

[Report I : SEPT. 16 - PM, Moderator : Lee Hyun-Sook]

## Violence Against Women - South Asian Experiences

Nimalka Fernando

### 1. First presentation

Violence against women in all its manifestation is criminal and has resulted in death, physical incapacitation and mental derangement. In India eight out of ten wives are victims of violence. These numbers do not reflect the actual problem faced by us many remain hidden. I do not hold the view that violence we face is cultural and personal. There is of course the predominant thinking in our part of the world that women should behave silently, suffer degradation and remain subservient. Religious and customary practices are often invoked to justify the oppression and repression of women.

Domestic violence in South Asia takes a barbaric form from bride burning to rape within marriage. In India the practice of Sati still is in practice despite that it is illegal/prohibited by law. Women die for not providing sufficient dowry ie. the amount of money a woman pay as a gift to the bridegroom. Often women commit suicide if a marriage fails due to the fact that the poor parents are unable to pay this amount. The situation of women in South Asia has worsened with the World Bank dictated Structural Adjustment process and 'globalisation'. Hundreds of women are drawn into the labour market as workers in the Free Investment/Trade Zones. I will share with you stories of these women who have to work from 6.00 am to midnight merely to receive US \$ 25 per month. If you do not do over time the amount will be less than this. The conditions of migrant workers have been well recorded by the Human Rights watch group. (I

will send you few stories as annexures by end of this week).

The major concern I wish to focus is the harassment faced by women continuously as a result of ongoing war situations in Sri Lanka and also across the India and Pakistan border. There are several struggles in India in the various States where militarisation processes have brought about extreme violence against women.

Women as refugees faces displacement as well harassment as those belonging to the minority communities. In a conflict situation women are the most vulnerable. Women in the minority communities face rape. The community is put to shame by the majority forces in this manner. Experiences of women living along borders - within the country like in my own country Sri Lanka and also along borders of Thailand of Burmese women require no elaboration. In Sri Lanka the number of widows have increased in the war zone areas. These single women have become vulnerable. In a village situated in the North Central province in Sri Lanka where a military camp is situated it is reported that 60% of women have venereal disease.

Krishanthi Kumaraswamy a young student belonged to the Tamil community lived in Jaffna. She was passing through a check point after school. She never returned home. Her family members and a neighbour started looking for her. Her mother, brother and the neighbour too disappeared. Later on she was found raped and murdered. The others were also killed. Due to national and international pressure the State intervened to identify the officers involved and a case was filed. The accused have been now sentenced to imprisonment.

## 2. Second presentation

This is a very important conference. You have committed yourselves to become engaged with the whole Asian region. My paper is very brief—I will not read it. But some of the issues I will raise are in the paper.

It is very important to understand the problems in South Asia. Being a woman in the various Asian countries is very much the same. We as women must always recognize the premise that armed conflicts have created violent societies—in World Wars I and II and now. We as women see no difference, because what happened to women years ago happens even now. Korean women bravely gave us the voice to discuss what is happening to women. In March 1998, the followup to the 4th World Conference on Women dealt with women in armed conflicts and recent trends in this area.

Looking at South Asia, my thinking is reflected in the UN Human Rights Commission Report: "Women civilians may be targets of abuse by aggression including regular forces and militia members, and members of their own community." My country Sri Lanka has been in an armed conflict situation for more than 17 years. It is very difficult to explain the political issues in the conflict in 15 minutes. Within that situation, Tamil women always face sexual harassment, sexual violence and abuse. Some came out openly in opposition, some remain silent, some commit suicide—because society is not kind to women. Though we have laws, because of the severe militarization, even the judiciary has not been able to implement the law. But we won one case recently. A young girl coming home from school had to pass through a military checkpoint in her "terrorist" area. She was stopped by the government troops and never came back home. Her mother and brother went to the military checkpoint area but both of them disappeared also. That was 10 years ago. Now that civil society and human rights

groups have become strong in Sri Lanka, we managed to find the burial places, identify the army troops, and get them punished.

In India there are several areas of armed struggle: Kashmir, Nagaland, ...There are various situations in South Asia where minority groups are struggling. Whether we agree with taking up arms or not, we must recognize it is minority groups that are asking for status in their societies, to assert their rights. They are always met with ruthless violence. The purpose is to shame the other race, by attacking the reproductive process and identity of the community by force. When we say human rights, we do not mean merely technicality of law—it is a larger struggle, in which the whole militarization and attack on minorities is done to attack the identity of a race, and so they attack women and their right to give birth. I wanted to share this dimension with you. I can tell you many stories about Sri Lanka and other parts of South Asia, how women are searched, raped, abused.

Asia has the highest percentage of refugee population. Sri Lanka has internally displaced people due to the conflict. People from Bhutan go to Nepal because of their democratic struggle. Refugee women are also in a situation of displacement due to armed conflict. What happens to them is that they have to leave their natural habitat. 60% of women suffer from venereal disease along the border regions of Sri Lanka—girls of 14-16 years of age. When I visited the border area, there was no girl who did not have a soldier as boyfriend, and they are not permanently stationed there. A soldier told me, "You cannot find a virgin in this area." On this small island in the Indian Ocean, this problem has come to us through our war experience.

Why we raise this problem is to raise the necessity to become peace activists. I can go on

talking about victims, and my country's situation and friends who have lost their lives. But the biggest problem for us women is to find strategies and actions for peace. In Sri Lanka women who have spoken for peace, for human rights, are raped and killed by the military. So in this women's human rights context, we need several approaches:

- 1) Women should call for peace in its real sense--because the government delegates speak of peace only in a rhetorical sense.
- 2) Women should participate in large numbers at local, national and international levels, and build on whatever gains we have in getting recognition of women's rights as human rights.

#### Career

President, International Movement Against all Forms of Discrimination and Racism

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## Situation of Women in Armed Conflicts: Burma, Kambodia, and Thailand

Virada Somswasdi

#### Definition

The Declaration on the Elimination of Violence against Women defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life

#### BURMA:

##### Background

Shortly after Burmas independence from British rule in the late forties, Military leader, General Newin, threw away the agreement, made in the course of negotiations between Britain and Burma about independence, with ethnic minorities to safeguard their rights in return to join in a Union of Burma. From thereon internal conflicts starting five decade ago resulted in civil war between the Burmese government and its ethnic minority groups.

This civil war coupled with repression by the ruling junta has driven huge number of people to seek refuge and employment in neighboring countries, especially Thailand where economic relations with Burma have improved.

Among those refugees/migrants are a considerable number of women both young girls and

adults.

Under military rule for decades, Burmese people have been living under repression, intimidation, threats, and fear of violence of all sorts.

Burma is a party to international conventions and declarations which prohibit discrimination against women and ensure the effective enjoyment of their human rights. Burma signed the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others.

Burma has ratified the Convention on the Elimination of All Forms of Discrimination against Women. Its 1974 constitution which was abrogated by SLORC in 1988, specified that all citizens shall be equal before the law, regardless of race, religion, status or sex

This constitution also defined the following rights of women:

- (a) women shall enjoy equal political, economic, social and cultural rights;
- (b) mothers, children and expectant mothers shall enjoy those rights as prescribed by law;
- (c) children born of citizens shall enjoy equal rights; and
- (d) women shall enjoy the freedoms and rights guaranteed by laws as regards marriage, divorce, division of property, succession and custody of children.

It is not known whether after the abrogation of the Constitution, any law, decree, or order of a basic character has been enacted to guarantee the rights of women provided in the defunct Constitution.

As for political conflicts, democratic groups are under constant intimidation. Hundreds of people both male and female, and including parliamentarians elected in 1990, have been arrested and detained. These human rights abuses continue to this day.

Women's situation in Burma has been reported and summarized as follows:

#### Situation

##### Refugee women and internally displaced persons

As described in the report of the Special Rapporteur on Myanmar Many of the refugees fled in order to escape forced labour, portering and starvation. The situation of nursing mothers or women with young children is particularly harsh. There is no doubt that refugee women, particularly those on their own, are more vulnerable than men to exploitation and deprivation of rights at every stage of their flight

Abuse of women by government agents and the imposition of oppressive measures directed in particular at ethnic and religious minorities are rampant.

The forced relocation and other violations of the rights of minorities have resulted in a flow of refugees to neighbouring countries, and continuing attacks on minorities groups, has resulted in death, destruction and displacement.

They burnt our rice fields, smashed our cooking pots and our eating plates, every house and rice barn in our village was torched. There were 40 houses in my village, all of them were burnt down. We had to go into hiding for 9 months and dispersed. We would be shot if they saw us. ,

said a young woman who lost her parents took refuge in Thailand with her 9 year old brother.

In recent years, the Burmese military has paved the way for the Yadana Gas Pipeline Project, one of the biggest investment projects in which French Total and American UNOCAL are major holders. This project has dislocated people, used forced labor, abused peoples human rights and suppressed ethnic minorities. This lengthy natural gas pipeline will cause an enormous loss of lives and rob human dignity from many women.

For example, 200 Karen villages in northern Karen State. And in Kayah State, over 200 villages were destroyed and hundreds of people were massacred as a result of the construction of the Yadana Gas Pipeline.

#### Women and forced labour

In recent years, increasing numbers of women, including young girls and the elderly, have been forced to work on infrastructure projects and to act as porters in war zones by the Burmese army. Such uncompensated forced labour continues despite ratification of ILO Convention (no. 29) Concerning Forced or Compulsory Labour.

In these projects women are not spared forced recruitment, even when they are pregnant or nursing their infants. Those who are too weak for the strenuous work have to hire another person or face a fine. On the work site, the forced labourers do not receive appropriate medical treatment. Further, they are reported to receive no remuneration and have to provide their own food. While performing forced labor, women cannot work on their farms which results in food

shortages for the family. On the work site women, like men, risk exhaustion, accidents and lack of medical treatment. They are also victims of many serious human rights violations such as beatings, rape and murder.

It is clear that real access to the justice system by these victims is virtually non-existent.

#### Women in Politics

Human rights abuses in Burma include:

The restriction on the freedom of expression, association, assembly and movement placed upon Aung San Suu Kyi and other political leaders; continued arrests and harassment of members and supporters of the National League for Democracy, trade unionists and students who were peacefully exercising their rights to freedom of expression, assembly and association; forced resignations of elected representatives; continued attacks against Aung San Suu Kyi; and the closure of all universities and colleges following student demonstrations in December 1996.

#### Conclusion

The majority of women, who flee from home, are susceptible to abuses and exploitation in receiving countries. In Thailand, the number of Burmese migrant women recruited into prostitution has soared markedly when the supply from the local areas declines.

A lot of women who illegally flee to Thailand end up in prostitution. They are either taken by force or submit to the situation for survival.

For those who do not have vehicles to leave or who choose to stay on in Burma, must live

with constant fear of being repeatedly raped or brutalised. It is widely known that minority women in particular have been forced into hard labor for construction (mainly roads, railways and hydro dams) in order to accommodate tourism and foreign investment.

Women are used as human shields on the battleground, taken as comfort women, porters and servants by soldiers of the ruling junta.

Families in rural areas are left without male members, are either conscripted into the army by force or made to do hard labor for the military junta. Women left behind have no access to education, and with no income, are constantly extorted for money in the form of e.g. donations for development projects, self reliance-basis projects, or fees for various national festivals.

Those able to refuse prostitution are given low paid jobs with no social benefits, not to mention slavery-like conditions, risking in health, bodily harm, and loss of life. In addition to sexual exploitation, as aliens, women are constantly confronted with ethnic bias at work factories, shop houses, private homes or brothels. Many have been arrested and imprisoned because they lack legal travel documents and are subsequently affected by psychological disorders which result from abuse incurred during detention.

In conclusion, Burmese women and especially ethnic minority women are victimized and their human rights violated in situations of armed conflicts. These problem only worsen when the military junta feels its power is threatened.

Because Burma is closed to independent monitors, the true extent of human rights abuses is

largely unknown. Thus, reports from international human rights groups and the UN Special Rapporteur are only one part of the story. The abuses by the state against its citizens may in fact be much more than we know.

## Cambodia

### Background

In Cambodia, due to the never-ending war, in which, men were sent to the battlefields and died, women constitute more than 60 per cent of the population.

For decades, Cambodians have been living under the situation of armed conflicts. The spillover from the war in Indochina, the Khmer Rouge era, the Vietnamese Invasion as well as the continued fighting among various fractions of political groups has put the people under duress, threat and numerous human rights abuses.

Atrocities during the Khmer Rouge era were revealed in the killing fields. One million of Cambodias total population of seven million died of starvation, disease, punishment and outright execution, number unmatched throughout the world.

Land mining in Cambodia is one of the most critical, cruel and inhuman situations that has ever taken place. Cambodia has come to stand as the unparalleled example of how landmines can devastate a country. Over the last twenty years of war, an estimated eight million landmines have been laid throughout the country, apparently, by all conflicting groups.

Roughly half the country has sizeable concentrations of landmines, which claim hundreds of victims each month. Although Cambodia has some of the most fertile land in Asia, much of it is unusable because of landmines. Before the take-off of mine eradication efforts by the international organizations, Cambodia, with a population of approximately eight and one half million, had the highest percentage of physically disabled inhabitants of any country in the world.

Of the almost 40,000 amputees in the country, most are civilians who were injured in the course of making their living tending their rice fields, cattle and children, fishing, or gathering firewood and thatch. Given the sites of land mines. The number of women amputees must be certainly high, though no official figures are available.

The eruption of political violence in many areas of the country and military conflicts among opposing political forces, have resulted in an influx of tens of thousands of Cambodians to neighboring Thailand.

### In the Course of the Plight

#### Violence Perpetrated by Cambodians

Displaced Cambodians are vulnerable to violent attacks by Cambodian bandits as they make their way to the UNs refugee camps on Thai soil.

Women and girls fleeing their homeland have often been raped and robbed by various armed groups. Girls as young as 11 years old have been repeatedly gang-raped while detained for

ransoms demanded from their relatives abroad or in Thailand. Women have provided foreign officials with consistent and detailed accounts documenting the regular rape of virtually all of the other females imprisoned in Cambodian camps. The rapists are found among all the different political factions.

At present, significant proportion of the almost one hundred thousand Cambodian refugees in Thailand, are women and children. Most, but not all, Cambodian refugees are located in camps. A small number of dispersed families and individuals have found safety in urban centers. These refugees are generally better off than camp populations and can meet most of their basic needs themselves.

### Situation

The absence of peace and the continued fighting and insecurity in their areas of origin have dissuaded refugees from returning to Cambodia.

Most political leaders of Cambodia, are willing to welcome the international community assistance in improving the conditions of the war-torn nation. The difference with respect to refugees, unlike the case of refugees from Burma, Cambodian Refugees have been under closer care of the UNHCR. Facilities for basic needs of camp residents in the essential areas of health, water, sanitation, household needs, education and community services have been provided. Arrangements for voluntary repatriation of those wishing to return to areas verified as safe for return and accessible to UNHRC for monitoring and assistance, have been undertaken.

UN agencies have established monitoring and development-oriented programs to reintegrate returnees. A considerable number of NGOs- local and international link with UN organizations in carrying out relief programs as well as other relevant educational, quick impact and community-based programs. With the inception of various womens organizations, the womens movement is developing and its presence has been significant enough to put a plan for a ministry of womens affairs.

If the new, emerging conflicts stemming from the results of the last general election do not escalate into another civil war, refugees can return to Cambodia under the support and supervision of international organizations and rights groups.

## Thailand

### Background

In spite of the adoption of the new Constitution, which safeguards equal rights between men and women, maintains other human rights provisions and encourages public participation, Thailand is still not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol.

Neither has Thailand removed reservations to the Convention on the Elimination of All Discrimination Against Women (CEDAW) with respect to family relations and the jurisdiction of the International Court of Justice. Nor has it ratified the Statute of the International Criminal Court.

Thailand acceded to the International Covenant of Civil and Political Rights (ICCPR) only in late 1996. It has not acceded to some other important treaties significant to the promotion and protection of human rights as follows:

- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment;
- International Covenant on Economic, Social and Cultural Rights;
- Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others;
- International Convention of the Protection of the Rights of All Migrant Workers and Members of their Families;
- Freedom of Association and Protection of the Right to Organize Convention;
- Right to Organize and Collective Bargaining Convention;
- Equal Remuneration Convention;
- Discrimination (Employment and Occupation) Convention;
- Minimum Age Convention;
- Migration for Employment Convention.

### Situation

#### Refugee/migrating women

In short, women migrants/refugees in Thailand normally face with the following problems:

- Being subjects of trafficking and sold to procurers or brothels owners for prostitution in the country as well as abroad;
- Arrests and imprisonment: the harsh condition during detention has already been addressed, they will also be subjected to drug usage highly used in detaining places;



- Corrupt government officials and employers: they have to pay fees to obtain employment and thus lessen income;
- Low wages and unsafe working conditions: some years back, a toy factory caught fire and hundreds of workers were killed, most of them were migrant workers; they endure slavery-like condition in exchange of low pay;
- Accommodation and sanitary facilities: in most cases, they stay in shacks at refugee camps, construction sites, fish farm, mining sites; rarely have their own private space in private homes; filthy rooms in brothels etc. Health condition has reached the state of worrisome while lacking fundamental care.
- No legal protection: employers choose not to report/register foreign employees so that they can pay less wages and not having to pay registration fee nor respect any regulations;
- No access to education for self or children: refugees/migrant workers have no opportunities to schooling, except for services offered by NGOs.
- Maltreatment at refugee camps coerced military service, portering and officially sanctioned or tolerated attacks and killings.
- Forced repatriation by the Thai military, in most cases, refugees are given only a few hours, if not less, to be on their way out of the country in military trucks.

According to estimates by the Thai Government, there are around 700,000 - 1,000,000 undocumented migrant workers in Thailand, with the majority coming from Burma. Migrants from Laos and Cambodia come second and third respectively. Women from Burma and Laos constitute approximately one third of those of men. While number of female migrants from Cambodia is 16 percent of that of the total from that country.

In the first half of 1997, unprecedented numbers of ethnic minorities fleeing armed conflict in Burma entered Thailand. Due to the relatively lax nature of checking procedures, refugees often enter through border checkpoints without a border pass. Others may know the border guards and therefore cross without the needed papers.

Subsequently, thousands of these refugees were forcibly returned by the Thai Army to face widespread human rights violations back in the villages they had so recently fled. Among them were women, of all ages, put at risk of serious human rights violations.

The majority of these women, are also susceptible to rights abuses and exploitation in Thailand.

Over 100,000 ethnic minorities, mainly Karen and Karenni groups who are sheltered in camps inside the Thai border, are regarded as displaced persons. Other Burmese refugees, e.g. asylum-seekers from the Shan State are reported by Amnesty International to include at least 30,000. These refugees fled into Thailand to avoid massive forced relocation and extrajudicial executions by the Burmese army. They were never allowed by the Thai authorities to establish camps on the Thai border. They are thus considered illegal immigrants and are susceptible to arrest, fines, and deportation to the Thai/Burmese border. They have sought work in agriculture, construction, and other low-paid jobs. It is the same in Thailand as elsewhere, in that the jobs migrant workers are destined to take on are nothing but the 3Ds dirty, dangerous and demeaning.

Before the economic crisis in mid 1997, the number of Shan migrants/refugees to Thailand

had increased dramatically. At present, however, thousands of them have lost their jobs. At the same time most of these people have no homes to return to after the massive forcible relocation program conducted by the Burmese military junta on account of ethnic origin or perceived political beliefs.

When arrested, these refugees were treated harshly by immigration officials and police. The severe, overcrowded state of Thai immigration detention centers/police stations is widely known. In many places women and girls are put in the same cells as men where there is not enough space for everyone to sit or sleep. It is reported that anyone who goes to the restroom, will be unable to find a spot to sleep upon his/her return. Insufficient sanitation and medical care are common.

There was one reported case of rape in a police station. A group of male inmates raped three young Lao women who had been arrested for illegal immigration and were detained at a police station together with men for many consecutive days before it became known to a visitor. The young women testified that they were raped by more than ten men. After the outcry of womens and human rights organizations, eight male detainees were brought to trial. However, the responsible police officers escaped trial. No one can guess how many cases like this have gone unreported.

Thai police arrest and detain refugees and asyllum-seekers, particularly Burmese nationals, on a regular basis in Bangkok and other cities. Detained asylum-seekers are not given an opportunity to challenge the legality of their detention as required by international standards. Furthermore, the general public continues to hold strong cultural biases against the foreign

refugees.

If the illegal migrants were repatriated, once they returned to Burma, they were again subjected to forced portering and labor on army bases by the Burmese army as earlier addressed .

There are no alternative for migrants/refugees. The situation is simply understood as there is no turning back. In Burma atrocities from the military junta await these people, while in Thailand, the state mechanism contributes to human rights violations

There have been constant armed incursions of Burmese soldiers into Thailand where they have attacked refugee camps, killing, beating and wounding refugees before the eyes of Thai soldiers.

Also, the Thai Military itself forcefully sent many thousands of refugees, many of whom were women, back to Burma. The Thai government disregards the principle of refoulement, which forbids the returning of any person to a country where he or she would be at risk of serious human rights violations. Similarly, when fighting in Cambodia forces people to flee to Thailand in great numbers, the border will be sealed. Asylum seekers are deterred from entering Thailand by military force.

For women who are deported back to Burma, if it is known or suspected that they might have contracted HIV/AIDS, they are further vulnerable to being eliminated. Some women have been poisoned while others have been put in isolation with no access to medication, inevitably, they eventually died from the disease. Some are taken back to Thailand for more work in

prostitution or are relocated to other areas.

In late 1997, when the economic crisis hit Thailand, the Ministry of Labor and Social Welfare announced that 1,000,000 illegal migrant workers would be deported to pave the way for local Thai workers.

#### Conclusion:

The human rights abuses women confront and suffer in these three countries include the same abuses found in other parts of the world rape, sexual humiliation, threats, torture, ill-treatment, exploitation of family relationships, inadequate medical treatment and cruel or inhuman conditions of imprisonment, indirect suffering caused by human rights abuses, imprisonment on grounds of conscience, inadequate or unfair legal proceedings, cruel and degrading punishments, disappearance and/or extrajudicial execution.

Abused women may be young, adult, aging or even pregnant. They include rural indigenous, urban, educated and upper class women. No one escapes human rights violations in the situation of armed conflicts.

It should be noted that such violations are inflicted by the state, private groups as well as individuals. Also, in many cases, these violations are systematic and well organized, used as weapons to retaliate or intimidate opponents whom are mostly male.

Recommendations: Campaigns to protect womens human rights have to be waged on the

same fronts and the same issues as that to protect everyones human rights. Some human rights violations, however, require specific action to protect women. They include the following:

1. Stop rape, sexual abuse and other torture and ill-treatment by government agents.
2. Stop persecution because of family connections.
3. Provide adequate health care to all detainees and prisoners.
4. Release all prisoners of conscience immediately and unconditionally.
5. Ensure prompt and fair trials for all political prisoners.
6. Take effective steps to prevent disappearances.
7. Safeguard womens human rights in situations of armed conflict.
8. Prevent human rights violations against women refugees and asylum-seekers.
9. Prevent human rights violations against women who are members of ethnic minorities.
10. Stop judicial and extrajudicial executions. Abolish the death penalty.
11. Ratify international instruments for the protection of human rights.
12. Support the work of relevant intergovernmental organizations.

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#### Career

An academic feminist, graduated from Cornell Law School, U.S.A. in 1974

Present commitments:

- Associate Professor of Law in the Department of Political Science, Chiangmai University;
- Director of the Women's Studies Center, Chiangmai University since 1986;
- A founder of Asia Pacific Forum on Women, Law and Development ( APWLD ), now the Regional Coordinator;

- A member of the National Sub-commission on Fact-finding on Human Rights Violation in Thailand.

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## Recent Armed Conflicts and Afflictions of Violence against Women in Asia : Korean Case

Chung Chin-sung

### 1. Sexual Violence Caused by Armed Conflicts and Patriarchism

War, while causing most serious misery of all, has been repeatedly waged throughout the human history. The twentieth century, in particular, witnessed four times as many wars as the last four centuries put together did and the type of wars during this period has become extremely destructive. While war between capitalists and communists is subsiding with the end of the Cold War and the world now looks safer than before, new types of armed conflicts are arising among different nations and ethnic groups these days. And sufferings of women seem to be most tragic consequences of these armed conflicts. For example, victims were mostly women and children when armed gangsters killed 70 Somali refugees in June 1992. The fact that women and children are the biggest victims of war cannot simply be explained by their physical weakness alone. It is also closely linked to patriarchy that systematically turns women into the class of 'socially the weaker'. War is a violent expression of patriarchy and an analogy can be drawn between sexual violence, basically a mechanism that forces women to obey men, and actions of the army who are set out to conquer the land. In addition, a weapon is both an important element of men's identity and a key that enables patriarchal system at the same time. Thus, when a war breaks out, all these violent elements are carried out as dreadful violence against women.

#### (1) Protagonist in Sexual Violence

At present, three types of wars are taking place ; traditional type of war among nations, war for the formation of a nation, in other words, a war for independence and civil wars among ethnic groups or religious groups within a nation.

Due to the homogeneity of its people, Korea hardly experienced the second and the third types of wars. Instead, it suffered two types of armed conflicts, one triggered by the the invasion of other nations and the other caused by the violence of the state. And women were the biggest victims of these armed conflicts in Korea as in any other nation in the world. Cases of sexual violence by other nations in armed conflict include military sex slavery of the Japanese Imperial Army and sex crimes by the American military. And Cheju 4.3 Uprising in 1948, a series of incidents that took place right after Korea's liberation from Japan and sexual violence during Kwangju democratization movement in 1980 are examples of violence committed by the state. This paper looks more deeply into each of the above four cases.

#### (2) Pattern of Sexual Violence

Most common violence against women in wartime is, of course, rape, which can be categorized into intermittent rape, institutionalized rape and sexual violence in the form of prostitution. Among these, institutionalized rape has the form of forced prostitution or habitual rapes and one of the most stark examples of it is the violence against so-called 'comfort women'. Sexual slavery of women by the Japanese Imperial Army was the epitome of wartime sexual abuse that the state and the military committed with the help of brothel operators. While a serious degree of sexual violence was witnessed during ethnic cleansing in former Yugoslavia, it was more the case of intermittent rapes rather than institutionalized violence systematically controlled by the state. As for prostitution, while it is not strictly 'forced', it's certain that a degree

of violence is added to it under the circumstances of war. This is evidenced by a recent increase in sexual violence committed by American soldiers stationed in Korea.

On the other hand, while women go through the same wartime afflictions as men like forced labor, loss of family, psychological aftermath, injury and loss of house, the degree of suffering borne by women is more severe than men in patriarchal society.

### (3) Violence of Patriarchism after Armed Conflict

As already mentioned, patriarchy is expressed as violence during wartime. However, what's worse is the way a patriarchal society responds to the sufferings of sexual violence victims after the war ends. Patriarchal system stigmatize not only the assailants but also the victims as far as sexual crime is concerned, which means that the pains of those victimized by sexual violence lasts or is even aggravated throughout their lifetime.

With a long tradition of Confucianism culture, patriarchal ideas still remain very strong in Korea. According to a report by the International Commission of Jurists, a gap exists in post-war life of Korean and Philippino victims and this is attributable not only to different circumstances under which they were mobilized but also to different weights of patriarchy have in two countries.

As mentioned earlier, I'd like to look more closely into each case of sexual violence during armed conflicts in the order of Cheju 4.3 incident in 1948, Kwangju democratization movement in 1980, violence of American forces in Korea and sex slavery of the Japanese army. These incidents occurred at different time points. However, investigation into all of them began at the same time in the 1990s as Korea become more democratic and grassroots movements, especially women's movement more active. The truth has been concealed and silence forced by

not only the patriarchal society but also by dictatorships during the Cold War period. This, in turn, means that the healing of victims' sufferings and prevention of armed conflicts should be achieved by changing the existing hegemonic order of the world, making society more democratic and organizing citizens' movement toward abolishment of patriarchal system. Forming international alliances in these efforts is also essential.

### 2. Cheju 4.3 Uprising(1948)

After liberation from the 35-year Japanese rule in 1945, Korea was placed under the control of the American military for 3 years till 1948 when the government was set up in the South. 4.3 refers to the date of April 3 in 1948 when civilian armed fighters in Cheju island launched an attack on the American military police and 'Suhbuk youth group' in protest against independent elections in the South. However, the origin of 4.3 dates further back to March 1 a year ago when people in Cheju were enraged by the police who fired on demonstrating public. As a result of police firing, 6 people including a woman who was holding her baby and an innocent farmer died. This soon led to the general strike on March 10 to which the American military government responded by calling the support of police force from the United States and members of Suhbuk youth group to suppress it with force. As many as 2,500 were jailed as a result. It was amid this atmosphere that a left-wing organization opposed to the South's independent election finally took up the arms. However, the scale of rising amounted only to about 300-500 people and they were poorly armed. For 6 years and 6 months since then until the opening of blocked areas in Mt. Halla on September 21 in 1954, as many as one eighth of the population in Cheju were shot to death by the police or Suhbuk youth group while many more suffered physical and psychological pains. Considering the insignificant number of

armed fighters at the time, it is obvious that mostly innocent people were killed. Massacre of the innocent people during four months from November 1945 to March 1949 almost reached a state of collective insanity.

Women also had to suffer enormous torments during this incident which was not known to outside world at all at the time. Out of estimated deaths of 30,000, 9,192 were identified as men and 2,443 women. However, the sufferings of female victims who survived are lasting even today because they were also subject to sexual violence. Victims are now starting to break their silence and telling how they were brutally victimized by torture, sexual violence, forced marriage to expedition forces and subsequent loss of the family. Tortures usually involved sexual attack and women were often forced into a marriage to expedition soldiers or police. There were many women who died while resisting this forced marriage as well. An incident in Tosanri Pyosanmyun on the night of December 14, 1948 vividly tells how rampant sexual violence was during this period. Expedition forces that seized this town on that day called a total of about 150 young women but they were found all dead after 5 days. It was obvious that these women were sexually attacked before being murdered. At the same time, indiscriminate rape went on during this period - even pregnant women and young mothers with their babies were tortured and shot to death. Moreover, a young man and a girl were sometimes forced to 'do it' in public. And as already mentioned, women were forced into unwanted marriage because their family members were taken hostage and, along with the rape victims, had to face the humiliation of being called 'Pokdogaksi(Wife of Mob)'. On the other hand, children of these women were also branded as 'Pokdosaekki(Child of Mob)'.

### 3. 1980 Kwangju Democracy Movement

Kwangju Democracy Movement is call the most historic event of the late 20th century, after the April 1960 revolution, which made a critical contribution to the weakening of the military authoritarian regime. It was a showdown between the military trying to maintain its regime and citizens resisting the military rule. While different hypothesis exists as to why it had to happen in Kwangju, a great number of casualties resulted from violent suppression by special fighter forces, Kwangju citizens' resistance to it, the formation of citizens' groups and armed operation by martial law military.

Female casualties were also numerous because they participated actively in street demonstrations, propaganda activities, blood donation and back support of demonstrators. While survivors had to deal with physical injuries, most painful for them was psychological injuries caused by sexual violence. For example, a high school girl who was gang-raped by 5 martial law soldiers showed abnormal behavior patterns afterwards due to extreme fear and a sense of insecurity. Her schizophrenic symptoms kept deteriorating and she finally had to go from one mental institution to another before her traces were lost. There were so many such cases that a film titled 'Petal' was shot with a similar story that a girl who loses her mind amid collective insanity in Kwangju is raped and disappears.

Unfortunately, women's pains are prolonged even after the conflict because of discrimination in compensation process, conflict within the family and psychological stress under the repression of patriarchal system. Although the investigation and compensations process for the victims of Kwangju incident was launched relatively soon compared to 4.3 Uprising, it should be noted that even this process was oriented towards men, not women. Medical care measures for victims were carried out based on men registered as heads of households and no assistance whatsoever was provided to women with family members to support as far as they themselves

were not direct victims. A woman had to see her daughter fall into the toilet and die because she was busy tending her wounded mother. This shocking experience made her infertile. In another instance, a woman found that her son's polio was getting worse because she couldn't manage to find time to take care of her son also because of her injured mother keeping her always busy.

#### 4. Sexual Violence of American Soldiers

Putting aside political discussions about the existence of American soldiers on the Korean soil ever up until now, nobody doubts that the American forces in Korea was always behind major policy decisions in the country and exerted an enormous influence with its supreme control of the Korean army. And this great power that American military has in Korea is causing a lot of problems. Even though prostitution is strictly illegal, many Korean women are absorbed into brothels set up around American military bases through an institutionalized network of the police, brothel operators and prostitutes called 'Yanggongju(prostitutes serving American soldiers)'. Women working there are suffering from various types of violence and a women's civic group called 'Doorebang' was set up to help these women.

While too many rapes, beating and murders are being committed by the American soldiers here, these offenders are hardly prosecuted because of SOFA, Status of Forces Agreement. But, in order to reduce crime of American soldiers, they should be made punishable and compensations for victims guaranteed. Seven rounds of negotiations were held during the period of November 30, 1995 and September 10, 1996 to make this possible by amending the existing SOFA. However, negotiations came to a sudden halt when the US side unilaterally notified the Korean negotiators of its decision not to have another meeting. A series of incidents over the years including the murder of Yoon Keum-Iee in October 1992, sexual attack of Kim

Guk-Hae in 1993 and sexual harassment case of a student in Evada school for the deaf and dumb in June 1996 shows well the brutality of crimes committed by American soldiers. Also, these incidents aggravated anti-American sentiments among the Korean people. 'Headquarters for Rooting Out Crime by American Soldiers', a grass-roots organization was established and it is pursuing various activities such as the publishing of 'White Paper on GI Crime' and operation of 'GI Crime Report Center'.

During the 10-year period between November 1987 and July 1997, GI crimes either covered by major dailies or reported to GI Crime Report Center were 51 assault cases against men, 8 murders, 14 hit-and-runs, 11 quarrels, stealing and drug cases, 6 assaults against women, 3 murders, 6 rape and attempted rape cases and 3 sexual harassments. While there must have been a lot more GI crimes than those known to the public, even the majority of these reported cases remain still unresolved and offenders were mostly transferred to American military police without detention. Few cases ended in compensation for the victims.

#### 5. Military Sexual Slavery by Japan

Military sexual slavery by Japan, though it is the oldest problem of four cases, left most indelible wounds. The reality of sex slave system of the Japanese army has begun to unravel only very recently and victims are expecting a hand of rescue and a thorough investigation. Reasons for saying that it has left most indelible wounds are as follows. First of all, the number of victims. Compared to an estimated number of 30,000 victims of 4.3 Uprising, Japan inflicted pains on millions of Korean people during its 15-year war. A simple fact that Korean women drafted as sex slave(so-called 'comfort women') numbers at least 80,000 makes one easily expect the scale of Japan's perpetrations. Secondly, instead of one-time, intermittent rapes, sex



slavery system of the Japanese army made possible highly systematic, continuous rapes for months or even for a decade. This systematic rape by the Japanese army is well evidenced by the expression in McDougall report of UN Sub-Commission on Human Rights of 'military comfort stations' as 'rape centers'. Third, sexual slavery of Korean women was designed and systematically maintained by the Japanese government itself. Fourth, the entire process of sex slavery system including, of course, the drafting of women was strictly 'forced' under tight control and supervision.

Among the victims who were left in comfort stations after the war, some returned home and others settled there. While anyone can easily guess how hard it must have been for those who settled in Japan, life was far from easy for others who returned home, either. In most cases, family members turned their back on them and they couldn't have a normal married life because they became infertile due to long-time sexual abuse. Moreover, they have been keeping silence on the truth because they feared being stigmatized in the society. In a word, the shackle of these horrible experiences put on these women after the war was just as painful as actual sexual attacks on them during the war.

Therefore, there can be no further delay in our efforts to reestablish these women's self-esteem. However, Japan is once again humiliating them by trying to appease these women by just giving them compensation money through 'National Fund'. This is another slap in the face. Victims of sex slavery are once again feeling severe pain watching this unconscientious attempt by the Japanese government as well as a move within Japan aimed at rationalizing sex slavery system during the war.

Korean Council for Women Drafted for Military Sexual Slavery by Japan and some other grassroots organizations are carrying out activities aimed at recovering self-respect of the victims while giving them courage to live on. Efforts are also being made to share the problem

with other Asian countries and to form an alliance with human rights organizations in Japan and other Western nations.

## 6. Women's Peace Movement

In Korea, various organizations and groups were set up to resolve the above-mentioned issues and to prevent such tragedies in the future. And their activities influenced the Korean government to take some countermeasures. They are also seeking a common ground between these problems in Korea and issues in other societies by forming an international alliance. Actually, more fundamental move toward promotion of peace is just budding within women's movement. Already, a general agreement exists that women's participation in peace movement targeted at prevention of war has been more active than men's because women were the biggest victims of war which is linked to patriarchy that also victimized women. As in environmental movement, women are increasingly taking part in peace movement and their participation is receiving positive evaluation. Relatively young women's organizations such as 'Women Creating Peace' or 'Yuh Yeoun' in Korea are also taking up peace issues like North Korean issue, East Timor incident and Yugoslavia case. Global women's bodies as well are joining hands with international organizations like the UN and playing a major role in establishing International Criminal Court.

In conclusion, it should be stressed that women groups needs to continue their efforts to overcome limitations of democracy and the hegemonic order of the world, establish global alliance and create global society of citizens either through women's movement or in a larger framework of peace movement.

【Report I : SEPT. 16 - PM, Moderator : Lee Hyun-Sook】

## Violence Against Women : Indonesia Experiences

"Yellow Ribbon" Campaign for Indonesia

1.

Dear friends,

Please forward this "Yellow Ribbon" to all friends around the world to show our solidarity and sympathy for the victims of the riots and chaos in Indonesia last May 13-15. Many Chinese Indonesian citizens were abused, tortured, and killed. Their houses and stores were looted and burned. Hundreds of Chinese Indonesian girls and women(aged 10-55) were sexually harassed and gang-raped brutally. Some victims were even raped in front of their family members or in front of an inhuman cheering crowd. Some of them were even thrown into the fire and burned to death after being raped. Yet, not many actions seem to have been taken to investigate all this or to help the victims. And not very many people seem to know or care about what happened. Please help to spread the news and let the world know.

We need help to get more international attention to help Chinese Indonesians who are now living in fear in Indonesia. Please pass this ribbon around as the symbol of campaign against human rights violations, injustice, and racism towards Chinese Indonesians.

Show that we care and may God help us!

Regards,

Suryadi Santoso

2.

Forwarded from Missionnet's Urgent Prayer Network

Source: Christian Leaders Association, 21 June 1998. Jakarta, Indonesia.

Dear friends,

Here I submit a victim's account of being raped during the May riots here in Jakarta.  
Reference to Huaren Bulletin Board, June 12, 1998.

The purpose is to request your prayers for hundreds of similar victims.

My name is Vivian, and I am 18 years old. I have a little sister and brother. As a family we live in what is supposed to be a "secure" apartment.

At 9:15 am, May 14th, 1998, a huge crowd had gathered around our apartment. They screamed, "Let's butcher the Chinese!", "Let's eat pigs!", "Let's have a party!" WE live on the 7th floor and we got a call from a family on the 3rd floor saying that the crowd had reached the 2nd floor. They even chased some occupants upstairs. We were all very frightened.

In our fright we prayed and left everything in God's hands.

Afterward we left our room and went upstairs to the top floor, as it was impossible to go downstairs and escape. WE got to the 14th floor and stayed with some friends. Not long

afterwards we were surprised because some of the crowd came out of the elevators right before we entered the room. We hurried into the room and locked the door tightly. At that time we heard them knock at the other rooms loudly and there were some screams from women and girls. Our room was filled with fear.

We realized that they would come to us. So we spread throughout the room, hiding in the corners. We could hear girls of 10 to 12 years old screaming, "Mommy, ... mommy, ... mom ... mom .. it hurts." That time we didn't know that these little girls were being raped.

After about half an hour the noise diminished and we had some guts to go out and check. It was indescribable. A lot, some of them young girls, were lying on the floor. "Oh my God, what has happened?" Seeing all of this, we screamed and my little sister Fenny, screamed hysterically and hugged her father.

Tears started coming down from my eyes. With our friends, a newlywed couple, we started going downstairs. Reaching the 10th floor, we heard a scream for help. The scream was very clear and we decided to go down and see. But as we turned we saw a lot of people. I saw a woman in her 20s being raped by 4 men. She tried to fight back, but she was held down tightly.

Realizing the danger we ran as hard as we could. But unfortunately the mob caught Fenny. We tried to rescue her, but could not do anything. There were about 60 of them. They tied us up with ripped sheets, myself, my father, my mother, Fenny, Donny, Uncle Dodi, and my Aunt Vera.

They led us to a room. Uncle Dodi asked what they wanted, but they did not reply. They looked evil and savage. One of them grabbed Fenny roughly and dragged her to a sofa. At that time I knew she was in great danger. I screamed loudly but one of the mob slapped me in my face. My father who also screamed was hit with a piece of wood and he fainted. My mother had fainted when Fenny was dragged to the sofa. I could only pray and pray that disaster would not befall us.

Uncle Dodi kept trying to stop them by offering money. His efforts were fruitless. And in the end 5 people raped Fenny. Before beginning with the raping they always said "Allahu Akbar" (an Islamic phrase in Arabic meaning "God is great"). They were ferocious and brutal.

Not long afterward, around 9 men came to the room and dragged me. I also saw them forcing and dragging my Aunt Vera. But at that time I passed out and everything was blank. I became conscious at around 5 or 6 pm. My head hurt and I realized I had no clothing on my body. I cried and realized my family was still there. My father was hugging my mother and little brother, Doni. I also saw Uncle Dodi lying on the floor and Aunt Vera was crying over his body. I felt so weak and fainted again.

The next day I was in the Pluit hospital. My father and mother were beside me. With all the pains on my body I asked, "Mom, why Fenny. Mom?" I felt a stinging pain as I said these words. My cheeks were swollen. My mother cried again and couldn't speak any words, while my father, holding back his tears, managed to smile at me. After 4 days in treatment, my condition improved. With a sad look, my father told me then what had happened. After I fainted, 7 people raped me. At that time my father still couldn't see well after being hit with a

piece of wood. They raped me repeatedly. Then my father said, "Vivian, Fenny is gone ..."

I was confused and cried out, "Why Dad?" My father couldn't answer. He told me to rest and went out of the room. I cried over and over again, feeling that my life had no meaning anymore. A week ago, after I was released from the hospital, I was told everything that had happened.

When Fenny was raped she kept on fighting and so she was repeatedly slapped by her rapists. The last time she fought, Fenny spat on one of them. Offended, the man grabbed a knife and stabbed Fenny's stomach over and over again. Finally, she died with blood over her whole body.

My father told me that Uncle Dodi had the same fate watched by Aunt Vera who was also raped. "God ... why should all of this happen? Where are you God? Are you still alive?" My Aunt Vera now stays with her parents.

She is in shock. Her face is blank and refuses to eat. Almost every hour my mother and I cry over all these happenings. I can never forget. These mobs of people are uncivilized monsters.

Additional comments from Bill Hekman:

This is one of many victims. Hundreds of women and children were raped, mutilated, and killed by Muslim mobs. Some had their vaginas ripped apart, their bodies cut into pieces. Over 5,000 of the Chinese Indonesians' shops were looted and burned down. A few days ago,

another 63 shops were burned in Tegal, Central Java. The city of Solo is burned down. There is no protection and no justice in this country anymore. Yesterday I was in the Kelapa Gading area and that area was spared from destruction. The police and military had guarded all the entry roads. The people there had collected large sums of money from door to door and paid for their protection. A similar situation took place in the Pondok Indah area. For the people who cannot pay millions to the armed forces there is no protection. Right now the hundreds of thousands of thugs, robbers, rapists, and killers live all around us. They are our neighbors. There is no punishment for the criminals and no justice for the victims. Yet, all Indonesians call themselves believers in God Almighty. What a hypocrisy. Shouting "God is Great" when raping women and children is a blasphemy against a Holy God.

【Report I : SEPT. 16 - PM, Moderator : Lee Hyun-Sook】

## Violence Against Women : East Timor Experiences

A Report to the UN Special Rapporteur on Violence Against Women, Including its Causes and Consequences

Prepared by Dr. George J. Aditjondro (Newcastle University, Australia)

7 November 1997 Ref: R 7/97

This report is dedicated to Odilia Victor who died in childbirth in August 1997

### INTRODUCTION

This report has been prepared for the UN Special Rapporteur on Violence Against Women who, in 1998, will report to the UN Commission on Human Rights on the issue of violence perpetrated by the state against women throughout the world. In the East Timor context, very little material is available about violence by the Indonesian authorities against East Timorese women. Further documentation of these violations is still required in order to more accurately report to the international community the true situation of women in East Timor.

In keeping with the mandate of the Special Rapporteur, this report does not attempt to cover all violations perpetrated against East Timorese women, but focuses on gender-specific violations. The report documents recent cases of gender-specific violations by the Indonesian

authorities against women, and also surveys gender-specific violations against women throughout the twenty-two year history of the Indonesian occupation of East Timor, thereby providing a useful historical perspective on the issue.

The meaning of "violence" in the context of violations by the state against women could be interpreted widely to encompass a whole range of violations. However, the full range of violations is not covered here, principally because of the dearth of information available. Few organisations have been able to gather information about violence by the Indonesian authorities against East Timorese women as human rights groups are denied official access to East Timor. Partially because of these difficulties, these kinds of violations have largely avoided international scrutiny.

This report therefore focuses on some of the main gender-specific violations being perpetrated by the Indonesian authorities against East Timorese women: rape and other forms of sexual abuse, sexual harassment, forced "marriage", the use of women as sex "slaves" or "comfort women", and prostitution. These are some of the most pressing issues of concern to East Timorese women and indeed to the international community.

The ETHRC has already published a detailed report on the issue of violence against East Timorese women in the form of coercive sterilisation and coercive family planning under the Indonesian national family planning program (Keluarga Berencana Nasional).<sup>1</sup> That report contains additional information about rape and sexual abuse, forced marriages and prostitution, some of which is also included here.

## CONTEXT

Women subjected to gender-specific violations in East Timor generally live in poor, isolated communities and as such have limited access to independent lawyers or human rights organisations. This not only makes them more vulnerable to human rights violations, but also means that when their rights are violated they are less likely to report the violations or seek justice. Furthermore, gender-specific violations, especially rape and sexual abuse and harassment, often go unreported because of lack of access to East Timor for human rights monitors and because of the high the level of military surveillance.

East Timorese women who are the victims of rape and other forms of sexual abuse are less likely to report the violations because they feel a deep sense of shame for themselves and their families. They are reluctant to pass on information about rape and sexual abuse to non-government organisations (NGOs), let alone report them to military or police authorities. Women are more willing to talk to priests or nuns about their experiences, but Amnesty International reported that an Australian lawyer assisting East Timorese asylum seekers found that:

Most asylum-seekers who have histories of sexual assault have indicated that they have not spoken to anybody about these instances.<sup>2</sup>

Of the human rights violations that are reported, some have been investigated by the Indonesian Human Rights Commission (KomnasHAM) and the military. But according to Amnesty International, there is no evidence that violations are systematically and independently investigated or that the members of the security forces responsible are brought to

justice. Cases which are investigated are usually those taken up by the local or international community. Even then, the security officers are tried in military courts and if sentenced, receive sentences which do not generally take into account the seriousness of the crime. Meanwhile, military and police authorities consistently deny that human rights violations such as rape take place.<sup>3</sup>

Despite official denials, there have been persistent accounts of gender-specific violations which are detailed enough to conclude that there are substantial patterns of rape, sexual abuse and other types of gender-specific violations being perpetrated against women in East Timor.

Indonesia has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), creating a responsibility on Indonesia to promote and protect the right of East Timorese women. In 1994, Indonesia played a prominent role in preparations for the 1995 Beijing Conference on Women by hosting the Second Asian and Pacific Ministerial Conference on Women. At this conference the government restated its commitment to women's rights in ministerial speeches, and also signed the Jakarta Declaration, affirming that women's human rights are "inalienable, integral, and indivisible parts of universal human rights", and that it regarded the implementation of CEDAW as "crucial".

This commitment has not yet been borne out in practice and gestures towards international legitimacy will remain meaningless until the Indonesian government takes concrete steps towards ending violations of women's rights in East Timor.

## RAPE, SEXUAL ABUSE AND HARRASSMENT

Rape is the most common form of gender-specific torture perpetrated against East Timorese women, and constitutes a violation of both sexual and reproductive rights. This type of violation is not simply a matter of sexual imbalance between the influx of male soldiers and the local women. It is a weapon of the occupying troops, used to subdue the local population. It is also a weapon used to destroy the opponent's culture, by biologically "de-purifying" their ethnic constituency.<sup>4</sup>

Unfortunately, this inhuman behaviour has already been followed by some of the East Timorese members of the Indonesian military. In June 1994, DDS, an East Timorese member of the Indonesian security forces, was detained in Baucau for allegedly raping and then killing an eighteen year old East Timorese woman in a village in Quelicai, Baucau. He was handed over to the Indonesian police commander in Dili to be prosecuted.

In 1975, when the Indonesian troops landed in East Timor, they "asked for girls or simply chased any women they found attractive". Stories could be heard throughout East Timor about Indonesian soldiers abusing and raping girls of twelve to thirteen years of age and women, including pregnant women. They seemed to prefer the "mesti a" girls, those of mixed Timorese and Portuguese descent, but they were also interested in other East Timorese.<sup>5</sup>

An East Timorese of Chinese descent, who spoke Bahasa Indonesia for trading with West Timor, was forced to interpret for the soldiers. After coming back, he told his niece, 'Olinda' (not her real name), how the Indonesian soldiers were raping East Timorese women. She became so frightened that she cut her long hair and cried and cried. Many young East Timorese

girls also cut their hair and wore T-shirts and shorts, to disguise themselves as boys. Sometimes, although they dressed like boys but did not really look like boys, soldiers touched their breasts, to check whether they were boys or girls. So, to avoid being touched, the girls had to look dirty so the soldiers would not be interested in touching them. They wore dirty clothes, didn't comb their hair, went barefoot, and if their breasts had started to develop, they wrapped their breasts in order to flatten them.<sup>6</sup>

From 1975, the residence of the then Bishop of Dili, Dom Martinho da Costa Lopes, was full of girls seeking refuge from the soldiers. Typically, soldiers came in the evening to the parents' house, saying that the commander wanted to interview them, or wanted to ask the girls to go on Indonesia's national television (TVRI). Even after the Bishop went to complain to the highest-ranking officer, there were still soldiers who tried to sneak around the Bishop's fences to get the girls, but they were thrown out of the house by the Bishop himself.

As Dom Martinho tells his story, before he was replaced by the Vatican for his outspoken criticisms of the Indonesian occupation forces:

People came all the time to tell me in secret, to clear their conscience of the things they were forced to do or see. Even out of the confessional, all the time people were coming, knocking softly on my door to talk to me because they felt so guilty when they were forced by the soldiers to do things they knew were wrong. ... They come to tell it, women too, even young girls... One young girl was put in a tank of water together with a Timorese man and the soldiers tell them to have sex. They're in front of the soldiers in a tank of water! The

Timorese do not even know each other. They cannot do this thing of course, they turn away, they are shy. Some of these sorts of things make me think they are quite mad, these soldiers. They seemed to have no moral sense, no humanity. One of their favourite customs was to rape the wife in front of the husband, right there, sometimes the children there too. For Timorese people worse than physical suffering was the moral suffering of these things, the humiliation, taking away the dignity of people. I said to Indonesian officers, "Don't you have mothers, sisters, do you know what it means to be human?" 7

In the smaller places, far away from Dili, the soldiers could carry out their sexual attacks without having to worry about the Bishop's protests. On one occasion in Manatuto, the soldiers came to a house when they knew that the husband had gone to Dili for business, and raped the wife, in front of her three small children. The soldiers took turns raping the poor woman, while the others stole things from the house. When the husband returned and complained to the soldiers' commander, none of the soldiers were punished. His wife survived, but she was very sad after the experience.<sup>8</sup>

In 1978, young Timorese women, detained by the local military command (Kodim) in Viqueque for being members of the women's movement of the Resistance, the OPMT (Popular Organisation of Timorese Women), were subjected to rape for their involvement in the OPMT. Domingos Sarmiento Alves, a young East Timorese leader studying in Portugal testified:

Every night one [OPMT member] would be taken by the troops and raped, sometimes as many as three rapes a night. We children had to watch this. This

was when I began to hate the Indonesian soldiers who I thought were "communists".<sup>9</sup>

#### "Security-linked" rapes

The wives, sisters, and other female relatives of freedom fighters have been subjected to rape by Indonesian soldiers as a form of revenge against the freedom fighters, or to force the freedom fighters to surrender to the Indonesian troops. This is illustrated by the testimony of Donaciano Gomes. Gomes had been detained in four different military headquarters in Dili for fifteen days from January to February 1990, for his involvement in the demonstrations during the earlier visit of Pope John Paul II to Dili. After his release, he was eventually able to flee East Timor, and gave the following testimony to Amnesty International:

Among the other prisoners there were women, who we were told were raped. There was one woman who was from Iliomar [south Lautem], whose husband had been a guerilla commander and had been shot dead at the same time that she was captured. She was kept in a separate room, where she was raped, and had become pregnant, supposedly by a Captain. Her name was Justina Moniz.<sup>10</sup>

In 1995, one woman and her family were tortured for several days by Indonesian soldiers in Baucau who were looking for her twenty-two year old son, a freedom fighter. When she denied knowing his whereabouts, she was stripped naked, beaten and kicked and subjected to torture by electric shock. Three days after her arrest, one of her nephews and her unmarried sister-in-



law were called in for questioning. They too were interrogated under torture; her sister-in-law was also sexually abused.<sup>11</sup>

On 25 November 1992, at 4.30 a.m., Armandina dos Santos, a former Indonesian civil servant and youngest sister of the imprisoned East Timorese Resistance leader, Jos Alexandre ("Xanana") Gusmao, was detained by the Indonesian army's Special Forces, Kopassus, in their main interrogation centre in Colmera, Dili. She was arrested with her husband, Gilman Exposto dos Santos, two of their teenage children, another of Xanana's sisters and her husband, six of their children, and both of Xanana's parents.<sup>12</sup>

Armandina and Gilman, however, were the longest time detained among Xanana's relatives. While in detention, Armandina was interrogated and had to sleep in a separate room from her husband. During the interrogation sessions, she was sexually harassed and raped by the Kopassus soldiers. Apart from "getting back" at Xanana, the soldiers also seemed to be furious that a sister of Xanana had been appointed as the personal secretary of Mrs Carrascalao, the governor's wife. They suspected Armandina of being a political link between Xanana and Carrascalao.<sup>13</sup>

#### Other rapes

According to an undated Clandestine Front report, received from a confidential source, Lourenca, aged 18, from Dare, a village to the south of Dili, was raped on August 20, 1990, by soldiers from Battalion 164. The rape saved her brother from being extra-judicially executed by the soldier.

Another six rape cases, committed by Indonesian soldiers between 1990 and 1992 in the district of Ainaro, were reported in the same undated Clandestine Front report:

Aliana (14), who was born in Mulo, Hatu Builiko, and lived in Mau Siga, was raped by the 613th Battalion commander in Mau Siga on February 15, 1991, and was forced to continue having extra-marital sex with the commander, to save her life.

Rosa (13), born in Mau Siga, Hatu Bui Liko and lived in Mau Siga, was raped by a soldier from the 613th Battalion in Mau Siga on May 30, 1991, to force her to uncover her contacts with the guerilla fighters.

Lorena (15), born in Tatiri Mulo, Hato Bui Liku and lived in Tatiri, was raped by a soldier from the 164th Battalion in Tatiri on September 19, 1990, and was threatened to be killed.

Mariana dos Santos (16), born in Mulo, Hato Bui Liku and lived in Dare, was raped by a soldier from the 164th Battalion on March 10, 1990, and was threatened to be killed.

Rosa Kurvan (17), born in Mulo, Hatu Bui Liku and lived in Dare, was raped by a soldier from the 726th Battalion on May 1, 1992, and was threatened to be killed.

Aida (19), born in a place between Hatu Kero, Mau Siga and Hatu Bui Liku and lived in Hatu Kero, was raped by the commander of the 164th Battalion on May 13, 1990, to save the life of her brother.

New soldiers are stationed in East Timor every three months, and schoolgirls are particularly vulnerable to sexual abuse because of their visibility as they walk to school each day:

The soldiers go to schools looking for girls, [and] follow them home. Then the soldiers call the boys on watch duty, and the unit will go to the girls' house while the boys are away. They take the girls, go and rape them, and do all kinds of rape. Girls know they have to be quiet and can't tell anyone.<sup>14</sup>

In East Timor, as in other societies, pregnant women are respected and well protected by the rest of the society. It is not surprising that "Edhina" (not her real name), in an interview with Michele Turner, said she was shocked when her nephew's wife was raped by an Indonesian soldier. As she told her story:

My nephew's wife was a pretty girl pregnant with their first child, soon to give birth. The husband went to work and the wife was home alone and a Javanese soldier came and raped her. The baby died. All of us were so shocked. In all our lives before nothing like this could ever happen. Pregnant women everyone respected, even a husband didn't make love with his pregnant wife in case of harm. They told us the war was over in Dili but still they act like that. These foreigners are not human, they are devils. Of course it doesn't just happen to this

girl, it happens to many other girls. Sometimes they rape the wife in front of the husband. If he does anything he will be killed.<sup>15</sup>

On September 3, 1995, Reuters published the story of Maria (not her real name), 25, who hid the bulk of her unborn baby under a dirty T-shirt. She was six months pregnant by an Indonesian soldier who allegedly forced his way into her house in a village near Lospalos, past her mother and father, and raped her. "He had a gun and I was afraid", she said, crying. She added, "I have not heard from him since. Not a letter or anything".

Isabella (not her real name), 29, lived in the same village as Maria, a primitive hamlet of leaf and mud huts on East Timor's northern coast. She had two daughters, one seven years old and one two years old, from two fathers, both of them Indonesian soldiers who she said raped her. The girls were given Indonesian names in bitter memory of their fathers. "I have no protection because I live alone with my younger sister, as my parents are already dead, and one of my brothers was killed by the Indonesians," she said in her interview with Reuters.<sup>16</sup>

A recent case, which received extensive media publicity and was reported to the National Human Rights Commission (KomnasHAM) in Jakarta by fourteen human rights organisations, was the case of Alian a Henrique dos Santos, aged 23.<sup>17</sup> Alian a was arrested on 5 December 1995, together with seven members of her family, by more than ten soldiers in Atabae, Bobonaro district, where she was in hiding after being accused of harbouring members of the armed East Timorese Resistance at her home in Li apat. All eight detainees were beaten and Alian a was reported to have been tied up and threatened with a knife before being taken to KORAMIL (Sub-District Military Command) in Ermera. In the fourteen days Alian a was

detained there, she was subjected to torture and also raped by an unidentified Indonesian soldier.

The soldier threatened to kill her if she reported the rape.

Alian a and the other detainees were transferred to a Rajawali military post at Luli Rema, where she was raped twice by a soldier ranked sergeant (Sersan Kepala). At night the soldiers slept all around her. While detained at the post, Alian a was forced to obey orders from the soldiers and accede to all the needs of the post such as boiling water and other duties. It was only after the group of detainees were discovered by a parishioner, who reported the case to the parish priest, that Alian a and her relatives were released on 16 December.<sup>18</sup> One media report about Alian a's case said that Colonel Soekotjo, an official at the Dili Military Command denied the report of rape.<sup>19</sup> It is believed an investigation into the allegations is being undertaken by KomnashAM<sup>20</sup> and the ETHRC welcomes this investigation.

In January 1996, Juliana Pereira and Martinha Pereira were arrested together with Domingos de Jesus Xavier, and accused of harbouring Falintil guerrillas. They were reported to have been severely tortured by a policeman named Afonso and the local military head there, and the women were also reported to have been raped.<sup>21</sup>

In July 1996, the Free East Timor Japan Coalition, presented three rape cases in their petition to the UN Special Committee of 24:

Sometimes the rape takes place in the presence of the husband, as in the case of the wife of Lucas Bayasa. In this case the husband became mentally unstable after witnessing his wife's rape, and the woman herself gave birth to the child of

the rapist.

Ms. A, who lives in a village in the Lospalos area, was six months pregnant at the time of the interview as the result of rape by a Private Second Class "W" of the 612th Battalion. According to Ms. A, the soldier burst into her house armed with an M16 rifle and attacked her. He threatened to shoot her parents if she resisted and told them that they would be shot if they interfered. He returned a number of times after that. She became pregnant as a result, but the soldier went back to Indonesia when his twelve months of duty were up, taking no responsibility for the child.

Ms. H (30), another woman interviewed, has two children, 2 and 7 years old, conceived as a result of rape by two different soldiers belonging to Battalion 511. Neither of the soldiers took any responsibility for the children.

Mr. X, a man interviewed in one village, said that as many as fifty women in the village had been sexually abused by Indonesian soldiers. His younger sister, Ms. B (25) gave birth to a baby (10 months old at the time of the interview) conceived when she was raped by an Indonesian soldier.<sup>22</sup>

On 23 March 1997, thirty-three East Timorese youths, including two women, were detained at Becora prison for their alleged involvement in a demonstration which took place that day at the Mahkota hotel in Dili. They have since been charged and are awaiting trial. It has been alleged that the two female detainees, Celina da Costa, 20, and Olga Quintao Amaral, 19, had

their clothes torn and were severely beaten and raped by members of the Indonesian military.<sup>23</sup>

On 25 March 1997, Rajawali troops arrested Celestina of Ataibu-Lasaun village in the Atsabe sub-district. It has been alleged that prior to Celestina's arrest, her house was sprayed with bullets and she was taken to the bush where she was tortured and raped several times. Also arrested were Armando Magalhaes who was taken into the bush where he was strung up from a tree and punched and kicked, and Cosme. The three youths were suspected of cooperating with Falintil by providing logistical support.<sup>24</sup>

#### Other forms of sexual abuse and harassment

In addition to rape, East Timorese women allege that they have been sexually abused and harassed by members of the military during periods of mass arbitrary arrests when house-to-house searches are conducted. Often this occurs when the husband is already detained or in hiding, and sometimes the intention is to obtain information about family members.

Madalena Pinto was intimidated and interrogated on 16 August 1996 and accused of contacting members of the Resistance. It is believed the interrogation lasted all night and at approximately 10.00am the next morning she was coerced into declaring that she had had sexual relations with a member of the Resistance forces.<sup>25</sup> Two days later, Luciana Alves was interrogated and accused of giving refuge to a Resistance guerrilla. During the interrogation she was slapped and punched four times in the back. At a subsequent interrogation she was coerced into saying that she had had sexual relations with a Resistance guerrilla. On 1 September, soldiers from the Rajawali battalion again visited her in her home, beat her again, claiming that

she had been visited by three Resistance fighters.<sup>26</sup>

Some women are harassed simply because of their family relationship with alleged members of the Clandestine Resistance or Falintil. Teresa de Fatima and her four children Elda Pinto, Rita, Bicaú and Bi-Soi, were arrested on 2 August, 1996, in Nunuhou, after fleeing to the mountains for safety following the military crack-down in the area. After Teresa de Fatima and her children fled, her house was burnt down by the Indonesian military. Teresa de Fatima was the wife of Julio "Maureha", a Falintil commander who was alleged to have been involved in the killing of the Indonesian army captain.<sup>27</sup>

Beatriz Ximenes was picked up by police on 3 June at 11.30a.m., following the arrest of her husband David Dias Ximenes on 31 May 1997. David Dias Ximenes was arrested under suspicion of being the mastermind behind the 28 May assault on BRIMOB (Mobile Police Brigade) headquarters. Police told Beatriz she was being taken to see her husband's lawyer but she was in fact taken to POLDA (the local police station) in Comoro, where it is believed she was interrogated. She was released at around midnight that day but it is believed she continues to be subjected to intimidation.<sup>28</sup>

#### FORCED 'MARRIAGES' AND 'COMFORT WOMEN'

Becoming mistresses, or "local wives" of Indonesians soldiers, offers some "protection" for certain East Timorese women from continuous rapé by other soldiers. The soldier keeps the young woman with him while he stays in East Timor, and when he goes, abandons her.

According to an East Timorese woman who fled to Australia and later submitted a testimony for the 1982 Australian Senate Inquiry into the situation of the people of East Timor, the country is full of children borne out of those compulsory relationships.<sup>29</sup>

Miranda Sissons reported that accounts of forced "marriages" to Indonesian soldiers, in which soldiers forced women into sexual relationships or to commit sexual acts under threat of violence or retribution, were common:

This is a way of surviving there, for them to survive. It's a very common thing in Timor, if the father has passed away and they have a family. It's not that they want to become prostitutes, but they are forced to do it because if they don't, the others are going to get killed. So they're forced to do certain things with them. If the mother doesn't do it, they go to the daughters, or to their younger daughters.<sup>30</sup>

Women forced into marriages with Indonesian soldiers are usually abandoned when soldiers leave the province at the end of their duties:

Many young women become prostitutes because of the army. They force them, to save their parents or because they've lost their virginity. At night in the country, they used to force the men to go on guard duty, and then come and abuse the women. In the countryside this is still happening. They make a girl choose between her parents and a soldier.<sup>31</sup>

Adriana dos Reis, a young woman living in the village of Abafala in the subdistrict of Quelicai, Baucau, had been kept as the mistress of the local army commander (Dandim). Eventually she got pregnant and gave birth to a son. Later the Dandim's wife came to join her husband in Baucau and Adriana dos Reis and her baby had to return to the village. However, Adriana continued to be harassed and was threatened by the officer's men not to show her face and not to tell the officer's wife that she had been the officer's forced mistress. In early 1994, to prevent the young woman from reporting the officer's misbehaviour to his superiors in Dili, Adriana was forced to sign a letter addressed to Indonesian-appointed Governor Jose Abilio Osorio Soares, in which she stated that she apologised for besmirching the officer's good name, and admitted that she had tempted the officer into having sex with her. Fortunately, the letter was intercepted by Bishop Belo before it was sent, and the Bishop went to the governor to explain the background of the letter.<sup>32</sup>

Emilia Baptista Gusmao, wife of the most well known Resistance leader, Xanana Gusmao, was often picked up in the middle of the night to be interrogated. The soldiers told her to write a letter to Xanana and his comrades, urging them to surrender. Sometimes they threatened her by pointing a gun at her head. Other times they tried a softer tactic, suggesting she move to Jakarta, for the sake of the children's education. Eventually, on May 20, 1990, she managed to migrate to Australia with her two children, through the assistance of the ICRC (International Committee of the Red Cross).<sup>33</sup> On May 25, 1993, three years after settling in Melbourne, she wept when speaking publicly of the child she bore by an Indonesian army officer, after the Indonesian military took over her home in Dili. She said the child had died. In an interview with Australian Radio National, she described the experience with the Indonesian officer as the worst of her life. Yet, she grieved when the child died and said she would carry the grief of the

dead child all her life, "because that child was my child".

In 1990, six women from one village<sup>34</sup> were abducted by Indonesian troops. They were ordered to pass themselves off as supporters of the Resistance guerillas, with whom they were to make contact for the purpose of gathering information for the Indonesian troops and leading them to the guerillas' hideout. The women were also used as sex slaves by the troops. Ms "C", the woman who related these events, said she had been forced to do these things since 1990 and was still forced to provide sex to the soldiers who came to her house. The soldiers told her that if she refused they would take it that she was cooperating with Fretilin.<sup>35</sup>

In March 1994, a widow called Joana Maria, from a village near Same, the capital of Manufahi, was used as a sex slave by soldiers from the Battalion 312, who were supposedly stationed in the village as part of the army's "Territorial Operation", an operation which is supposed to provide civic support.<sup>36</sup>

In July 1996, Odilia Victor, one of the two East Timorese women who sought asylum in the Australian Embassy in Jakarta in January 1996 and later went to Portugal as a refugee, spoke on the issue of sexual abuse of East Timorese women during her speaking tour of Japan. She told of the tragic experience of her sister as a "local wife" and "sex slave", and of other women also used as sex slaves by the soldiers. At the time of the Indonesian invasion, Odilia's sister was married and expecting a child. Her husband fled to the bush, while she stayed behind in Dili. The Indonesian military took her to a house where she was confined as a sex slave for about one year. There were seven other women there, also forced to serve the Indonesian soldiers. The house was located on Kakau Lidun Street in Dili and right in front of it was the

headquarters of the Brigade Mobile Brigade (BRIMOB) police.

In 1978, this same sister was forced to become the "local wife" of an Indonesian Air Force officer, Agus Korek, and she later bore a child by him. The Indonesian officer had a wife in his own country, and after his six months' duty ended in East Timor he went home, leaving behind Odilia's sister who was expecting his child. The house her sister lived in as the local wife of the officer was next door to her family home, but she was never able to set foot in her own home, nor did any of her family dare try to get her back. One might think that a woman in such a situation could simply run away. Odilia pointed out, however, that the women who are singled out to work as "comfort women" usually have a low level of education, making them particularly vulnerable to intimidation. But, she said, it is also very difficult to run away because of the extensive presence of plain clothes intelligence agents living in the community who constantly monitor people's movements.

Her sister's tragedy did not end there. Although she was eventually able to get out of her situation as a "local wife", when her own husband came back from the bush his family spoke ill of his wife to him, accusing her of having sold herself to the Indonesians. Although her husband understood the true situation, the couple never lived together after that.

Odilia testified that women are forced to act as sex slaves for Indonesian soldiers in other areas outside Dili. In the village of Aileu, Odilia saw several women who were targeted as sex slaves. They were visited almost every night by different Indonesian soldiers in turn. The soldiers gave the women canned foods from their military ransom, not money. The women could not get out of their situation even when the soldiers they served were transferred back to

Indonesia, because the soldiers would tell their replacements that these women were there to serve them.<sup>37</sup>

This system of segregating certain women in a village for sexual exploitation has another unfortunate result, that of creating divisions among women themselves. The "sex slaves" are cut off from the sympathy and support of other women because they are seen as "women who take goods and money for sex".<sup>38</sup>

Apart from the old "divide and rule" tactic, this Indonesian military practice of keeping sex slaves has another function, namely surveillance. The wives of guerilla leaders, left behind in the towns and villages, are frequently forced to live with Indonesians or East Timorese in the pay of the Indonesian authorities. This is particularly the case if their husbands are in important positions in the Resistance. This is both in order to monitor any communication with their husbands in the bush and to compromise the women in the eyes of the Timorese community as "unfaithful" wives, thereby isolating them. This practice is, in other words, part of Indonesian military strategy to weaken the unity and morale of the East Timorese Resistance.<sup>39</sup>

## PROSTITUTION

One of the consequences of ongoing violations against East Timorese women is the increase in the number of women becoming prostitutes. In interviews of East Timorese women conducted by Miranda Sissons in Australia, many women unilaterally raised the issue of prostitution as a significant problem. According to one twenty-two year old woman, "Even if you are a good girl you have to do it."<sup>40</sup>

There are three main reasons why large numbers of East Timorese girls and young women have been forced into prostitution. First, some women become prostitutes as a "post-rape consequence". This point was emphasised by Maria Transfiguracao Sarmiento and Odilia Victor, the two female freedom fighters who sought asylum in the Australian Embassy in Jakarta in January 1996. They linked this prostitution 'drive' with the fact that many young East Timorese women had lost their virginity due to rape by the occupation troops.<sup>41</sup>

Second, as pointed out by Shirley Shackleton<sup>42</sup> other women resort to prostitution because of the high levels of unemployment for East Timorese people in the territory.<sup>43</sup> Third, and this point is linked to the previous two, many women need to support themselves and their children during the absence of their men fighting in the mountains, or after the men have been killed by the Indonesian troops.

An official survey, carried out on the five hundred prostitutes officially registered by the Dili municipality police unit (MAPOLRES), shows that 60% of them became prostitutes because of economic difficulties, 20% because they were divorced by their husbands, and 20 % because of frustration. These statistics, however, applied to the entire population of five hundred officially registered prostitutes, who came from East Java, South Sulawesi, and West Timor, as well as East Timor.<sup>44</sup> It does not tell us the proportion of each category for the East Timorese prostitutes. Nor does it tell us anything about the East Timorese women who are not officially registered, but are having to work as prostitutes.

An increasing number of East Timorese women have joined the influx of prostitutes from Java, Sulawesi and West Timor, who since 1984 have entered the territory and contributed to

the population of 3,000 prostitutes.<sup>45</sup> In Dili, prostitutes operate from a brothel near the Comoro airport, in the Areia Branca (white sand beach) tourist resort to the east of the town, and even in Dili's two luxury hotels, Hotel Mahkota and the New Resende Inn. The brothels are not confined to Dili though, since the prostitutes also operate in all district capitals, mostly under the cover of restaurants, where customers can ask for "raw meat" (daging mentah), borrowing from the local Indonesian language. These brothels have been frequented by Indonesian bureaucrats and officers, whose cars with red registration plates have often been seen parked in front of the shops.<sup>46</sup>

#### RECOMMENDATIONS

In order to ensure greater promotion and protection of the human rights of women in East Timor, the East Timor Human Rights Centre urges the Indonesian government to:

1. End its tolerance of violations of women's human rights in East Timor and conform to its international obligations under the Convention on the Elimination of All Forms of Violence Against Women (CEDAW).
2. Ratify and implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (which the government signed in 1985), the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.
3. Invite the Special Rapporteur on Torture to visit East Timor in 1997 so that he can report to the UN Commission on Human Rights by March 1998. The invitation would be in keeping with the undertaking made by the Indonesian government in 1996 to invite a Special

Rapporteur to the territory and could include consideration of gender-specific forms of torture perpetrated against women.

4. Also invite the UN Special Rapporteur on Violence Against Women to visit East Timor to examine violations of women's human rights and thereby assist the Indonesian government to fulfil its international obligations.
5. Request the Indonesian National Human Rights Commission (KomnasHAM) to conduct a full and impartial investigation of human rights violations, including rape, perpetrated against East Timorese women, in particular in the last two years. Perpetrators should be promptly brought to justice, removed from government service, and given sentences appropriate to the severity of the crimes.
6. Establish a section within KomnasHAM to deal specifically with allegations of violations against women, especially allegations of rape. Sufficient resources and logistical support should be given to KomnasHAM to enable it to fulfil this function.
7. Act on all KomnasHAM findings of human rights violations against, especially rape.
8. Ensure that female guards are present during interrogation of female detainees in order to reduce the risk of rape and sexual abuse. Also ensure that female detainees are held separately from male detainees.
9. Provide fair and adequate compensation and appropriate medical care to women who are victims of rape and sexual abuse perpetrated by Indonesian authorities.
10. Allow full and unrestricted access to all areas of East Timor for journalists and independent human rights organizations, including the East Timor Human Rights Centre, to enable monitoring and reporting of violations against women.



## Footnotes

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【Report I : SEPT. 16 - PM, Moderator : Lee Hyun-Sook】

## Questions & Answers Period

Q: To the speaker on Sri Lanka: The dilemma is, if the conflict is within the same people, the women's issue cannot be raised because it is an issue of people--in between ideology and women's issues.

A: The issue here, first, is the struggle between two ethnic groups--Sinhalese and Tamil--we carry two or three identities in one country. But even if we take the issue of one people, even if I belong to the majority community, I cannot allow the men of my community to oppress the humanity of persons. When women are raped, they are raped: this reality cannot be submerged in any ideology or rationale. At one time, some said class would be the main thing, and women's issues were said to be secondary. We have transcended this thing; now the issue is not what is first or second, but the recognition that women's rights are fundamental. The women's rights discussion surpasses ideological restrictions.

Q (Chung Sook-Ja, Women's Church - to Chung Jin-Sung): This issue of the comfort women is raised together with other sexual violence issues such as Cheju-Do. This is the first time for these to be raised together. But in Korea, I wonder if our movement--targeting the Japanese government so far--does not also need to target the Korean government and other past aggressors in Korean history.

A: I think we have worked almost 9 years on the comfort women issue, including in the international arena, and it has become the concern of Korean civil movement. But this movement faces a high wall of resistance by the stubborn Japanese government. We continue to struggle for comfort women; but at the same time we realize we have to connect this comfort women issue with other women's issues in the international arena. As you heard, I included others in my presentation, but so much remains to be done for the Korean victims. We also have to bring the aggressors to trial, and sooner or later our efforts will bring hidden documents to light, to be analyzed, etc. We need a dual approach, extending to other issues as well.

Q (Lee Mi-Kyung, to Nimalka Fernando): On the issue of sexual violence against women of ethnic groups: Why did the Japanese military have the comfort women system, the comfort stations, at that time? According to Japanese military information, it was a countermeasure to prevent the military troops from committing rapes. Under extreme military conflict, violence against women is often aimed at producing shame and disgrace among the target people, and this is mixed with individual desire on the part of the soldiers. I think this was the core reason for Japan's establishment of the comfort stations. Also: what is the difference between violence against women and violence against men? Again, violence is committed not only against women but also against men. What is the difference?

A: On violence perpetrated by the state, there are different actors: one is the state, one is the non-state actor. We are against violence by both state and non-state actors. Most states use violence against women as well as men belonging to the minority. There is no differentiation by human rights activists. But we do make a differentiation, as women, when we look at the kinds

and extent of violence inflicted on women. We oppose violence against all persons, women or men, by state or non-state actors. In the past, human rights concerns were not primarily related to women's special suffering due to sexual violence, but now a new movement has emerged, recognizing the need to bring in the gender dimension--the sexuality issue--into the events of violence.

Q (Shin Hei-Soo): The comfort women issue is an interface between nationalism and the women's issue, and classism. I have thought about this a lot, written, worked within the UN framework, and considered also how to maintain national sovereignty. But when we talk of international coalition, I think we can broaden the scope for much larger cooperation. But whenever we talk about the comfort women issue in Korea, and this is reported in the media, this brings feelings of national shame. One Korean male National Assembly member said to me, "We should take revenge against Japan (by doing the same thing to Japanese women)." As a man, he felt Korean honor was scarred, and his pride was hurt, and he was embarrassed. Even though we have overcome a lot of that shame, it still remains. In the 1990s when we spoke at the Geneva conference, etc., we spoke on broader women's human rights issues. In Zaire last year, military forces raped women; we are hearing other reports today. The common, core issue, is that women are suffering the same way. We have to face the nationalistic sentiment on one side, but raise it to the broader women's human rights issue.

Moderator (Lee Hyun-Sook): I see the issue getting clearer and clearer. We protect national sovereignty, but when sex is used to promote national pride, women have the common concern to prevent this.

Virada Somswadi: The simple way to look at the difference between violence against women and against men is that violence against women is gender-based. Violations are because of the woman's sex, related to her sex and her inferior status as a woman. This is unlike violence against men, because of race or class or ethnic group; for women it is for the simple reason of being women and being inferior to men, and men can do whatever they want.