displacement and loss of land and housing, and local people at the lower area of the dam have faced livelihood difficulties due to the dam's construction. [Photo: KHRG]



This photo was taken in 1997 in Mergui-Tavoy District. The photo shows villagers shifting rotations of forced labour replacements as they head from the village to the worksite. They are carrying along all their food and tools to work on the Boke-Ka Pyaw-Kyay Nan Daing road near Boke. [Photo: KHRG]

Displacement and Return

"They [SLORC] burned our village down twice, first our big village and then they came back and burned the new village we'd built in this place. Everyone ran to Thailand, or to the jungle and the mountains."

Saw Cv--- (male, 43), Cw--- village, Hlaingbwe Township, Hpa-an District/central Kayin State (published in November 1998)

- Displacement has been a common agency tactic employed by tens of thousands of villagers throughout KHRG's 25 years to avoid ongoing abuse and in the risk of armed conflict between the Tatmadaw, BGFs and EAGs active in southeast Myanmar.
- IDPs' and refugees' main concerns to return to southeast Myanmar are their safety, access to land, and how their return is decided. Many express a willingness to return, as long as their safety and access to land can be guaranteed, and only if they can participate in the decision-making processes of return.
- IDPs and refugees currently perceive that their safety cannot be guaranteed if they return. They still fear their safety is threatened due to continued fighting in southeast Myanmar, political instability, and the risk of abuse by Tatmadaw, BGFs and some EAGs. Some IDPs and refugees state they are

willing to return if Tatmadaw and BGF camps move away from their villages of origin, and if they have access to business and livelihood opportunities in their return locations.

- Returning villagers want access to land to be able to sustain their livelihoods and to build their lives in Myanmar. They specifically want their former lands to be returned to them that have been confiscated by companies, the Myanmar government, Tatmadaw, BGFs and neighbours in their absence. In case return of their land is not possible returnees want compensation and replacement land in order to rebuild their lives.
- The Myanmar government, while having committed to villagers' restitution rights in the National Land Use Policy, which includes following international best practice, such as the Pinheiro Principles, is not adequately following this policy to ensure displaced villagers can return voluntarily, with safety and dignity.
- KHRG reports indicate the Myanmar government, and other actors including international NGOs, community based organisations (CBOs) and armed groups, are preparing housing for IDP and refugee return, yet evidence of adequate land restoration is not present in KHRG reports.



This photo was taken on October 26th 2016 and it shows some of the 30 households from Noh Poe refugee camp returning to Myanmar. These refugees from Noh Poe refugee camp in Thailand are the first group that has gone back to Myanmar as part of an organised return process. Some are returning to their original villages while others return to different locations in Myanmar, so they packed their belongings and prepared for their return. Each household received 8,000 baht (US\$233.57) from the Thai government if they went back to Myanmar. It is not certain if they will get support from the Myanmar government's side, but the responsible authorities from the Thai government say that the Myanmar government will give (donate) 300,000 kyat (US\$219.59) to each household. The leader of Noh Poe camp wanted leaders from Myanmar to help and support these refugees.

[Photo: KHRG]



This photo was taken in February 1997 in Dooplaya District. The photo shows Karen villagers running for their lives with whatever they can carry across the Thai border in mid-February. The main SLORC (Tatmadaw) attacking force was only half an hour's walk away when these photos were taken. The villagers were fleeing from villages throughout the Lay Po Hta-Saw Hta (Azin)-Kyaikdon plains and crossing the Thai border at Lay Po Hta. As these villagers ran, distant mortar explosions were audible from Kwih Kler and Meh Tharoh Hta, an hour's walk away. 30 minutes later, SLORC troops began shelling Lay Po Hta, just 15 minutes' walk away.

[Photo: KHRG]

Discrimination and Division

"In the past, I could not talk about it. Actually, I have a lot of things to say. I have not talked about my suffering for 58 years. If we talk about it openly, we are a minority ethnic group and I am afraid that we will be assassinated by someone. As you know our situation, we have no guarantee for [our] security. We worry that something bad will happen if we talk about our suffering. That is why we have kept our suffering silent until now. I have plenty of words to say."

U A--- (male, 58, Muslim), Thaton Township, Thaton District/northern Mon State (interview published in December 2016)

- Religious minorities, namely Muslims and Christians, have faced religious discrimination including through the destruction of their religious buildings and holy books, forced displacement and relocation to Buddhist areas, threats to force them to practice Buddhism and threats to prevent them from attending their sites of worship. The main perpetrators of these attacks on religious freedom have been Tatmadaw and DKBA (Buddhist) most of whom later transformed into BGFs.

- Reports of discrimination against the minority Christian Karen community have lessened but not ceased, with the main offence being the construction of Buddhist pagodas by local Buddhist organisations on or near places of Christian worship, sometimes with the help of EAGs.
- Muslim communities in southeast Myanmar have suffered discrimination through the repeated denial of citizenship throughout 25 years of KHRG reports. The denial of citizenship results in restrictions on Muslims' freedom of movement, the right to vote, access to health and education services, exposes them to financial insecurity, and effectively renders Muslims stateless. Muslim communities recognise that the denial of citizenship is not due to administrative challenges but due to discrimination by Myanmar government officials who refuse to recognise some Muslims as Myanmar nationals.
- Ethnic minorities report facing discrimination when reporting cases to Myanmar police and local authorities, including being exposed to threats, perceiving that their case has not been taken seriously due to their ethnicity or religion, and fearing retaliation after reporting abuse or discrimination.



This photo was taken on September 16th 2015, in HHI---village, We Pyan village tract, Hpa-an Township, Thaton District. The photo shows a Buddhist pagoda (right, white building) which was constructed on a Christian church compound, directly adjacent to the Christian church (left). It was constructed by Sayadaw (monk) U Thuzana and his followers. [Photo: KHRG]



This photo was taken on May 12th 2016 in Thit Chaik Hseik village, Yay Tar Shay Lay village tract, Yedashe Township, Toungoo District. The photo shows a signboard set up in front of villagers' houses. The signboard lists rules against Muslims. The title of this sign says that the area should be free from followers of Islam. It states three rules against Muslims, to be enforced by local Buddhists: 1. Muslims are prohibited from staying overnight in the village; 2. Villagers should not buy, sell or rent land to Muslims; 3. Buddhists are not allowed to marry Muslims. Whilst some villagers reported that they disagreed with the signboard, they did not remove it out of fear that something would happen to them. The signboard was reportedly constructed by a local monk. [Photo: KHRG]

Perspectives on Peace

"...years of oppression, fighting and broken promises have made many villagers hopeful for a permanent end to the fighting, but also cynical about the possibility of this really happening."

Commentary written by a KHRG researcher, Nyaunglebin District/eastern Bago Region and Hpapun District/northeastern Kayin State (published in September 2004)

- The majority of villagers in southeast Myanmar report that they have low confidence in the peace process, with their greatest concern being that the ceasefires will be broken and there will be a return to fighting. Villagers state that ongoing military activities including the strengthening of Tatmadaw and BGF army camps near civilian areas, troop rotations and military trainings has led them to question the integrity of the ceasefires.
- Many villagers expected the withdrawal of Tatmadaw and BGF army bases from civilian areas following the signing of the ceasefires, but have conversely witnessed the strengthening of some of these bases.
- Some community members felt that the peace process lacks transparency and that the expected outcomes at a local level have not been made clear to them, making it difficult for them to make informed decisions about whether their area is now safe.

- Some villagers reported positive developments since the peace process including less fighting, greater freedom of movement, new schools, clinics and NGOs coming to be active in the area, and a reduction in extortion and arbitrary taxation.



This photo was taken in 2014, Kawkaireik Township, Dooplaya District. It shows a Tatmadaw army camp base near Hv--- village. This photo is taken on a mountain road around Hv--- village that enters into the army camp and military area. There is a gate in front of the army camp and also a sign board which, in Burmese language, says about having hope to stay at this place until the world ends. Villagers cannot complain or express if they feel good or not about this sign board, but believe that soldiers are enjoying living in the military area because it is close to the village and they can find (steal) vegetables from people's farmland. [Photo: KHRG]



This picture was taken on October 7th 2016 in D--- village, Hlaingbwe Township, Hpa-an District. The picture shows two displaced villagers from other villages who have been selected as the temporary village heads in D--- village, whilst internally displaced persons (IDPs) stay there. They said, "We are very excited to hear about the NCA (Nationwide Ceasefire Agreement) and we want the leaders to play peaceful politics not using guns and instead using pens. Using guns for the purpose of playing politics causes worry for the villagers." [Photo: KHRG]

Recommendations

These recommendations are derived from KHRG field research, informal interviews with key informants, and input from both KHRG field and advocacy staff. They are grouped as much as possible in line with the structure of the report. Some of the recommendations cover multiple issues and are therefore grouped under new headings.

Peace, Security & Safety

"During my [KHRG] research this time, I found out that villagers are very afraid because they did not want me to record their voice much. They are afraid of this information being released [to the Tatmadaw army] and that the Tatmadaw army will do something [bad] to them."

Photo Note written by a KHRG researcher, Dooplaya District/southern Kayin State (received in June 2016)

- All signatories to the Nationwide Ceasefire Agreement (NCA) are obligated to honour all parts of the agreement, especially concerning the protection of civilians, and non-signatories should consider holding peaceful negotiations and signing existing or alternative peace agreements.
- The Myanmar Government and the KNU should improve access to relevant information about the ceasefires and peace process for civilians in southeast Myanmar, and create opportunities for meaningful and gender-inclusive participation throughout the peace process.
- To ensure civilians' safety and security and increase the level of trust for a genuine peace, armed actors – especially the Tatmadaw and Border Guard Forces (BGF) – need to demilitarise areas close to villages and farms by removing troops and camps, and cease military trainings, patrols and military transports through, in or near villages or livelihood areas and immediately end the practice of land confiscations for military purposes.
- The Myanmar Government, Tatmadaw, BGF and ethnic armed groups (EAGs) must agree to and enforce a comprehensive ban on the new use of landmines and ensure that all existing landmine areas are clearly marked and villagers are informed for their safety. Before any actor starts systematic demining efforts, meaningful consultations must be held with relevant stakeholders, including local communities, as demining without consultation in conflict-sensitive areas could lead to further conflict. Moreover, removal of landmines, unexploded ordnance (UXO) and other remnants of war should only be conducted by trained and equipped professionals.

Accountability, Transparency & Justice

- The Myanmar Government and Tatmadaw must ensure that all armed actors under their control comply with their responsibilities under domestic and international humanitarian and human rights law and end impunity by ensuring that any armed actor who has violated the rights of any person is held accountable for abuses in fair and transparent investigations and judicial processes in independent and impartial civilian courts.
- The Myanmar Government and the Karen National Union (KNU) must ensure that villagers who have faced human rights violations have access to justice by establishing or improving transparent and effective mechanisms to receive complaints from villagers regarding violations of their rights. They must also ensure follow-up on the recommendations and conclusions of these mechanisms.
- The Myanmar Government, Tatmadaw, Border Guard Forces and ethnic armed groups must guarantee that civilians who report violations of their rights are protected from retaliation.
- The Myanmar Government and the Myanmar National Human Rights Commission should give trainings or seek external training opportunities by the United Nations or non-governmental organisations, to build the awareness of Tatmadaw, BGFs and other officials, including the lower ranks, on human rights, women's rights and humanitarian law.

Displacement & Return

"Even if there is no danger, we do not dare go back [to our farms] because we are really in fear. I cannot describe how much we are afraid. [...] If we cannot go back, I worry that we will not have rice to eat this year. [...] It will be helpful to our leaders if we can go back and work on our hill farms. Now they [leaders] have to give us food. Actually, we do not want to eat [their food] but we are in a difficult situation [poverty] and we cannot bear it [starvation]. If possible, we want to go back [to our village]. When we look at our paddy, we want to get the harvest, our paddy fields are not clean [are overgrown and full of grass, etc.] but we cannot do anything."

Saw UU--- (male, 53), VV--- village, Paingkyon Township, Hpa-an District/
central Kayin State (interviewed in October 2016)

- The Myanmar Government, countries of asylum, UNHCR and other humanitarian actors must ensure that IDP and refugee return is genuinely voluntary, without direct or indirect coercion, safe, sustainable and with full respect for the dignity of the returnees. Reducing rations and funding to the camps can be considered a form of coercion and the resulting returns cannot be considered genuinely voluntary.
- Return of IDPs and refugees should not be initiated by the Myanmar Government, countries of asylum, the UNHCR or other actors but only by the IDPs and refugees themselves. When the situation arises where voluntary, safe and sustainable returns are possible, it should be a participatory process in which IDPs, refugees and host communities are involved in monitoring the safety and conditions of their potential voluntary return.
- All governments and stakeholders involved in potential IDP and refugee returns must ensure personal and livelihood security for those who chose to return, including by returning confiscated land to displaced villagers and when that is not possible provide free housing for returning IDPs and refugees and compensating them fairly for their losses.
- In case of new displacement caused by continuing internal conflict, the Myanmar Government, Tatmadaw, BGFs, KNU and EAGs must ensure the safety of civilians and adequate humanitarian aid, including by allowing humanitarian actors access to displacement sites.

Development Projects

- The Myanmar Government should prioritise improving the protection of villagers' land through implementing laws and policies which protect existing land use practices and tenure rights, and acknowledge that local communities may recognise land titles granted by multiple sources, including customary and local administrations such as the KNU. In cases where villagers wish to secure land titles from the Myanmar Government or the KNU, a transparent and inclusive process should be available for villagers to do so.
- The Myanmar Government and KNU should reform current land and investment laws and policies to prevent companies and other actors from legally confiscating villagers' land and

to protect villagers' from being sued for tending to their land. This includes the responsibility to refuse permission to companies operating in southeast Myanmar in cases where villagers' land may be at risk, particularly the land of vulnerable communities including refugees and IDPs who may plan to return to that land.

- The Myanmar Government, the KNU, companies and development actors must carry out meaningful human rights, environmental and other relevant impact assessments prior to project implementation and give communities the opportunity to participate in decisions regarding size, scope, compensation, and means of project implementation, with full public disclosure of all information in relevant local languages relating to how the projects could affect their lands and livelihoods in clear and understandable terms. When proposed projects affect rural villagers, the principle of Free, Prior and Informed Consent (FPIC) must be respected at all times.
- The Myanmar Government and Tatmadaw are responsible to return confiscated lands to the original owners, even in cases where there has never been a formal land title due to customary land usage. Alternatively, in cases where it is impossible to return the land, adequate compensation should be agreed on by both parties, without coercion, to cover the replacement costs of buying new land, in addition to increased livelihood costs due to upheaval.
- The Myanmar Government should ensure that access to domestic complaint and adjudication bodies is available to all, and that land dispute mechanisms are community based, participatory, effective and established according to customary practices.

Livelihoods

- The Myanmar Government and KNU should address livelihood concerns of local communities affected by land confiscations, landmines, displacement and human rights abuses, in supporting them with education, counselling, healthcare, social security programs and development which supports traditional and sustainable livelihoods.
- Humanitarian and development actors should support and prioritise community development projects and services in marginalised communities, remote areas and for villagers facing significant livelihood struggles.



The above photo was taken in June 2009, Bu Tho Township, Hpapun District. This man stepped on a Tatmadaw deployed landmine near his home village in Bu Tho Township in 2007. Since losing his leg, he has not been able to work to support his family, so he has moved to stay at Ei Tu Hta IDP camp in Hpapun District where he could access some limited food rations to support himself. [Photo: KHRG]



This photo was taken in June 15th 2015, in F---village, Sa Kan Gyi village tract, Thaton Township Thaton District. It shows Saw E---, who was arbitrarily arrested and tortured in July 2013 by Myanmar police, following accusations of his involvement in a bus robbery. Following the abuse, Saw E---'s family have faced problems with their livelihood security. [Photo: KHRG]

Discrimination and Division

They cursed us and forced us to leave. Now the Buddhist people who come to the [Thailand refugee] camp here say that at Kyaikdon gate near the village the soldiers have hung a signboard that says, "No entry for Indians" [meaning Muslims]. Muslims are strictly prohibited to enter Gt-- village, but Buddhist people can stay there."

Maung Gs--- (male, 34), Gt--- village, quoted in a report written by a KHRG researcher, Doooplaya District (published in May 1997)

- All people should be able to practice their religion freely, and should be allowed to build places

of worship such as churches, temples, pagodas, mosques and animist shrines, without infringing on the religious freedoms of others. The Myanmar Government, especially the Ministry of Religious Affairs and Culture, EAGs and local religious organisations should ensure that the integrity of existing religious buildings and places of worship is protected and in case of planned construction of new religious buildings, local communities are consulted, as to not aggravate tensions between communities. In case of disputes between religious groups, peaceful negotiations should be facilitated to achieve interfaith harmony.

- The Myanmar Government must ensure their laws and policies with regard to citizenship and provision of national identification cards are non-discriminatory and in line with international human rights standards, especially with regard to some Muslim communities who are not recognised as one of the 135 ethnic groups in Myanmar and therefore effectively stateless. For returning IDPs and refugees the Myanmar Government should provide proof of identity including birth certificates and household registration to ensure they get full access to social, health and education services as citizens and without discrimination.
- The Myanmar Government, KNU and community-based organisations should undertake awareness-raising activities to promote religious and cultural freedom for all people and promote tolerance of other religions and cultures as a way to prevent tensions and violence from occurring.

Healthcare

“The clinic was already built and the opening ceremony also was already held but until the present time the lock [on the clinic] has never opened [for the villagers]. There are also no medics or patients. The villagers were mainly talking about that clinic. A villager from Eu--- village said that the clinic looks very beautiful but you cannot use it for anything.”

Situation update written by a KHRG researcher, Bilin Township, Thaton District/northern Mon State (received in May 2016)

- The Myanmar Ministry of Health, supported by humanitarian and development actors working on healthcare, should make sure that health interventions are implemented through discussion and collaboration with local communities, Karen Department of Health and Welfare (KDHW) and community-based healthcare providers, to ensure the effective implementation of culturally appropriate and non-discriminatory health services. Before villagers are given treatment, any diagnoses, treatment plans, and medicines should be fully explained by health workers in a language the patient fully understands.
- The Myanmar Government and humanitarian and development actors should continue to increase funding to healthcare, especially maternal and antimalarial healthcare, including to KDHW and community-based healthcare providers, particularly in rural ethnic areas, to ensure that healthcare services and facilities are available and accessible to all villagers in southeast Myanmar. All facilities should be equipped with sufficient medical supplies, essential medicine, and trained staff to effectively deliver high quality and affordable health services.
- The Myanmar Ministry of Health, KDHW and community-based healthcare providers should ensure that landmine victims and other persons whose health has been severely affected by conflict and abuse have access to free medical care. Humanitarian and development actors should assist in providing funding and building their capacity to ensure free quality healthcare for all victims.

Education

“For the schools that the leaders [from the education department] can reach, we have seen that [the education situation] has been improved for [by] villagers that [are] actively [striving] for [better] education. We are so worried that there is poor support for the education of the villagers in the rural areas, so that the things that should be happening are not happening.”

Situation Update written by a KHRG researcher, Nyaunglebin District/eastern Bago Region (received in July 2014)

- The Myanmar Government, especially the Myanmar Ministry of Education, and the Karen Education Department (KED), should ensure free access to primary education and work towards making secondary and upper education progressively free for all children in southeast Myanmar. The Myanmar Ministry of Education, in consultation with local communities, the KED and

community-based education providers, should invest in making more middle and high schools available in rural areas and less populated villages, towns, and cities and ensure that all schools in southeast Myanmar are equipped with sufficient funds, resources, and trained teachers who are paid sufficient salaries.

- The Myanmar Ministry of Education should reform school curricula in consultation and coordination with local communities, the KED and community-based education providers in order to ensure ethnic languages and cultures such as Karen are taught during school hours within Myanmar Government schools in southeast Myanmar.
- The Myanmar Ministry of Education should recognise the accreditation of diplomas and certificates from the KED and other community-based education providers in refugee/IDP camps, along the Thai-Myanmar border and in areas controlled by ethnic armed groups, to ensure equal access to opportunities for students who have received a non-Myanmar government education.
- The Myanmar Ministry of Education, the KED and community-based education providers should ensure schools mainstream gender equality in their curricula and include human rights education.

Arbitrary Taxation

"When they were on the way with their cows, they had to cross many checkpoints. So they had to pay a lot of money as a tax. Although they paid money, the officer [from an unknown group] at the checkpoint said their money [tax] was not enough. Those checkpoints are related to many armed groups including Myanmar army group [Tatmadaw] and located in Win Yay Township, Doooplaya District."

Situation Update written by a KHRG researcher, Win Yay Township, Doooplaya District/southern Kayin State (received in September 2015)

- The Myanmar Government, KNU and EAGs must refrain from arbitrary and illegal taxation practices and ensure that legitimate taxes are proportional so as to not leave villagers in a state of hardship. Furthermore they should ensure that all armed actors under their control do not arbitrarily or illegally tax villagers at checkpoints or elsewhere, intimidate them, use violence or restrict their freedom of movement. Villagers should not pay multiple taxes to multiple groups and the schedules and amounts have to be clearly communicated to villagers beforehand. Tax receipts should always be provided and it is important to inform local communities under what authority the taxes are collected and how it benefits them.

Forced Labour & Arbitrary Demands

- The Myanmar Government, Tatmadaw, BGF and EAGs must stop all forms of forced labour, including using villagers as human shields, porters, minesweepers, forced recruitment of both adults and children, and forcing them to help construct military camps and other buildings. Moreover, they must refrain from making arbitrary demands from local communities such as demanding the use of their vehicles, boats or other property for military purposes.



Founded in 1992, KHRG is an independent local organization committed to improving the human rights situation in Burma/Myanmar by training and equipping local people to document their stories and gather evidence of human rights abuses; disseminating this information worldwide; and working directly with local villagers to enhance their strategies for protecting themselves from abuse and the effects of abuse. Examples of our work can be seen online at www.khrg.org.



Karen Human Rights Group
Documenting the voices of villagers in rural Burma