

# Colonial-era ‘loitering’ charge lands hundreds in jail in Myanmar

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31/08/2015



A woman walks past the towering British colonial-era High Court located in downtown Yangon. (Hkun Lat/Myanmar Now)

By Kyaw Lin Htoon / Myanmar Now

**YANGON** (Myanmar Now) — In the middle of a hot April night, Arkar and two friends were sleeping in their trishaws on central Yangon’s Hledan Road when they were suddenly woken up and arrested by police.

The trishaw drivers and two other young men who happened to be on the street were also rounded up and taken to Kamayut Township police station to be questioned in relation to burglaries of two nearby mobile phone shops a week earlier.

Arkar said he and his friends had done nothing wrong and simply slept on Hledan Road to wait for customers. “Local police know that we are tricycle drivers. None of us have

the tools to carry out a burglary,” said the wiry 25-year-old, whose worn out shirt and faded longyi indicated a life of hardship on Yangon’s streets.

Arkar and another 17-year-old man were let go the next day. Neither he, nor the three others, including his friend Mya Oo, were charged for the burglary, but instead accused of “loitering at night,” a century-old criminal charge, and held for 15 days in the notorious Insein Prison.

“Mya Oo’s wife gave birth to a baby just two or three months before. He was jailed for 15 days for no reason, meanwhile his wife went hungry,” Arkar said.

Mya Oo is not alone in having been nabbed off the street and held for a vaguely defined petty crime charge from the British colonial era: Yangon Police headquarters records seen by Myanmar Now indicate that more than 1,300 people in Yangon Region were arrested and sentenced last year under the 1899 Rangoon Police Act’s Article 30. Some 400 people were held under the charge during the first five months of 2015.

Police Lt. Thi Thi Myint said, “All of them were sentenced to prison terms.”

The charge sets a maximum three-month prison term for “any person found between sunset and sunrise having his face covered” or “any reputed thief found between sunset and sunrise remaining or loitering in any bazaar, street, road, yard, thoroughfare or other place, who is unable to give a satisfactory account of himself.”

Nationwide, the 1945 Police Act’s Article 35b metes out similar punishment for the same antiquated offence.

Another officer at the station, who spoke on condition of anonymity, defended the widespread use of the charge, saying, “These laws are useful to prevent the occurrence of major crimes.”

As Myanmar emerges from decades of military rule, it has been left with many old laws that grant authorities extensive powers to not only target political activists and suspected ethnic insurgents, as is well known, but also to harass ordinary citizens and enter their homes in order to establish social control and keep tabs on the general population, say rights campaigners.

Despite the country’s much-lauded democratic reforms of recent years, human rights advocates and opposition lawmakers say parliament and President Thein Sein’s nominally civilian government have done little to reform criminal laws that affect the average citizen.

In addition, Myanmar’s court system lacks independence after decades under direct army control and there has been little judicial reform since.

With a general election scheduled for Nov. 8, opposition parties hope to gain more power and influence and begin dismantling the stifling judicial legacy of junta rule.

Pe Than, a Lower House lawmaker with the Arakan National Party, said parliament would face a massive task in amending and repealing the outdated laws. “The legislature’s work is never done. We need to update these laws at the right moment and more legal experts should be elected to parliament [to expedite the process],” he told Myanmar Now.

## COLONIAL LEGACY

Kyi Myint of the Myanmar Lawyers Network said most Myanmar laws that remain on the books were drawn up by colonial authorities - a massive 13 volumes in total, many of which have not even been translated into Burmese language – and had been intended to support British rule in the country.

The 1950s democratically elected government, which was trying to suppress insurgencies across the country, and the post-1962 military regime kept many authoritarian colonial laws, while both also introduced numerous other restrictive laws that remain in effect, he added.

Ko Ni, a constitutional lawyer advising Aung San Suu Kyi’s National League for Democracy, said Thein Sein’s transitional term had seen little in the way of broad legal reform due to a lack of cooperation from the ruling Union Solidarity and Development Party and military MPs. “We need to wait for an opportune time to revoke all these undemocratic laws,” he said.

Elections may be only 10 weeks away but few political parties have pushed for a debate on the question of law reform.

“The absence of debate is not only unfortunate but also dangerous, because without public involvement, international organisations pushing various, competing law reform projects will persuade government executives on the need for this change or that,” said [Nick Cheesman](#), Research Fellow at the Australian National University.

Cheesman, who has written extensively on Myanmar’s laws and legal systems, said the discussion of colonial-era laws in Myanmar should include their impact on ordinary citizens accused of criminal behaviour, in addition to their use in repressing political dissent.

“How are provisions like the 'hiding in the dark' sections used to target particular vulnerable communities, like sexual and religious minorities? How do the penal codes and procedures undermine the basic rights of people accused of crimes like theft or loitering or damage to public property?”

“These questions and others like them need to be made much more prominent in political debate,” he told Myanmar Now in an email interview.

## AFFECTING THE POOR AND ACTIVISTS

Another law that affects the rights of the wider Myanmar public and leaves it vulnerable to the whims of authorities is the 2012 Ward or Village Tract Administration Law. The Thein Sein government created it by amalgamating two 1907 laws that required households to register guests staying overnight and seek prior permission from local authorities.

Fortify Rights, a Thailand-based human rights organisation, highlighted [in a report in March](#) how Myanmar officials use the law to carry out nighttime inspections of communities and sometimes to demand bribes from citizens running foul of the law.

The group said: “The guest registration requirement represents a systematic and nationwide breach of privacy, giving the government access to troves of personal data from communities.”

The group's research found that “the law is particularly enforced against low-income communities, individuals working with civil societies and political activists.”

Like the guest registration requirement, the antiquated “loitering” charge has also been used by authorities to target political activists.

“Unfortunately, it is too late to repeal or reform these laws before the November elections,” said Matthew Bugher, a lawyer and researcher for Fortify Rights. “Nevertheless, the government can bolster the legitimacy of the polls by halting the use of these laws to target activists and political opponents in the coming months.”

Land rights lawyer Phoe Phyu recalled how in 2009, after a long day of visiting local farmers in central Myanmar’s Magwe Region, he sought a place to stay but was turned away by local guesthouses and had to resort to sleeping rough along the banks of the Irrawaddy River.

As darkness fell, police officers - who had instructed guesthouses not to accept him - suddenly appeared and arrested him for loitering after sunset.

Phoe Phyu was later sentenced to five years in prison on different charges by the then-military regime, but he said the 1945 Police Act had been used to arbitrarily detain him. “As authorities wanted to prohibit me from advocating for farmers who were losing their land they just arrested me without proper grounds,” he told Myanmar Now during an interview at his Yangon office.

Looking over at his book shelf with a broad selection of Myanmar's laws, Phoe Phyu said he had little hope that outdated, restrictive legislation would improve as long as an army-linked elite remained in power.

“Newly amended laws are again favouring government management and administrative sectors, they are tantamount to obstructing and oppressing the civil rights of the people,” he said.

(Editing by Paul Vrieze and Ros Russell)

## On Yangon's sprawling outskirts, slum dwellers fear forced eviction

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14/09/2015



A squatter settlement in Hlaing Thar Yar township in Yangon which sees regular flooding during monsoon. (Photo: Hkun Lat /Myanmar Now.)

By Htet Khaung Linn

**YANGON** (Myanmar Now) - In late May, Ma Thida moved with her two children to Thalabaung Village, a dirt poor slum in Mingaladon Township on Yangon's northern outskirts, where she built a small wood-and-thatch hut so they could live without having to pay rent.

But only five days later, on June 3, all her efforts were undone when dozens of thuggish-looking men carrying bamboo rods stormed the area at dawn and razed the rickety shelters and vegetable plots of the roughly 500 slum dwellers.

Ma Thida, 32, recounted: “I lost consciousness for a moment when I was pushed to the ground by the attackers. When I regained consciousness my house had totally collapsed.

“This is just a grazing ground for animals. People squatted and built bamboo houses early this year... But then, more than a hundred homes disappeared within four days,” she told Myanmar Now.

Ma Thida is one of an estimated 200,000 people who have sought cheap housing in unregulated shanty settlements on the fringes of Myanmar’s largest city, according to Yangon Region authorities, who classify them as “illegal squatters” living on government land, farmland, in industrial zones, and along railway tracks.

Most are impoverished farmers from the surrounding Ayeyarwaddy Delta who have moved to seek a better future in the city; many come from communities devastated by Cyclone Nargis in 2008. Rising rent rates in Yangon have left them with few options but to squat.

Land disputes have increased dramatically since 2011, when a semi-civilian, reformist government took power after half a century of military rule, Human Rights Watch said in a report last month.

In a country where around two thirds of the labour force is engaged in agriculture or depends on it for income, political parties, in both urban and rural areas, are campaigning strongly on land issues ahead of elections on Nov. 8.

## DEVELOPMENT DRIVES FORCED SLUM CLEARANCE

In recent years, many slum residents have found themselves under increasing pressure from local authorities that have been supporting large-scale residential and industrial development on Yangon’s periphery.

Such projects have expanded rapidly on the back of strong economic growth and a real estate boom in the port city of some 5.5 million, triggered by the reform measures of President Thein Sein’s quasi-civilian government.

The problem is not new - a 2007 report by the Internal Displacement Monitoring Centre estimated some 47,800 squatters were evicted in Yangon by the former junta between 1988 and 2006 - but it seems to have grown in scale.

Since 2012, there have been at least half a dozen large-scale forcible evictions in Yangon, involving several thousand slum dwellers and attacks by plainclothes thugs and security

forces, according to local media reports. Violent evictions have also been reported in Mandalay and in the capital Naypyitaw.

Former residents of Thalabaung Village say they first settled in the area some five years ago. They told Myanmar Now their homes were raided by thugs who were being coordinated by the police.

A Mingaladon Township administrator, who spoke on condition of anonymity, said the eviction had been a “preemptive measure” to clear the land - which officially belongs to the ministry of livestock and fisheries - for an unspecified industrial project.

The site is located near the Tiger Beer brewery, operated under a license owned by an army-run company, and locals believe their huts were torn down to make way for an expansion of the plant.

A Yangon Region police colonel said authorities had no choice but to use force to clear slums as residents often resisted orders to vacate the areas.

“We don’t want to use force against ordinary people. However, we sometimes have to defend ourselves [during evictions]. If they observed the advance instructions clashes would not occur,” said the officer, who declined to be named as he was not authorised to speak to the media.

He denied police made use of plainclothes vigilantes, but added that evictions were often carried out following requests by companies seeking to develop the areas.

Nay Linn is a parliament lawmaker for the National Unity Party representing Yangon’s Hlaing Thayar Township, an industrial area where bamboo settlements with no electricity or piped water have sprung up in the shadow of factories. He said authorities were using excessive force during evictions.

“When squatters’ houses are to be removed or demolished they should be given a certain amount of time to prepare to leave,” he said. “[But now] authorities or companies are using force to quickly remove them.”

## NO LEGAL PROTECTION

Thein Lwin left his village in the Ayeyarwady Delta two years ago to work in a brick factory where he was given accommodation in the workers’ quarters on the factory premises. But the job didn’t last long, and after he left he was forced to live in three slums in Hlaing Thayar, on Yangon’s western edge, as one by one they were cleared.

“I rented [cheap] houses in Hlaing Thayar, but some guys came to these areas and kicked me out - I have had to move three times,” he told Myanmar Now.

All across Myanmar, there has been an increase in pressure on land in recent years and rural communities have fought against expanding agro-industrial plantations growing sugarcane and rubber.

In some cases communities have also tried to reclaim land confiscated by the former military regime - a parliamentary inquiry estimated in 2013 that the junta had [forcibly seized about 250,000 acres](#) of farmland during its rule.

Myanmar's land laws provide little protection for farmers, as officially all land is owned by the government. Residents of city slums have an even flimsier legal safety net. Authorities often bring criminal charges of trespassing against squatters who resist eviction, said Phoe Phyu, a well-known land rights lawyer.

"Myanmar has no existing law that protects the squatters," he said, adding that residents must apply for a permit to be allowed to stay on any piece of land, even if its ownership unclear - something most are unaware of.

## FEW CHEAP HOUSING OPTIONS

Yangon and other cities in Myanmar are expected to grow rapidly in the coming years and rural-to-urban migration is likely to increase, but Yangon already suffers from a shortage of low-cost housing.

Tin Win, Yangon Region's former minister for border affairs, said regional authorities are spending \$20 million to develop low-rent housing projects in North and South Dagon and Hlaing Thayar townships, to help meet the growing demand.

"We will select the squatters who actually do not have any house and will lease them apartments... We are hopeful we can address the squatter problem," he told Myanmar Now.

But real estate agents said not enough was being done to address the housing shortage, while Yangon's property boom of recent years has driven up rent rates across the city, fuelling the growth of bamboo shanty towns.

"Few people care about the squatters. When some industrial zones emerge and land prices increase the land owners try to forcibly remove them," said Than Oo, managing director of Mandine real estate agency.

As the election approaches, the first in decades to be contested by all main parties, Nay Linn, the Hlaing Thayar lawmaker, said unscrupulous politicians and phony brokers were tricking residents into believing they could gain tenure over their land in return for party support or cash payments.



“There are over 150,000 households in Hlaing Thayar Township, among them there are both the homeless and cheats,” he said. “Certain political parties persuade the squatters to become party members with promises of legal settlement.”

Ma Thida, evicted from Thalabaung Village with her children, said authorities should consider the plight of slum dwellers and offer them opportunities to live legally without the constant fear of eviction.

Her family has been torn apart. She is now back in Bago, a town 96 km north of Yangon, but her two school-going children are at an acquaintance’s house near the slum where they could continue their schooling. Her husband is sleeping at his workplace - a factory in Yangon.

“Forced removal of squatters cannot solve the problem,” she said. “They will just move to another place and the same problem will happen again.”

(Editing by Paul Vreize and Ros Russell)

## As polls near, attacks in Mon State raise fears of communal violence

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04/11/2015



Nyein Htwe, a 25-year-old Muslim from Yangon who was visiting family in Mawlamyine when he was attacked on Sept. 26 by a group of men. (PHOTO:- Myanmar Now/Phyo Thiha Cho)

By Phyo Thiha Cho

MAWLAMYINE, Myanmar (Myanmar Now) - Several unexplained night-time attacks on members of different religious communities in Mawlamyine have put the Mon State capital on edge in recent weeks. Community leaders fear the attacks are attempts to foment inter-communal tensions here in the run up to Myanmar's Nov. 8 polls.

One victim, Paung Paung, a Hindu resident in his early 20s, said he and his two brothers had watched a football game at a teashop on Sept. 26 and were walking home on the city's Strand Road when some men suddenly assaulted them.

"They called us 'Kalar sons of bitches' and beat us. We said we are Hindus and not Muslims, but they wouldn't listen," he told Myanmar Now, using a Burmese derogatory term for people of South Asian descent. He ended up with a large gash on his head that required 20 stitches.

"These are not ordinary local gangs that sometimes fight on Strand Road; they seemed well-organised," Paung Paung said.

On the same night, Nyein Htwe, a 25-year-old Muslim from Yangon who was visiting family in Mawlamyine, drove past Zegyo Market with a friend when their way was blocked by a motorbike.

"Then, some 20 men on 10 motorbikes attacked us from behind with swords, nunchucks and iron pipes while swearing at us. I had never seen them before," he recounted. He was beaten unconscious but heard the attackers tell his Buddhist friends who were driving behind him: "Keep away if you're Buddhists; we only beat up Kalars." Nyein Htwe is recovering from a broken hand, while his friend sustained head injuries.

Simmering tension between Myanmar's majority Buddhists and minority Muslims have been heightened during the election campaign. Critics say some political parties have openly courted the radical, Buddhist monk-led Ma Ba Tha movement in an attempt to win votes.

**'A GROUP IS TRYING TO PROVOKE COMMUNAL CONFLICT'**

It is not only those appearing of South Asian descent who have come under attack. Early in October, an unknown group of men fought with a group of around 10 students who were drinking at night along the Thanlwin River, which runs through Mawlamyine.

Min Han Talamon, chairman of the Mawlamyine University student union, visited a hospitalised victim. "These people threw stones at the youths, provoking them. When a fight ensued, about 30 more people arrived, wielding nunchucks, sticks and swords. They then left on motorcycles," he said.

“A Muslim was beaten up on Eid (festival). Then the next day, Buddhists were attacked. So Muslim and Buddhist residents in the city suspect that a group is trying to provoke communal conflicts,” he said.

Zin Myo, a local musician, was beaten up on Oct. 22 in a separate incident by an attacker who was apprehended by local residents. “At the ward administration office he said he thought I was a Kalar, and that’s why he beat me. He also asked to phone someone from Ma Ba Tha, but he did not say that when we were at the police station,” said Zin Myo, who is of mixed Burmese and Indian descent.

Aung Ko Ko, Programme Director the Centre of Youth and Social Harmony, a local inter-faith organisation, said: “These are systematic actions. There are suspicions that some wealthy and influential people may be supporting these groups.”

### A MA BA THA CENTRE IN A DIVERSE CITY

Mawlamyine, a city of some 300,000 residents, has long had an ethnically and religiously mixed population. The old colonial-era town centre is home to a large population of Muslims and Hindus, who live alongside Buddhist Burmese and ethnic Mon majority.

The town is also a stronghold of the nationalist Buddhist Ma Ba Tha movement and monasteries that are home to some leading firebrand monks such as Vimala Buddhi, Ma Ba Tha’s general secretary.

The groups have been fanning anti-Muslim sentiment and are openly supportive of the ruling party during the current election campaign.

Since 2012, parts of western and central Myanmar have experienced bouts of communal violence between Buddhists and the Muslim minority, which represents around 5 percent of the country’s 51 million population. Thousands of people, mainly Muslims, were displaced by the violence.

Mawlamyine, despite the presence of Buddhist radicals, has avoided unrest so far, but Ma Ba Tha monks have become increasingly vocal, while some political parties have courted them for support, heightening sectarian tensions.

In recent weeks, Ma Ba Tha held a large rally in the city to celebrate passage of the four ‘Race and Religion Protection’ laws. Local members of the ruling Union Solidarity and Development Party [attended the event](#).

On Oct. 12, the National Development Party - a new, well-funded party of former presidential advisor Nay Zin Latt - [held a campaign rally](#) in the city with dozens of radical monks in attendance. His speech echoed their message and called for “safeguarding and protecting our race and religion.”

### COMMUNAL LEADERS MAINTAIN HARMONY

In previous instances of communal violence in Myanmar, authorities have been accused of doing too little to prevent outbreaks of unrest.

Paung Paung said he tried to file a complaint over the attack on him at Mawlamyine Police Station, but officers refused to accept it. “Police were on duty that day. Why did they refuse my complaint? Did they know in advance an attack was going to happen?” he asked.

An officer in-charge at the station, who declined to be named, said authorities were taking appropriate measures to deal with the incidents.

“We have got some sort of information and are taking security measures to prevent communal violence,” he said, while denying that the police had refused to investigate Paung Paung’s complaint.

Ohn Taung, the 80-year-old patron of the Mon State Islamic Council, said he believes Mawlamyine has been spared large-scale communal violence because community leaders have worked hard to maintain harmony.

“In the past, when religious conflicts were likely to break out, we invited Buddhist monks and sought their advice to prevent chaos, so we could maintain peaceful co-existence among different religions,” he said. “We plan to hold discussions with Ma Ba Tha at an opportune time.”

Ohn Taung added, “It’s important to see all people who were born here, live here and will die here, as citizens and humans.”

(Editing by Paul Vrieze and Ros Russell)

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# Will there be any Muslim MPs in Myanmar's Parliament?

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16/10/2015



A group of Burmese Muslims making prayers in a mosque in Mandalay. (Photo: Myanmar Now)

**By Swe Win/Myanmar Now**

YANGON (Myanmar Now) – On Nov. 8, Myanmar will go to the polls in what has been billed as the first free and fair parliamentary election in 25 years, yet the marginalisation of the Muslim community has left local and international observers concerned about how democratic the vote will be.

Of the more than 6,000 candidates running in the elections, the overwhelming majority of them are Buddhist, and only 28 are Muslim, representing just 0.5 percent of candidates, according to the final list of candidates released by the Union Election Commission (UEC).

Muslims make up about 5 percent of the country's predominantly Buddhist population.

The UEC has rejected more than a hundred would-be candidates, mostly Muslims, stating that their parents were not recognised as citizens yet at the time of the candidates' birth, meaning their candidacy would be in violation of the Elections Law.

The decision has [raised concerns](#) among rights groups and observers, and [regional lawmakers](#) warned it could “undermine the credibility of the contest”.

“In any other country the rejection of an entire class of candidates would render the contest itself undemocratic,” Charles Santiago, a member of parliament from Malaysia and chairperson of the ASEAN Parliamentarians for Human Rights said in a statement in September.

Religious tensions are running high in Myanmar ahead of the election, largely stoked by the radical Buddhist group Ma Ba Tha, which has emerged as a powerful force.

“We are all in a helpless state,” said Kyaw Min, a Muslim politician and chairman of Democracy and Human Rights Party. “The decisions are arbitrarily made along racial and religious lines.”

His party submitted applications for 18 candidates mainly for constituencies in Rakhine state in western Myanmar which has a sizable population of stateless Rohingya Muslims, but only three were approved as candidates.

In total, UEC figures show that of 6,074 approved candidates in the elections there are 5,130 Buddhists, 903 Christians and 28 Muslims.

Not only are there very few Muslim candidates running in the elections, but most are representing little-known political parties, leaving many with slim chances of winning any seats.

“There is strong likelihood that there will be no Muslim legislator in the parliament,” said Myo Thant, a Muslim politician who has decided not to run in the poll which he said is being held under the influence of nationalist monks.

“Everyone is pandering to the wish of the Ma Ba Tha,” he said.

## MAJOR PARTIES EXCLUDE MUSLIMS

In an apparent move to appease Ma Ba Tha, the main political parties have excluded Muslims as candidates.

Some Ma Ba Tha monks have publicly condemned the popular National League for Democracy party (NLD) led by Aung San Suu Kyi as a “pro-Islam” party which Buddhists should not vote for.

Perhaps in response to the group’s swelling influence, neither the NLD or the ruling Union Solidarity and Development Party have fielded any Muslim candidates.

The NLD's leadership made the decision to exclude Muslims from its candidate list to avoid criticism, said, NLD spokesman Win Htein.

"Our NLD members who are Muslims are very much understanding of this situation," he said.

Apart from two Muslim candidates representing the National Unity Party (NUP), the party of the former military dictator Ne Win, almost all Muslim candidates are representing little known, Yangon-based Muslim political parties.

Kyaw Min said powerful parties are avoiding Muslims either out of fear that they will lose votes or with the deliberate intent to keep the Muslims out of formal political arena.

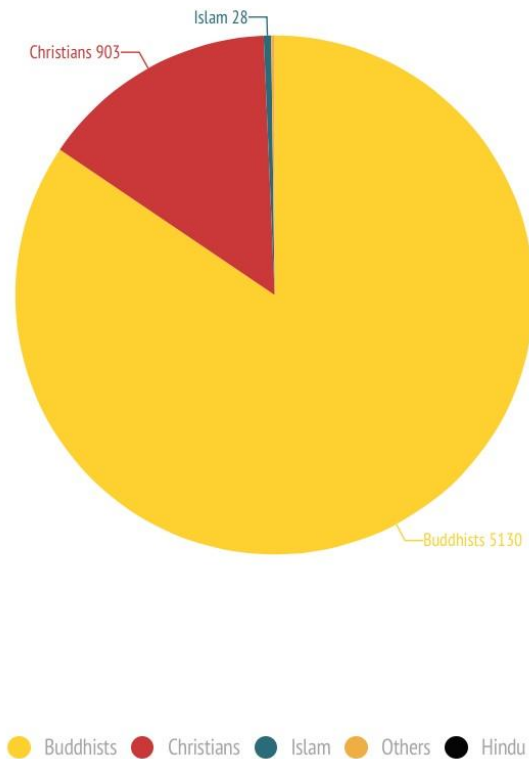
"The result is Muslims will lose their democratic right to represent their community. This will also discourage the patriotism of Muslims in this country," he said.

His party is one of a handful that is fielding Muslim candidates outside Yangon, including the only Muslim candidate in the town of Maungdaw in northern Rakhine State.

Like many of his party's would-be candidates, Kyaw Min himself was rejected by the election commission, despite him winning a seat in the 1990 elections, the results of which were ignored by the junta.

# No Muslim MP in Parliament?

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Source: Union Election Commission. <http://uecmyanmar.org>

## MUSLIMS DISENFRANCHISED

In Rakhine state, the authorities have revoked the “white cards”—temporary national identity cards – of hundreds of thousands of Rohingya Muslims, making them ineligible to vote.

These white cards enabled the embattled Muslim community there to vote in previous elections in 1990 and in 2010. They will now be disenfranchised, warned United Nations Secretary General Ban Ki-Moon.

“I am deeply disappointed by this effective disenfranchisement of the Rohingya and other minority communities,” the U.N. chief said late last month.



The Carter Center, which is observing the elections, released a [statement](#) on Sept. 25, saying, “The disqualification of almost all Muslim candidates running in Rakhine state further limits representation possibilities for the Rohingya population, already largely disenfranchised by the cancellation of voting rights for former temporary citizenship card holders.”

The current union parliament is already dominated by Buddhists. There are only three Muslim legislators from USDP representing constituencies in the towns of Buthidaung and Maungdaw in northern Rakhine State.

Despite their small number, they have asked more questions than any other MPs according to Myanmar Now’s analysis of data of MPs’ questions in 11 out of 12 parliamentary sessions since the government took power in 2011.

Most were related to the citizenship and other rights issues regarding the Rohingya. Yet none of the three are not on the ballot for the upcoming elections.

While two have apparently left politics, Shwe Maung, who represents the town of Buthidaung in Rakhine State, quit the USDP and attempted to run as an independent candidate. He was disqualified for the same reason as other Muslim candidates.

“I wish I could say I was an exception. But the truth is that Rohingya, along with other Muslims in Myanmar, are totally alienated and excluded from participation in politics. And make no mistake: it is because of our ethnicity and religion,” Shwe Maung has said in a [statement](#) released by APCR last month.

Hla Toe, a Muslim who co-chairs the Kaman National Development Party, has little hope of winning a seat in Rakhine State. Of four Muslim candidates running in Rakhine State, two are from his party.

“We will try to win a seat in Yangon, but we don’t think we will win in Rakhine State where there is a lot of racial discrimination,” said Hla Toe, who himself is running for a lower house seat in Yangon’s Minglar Taungnyunt township. (editing by Ros Russell)



# Stigma stalks Myanmar's HIV patients despite advances in treatment

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01/12/2015



An HIV patient stares out of an window at a HIV clinic run by MSF in Yangon's Tharketa township. (Photo: Ei Cherry Aung/Myanmar Now)

By Ei Cherry Aung

YANGON (Myanmar Now) – Two weeks after Cho's husband died at his parent's home in 2013, his family called her and told her he died of AIDS. She should get tested, they told her.

Cho, whose name has been changed to protect her identity, vividly remembers rushing to a clinic in sweltering heat to get a blood test. She breathed a sigh of relief when it came out negative.

But then she started losing weight and began falling ill more frequently. In September this year, Cho, who used to run a clothes stall at a neighbourhood market, went for another HIV test. It was positive.

“As soon as I found out I had HIV, I felt really sad as well as upset,” the 43-year-old told Myanmar Now, wiping away tears from her cheeks with the back of her hand.

Within two days, she had arrived at a clinic and hospice for HIV patients founded by a member of parliament from the National League for Democracy (NLD), as her family, who live in Hlaing Thar Yar township, did not want her to live with them.

Although the virus cannot be transmitted by day-to-day contact, they were worried that she would infect her younger sister's child, so while they support her financially, they would rather she never came home, Cho said.

"My 21-year-old daughter has not come to visit me once since I arrived here, but at least she speaks to me on the phone, so it's not bad," she said.

The hospice is home to nearly 300 patients, many of whom have similar stories of rejection.

Myanmar has made great strides in terms of access to medication compared to a few years ago when only a third of people who needed treatment were receiving it, and cash-strapped clinics had to turn patients away.

Some 210,000 people are currently living with HIV/AIDS in Myanmar, of whom around 160,000 need and receive lifesaving antiretroviral treatment (ART) based on the World Health Organization's guidelines, according to Medecins Sans Frontieres (MSF).

MSF, which has long been the main provider of ART in the southeast Asian nation, currently provides ART, which can also prevent the spread of HIV, to nearly over 10 percent patients, with only around 500 who are unable to access it for various reasons.

"Now you can get ART in government-run hospitals in many states and regions," Soe Yadanar, a doctor with MSF, told Myanmar Now.

## STIGMA REMAINS

Yet the stigma and discrimination faced by people living with HIV lingers in Myanmar, even as the world marks World AIDS Day on Dec. 1.

Ignorance and fear surrounding the HIV virus which causes AIDS are among the many challenges that will face Myanmar's new government in overhauling a neglected health system and changing attitudes formed by misinformation and a conservative culture.

A 48-year-old mother from Ayeyarwady Region has a similar tale to Cho. She says her community shunned her family as soon as their HIV status came to light three years ago.

"Since I got HIV, nobody asked me to work at their homes anymore," the woman, a slight day labourer who looks much older than her years, told Myanmar Now. She was at the clinic in Yangon to receive her monthly medicine.

She and her five-year-old son, who is also HIV positive, now survive on fruits and vegetables they have planted in their garden.

“Without a job, we don’t have money. Sometimes it’s really difficult to find food,” she said, her little boy sitting at her side.

Like Cho, the woman only found out she and her son had HIV after her husband passed away and a friend who was worried about their health problems brought her to an international health organisation for a medical test.

The boy, who was just two when his father died, has little idea of what is going on except that he needs to take regular medication, the mother said. His friends at kindergarten seem to know, however.

“My friends never asked me to join them when they’re playing. They stop playing if I’m included,” he said, eating a piece of bread.

The mother says she keeps her son with her as much as she can to ensure he takes his medication at the right time.

“I’m worried he would worsen if he makes a mistake about when to take the medicine. It’s important that our conditions don’t worsen because if anything happens, there’s nobody to look after us,” she said.

MSF’s Soe Yadanar said much of the stigma and discrimination was linked to a lack of knowledge about HIV, and poor families not having anyone to care for people living with HIV.

“We’ve seen cases where if someone looking after a patient with HIV dies while the patient is unwell, other people don’t want to take care of the person with HIV anymore,” she said.

## CHALLENGES

Soe Yadanar added that while access to ART is much easier these days, there are still challenges in delivering the treatment because of shortages of appropriate staff, especially doctors.

“On some days, patients had to wait for a whole day to see a doctor. When there are not enough doctors, the patients can’t explain their conditions in detail and the doctors can’t give the patients the care they need,” she said.

“People living with HIV tend to feel small so they need doctors and nurses who are able to reassure them. There needs to be enough people to take care of the needs of the patients properly,” she added.

For Cho, who is now on ART, taking care of her health and her diet is her focus. Yet she has no illusions that her siblings and daughter would ever accept her again.

“My daughter is worried that if she gets married, her husband would use my condition against her,” she said.

“So I think I’m going to spend whatever time that is left of my life in this hospice.”

(Editing by Ros Russell)