



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

# **Southeast Myanmar Field Report: Militarisation, environmental pollution and sexual violence against children, July to December 2019**

February 24<sup>th</sup>, 2020 - KHRG # 19-2-F1

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## Introduction

This Field Report analyses information collected by KHRG field researchers and covering the period between July and December 2019.

The Tatmadaw maintained a strong presence all across Southeast Myanmar, and kept supplying troops, weapons and ammunition to its army camps from its main bases in Taw Oo (Toungoo) District. On several occasions, Tatmadaw soldiers trespassed into areas controlled by the Karen National Union (KNU)<sup>1</sup> in Doooplaya and Taw Oo districts. The presence of Tatmadaw soldiers there caused security concerns among the local population, and could be detrimental to the on-going peace process. In Kler Lwee Htoo (Nyaunglebin) District, contentious military road construction activities opposed by the local population and the KNU were halted during the rainy season. Villagers organised several demonstrations against this project, but road works resumed on November 11<sup>th</sup> 2019.

Over the reporting period, economic actors continued to carry out their activities with little regard for their impacts on the livelihoods of the communities living in the surrounding areas. In Doo Tha Htoo (Thaton) District, cold dust from a Tatmadaw-run cement factory contaminated nearby waterways during the rainy season. As a result, civilians from at least 15 villages faced water shortages. In Mu Traw (Hpapun) and Kler Lwee Htoo districts, gold mining activities damaged forests and polluted water and soils in several village tracts. In both cases, the economic actors involved failed to secure the free, prior and informed consent (FPIC) of the local population, and did not compensate the affected communities for the damage caused.

Several cases of sexual violence against children also occurred. They included sexual violence committed by a family member, rape in the context of forced marriage, and rape by a police officer. Pressure to remain silent—whether through threats of further violence or social stigma and victim-blaming—continues to impede victims from speaking out about their situation. Even when incidents of sexual violence are reported, the abusers often go unpunished or underpunished, creating greater insecurity and trauma for the victims. Both the judicial system and the system of mental health services in Southeast Myanmar are still unable to meet the necessary standards to adequately address sexual violence as a human rights violation.

KHRG also documented several abuses by armed actors across the region during the reporting period. These included arbitrary arrest and detention, land confiscation, extortion and activities that endangered the security and safety of villagers, such as artillery live fire exercise in or near civilian areas. Private companies also continue to violate labour rights in a substantial manner, and access to education and healthcare remains challenging in remote areas.

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<sup>1</sup> The Karen National Union is the main Karen group opposing the government.

## Part I. Major developments

### A. Militarisation and tensions between armed actors

KHRG's documentation for the reporting period shows that the Tatmadaw is continuing to send troops and supply ammunition, weaponry and rations to its army camps in Southeast Myanmar. The movement of soldiers, trucks and weapons in civilian areas continue to raise concern among local villagers. In Bu Tho Township, Mu Traw District, civilians living along the motorway reported that the Tatmadaw covers its trucks to prevent disclosure of what they are carrying. According to a KHRG researcher, this situation undermines their trust in the peace process.<sup>2</sup>

The Tatmadaw maintained a strong presence in Taw Oo District. Troops under the Military Operations Command (MOC) #4 are still manning several frontline army camps in Htaw Ta Htoo (Htantabin) and Daw Hpa Hkoh (Thandaunggyi) townships, and the Ba Yint Naung military training school continues to conduct manoeuvres and live fire exercise in Daw Hpa Hkoh Township. Tatmadaw troops under MOC #6 are active in the areas surrounding the Thandaung Myot Thit, Shwe Nyaung Bin, Taw Pyar Kyi and Late Tho Town army camps, as well as in the areas along the road from Taw Oo to the Thauk Yay Khat and Hti Thar Saw army camps.<sup>3</sup>



The photo on the left was taken on July 7<sup>th</sup> 2019 in Yay Tho Gyi village, Htaw Ta Htoo Township, Taw Oo District. It shows Tatmadaw soldiers from Military Operations Command (MOC) #4. They spent the night in a local school on their way to Mu Traw District. The photo on the right was taken on November 11<sup>th</sup> 2019 in Than Daung Myot Thit, Daw Hpa Hkoh Township, Taw Oo District. It shows Tatmadaw soldiers travelling on a truck as part of a troop rotation. [Photos: KHRG]

From July to December 2019, KHRG received reports that highlight the impacts of the on-going militarisation in four districts: Taw Oo, Kler Lwee Htoo, Mu Traw and Doolaya. The presence of Tatmadaw soldiers in or near local communities resulted in challenges for villagers, who often dare not travel in their operation areas. This avoidance strategy often prevents them from accessing healthcare and education, and engaging in their regular activities and the fulfilment of their livelihood. Over the reporting period, children from several villages in Ler Doh (Kyaukkyi) Township, Kler Lwee Htoo District stopped attending school out of safety concerns.

In addition, KHRG documented that Tatmadaw soldiers have been operating in KNU-controlled areas without prior authorisation, leading to an increase in tensions between the two actors and

<sup>2</sup> This information is taken from an unpublished report from Bu Tho Township received in November 2019.

<sup>3</sup> This information is taken from an unpublished report from Daw Hpa Hkoh Township received in November 2019.



a fear of renewed fighting among local villagers. In Kler Lwee Htoo District, local communities in Ler Doh Township came together to ask for the departure of the Tatmadaw soldiers based in their area and the suspension of a contentious military road construction project, without results.

*i. Tensions between the Tatmadaw and the Karen National Liberation Army (KNLA)<sup>4</sup>*

KHRG documented several instances in Dooplaya and Taw Oo Districts of Tatmadaw soldiers operating in areas controlled by the KNU without permission. After the signing of the preliminary ceasefire in 2012, both parties set some operational restrictions regarding the transportation of rations, movement of soldiers, and troop rotations. However, these restrictions were agreed upon at the local level but not properly formalised through a legal binding document.

The KNU authorities usually do not allow the Tatmadaw to operate in civilian areas or along roads used by villagers in the territories they control. However, since April 2019, Tatmadaw troops under Military Operations Command #4 have been using a road used by local villagers in violation of an oral agreement between the local KNU and Tatmadaw authorities in Maung Nwet Kyi village tract, Daw Hpa Hkoh Township, Taw Oo District. Soldiers from the Maung Nwet Kyi and Nan Chain Kwin army camps also asked villagers who own trucks to transport army rations and weapons for them. The violation of this agreement by the Tatmadaw raised concern among the local civilians, who fear that an increase in tensions between the two actors might result in renewed fighting.

On September 9<sup>th</sup> 2019, a group of KNLA soldiers were travelling from Maung Nwet Kyi village to Nan Chain Kwin village. At the request of the KNLA, the Myanmar government Maung Nwet Kyi village tract administrator went to the Maung Nwet Kyi army camp in advance. He then informed the Tatmadaw Light Infantry Battalion (LIB) #709, which is led by Commander Wa Na Zaw, not to use the road between the two villages on that day. Despite this warning, the KNLA group was followed by eight Tatmadaw soldiers. Although the KNLA soldiers let the LIB #709 patrol pass through them without further incident, local villagers who witnessed the two groups operating in the same area felt concerned for their safety.<sup>5</sup>

On October 11<sup>th</sup> 2019, 53 Tatmadaw soldiers from Light Infantry Battalion (LIB) #585 and Infantry Battalion (IB) #31 led by Deputy Battalion Commander Htin Lin Myat patrolled the Maw K'Toh Mountain in Kaw T'Ree (Kawkareik) Township, Dooplaya District along the border with Thailand. They were accompanied by two Border Guard Force (BGF)<sup>6</sup> soldiers from Battalion #1023. As there is a KNLA camp on top of the mountain, Tatmadaw soldiers are prohibited from operating nearby without prior authorisation. The Tatmadaw informed the local KNU/KNLA authorities in advance about their intention to patrol the area to look for the Democratic Karen Buddhist Army Splinter Group's<sup>7</sup> Commander, General San Aung. Even though the local KNU/KNLA authorities refused to grant them permission to conduct this operation, the Tatmadaw sent troops to the area despite their opposition. The Tatmadaw soldiers eventually

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<sup>4</sup> The Karen National Liberation Army is the armed wing of the KNU.

<sup>5</sup> This information is taken from an unpublished report from Daw Hpa Hkoh and Htaw Ta Htoo Township received in November 2019.

<sup>6</sup> Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw.

<sup>7</sup> In 1994, the Democratic Karen Buddhist Army (DKBA) split from the KNLA over religious considerations. In 2010, the majority of DKBA troops transformed into BGFs, but one faction refused and changed its name to Democratic Karen Benevolent Army in 2012. In 2015, the DKBA Splinter Group split from this faction. It is active in Hpapun and Hpa-an districts, and it has not signed the NCA.

stayed there for two days. Their presence again raised concerns among local civilians that fighting might resume and result in their displacement.<sup>8</sup>

On October 13<sup>th</sup> 2019, Tatmadaw soldiers from IB #559 led by Deputy Battalion Commander Myoe Min Thaung patrolled in a KNU-controlled area on the Aw Kyaw hill, Noh T'Kaw [Kyainseikgyi] Township, Doooplaya District without informing the local KNU/KNLA authorities. The local civilians did not know in advance that Tatmadaw soldiers were patrolling that specific area. On the same day, two women from R--- village went to fish in the S--- river.<sup>9</sup> The soldiers fired two warning shots at them, so they got scared and ran back to the village. If these two women had not reported this incident to the other villagers, no one would have known that this group of Tatmadaw soldiers were patrolling along the S--- river. Local villagers now think that if Tatmadaw soldiers keep patrolling like this, sooner or later they might be ambushed by local KNLA soldiers.

*ii. Protests against the construction of a road by the Tatmadaw*

According to KHRG documentation, the Tatmadaw has recently been constructing roads in KNU-controlled territory for military purposes without prior approval from the KNU in Taw Oo, Kler Lwee Htoo, and Mu Traw districts. Over the first six months of 2019, it resulted in several skirmishes with the KNLA, causing displacement and security concerns among the local villagers. Between February and April 2019 in Kler Lwee Htoo District, the Tatmadaw constructed a road and bridges between Than Bo and Pa Kaw Hta (Hkee) villages in the Kheh Der village tract, Ler Doh Township to reinforce and facilitate access to their army bases there.<sup>10</sup>

Although road work was halted during the rainy season (mid-May to October), the Tatmadaw maintained a strong presence in the area to guard the construction sites, consequently posing a security risk to local civilians, some of whom dare not travel anymore. This prevented them from accessing their farms, as well as education and healthcare services. In August 2019 [KHRG was not able to find out the exact date], a local villager was travelling to T--- village with his wife and child when he encountered a Tatmadaw patrol from U---. Two of the soldiers initially pointed their guns at him, but ultimately passed through him without further incident. However, he decided to return home as he was too afraid to continue his journey.<sup>11</sup>

Given the continued presence of soldiers, local communities were convinced that the road construction activities would resume after the rainy season. In addition, the Tatmadaw kept its trucks and backhoes in the nearby Hsaw Mee Lu area. Villagers also saw military observation drones flying over Hpa Kaw Hta (Hkee) village on several occasions, including Karen Martyrs' Day on August 12<sup>th</sup> 2019, which indicated that the Tatmadaw was still monitoring the area.<sup>12</sup>

On September 26<sup>th</sup> and 27<sup>th</sup> 2019, the Kheh Der village tract social committee met with local communities to discuss the Tatmadaw road construction activities at the V--- middle school. At this meeting, they agreed on six key demands, as follows:

*"1. All road construction activities carried out without prior approval from indigenous Karen*

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<sup>8</sup> This information is taken from an unpublished report from Kaw T'Ree Township received in November 2019.

<sup>9</sup> The censored names in the body of this report do not necessarily correspond to the censored names in other KHRG publications.

<sup>10</sup> KHRG, (September 2019), "[\*Southeast Myanmar Field Report: Growing concerns about militarisation, land tenure security, development projects and human rights abuses, January to June 2019\*](#)".

<sup>11</sup> This information is taken from an unpublished report from Ler Doh Township received in November 2019.

<sup>12</sup> This information is taken from an unpublished report from Ler Doh Township received in November 2019.

people must be halted.

2. All road construction activities that cause disruption, fear or other issues for indigenous Karen people should be stopped.

3. The military must not take control over the land of indigenous Karen people.

4. The Tatmadaw must not engage in deliberate provocation of armed conflict; militarisation in indigenous Karen areas must stop completely.

5. The Tatmadaw must not establish army camps in the area.

6. Non-indigenous people occupying indigenous Karen land must leave the area immediately.

*Note: If these demands are not met by all involved parties, we, the Karen indigenous people, cannot be held accountable for the consequences."*

After the event, the villagers hung posters summing up these demands along the projected road. On October 6<sup>th</sup> 2019, a KHRG researcher interviewed the Kheh Der village tract administrator who expressed his concerns that road construction activities might lead to property damage and renewed fighting between the Tatmadaw and the KNLA: *"The military road construction became a threat to the civilians' security, and damaged the farmlands they rely on for their livelihoods. [...] They [the Tatmadaw] do not follow the Nationwide Ceasefire Agreement (NCA) or listen to the civilians, so I assume that skirmishes could broke out if they continue to violate the NCA and construct their military road. [...] The fighting will break out, and then it will impact the civilians and result in displacement. We will be in a difficult situation again."*

On October 17<sup>th</sup> 2019, villagers from Ler Doh Township, Kler Lwee Htoo District held a demonstration against the road construction project. A total of 393 Karen villagers from Kheh Ka Hkoh, Saw Hkah Deh and Kheh Der village tracts took part in the protest. They walked from the Thay Ghay Plaw field in Muh Theh village to the K'Baw Soe Tatmadaw camp. The villagers hung posters near Tatmadaw outposts along the way, and in places where people could see them clearly. They also called on the NCA signatories to respect the code of conduct and asked that those who violate its provisions be punished.



These two photos were taken on October 17<sup>th</sup> 2019 in Kheh Der village tract, Ler Doh Township, Kler Lwee Htoo District. They show the peaceful demonstration during which 393 local villagers asked for the suspension of the Tatmadaw road construction activities in their areas. [Photos: KHRG]

On November 8<sup>th</sup> 2019, the Saw Hkah Deh and Kheh Ka Hkoh village tract authorities met with local communities to follow up on the new developments regarding the road project, as local villagers were worried that road work might resume soon. On November 11<sup>th</sup> 2019, local

villagers and authorities held another demonstration from Paw Kaw Hta (Hkee) village to Muh Theh village, during which the protesters hung more posters near Tatmadaw outposts. The purpose of this demonstration was to call on higher authorities to bring genuine and sustainable peace to the area.

Despite these actions, national media reported that the Tatmadaw resumed the road construction activities on November 11<sup>th</sup> 2019, resulting in an increase in tensions and incidents between the military and the KNLA.<sup>13</sup>

## **B. Environmental impact of economic activities**

KHRG's documentation shows that economic actors continue to conduct their activities in Southeast Myanmar with little regard for their impact on the environment and the local communities. In Doo Tha Htoo District, two Tatmadaw-run cement factories switched to coal power in October 2018. Due to unsafe storage protocols, rainwater mixed with coal dust contaminated the nearby waterways during the 2019 rainy season. This resulted in freshwater shortages and threatened the livelihoods of the local villagers who depend on this water for agriculture. In Mu Traw and Kler Lwee Htoo districts, gold mining activities also resulted in the pollution of waterways and farmlands, as well as in the destruction of forests.

In both cases, the economic actors involved did not take the necessary steps to secure the free, prior and informed consent of local communities before implementing their activities, and often moved forward despite their opposition. This amounts to a violation of article 5 of the 2015 Protection of the Rights of National Races Law, which states that indigenous peoples should receive complete and precise information about business activities in their territories before their implementation. In addition, these actors did not try to mitigate their harmful environmental impact, nor did they provide compensation to the villagers affected.

The fact that the Tatmadaw and local authorities are closely associated with these actors shields them from public oversight. Although the villagers often feel powerless, they used several village agency strategies to oppose their activities and mitigate their impact on their daily lives. However, they still face considerable livelihood challenges with no satisfactory solution in sight.

### *i. Water pollution caused by two Tatmadaw-run cement factories*

The Myanmar Economic Corporation (MEC)<sup>14</sup> has been operating two cement factories (locally known as the Tan Lay Htaung [4,000 tons] cement factory and the Tan Kon Ya [900 tons] cement factory) in the Myaing Kalay area, Hpa-an Township, Doo Tha Htoo District for over two decades. In 2016, the companies held a meeting to inform local civilians that they would switch from natural gas to coal power.<sup>15</sup> Burmese-speaking villagers from 11 villages attended the meeting. The company was represented by Company Chief U<sup>16</sup> Nyo Win, Chief Engineer U

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<sup>13</sup> Irrawaddy, (January 2020) "[KNU Denies Targeting Myanmar Military Officer Killed in Mine Blast](#)".

<sup>14</sup> The Tatmadaw owns and operates two major holding companies – Myanmar Economic Holding Limited (MEHL) and Myanmar Economic Corporation (MEC). In an August 2019 report, the UN Independent International Fact-Finding Mission on Myanmar identified 106 MEHL and MEC owned businesses across diverse sectors of the economy, and a further 27 businesses that are closely affiliated with the MEHL and MEC. The revenue that these military businesses generate strengthens the Tatmadaw's autonomy from elected civilian oversight and provides financial support for the Tatmadaw's operations with their wide array of international human rights and humanitarian law violations (See A/HRC/42/CRP.3).

<sup>15</sup> The Irrawaddy (November 2018), "[Karen State Residents Urge Govt to Stop Factory's Switch to Coal](#)".

<sup>16</sup> U is a Burmese title used for elder men, used before their name.

Moe Win and some government officials. They explained that they would use high quality Japanese machines to burn the coal, and said there would be no negative impacts on civilians.<sup>17</sup>

Saw<sup>18</sup> X---, a villager who attended the meeting, raised his concerns to the company representatives and asked for guarantees: *“I told them that the machine could cause damage at any time and that it won't last long. Therefore, I asked them in the meeting: ‘Will there be any compensation if anything goes wrong with the machine? The air and the ground will be polluted in this area. If anything happens to our husbandry, will you pay compensation? For example, if one animal or one person dies, will you give fair compensation for the animal or the person? If there is a healthcare problem, will you pay compensation for the treatment? If the plantations or trees are damaged, will you pay compensation for the plantation areas and for each tree? Will there be an accountability process for paying compensation? Or will there be contracts which promise to pay compensation for the damage?’”*

U Nyo Win, the head of the Tan Lay Htaung cement factory, refused to take direct responsibility to provide compensation should coal burning result in any detrimental impact for the local communities: *“He said: ‘The contract has nothing to do with me. The contract is the department's business.’ Then he said: ‘If I die or move to another area, who will continue to take this responsibility?’ He questioned us back. We are just villagers so we don't want to talk much and we just stopped there.”*

After the 2016 meeting, local civilians applied several village agency strategies to prevent the factories from switching to coal power. These included press releases, social media campaigns, setting up posters along local roads and sending complaint letters to relevant authorities.

As Saw X---, a local villager, explained: *“We wrote a complaint letter on November 4<sup>th</sup> 2016 so [Daw<sup>19</sup> Nan Khin Htway Myint] the Chief Minister [of Kayin State] met with us.”* However, she did not listen to their arguments and ensured that using coal to produce electricity was safe: *“The Chief Minister said: ‘America and China are now rich and developed because they use coal. Only our country has been left behind. Therefore, we must use coal. We can't continue not using coal. Currently, the local civilians are afraid of the coal used in cement factories as if people were going to die tomorrow. There will be no acid rain. Anyway, I will use the coal in the cement factory’. She confidently told the villagers that.”*

After this unsuccessful meeting, the villagers referred the case to the Union authorities: *“We wrote a complaint letter against it again and sent it to the Myanmar President at the end of December 2016. Therefore, the Tatmadaw ordered us to meet with them.”* Although they shared their concerns with the military, they only managed to postpone the transition to coal power. According to Saw X---: *“We replied to them that we are worried for future generations and the impacts that our generation will face. This is why we are against the use of coal. If we use coal, it will damage the plantation areas, farming lands and animals both on the earth and under the water. It will cause difficulties for us now, for our livelihood and for future generations. They recorded it and [said] they would report it to the higher authorities. However, they started using the coal in October 2018. [...] They had planned to start using it in August 2017, but they moved the date because the local villagers were against it.”*

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<sup>17</sup> This information is taken from an unpublished report from Hpa-an Township received in November 2019.

<sup>18</sup> Saw is a S'gaw Karen male honorific title used before a person's name.

<sup>19</sup> Daw is a Burmese female honorific title used before a person's name.



Since then, the factories have been storing the coal in an area offering little protection against natural elements. As a result, rainwater carried coal dust to local waterways during the 2019 rainy season.



This photo was taken on October 31<sup>st</sup> 2019 at the Myaing Ka Lay Cement Factory, U--- village, Ya Thay Pyan village tract, Hpa-an Township, Doo Tha Htoo District. It shows the storage area where the coal is stockpiled.

[Photo: KHRG]

In October 2019, civilians around the cement factories realised that the water in local wells or ponds had turned black, which never happened before. Some villagers got skin rashes after bathing, and fish died in some ponds.

The affected communities were afraid to plant their rice crops because of the contaminated water. As explained by local villager Naw<sup>20</sup> Y---: *"The local villagers are afraid to plant the paddies. We all used to plant the paddies in the past. However, we are afraid to plant the paddies because of that water. We worry that the paddy plants will be damaged. Therefore, we face a lot of problems. [...] The soil also turned black. The upper layer of soil is the same but if you dig to the inner layer, it has changed to black."*

As a result, these villagers could not harvest their paddies in 2019 to secure their family livelihoods.

Some villages now face freshwater shortages and have to rely on water donations from Hpa-an and other villages, but some donors indicated that they would not be able to assist them anymore. The villagers now try to save water by purifying the polluted water with alum for domestic use or to give it to their animals. Overall, at least 15 villages from at least four village tracts are facing water pollution issues, but no survey has been conducted to provide more accurate data. When questioned about the extent of this problem, Saw X--- replied: *"I don't know and I cannot guess it. However, they released a map for the areas where the water colour turned black, between the Salween River and Don Na Mee. Even the villages that are far away and behind the mountain, such as Z--- village... their wells also have this problem."*

On October 13<sup>th</sup> 2019, the Chef Minister of Karen [Kayin] State Daw Nan Khin Htway Myint met with local villagers. She said the water was safe to drink and she drank some in front of the villagers. The authorities also provided one water purification machine and dug artesian wells, but they do not provide enough water to cover the needs of the affected communities. In addition, Saw X--- reported that water in some of the new artesian wells was also contaminated by coal dust.

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<sup>20</sup> Naw is a S'gaw Karen female honorific title used before a person's name.



These photos were taken on October 31<sup>st</sup> 2019 in U--- village, Ya Thay Pyan village tract, Hpa-an Township, Doo Tha Htoo District. The photo on the left shows well water contaminated by coal dust. The photo on the right shows bins left beside the road by local villagers to receive water donations. [Photos: KHRG]

Villagers interviewed by KHRG regretted that the Myanmar government never took into account their perspectives and what they think would be a sustainable solution. They would like to shut down the cement factories in order to restore the local environment and natural water sources. As Naw Y--- from Zz--- village, Yathay Pyan village tract, Hpa-an Township explained to KHRG: *“When they came to the village, they never asked what the villagers concerns were, what the villagers would like to do, nor how they feel about this. They just came and looked into the well and then they went back. [...] If they ask us, we would like to talk to them. We won't ask for anything except to help us get our land and water from the pond back as it was before. [...] I would like to ask them to shut down the coal factory. We just want to ask them that.”*

## ii. Pollution and environmental destruction caused by gold mining

Since 2009, private companies and wealthy businessmen have been mining gold along the Baw Paw Klo, Bu Lo Klo [Bilin] and Meh Way Klo rivers in Dwe Lo Township, Mu Traw District.<sup>21</sup> Gold mining activities there were first carried out from 2009 to 2010 by the Chit Lin Myaing Company, which is owned by BGF Colonel Maung Chit Thu.<sup>22</sup> According to information obtained by KHRG, gold mining activities are currently expanding in this area, with more companies getting involved. In 2018 and 2019, the Chinese Ho Chan Company engaged in large scale gold mining in Bu Lo Klo Traw, Ma Lay Ler, and Mae Way village tracts.

Since 2017, unidentified investors have also been conducting gold mining activities along the K'Law Myaw River in Thaw T'Koo village tract, Moo [Mone] Township, Kler Lwee Htoo District in cooperation with some local KNLA Battalion #2 Commanders. The gold mining area has also been gradually expanding. It now reaches S--- village and covers 346 acres along the river.<sup>23</sup>

<sup>21</sup> This information was taken from an unpublished report from Dwe Lo Township received in December 2019.

<sup>22</sup> Maung Chit Thu, commonly referred to as Chit Thu, was the operations commander of Democratic Karen Buddhist Army (DKBA) Battalion #999 prior to the DKBA transformation into the Tatmadaw Border Guard Force, which began in September 2010. His role has grown considerably since the transformation: he was second in command of Tatmadaw Border Guard Forces, overseeing BGF battalions #1017, #1018, #1019 and #1012, and is now a senior advisor and general secretary of the Karen State BGF central command based in Ko Ko, Hpa-an District.

<sup>23</sup> KHRG (2019), *“Nyaunglebin Situation Update: Arbitrary taxation by KNLA soldiers and local watchmen, and gold mining activities resulting in livelihood difficulties in Mone Township, January to August 2019”*.



These photos were taken on November 24<sup>th</sup>, 2019 in R--- village, Ma Lay Ler village tract, Dwe Lo Township, Mu Traw District. The photo on the left shows the large-scale gold mining activities around the village. The photo on the right shows villagers panning for gold for the companies and businessmen. They also pan for gold from wasted soil in their free time. [Photo: KHRG]

In both townships, the companies and businessmen involved did not hold consultation meetings with local villagers to secure their free, prior and informed consent, as Saw Rr--- from R--- village, Ma Lay Ler village tract, Dwe Lo Township reported: *“They did not even meet us or inform us about the gold mining. The permission for the gold mining did not come from villagers because we cannot do anything [against the authorities]. If they [authorities] tell us to die, then we must be killed and if they say we can stay alive, then we can live.”*

Local villagers from Dwe Lo and Moo townships are now facing the consequences of the pollution caused by the gold mining. Muddy water and toxic mercury flowed into the paddy fields, damaging fertile soil and crops. This resulted in a significant decrease in agricultural production in the affected areas. As a villager from Moo Township reported to KHRG: *“Approximately 10 plots of paddy fields [owned by 10 villagers] were destroyed. [The Township leaders] said they would give us compensation, but they did not. Half of each plot of land was destroyed by the gold mining [because muddy water flowed into the paddy fields]. Instead of harvesting 300 tins [3750 kg], we harvested just over 100 tins [1250 kg]. Instead of getting three tins, we got just over one tin.”* Additionally, streams and rivers were also polluted by gold mining waste, resulting in the death of fish and frogs on which villagers depend for their livelihoods, as well as freshwater shortages. The destruction of forests to extend the gold mining areas also made it more difficult for villagers to access firewood and forage for wild vegetables. Villagers from Moo Township reported this situation during village tract and township meetings several times. Local leaders investigated the case and took pictures, but the gold mining activities are still on-going.<sup>24</sup>

<sup>24</sup> KHRG (Nov 2019), [“Nyaunglebin Interview: Gold mining activities threaten the livelihoods of villagers in Mone Township, September 2019”](#).





Dwe Lo Township, Mu Traw (Hpapun) District

KHRG



Dwe Lo Township, Mu Traw (Hpapun) District

KHRG

These photos were taken on November 24<sup>th</sup> 2019 in R--- village, Ma Lay Ler village tract, Dwe Lo Township, Mu Traw District. These photos illustrate the negative impact of the gold mining activities on local landscapes, waterways and soils. [Photos: KHRG]

Some villagers whose lands were at risk of being degraded by the gold mining activities decided to sell them. As Saw Rr---, a villager from Ma Lay Ler village tract, Dwe Lo Township explained: *“Instead of losing the land in vein, some villagers decided to sell their land to the companies because there is no other choice for them.”* These decisions were motivated by the fact that land prices are on the rise in some areas, notably in Meh Way village tract. Most of the villagers do not want to sell their land because they do not have another place to live and farm for their livelihoods. These villagers are now at risk of facing livelihood challenges because of the erosion caused by nearby mining. Saw Rr--- also pointed out that local villagers were too afraid to raise their concerns and call for the gold mining to stop: *“We cannot enjoy the full freedom to express our feelings because we still have to live in fear [of authorities]. Only authorities can stop the gold mining.”*



Dwe Lo Township, Mu Traw (Hpapun) District

KHRG



Moo (Mone) Township, Kler Lwee Htoo (Nyaunglebin) District

KHRG

This photo was taken on November 24<sup>th</sup> 2019 in Ss--- village, Meh Cho village tract, Dwe Lo Township, Mu Traw District. It shows a bridge that collapsed because of the gold mining activities, leading to transportation difficulties for civilians. [Photo: KHRG]

This photo was taken in V--- village, Thaw T’Koo village tract, Moo Township, Kler Lwee Htoo District. It shows a farm damaged by the pollution generated by the gold mining activities. [Photo: KHRG]

Gold mining activities usually do not benefit the local community or contribute to local



development. As Saw Tt---, from Ss--- village, Meh Cho village tract, Dwe Lo Township explained: *“There is no benefit to the community because we requested companies that conduct gold mining to build just one school and one clinic building, but they did not do it for us. We could only enjoy few rights [while working as day labourers for the mining companies] and we couldn’t voice our perspective on the implementation of the project. Most of the time, they applied dictatorial methods: money and military work.”* In some occasions, they even damaged villagers’ property, as Saw Rr--- from R--- village, Dwe Lo Township explained: *“Once, the gold mining reached our village, until villagers’ houses were almost destroyed. They stopped digging the gold in the village compound only when women threw stones at them with slingshots.”*

Gold mining activities are threatening the way of life of local villagers, as they depend on rivers, forests, plantations and farmlands for their livelihoods. They also feel that these kinds of projects only benefit wealthy individuals and armed actors. Therefore, Saw Tt--- reported to KHRG that the local population wanted them to stop: *“We call [on the authorities] to stop the gold mining because it will destroy our villages and [cause a] major natural disaster. One day, the gold will be gone, but the civilian population will remain forever, from generation to generation. Therefore, if there is no land for us to farm for our livelihoods, how can we survive in the future? We should consider long-term plans.”*

### **C. Sexual violence against children**

KHRG received four cases of sexual violence against children over the reporting period. Two of the four cases were sexual violence committed by a family member, one was a case of forced marriage and rape, and the fourth was rape committed by a police officer. Social stigma and a culture of victim-blaming often prevent victims of sexual violence from disclosing and reporting such incidents. They also continue to face barriers within the judicial system and rarely receive the resolutions that they seek or that are consistent with the severity of the offense. Victims often continue to fear for their safety, particularly if the abuser(s) go unpunished or underpunished. They seldom receive psychological support to address the trauma caused by the sexual violence and abuse, and in some cases continue to encounter shaming and marginalisation within their community. Some victims stop attending school, or are forced to leave school, which creates further social isolation. This can foster increased vulnerability to additional sexual violence and abuse, and also impact the victim’s ability to eventually establish economic independence.

#### *i. Sexual violence perpetrated by a family member*

KHRG received two reports of sexual violence against children committed by a family member. Children are more likely to be the victim of sexual violence by family members because of the intimacy of the household and the difficulty of speaking out against family members. Strong parental authority in Southeast Myanmar also makes it such that children can easily be pressured into silence. Furthermore, a lack of awareness of matters of sexual violence, including how to talk about it, can make it difficult for children to speak to others about their situation.

#### First incident

Naw J--- is a primary student from Daw Hpa Hkoh Township, Taw Oo District.<sup>25</sup> Her parents divorced when she was young so she moved into her uncle's house with her mother in order to receive her uncle's financial support and continue going to school. Since the age of ten, she has repeatedly been subjected to sexual violence and rape by her uncle, Saw M---. In July 2019, she became pregnant when she was 13 years old. On October 20<sup>th</sup> 2019, her uncle asked her school headmaster, Daw N---, to expel her from school because she was pregnant. Naw J--- was questioned by her headmaster and explained that she was being sexually abused by her uncle. Her headmaster reported the case to the village authorities who then contacted the Myanmar police in Thandaung Myo Thit town. Later that day, the Myanmar police arrested her uncle. On October 21<sup>st</sup> 2019, the Myanmar police released her uncle because the parents of the victim were unable to get to the police station to file formal charges. This allowed her uncle to go unpunished.

Since Saw Hsa Law Lar was not brought before the court of law, villagers organised a meeting to discuss the case. After the meeting, the O--- village tract leader, Saw P--- banished Saw M--- from the village as a form of punishment. Still fearing for her safety, Naw J--- moved to stay with her father in another village in Taw Oo District. Because the case was not resolved through the judicial system, the victim's father submitted the case to the KNU office in Daw Hpa Hkoh Township, Taw Oo District.

The village tract leader preferred that the Myanmar government handle the case instead of the KNU. Being Myanmar government staff himself, he took matters into his own hands and encouraged Saw M--- to turn himself in to the Myanmar police, which he did on November 20<sup>th</sup> 2019. On November 25<sup>th</sup> 2019 the Myanmar police in Thandaung Myo Thit town transferred the perpetrator to Hpa-an for a court hearing. The investigation took place at the District Court in Hpa-an town on December 16<sup>th</sup> 2019, but no decision has yet been made. According to an update from a KHRG researcher, there will be a second court hearing in the early months of 2020 but the judge has not yet announced the exact date. In the meantime, the victim is unable to have a resolution to her ordeal.

It should be noted that it is difficult for the victim and her family to go to the District court in Hpa-an as it is far from where they live. Furthermore, Naw J--- can no longer travel because of her pregnancy. Although other family members will try to go to court, only the victim can testify to the sexual abuse by her uncle. If Naw J--- is unable to attend the proceedings, this may have an impact on the trial process and its outcome.

### Second Incident

Naw N---, a 22-year-old girl from Noh T'Kaw Township, Dooplaya District was subjected to sexual abuse by her father, U Aung Min, from 2010 to 2019. It began when she was 13 years old and was forced to live with her father following her parents' divorce. As a result of the sexual abuse, she has given birth to two children.<sup>26</sup>

The victim faced many challenges in trying to report the abuse to local authorities during the period between 2010 and 2019. U Aung Min did not allow her to call him father so that people would not know the true relationship between them. And because they were originally from another village, everyone believed them simply to be husband and wife. Knowing that he would be arrested if anyone found out about the situation, he threatened to kill her if she told anyone.

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<sup>25</sup> This information is taken from an unpublished report from Daw Hpa Hkoh Township received in December 2019.

<sup>26</sup> KHRG (January 2020), "[\*Dooplaya Incident Report: Multiple instances of child rape and domestic abuse in Noh T'Kaw Township, 2010 to 2019\*](#)".

She was also sequestered in the house to prevent her from interacting with other people. On one occasion, Naw N--- was able to get out of the house and report the abuse to her neighbours, who then tried to help her escape. But after her father found out, he beat her badly and threatened to kill her if she ever tried to get out again. He even went so far as to dig a hole in which to bury her dead body to further heighten the threat.

In May 2019, she was once again able to tell a neighbour about her situation. Her neighbour had received training through the KHRG Village Agency Workshop and reported the abuse to the Karen Women's Organisation (KWO) on August 7<sup>th</sup> 2019. Before the case was referred to local KNU authorities on October 2019, Naw N--- managed to escape from her father's house in September 2019 and relocate to a refugee camp in Thailand. Although her father is currently in jail, no decision has yet been made, and Naw N--- worries for her safety if her father is released.

*ii. Child rape following forced child marriage<sup>27</sup>*

Child marriage is both common and acceptable in some communities in Southeast Myanmar, even though it violates international human rights standards. Children who have been forced into marriage are also more likely to experience sexual and domestic violence by their spouse. KHRG received one incident of forced child marriage and child rape during this reporting period.

A 17-year-old girl, Naw K---, from Bu Tho Township, Mu Traw District was ordered by her adoptive mother to marry Saw L---, a 48-year-old man in May 2019. Because she refused to marry him, she was severely tortured and beaten. No longer able to tolerate the abuse, Naw K-- - finally agreed to marry the man. Her husband, Saw L---, repeatedly committed sexual violence against her, treating her like a prostitute or sex slave. She attempted to flee on several occasions but each time was forced to return and remarry her abuser (fleeing is considered an informal form of divorce). Although there were often witnesses to the abuse, no one would take action to protect her from the abuse because child marriage is not considered a crime in her community. Local authorities even participated in the (re-)marriage ceremonies. And when the victim requested a formal divorce from her husband, local authorities gave her three months to reconsider and she was forced to remarry him one last time.

Naw K---'s mental health began to suffer because of the repeated abuse. As a result, the local population believed she was the victim of witchcraft and further marginalised her. When her adoptive father noticed the changes, he also suspected witchcraft, and so called the Karen National Police Force (KNPF)<sup>28</sup> to investigate.

Through its investigation, the KNPF found out about the forced marriage and rape, and arrested Saw L---, her husband, in October 2019, followed by Naw P---, her adoptive mother, in December 2019. Her adoptive mother was only imposed a fine by the Bu Tho Township KNU Court in January 2020. Her husband remains in detention and is awaiting his trial.

The victim herself never reported her case to the police because she was afraid of her adoptive mother and her husband, and was traumatised by the torture they inflicted upon her. She also lacked knowledge about criminal law and the justice system, and felt too ashamed to share her feelings with others. Naw K--- is still suffering from severe psychological trauma and has not yet received any mental health services or support.

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<sup>27</sup> KHRG (February 2020), "[\*Hpapun District Incident Report: Torture, forced child marriage and multiple instances of child rape in Bu Tho Township, May to October 2019\*](#)".

<sup>28</sup> The Karen National Police Force is the law enforcement agency of the Karen National Union. It was established in 1991.

iii. *Sexual violence perpetrated by a Myanmar police officer*<sup>29</sup>

It is very rare for KHRG to receive information about sexual violence against children committed by Myanmar police officers. Incidents of abuse and violence are often handled through informal judiciary mechanisms, and when the perpetrators are in positions of political and/or administrative power, they may even be dismissed entirely. Typically, a case of sexual violence or rape will be handled by village administrators and the perpetrator will be asked to marry the victim or pay a small sum as a form of compensation. The family of the victim may agree to these terms because turning to more formal courts of law can seem daunting given problems of corruption, the lack of transparency of the judicial system, language barriers, and the financial cost of going to trial. People are also often unaware of how to report sexual violence cases. In Southeast Myanmar, two formal legal systems exist in parallel — that of the Myanmar government and that of the KNU — and the local population tends to have limited knowledge of both systems.

On the night of August 30<sup>th</sup> 2019, a 15-year-old girl, Naw W--- was raped by a Myanmar police officer, *Ar Kar Phyo*, inside a police station in Kyaukkyi Town, Ler Doh Township, Kler Lwee Htoo District. She originally said that she was going to the police station to visit her brother, but the friends of the family who took her there were suspicious and eventually voiced their concerns. The police officer on duty found the victim and the police officer half-naked in one of the rooms, but at the time, it was unclear what happened.

Initially, Naw W--- did not discuss the rape with anyone. The incident only came out because the victim's aunt overheard people talking in the village, and then informed the victim's parents. Naw W--- then told her mother that she had been raped by the police officer, at which point in time her family reported the crime to the Kyaukkyi police.

On September 1<sup>st</sup> 2019, the perpetrator was arrested by police officers in Kyaukkyi Town. On the same day, they held a meeting with family members of both parties. Although marriage was proposed as a solution in order to close the case, neither family agreed to marriage. The perpetrator's parents wanted to resolve the issue by providing compensation to the victim. The idea that rape cases can be settled merely through financial compensation remains common in some communities. The victim's parents preferred to resort to judicial mechanisms and reported the case to the Kyaukkyi police station. The mother said: *"I am reporting [this case] to the police station for my daughter who is still young and also a student. [She] was raped by a man who knows [that he should] respect and follow the law. Therefore, I would like to take action on this case."*

Although *Ar Kar Phyo* confessed to raping Naw W---, and criminal proceedings were brought against him in the local Myanmar government court, the decision-making process has been delayed. The victim's parents were not updated about when and how the process would be handled. This lack of transparency has led to a lack of trust in the Myanmar government justice system by Naw W---'s family, who is now planning to report the case to the KNU in the hope of a just resolution. It should be noted that even though the KNU has its own, independent system of legislation, its provisions regarding sexual violence have not been clearly outlined, nor do they seem to fully comply with international human rights standards.<sup>30</sup>

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<sup>29</sup> KHRG (November 2019), "[Nyaunglebin Incident Report: Child rape by a Myanmar police officer in Kyaukkyi Township, August 2019](#)".

<sup>30</sup> KHRG (December 2018), "[Suffering in Silence? Sexual Violence Against Women in Southeast Myanmar](#)".



## Part II. Overview of the human rights and security situation in Southeast Myanmar

### A. Abuses by armed actors

Armed actors are still subjecting civilians to human rights abuses in Southeast Myanmar. From July to December 2019, KHRG documented one case of arbitrary arrest and detention and one case of land confiscation by the KNU/KNLA-Peace Council (KNU/KNLA-PC)<sup>31</sup> in Hpa-an District. While both of them amount to violations of the NCA, they were met with total impunity. The lack of accountability remains the main factor enabling human rights violations by members of the KNU/KNLA-PC, as they know that little or no action will be taken against them. In addition to these two cases, Tatmadaw soldiers from Infantry Battalion #96 violated the NCA by stealing civilians' property in Mu Traw District. The Tatmadaw also conducted live fire exercises in and near civilian areas in Taw Oo District, resulting in property damage and raising security concerns among the local population.

#### i. Arbitrary arrest and detention<sup>32</sup>

On September 1<sup>st</sup> 2019, KNU/KNLA-PC Battalion #773 arrested Saw J---, a villager from T--- village, T--- village tract, Paingkyon (Ta Kreh) Township, Hpa-an District whom they accused of murder. They detained him for four days, after which they took him to a KNU/KNLA-PC detention camp to serve a three-month sentence without any trial. Around 10 other villagers from a nearby village were also accused and arrested.

Saw J--- was detained for 45 days without being able to take a shower or see his wife, and lacked sufficient access to drinking water and proper food. His detention conditions improved afterwards. On November 20<sup>th</sup> 2019, Saw J--- was released after his wife paid 200,000 kyats (USD 140) to the KNU/KNLA-PC. The other villagers faced similar conditions and also had to pay the same amount, but they spent less time in detention.

This incident clearly amounts to a violation of sections 9(e) and 9(b) of the NCA, which forbids arbitrary arrest and detention. Extorting money from the families of detained civilians in exchange for their release also amounts to a violation of Section 7(D) of the NCA Code of Conduct, which states that “*no money [...] shall be demanded from the civilians*”.

#### ii. Land Confiscation<sup>33</sup>

On August 13<sup>th</sup> 2019, KHRG was informed that the KNU/KNLA-PC had confiscated one acre of land belonging to a local female villager in Htoh Kaw Koh village tract, T'Nay Hsah (Nabu)

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<sup>31</sup> The KNU/KNLA PC is an armed group based in the Htoh Kaw Koh village tract area, Hpa-an District. It split from the Karen National Union (KNU) and signed a ceasefire agreement with the Myanmar government in 2007, but refused to transform into a Border Guard Force (BGF) in 2010. It signed the Nationwide Ceasefire Agreement in October 2015.

<sup>32</sup> KHRG (Jan 2020), “[News Bulletin: Killing, physical abuse, arbitrary detention and land confiscation by the KNU/KNLA-PC in Hpa-an and Dooplaya districts, October 2018 to November 2019](#)”.

<sup>33</sup> KHRG (Jan 2020), “[Hpa-an Incident Report: Land confiscation by the KNU/KNLA-PC in T'Nay Hsah Township, August 2019](#)”.

Township, Hpa-An District. KHRG was not able to obtain information about the battalion involved or the exact date of the land confiscation.

The KNU/KNLA-PC confiscated the land located beside her farm to build a playground for their school, after which they levelled the ground and cut down the trees. The victim has a KNU land ownership certificate. She showed it to the KNU/KNLA-PC, without result. She did not receive any compensation for the loss of her land. Although she reported the case to the village head and township authorities, they could not help her.

This incident amounts to a clear violation of section 9(f) of the NCA, which states that Ethnic Armed Organisations shall not confiscate lands from civilians.

### *iii. Extortion<sup>34</sup>*

The Tatmadaw Infantry Battalion (IB) #96, which is stationed at the Kay Koh army camp, Ma Lay Ler village tract, Dwe Lo Township, was involved in several incidents of extortion and theft of property during the reporting period. This battalion is under the authority of Zay Ya Thun.<sup>35</sup>

According to information received by KHRG and covering the period from June to July 2019, IB #96 soldiers took the local villagers' property, crops, and livestock without compensating them. They also cut the villagers' palm leaves, wood, bamboo, and chilli plants, and ate three pigs that wandered into their army camp without informing the owners. Such actions amount to a violation of section 9(d) of the NCA, which prevents the Tatmadaw from forcibly taking money, property, and food from civilians.

Raw material taken from villagers was used to reinforce and expand the Kay Koh army camp. Villagers who experienced this first hand said: "*Tatmadaw soldiers get their salaries so why don't they buy it [crops, raw material, and livestock] from villagers?*" Some villagers reported the incidents to the KNU village tract and township authorities, but no action has been taken.

### *iv. Live fire exercises and destruction of property*

KHRG received reports that the Tatmadaw has been conducting military training and live fire practice in and near civilian areas on several occasions. Tatmadaw soldiers from LIB #314 based at the Thee Roh Htah army camp, Bu Aah Der village tract, Bu Tho Township, Mu Traw District fired their small arms three times on September 8<sup>th</sup> 2019, five times on September 9<sup>th</sup>, 66 times on September 10<sup>th</sup> and 31 times on September 17<sup>th</sup>. Civilians from the four villages located in the area were concerned for their safety, as they did not know why the Tatmadaw was firing its weapons.<sup>36</sup>

Two similar incidents also took place in Taw Oo District. On August 13<sup>th</sup> 2019, two pieces of explosive ammunition fired by Tatmadaw soldiers based in Th'Aye Hta fell on the Q--- villagers' hill farms in Htaw Ta Htoo Township,. According to information received by KHRG, one of the pieces failed to detonate. On October 11<sup>th</sup> 2019, Tatmadaw soldiers from the Ba Yint Naung military training school, Daw Hpa Hkoh Township fired mortar rounds as part of a live fire exercise. Some of the shells fell on a road that local villagers are using and damaged

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<sup>34</sup> KHRG (November 2019), "[\*Hpapun Situation Update: Militarisation, extortion and gold mining activities harming villagers in Dwe Lo Township, June to July 2019\*](#)".

<sup>35</sup> This information is taken from an unpublished report from Bu Tho Township received in August 2019.

<sup>36</sup> This information is taken from an unpublished report from Bu Tho Township received in November 2019.

plantations. They were too afraid to go and work on their plantations after this, which resulted in a loss of income. In addition, a group of Tatmadaw soldiers fired their weapons while conducting manoeuvres in full gear beside a nearby KNU taxation checkpoint, leaving the people manning the checkpoint and local civilians terrified.<sup>37</sup>

According to local villagers, the Ba Yint Naung military training school did not inform them ahead of the artillery live fire exercise, hence putting their lives in danger. Military training activities resulting in the damage of plantations and farmland are a direct violation of section 5(a) of the NCA, which states that the Tatmadaw (and other signatories) must not engage in destruction of property in ceasefire areas. The Tatmadaw's actions also show complete disregard for the safety and security of villagers, in breach of its obligation to "*ensure the security and development of civilians living in ceasefire areas*" pursuant to Section 9(p) of the NCA.



These photos were taken on October 12<sup>th</sup> 2019 in Maung Nwet Gyi village tract, Daw Hpa Hkoh Township, Taw Oo District. They show the road and plantation damaged by the mortar shells fired by Tatmadaw soldiers from the Ba Yint Naung military training school on October 11<sup>th</sup> 2019. [Photos: KHRG]

## **B. Abuses by private companies**

Private companies are still violating the rights of workers in Southeast Myanmar. Day labour and informal work are still widespread in the rural areas, as local villagers often do not know about contractual mechanisms and labour rights. Therefore, they remain excluded from a wide range of legal protections and benefits, such as social security and minimum wage. Their lack of education and legal knowledge prevents some from spotting and reporting abuses, while others choose to remain silent because they are afraid of losing their jobs or because they do not trust the justice system. In addition, given that job opportunities are scarce, some villagers have no other choice than to engage in exhausting, underpaid jobs to provide for their families.

### *i. Violations of labour rights and gender-based discrimination*

In August 2019, a former labourer from Xx--- village, Lay Nyarbotpyin Special area, Mergui-Tavoy District reported to KHRG that one of her family members was working on a plum plantation owned by the Yuzana Company without a proper contract or health insurance, in

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<sup>37</sup>This information is taken from an unpublished report from Daw Hpa Hkoh and Htaw Ta Htoo Township received in November 2019.

clear violation of the legal framework on labour rights: *“Before, some workers used to have a worker ID [proper contract], but now they don’t have them anymore.”*<sup>38</sup>

The workers have to work six days per week, and sometimes also on Sundays. They are paid only every three or four months. Between pay periods, they have to survive with only the monthly rations provided by the company: 10 bowls [15.6 kilos] of rice and 1 viss of oil [1.63 kilos]. Therefore, most of the workers have left the job and gone back to their villages without any savings: *“Workers must work normal working hours, but we do not receive regular or timely payment. We went into debt to provide for our families. Therefore, some workers left the job.”*

However, those who did not have other job options had to continue working there to support their family. Male workers sometimes receive up to 200,000 kyats (USD 140) on payday, but female workers never receive more than 100,000 kyats (USD 70). Given that they work at least six days a week, such a situation amounts to gender-based discrimination and to a clear violation of the Myanmar Minimum Wage Law (2013), which sets the daily minimum wage at 4,800 kyats (USD 3.40).

## *ii. Unpaid wages*

Over the reporting period, villagers from Hpapun Town, Bu Tho Township, Mu Traw District reported an incident of unpaid wages by the Lucky Diploma commercial company. This company is owned by U Win Ko and based in Hpa-an Township. It first came to their villages on March 17<sup>th</sup> 2018. The company staff hired around 20 villagers to carry sand, soil, and bricks as part of a project to build schools and a village tract administration office, but never gave them proper contracts.

At first, they paid the villagers for their work through U Yy---, a local villager who owns a truck for transporting sand, soil, and bricks. Afterward, the company told the villagers they would pay the remaining wages later, but management returned to their base area without doing so. In July 2019, U Yy--- reported to KHRG: *“[Lucky Diploma] has to pay me about 3,880,000 kyats (USD 2,677), so I could not pay all the wages yet. When I asked U Win Ko [company owner] to pay the wages, he postponed it to the following month, and then to the following month until now. I cannot contact him by phone anymore.”*<sup>39</sup> As of the end of 2019, villagers still hadn’t received their payment.

## **C. Extension of a reserved forest over customary lands**

The lack of recognition of customary land tenure by the Myanmar legal framework continued to endanger the livelihoods of subsistence farmers over the reporting period. According to information received by KHRG, the Myanmar government is planning to extend an existing reserved forest located within a day's walking distance of the Wa Shu HKoh village, K'Moh Thway area, Ta Naw Th'Ree (Tanintharyi) Township, Mergui Tavoy District. Around 30 villagers from two villages are now at risk of losing the lands they rely on for their livelihoods, as agricultural activities are prohibited inside reserved forest.

Customary land tenure is still used in this community and remains widespread in Southeast Myanmar. Although some villagers were given KNU land titles in 2015, none of them have Myanmar government land titles. A local woman leader stated: *“Our village head told us that our*

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<sup>38</sup> This information was taken from an unpublished report from Kruh Tu Township received in November and December 2019.

<sup>39</sup> This information was taken from unpublished reports from Bu Tho Township received in November and December 2019.



*lands are recognised as vacant, fallow and virgin by the Myanmar government. We do not have land titles but we have been working on [our lands] since our forefathers' time. We have crops and plants on them. The Karen National Union provided land grants for us but the Myanmar government did not."*

The extension has not been implemented yet, but wooden posts have been set to mark the new limits of the reserved forest. Villagers can still work on their land, but their future is uncertain. As a local villager explained: *"We can still work on our lands but we cannot extend our plantation or grow more plants on the lands we have left. We were only allowed to work on the existing plantation. In October 2019, the village head told us that the Myanmar government gave us permission to use the land, but not an ownership certificate."* Local villagers tried to apply for Myanmar government land titles, but were not able to because their customary lands were inside the reserved forest.

## **D. Access to healthcare and education**

### *i. Education*

KHRG's documentation shows that, despite some positive developments, access to education remains problematic in certain areas of Southeast Myanmar. Although there were plans for the expansion of educational infrastructures, such expansion at times met with obstacles. There also continues to be unequal access to education and problems of funding throughout the region.

More schools are now teaching the Karen language but in many cases Karen teachers are still not supported by the Myanmar government (despite the fact that the Myanmar National Education Law of 2014 provides for the teaching of ethnic languages and cultures).<sup>40</sup> Villagers of A Pu Lon village, Meh T'Lee village tract, Waw Ray (Win Yay) Township, Doooplaya District are funding the local Karen Education and Cultural Department (KECD) teachers themselves to teach the Karen language in school. Even though the Karen teachers are working in the Myanmar government school, they did not receive salary from the Myanmar government because, according to a local villager, the government will only pay teachers who have been trained in government schools. Each student in the village pays 20 baht (USD 0.64) per month to support the two local teachers.<sup>41</sup>

Similarly, in Paw K'Dah Law village, Waw Kay village tract, Kyeh Htoh (Kyaikto) Township, Doo Tha Htoo District, villagers are also paying for the local Karen teacher. In addition, the villagers are providing support to the two Myanmar government teachers in the form of free room and board and transportation.<sup>42</sup> Each household also provides 1,000 kyats (USD 0.69) per month to cover the cost of the teachers' petrol. Learning materials and school supplies are provided by the KECD, but sometimes there are not enough materials for the whole year. The existing school building in the village is much too small, so the local monastery hall is currently used as a classroom. In 2018, the village leader proposed a school building to be financed by both the

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<sup>40</sup> ILO (2014), *"The Myanmar National Education Law, 2014 (41/2014)"*.

<sup>41</sup> This information was taken from an unpublished report from Waw Ray Township received in July 2019.

<sup>42</sup> As is often the case in the smaller villages, when no independent housing is available for the outside teachers, the villagers must house the teachers themselves, and end up absorbing the costs because it is considered inappropriate to ask for money from "guests".

KNU and the Myanmar government, but villagers are still waiting to see if the proposal will be accepted.<sup>43</sup>



These photos were taken on 8<sup>th</sup> July 2019 in Paw K'Dah Law village, Waw Kay village tract, Kyeh Htoh Township, Doo Tha Htoo District. The photo on the right shows the old school in the village which cannot be used anymore because of the lack of space. The left photo shows students in the monastery building. [Photos: KHRG]

Plans for school construction took place in Dwe Lo Township. On November 28<sup>th</sup> 2019, the Dwe Lo Township Education Department officer Saw Kyaw Swa held a meeting in Hpway Htaw Ruh Treh with school committees and teachers from Maw Loh Kloh village. They discussed constructing more school buildings in Maw Loh Kloh, Hpah Loh Doh and Noh Hpaw Htee villages. According to the proposal, the KECD would provide 10 tons of wood and 3,000,000 kyats (USD 2075.28) for each proposed school. Local villagers were to provide other materials and construct the buildings themselves.<sup>44</sup> Construction of the schools in Hpah Loh Doh and Noh Hpaw Htee villages will begin in September 2020. The villagers will construct the schools themselves.

However, the villagers of Maw Loh Kloh did not accept this proposal because they expected the Myanmar government to take responsibility for the construction of their village school. The KECD and local leaders disagreed with the Maw Loh Kloh villagers' decision because they prefer that the communities stand by themselves and provide aid according to their means. This case will be brought back to the community for discussion. Currently, it is not known whether the villagers of Maw Loh Kloh will accept the proposal of the KECD to build the school themselves.

While many villages now have a local primary school, accessing secondary education continues to present challenges. If no secondary schools exist in the village, students are required to travel long distances to get to the closest township or district school. This is the case in Khoh Hkee and Maw Nay Pwa village tracts, Htaw Ta Htoo Township, Taw Oo District where only 50% of children were able to continue their studies because it takes about two days to travel by vehicle to the township and district schools.<sup>45</sup>

Similarly, most children in the Kaw Thay Der area who finish middle school must go to the high school in either Hkler La (Baw G'Li) Town or Tougoo, which takes around half a day to a whole day by vehicle. Because of the distance, students who do go on to high school must move to

<sup>43</sup> This information was taken from an unpublished report from Kyeh Htoh Township received in July 2019.

<sup>44</sup> This information was taken from an unpublished report from Dwe Lo Township received in December 2019.

<sup>45</sup> This information was taken from an unpublished report from Htaw Ta Htoo Township received in November 2019.

another village, and in many cases pay the cost of living in a dormitory.<sup>46</sup>

## *ii. Healthcare*

Some areas continue to suffer from a lack of local healthcare facilities, and even where there are local facilities, services and supplies often remain limited. Although medical infrastructure and services are expanding overall, the cost of services and treatment remains prohibitive for many villagers.

Many villages in Waw Ray Township, Dooplaya District do not have proper access to healthcare services due to a lack of local facilities. As of mid-2019, A Pu Lon village in Meh T'Lee village tract still does not have its own clinic. Villagers there must access healthcare service at KNU clinics in Thay K'Tai and Myaing Tha Ya villages, which takes around one hour by motorbike.<sup>47</sup> For more serious health conditions, they must go to the hospital in Three Pagodas town, which is several hours away by vehicle. They hoped to have a clinic constructed in their village since this is a heavily populated area and it is hard to access neighbouring clinics during the rainy season due to transportation problems and unpaved roads.

Most villages in Bu Tho Township, Mu Traw District have private clinics near the village but villagers have difficulty affording the cost. It costs 2,000 to 3,000 kyats (USD 1.38 to 2.08) for the clinic visit and three days of medicine. Affording this cost is not easy for villagers without steady employment. The average payment for casual work in the area is between 4,000 and 5,000 kyats (USD 2.77 to 3.46) per day. At the Hpapun government hospital, it costs them around 30,000 kyats (USD 20.75) when hospitalised for one night. Villagers explained that, in some cases, the hospital in their region does not have adequate medicine for the patients, and so the cost of any medicine is not included in the hospital visit costs. Therefore, they have to buy medicine outside of the hospital according to their doctor's indication, which feels like a double cost to the villagers, who are used to paying one amount for the visit and the medicine. From July to September 2019, the Karen Department of Health and Welfare (KDHW) offered free vaccination for polio disease to children under 15 years old and set up a banner informing villagers of the service.<sup>48</sup>

The KDHW also provides a clinic for the rural community in Th'Aye Hkee village, Khoh Hkee village tract, Htaw Ta Htoo Township, Taw Oo District. This has made access to healthcare easier for nearby villagers, however, it usually takes a day by walking and half day by motorbike to get there (the road is not accessible to cars and other large vehicles). For the Maw Nay Pwa village tract, Brigade leaders set up a Free Burma Ranger (FBR) clinic in A--- village which is open to everyone in Maw Nay Pwa village tract and also provides services free of charge. Villagers in Kaw Thay Der and Per Htee area access healthcare services in nearby towns such as Hkler La and Z'Yat Gyi, Htaw Ta Htoo Township.<sup>49</sup>

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<sup>46</sup> This information was taken from an unpublished report from Htaw Ta Htoo Township received in November 2019.

<sup>47</sup> This information was taken from an unpublished report from Waw Ray Township received in July 2019.

<sup>48</sup> This information was taken from an unpublished report from Bu Tho Township received in August 2019.

<sup>49</sup> This information was taken from an unpublished report from Htaw Ta Htoo Township received in November 2019.



This photo was taken on 9<sup>th</sup> August 2019 in Klaw Day village, Meh Klaw vilalge tract, Bu Tho Township. It shows the poster of the polio vaccine service provided for children by the KDHW. [Photo: KHRG]



This photo was taken on February 19<sup>th</sup>, 2020 in A--- village, Maw Nay Pwa village tract, Htaw Ta Htoo Township, Taw Oo District. This photo shows the FBR clinic provided for local villagers. [Photo: KHRG]

## E. Livelihoods

Villagers' livelihoods are already extremely fragile since most rely heavily on agriculture and regularly experience problems of flooding, drought, and pest infestation. Displacements, armed conflict, destruction and/or confiscation of certain lands, and lack of government support make it even more difficult for them to secure their livelihoods let alone attempt to rebuild sustainable practices.

Residents in A Pu Lon village, Waw Ray Township, Dooplaya District are concerned about the decrease in available farming lands to secure their livelihoods. During the rainy season of 2019, the KNU started limiting forest lands from further cultivation in order to protect local forests. Villagers are afraid to complain but secretly hope that the KNU headquarter leaders will acknowledge their concerns and provide greater support for the challenges to their current situation. They also want assistance with the development of more sustainable agricultural practices.<sup>50</sup> Saw B--- explained, *"We want to have a sustainable place to work so that we can stop worrying about our children's future. For example, we don't own a field, so we just cultivate virgin lands for a hill farm. When we have no land to work, we will have trouble affording our family's needs. [...] Currently, our livelihood situation is unstable because there is no long term casual work that we can rely on. We do not want to be migrant workers in foreign countries either. We want to rely on our own work such as farming on hills as well as plain fields."*

<sup>50</sup> This information was taken from an unpublished report from Waw Ray Township received in July 2019.





This photo was taken on July 23<sup>rd</sup> 2019 in Meh Klaw Day village, Meh Klaw village tract, Bu Tho Township, Mu Traw District. It shows how villagers secure their livelihoods by farming paddies. *[Photo: KHRG]*



This photo was taken on January 31<sup>st</sup> 2020 in Meh Klaw village tract, Bu Tho Township, Mu Traw District. This photo shows the mice killing awareness poster installed in a paddy field by the Karen State Ministry of Agriculture. *[Photo: KHRG]*

In July 2019, Myanmar government workers from the Ministry of Agriculture once again trained villagers in Meh Klaw village tract how to plant rice paddies alongside the auto route.<sup>51</sup> They also suggested the type of paddy seed that would be the best suited for local soil and showed how to use insecticides and mice killer to protect the paddies. However, adopting this new method of plantation means that the villagers would have to buy all of the needed supplies (seeds, plants, and mice killer) from the government. Normally, they would use the seeds from the previous season to plant the new harvest, but here they would have to pay for all new seeds and plants.<sup>52</sup>

Heavy flooding caused problems for a number of villages and townships. In August 2019, villagers in Ta Naw Th'Ree Township, Mergui-Tavoy District faced challenges to their livelihood, food, and transportation because of flooding. Some houses were completely covered by the floods. The most affected villages in Ta Naw Th'Ree Township were Plaw Thaw, T'Keh, Plaw Hpa Htaw, Pa Wa and T'Keh Lar Khaw. From August through September, the victims of the flooding received humanitarian aid such as rice, noodles, drinking water, cans of fish, blankets, Ovaltine powder and snacks from various NGOs like MYTEL Company and TriNat, and from the National League for Democracy (NLD) and the KNU. Some farmers received special paddy seeds along with other humanitarian aid. About 170 households received aid.<sup>53</sup>

<sup>51</sup> They have come two to three times every year since 2017.

<sup>52</sup> This information was taken from an unpublished report from Bu Tho Township received in August 2019.

<sup>53</sup> This information was taken from an unpublished report from Ta Naw Th'Ree Township received in November 2019.



These photos were taken on 29th August 2019 in T'Keh village, T'Keh village tract, Ta Naw Th'Ree Township, Mergui Tavoy District. The photo on the right shows houses in the village that were flooded during the rainy season. The photo on the left shows the villagers receiving humanitarian aids from service providers. [Photos: KHRG]

For residents of A Pu Lon village, Waw Ray Township, Dooplaya District, the Myanmar government helped arrange for humanitarian aid from international organisations after flooding occurred. The Nippon Foundation provided water pipes, and Community Driven Development (CDD) helped install the pipes and built a community hall.<sup>54</sup>

During the harvest season from October to November 2019, large populations from three village tracts in Dwe Lo Township faced livelihood and food shortage issues because their paddies were damaged by drought.

Some farms could not be harvested whereas others could only partially be harvested. Local villagers expected local authorities and relevant humanitarian aid organisations to come to their assistance because support was provided to other areas that experienced food shortages from flooding and other adverse environmental conditions. They, however, received no aid or assistance.<sup>55</sup>

Residents in Khoh Hkee, Kaw Thay Der and Maw Nay Pwa village tracts, Htao Ta Htoo Township, Taw Oo District also experienced food shortages and livelihood challenges due to crop damage from the heavy drought earlier in the year (during March and April).<sup>56</sup>



This photo was taken on November 25<sup>th</sup> 2019 in the Htee Hsaw Meh Klo field, Htee Th'Bluh Hta village tract, Dwe Lo Township, Mu Traw District. The photo shows paddies that were damaged by droughts. [Photo: KHRG]

<sup>54</sup> This information was taken from an unpublished report from Waw Ray Township received in July 2019.

<sup>55</sup> This information was taken from an unpublished report from Dwe Lo Township received in December 2019.

<sup>56</sup> This information was taken from an unpublished report from Htao Ta Htoo Township received in November 2019.

## F. Landmine contamination

Landmine contamination remains a problem across large areas of Southeast Myanmar, posing a threat to the local population and preventing a large number of refugees and IDPs from returning to their area of origin. On July 18<sup>th</sup> 2019, villagers from Hsaw Wa Der, Htaw Ta Htoo Township, Taw Oo District, found an M-14 landmine planted by the Tatmadaw beside the main road while travelling to their plantation.<sup>57</sup>

## G. Exposure to high levels of road dust

Villagers from T--- village, Htee Ghu Thaw village tract, Kruh Tu (Kyonedoe) Township, Dooplaya District reported negative consequences from the construction of the second ASIAN highway near their village. The road construction activities there started in 2014 and have been conducted by several companies since then, the last being the Steel Stone Company. However, the road has not been paved yet.<sup>58</sup>



This photo was taken on November 23<sup>rd</sup> 2019 in T--- village, Htee Gu Thaw village tract, Kru Tu township, Dooplaya District. It shows the large quantities of road dust raised by cars near the village. [Photo: KHRG]

For the past six years villagers have been exposed to the dust raised by the road construction activities and passing cars, so they are now worried about their health. One of them reported to KHRG that their children experience constant coughing. As a local civilian explained: *“The unpaved road is around five kilometres [long] so all of us have to breathe the dust longer than in other areas. A lot of children, including my children, are coughing and have runny noses [from the dust].”*

As of December 29<sup>th</sup> 2019, the company had only watered the road one time in December to prevent dust emissions. Therefore, there is still no permanent solution in sight.

### About KHRG

Founded in 1992, the Karen Human Rights Group is an independent local organisation committed to improving the human rights situation in Southeast Myanmar. KHRG trains local people to document and gather evidence of human rights abuses, and publishes this information to project the voices, experiences and perspectives of local communities. More examples of our work can be seen online at [www.khrq.org](http://www.khrq.org).

<sup>57</sup> This information is taken from an unpublished report from Daw Hpa Hkoh and Htaw Ta Htoo Township received in November 2019.

<sup>58</sup> This information was taken from an unpublished report from Kruh Tu Township received in December 2019 and January 2020.



# Overview of the human rights and security situation in Southeast Myanmar July to December 2019

