

## Introduction

In 2005 the SPDC began putting pressure on various ceasefire groups in Burma's Northern Shan State to surrender their arms. The Palaung State Liberation Army (PSLA), one of the resistance groups in Northern Shan State was very weak. They did not have the ability to continue to respond to the SPDC's military offenses and they also had to consider the well-being of the Palaung civilians. Therefore, on 21 April 2005, the PSLA handed over their arms to the SPDC. Since that time the entire Palaung area has been under SPDC control.

As a result of the ceasefire, the Burmese Army Light Infantry Battalions (LIB) 130 and 144 created bases in the Mantong and Namkham townships of Northern Shan State Palaung area. The arrival of the military troops has meant that thousands of acres of farmland have been illegally confiscated by the military. The local people whose land has been confiscated have not been given any compensation and they do not have the opportunity to take legal actions against the army for their losses. As a result, many local Palaung people who lost their land have gone to China to seek employment. Those Palaung who stay in the villages and towns have become landless and jobless. The land confiscation is destroying their livelihood and causing insecurity for the Palaung people in Shan State.

Throughout the ceasefire period, the Burmese military has been committing human rights abuses against Palaung civilians. Villagers are conscripted and used for forced labor, their lands are confiscated without compensation and used for military barracks and business projects, and the Burmese military troops extort funds, food and property from local people with impunity.

Data in this report was collected by interviewing victims of the Burmese military's land confiscation practices who are from Northern Shan State and have fled to the China-Burma border area. This paper is presented in five parts: part one examines the confiscation of fields and tea plantation and the expansion of military camps. Part two examines land that has been confiscated for the building of military departments. Part three looks at fields and forests that have been confiscated for a metal mining project. Part four explores other human rights abuses, force labor practices and the confiscation of homes for building schools. And finally, Part five examines the effect of land confiscation on the lives and livelihoods of the Palaung people, including the impact on food, property, culture and traditional medicine.

## Background

The Palaung people are one of the indigenous nationalities of the multi-national country that is the Union of Burma. They reside in Shan State. The Palaung people have a long history and a strong sense of their unique identity. They have their own language and literature, a distinctive traditional culture, their own territory and a self-sufficient economy. The Palaung are predominantly Buddhist with less than ten percent of the population being animist and Christians.

There are about one million Palaung people, and most live in the mountains of northwestern Shan State. However, large numbers also live in towns throughout southern and eastern Shan State. The customary lands of the Palaung people have the richest ruby and sapphire mines in the world, including the famous Mogoke mine area, which was cut out of Shan State and made a part of Sagaing Division by the Burmese dictatorship. There are also many kinds of minerals in the Palaung lands including silver, zinc and gold and aluminum.

The Palaung are famous in Burma for the high quality tea that is grown in their highland farms. They also grow a variety of temperate climate fruit crops such as apples, plums, avocados and pears, which are highly valued in the lowland area and provide their livelihood. Unfortunately, the Palaung people have not been able to live on and tend to their lands in peace.<sup>154</sup>

## Land Confiscation

The main cause of land confiscation has been the expansion of Burmese military camps in Palaung areas since 2000. Due to the military's increased presence with the arrival of LIB 130 and 144, land confiscation and other human rights abuses have increased in Palaung areas. Between 2000 and 2007, the army confiscated land from villagers in Mantong and Namkham Townships. The confiscated land has been used to construct army camps and also to support the army's livelihood.

Local villagers have not received any compensation for the land confiscated by the army. Furthermore, after their land is confiscated, villagers are forced to work on their own land for the Burmese Army without compensation. The military regime has attempted to justify these abuses by citing the need for development but has continued to force the villagers to plant castor nut, reconstruct roads and work on other SPDC projects that only meet the SPDC's needs.

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<sup>154</sup> 43<sup>rd</sup> Anniversary of the Ta ang (Palaung) National Revolution Day, page 50.

***"We can't tell them anything, we don't have land titles and the military said the land was not legal land and no one owns it, so they can seize it and it is owned by the military regime."*<sup>155</sup>**

## **SPDC Projects**

### **Expansion of Military Camps**

LIB 130 soldiers forcibly confiscated 73 acres of land from the Palaung people between 2000 and 2007 as ordered by the commander Tiha Thura Thin Aung Myint Oo. The reason they did this was to build new military camps on the mountain between Mantong, Moemaik and the Namthu main road.

The military gave orders to every village in Mantong Township that one villager per house must build the military camps and the commanders' houses on the land. There is not only one commander in the camps, and if the senior commander wants to build his house, the other commanders will want one also.



*A confiscated farm in Mantong Township, Palaung area.  
(Photo by Mai Naw Jar).*

Since the military came, there is no free place or wild land left. The land was owned by the old Palaung people since the old village named Youe Kor was there. The Palaung people plant tea on the land to get income for their livelihood. Now some of the villagers have lost their land and can't complain to the military at all.

In 2000-2002 while Khin Maung Shwe, commander of LIB 130, was there they forced the farmers to work in the fields they had already confiscated by that time. Because the Palaung State Liberation Army didn't surrender their arms to them at that time. But the end of June in 2002 the deputy battalion commander Thi Maung Win forcibly confiscated over 23 acres of tea land. They declared that land was owned by the military regimes and did not give enough compensation to the land owners. Since 2003 the commander Thin Maung win gas controlled the LIB 130 and uses the farm and tea plant for his livelihood.

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<sup>155</sup> Interview 1.

***“They said and threaten us “although we didn’t give all value amount of your land its okay. We can do like this because this is order by the military regimes.”<sup>156</sup>***

On 14<sup>th</sup> March 2007 ordered by the Thin Maung Win, commander of the LIB 130, the military confiscated the land of people who didn’t have land titles. The military went every house in the village to investigate and accused the villagers of whatever they liked.

The military threatened the villagers and told them they had to accept the land titles issued by the military regime claiming the military’s ownership of the land. The military easily seized the land. The commander not only ordered the land confiscated but also forced the truck owners in the township to carry stone, sand, brick, cement and other materials needed to build the military camps. They didn’t pay the truck owners anything.

The military also threatened the brick sellers that they could not sell to other markets if they did not sell their supplies to the military for a low price. Shopkeepers in the towns also had to obtain a permit before they could sell. When the shopkeepers sell to the military, the price is low because the military will not pay the full price.

Local villagers are forced to build both the military camps and the commander’s houses. When they build the commander’s houses they use teak, which is gathered in the forest and owned by the villagers. The commander cooperates with Chinese people to trade large quantities of illegal teak from the forest without any payment or compensation to the villagers.

***“We are very poor. The tea plantations are not owned by us. We have to rent tea plantations from other people to provide for our livelihood. When the military came to confiscate the land, my wife had high blood pressure and she was fading [in and out of consciousness]. If we requested compensation, the military would say “If we want to repay, we will pay. Don’t come to request it from us. This is not your land, don’t say anything. We can do anything that we like.”<sup>157</sup>***

Land confiscation for the projects of LIB 130 in Mantong, Namkham Township, caused 17 families to lose their lands and plantations. Tea plantations used to cover the land which had a value of 20 million kyat between 2000- 2007.

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<sup>156</sup> Interview 2.

<sup>157</sup> Interview 3.

## Military Service & Police Department Buildings

On 13<sup>th</sup> May 2007, by the order of Commander Thin Maung Win based in Mantong Township in Northern Shan State, land was forcibly confiscated from the local people to build the Burmese military department in Mantong Township. When the police groups came to meet the landowner before confiscating the land, they said to them, “We will give a higher price for your land than before and we will also find new land for all of you. It’s not like we force you all to relocate from your land. This was ordered by the central government.” In the end, they forced the villagers to move from their homelands and didn’t pay any compensation.

***“Before they confiscated the land they came to take the land tax from us. They said, ‘If you want to stay on the land, you must pay a tax. We will not seize your***



*Built-on land confiscated from local people.  
(Photo by Mai Naw Jar).*

***land.’ We had to pay 20,000 kyat. But two days ago they confiscated the land. My wife said to them, ‘The land is my grandparent’s legacy, and we kept the land for our sons to use in the future.’ They threaten us, ‘If you speak like this we will not pay compensation for your land. They asked, ‘Where is your land title?’ We had to move from our homeland on 16<sup>th</sup> May, 2007. We also didn’t get any cash for the land from them until now.”*** <sup>158</sup>

The landowners did not get any of the compensation that the military promised. If the villagers went to request their money, the military said, “Don’t request the money and don’t talk about your land. It’s not a concern for us.” The military used to give the reason that if people did not have a land title document, then the land was owned by the regime.

***“We just have two acres of land to plant rice that provides our food. Now we have to do daily wage work for our livelihood. We only get 1,000 thousand kyat per day, it’s not enough to provide food for the whole family. As the result, I have to send my two sons to live in the monastery because I cannot support them to go to school.”***<sup>159</sup>

<sup>158</sup> Interview 4.

<sup>159</sup> Interview 5.



The confiscation of people's homes, fields and other land such as their tea plantations also happened in other townships. Villagers from four villages in Namkham Township also lost their land. The landowners not only lost their properties, but also were forced to work on their lands for the army without being paid anything. These landowners' incomes mainly depended on how much rice they produced and on tea from the land.

***"We didn't have any faults in the township. We stayed there since our grandparents. We don't know why they kick us out from our homeland. There was no reason and we didn't get any compensation from them. Now we are living in a small hut in the forest. We had to find some fruit and bamboo in the forest for our food before we got jobs."*** <sup>160</sup>

Not only the local military battalions, but the local police also confiscated several acres of land from local Palaung villagers in Mantong Township. During 2007, as ordered by the police officer U Aung Kyi based in Mantong Township, three families had their land confiscated without pay or other compensation. They forced the landowners to build a Burmese police department office on the land.

***"The three soldiers came to our houses and at first they asked, 'Where are your land titles and what kind of evidence do you have that says it's your land? If nobody has a land of title, then nobody is a landlord. If no one has a land title, that land will be confiscated by the government. Do you know the government will build a military department around this area? So you have to move and build new houses at another place. We will help you to carry your things and will give compensation for the value of your land and houses.' On 21<sup>st</sup> May 2007 we had to move from our homeland to near the forest. When we moved they helped us to bring our things, but we didn't get any compensation from them until now."*** <sup>161</sup>



*After people were moved from homelands by the military.  
(Photo by MNJ).*

<sup>160</sup> Interview 6.

<sup>161</sup> Interview 7.

## Mining

From the middle of 2006 to now the State Peace and Development Council (SPDC) and the Kachin Democratic Army (KDA) have cooperated together to mine metal in Northern Shan State in the Palaung area.



*Mining project using land confiscated from local people.  
(Photo by Mai Naw Jar).*

The land is owed by the grand-parent's of the Palaung people and not owned by the military regimes. When the State Law and Order Restoration Council (SLORC) controlled the country, they forced the local Palaung people to give the land and say it is owned by the government. After the SLORC became the SPDC, they forced the Palaung State Liberation Army to surrender and controlled wherever they wanted in the Palaung area and imposed a lot of human rights abuses on the people.

After the military regime abused the human rights of the Palaung people, they compensated for it by giving the land as a concession to the Palaung State Libertarian Army (PSLA). The PSLA grew tea and other vegetables on the land. Now the SPDC and KDA cooperate together to mine the metal on the land. They do not negotiate with the PSLA at that time, but only confiscated the land to mine the metal.

***According to one of the PSLA leader, "This is a big case of the human rights abuses, unfair, nobody said in the law the government and the people could cooperate with to deep the such as mining on the own by people land. This is they mean; the Palaung people didn't have land own by them."***

When the SPDC and KDA started to mine the metal they forced the Palaung leaders to write a letter about the metal mining land and say it is owned by the military regime. The leaders didn't get any compensation from the government and the fields around the area were destroyed. Many farmers became jobless and could not provide food for their livelihood.

They established the Kway Ka Ba Ma Kyaw Company there and will continue to mine the metal until 2010. The manager is an ethnic Kachin and the company is owned by the KDA. This was done by SPDC General Soe Win, the former #3 in the SPDC, before he died.

***According to one of the Palaung leaders, "If we look at it in a political way, this is not only about the SPDC getting half the profits from the company, but also part of their plan to create misunderstandings between the ethnic peoples." <sup>162</sup>***

**List of officers from LIB 130 who confiscated land from the local people between 2000 and 2007<sup>163</sup>:**

1. Deputy Commander Tin Maung Win
2. Deputy Commander Sor Tun
3. Commander Nay Myo Win (Adjutant general)
4. Commander Nyi Nyi Min
5. Commander Min Thu Yain Tun
6. Commander Win Tun
7. Commander Tor Tor Tun (Sergeant)
8. Commander Sai Maung Myint
9. Commander Myo Myint Aung
10. Commander Win Myint Ning
11. Commander Win Zaw Hen

**Land confiscated in Mantong and Namkham Townships from local villagers:**

<b>Acres seized</b>	<b>Village</b>	<b>Confiscator</b>	<b>Reason</b>
70 acres of tea plantations	Mankan, Lwykan and Manpain	LIB 130	Military camp and fields
11 acres of homelands	Yourtit	LIB 130	Military department
94 acres of forest and farms	Hoemar and Sighkin	SPDC and KDA	Metal mining project

<sup>162</sup> Interview 8.

<sup>163</sup> Interview 9.



## Forced Labor

The SPDC not only confiscated the land from the local people, but also forced the landowners to build their military camps without pay or any compensation. So far, the military has built many roads by confiscating land from local villagers. When the military built the Mantong to Namthu road, many acres of private properties including houses, plantations, and farmland owned by Palaung villagers in Mantong township area were confiscated.

The villagers from Mantong Township were enslaved for force labor in road construction year after year under the decree of Thin Maung Win, commander of Battalion 130, Man Tong Township, Northern Shan State. From November to December 2007, one resident from every household in three villages was forced to work every day on the road from Mantong to Namkham Township.

***"The military forced us to repair the road by saying that it was for developing the region. The Palaung people finished it by themselves. Me and about 300 laborers were forced at that time. There was no construction machinery to do it, only the villagers, taking their traditional mattocks and tools. We had to labor until the big trucks could pass down the road for at least one month."*** <sup>164</sup>

- Former PSLA soldier who asked not to be named.



Road construction by villagers. (Photo by Mai Naw Jar).

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<sup>164</sup> Interview 10.

## Home Confiscation

Families in three villages were forced to give their homes to the military for the construction of a government school between 2005 and 2007. The three families were forcibly moved without any compensation from the government by General Htut Winn from Man Tong based Battalion 130.

*“The threat from the military said, “The families would have to pay xxxx kyat each if they didn’t move by the specified time. My family’s still facing extreme difficulty. I don’t know where I can find a place for my family.” The government still has not built the school yet until now. If we want to build our houses in our specified place, they threatened us. We still have to be afraid of them.”<sup>165</sup>*

## Impact of Land Confiscation

### Livelihoods

Most of the Palaung people depend on farming and traditional tea plantations for their livelihood. They can grow tea, rice and beans on their land during the three seasons of the year. Tea plantations are very important for them because their incomes are mostly from tea. After planting the tea seeds, they grow for three years, and then it can be used and sold for income. In the summer, they pick the tea leaves and other products such as coffee from those lands. The tea leaves are dried before using or selling.

They also grow a variety of temperate climate fruit crops such as apples, plums, avocados and pears, which are highly valued in the lowland areas to provide their livelihood. Unfortunately, the Palaung people have not been able to live and tend their lands in peace.

After the PSLA surrender their arms to the SPDC. The Burmese troops entered the Palaung area and confiscated hundreds of fields and tea plantations from the local people in order to build their camps and to provide incomes for themselves.



*Tea plantation. (Photo by MNJ).*

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<sup>165</sup> Interview 11.

## Local People

Generally, the heads of families, men or women, seek to earn money to feed their whole family. There are some families whose lands were confiscated and who depended on those lands, which could no longer support their children to attend school.



*After his land was confiscated, this unemployed man was displaced and had to seek work. (Photo by MNJ).*

***"I was so very sad that I couldn't provide enough food for my grandparent after my land was confiscated by them. I also can't support my children to attend school"*<sup>166</sup>**

Ninety percents of local Palaung people rely on their tea plantations and fields and shifting cultivation for their livelihoods, so it is not easy for them to find another way to make a living. After land confiscation, Palaung farmers and the civilians in the surrounding areas suffer seriously.

The government promised the landowners, "When we are mining around your fields, you can do your farming. If there is a landslide on your field we will pay the amount of compensation for your land." However, when landslides have occurred in the fields, the government did not say anything to the landowners and did not pay any of the promised compensation.

***"We have twenty people in our family. We only have the field and a small tea plantation to provide for our livelihood. Now the tea plantation is not enough to provide food for us. We have a lot of debt, we are insolvent. We have to be alone from other families and work day to day to support our family."*<sup>167</sup>**

The landowners not only sufferer due to their lost land, there are also social problems in their families. Some farmers or growers spend their life-time savings to establish a plantation without any consideration to do any other things. They do not have experience to get other jobs so it is very difficult for them to stand up for their lives after the military confiscated their land. When the SPDC takes their land they become jobless and do not have any skills to do anything else.

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<sup>166</sup> Interview 12.

<sup>167</sup> Interview 13.



***"I am so sad until now because after they confiscated our field my wife died three days later because she had high pressure blood at that time. I didn't get any help and any compensation from them."*<sup>168</sup>**

There are not only orders by commander Thin Maung Win to confiscate the land; there are also orders from other commanders. For example, if the landowners went to request any compensation, the battalion commander would say, "We don't know who you agreed with to get your money. We can't pay. You can go to take your money from another commander."

The local people whose land was confiscated by the Burmese military only have tea plantations and farms to provide for their livelihood. The main source of income for the Palaung people are the tea plantations. The Burmese military entered the Palaung area and confiscated hundreds of acres of land from the innocent people and forced the villagers to build their military camps without paying any compensation. The landowners lost about twenty million kyat in income from their tea plantations and fields.



*Mining site on land confiscated from villagers. (Photo by MNJ).*

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<sup>168</sup> Interview 14.

The landowners cannot do anything after the military regime confiscated their land and it is very difficult to find other jobs to provide for their livelihood. Furthermore it is difficult to support their children to attend school. Although some farmers are able to get some compensation from the military, the amount is much lower than they lost. As a result, some farmer's sons had to leave for China to seek employment. Some do not have jobs and have become drugs users in the towns. Under the military dictatorship, there are no property rights. The civilians have no rights for the ownership of their lands. The government can confiscate land and property whenever it wants.

## Food Security

After the military confiscated the fields and plantations, the local villagers need to find new cultivable lands to farm or to start new plantations because farming and tea plantation are, for them, the only way to make a living. Since they spend most of their lives as traditional farmers and working tea plantations, it is almost impossible for them to get a job other than without professional training.



*After his land was confiscated, he was displaced and had to seek work. (Photo by MNJ).*

It is very difficult for the local villagers to get a different job to provide for their livelihood. Although some villagers have new land, it is not easy for them to farm. They cannot cultivate the seeds as before on their old land. There are some families whose lands were confiscated and who depended on those lands, which could no longer provide food for their children or families.

Without the land they cannot grow food to eat themselves, also that if the land is confiscated they cannot grow things like tea to sell and get money to buy food to eat

***"We ran ranch to provide food for our family on the land, planted paddy, crops and vegetable to sale the market. Now we are losing that entire plantation without any compensation. All of my 32 chicken and 7 pigs died after confiscated the land. Also my children can't attend school because I didn't have any income to support my children to go to school" <sup>169</sup>***

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<sup>169</sup> Interview 15.



## Culture & Traditional Medicine

The tea plantations and fields are one of the Palaung people's traditional livelihoods and it was inherited from their grandparent's. They believe in their culture that they have to provide land for their sons and provide gold for the daughters when they get married. The land is the most important inheritance for their children. In particular, the inheritance of the tea plantation land is related to a complicated belief system of ancestral spirits called the grandparent spirits.

***"I have many children. In our culture we need to provide a legacy for our children. I got these tea plantations from my parents'. I was so sad that I had to lose this legacy of my grandparent's. After that our families became worse and worse."*<sup>170</sup>**

Some materials for traditional clothing, dresses, food and medicine are from those lands. They believed that medicinal natural herbal from the forest are better than the medicine from other products and use those medicinal plants during their entire life. The local villagers can easily get traditional medicine on their land.

Landowners lost over 96 acres of land and millions of kyat in fields and plantations on 13<sup>th</sup> May 2007 as a result of land confiscation by the metal mining project. Many people lost their jobs because their employment was based on that land and the fields. The people lost not only their land, but also all the money they have invested in their plantations.

Besides the loss of property, the people also suffer from severe depression and helplessness. In addition to the loss of property and jobs, the local people are also suffering from different kinds of human rights abuses by the local authority because their lives are insecure.

## Consequences of the Mine

The SPDC and KDA plan to build the Kway Ka Bar Ma Kyaw Company around the mining site between Namkham, Namthu and the Mantong main road. They will also order the soldiers to take security there. This is the main road for the local villagers to go to work their fields. If the soldiers are really move there, the local villagers will suffer human rights violation by them. They will build a soldier's checkpoint and extort money from the local villagers. In addition, they will force the villagers to be sentries at the checkpoint.

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<sup>170</sup> Interview 16.

The extortion of money will increase more than before because the local villagers have to bring their tea leaves, paddy, fruit and other vegetables by bullock, horse, and some by truck from their fields to the village. They will pass the checkpoint and the soldiers will check them and collect an illegal tax on their goods. Other human rights violations such as forced labor, rape, torture and killing may also increase during the mining project because the number of soldiers will increase. The local villagers' lives will be insecure in the future.

## **Conclusion**

After the PSLA surrendered their arms on 21<sup>st</sup> April, 2005 to the SPDC, the SPDC increased their control everywhere in Palaung area. Hundreds of acres of land have been confiscated and twenty million kyat worth of plantations have been destroyed or confiscated by the Burmese military between 2000 and 2008. Therefore, hundreds of villagers lost their lands, plantations and jobs. Some of them had to leave for China to seek employment. In addition to land confiscation, the military forced the local villagers to work on those lands without any pay or benefits as laborers.

The military also forced the local villagers to build military camps. Although the landowners requested the amount of the compensation that they lost, the Burmese military did not pay anything and ignored their appeals. Ninety percent of the local villagers that were from Man Karn, Lwat Kan and Jel Koung village did not have enough food for their daily living.

The villagers land has been confiscated and poor families have not received any compensation. The poor local people are painfully struggling for their survival but the families of the military regime are enjoying all the best in life.

There is no rule of law under the current military regime. The military not only confiscated the land but also committed other human rights violations such as forced labor and illegal taxation. Therefore, the international community and other internal human rights organization need to stand up for the people who are helpless in the ethnic areas.

## Recommendations

### Recommendations to the SPDC

- Stop expansion of the military camps in the ethnic areas.
- Give more assistance to people who have had to resettle.
- Follow the obligations under the UN's declaration of human rights.
- Stop land confiscations and other human rights abuses in Palaung areas.
- Repay fair compensation to the farmers for their lost land.

### Recommendation to the PSLA leaders and other Armed forces

- Work more for the local people and stand with them.
- In solidarity, defend and fight for the rights of local people.

## Law

### International Principles on Political, Social and Economic Rights

#### Universal Declaration of Human Rights

- Article 3: Everyone has the right to life, liberty and security of person.
- Article 17: (a) Everyone has the right to own property alone as well as in association with others; (b) No one shall be arbitrarily deprived of his property.

#### International Covenant on Economic, Social and Cultural Rights

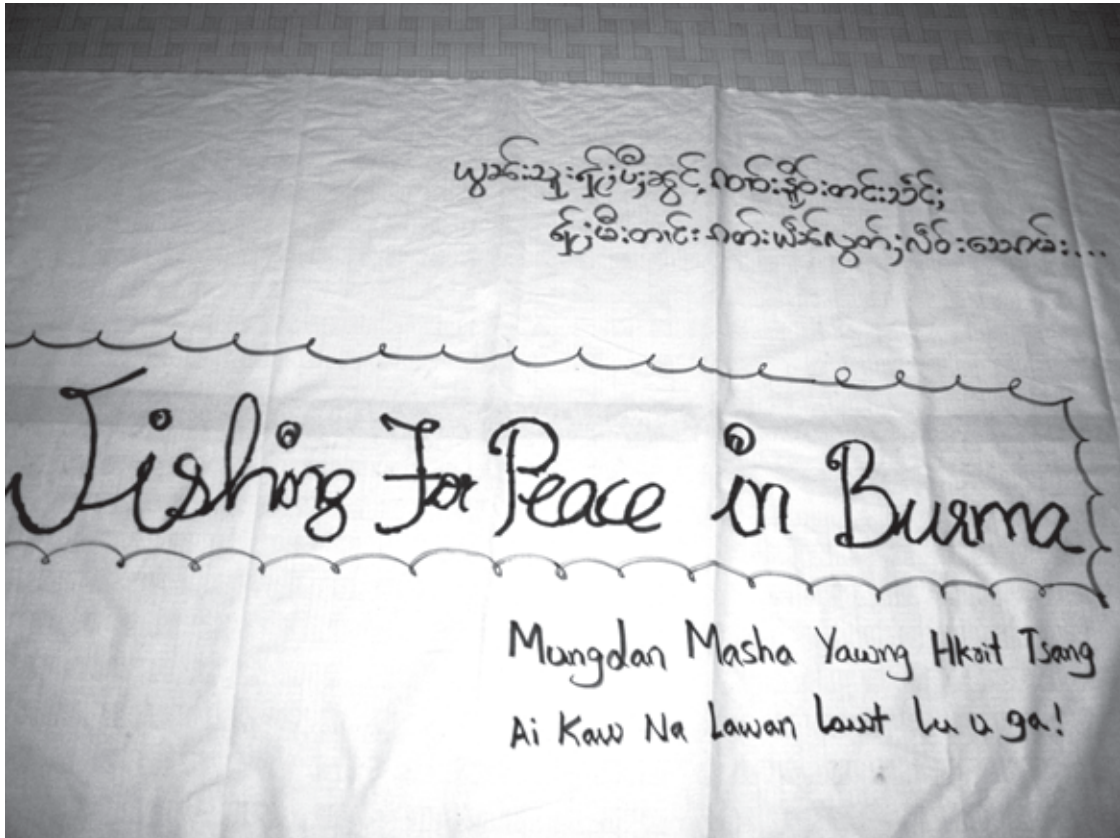
Article 11: The State Parties to the present Covenant recognize the rights of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The state parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

These instances of land confiscation interfere with or directly violate a number of internationally recognized rights, including the ICESCR's rights to livelihood, and the International Covenant on Human Rights, which provides, including, that local communities and individuals shall have "full and complete sovereignty over all their natural wealth and resources."<sup>171</sup>

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<sup>171</sup> *Turning Treasure into Tears* (2007) EarthRights International, page 34.

## Social Issues



# **‘If you cut the tree it will be scarred forever’: Domestic Violence in Karenni Refugee Camp 1**

By Tyardu

## **Introduction**

*“I do not want to stay with my father anymore; without my father I will be happy. I only want to stay with my mother because my father treats me unfairly, like: you are the elder girl in this house so you have to work hard. If I can’t do it he beats and swears at me in front of my friends using bad words. This year I failed the exam because I couldn’t concentrate on studying, and when he drinks and is intoxicated it disturbs my study. I can’t read and don’t have a chance to do my home-work because it’s really noisy.”*<sup>172</sup>

- Ten year old girl, Karenni Refugee Camp 1

There are many definitions of domestic violence used in statute and practice across the Department of Human Services. All include forms of physical injury/abuse, sexual abuse, intimidation, verbal abuse and emotional abuse or threats of such. These tactics are used by one adult to coerce or control another. When these acts are committed by a spouse, ex-spouse, boyfriend/girlfriend, ex-boyfriend/girlfriend, or date, they are referred to as ‘intimate partner violence’. Intimate partner violence and domestic violence are present in all cultures, ages, socio-economic classes, and communities of faith<sup>173</sup> around the world: so of course it happens in refugee camps.

Karenni Refugee Camp 1, recognized by the United Nations High Commission for Refugees (UNHCR) in 1993, is located in Mae Hong Son province, close to the Thai-Burma Boarder. Around 18,000 Karenni refugees live there. The original camp was established on the Karenni side of the border in 1989. It was moved into Thailand in August 1993 but was forced back across the border in July 1995 following the breakdown of the Karenni ceasefire with Rangoon. Originally, the refugees were forced out of their own homes by the SPDC (State Peace and Development Council, the military regime governing Burma) who attacked their villages.

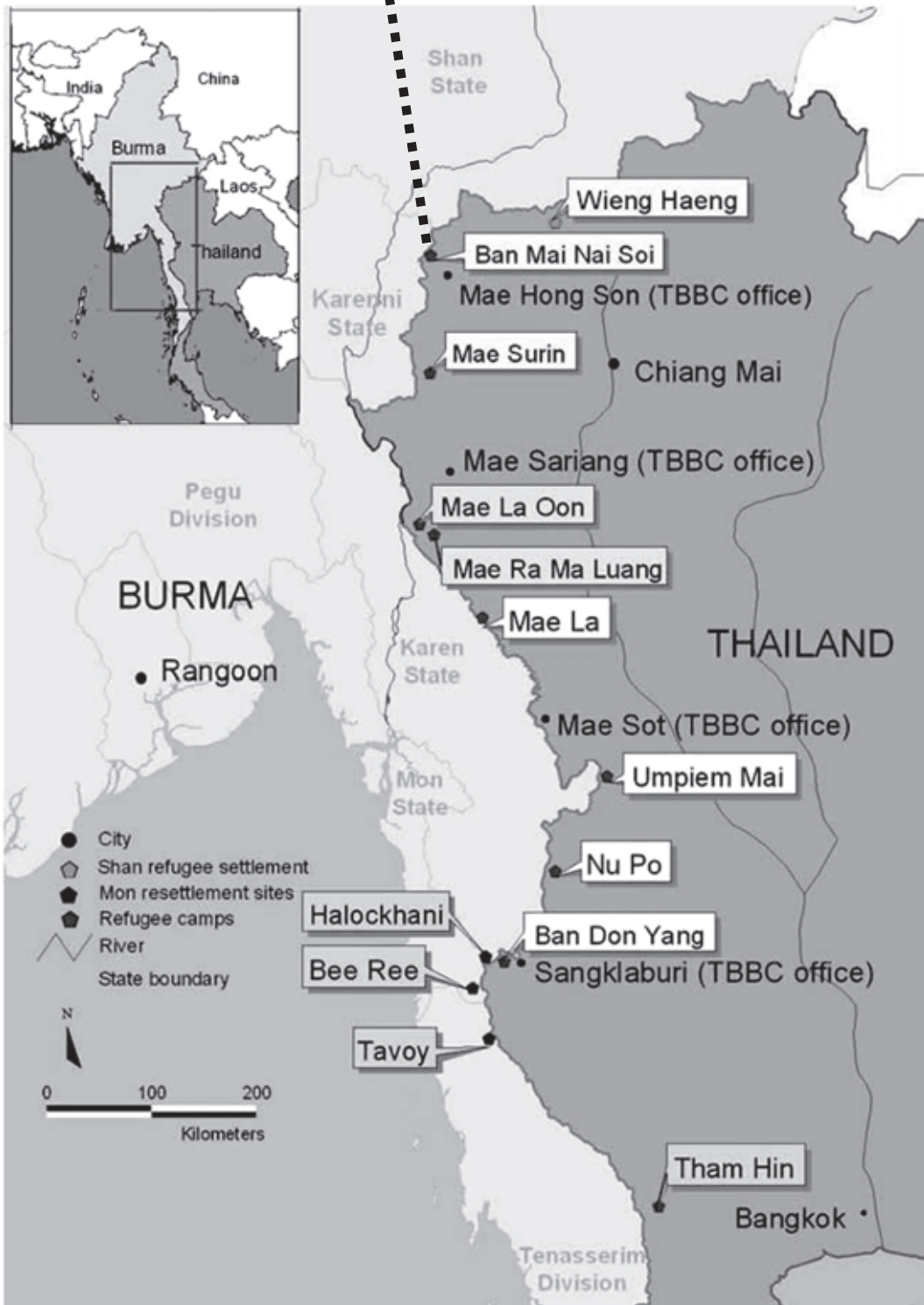
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<sup>172</sup> Interview 5.

<sup>173</sup> [www.oregon.gov/DHS/abuse/domestic/definition.shtml](http://www.oregon.gov/DHS/abuse/domestic/definition.shtml).



## Research Area



From the TBBC (Thai-Burma Border Consortium)



*Housing structures in Karenni Refugee Camp 1. (Photo by Tyardu).*

This report expresses the feelings of the victims of domestic violence in the camp and examines the impact on their children. Both the victims and abusers want this report to communicate their views to the outside world. Living in the camp is like living in prison; they cannot go in or out. They have been there for almost 16 years without being able to express themselves. “Some of the victims said nobody comes to ask them what happened to them ... they want other people to know how their feelings hurt so much and they can’t swallow them or tolerate them anymore.”<sup>174</sup>

This report puts forward that one root cause of domestic violence is living in the adverse conditions of the Karenni refugee camp. The information is from 25 interviews with people from different levels, including victims of domestic violence, abusers and some Camp-Based Organization (CBO) leaders. This was difficult because the male camp leaders did not approve of the topic: it threatens them and their social position of power. In fact, when conducting this research I was threatened and told I had better, “be careful”<sup>175</sup>

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<sup>174</sup> Interview numbers 1 and 15, women victims.

<sup>175</sup> Camp leader and staff member from MIP (Men Involved in Peace).

This report will proceed as follows: Chapter One is a summary of the issue. Chapter Two examines why domestic violence occurs in the camp and defines domestic violence in that context. This chapter also looks at specific examples of what happens to the women, children and men and includes: sexual abuse, physical abuse and psychological abuse. Chapter Three explores the consequences for women and children. Chapter Four outlines the legal and community responses for the victims and perpetrators.

## Background

Karenni State is located in eastern Burma and is bordered to the north by Shan State, to the east by Thailand's Mae Hong Son province, to the south by Karen State, and to the west by Mandalay Division.<sup>176</sup> The capital city is Loikaw. Karenni State is the smallest state in Burma. In the past, Karenni people were ruled by their own princes until 4 January 1948, when Burma regained its independence from the British. On 9 August 1948, Karenni State was invaded by the central government's army and annexed into the union of Burma.

In 1957, pro-independence groups were already active in the area and formed the Karenni National Progressive Party (KNPP) which was backed by the Karenni army. The central government has been abusing human rights in Karenni State ever since. Several waves of forced relocation by the Burmese regime have taken place in the State. They have used different strategies for controlling the Karenni people.

During the first wave, the Burmese military seized state power for a second time, in September 1988. The displaced gradually headed to the east across the Thai border as refugees to the camps. In the second wave, the ruling Burmese regime carried out a massive forced relocation program in the eastern and southern parts of Karenni State. Two-thirds of the population in this area went into hiding and the rest moved into relocation camps. By mid-1996 many internally displaced people (IDP) entered the camps, doubling the population. The third wave, in October 1996, saw the regime's second forcible relocation of the Karenni people living in the middle and southern part of the State. It was difficult for those people to reach the camps. A lot of people went into hiding and a few people crossed the border and entered the Karenni camps. During their trip, they were routinely attacked by Burmese troops and some were arrested and forced to serve as military porters.

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<sup>176</sup> *Green Voices of Youth*, EarthRights School of Burma, EarthRights International, page 21.

One young girl was gang-raped by troops for a week. Some were starving, and many were victims of forced labor, rape and forced marriage to Burmese soldiers.

These are the reasons why the Karenni sought refuge in Thailand. The first Karenni refugees arrived in Mae Hong Son province in 1989 and year by year the camp population has increased due to the entrenched civil conflict in Burma. The current camp situation is very difficult and unstable because of the continually increasing camp population.

Now Camp 1's population is over 18000 people, and around 3 percent of them make the camp unstable and disturb the camp leader's management role. If one stays in camp, there are less problems but if you go outside there are many problems with the local authorities.

## **Domestic violence in Karenni Camp 1**

Violence against women is a major health and human rights concern. Women can be physically or mentally abused throughout their lifecycle, in infancy and during adulthood or older age. Violence can affect their health consequences and create social problems.

In February 1996, a group of international experts convened by the World Health Organization (WHO) agreed the definition adopted by United Nations General Assembly provides a useful framework for the Organization's activities. In 1993 the Declaration on the Elimination of Violence against Women defines it as "any act of gender-based violence that results in physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life."<sup>177</sup> These things happen in the Karenni refugee camp.

Domestic violence occurs when a family member, partner or ex-partner attempts to physically or psychologically dominate another. Domestic violence occurs in all cultures, races, ethnicities, religions, sexes and classes, perpetrated by both men and women, but most perpetrators are men.

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<sup>177</sup> [www.who.int/mediacentre/factsheets/fs239/en/](http://www.who.int/mediacentre/factsheets/fs239/en/) (A group of international experts providing safety recommendations for research on domestic violence against women).



Children become caught in the crossfire of domestic violence and suffer the full consequences of a turbulent home life. Violence against children also involves physical, psychological abuse, injury, neglect and sexual abuse. The perpetrators may include both parents and other close family members; this violence also happens to the children who live in the camp. Some of the children are abused by their parents – especially by their father – including physical abuse, psychological or emotional abuse, neglect and sexual abuse. There are different subcategories of abuse.

Domestic violence has different forms including physical violence, sexual abuse, emotional abuse, intimidation and other threats of violence. Some of them can be criminal such as hitting, pushing, shoving and stalking – those are assault. Although emotional and psychological abuse is not always criminal, they can lead to criminal violence.<sup>178</sup> These kinds of problems happen in the Karenni refugee camps. On the Thai-Burma border there are nine refugee camps, including the Karenni Refugee Camp. Among the nine refugee camps, the one with the Karenni refugees is the worst because there are many problems such as domestic violence, according to the camp justice leader.<sup>179</sup>

There are many causes of domestic violence in the camp. The camp is overcrowded with people that have little income and with nothing to do. Most people



*Camp housing: packed together and crowded with different ethnic people with different cultures. (Photo by Tyardu).*

who live in the camp are jobless because they are isolated from the outside and are not allowed to go out and work. So they keep quiet about what they want to be and what they want to do, then sometimes cannot control their mind and become aggressive to their partner or children because they don't have any way to express their feelings.

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<sup>178</sup> [http://en.wikipedia.org/wiki/Domestic\\_violence](http://en.wikipedia.org/wiki/Domestic_violence)

<sup>179</sup> Camp Justice leader.



The primary cause, however, is the abuse of alcohol and the resulting aggression towards their family. Alcohol abuse is rife amongst the adult males, many of whom used to be soldiers. Their lack of work leads them to feel unimportant. Others are disabled and become drinkers. Most of them have been there for a long time and don't have any way to earn money. They see a short term solution in alcohol abuse. They even sell their family's rationed monthly yellow beans and rice to fund their alcohol habits. They feel hopeless because they don't have an opportunity to go back to Burma and are unlikely to be accepted for third country resettlement. They comfort themselves with alcohol and release their feelings for short periods of time to feel better.<sup>180</sup> According to the some of the perpetrators of domestic violence, using alcohol releases their feelings and pleases their mind.<sup>181</sup>

Cultural traditions make the men superior to their wives. When their wife argues with them, often due to the stressful nature of life in the camp, the husbands get angry and resort to violence. Many families are the result of forced marriages and they do not love each other enough to deal with the difficult life in the camp. Stress causes them to break their silence and express their feelings, despite the wishes of their parents. They believe that situation is their fortune; they comfort themselves like this although their husbands treat them badly. In the past, they did not believe they had the right to stand up to their husbands, but now they know about their rights and do not tolerate their husbands' behavior as much anymore. They have begun to explore their feelings. One of the victims explains her story:

***"My parents forced me to get engaged with this man when I was 10 years old. At that time my period was not coming so my husband tried to have sex with me every night but I ran away or avoided him. But my parents encouraged this man: if you try you can sleep with her. So later I couldn't fight against him any more because he forced me to have sex after I had fallen asleep. I struggled but I couldn't, he pulled my belt and destroyed my necklace. So the first time of my period came and I got pregnant, but when I gave birth the baby was not alive for me ..."***<sup>182</sup>

This kind of problem is a consequence of an oppressive culture for women. The Karenni society still has some people who believe and practice this culture. The Karenni National Women Organization (KNWO) provides awareness training on women's rights, human rights, child rights and domestic violence. As women begin to know their rights, they no longer keep silent about abuse and break

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<sup>180</sup> Camp Based Organization (CBO) leader, Interview 29.

<sup>181</sup> Interviews 12 and 13, a perpetrator.

<sup>182</sup> Interview 6.

tradition to request help from other people. Men feel their privileges disappearing and want to blame the women's group. The KNWO provides training for both men and women but most men are not interested and few come to listen. It appears those men feel threatened and are afraid that their wives will emasculate them. This causes many family disputes and can result in domestic violence.

There are many broken families in the camp. Infidelity can cause social problems and violence at home. Some wives steal or sell themselves to supplement their husband's inadequate income, often angering the men. Some disputes are caused by the UN resettlement program; families are divided over whether to apply and go.

Domestic violence is an example of the abuse of women common in the refugee camps.<sup>183</sup> In the Karenni Refugee Camp 1, some of the husbands beat their wives and children. Many women suffer this abuse from their male partners, including physical injury/abuse, sexual abuse, intimidation, verbal abuse and emotional abuse or threats. Physical abuse includes pulling their hair, kicking their stomach while they are pregnant, and regular beatings. Some women have broken hands, fingers, teeth, and some have cuts and concussions. They carry these effects permanently.

In most of the cases there is verbal abuse and shaming. A few also are guilty of violence against their husbands but it is mostly verbal abuse like lying about their husband or sending their husband to jail without any real reason because they want to divorce them. This situation results in some feeling depressed. There are many different kinds of abuse women suffer from their male partner including sexual abuse, physical abuse and psychological abuse or emotional abuse. Each of them can be explained as follows:

## **Sexual Abuse**

Sexual abuse is any form of non-consensual physical contact. It includes rape, molestation, or any sexual conduct with a person who lacks the mental capacity to exercise consent.<sup>184</sup>

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<sup>183</sup> *A collection of articles on domestic violence in Thailand*, EarthRights International, p. 94.

<sup>184</sup> <http://www.preventelderabuse.org/elderabuse/physical.htm> (National committee for the Prevention of Elder Abuse).