‘He only let me go after he finished raping me’: Sexual Violence in Southeast Myanmar, 2019

This photo was taken on November 25th 2019 in Dwe Lo Township, Mu Traw (Hpapun) District. It shows hundreds of villagers attending an event for the 16 Days of Activism against Gender-based Violence campaign organised by the Karen Women’s Organisation (KWO). The slogans written on the umbrellas that were distributed to the villagers read: “Stop sexual violence now! Take action and be responsible if you see violence against women. Use your power to protect!” [Photo: KHRG]
Introduction

In 2019, the Karen Human Rights Group (KHRG) received 26 reports covering 11 cases of sexual violence in Southeast Myanmar. These include three cases of rape against women with intellectual disabilities, one case of sexual assault, five cases of child rape, one case of attempted rape and one case of suspected sexual misconduct.

The World Health Organisation defines sexual violence as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.” Sexual violence takes multiple forms and includes acts such as rape, sexual assault or sexual harassment.

While widespread conflict-related sexual violence continues to be perpetrated by the Tatmadaw in other parts of Myanmar, including Rakhine, Shan, and Kachin States, KHRG’s documentation shows that it has significantly decreased in Southeast Myanmar since the signing of the preliminary ceasefire agreement in 2012. At the same time, KHRG documented an increasing number of cases where sexual violence was perpetrated by community members and close relatives.

The number of reported cases of sexual violence received by KHRG has increased from seven in 2018 to 11 in 2019. Although more victims of sexual violence are now sharing their stories, significant barriers to reporting such cases and accessing justice persist. The risk of stigma and a culture of victim blaming often influence their decision on whether to report an incident of sexual violence to the authorities. This concern was voiced by the UN Committee on the Elimination of Discrimination against Women, which stated that such stigma “deters women and girl victims from reporting sexual and gender-based violence.” The Committee also highlighted the exacerbation of this problem for rural women from ethnic minority groups, who “face additional obstacles in gaining access to justice relating to language, geography and fear of reprisals.”

In addition to facing stigmatisation and secondary victimisation by their community, many victims also continue to grapple with the trauma of sexual violence. Such experiences can have long-lasting psychological, physical, and emotional impacts. KHRG’s documentation shows that, for some victims, trauma has significantly impacted their ability to lead the life that they used to. For others, it has led to attempted self-harm. Often, a confluence of other factors aggravates their situation, leading to re-traumatisation. This includes an absence of psychosocial support for victims and a lack of redress and accountability for perpetrators.

---

2 Tatmadaw refers to the Myanmar military.
4 On January 12th 2012, the Karen National Union (KNU) and the Burma/Myanmar government signed a preliminary ceasefire agreement in Hpa-an. The KNU later signed the Nationwide Ceasefire Agreement in October 2015. Peace negotiations are still under way.
5 KHRG (December 2018), “Suffering in silence? Sexual violence against women in Southeast Myanmar”.
7 Idem.
Impunity for perpetrators of sexual violence

Most of the cases of sexual violence documented by KHRG in 2019 were met with impunity. Both the Karen National Union (KNU)⁸ and the Myanmar government law enforcement agents have often failed to conduct proper investigations after incidents were reported. In instances where investigations or processes to try the perpetrators were initiated, they have been slow, subsequently delaying the administration of justice and the victims’ right to effective remedies and reparations. On some occasions, victims were not apprised of the proceedings, which reflects the lack of a victim-centred approach in dealing with cases of sexual violence.

Additionally, there is a tendency to resort to traditional justice systems in cases of sexual violence. In reality, these “justice systems” resemble informal dispute settlement mechanisms, where local justice administrators attempt to find a resolution between the perpetrator and the victim, offering recourse through compensation or other non-punitive means. In some of the cases documented by KHRG, they required or encouraged the victim to marry the perpetrator. As the Committee on the Elimination of Discrimination against Women stated, the use of such mechanisms “often perpetuate[s] gender-based violence against women”.⁹

Information obtained by KHRG also suggests that these local administrators tend to resolve cases of sexual violence that do not amount to rape by merely issuing warnings to the perpetrator. On August 29th 2019, an old man from Ta Naw Th’Ree [Tanintharyi] Township, Mergui-Tavoy District sexually assaulted a young woman while her husband was away. She shared the incident with KHRG: “At first, he asked for drinking water. Then, he asked for a cigarette to smoke. [...] He came to sit on my bed while my husband was away. [...] It was not at the stage of rape, but he touched my body in an inappropriate way. So I shouted at him to leave my house.” She reported the case to the village head, but he just held a meeting between the two and told the man not to do it again. No further action was taken.¹⁰

Case Studies

The cases of sexual violence documented by KHRG in 2019 shed light on some of the characteristics of sexual violence against women in Southeast Myanmar. They revealed that women with intellectual disabilities (A) and girls (B) are particularly at risk of being abused by their relatives. In addition, a sense of impunity among individuals in a position of power remains an important driver of sexual violence (C).

A. Sexual violence against women with intellectual disabilities

Women with intellectual disabilities are particularly vulnerable to sexual violence in Southeast Myanmar from within their family or community. In 2019, KHRG received reports on three cases of sexual violence against women with intellectual disabilities, all of them perpetrated by close relatives. In all three cases, no proper legal action was taken, and no compensation or any other form of support was provided to the victims.

In the first two cases, the matter was dealt with by the village authorities and never referred to a proper court of law. The accusations were either met with complete inaction or the decision to subject the perpetrator to physical punishment. In the third case, the victim and her mother

---

⁸ The Karen National Union (KNU) is the main Karen political organisation. It was established in 1947 and has been in conflict with the Burma/Myanmar government since 1949. The KNU wields power across large areas of Southeast Myanmar and has been calling for the creation of a democratic federal system since 1976. Although it signed the Nationwide Ceasefire Agreement in 2015, relations with the government remain tense.


¹⁰ This information was taken from unpublished report received in November 2019.
directly reported the incident to the local KNU judicial authorities. Instead of opening criminal proceedings, the judge decided to close the case because the parties could not agree on a settlement solution.

**First case** ¹¹
In December 2017 [exact date unknown], a 22-year-old woman with an intellectual disability from Lay Nya Bu Pyin [Lenya Bokpyin] Township, Mergui-Tavoy District was raped by her biological brother. She described the incident in detail: "When I was alone at home sitting and resting in a hammock, he came and asked me how I was doing. I told him that I was tired but then he came closer to me. At first, he asked me whether I accept him [his kiss] and I told him that I do not accept it. That is when he started to hold me tightly. I told him to let me go but he did not. Then, I got angry and bit his hand. When I bit his hand, I think it was painful for him so he grabbed and pressed on my breasts. He only let me go after he finished raping me." The victim also stated that he raped her on two other occasions that year.

As a result of the rape, the victim got pregnant and now has one child. The perpetrator fled the village after the last rape. Although the incident was reported to the village leaders, no action was taken against the perpetrator. As of September 2019, the perpetrator was a KNU officer at the Lay Nya Bu Pyin special area office. This may have contributed to the failure to bring him to justice.

**Second Case** ¹²
A woman with an intellectual disability from T'Nay Hsah [Nabu] Township, Hpa-an District was raped by a close male relative during the 2018 rainy season. He lured the victim into his hill farm and raped her in his hut. She did not tell anyone about the rape, but the village leaders questioned her when she started showing signs of pregnancy. At first, she did not tell them who the perpetrator was, but she ultimately accused her relative after giving birth to a child.

The perpetrator was arrested and questioned by the village leaders on April 27⁰th 2019. He confessed to the crime and was given physical punishment before being released. He was not brought before a formal court of law. The victim received no compensation and was not satisfied with the way the village authorities handled that case.

**Third case** ¹³
A 37-year-old mute and deaf woman with an intellectual disability was raped in A--- village, Pee T'Hka village tract, Ta Kreh [Paingkyon] Township, Hpa-an District in July 2018. The perpetrator is the widower of the victim's deceased sister. After the rape, she was sent to the hospital because she was bleeding. She stayed there for several days. When she was discharged from the hospital, she was asked who raped her and shown several photos. She then pointed at the perpetrator.

Later on, the victim and her mother went to the local KNU Township office to report this case. At the office, the KNU Township authorities asked whether she would like money as compensation or to marry the perpetrator. At that time, the victim expressed that she wanted to marry the perpetrator. However, no decision was made as the perpetrator was not present.

They went to the Township office again in late 2018 for a court hearing, during which the victim was questioned by a judge. She did not express anything because she was afraid of retaliation from the perpetrator, who was glaring at her in the courtroom. The fact that she kept quiet

¹³ This information was taken from unpublished report received by KHRG in December 2019.
prevented any agreement being reached between the parties, so the judge decided to close the case. She did not receive any compensation, and no criminal charges were brought against the perpetrator.

As the victim is mute and deaf, it is hard to know exactly how she feels about her situation. Her mother reported that her daughter was depressed because she could not marry the perpetrator. Her parents are now worried because she behaves in a way that is regarded as strange by her community, and she also tried to commit suicide by jumping in the river.

**B. Sexual violence against children**

Children in Southeast Myanmar remain particularly vulnerable to sexual violence. This section will analyse four cases of child sexual abuse documented by KHRG in 2019. They show that such abuses tend to be perpetrated by family members and close relatives. Threats are often used by the perpetrator to prevent the victims from reporting the incidents. In two of the cases, the social stigma associated with rape even prevented family members who knew about the abuses from reporting them to the relevant authorities, thus putting the victims at further risk of harm and human rights violations. Children who have been forced into marriage are also particularly likely to experience sexual violence by their spouse.

KHRG’s documentation shows that local authorities, law enforcement officials and judges have consistently failed to handle such cases appropriately. Victims rarely receive the resolutions that they seek or that are consistent with the severity of the offense. They often continue to fear for their safety, particularly if the abuser(s) go unpunished. 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, which creates further social isolation.

**First case: Sexual violence in the context of forced child marriage**

In May 2019, a 17-year-old girl from Bu Tho Township, Mu Traw [Happun] District was ordered by her adoptive mother to marry a 48-year-old man. The girl refused the marriage at first, so her adoptive mother subjected her to numerous forms of torture and abuse. These included beatings, repeated submersion of her head in water and forcing her to eat stale food meant for dogs. She ultimately agreed to the marriage because she could not take any more suffering and remained dependent on her adoptive parents’ support.

After the marriage, the girl was raped multiple times by her husband. She reported to a KHRG field researcher that he treated her like a prostitute or a 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). On June 12th, 2019, the husband tried to rape the girl in her older sister’s house. Although several men witnessed the incident, none of them tried to help.

The local authorities, such as village leaders and the village tract administrator knew about the girl’s situation, but they did not take any action to protect her. Instead, they took part in the marriage ceremonies. The girl asked the local authorities to formally divorce on September 16th, 2019, but they just gave her three months to reconsider and took no further measures to ensure her protection. The girl’s mental health began to suffer because of the repeated abuses she faced. As a result, the local population believed she was the victim of witchcraft. Her adoptive father then called the Karen National Police Force (KNPF) to investigate.

---


15 The Karen National Police Force is the law enforcement agency of the Karen National Union. It was established in 1991.
The husband was arrested on October 31st 2019. After interrogating him, the KNPF found out about the forced marriage and rape. They arrested the adoptive mother on December 12th 2019. She was only imposed a fine by the Bu Tho Township KNU Court, before being released on January 31st 2020. The husband remains in detention and is awaiting trial.

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

**Second case: Repeated instances of child rape and sequestration by a close relative**

A now 22-year-old girl from Noh T'Kaw [Kyainseikgyi] Township, Dooplaya District was subjected to sexual abuse by her father from 2010 to 2019. She was first raped at 13 while living in Thailand, and then forced by her father to go back to Myanmar to live with him. She gave birth to two children and experienced one miscarriage as a result of the abuses she faced.

During that 9-year period, the perpetrator never allowed the victim to call him father so that people would not know the true relationship between them [they were originally from another village]. Knowing that he would be arrested if anyone found out about the situation, he threatened to kill her if she told anyone. She was also sequestered in the house to prevent her from interacting with other people.

On one occasion, she was able to 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.

On August 7th 2019, a local villager reported the case to the Karen Women’s Organisation (KWO). In September 2019, the victim was able to escape to Thailand while her father was in another village. On October 10th 2019, both the KWO and KHRG informed the local KNU authorities about this case. The perpetrator was ultimately sentenced to death by the KNU Dooplaya District Court on February 27th 2020.

**Third case: Lengthy pre-trial detention for a child rape victim who killed the perpetrator**

In 2018, a 17-year-old girl killed her father after he raped her in T’Nay Hsah Township, Hpa-an District. He first attempted to rape her in 2016 when she was 15, and subsequently raped her twice when she was 16 and 17 years old, respectively. Later on, her sister and sister-in-law also revealed being raped by the perpetrator. Additionally, the victim has witnessed her mother being subjected to domestic violence by her father since young.

After the first rape, the victim explained that, despite her father death threats, she talked about the incident to her mother, who chose not to report the case: “My father threatened me: ‘Don’t tell anyone about this! If you tell someone, I will take you to the forest and hang your neck with a rope until you die.’ I told my mother about this but she kept it a secret because she was afraid that I will be ashamed when people find out.”

Recounting the various incidents of rape, she elaborated on her reasons for killing her father: “I tried to forgive him because he is my father. Since he has done this to me several times, I

---


cannot let this happen anymore. I was lucky that I did not get pregnant after being raped. Otherwise, I would have been so ashamed.” She added: “My father has raped many of us. I was also worried that he will rape my younger sister when she grows up. She is quite young now.”

She ultimately confessed to the crime to the local KNU authorities. She ended up being detained in a local clinic under the authority of the KNPF in October 2018. She was not informed about the length of her detention nor brought before a court of law that would take into consideration the history of sexual abuse by her father as a mitigating factor to said murder. The case was only referred to the KNU Hpa-an District Court on January 2nd 2020.

On February 14th 2020, the court decided to drop all the charges against her. However, she did not receive any compensation for the time she spent in pre-trial detention. She is now in the care of the KWO, which will provide her with counselling to ensure her reintegration into society.

**Fourth case: Multiple instances of rape of a schoolgirl by a close relative**

Since 2016, a now 13-year old schoolgirl has been sexually abused multiple times by her uncle in Daw Hpa Hko [Thandaunggyi] Township, Taw Oo (Toungoo) District. On October 20th 2019, he tried to have her dismissed from school as she was three-months pregnant. She eventually reported her situation to the headmistress, who then contacted the local authorities. The Myanmar Police Force (MPF) arrested the perpetrator later that day.

However, a local administrator explained that he was released on October 21st 2019 because no one filed a formal complaint against him: “The next morning, the police called us and asked about the victim. They said the victim should open a case [file a complaint], because they could not detain the perpetrator like that. No one from the victim’s side showed up to open the case, so we informed the victim's father about the case but he showed up late.”

Later that day, the village tract administrator called a meeting with the villagers. Local people agreed to banish the perpetrator from the village, which ultimately allowed him to flee. The victim’s father arrived late at the meeting, so the village tract administrator did not take his opinion into account. Since the father was not satisfied with that outcome, he reported the case to the local KNU authorities.

On November 20th 2019, the perpetrator eventually turned himself in to the MPF on the advice of the village tract administrator. On November 25th 2019, he was transferred to Hpa-an. A first court hearing took place at the Hpa-an District Court on December 16th 2019, but no decision was made. There should be a second court hearing in the early months of 2020.

Although the victim’s mother and other relatives knew about the sexual abuses, they did not report the case as it involved two of their family members. Threats from her uncle also prevented the victim from breaking the silence. The victim is now under the care of the Karen Women Empowerment Group (KWEG). However, she can no longer travel because of her pregnancy. If she is unable to attend the proceedings, this may have an impact on the trial process and its outcome.

**C. Sexual violence perpetrated by powerful or influential actors**

In 2019, KHRG received two reports on cases of sexual violence perpetrated by members of the Myanmar government security forces. A police officer who raped a teenage girl was ultimately arrested and sent to court after the victim’s family filed a formal complaint. However, attempts were made to settle the case through marriage or compensation. This shows that such informal...
arrangements are still favoured over criminal proceedings, even when the matter is in the hands of law enforcement officials.

In another case, a Tatmadaw soldier who attempted to rape a villager was only subjected to physical punishment by his commanding officers, who then told the victim not to report the incident to anyone. This suggests that, although sexual violence against civilians is now seen as a punishable offence by the Tatmadaw hierarchy, punishment remains informal and perpetrators are not held accountable.

KHRG also documented one case of suspected sexual misconduct by a Buddhist monk. He repeatedly asked young girls to massage him in a way that conflicts with Buddhist ethics according to the local community. However, many local villagers were afraid to talk about it as they believe that criticising monks is a sin. This particular case points to the wider problem of clerical impunity in Myanmar.19

First case: Child rape by a Myanmar government police officer20
On August 30th 2019, a 15-year-old girl was raped by a Myanmar government police officer at the Kyaukkyi police station, Ler Doh [Kyaukkyi] Township, Kler Lwee Htoo [Nyaunglebin] District. She originally said that she was going to the police station to visit her brother, but the villagers who took her there were suspicious and eventually voiced their concerns to the officer on duty. The victim and the police officer were found half-naked in one of the rooms, but it was unclear what had happened.

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

On September 1st 2019, the perpetrator was arrested by Kyaukkyi police officers. 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. However, the victim’s parents preferred to resort to judicial mechanisms, as her mother explained: “[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.”

Criminal proceedings were therefore brought against the perpetrator in the local Myanmar government court, although he confessed to raping the victim on October 18th 2019, the decision-making process has been delayed. The victim’s parents were not updated about when and how the case would be handled. This lack of transparency has led to a lack of trust in the Myanmar government justice system by her family, who is now planning to report the case to the KNU.

At the time the case was reported to KHRG, the victim had stopped going to school because she is ashamed of what happened. Her parents want to find a counsellor for her as she is traumatised by the incident and has had suicidal thoughts.

---

19 PHILLIPS (K.), Time (December 2018), “A Culture of Clerical Immunity in Myanmar Is Putting Children at Risk of Abuse”.

8
Second case: Attempted rape by a Tatmadaw soldier

On June 7th, 2019, a soldier from a Tatmadaw unit temporarily based in a monastery attempted to rape a local female villager in Kaw T'Ree [Kawkareik] Township, Dooplaya District. The victim was able to prevent the rape by fighting off her aggressor and shouting for help until a passer-by scared off the soldier. She explained: "I had to try [to escape] for several minutes. I even shouted loudly but no one heard it because he forcibly covered my mouth with his hands. Fortunately, someone came back from the plantation after collecting durians. [...] I shouted again and I tried to escape at the same time. When the Tatmadaw soldier heard the passer-by, he ran away. He did not get to rape me."

The victim, along with the local authorities and a representative from the Karen Women’s Organisation, reported the incident to the Tatmadaw commanders at the monastery on June 8th, 2019. Soldiers were asked to stand in line, after which she identified the one who tried to rape her. He was then beaten several times by his commanding officers as punishment. The commanders then told the victim not to share this incident with anyone.

As this unit is based near her house, the victim is afraid of sleeping at home alone. She is also worried of what might happen to her if news of this incident spreads. This has also caused other female villagers to be worried and feel insecure as Tatmadaw soldiers continue to stay in the village. Therefore, they want this unit to leave the monastery and return to its permanent base.

Third case: Suspicions of sexual misconduct by a Buddhist monk

In December 2019, KHRG received information suggesting that a local Buddhist monk might be involved in acts amounting to sexual violence in Waw Lay village tract, T’Nay Hsah Township, Hpa-an District. This monk claims to have adopted around ten teenage girls. He supports their education and buys gold necklaces and rings for them. However, he does not allow them to have boyfriends. Over the last two years, one girl had an argument with the monk because she had a boyfriend. She gave him her golden necklace and ring back, and then moved to Bangkok.

Whenever the monk feels sick [he has a chronic illness], he asks one of the girls to give him a thigh massage in his bed. It sometimes happens late at night, so the girl has to sleep at the monastery. Two girls had to give him such massages in 2018. However, other girls were also asked to massage him in less intimate ways.

Local community members explained that some girls in the village are afraid of the monk. However, the villagers did not feel comfortable talking about this case to KHRG, as one of them explained: “We dare not talk about it because we worry that we will be in trouble if anything happens.” The belief that criticising monks is a sin is still widespread in this community, and could prevent villagers from reporting incidents of sexual violence involving members of the Buddhist clergy.

After the KHRG researcher left the village, the monk ordered his followers to question the villagers. They tried to find out who was collecting information, and which community members gave information about the monk.

22 This information was taken from unpublished report received in December 2019.
Conclusion

KHRG is receiving an increasing number of reports from victims of sexual violence, who try to raise their voices and call for action against the perpetrators. Despite these demands, many barriers still prevent victims from reporting their experiences, including social stigma, threats from the perpetrator and a lack of legal knowledge. It is therefore paramount to take the necessary measures to increase awareness about sexual violence against women and women’s rights at the community level, and to protect the victims who break the silence. Steps should also be taken to tackle the culture of victim-blaming.

Only five of the cases documented by KHRG were brought to court. Three are still being processed, and one was closed after the judge failed to reach an informal settlement. So far, only one perpetrator has been officially sentenced under the applicable law. Four other cases were brought to the attention of village authorities or Tatmadaw officers. Three were dealt with informally, and no action was taken on the fourth. These trends are particularly worrying, as they show that most of the victims of sexual violence are totally unable to access justice. Urgent measures should therefore be taken to make sure that perpetrators are held accountable.

None of the victims in the cases documented by KHRG received compensation or support from the Myanmar government or the KNU. For three of them, NGOs have stepped in to fill the void and provide them with special assistance. However, public authorities should make dedicated plans to ensure that victims have access to financial support, psychological counselling and any other service they might need to overcome their trauma and reintegrate into society.

Further background reading on the issue of sexual violence against women in Southeast Myanmar can be found in the following KHRG reports:

- “Suffering in silence? Sexual violence against women in Southeast Myanmar”, (December 2018)
- “Foundation of Fear: 25 years of villagers’ voices from southeast Myanmar”, (October 2017)
- “Hidden Strengths, Hidden Struggles: Women’s testimonies from southeast Myanmar”, (August 2016)

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.khrg.org.