



Activism and Agency: The Female Experience of Political Imprisonment



Assistance Association
for Political Prisoners (Burma)

Founded in the year 2000 by former political prisoners living in exile in Thailand, the Assistance Association for Political Prisoners (AAPP) is a non-profit, human rights, non-governmental organization (NGO) based in Mae Sot on the Thailand/Burma border. AAPP is dedicated to campaigning for the release of all political prisoners in Burma, providing support and aid to current political prisoners, former political prisoners, and their families, and working to secure civil and political rights nationwide. Staffed by former political prisoners, the organization has extensive experience and knowledge of the conditions faced by political prisoners inside prison and after their release, as well as the effects incarceration have on their families and livelihoods. To alleviate some of the physical, mental, and financial trauma caused by imprisonment, AAPP runs a range of assistance programs inside Burma, including mental health counseling and education as well as vocational opportunities for former political prisoners and their families.

As well as providing assistance, AAPP documents and reports on human rights abuses carried out by the Government against political prisoners and political activists. As such, AAPP is widely regarded as a reliable and credible source of information on political prisoner issues in Burma. In recent years, AAPP has expanded its expertise into human rights and transitional justice training, providing services to lawmakers, former political prisoners, civil society groups, and military personnel. Through advocacy and lobbying efforts, AAPP continually stresses the importance of releasing all political prisoners in Burma as part of the transition towards democracy and national reconciliation.

About AAPP

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Executive Summary

Around the world, the overall incarceration rate has been steadily rising, with the incarceration rate of women up by 50% in the last few decades. Much of this increase is due to policy changes worldwide that encourages pre-trial detention, and has made incarceration the main source of recourse in the criminal justice system. In Southeast Asia, and Burma specifically, the numbers of incarcerated women is higher than the global average, which has made this population more visible in the prison system. Despite this visibility, treatment of this group has remained below international standards and female prisoners are left in more vulnerable states than their male counterparts at every part of their trial, sentencing, and time incarcerated due to the organization of the justice system. This inherent discrimination has led to a lack of healthcare and safety standards for women while incarcerated, and fewer vocational prospects after release.

Currently, there are a few ways the treatment of detained or incarcerated persons, especially female prisoners, is regulated. At the international level, it is through three of the main treaty bodies: the International Covenant on Civil and Political Rights (ICCPR), UN Convention Against Torture (UNCAT), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Burma has failed to ratify the ICCPR, as well as the UNCAT, which has harmed the protection of all prisoners, but more greatly affected regulations for female prisoners. Specific regulations for prisoners can be found in the Basic Principles for the Treatment of Prisoners (Basic Principles) and the Standard Minimum Rules for the Treatment of Prisoners (SMRs). Finally, the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) addresses the unique needs of female prisoners. Burma's lawmakers are attempting to bring the treatment of women and the protection of prisoners in-line with international standards through upcoming draft laws. These laws, however, fail to adequately protect these groups.

A smaller section of incarcerated women, who have long been a part of Burmese society but fail to be recognized by the Government, are female political prisoners. The profile of a female political prisoner is inherently different from that of a criminal female offender because female political prisoners tend to have and use agency - both during sentencing, and as a way to reintegrate into society. The report explores the experiences of nine former female political prisoners, and how they have leveraged their agency, and continued their activism while behind bars and after release.

Despite the challenges they have confronted while incarcerated, and after their release, female political prisoners are not silent victims of the system. They continue to advocate on behalf of political prisoners, as well as criminal offenders, during their time incarcerated, and long after. In Burma, both female political and criminal prisoners would benefit greatly through improved prison conditions, and ratification of international treaties. Although female political prisoners have been able to use their influence and independence throughout their time incarcerated, as well as while building new lives after release, the Government has a duty to protect their rights while in correctional institutions and ensure their livelihoods after they regain freedom.

“While I was being imprisoned, there [were] no human rights and justice.”
 – May May Than, Political prisoner 1990-1992

Introduction

Around the world, the overall incarceration rate has been steadily rising, with the incarceration rate of women up by 50% in the last few decades.¹ Much of this increase is due to policy changes worldwide that encourage pre-trial detention, and have made incarceration the main source of recourse in the criminal justice system.² There are a great deal of vulnerabilities experienced by incarcerated women and men, but the overall experiences of the two groups are vastly different: Imprisoned women face challenges men do not in every aspect including the very institution where they are housed, because prisons are a male-built institution for men.³ In Burma, female prisoners are not immune to these vulnerabilities, some of which are exacerbated by the current prison conditions and failure to ratify international instruments. This paper will identify the international and domestic laws regulating treatment of female prisoners. Then, using nine first-hand accounts of former female political prisoners,⁴ will explore the challenges faced by this demographic in Burma. The paper will conclude with recommendations for the Government, Burmese civil society, and the international community.

Around the Southeast Asian region, women have consistently been a larger percentage of the overall prison population when compared to their Western counterparts, which makes them a more visible portion of this group.⁵ According to data from the World Prison Brief, in 80% of countries, women make up between two and nine percent of the total prison population; however, the numbers for Southeast Asia are consistently inflated, with at least three countries having a female prison population larger than this, including Burma.⁶ In the most recent recording, Burma’s female prisoner population was 12.3% of the overall prison population, or 9,807 women.⁷ In spite of this regional reality, on the international level women have long been considered “correctional afterthoughts” in the conceptualization and regulation of pris-

ons.⁸ In a 2014 cross-country comparison of the Southeast Asian region, studies show that Burma has a higher rate of incarcerated women than most other countries in the region, but minimum growth, meaning the population has stayed stagnant, but high, over the past few decades.⁹

A smaller section of incarcerated women, who have long been a part of Burmese society, are female political prisoners. According to AAPP’s definition, a political prisoner is anyone arrested because of his or her perceived or real active involvement or supporting role in political movements with peaceful or resistant means. AAPP maintains that the motivation behind the arrest of every individual in AAPP’s database is a political motivation, regardless of the laws under which they have been sentenced.¹⁰ This makes the profile of a female political prisoner inherently different from that of a criminal female offender because female political prisoners tend to have and use agency – both during sentencing, and as a way to reintegrate into society. In Burma, many female political prisoners are activists or students who have been involved in the democratic transition. Although there have been a few cases of women being imprisoned for the political beliefs of a father, brother, or husband,¹¹ most female political prisoners have taken an active and outspoken role in Burma’s political life, which has landed them behind bars. The way they have leveraged this agency will be explored later in the report.

Despite the differences between the groups, there remain similarities. Both groups face challenges while in prison, in the form of their maternal obligations, access to healthcare, hygiene, and safety, as well as challenges after release in their reintegration into society. In Burma, according to February 2018 data, the current number of female political prisoners awaiting sentencing while incarcerated is five, the number of women facing trial released on bail is 19,¹² and the total number of people oppressed for political activity in Burma is 240.¹³ Despite the currently small percentage women oppressed for political activity, past female

political prisoners make up a large percentage of activists and students who have served sentences throughout Burma's democratic struggle, and due to their time incarcerated, these women still must overcome difficulties today.

International and Domestic Laws Regulating the Treatment of Prisoners

Currently, there are a few ways the treatment of detained or incarcerated persons, especially female prisoners, is regulated. At the international level, it is through three of the main treaty bodies: the International Covenant on Civil and Political Rights (ICCPR), UN Convention Against Torture (UNCAT), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Ratifying international instruments is a basic step toward ensuring the basic rights of the prison population are met, and that female and male prisoners retain their dignity while incarcerated. Multiple women interviewed recounted tales of the lack of human rights and dignity, which would be addressed by the treaty bodies. A main benefit of ratifying international treaties is the aid provided by international experts to address ways in which countries are not compliant with standards. States are not expected to be fully compliant with the Covenants upon ratification, but will receive guidance on how to implement treaty stipulations.

Specific regulations for prisoners can be found in the Basic Principles for the Treatment of Prisoners (Basic Principles) and the Standard Minimum Rules for the Treatment of Prisoners (SMRs). Finally, the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) address the unique needs of female prisoners. Much of the world's human rights treaties regulate the basic standard for prisons around the world, and occasionally these treaties provide the only basis for strongly regulating a country's prisons.¹⁴ Burma's lawmakers, however, have begun to recognize a need to more strictly protect women and regulate prisons, and have discussed draft laws, which will be outlined in this section. The most relevant aspects of these

documents to this paper are included below. Provisions within the ICCPR protect those who are incarcerated, as well as ensure the rights of individuals from incarceration for politically motivated charges. Maintaining the dignity of individuals deprived of their liberty is paramount to prison regulation and is found in Article 10 of the ICCPR. Further, this Article articulates that the prison system is meant to prepare prisoners for reintegration into society. Though female prisoners, and political prisoners, are not mentioned directly, the Covenant does provide the foundation of protection for these groups: Article 3 states both men and women are to equally enjoy the civil and political rights laid out in the Covenant. In terms of protection against incarceration, the ICCPR is clear in Article 19 that freedom of expression is a fundamental right and Article 26 ensures individuals will not be discriminated against based upon their political beliefs. The first Optional Protocol further establishes a monitoring mechanism to ensure all abovementioned rights are protected. Burma has yet to sign or ratify either document. Sadly, many of the women interviewed outlined ways their dignity had been stripped while in prison, which would not have been the case had Burma ratified and obeyed international law. Ultimately, had the Government adhered to international standards of arrest and detention, as laid out in this Covenant, none of the women interviewed would have even been incarcerated, and those facing charges today would, rightfully, be freed.

In the UNCAT, another international instrument of which Burma is not a signatory, Articles 10 and 11 specifically mention that "education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel."¹⁵ This has not been, and continues not to be followed in Burmese prisons, as torture is a commonplace tool for interrogation and punishment.¹⁶ The Optional Protocol, enacted in 2006, establishes a system of regular visits to facilities where people are deprived of liberty, such as detention centers, jails, and prisons, to prevent torture and other cruel, inhuman or degrading treatment or punishment. In their accounts of treatment, women noted that when there were visits from individuals in positions of power, such as the International Committee of the Red Cross,¹⁷ or former

Special Rapporteurs,¹⁸ the situation improved (i.e. women could shower more often, were allowed medical treatment, had improved living conditions). This is evidence that potential exposure of inadequate conditions by individuals capable of holding the prison department accountable is enough to ensure better treatment for those incarcerated. Further, many of the former female political prisoners interviewed mentioned how torture had been used against them while carrying out their sentences. Ratification of the UNCAT and its Optional Protocol would require the Government to forbid the use of torture, take legislative and practical action to abolish its use, and make the country answerable to various monitoring systems. It is crucial to protecting incarcerated women.

In July 1997, Burma ratified the CEDAW. Although the Convention does not specifically mention female prisoners, it does take the first steps to address women's rights as human rights and to ensure women are able fully enjoy them. Although it has been ratified, the treatment of women, especially incarcerated women, remains below international standards and, as will be discussed later, the channels for access to justice for women in prison are poor, as well as the lack of provisions for their specific needs.

The two main documents regulating the treatment of prisoners are the Basic Principles and SMRs. Though the Basic Principles do not directly address the vulnerabilities of female prisoners, Articles 2 and 11 state that the rules shall be applied without discrimination on the grounds of sex. Due to the current condition of Burma's prisons, many of these Basic Principles are not upheld, affecting women to a greater extent. For instance, women interviewed reported that they did not have adequate access to healthcare¹⁹ (Basic Principle 9), were not allowed to worship because the only religious center was located at the male prison²⁰ (Basic Principle 6), and face even more trouble finding paid work today than their male counterparts²¹ (Basic Principle 8).

The SMRs, however, do outline the provisions to protect women in prisons. For instance, SMR 8 provides for separate institutions for prisoners based upon sex and their criminal record.

According to the women interviewed, separation based on criminal record has not always been upheld.²² Further, women interviewed noted that there was a lack of special training to address needs of women, which is in direct conflict with SMR 47.²³ Finally, women reported that there were no adequate complaint reporting mechanisms, which is outlined as necessary in SMR 36.²⁴

In 2010, the UN General Assembly adopted a resolution on the treatment of women offenders, known as the Bangkok Rules. First and foremost, this document affirms that each stipulation in the SMRs must indiscriminately apply to women, and that because women have unique vulnerabilities, they must have further protections while incarcerated. The Resolution, however, makes no mention of female political prisoners. The six most relevant rules to this paper are the following:

- Rule 5: "The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water [...]."²⁵
- Rule 23: "Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children."²⁶
- Rule 26: "Women prisoners' contact with their families, including their children, and their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes."²⁷
- Rule 29: "Capacity-building for staff employed in women's prisons shall enable them to address the special social reintegration requirements of women prisoners and manage safe and rehabilitative facilities [...]."²⁸
- Rule 33 (1): "All staff assigned to work with women prisoners shall receive training relating to the gender-specific needs and human rights of women prisoners."²⁹
- Rule 46: "Prison authorities, in cooperation with probation and/or social welfare services, local community groups, and non-governmental organizations, shall design and implement comprehensive pre

and post-release reintegration programmes which take into account the gender-specific needs of women.”³⁰

In addition to international rules regulating the treatment of prisoners, both female and male, Burma’s national jurisprudence has addressed the need to protect prisoners, and eliminate violence against women, a first step in protecting against all forms of discrimination against free and incarcerated women. In October 2017, the Prevention and Protection of Violence Against Women Bill was finally submitted to Parliament after four years of writing, and is the first piece of legislation to address violence against women. If passed, the provisional law would protect women from harassment and assault at home, in the workplace, and in public areas.³¹ One reason for the failure to address violence against women until now is due to the inadequate representation in the legislative and judicial branches in Burma, which has made it difficult for their voices to be heard, and for them to access justice.³² This draft law, however, is a first step in protecting women, and drawing attention toward abuses faced by women who are hidden from the public eye, such as incarcerated women.

Burma further has a draft prison law aimed at increasing the standards of prisons and thus prisoner welfare. Though the law attempts to address the most egregious rights violations, it falls dramatically short of bringing prisons up to international standards, and fails to protect the most vulnerable groups, such as juvenile and female prisoners. Prison reform has long been necessary in Burma, but the lack of political will continues to put the issues on the backburner.³³ The underrepresentation of women in power positions and the male dominated socio-cultural norms in Burmese society have further made reforms that address their needs unlikely. The draft law mentions gender a total of three times. Section 22(d) refers to the search and examination of women to be carried out by female staff members;³⁴ Section 24(a) refers to separate housing for males and females,³⁵ and finally Section 42(c) refers to non-discrimination based on gender.³⁶ There is a lack of understanding for and incorporation of specific female needs within the draft law – needs that are clearly noted in international legislation.

Further, the draft law inadequately addresses the issues of overcrowding, use of torture, and necessary oversight and reporting mechanisms that would protect female and male prisoners alike.

Challenges Facing Female Prisoners

Many challenges are shared between criminal female prisoners and female political prisoners. Although only the experiences of female political prisoners are recorded below, due to the situational similarities of both criminal and political prisoners, unless explicitly stated in this section, all references to female prisoners will refer to both categories of prisoners. The three biggest challenges facing all female prisoners are their physical vulnerabilities within the system, their familial obligations, and their subsequent reintegration into society. The biggest challenge facing female political prisoners is the Government’s continued denial of political prisoners.

*“Three or four women died in one week due to [the] impact of a heat wave in 2009. As bodies were not allowed outside [when the prison was closed], [the women’s bodies] were placed near my building. Why [did] they die? There is bad medical treatment in prison: insufficient medicines and **women prisoners are not treated as human.**”*

– Thet Thet Aung
Political prisoner 2007-2012

Female prisoners are left in more vulnerable states than their male counterparts at every stage of their trial, sentencing, and time incarcerated due to the organization of the justice system. Although reports of sexual, physical, and psychological abuse during pre-trial detention, and later during incarceration, are not unique to women, due to the vast power differentials between female prisoners and prison officials working in this male-dominated institution, these abuses represent a wider problem of the systematic oppression of both incarcerated and non-incarcerated women, and the un-

equal distribution of power in society. During pre-trial detention women do not usually have access to council, and are left in an unprotected limbo between freedom and incarceration. Due to this, when they are held in detention, it greatly deprives them of their physical security, through actual abuse and threats of future abuse.³⁷ Women are automatically more vulnerable than men because they are being held in institutions made specifically for men. Despite provisions made against arbitrary detention (ICCPR Article 9), it has become commonplace in Burma, and around the world for those who have not yet finished trial. After trial and sentencing, the vulnerabilities continue. For female political prisoners, those interviewed said they were kept in cells with criminal prisoners facing death row sentences, which is in direct violation of SMR 8.³⁸ Further, women interviewed reported that much of the staff were not trained, which left this portion of the prison population vulnerable to human rights abuses,³⁹ in direct violation of international standards (Bangkok Rule 29). In addition, the widespread corruption and lack of reporting mechanisms left nowhere for female prisoners to turn when their human rights were violated.⁴⁰ Although this is a challenge both female and male prisoners must overcome in Burma, there is no plan to address this in the draft prison law, which would allow the abuse to continue indefinitely. Our interviews revealed accounts of sexual harassment of female political prisoners, and AAPP has received reports of sexual assault during incarceration in the past.⁴¹ This is a reality for criminal prisoners as well. Interviewees reported female criminal prisoners were constantly berated by staff, and oftentimes came to female political prisoners for help,⁴² demonstrating the unique position of female political prisoners in exercising agency despite the inequalities stacked against them in the system.

In addition to concerns about physical safety, women face vulnerabilities due to the male-centric nature of the prison system. While poor living facilities are a reality for all prisoners in Burma's system, women interviewed reported that their hygiene became a large concern because of improper toilets for women,⁴³ lack of water to adequately wash their longer hair,⁴⁴ and no provisions of sanitary items during menstruation.⁴⁵ Denying women the necessary requirements

for proper feminine hygiene violates Bangkok Rule 5 and must be addressed promptly.

"The worst challenge is doctors who [are] not in line with standards and codes of conduct in medical healthcare and [are] careless.

Generally, [there] is neglect."

- Doctor Toe Toe Tin

Political prisoner 1989-1992

Those interviewed also reported that many female prisoners died because of insufficient female medical care and access to doctors.⁴⁶ Female political prisoners were actually denied requests for external medical treatment because of their status as political prisoners, contravening articles in the ICCPR, SMRs, and the Bangkok Rules. However, as women with agency, one woman interviewed recounted a time where she threatened to release this abusive treatment to the media to leverage necessary medical care.⁴⁷ She was successful and was later treated.

One reason female prisoners constantly need outside medical treatment is due to the poor hygiene standards of Burmese prisons. Cells can be located in the same area as excrement,⁴⁸ which has led to the overall uncleanliness of Burmese prisons,⁴⁹ and a higher likelihood of contracting communicable (infectious) diseases. According to the World Health Organization, prison health is a public health issue,⁵⁰ and must be adequately addressed, as stipulated under SMRs 19 and 26.

During interrogation in the prison, I was investigated day and night without any sleep. After, I was sent to [the] female prisoners' building. I was not allowed to meet my family [for] over three months. [At that time it was] difficult to eat and to live."

-Theingi Oo

Political prisoner 2008-2011

The familial obligations of many women and use of denying family prison visits as a form of punishment left many women under enormous

amounts of stress during their time behind bars. Many incarcerated women are mothers at the time of arrest and are already unable to regularly see their families while sentenced.⁵¹ For political prisoners, Burma has commonly used the practice of purposefully sending political prisoners far away from their home states or divisions to prevent frequent visits.⁵² Bangkok Rule 26 prohibits sending women unnecessarily far from their families as a form of punishment. Further, under Bangkok Rule 23 denial of family visits is illegal, as it is a form of punishment and torture. Despite this, both practices continue to be used.

“As we were not allowed to read, we shared [with] each other about books that we read in the past, sang songs, played chess and [practiced] meditation.”

- May May Than
Political prisoner 1990-1992

Although international law ensures that prison should be a system that aides in the social rehabilitation of those incarcerated (ICCPR Article 10), Burmese prisons are in direct conflict with this stipulation due to lack of programs that help female prisoners get jobs after incarceration, and a previous lack of access to educational materials while incarcerated that has left a generation of former prisoners unable to continue education and find paid jobs.⁵³ Multiple interviewees reported that there are still difficulties getting jobs due to the stigma surrounding political prisoners in Burmese society.⁵⁴ The right to work, however, is protected in Article 10 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), an instrument the Burmese Government ratified in November 2017. Protecting and ensuring the right to work for former prisoners falls as a Government obligation because, as outlined in Basic Principle 5, prisoners (and especially those who will be leaving prison one day) have all rights under international instruments protected except for those in direct conflict with their status as prisoners. The right to work is not one of the rights that must be limited. It is, therefore, the Government's obligation to combat this issue on two fronts: first, provide programs focused on finding jobs for former prisoners; second, provide community trainings that will alleviate

some of the deep-set stigmas associated with hiring criminal and political prisoners, with special attention paid to the ongoing financial and societal hardships faced by female prisoners.

Current female and male prisoners have better access to education and educational materials (they are able to sit for matriculation exams,⁵⁵ and have access to schools⁵⁶), but this was not always the case. Due to the failure of prisons to uphold international standards in the past, there is a current positive obligation on the State to retroactively help those who were most affected. Interviewees reported that one way in which there was a lack of access to educational materials was through restrictions on reading.⁵⁷ Books were contraband, meaning the only way women were able to have access to information at all was through prison-sanctioned materials. This limited the diversity of resources female prisoners could access that would expand critical thinking skills and prepare them for a re-entry into society equipped to continue their education and careers. Restrictions on reading demonstrate that the Burmese prison system had no intention of equipping women with skills to help them successfully reintegrate into society after their sentences finished. Women, therefore, have faced the harsh consequences of this decision, even more so than their male counterparts, in the scarcity of educational and vocational opportunities they have after finishing their sentences.⁵⁸ Women interviewed reported that the difficulty finding jobs is attributed to their stunted education,⁵⁹ as well as their long prison sentences.⁶⁰

“As the Burmese community is scared of prisoners after their release, I have [had to] overcome their [looks] and reproach every day. It is a great challenge for me. Moreover, I was avoided by the community because they didn't dare to communicate with me as I am a political prisoner. My life changed from the life of a university student to life avoided by people.”

- May May Than
Political prisoner 1990-1992

After serving their time, female prisoners are subjected to community shaming and a lack of job opportunities. This suffering could be avoided in part if the prison system adhered to Bangkok Rule 46 and created comprehensive post-prison programs to assist with rehabilitation, as well as reforming the prison system to help with social rehabilitation efforts, rather than punitive action. Due to the punitive focus, women face challenges providing for their families after they have served sentences and live with ongoing financial stress.⁶¹ Although prior to imprisonment many female political prisoners had jobs as business owners and civil servants, the discrimination, as well as time lost while incarcerated, has made returning to those jobs near impossible.⁶² Many women interviewed noted that civil society organizations could help them by creating job opportunities for former political prisoners, and providing financial and medical assistance to former political prisoners and their families.⁶³ Still, as women who frequently exercise agency, one interviewee explained how, although she faced shaming from her own community, she was able to still help others overcome injustices and lobby on their behalf upon moving to a different village.⁶⁴

"The greatest challenge facing female political prisoners today [is] the current government's continued [denial of] the existence of political prisoners."

- Thet Thet Aung
Political prisoner 2007-2012

Although female prisoners face many shared challenges, the biggest issue facing this group is that, to the Burmese Government, political prisoners do not even exist. Despite this, they have leveraged their agency to help themselves, as well as criminal prisoners. Of all the groups in the prison system, female political prisoners are not voiceless, and they are not silent victims.

Despite this agency, however, the inequalities in the prison system have failed to create a system that is acceptable under international standards, and thus, must be reformed in order to ensure the challenges that previous female prisoners have faced are no longer the reality for future female prisoners.

"We heard [the] abuse and scolding [from] the prison staff [to] women [criminal] prisoners everyday. [When] we solved their problems the prison staff did not like it and told them not to communicate with [us because they knew we would] be helpful."

-Tharaphi Theint Theint Tun
Political prisoner 1989-1992

Conclusion

Despite the challenges female political prisoners confront during their incarceration and after their release, they are not silent victims of the system. They continue to advocate on behalf of political prisoners, as well as criminal prisoners, during their time incarcerated and long after. Prison is a male-made institution and thus, they face inherent discrimination. In Burma, both female political and criminal prisoners would benefit greatly through improved prison conditions, and the ratification of international treaties. Although female political prisoners have been able to leverage their agency throughout their time incarcerated, as well as when building new lives after release, the Government has a duty to protect their rights while in correctional institutions and ensure their livelihoods after they regain freedom. Through analyzing the accounts of former female political prisoners, their stories have been told, and their voices have been heard.

Recommendations

Government:

- Recognize the existence and continued arrest and detention of political prisoners in Burma. At the time of writing, there are 240 individuals who are repressed due to their political activity, 24 of which are women.
- Accept and incorporate into policy AAPP's definition of what constitutes a political prisoner.
- Sign and ratify the International Covenant

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on Civil and Political Rights and its first and second protocol to guarantee that citizens and prisoners alike retain their rights enshrined in international law.

- Ratify the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol to protect citizens from its use and enforce monitoring mechanisms.
- Ensure, in conjunction with the civil society, that prison staff are adequately trained in human rights and can address the special needs of female prisoners when they arise as stipulated in the Bangkok Rules and SMRs.
- Create separate spaces for criminal and political prisoners, as required by SMR 8.
- Reform prisons to sufficiently address poor health and living standards which violate international law.
- Create rehabilitation programs that provide job opportunities for former female political prisoners as they face difficulties reintegrating into society.

Civil Society:

- Provide trainings to relevant stakeholders regarding human rights, and vulnerabilities of female prisoners.
- Support former female political prisoners and their families through the provision of financial and medical assistance.

International Community:

- Pressure Burma's Government to unconditionally release all remaining political prisoners.
- Pressure Burma's Government to take gender vulnerabilities and inequality into account when incarcerating females.

End Notes

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Appendix 1

Hello,

AAPP is currently gathering statements from former female political prisoners in an effort to draw attention to the vulnerabilities women face while incarcerated. If you are willing, we would like to include your statement as well. Please return your answers no later than Friday, February 9. Below are a few questions to answer:

1. When were you imprisoned? For how long? Where were you held? What was the reason for your imprisonment?
2. What was a typical day for you like?
3. Did you face challenges specific to your gender, or the fact that you were a political prisoner? What sorts of challenges? How did you deal with these challenges?
4. In what ways were you vulnerable because you were a woman? Did prison authorities do anything to ensure your safety?
5. How can Civil Society organizations (including AAPP) best support female political prisoners? What are the greatest needs for current and past female political prisoners?
6. In your opinion, what are the greatest challenges facing female political prisoners today?
7. If you could tell the current Government or authorities in the Corrections Department anything on the current situation of female and/or male political prisoners, prison reform or on rights in Burma today, what would it be?

Please return your responses as soon as possible, but no later than Friday, February 9 along with a recent picture of you.

Thank you very much for your participation

မင်္ဂလာပါ

နိုင်ငံရေးအကျဉ်းသားများ ကူညီစောင့်ရှောက်ရေးအသင်း (AAPP) မှ အ မျိုးသမီးများ အကျဉ်းကျ ခံနေရစဉ်အတွင်း ကြုံတွေ့ရမှုများကို သက်ဆိုင်ရာများမှ အထူးဂရုပြု အာရုံစိုက်လာစေရန် ကြိုးပမ်းမှု တစ်ရပ်အနေဖြင့် အမျိုးသမီး နိုင်ငံရေး အကျဉ်းသားဟောင်းများ၏ အချက်အလက်များကို စုဆောင်း လျက်ရှိသည်။ သင်၏ အချက်အလက်များကို ကျွန်ုပ်တို့၏ ထုတ်ပြန်စေ ကြပြချက်/အစီရင်ခံစာတွင် ထည့်သွင်းဖော်ပြလိုပါသည်။ သင့်အနေဖြင့် ကျွန်ုပ်တို့၏ အစီအစဉ်တွင် ပါဝင်ရန် ဆန္ဒရှိမည်ဆိုလျှင် ကျေးဇူးပြု၍ ဖေဖော်ဝါရီလ ၉ ရက်နေ့ထက် နောက်မကျစေဘဲ သင်၏ အဖြေများကို ပြန်လည် ပေးပို့ ပေးပါရန် ပန်ကြားအပ်ပါသည်။ မေးခွန်းများကို အောက်တွင် ဖော်ပြထားပါသည်။

၁။ မည်သည့် ခုနှစ်တွင် အကျဉ်းကျခဲ့သနည်း။ မည်မျှကြာအောင် အကျဉ်းကျခဲ့သနည်း။ မည်သည့် အကျဉ်းထောင်တွင် အကျဉ်းကျခဲ့ရသနည်း။ မည်သည့် လှုပ်ရှားမှုများပြုလုပ်ခဲ့သည့်အတွက် အကျဉ်း ကျခဲ့ရသနည်း။

၂။ အကျဉ်းကျခံနေရစဉ်အတွင်း ထောင်တွင်း၌ နေ့စဉ် မည်သို့ ဖြတ်သန်းခဲ့သနည်း။

၃။ အမျိုးသမီးဖြစ်သည့်အတွက် စိန်ခေါ်မှုများကို ရင်ဆိုင်ခဲ့ရပါလား သို့မဟုတ် အမျိုးသမီး နိုင်ငံရေး အကျဉ်းသားဖြစ်ခဲ့သည့်အတွက် စိန်ခေါ်မှုများကို ရင်ဆိုင်ခဲ့ရပါလား။ မည်သည့် စိန်ခေါ်မှုများကို ရင်ဆိုင်ခဲ့ရပါသနည်း။ ထိုစိန်ခေါ်မှုများကို မည်သို့ ဖြေရှင်း သို့မဟုတ် ကျော်လွှားခဲ့ရပါသနည်း။

၄။ သင်သည် အမျိုးသမီးဖြစ်သည့်အတွက် အကျဉ်းထောင်အတွင်းတွင် ခွဲခြားဆက်ဆံခြင်း ခံခဲ့ရပါလား။ အကယ်၍ ခွဲခြားဆက်ဆံခြင်းခံရလျှင် မည်သို့ ခွဲခြား ဆက်ဆံခြင်း ခံခဲ့ရပါသနည်း။ အကျဉ်းထောင် အာဏာပိုင်များမှ သင့်ကို ကာကွယ်မှု၊ ကူညီမှု ပေးခဲ့ပါသလား။

၅။ AAPP အပါအဝင် အရပ်ဘက် အဖွဲ့အစည်းများမှ အမျိုးသမီး နိုင်ငံရေး အကျဉ်းသားများအား အကောင်းဆုံး အထောက်အပံ့အဖြစ် မည်ကဲ့သို့ပေးနိုင်မည်နည်း။ အမျိုးသမီး နိုင်ငံရေး အကျဉ်း သားဟောင်းများနှင့် ယခုလက်ရှိ အကျဉ်းကျခံနေရသော အမျိုးသမီး နိုင်ငံရေးအကျဉ်းသားများ အတွက် မည်သည့် အရာများသည် အကြီးမားဆုံး လိုအပ်မှုများ ဖြစ်သနည်း။

၆။ မျက်မှောက်ကာလတွင် အမျိုးသမီး နိုင်ငံရေး အကျဉ်းသားများ ရင်ဆိုင် နေရသော အကြီးမားဆုံး စိန်ခေါ်မှုများသည် မည်သည့်အရာများဖြစ်သည်ဟု သင့်အနေဖြင့် ထင်မြင်မိပါသလဲ။

၇။ သင့်အနေဖြင့် အမျိုးသမီး၊ အမျိုးသား နိုင်ငံရေး အကျဉ်းသားများ၏ လက်ရှိအခြေအနေများ၊ မြန်မာနိုင်ငံအတွင်းရှိ အကျဉ်းထောင် ပြုပြင် ပြောင်းလဲရေး သို့မဟုတ် လူ့အခွင့်အရေး အခြေအနေ များနှင့်ပတ်သက်၍ လက်ရှိအစိုးရ သို့မဟုတ် အကျဉ်းဦးစီးဌာနမှ အာဏာပိုင်များအား မည်ကဲ့သို့ အကြံပြုချင်ပါသနည်း။

ကျေးဇူးပြု၍ သင် ၏ အဖြေများကို ဖေဖော်ဝါရီလ ၉ ရက်နေ့ထက်နောက်မကျဘဲ မြန်နိုင်သလောက် မြန်အောင် ပေးပို့ပေးစေလိုပါသည်။

သင်၏ ပူးပေါင်းပါဝင်မှုအတွက် ကျေးဇူး အထူးတင်ရှိပါသည်။

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