



Women as the Others

Chin Customary Laws & Practices
from a Feminist Perspective



*They say women are 'guests'
because they have to move in and live
with their husbands' families after marriage.
And they say men are 'hosts'.*

(73 years old woman, Mindon Township)

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Acronyms

CBO	Community Based Organization
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CNACC	Chin National Action Committee on Census-2014
GDI	Gender and Development Institute
GEN	Gender Equality Network
FPAR	Feminist Participatory Action Research
INGO	International Non-Government Organization
LNGO	Local Non-Government Organization
MIMU	Myanmar Information Management Unit
MMK	Myanmar Kyats
MWAF	The Myanmar Women's Affairs Federation
SGD	Small Group Discussion
UNHCR	United Nation High Commissioner for Refugees
USD	US Dollar
VAW	Violence Against Women

Glossary

<i>Ai-mu-guk</i>	(Mun) A ceremony in which chickens are sent to a woman's family by a husband's family at marriage.
<i>Ar-sa-that</i>	(Hakha) (<i>ar</i> = chicken; <i>sa</i> = meat; <i>that</i> = slaughter) The practice in Hakha and Thantlang Townships at marriage. The bride's family demands a pig (though the name is chicken), and its meat is distributed among the male relatives (same clan with the bride's father). This practice is taken very important and continued till today. A few explain that the practice has symbolic meaning as ' <i>ar</i> ' also could mean vagina. However, among the southern tribes, chickens given by the groom are used at the wedding feast and only the bride's relatives are allowed eat them while the groom relatives can eat pork, provided by the bride's family.
<i>Auntaman</i>	(Burmese) A term adopted in southern Chin State (local terms: <i>laipai</i> in Matu, <i>ngsore</i> in Dai, and <i>ng'sha</i> in Mun). They are persons who are well versed in the custom, who can speak cleverly, and are trusted and often requested by the locals to help solve their problems. Some call them local lawyers (<i>ayat sihni</i>). Their role is to mediate and negotiate between the two parties. Cases they deal with may range from

bride price of eloping couples, divorce, inheritance and murder. In the past their service was paid *in naturam*, i.e. with animals or materials, but now cash is also used. There are a few female *auntamans* but problems they solve tend to be smaller.

Beh

(Tedim) clan

Fan

(Lai) A woman goes to live with a man's house to become his wife. If he accepts her, a pig will be killed to recognize the marriage. He can refuse but refusal is rare. If a man does the same, it is called *luh* and he has to bring along a pig to be slaughtered. To refuse him, a woman's family has to kill a pig.

Fir

(Lai) 'Steal' or 'elope'. The words *tli/zam/tlan* that mean 'run' also is used for elope, especially when a couple who would like to marry goes somewhere else and stay there for a while. If a man directly brings a woman to his house, '*tlun*' is used.

Hla-na

(Thado) Farewell ceremony for a bride before she leaves her father's house.

Hluttaw

(Burmese) Parliament

Hmuikhum

(Lai) Slaughtering a pig and hosting a meal for relatives and friends in order to save one's face or restore dignity after something shameful or bad things happened.

Ka-dawh

(Burmese) Adopted in southern Chin State for gifts given by the groom's family when the bride's family does not ask for a bride price.

<i>Luang-man</i>	(Thado) Compensation given by a woman to the father of her child, if the child died under her custody.
<i>Maak</i>	(Lai) Divorce by a husband; ' <i>Maak</i> ' has the power of ordering the wife out of the family house. But when a woman divorces her husband, ' <i>taan/kir</i> ' is used that means to leave or to return. She has to go back to live with her parents/brother.
<i>Mairawn</i>	(Khumi) Compensation given to a widow's male guardian (father or brother) for her continuous stay with her children after the death of her husband. In turn, he would slaughter a pig and host a meal for her. Only the Khumi have this practice. It can be understood that they consider a woman's attachment to her husband's clan is severed automatically by his death; unlike other tribes (Zo, Muns, Dai, etc.) who consider that a widow continues to belong to her husband's clan, but the bond has to be severed by a return fee or the slaughtering of an animal by the late husband's relatives.
<i>Man</i>	(Laimi, Zomi, Matu, K'cho, etc.) Price; Bride price. Some northern tribes have different types of bride price and are divided into <i>man-pi</i> (major price, asked by the father or brother of the bride) and <i>man-te</i> (minor prices). Some <i>man-tes</i> are: <i>nu-man</i> is asked by the bride's mother; <i>ni-man</i> asked by paternal aunt; <i>pu-man</i> by maternal grandfather or uncle; <i>ta-man</i> , brother or male cousin; <i>min-man</i> , by a person who gave a name to the bride etc. In some communities, instead of <i>nu-man</i> 'mother's milk price' (in Burmese ' <i>mih-khin-nuh-phu</i> ' or <i>nuh-</i>

phu; and in Lai '*hnawiti-man*' is used. But for the Khumi, 'milk price' is compensation given by a man to his former wife for feeding their baby after divorce, when he takes back the child.

Mithan or mythun (English) Animal; Cross breed between wild bison bull and common cow (Carey and Tuck: 1896) The Chin highly value mithan and it plays an important part in feasts and as payment of bride price and others; (In Lai: *sia-te*= baby mithan, *sia-la*= young-adult mithan, *sia-pi*=female adult mithan, *sia-nu-fa*= female adult mithan and its offspring; *kikawng*= male adult mithan, etc.).

Myo-yoe-twin-pwe (Burmese) Translated in this report as 'clan inclusion ceremony'. Among the Asho, at marriage, as soon as the bride arrives to the groom's house, a chicken would be slaughtered, and with a pot of zu, the *pa-san-saya* would offer a prayer, in order to include a woman into her husband's clan. Even though the same word is not used, a similar practice is found among the other tribes, too.

Na-pat Earrings worn by men; *Na-pats* are made with gold, silver or brass and they are used as bride price or other payments in Kanpetlet and Mindat Townships.

Neita (Tedim) Traditional arranged marriage between cousins.

Nua-haine (Zo) A ceremony to signify the returning of a widow to her father's clan from her late husband's; An animal would be slaughtered for

the occasion by her late husband's relatives and only after this, she can remarry freely.

Pa-san-saya

(Asho) A person who makes offerings and prayers among the Animist communities.

Pian-aan-kye

(Burmese) *Pian-aan*= to return; Translated as return or divorcee fee in this report; Practice in Mindat and Kanpetlet Townships. In this context, a man divorcing his wife is understood as returning her to her parents. He has to pay something (a mithan or other things the parents demand) to her parents. The same idea and word are used for widows; The late husbands' relatives have to return them to their parents with *pian-aan-kyi*. Only after this, the widows can remarry freely.

Phun-thawh

(Hakha) '*Phun*'=clan; '*Thawh*'=pay; Major bride price in Hakha and Thantlang Townships, which is continued until today. Only after a man paid *phun-thawh* for his wife, he can claim his children with her as his. If he cannot pay *phun-thawh*, the children will belong to their maternal grandfather's clan. Children, whose fathers cannot pay *phun-thawh* for their mothers, were looked down as bastards and ostracized in the communities (similar ostracism is mentioned in Mindat and Kanpetlet Townships), especially in the past practice.

Pu

(Lai, Tedim, etc.) Maternal grandfather or maternal uncle; They wield a certain power of decision making in family issues.

Savai

(Khumi) Witness; At proposal or marriage, both the families of the bride and the groom would

bring their own *savai*. If the couple gets into problems or files a divorce, *savai* would be their witness again. In order not to take side in case of disputes, families are not allowed to use a relative as *savai*.

Thlacamnak

(Lai) Literally means ‘prayer’; This word is used for holding a worship service at home led by pastors or church leaders, which is often followed by having a meal together with friends and relatives.

Vokthau lungkhen

(Falam) The past penalty for serious offences, for example, sexual violence; It may include a pig, rice, a pot of *zu* and a packet of salt, etc. They were given to the village council who adjudicates the case.

Yecho-sin

(Burmese) (*Yecho*= to bathe, *sin*= to go down); The Asho use this word for either a husband or wife leaving their respective spouses for another lover. S/he has to leave the children and all family’s properties, taking only the clothing s/he is wearing.

Zu

Traditional fermented corn, millet liquor; In the past, it took an important part in social events but now the protestant churches have banned it among the Christians.

Acknowledgements

This research has been the first study that examines the customary laws and practices of the Chin tribes from a feminist perspective. Feminism to us, as noted by historian Linda Cordon, is "an analysis of women's subordination for the purpose of figuring out how to change it". With this study we are documenting the impact customary laws and practices have on women's lives in order to bring positive change in the communities.

Our heartfelt gratitude goes to each of the 293 women and men, who have shared their life experiences, memories and views with the research team. We are also grateful to the local volunteers and members of the women organizations on the community level in Chin State, namely the Chin Women Development Organization (Kanpetlet), Chin Women Organization (Hakha), Chin Women Organization (Paletwa), Daidimpar Women Group (Falam), K'Cho Chin Women Organization (Mindat), Mara Women Organization and Matupi Women Organization for their enthusiastic support during the data collection.

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This English version is being released ten months after the Burmese report was finalized. We invite the reader to note that it contains minor changes due to the different audiences we target, further inputs by the locals during the launch of the report in Chin State, as well as additional comments and advice of our readers on the English text.

Despite our strong dedication and hard work, we acknowledge that there might be some mistakes or weaknesses caused by the inexperience of the field team and we would like to mention, that we take the full responsibility for them. However, we stand firm on the main finding of this research - that women in Chin communities are discriminated by customary laws and practices - and we raise our voice in demand for change towards a more just and equitable system.

This report mostly follows the spelling of the CNACC concerning the names of the Chin tribes and follows the MIMU concerning the spelling of Townships, States and Regions. When there are similar practices between the tribes in northern (Tonzang, Tedim, Falam, Hakha and Thantlang Townships) and southern (Matupi, Mindat, Kanpetlet, and Paletwa Townships) parts of Chin State, the northern tribes or Southern tribes are used. Regarding similar practices within the groups, the group names of either *Zomi* (who live in Tedim and Tonzang Townships), *Laimi* (who live in Falam, Hakha and Thantlang Townships), and *K'cho* (who live in Mindat and Kanpetlet Townships), are used. If the practices differ, the name of the tribe or township is added. Sometimes, the short form of the "Chin Act" is used instead of the "Chin Special Division Act". *Burmese* is used for the name of the major ethnic group in Myanmar, and *Myanmar* as the name of the country. However, *Burma* is also applied for the country when quoting other authors who have used it. To compare Myanmar Kyats to US dollar might be helpful for foreign readers but it could cause miscalculation as the inflation rate of MMK is rising continuously, not only in the past but also in the present. When this research was started, the exchange rate on Central Bank of Myanmar's online page was 1USD for 1277MMK (October 30, 2015); by the time of finalizing this report of English, it was at 1460MMK for 1USD (August 14, 2018).

Executive summary

This research explores the customary law and practices of the Chins in Myanmar from a feminist perspective. The main focuses are on marriage, divorce and inheritance. In addition, it also studies violence against women issue. The study aims to understand the impact of customary laws on the lives of women and how women can find access to justice amidst Myanmar's plural legal system. Comparing the past and present practices, it also tries to identify the causes of change, in order to find a way to bring more positive changes for the women in the communities. For this study, qualitative methods and semi-structured interviews were employed. The field research was conducted by a team of six Chin women traveling across Chin State, Rakhine State, Sagaing Region and Magway Region between December 2015 and June 2016.

Patriarchy, clan system and discrimination of women

The patriarchy of the Chins is closely linked to a clan system, in which only men are allowed to carry and pass the clan to the next generations. Women on the other hand, are made clan-less. The system also uses bride price as a tool to objectify women, reducing their power in relation to men. The law makers are men and women are excluded from decision making process. The customary laws are designed to keep the power in the hands of men while discriminating, oppressing women into subordinate positions. Being deprived of the right of ownership to land, house and other important properties, women are forced to depend on male guardians as a particular characteristic of the patriarchal system, i.e. their fathers, husbands, brothers and even sons. This, in turn, puts pressure on men as they have to bear the weight of 'dependent girl child' they have created in adult women.

Proposal and marriage

Men initiate marriage by sending a relative or family friend who is well versed in the custom to propose to a woman. If the proposal is accepted, the relatives from both families meet to discuss the bride price and the wedding. Traditionally, only men can participate at the meeting, except in a few tribes that have the practice of a minor bride price asked by mothers and paternal aunts. Today, more women can join these meetings but their role remains to sit and listen instead of actively taking part in the discussion. Therefore, decision making at marriage still is a domain of men.

Bride price practice and its impact on the lives of women

The father and relatives of the bride demand a bride price at the marriage. After a man paid the bride price, the woman becomes a member of his family or clan and so do their children. This grants guardianship to fathers in case of divorce. Widows might lose child custody to the male heir of her late husband. If a woman divorces her husband, her father or relatives have to return the bride price they have received. If they are not willing or cannot afford to return it, she cannot leave her husband. In addition, this practice objectifies women as men often regard themselves as the 'owner' of their wives after having paid the bride price. Objectification in turn is one of the causes for physical and sexual violence committed against married women.

Couples who have gone through financial hardship because of a high bride price, and who think this practice is similar to selling daughters, want to end this practice. On the other hand, those who think a bride price gives prestige to a woman and her family prefer to continue the practice. Many respondents are in favor of continuing the practice with a moderate amount in order to maintain Chin identity alive.

Married life

Women have to move in with their husbands' families after marriage (patrilocal society). Generally, the couple moves out and lives on their own after a few years. However, if the husband is the family's heir, the youngest or oldest son, the family has to continue

to live in the parents' house in order to take care of them when they get old. Women respondents shared that they preferred to move out as soon as possible and were complaining about the heavy burdens of house work as well as controlling parents-in-law. If the bride price is high, daughter-in-laws are often prone to verbal abuses of the husbands' families and might be required to pay back through their work in the households.

Hard works that demands more physical strength, such as cutting trees for a new corn-field, ploughing rice field, building a house, are considered men's work. Though women's works seem easier to some men, such as cooking, cleaning and other house works, women have to work long hours while men have more time to rest. The situation is changing positively but a gendered division of labour still remains reality. Women have to do most of the unpaid work while husbands are the main earners of their families. Generally, men give their income to their wives and allow them to manage small amounts but tend to decide by themselves for any bigger decision such as buying a house or land. Having one's own income raises self-esteem of women and increases their power to take part in family decision making.

The sons, also called 'hosts', who carry and pass the clan to next generations are favoured, while daughters are regarded as 'guests' who have to leave the family and belong to their husbands' families or clan after marriage. This is compounded by discrimination of daughters in education and inheritance.

Divorce

There is an imbalance of decision making power between a husband and a wife. If a man wants to divorce his wife, he can order his wife to leave. But if a woman wants to divorce her husband, she has to leave the family house, properties, and children, and go back to live with her father or brother.

Under Chin customary laws, 'who initiates the divorce', and 'why they divorce' (whose fault/mistake it is) are important points to consider. If a woman initiates the divorce, her parents or relatives have to return the bride price they received at her marriage, to the husband or his parents. This practice gives considerably power to

her father or male relatives instead of the woman who is going to divorce. If a man initiates the divorce, he has to forfeit the bride price he gave.

No matter who initiates the divorce, the bride price practice grants the guardianship to the fathers. Today, more women are getting custody of their children than the past. But, if they do, they have to raise the children on their own as very few men give child support after divorce.

When a divorce case is settled on the grounds of whose fault/mistake it is, a double standard often appears: the rules and penalties are stricter to women while men often seem to get away easily. Among some tribes, if a man divorces his wife who has no fault, he has to give some properties or compensations to her. However, the amount of this compensation is usually very small. Among the northern tribes and the Asho, in principle, if a man or a woman leaves his/her spouse in order to be with another person, s/he has to leave all family properties and children behind. However, instead of leaving, some men can still divorce their wives by simply ordering them to leave, in order to marry another woman. Among some Southern tribes, there is no division of properties. Instead, a man pays the divorce fee to his wife's parents. Since this payment legalizes the divorce, it gives men the power to end a marriage. This power often turns out to be abused by men to control the lives of their first-wives by refusing to pay divorce fee, even after they have separated.

Widowhood

Women are often told by men, "You, women have no clan. You only share your men's." In her family of birth, she is regarded as a guest who will, at some point, marry and leave the family. She eventually marries and builds a new family with her husband. If her husband dies first, she becomes a 'guest' again in her own house, the one who should leave. The patriarchy makes a woman be a 'guest' forever.

A widow is prohibited to inherit property from her husband. She is merely allowed to continue to live in the family house and

manage the property. But she will lose this chance if she remarries. Having a child also can make a difference, whether it is a daughter or a son. A childless widow is the most vulnerable to be evicted from the family's house. She can rely more on a son, the family's heir, rather than a daughter who is not allowed to inherit the family property. Even if a widow has a son, if she is still young and not getting along with her late husband's relatives, she may be forced to move out of the home and lose custody of her children to the male relative of her late husband. Among some southern tribes, her late husband's relatives can continue to control her right to remarry by refusing to return her to her parents.

Inheritance

The oldest or youngest son inherits the land, house and other important property. If there is no son, a male relative of the deceased man will inherit. Daughters can inherit their mothers' traditional dresses and accessories. Wedding gifts at marriage are often considered a daughter's inheritance, too. However, the price of items she received is usually very little compared to her brother's. In Chin custom, the right to inherit is combined with taking responsibility. The son who inherits the family house and property has the responsibility to take care of his parents' living costs and pay their debts if they have. If a male relative inherits, he has to take the responsibility for the deceased man's widow and daughters. Men argue that women are not allowed to inherit because they are exempted from taking responsibilities.

Nowadays, if an inheriting son cannot live with his parents, many believe that the other children who take care of their parents should become the heirs, regardless of their gender. While some men who do not have a son, would like to divide the properties between their male heir and daughters, there are a few cases in which men leave all the family properties to their daughters. However, if they have, sons are still favoured. Compared to the daughters' right to inherit, fewer respondents expressed concerns about the change in favor of improved widows' rights.

Violence against women

The most frequently mentioned forms of violence are domestic physical violence and sexual violence in the community. Only a few respondents spoke about other forms of violence.

Domestic physical violence is categorized into two levels by the respondents; the first of which is not causing serious physical injury and the second, which is severe and causing serious injury. Cases within the first level are often neglected. Even if the violence is severe, the only action a woman can take is to go back to her parents. If her husband wants to take her back, her parents can demand compensation. Domestic physical violence is found in the whole research area and appears often to be linked to alcohol abuse of husbands. Victim blaming is common.

Concerning sexual violence, the customary laws practiced in the past were stricter and the penalties higher than today. However, the current practices emphasize more on forgiveness and reconciliation while neglecting the need for justice from the perspective of the female survivor.

Women's access to justice

If the problems cannot be settled privately, it will be reported to village leaders, then step by step to the levels of the village tract, township, district, State or Region, and finally to the Supreme Court.

People distrust the formal justice system because of the length of the trials, high costs associated, and wide-spread corruption among judges and officials. In Chin State, some also think that it would be a waste of time and money to report their problems to the court as the result would be nearly the same as solving in the community because the section 15(A) of Chin Special Division Act recognizes the local customary law in cases of family law related issues. The team has encountered only one divorce case, in which the woman was granted a formal divorce by the court. In another case, a district court granted guardianship to the mother. There are seven inheritance lawsuits and five of them are men heirs suing the widows and her daughters to claim the family house and properties. Men usually win in Chin State but two widows

appealed to the Supreme Court and they won. Compared to family law cases, more rape cases are reported to the police or state court but withdrawing the case again often happens.

Also only a few problems are reported to the village leaders. In Chin State, two village leaders expressed their unwillingness to accept divorce cases, arguing that women tend to change their mind after their anger cools down. In Hakha Township, there was one divorce case filed by the wife for her husband who was getting married to a second wife. The village tract leaders agreed to the divorce but they advised against her claim for half of the family properties. Outside Chin State, village administrators in Minbya and Mindon Township are more willing to accept and help solve divorce cases brought to them. Moreover, instead of following the custom strictly, they consider other situations and grant child custody and child support to the mother, and allow her to get some of the family property.

Most of the problems are solved privately by male elders among the relatives of the two disputed parties following the local custom. Therefore, the local customary laws are the most accessible problem solving mechanism for women in the research communities. However, they also become barriers for women to get justice through them as they are made solely by men and are biased to women.

The informal mechanisms of problem solving through customary laws need to be improved with the focus of abolishing gender based discrimination. The role of the local people, both men and women is most crucial. Male decision makers in the community need to be informed about the concepts of human rights, women's rights, gender, the respective state laws and policies, as well as international laws and conventions the Government of Myanmar has signed and ratified, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the United Nations Convention on the Rights of the Child (UNCRC) through awareness raising programs, trainings and advocacy in order to build knowledge, a change of mindset and create behavior change. At the same time, women in the communities need to be informed about their rights, the gender

concept, CEDAW and relevant policies and laws as well through training and other possible initiatives. Women also need to become empowered through leadership trainings, income generation programs and other means so that they can become positive change makers in their communities.

Chin women from different areas should work together, to organize and build a movement in order to create gender equality and social justice for women in their communities. They should engage men who have shared the same value of justice and cooperate with them. In addition, as discrimination of women and gender inequality is a global issue, Chin women should not work in isolation but build networks and work hand in hand with other women activists from both, inside and outside of Myanmar.

At the same time, interventions of both the Chin State and Pyidaungsu (Union) government should be directed towards reforming the formal legislative system, with a strong inclusion of gender policy. An institutional reform is long overdue in Myanmar so that women can be able to access the current statutory laws. Gender training and education initiatives should become mandatory for the judiciary and law enforcement personnel. At the same time, new laws should be enacted in order to protect women from different kinds of violence committed against them. The attachment to the section 15(A) of Chin Special Division Act should be amended so that it would treat both men and women equally.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The Government of Myanmar signed and ratified CEDAW in 1997 and is thus obligated to take all appropriate measures to eliminate discrimination against women. Article 5 calls for the State “to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices”. Article 15 (1) states to accord “women equality with men before the law,” and Article 2 (c), to guarantee legal protection of the rights of women on an equal basis with men, and to ensure the effective protection of women against any act of discrimination through competent national tribunals and other public institutions. Myanmar has not signed the Optional Protocol to CEDAW, which provides the right of a procedure for individuals or groups to submit complaints to the Committee.



1. Introduction

On January 4, 2014, Ninu (Women in Action Group) held a strategic plan workshop with Chin women's rights activists and two gentlemen in Yangon to advocate for amending the Chin Special Division Act which contains discriminating provision against women in the field of inheritance rights. The plan was to start with research in order to produce a sound basis of the situation of women's rights on the ground, and use the finding for evidence base advocacy. This was the beginning of this report.

Chin Special Division Act

The Chin Special Division Act, commonly known as the 'Chin Act', was enacted in 1948, the year Burma became independent from the British colonialism. The Chin Act has forty-three sections and only the section 15(A) deals with the customary laws. It states that when family law cases are adjudicated, the local customs and justice principles have to be considered.¹ At first, the Chin Act covered also the adjacent areas of the Chin Special Division². But when the Act was amended in 1957, the attachment (See Appendix 2) that deals with inheritance rights and practices was added under the section 15(A) and its geographic application was limited to inside the Division. After the Chin Special Division became

¹ တရားမမှုတစ်ခုခုကို စီရင်ရာတွင် ရပ်ရွာထုံးတမ်းစဉ်လာကိုလည်းကောင်း၊ မျှတတော်မှန်ရေးတည်းဟူသော လောကပါလတရားတို့ကိုသော်လည်းကောင်း ထောက်ထားရမည်ဖြစ်ပြီး *Law-ka-pa-la-taya* (လောကပါလတရား) is translated as the 'principle upholding the universe' by Dr. E. Maung, a Burmese legal scholar.

² The Division covered almost current Chin State, except some parts of Paletwa Township.

Chin State in 1974, the Chin Act continued to be applicable. However, after the military coup of 1962, it was rarely applied except for in cases relating to firearms possession and liquor licensing.

Attachment to the section 15(A) divides inherited property into two types: the predecessor's property (handed down in the family through generations) and usual property (accumulated after marriage). But the respondents did not mention the details of such property division. Instead, in their knowledge, men would inherit house, land and other important property while women are not allowed to inherit.

When family law related problems are brought to government court, in Chin State, the Chin Act is directly applied to inheritance cases and for other issues, male elders who have a wide range of local custom are consulted. One male respondent (*untaman*) from Matupi shared that he was frequently consulted by the judges. In Paletwa, when the judges consult, instead of giving direct answer, the culture committee meets and discusses first how a certain problem would be solved with the custom. Mostly, the judges heed the advice of the culture committee in adjudication. However, when the *untaman* from Matupi told the judge that in the Matu custom, compensation given by a man for refusing to marry a woman who was pregnant with his child was 'a hen', the judge brushed this off as outmoded and unfair practice to women, and did not applied to cases he adjudicated.

1.1 Research objectives

The main purpose of this research was to create an improved understanding of the customary laws and practices of the Chin people in Myanmar and their impacts on the lives of women.

Further objectives were to identify and analyse the local customary practices in the framework of the Chin Special Division Act, particularly its section 15(A) related to inheritance, and to understand the differences and commonalities of customary laws and practices among the Chin tribes. Finally, the research sought to compare the past with the present practices and determine the causes of change in order to find a way how to bring positive changes for women in the Chin communities.

1.2 Research methods, scope and data collection

The study used a qualitative, participatory approach to identify women's and men's experiences and views on customary law in practice through in-depth semi-structured interviews, small group discussions and expert interviews with judges and lawyers. Participant observation and informal conversations were further employed to deepen the insights into the impact these laws and practices have on women's lives.

At first, a five days long training was conducted in Yangon where the research questionnaire was developed together by the consultant and the researchers. The first interviews were then conducted in Yangon to pre-test the questions. After refining the questionnaire, the researchers traveled to their respective townships to collect the data. All interviews were thoroughly recorded and documented. After that, the team met again to share the experiences, successes, challenges and lessons learnt, and to obtain an overview of the data, and finally to refine the questionnaire for the next data collection trip to other research areas.

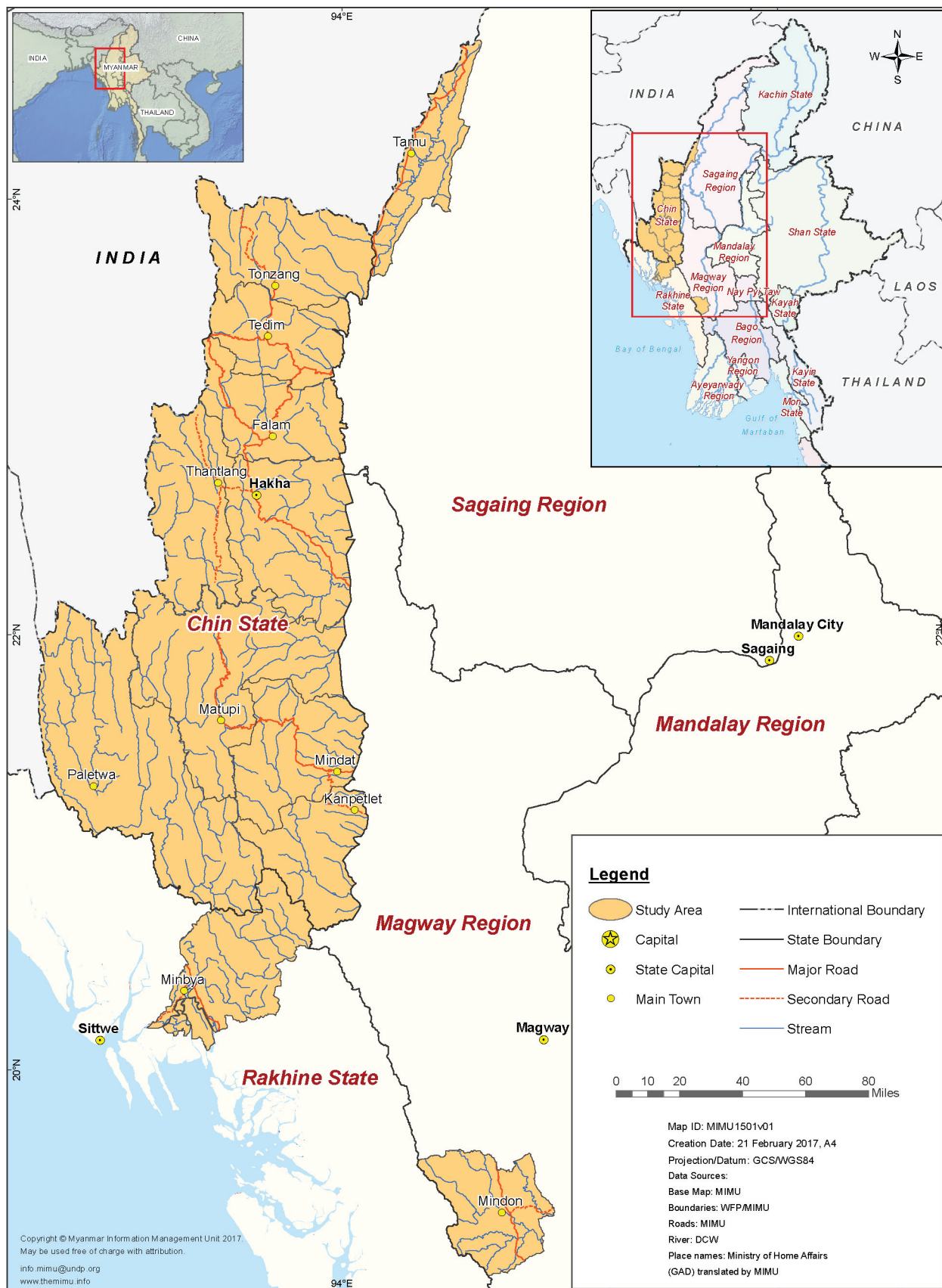
All study participants provided informed oral consent to participate in the study. Informed consent was given following the explanation of the researchers about the research purpose and method. Oral rather than written consent was sought in order to make the participants feel at ease during the interviews. The

participation in this study was voluntary. All participants were free to decide whether to take part or not in the study, and they can withdraw again at will, anytime. The principle of confidentiality was upheld for this study. Not identifying details were not recorded by the research team.

In order to capture the diverse practices among the Chin communities, the study covered a broad geographic area, including all nine townships in Chin State as well as one township each in Rakhine State, Sagaing Region and Magway Region. The researchers visited 12 towns and 20 villages where 147 in-depth interviews, 30 small group discussions and eight expert interviews were conducted. In order to keep the privacy of the respondents, names of the villages are not reported but only the townships.

Table (1) : Townships, State or Regions, Tribes and Religions

Sr.No	Township	State/ Region	Tribe	Religion
1	Tamu	Sagaing	Thado	Christian
2	Tonzang	Chin	Zo	Christian
3	Tedim	Chin	Sizang, Teizang	Christian
4	Falam	Chin	Hlawnceu, Zahau, Zanniat	Christian
5	Hakha	Chin	Lai, Senthang	Christian
6	Thantlang	Chin	Lai, Zophei	Christian
7	Matupi	Chin	Mara, Matu	Christian
8	Mindat	Chin	Mun, Kaang	Buddhist, Christian
9	Kanpetlet	Chin	Dai, Yindu, Uppu	Buddhist, Christian
10	Paletwa	Chin	Khumi, Khongso	Buddhist, Christian
11	Minbya	Rakhine	Laitu	Buddhist, Christian
12	Mindon	Magway	Asho	Animist, Buddhist, Christian



The guidelines given to the field researchers for choosing villages to study are: to include at least two different tribes per one township in Chin State and one in outside the Chin State, to include Buddhist village where there are Buddhists, the number of households should not be less than thirty, to consider about accessibility by road and the availability of local volunteers. The role of local volunteers becomes crucial when the researcher does not speak the local language and has not travelled in the area before. They help find a place to stay, introduce the researcher to local community, assist for finding persons to interview, arrange small group discussion and also act as translator if needed.

All the researchers were from different Chin tribes and they spoke at least one local language. Still language diversity posed difficulty for the team. For the interviews in the northern parts of Chin State, local languages were used. In the southern parts of Chin State, Rakhine and Sagaing, the researchers also had to use Burmese. At the beginning a few interviews were translated by the local volunteers but this was abandoned soon and in later parts, the researchers only interviewed the Burmese speakers³. Seven Chin languages, Asho, Dai, Falam (Laizo), Hakha, Tedim, Teizang and Zo were used for the interviews.

Interesting to learn about the influence of religion on the customary practices⁴, respondents from different religions were interviewed. 83% of the study respondents were Christians, 16%

³ Compared to the northern part of Chin State, in the southern parts, speaking Burmese is more common and the researchers could find enough Burmese speakers for the research. However, interviewing only the Burmese speakers became one of the limitations for this research.

⁴ The most visible difference is that the Protestants have come to replace *zu* (traditional fermented corn or millet liquor) with tea at engagement and other social events; The Catholics, Buddhists and Animists continue to use traditional *zu* in such occasions. Merit feasts are no longer conducted among the Christians, but are emerging again in different forms of celebrations, e.g. during Christmas, marriage, and *thlacamnaks*, where wealthy people spend money to host the feast and got recognition of their status by community.

Buddhist and 1% Animists⁵. Wanting to learn about the role of village administrations, in each village, at least one village administrator or a member of the administration committees was interviewed. In addition, nine expert interviews were conducted with judges and advocates (lawyers). Among them, three persons were non-Chins who were working in Chin State at the time of the interviews. Others were the Chins who have worked in the Chin State for a long time but already retired. Only one of them was a woman.

The total number of respondents amounts to 293 of which 57% were female and 43% male including all interviews and group discussions. 10% of the respondents were single, 80% married, 3% divorced and 7% widows. There was no widower among the respondents. The youngest respondent was 18 and the oldest is 89 years old. According to age groups, 18% of respondents were younger than 30, 68% were between 30 and 60, and 14% were older than 60 years. Generally, young people were more reluctant to participate in the interviews than elderly men who enjoyed talking about their custom. Regarding the education status of the respondents, 39% had completed primary level, 38% intermediate level, 21% were university graduates, and 2% held a master or doctorate degree.

⁵ The percentage may reflect but not the actual Christian, Buddhist and Animist ratio among the Chins.

1.3 Background

1.3.1 The Chin people in Myanmar

The Chin (also known as the Zo, Lai, or Kuki) are peoples of mountainous areas of northwestern Myanmar, northeastern India and eastern Bangladesh consist of heterogeneous groups. Many scholars state that “Chin” is not a Chin word but is Burmese⁶. Instead the people, rather call themselves Asho, K’cho (or Cho), Kuki, Khumi, Laimi, Zomi, and so on⁷. In Myanmar, the Chins have been living in Chin State and the adjacent areas of Rakhine State, Sagaing, Magway, Pegu and Ayeyarwady Regions. Today, people from Chin State migrate again to adjacent areas and bigger towns like Yangon and also to other countries.

G. H. Luce, Dr. Than Htun and some other historians assume that the Chin might have come to Myanmar from the mountainous regions between the north-eastern Tibet and the north-western part of China. According to Chin researcher Ro Sang, inside Myanmar, the earliest migration took place around the 4th century AD and the 8th century AD, in which they moved from upper Myanmar to the Chin Hills, and from there further south. This group included the Mro, Khami, Thet and Chakma who today, live in Rakhine State and the Chittagong Hill tracts. The second migration wave concerned those people who have lived in the plain areas around Mount Popa before the 11th century. The group included the Taungtha in the north, the Asho in the south, as well as the Laitu and Sumtu who have settled in Rakhine State today. The 3rd wave of migration occurred between the 14th to 16th centuries, and took place from the upper Chindwin valley to the northern parts of Chin State, possibly in response to the Shan and Burmese invasion. Some of the migrants even have reached to the north-western parts of India.⁸

⁶ Fraser & Fraser (2005).p.11.

⁷ The names mentioned are rather of bigger groups. As there are some smaller tribes that prefer to call themselves with the tribe’s name but not with the group’s name, there are too many to write them all.

⁸ Ro Sang (2015). pp. 77-78.

There are different reports concerned with the number of Chin tribes in Myanmar. According to the 1931 census, 43 Chin tribes were officially recognized. In the report, 'The Customary laws and practices of the Ethnic Groups (Chin)'⁹ published by the Burmese Socialist Programme Party (BSPP) in 1967, the number of 44 tribes is stated. The Department of International Affairs and Research of the Ministry of Defense reported that among the 135 ethnic races¹⁰ of Myanmar, the Chins made up 53¹¹. However, the 53 mentioned tribes do not constitute the ethnic races but rather the name of tribes. Interestingly, among the 53, six¹² of them are not the Chin tribes, three¹³ are not the name of tribes and three tribes¹⁴ are written twice with different names. On the other hand, some Chin tribes¹⁵ are missing in the list.¹⁶

F.K. Lehman categorized the Chin tribes into four main groups; 1) the northern tribes, who live in Tedim and Tonzang Townships and the upper part of Sagaing Region, 2) the central tribes, who live in Falam, Hakha and Thantlang Townships, 3) the southern tribes, who live in Matupi, Mindat, Kanpetlet and Paletwa Townships; and 4) the Asho, who live in the plain areas¹⁷. In his book "Zo History," Vumson, Zo (Chin) historian, grouped them into six: Asho, Laimi, Masho¹⁸, Mizo, Sho (Cho) and Zomi. The Chin National Action Committee on the Census of 2014, after conducting four seminars and six consultations with the Chins in different communities, reported the name of 51 tribes. And the Committee

⁹ တိုင်းရင်းသားယဉ်ကျေးမှု နှိုးရှာစလေ့ထုံးတမ်းများ(ချင်း)

¹⁰ တိုင်းရင်းသားလူမျိုးများ

¹¹ Col. Hla Min (2013); quoted in Ceu Bik Thawng (2011).

¹² Meithei, Naga, Tangkhul, Malin, Anun, and Lhinbu.

¹³ Saline, Mi-er and Laymyo.

¹⁴ Kalinkaw (Lushay) and Lushei (Lushay); Khaungsai Chin and Thado; Awa Khami and Wakim (Mro).

¹⁵ Hlawnceu, Sumtu, Larktu, Laisaw, Mayin, Lungpaw, Minkya (Thindai), and Bawm.

¹⁶ CNACC & GDI (2016). pp.22-32.

¹⁷ Lehman (1963).

¹⁸ Ro Sang thinks that Vumson seemed to follow the pronunciation of the Rakhines and wrote Masho, for 'Mro' who live in Rakhine State.

suggested categorizing the Chins into five groups; the Zomi, Laimi, Khumi, K'cho and Asho¹⁹.

The latest Myanmar Population and Housing Census of 2014 reports that the total population of Chin State is 478,801 and that of these, 249,197 (52.05%) are females. The report does not include the Chin population living outside of Chin State.²⁰ Salai Ceu Bik Thawng holds that the current population of the Chin people in Myanmar (outside Chin State) may be between five to six millions.²¹

1.3.2 Legal pluralism and the Chin women

Legal pluralism can be understood as the coexistence of a range of legal systems, norms, rules, institutions, laws and methods to resolve a legal matter or dispute at the same time.²²

The system was introduced by the British colonialists after annexing parts of the country which they named as Burma, through three wars in 1824-26, 1852-53, and 1885. Concerned with the Chins; the northern Arakan (Rakhine) Hill Tracts were annexed in 1826, the Pakokku Hill Tracts in 1889 and the Chin Hills in 1890 respectively. They did not conquer the Matupi area until 1920.²³ The British had learnt from previous experience that discords among local communities could be moderated if they did not interfere with local customs and religions.²⁴ They also brought in a large number of men from India and China.

The Burmese Law Act of 1898 was designed to meet these situations in which the “zones” of customary jurisdiction were applicable for cases relating to “succession, inheritance marriage or caste, or any religious usage or institution.” For cases not in

¹⁹ CNACC & GDI (2016). pp. 33-34.

²⁰ In “Political Situation of Myanmar and its Role in the Region”, a report published in 2003 by the Department of International Affairs and Research, Ministry of Defense, states that the population inside of Chin State is 467,031 and the population outside is 635,859, amounting to a total of 1,102,890 Chin [Ro Sang (2015). P. 130.]

²¹ Telephone interview by Mai Len Nei Cer on June 28, 2017, 8:40 pm.

²² Justice Base (2016).p.22.

²³ Ro Sang (2015).p.78.

²⁴ Gutter (2001); quoted in Justice Base (2016).p.27.

that list, courts were instructed under the Act to decide according to “justice, equity and good conscience. The Burmese Law Act, which is still in effect today, allows the Buddhist Law to govern for Buddhists, the Hindu Law for Hindus, and the Islamic Law for Muslims. The British also administered the ethnic minority regions separately from ‘Burma proper’, allowing a degree of local autonomy and the continuation of customary law and practices through regulations such as the Arakan Hill District Administration Laws Regulation, the Kachin Hill Tribes Regulation, and the Chin Hills Regulation²⁵.

Today, courts in Myanmar still enforce customary law in family matters, except for in situations specifically governed by statutory law. In keeping with the common law tradition, courts also have developed a system of case law precedents where the precepts of customary law and the statutory rules are interpreted. The previous case laws indicate that if the customary laws and the statutory laws contradict, the statutory law must prevail.²⁶ However, as the Law grants discretionary power to the judges, in practice, they can decide which law, customary or statute, and what precedents to apply for a certain case²⁷.

There was a controversy on the term “Burmese *Buddhist* Law”. Many prominent Burmese scholars contested the term arguing that the legal provisions contained in the law are not derived from Buddhism, but rather from daily practices of the people. Thus, from 1969, the name was changed to “Myanmar Customary Law²⁸” after the Supreme Court’s decision. Researchers like Andrew Huxley state that the Buddhist Law is neither a selective body of law based on the Buddhist religious text, nor is it “customary” in the sense of

²⁵ Crouch (2014); quoted in Justice Base (2016).p.27.

²⁶ U Mya Sein (2014).p.13.

²⁷ Member of the Yangon Regional Parliament; quoted in Justice Base (2016).p.40.

²⁸ (မြန်မာဓလေ့ထုံးတမ်းဥပဒေ). The Burmese scholars have raised their voice to change “Buddhist Law” to Myanmar *Customary* Law. However, they did not question its fairness for enforcing the customary law of the Burmese (ethnic majority) on the Buddhists among the ethnic minorities.

being a collection of customs passed down over time²⁹. For Melissa Crouch, this law is a construction of principles that apply to lay Buddhists and regulate matters of marriage, inheritance, and divorce. Also it is an area of law that is not codified, although it has been modified by legislation in relation to adoption, inter-religious marriage, women's inheritance, and divorce, particularly in two new laws passed in 2015, The Monogamy Law and Myanmar Buddhist Women's Special Marriage Act³⁰. Crouch continues to use the term the "Buddhist Law" in her writings to indicate that it is an area of law specifically applicable for lay Buddhists³¹.

Since the colonial period, the Buddhist Law is not only applicable to Burmese Buddhists but also to other ethnic groups who professed Buddhism, and the burden is on them to prove that the law is not applicable to them³². The burden of prove includes that the customary law of the other ethnic group has to have a force of law in Myanmar, is contradicting Myanmar Customary law, and that it is fair.³³ During the colonial period, there was a conflict which law should be applied in cases of marriage between a Burmese Buddhist woman with a man from a different ethnic group or religion. The Burmese male legal practitioners argued that the vulnerable women needed to be protected and as a result, the Buddhist Women's Marriage and Inheritance Law was passed in 1939, to be later updated in 1954, and again amended in 2015 to become the Myanmar Buddhist Women's Special Marriage Act. According to this law, a marriage between a Buddhist woman and a non-Buddhist man needs to be registered, and will be governed by Myanmar Customary law for all matters related to property, guardianship, and divorce.

How does this plural legal system affect the lives of Chin women? This question needs to be answered with a view to the

²⁹ Huxley (1988-89), p. 24, Quoted in Crouch 2016.

³⁰ Crouch refers to it as 'Buddhist Women Special Marriage Law'.

³¹ Crouch (2016).p.86.

³² 1894 UBR 608; 1 Rang. 343; quoted in Maung Maung (1963).p.64.

³³ U Mya Sein (2014).pp. 25-26.

specific location where the women live, i.e. inside or outside of Chin State, and what religion they professed, i.e. Animism, Buddhism or Christianity. If they are Animists it seems, no matter where they live, they would have to deal Chin Customary Law. However the Buddhists would have to deal with “Myanmar Customary laws” and other special laws such as, “Myanmar Buddhist Women’s Special Marriage Act” and “Monogamy Law” regardless of where they live. The Christians, who live in Chin State, would be governed under the Chin Act, while those who live outside of Chin State (but still inside of Myanmar) might be free from its grasp. And in principle, as Christians, they may utilize the Christian Marriage act of 1872³⁴, as well as the Divorce Act of 1869 and the Succession Act of 1923³⁵.

The Succession Act is relatively more generous to widows and daughters of the deceased men compared to Chin customary laws. However, the respondents of this study did not mention the Christian laws except for lawyers and judges who stated that the Chin Christians have the right to leave a will. The Divorce Act of 1869 allows the Christian women to annul the marriage or file for divorce. Today, most of the Chin Christians marry in the Church and are given an official marriage certificate signed by the groom, the bride, their witnesses and the pastor. However, when ‘parcel marriages³⁶’ became popular in the 2000s, and only when women had to join their husbands abroad, many learnt that most of their pastors did not have the state license to conduct marriages according to the Christian Marriage Act of 1872. Currently, there are only very few elderly pastors who have the official license by the government.

Under the plural legalism of Myanmar, the statutory laws grant women more rights than the customary laws but there are many barriers for women to access the formal legal system. However,

³⁴ Was amended in 2017.

³⁵ Khin Win Myint (2015).

³⁶ Marriage union between the Chin men who migrate abroad permanently and the Chin women who are still living in Myanmar: read more under Chapter two, under same sub-topic.

even if they go to the government court, in Chin State, they still might have to face the customary law. And mostly, women have access only to the informal legal system, which is constituted by the customary laws of their community in which they have no voice but where men are the decision makers.

1.3.3 Codification of customary laws and the Chin Special Division Act

The origin of the customary law is based on habits that grow into customs. A norm becomes a law when the community members respect and adhere to it as integral to their heritage, to regulate their behavior. It maintains social order and stabilizes the society. Therefore, customary law can be defined as a set of rules that attain the force of law because a society observes them continuously and uniformly for a long time. It provides rules, enforcement procedures and punishment of violations³⁷. In addition, compared to formal legal system, customary justice systems are noted for their flexibility and negotiability. They do not aim to resolve disputes through adjudication, deciding who wins and loses; but through mediation, seeking to facilitate a settlement that is acceptable to the parties.³⁸

There are multiple versions of customary law. **Codified customary law** refers to legislation codifying the customary law of a certain jurisdiction. **Judicial customary law** refers to the norms developed by judges when applying customary norms in courts and as laid down in a national law reports. **Textbook customary law** refers to authoritative texts written by state administrators or anthropologists, often used by state courts or administrators when trying to ascertain appropriate customary norms. **Living customary law** refers to the norms that govern daily life in the community³⁹.

³⁷ Singh (1993).p.17; quoted in Fernandes, Pereira, Khatso (2007).p.24. U Mya Sein, prominent Burmese lawyer author also give similar definition about customary law in his book "Myanmar Customary Law."

³⁸ Ubink (2011).p.11.

³⁹ Ibid.p.10.

Across the world, the customary laws are codified for different aims. There also was an attempt to codify Burmese Customary Law which has failed⁴⁰. The Mizo, the Chins in India, have codified their customary laws as “The Mizo Marriage, Divorce and Inheritance of Property Act, 2014.” The Chins in Myanmar attempted too, and inheritance was codified as attachment to Section 15(A) of the Chin Act, in 1957.

An effort to have a common codified Chin Customary Law seemed to be able to survive the socialist era⁴¹, submerged under the direct military rule but resurfaced again after the 2010 general election. The first Chin State Hluttaw (Parliament) has formed a committee to review the Chin Special Revision Act and the committee submitted a report⁴² on their finding to the Hluttaw. Based on the report, the Hluttaw produce two drafts, the first for amending attachment to section 15(A) concerned with inheritance; and the second is a new one, concerned with marriage and divorce. Both were forwarded to the Pyidaungsu Hluttaw (Union Parliament) just before the end of the first parliamentary term. If they could become law, its influence would be extended again to outside of Chin State.

Besides actions taken by the Chin State Hluttaw, the Chin World Journal reported in December 2015 about the formation of a committee in Kalaymyo of Sagaing Region by retired Chin advocates and judges in order inquire the situation for drafting customary laws which could be applied to the Chins living outside of the Chin State. The article of Pu Lian Uk⁴³ “The Need to Compile a Common Chin Customary Law” dated July 12, 2014 also appeared on the online page of Chin Forum.

⁴⁰ Maung Maung (1963).pp.68-69.

⁴¹ One male respondent, a member of the Chin State Parliament from Thantlang; According to him, there was a state level discussion to amend the Chin Act during the Socialist era.

⁴² Dated February 7, 2014.

⁴³ A former political prisoner in the 1970s, elected as Member of Parliament in 1990, now lives in the States.

What are the motives for having a common codified Customary Law of the Chins? In his article, Pu Lian Uk gives two reasons: the first is to ease legal procedures, especially in civil lawsuits. Being unwritten but existing only in human memory creates uncertainty when cases related to the customary law are contested in the statutory courts. The written form would be more reliable. His view is shared by some other lawyers interviewed for this study. The second aim is to keep the Chin identity alive. Today, being a member of a minor ethnic group, many Chins feel that their existence is threatened and are fearful to be swallowed by the majority group, the Burmese. Dr. Walter Fernandes, who has done research among tribal groups, including the Chin tribes, in north eastern part of India also noted a similar situation there. The groups perceive that there is an effort of another culture being imposed on them and they respond by trying to re-assert their identity through going back to their customary law. While going back, they reinterpret the custom only from a male perspective⁴⁴. The discussions on amending the Chin Act⁴⁵ and the drafts of Chin State Hluttaw reflect a similar trend among the Chin in Myanmar.

The codification of customary laws may have positive aspects but there also are challenges. The first is; according to Ubink, when a customary law among diverse groups is codified, it would be almost impossible to record all different laws and difficult to harmonize and codify them into a single customary law. The process would entail the exclusion of many observed customary laws. As a result, the codification would face problems of credibility and acceptability, and might be ignored by many as not reflecting their own practices. Ubink warned that this has happened in Tanzania in the 1960s⁴⁶. The codification of the common Chin Customary Law might also meet similar situation because of diverse practices

⁴⁴ Fernandes, Pereira, Khatso (2007).p.24.

⁴⁵ In the meetings, the voice of those who were against daughters' right to inherit and those who favour for continuing polygamy were stronger than the voice of moderate representatives who can accept changes (interview with two male respondents).

⁴⁶ Ubink (2011).p.133.

among the Chin tribes. The 81 years old retired civil servant, a respondent of this study recalled his memories back during parliamentary democracy era when Chin Special Division Act was amended, about problem caused by different tribes wanting their practices to be included, which was almost impossible. The two male respondents who have attended the meetings of the Chin Act Review Committee also shared about disagreements between representatives from different parts of Chin State, based on their local practices, on issues of polygamy and women's inheritance right.

Another challenge is related to the nature of customary law. Customary law is in a fluid state, and changing continuously. Therefore codifying it would mean hindering its future developments. Although a code can be kept up to date by amendment, legislative processes often face long delay⁴⁷. This is true to the effort of amending the Chin Special Division Act. The inheritance was codified in 1957 and its contents do not reflect the present situation anymore as though few cases, some fathers have let their daughters inherited already. However, an attempt of the first Chin State Hluttaw for amending the Chin Act has been stalled after 2015 and there is no further improvement till the time of this report.

⁴⁷ Ibid.p.134. Fernandes also reported about the combine attempt of the Christian denominations in India for amending The Christian Marriage Act. They have started in 1990 and the draft was presented to Central Government in 1992, but only was amended in 2001. [Fernandes, Pereira,Khatso (2007).p.49.] Similar attempt can be found in Myanmar and the Christian Marriage Act was amended in 2017, but there were only small changes. The Buddhist Women's Marriage and Inheritance Law that was passed in 1939, updated in 1954, and again amended in 2015 to become the Myanmar Buddhist Women's Special Marriage Act, would be an exceptional case.



2. Marriage

2.1 Proposal and wedding

Key findings

- Men initiate marriage by proposing. If the proposal is accepted, a date would be set to meet again to discuss the bride price and the wedding details.
- Women are hardly sent for proposing to a bride. Only a few women can join the meeting to discuss bride price and wedding. Decisions makers are mainly men.
- Traditionally, the groom's family pays the bride price and, in turn, the bride's family hosts the wedding ceremony. Nowadays, if the bride price is not requested, the groom's family pays all the cost of the wedding. Some families also share the wedding expenses.
- Some traditions are retained, but Western and Burmese influence can be seen in wedding ceremonies.
- The costs of weddings are becoming increasingly expensive, while the amount of the bride price is decreasing.

In the study communities, marriages are proposed in a formal procedure. A man's family would send a relative or a trusted friend who is well versed in the custom to propose to a woman. Except for the Zahau of Falam and the Hakha, women are hardly entrusted with this task. In some communities, parents themselves propose but mostly, male relatives are sent to broach the matter.

If the proposal is accepted, a date is set and the relatives from both families would meet again to discuss the bride price and the wedding details. Neither the bride nor the groom are

present during these meetings. Traditionally, mothers and paternal aunts who are to demand the bride prices can join the meeting⁴⁸. However, the bride price (what they would demand) is the only matter they may discuss; otherwise, they are expected to sit silently. Women's presence in the meetings is increasing today but their role remains to listen to men's discussion or to prepare tea for the guests. The decision making is still the sole domain of men⁴⁹.

A few exceptional, strong women who dare to speak up and enjoy a certain influence in decision making can also be found.

"My son married in 2004. His wife is from another village and we have different practices. When we proposed to her, her family demanded from us to pay for the cost of wedding feast which had to be conducted at their house. Since they wanted to have a big wedding, the cost was high. But in our village, we never demand such a high price. So I explained to them about our practice, that we also would like to make another feast at our village and why we wouldn't be able to pay all of their demands. I spoke and laughed, as if making a joke but I meant it seriously at the same time. If they didn't reduce their demand, the young lovers would have to be separated. They discussed it and the mother said 'Young lovers should not be separated just because of the bride price and the wedding costs.' So they reduced their demand and the wedding went alright. But I was informed that the bride's pu (the bride's maternal grandfather or uncle) was not pleased."

(71 years old widow, Falam Township)

Zu, the traditional fermented corn or millet liquor plays an important part in the engagement process, the wedding and other social events of the Chin. But as the protestant churches have

⁴⁸ In most of the Chin communities, mothers can demand bride price separately and called *nu-man*. But only some tribes of the Laimi have the practice of paternal aunt (*ni*) asking price and is called *ni-man*.

⁴⁹ Some male respondent argued that even though women may not present in the meeting, they can play behind the scene by influencing their husbands. Some blame greedy mothers for high price of their daughters.

banned the consumption of *zu*, many Chin Christians replace it with tea. However, the Catholics, the Buddhists and the Animists continue to use it. Independent of their religious affiliation, the Chin continue to regard slaughtering animals, such as pigs, cows, buffalos and mithans, as a highly valued practice at marriage.

In many Christian communities, traditional ceremonies have been largely replaced by church weddings where the wed couple exchanges rings and signs a contract with witnesses in the presence of a pastor. The Burmese influence can be seen as guests now bring wedding gifts, and refer to them with the Burmese term *let-pwe*⁵⁰. While retaining some traditions, the Chins combine them with Western and Burmese-style ceremonies. The below quote is an observation of an elderly male *auntaman*⁵¹ on the current change of practice.

“In the past, when a woman married, she was accompanied by her friends to the groom’s house after dark. They killed a chicken and the groom would smear his bride’s forehead with its blood and then declared that she had become his wife. Her friends would stay the night with her... The current practice is completely different. It has nothing to do with Matu custom. Now, they wear western gowns. They kill many animals - pigs or mithans and they accept wedding gifts as if they were doing this for profit. It has changed so much.”

(64 year-old man, Matupi Township)

In the past, weddings were very simple but now they have become bigger and more expensive. In larger villages, the costs are expensive because often, all households including all family members are invited to join the wedding feast. Traditionally, the groom’s family had to pay the bride price and the bride’s family hosted the wedding feast. But today, if bride price is not demanded, the groom’s family pays all the costs of the wedding. Some families also share the expenses.

⁵⁰ လက်ဖွဲ့

⁵¹ A person who has a wide knowledge of the customary laws and acts as a mediator in the local disputes.

“Recently, a relative of mine married and the total costs of their wedding, bride price plus wedding feast was around 60 or 70 lakh. Here, the wedding feasts are always with meals and you have to invite all the villagers. Money which should be spent for building a new family was wasted for bride price and feast.”

(40 year-old man, Matupi Township)

Some young people express their frustration with the community’s appetite for big and expensive wedding feasts. Many avoid formal ceremonies all together, choosing to elope in order to escape the high cost. In some communities, elopement is more common than formal proposal and weddings.

“With my friends, we sometimes discuss about this. Why do parents ask such high prices and ask for big weddings when their daughters are formally proposed to? But they ask lesser amounts after eloping. I think they should better ask higher bride prices to those who eloped as a penalty. If they demand lower prices when proposed, the elopement cases would be reduced and more young people might marry in Church”.

(26 years old single man, Thantlang Township)

Recognizing the negative impacts of expensive ceremonies and high bride price, the church leaders in Thantlang, Hakha and Paletwa have encouraged their church members to arrange smaller celebrations and lower bride price. However, so far success has been limited.

“I have been living in this town for more than thirty years. Just after I moved here, there was a church meeting where the elders discussed about bride price and wedding costs. The church discouraged spending a lot for weddings. It was decided that the costs of the wedding feast should not exceed 50,000 MMK. Of course, at that time had the amount much more value than nowadays. Since the year 2000, there was

an increase of money inflow from migrant workers sending remittances from abroad. After that, big weddings became popular again and the church lost its control over the matter”.

(68 years old deacon, Thantlang Township)

In Hakha Township, one village assembly banned the slaughtering of animals before weddings⁵² in order to reduce the wedding costs. Another village assembly decided to reduce the number of different types of the bride prices, only leaving *phunthawh* and *pu-man*.

What legalizes marriage and divorce under Chin customary law?

The respondents were asked what have legalized the marriage and divorces under their customary laws and according to them; generally, the bride price and wedding feast, whether small or big, legalize the marriage among the different Chin tribes. In addition, in Hakha and Thantlang Townships, payment of *phunthawh* and *ar-sa-that* are frequently mentioned. In Mindat Township, the ceremony ‘*ai-mu-guk*’, the husband’s family brings some cocks to the parent’s house of the bride’s parent’s house is mentioned too. Among the Khumi, giving spears legalizes the marriage while returning it, signifies the divorce. In Hakha Township, the old custom is, if a man puts some of his wife’s household utensils and material in a bamboo basket and says the words ‘I divorce (*maak*) you’, she cannot refuse but has to leave. Commonly, if a woman initiates divorce, it can be legalized with the return of bride price by her father and relatives, to the husband, his parents or relatives. In Mindat and Kanpetlet Townships, divorce is legalized when a man pays the divorce fee (*pian-aan-kye*) to her parents.

⁵² It is common to slaughter animals for weddings, to serve meals to guests who have to travel from other villages in advance. Since many villagers feel obliged to do this, it often results in a burden for those who cannot afford to slaughter animals.

“My cousin was proposed to marry recently and I found this very interesting. So I asked my uncle if I could join the proposal meeting. ‘Of course, you can’, he said, ‘but you must not interfere’. I promised to remain silent and was allowed to join. A few female relatives of the bride were also at the meeting but they didn’t speak. They just sat silently and listened. Just before they made decision, all of the bride’s male relatives went outside to discuss and all the female relatives were left inside the room. After taking some time, the men came into the room and announced their decision.”

(25 years old graduated, single woman,
Hakha Township)

“Once, after returning home from the meeting, my father told me that the church leaders decided not to ask bride prices for their daughters anymore because this practice is similar with selling your daughters. When I think about it, it’s true, it’s really true. At the time I married, my father had already passed away. My brother planned to ask the bride price for me but I told him that he should not ask as my father intended not to ask for me. If he was going to ask, I told him, I wouldn’t marry anymore.”

(48 years old woman, Paletwa Township)

2.2 Bride prices

Key findings

- Bride price practice is common among all the studied Chin tribes. While some only have one type of price, the other tribes have a major and other smaller minor prices.
- In the past, bride prices were paid *in naturam*, i.e. with animals - pigs, cows, buffalos, mithan and traditional/ cultural objects like gongs, pots, or spears. Today, money has become more common as a currency of payment, and bride prices vary from a symbolic token of payment of about five thousand MMK to one hundred thousand MMK.
- If high prices are asked, it is common to pay in installments. Often, it takes some years for a couple to pay their bride price debt.
- The receivers of the bride price have to return something, either slaughter animals or return other gifts. Among the tribes in Mindat and Kanpetlet Townships, the return gifts should not be less than half the amount of the bride price.
- After the marriage, the bride moves in to live with her husband's family and becomes a member of his family/ clan. Their children also become members of their father's clan.
- The practice of bride price creates a sense of ownership of the payers, husband and his family.
- Research participants (both male and female) who have gone through financial hardship because of the obligation to pay a high bride price and those who perceive this practice as selling their daughters wanted to end this practice.
- On the other hand, participants (both male and female) who believe the bride price adds to the bride's and her family's dignity and prestige are in favor of continuing the practice.

- In general, women respondents, regardless of their age, tend to speak more about the negative impacts of bride price practice and strongly against it. On the other hand, more men, regardless of their age, tend to view this as a good custom the Chins should continue to practice.
- However, despite the decline of the practice, many would like to continue the practice in a moderate way in order to keep the Chin custom and identity alive.

The bride price practice is common among the Chin tribes but the details of practices are different across the communities. Some tribes only have one type, while the others have several types, such as a major bride price (*man-pi*)⁵³ and other minor bride prices (*man-te*). The major bride price can be demanded by the bride's father or brother (the father's heir). Minor prices can be demanded by the bride's maternal grandfather or uncles (*pu-man*), by mothers (*nu-man*), brothers (*ta-man*), by the one who gave a name to the bride (*min-man*), and other relatives.

With the exception of a few communities, the price is not negotiable and those who negotiate are look down. Instead, if high price is asked, about half is paid on the wedding day and the rest can be paid in installments later. If a man is unable to pay the bride price debt in his life time, the debt will be handed down to the next generation. His son (heir) has an obligation to continue to pay. This kind of owing high bride price was mentioned mostly in Hakha, Tamu, Mindat, Kanpetlet and Matupi⁵⁴ Townships especially when they explained about the past practice. While older

⁵³ '*Pi*' literally means 'big'. W. R. Head translated '*man-pi*' as 'big price'. '*Te*' means small. These terms are used by some Laimi tribes.

⁵⁴ In Matupi Township, we study two tribes, Matu and Mara. The Matu are the only tribe of this study that didn't have bride price and even if some practice today, the price is not high. On the other hand, the Mara have been closely linked to the Hakha ruling clan and their practice were closer to the Hakhas. Asking higher price for women belong to the ruling clan (*phun-u*) has been almost disappeared in Hakha but is still mentioned among the Mara.

respondents shared more about their own experience of hardship caused by the owed high bride price, it becomes less among the younger ones.

Case Study (1): High bride price

"My father asked a lot when I got married. Since my husband didn't come from a rich family, I requested my father in advance not to ask too much. But he didn't listen to me. He just said, "It's my duty to ask." He put me in a very difficult situation. The first three years of my marriage, all of our earnings went for paying the bride price to my father. Life was so hard.

Moreover, we had to live with my husband's parents and his mother always complained about my high bride price. I was from another village and belonged to another tribe. My mother-in-law said she wished her son had married a woman from one of those tribes that did not demand such high bride prices. Then they wouldn't have to pay that much and would not have to go through such financial hardship. I was so saddened by her words.

Luckily, my husband never complains. He understands my situation. He once told me: "Don't be upset. It's not me who says these words. Before we married, I warned you that my mother likes to complain a lot. Don't listen to her." My husband encourages me like this. That's why I can keep going. My father asked a lot for me because he had paid a lot for my mother when he married her. He just continues the tradition. As for me, I worry that if we completely abandon the practice, women won't have relatives who would help them in difficult times.⁵⁵ On the other hand, asking too much puts the couples in a very difficult situation. So I think it might be good if we continue, but don't ask too much."

(35 years old married woman, Matupi Township)

⁵⁵ In her community, person who has received bride price for a woman is responsible to help her in difficult times.

2.2.1 Marriage, bride price and clan system

The bride price practice is closely related to the clan system. In Hakha and Thantlang Townships, the major bride price is called ‘*phun-thawh*.’ ‘*Phun*’ means clan and ‘*thawh*’ means pay. Only after a man pays *phun-thawh* for his wife, she will leave her father’s clan and become his clan member⁵⁶, and so do her children with him. If a man did not pay *phun-thawh*, he cannot claim their children as his. If a man paid *phun-thawh* for a child who is born out of a wed-lock, the child would belong to his clan⁵⁷. Among some Zomi tribes, the husband pays the bride price only after his wife bears a son. Only after that, a woman is considered to become a full member of her husband’s family/clan.

After paying a bride price at marriage, it is common among the Chins to regard a married woman is no longer belong to a family where she was born, but to her husband’s family or clan. To mark this, the Thado celebrate *hla-na*, a farewell ceremony for the bride just before she leaves her father’s house to join her husband’s. A pig is slaughtered for the occasion and her father or brother offer her its liver to eat, and express words of farewell:

“Yes, they make hla-na since she’s leaving permanently. They slaughter a pig, offer zu, and give their blessings to the bride. Her parents will tell her, from now on, you no longer will be our daughter but belong to your husband’s family. Some family members cry. After that, whether good or bad happens to her, it’s nothing to do with her parents anymore. She belongs to her husband. Suppose if she commits adultery, and her husband gets so furious and kills her, her parents cannot do anything. This is still true today.”

(24 years old male University student,
Tamu Township)

⁵⁶ In some communities, respondents said that it is not a woman herself but only her children who would join their father’s clan. However the impacts of bride price on married women is similar across all the study communities.

⁵⁷ Nikio(2013).pp.17-19.

On the other hand, the Asho and Laitu perform a 'clan inclusion ceremony'⁵⁸ as soon as the bride arrives to her husband's house. If a woman is divorced and goes back to her parents, another clan inclusion ceremony must perform to mark her returning to her father's clan. In Asho communities, some Christians have stopped practicing the clan inclusion ceremony but some continue it by replacing *zu* with tea or juice, and instead of a *pa-san-saya*⁵⁹, the worship service is led by a pastor.

Even if it is not called a 'clan inclusion ceremony,' similar practices can be found among other tribes. The concept that a married woman belongs to her husband's family/clan exists among all the tribes though its consequences are more severe in certain communities. In Matupi, Mindat and Tamu Townships, the female respondents complained about husbands or parents-in-laws restricting the lives of married women, e.g. by confining them to do the house works but refusing to let them visit their parents and friends.⁶⁰ However, when a woman divorces and becomes widow, she has to return to her father's clan.

"In former times, when a bride came to her husband's house, they would slaughter a chicken to include her in the husband's clan. If her husband died first, his relatives have to slaughter a pig at her father's house and have a meal together (nu-haine). This signifies she no longer belongs to her late husband's but again to her father's clan. Only after that, she will be free to remarry. Her late husband's relatives can object if a widow marries before nua-haine is performed for her."

(62 years old man, Tonzang Township)

⁵⁸ *Myo-yoe-twin-pwe* (မျိုးရိုးသွင်းပွဲ). A ceremony at which a married women is accepted as her husband's clan.

⁵⁹ (ပဆန်းဆရာ) A male person who leads the prayer among the Animists communities.

⁶⁰ This is illustrated in case study 2.

2.2.2 Bride price practice: An exchange between the two families/clans

The practice of the bride price may look as if a man pays for his wife. But in reality, the receivers of the bride price have to return gifts for what they have received. Traditionally, the groom's family pays the bride price and the bride's family slaughters animals and hosts the wedding feast. In some communities, for the feast, the bride's family would slaughter a pig and the groom's family would bring chickens. While the bride's relatives were only allowed to eat chickens, the groom's relatives only could eat pork. In Laitu and Asho communities, the groom's family would bring gifts, such as swords, spears etc. for the bride's relatives. In return, the bride's family would give clothes and other gifts to the groom's relatives. Among the Zanniat of Falam, a woman would bring gifts, such as cooked eggs, glutinous rice when she comes to her husband's house. As the amount of her gifts depended on the amount of her bride price. In the past, if the bride's family didn't have materials to return, they wouldn't ask high price.

Traditionally, the Matu did not have a bride price. Instead a bride's family initiated the exchange by giving her some traditional dresses to take for the groom and his family. In return, her husband's family would slaughter chickens for her family and relatives. The number of chicken slaughtered would depend on amount of gifts she brought to her husband's family. If she brings many gifts, a mithan might be returned. If they divorce again before her husband's family slaughter the chicken, she can take back the gifts she brought but after the ceremony of killing the chicken, she cannot take them back. In Matu custom, a man does not have to pay bride price for his wife but he has a life-long obligation to send chicken to his in-laws every year, during their whole life.

The highest exchange can be found in Kanpetlet and Mindat townships. In this region, a man might has to pay one mithan each for the bride's father, mother and brothers. If the bride has many brothers, sometimes, he might need to pay 8 to 12 mithans. However, the bride's family would return at least half of the price they have received. If the groom's relatives help him to pay the bride price, they have the right to claim the return gifts, too. In all

the research areas, the brides' families often complained that even though they were regarded as receiver of bride price, who economically profit from the marriage; in reality, after preparing wedding gifts for the bride (for herself and the groom's relatives), giving the return gifts, and hosting the wedding feast, there is not much left. Instead, some families have to spent more than what they have received, amount of the bride price. However, strangely, people still regard the groom's family as the principle payer at marriage.

2.2.3 Different views on bride price practice

For the American Baptist missionaries and the British, the bride price was meant to compensate the bride's father for his loss of a servant or worker from his family⁶¹. However, the respondents of this study did not share this view. Instead, the research team learned that there are two main different views and respectively different practices stemming from them.

Some respondents believe that a high bride price makes a woman more valuable, brings prestige to her parents and protects her from potential abuse by her husband, who would respect her less if he had gotten her 'for free'. When the Women Department of Chin Baptist Convention proposed a declaration stating that the bride price practice discriminates against women, some women opposed the move, arguing that a high bride price gave women value and prestige.⁶²

"In our community, when a bride price is not demanded, people disdainfully say: "She has no price!" So it seems a woman without a bride price has no value, no dignity."

(46 year-old graduated married woman,
Kanpetlet Township)

⁶¹ Carey and Tuck (1896); Johnson (1988).

⁶² Informal conversation with a former secretary of the Women Department of the Chin Baptist Convention at Falam in 2015.

On the other hand, for some people, asking a bride price is similar to selling their daughters. The terms used for a bride price vary across different Chin languages, but the words mean 'price' as in selling and buying. In some communities, the words 'sell' and 'buy' are even used instead of 'marry' when they speak about marriage. The Christians who view the bride price practice as selling of daughters and those who have faced financial difficulty because of high bride prices, would like to end this practice.

"We had to go through a very difficult time because I had to pay 12 mithans for my wife. So, when my two daughters married, I told them: 'I won't ask bride prices for you because I know you are going to have a hard life like ours if I asked that for you.' Of course, I could ask a lot if I wanted to. But I didn't. Instead, I told them: 'When your turn comes, you must do as what I did for you. Do not ask bride price for your daughters.'"

(64 years old married, Buddhist man, Mindat Township)

2.2.4 Impacts of the bride price on the lives of women

Many of the study participants criticized that a high bride price puts families under financial strain, as both, husband and wife, have to work harder for years to repay their bride price debts.

"Normally, parents pay bride prices for their sons. But when we got married, my husband's parents had already passed away. So, we had to pay on our own. We worked hard, raised pigs and chickens and saved money. And all of them were used for paying our bride price debt. It made our life so difficult. So I think this is not a good practice. If I have a daughter, I won't demand a bride price for her. It took us four years to repay my bride prices."

(56 year-old woman, Hakha Township)

After paying bride prices for their wives, many husbands get a sense of ownership over their wives. It is often used as a justification for undermining women's rights in marriage, divorce

and inheritance. Some male respondents say that men value women more after they have paid a high bride price. On the other hand, many study participants complained about husbands and parent-in-laws using the bride price to justify claims over women's labour as well as to legitimize their authority.

"Think about what you own. You don't regard things you get for free, but highly value those for which you pay high prices. It's the same. Men value and treasure women for whom they have paid high prices".

(64 years old man, Falam Township)

"I have heard some couples quarrel... A husband said to his wife: 'I have paid that much for you. So you have to work hard!'"

(35 year-old woman, Paletwa Township)

Some male respondents praise the bride price for few divorce cases in Chin communities. However, it is done so by putting many barriers for women to divorce. If a woman initiates divorce, her parents and relatives have to return the bride price they have received. If they cannot or are not willing to repay, she cannot divorce her husband. In some communities, they don't have to return if she already gave birth to a child or children. However, her husband will receive the custody over their children.

"When I was young, my cousin was forced to get married against her will. They lived in our neighbourhood. As she couldn't love her husband, they had problems every night. My father often had to go to their house and talk to her around 10 or 11 pm. She wanted a divorce, but her parents said they wouldn't be able to return the bride price. So she had to endure. After bearing five children, she still couldn't love her husband and ran away to Phakant, leaving all the children behind."

(57 year-old widow, Hakha Township)

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According to some respondents, there also are positive aspects of the bride price. As in case study (2) below, the bride price can function as a safety net for a woman, as the relatives who receive her price have an obligation to take care of her in difficult time⁶³. Some think that this practice refrains men from taking another wife as the husband would again have to pay bride price. If he can't afford to pay, he can't take another wife. In Hakha, Thantlang and Tamu Townships, some respondents reported that parents could use high bride price as protection of women from abuse at the hands of their husbands.

"Among us, the Zophei, though the bride price is high, a man does not have to pay all. He pays about half at the wedding day and the rest, he could pay later. If the marriage goes well, he might not have to pay the rest. However, if he gets drunk and beats his wife, and she gets upset and goes back to her parents, and then if he would like to bring back his wife, his parents-in-law would ask him to pay all the owed bride price as a punishment. So men have to be very careful and treat their wives nicely if they owe a bride price."

(57 year-old man, Thantlang Township)

Case study (2): Impact of high bride price on the life of a married woman

"I married in 1983. My uncle received a bride price for me. According to our custom, those who have received your bride price have an obligation to take care of you if something happens to you. So it is like my parents arranged a supporting network for me by letting my uncles demand a bride price for me. It does not matter how much they receive but what matters is being a receiver of a bride price. Even if they get a small amount, they still have the responsibility to look after

⁶³ But a woman leader from the same village thinks that this practice has caused of dependent mindset among women who would like to rely on male relatives instead of trying to stand on their own.

you. It doesn't mean other relatives won't support you, but the receivers of the bride price have a special responsibility. So it seems this practice is not bad.

However, there is a negative side and I have suffered because of it. After I married, I moved in with my husband's family. They forbid me to visit my parents. Sometimes I missed having meals with my parents so much and I sneaked out. Every time I ate at my parents, my father-in-law told me: 'We bought you with pots and gongs already! You shouldn't go to that house anymore!' I was really hurt when they said this to me and often cried. Although my husband is an educated man, he never sympathizes with me but always remains on the side of his parents. His father was an elderly man who was strictly attached to the tradition.

One day, I went to the farm, which was about four miles from our village. On my way back, I was very hungry. Since my parents' house was on the way, I thought I could quickly eat there, and my in-laws wouldn't have to know. So I went in to have a quick meal. I didn't dare to stay long, but my husband knew it straight away. I met him on the way back to their house and he scolded me. I had to apologize. As I entered their house, my father-in-law scolded me again.

After living with my in-laws for a year, my husband was transferred to another village and I went to live with him. There, our first son was born. With no midwife and female relatives to help me, I requested my husband to let me go back to my mother to have the baby. My mother was old and she couldn't travel anymore. My husband refused. Because nobody knew in the village how to take care of a newborn baby, a lot of blood came out from his belly button and he caught a bad disease. He cried day and night because of the pain and after three and half years, he died. Then, I gave birth to my second child, and that time I lost a lot of blood. Since there was no one to help me wash my blood-stained clothes, I had to wash them myself just days after giving

birth. I got an infection and a horrible disease which I suffer from until today. I always blame my husband for this.”
(52 years old married woman, Matupi Township)

2.2.5 The Church and the bride price practice

Rev. Herbert Cope, the American Baptist missionary in the Chin Hills (1908-1938), wrote about different opinions among the newly converted Siyin Christians on the issue of the bride price. While he found that some wanted to end the practice, others wanted it to continue. However, with the practice being entrenched in the Chin tradition, the Christians are divided over the issue and never reached a consensus till today. For Rev. Cope, the bride price puts the financial burden on a married man but he worried that divorce cases would rise if the practice was abandoned totally. So, he opted in favour of practicing the bride price with a moderate amount⁶⁴.

There is no reference that prohibits the bride price in the Christian Bible. However, some Christian leaders who view this practice as selling daughters, have opposed the practice from the start and continue until today. In Falam and Tedim Townships, most of the respondents stated, “As Christians, we should not ask bride price anymore.”⁶⁵ In Hakha, Thantlang and Paletwa Townships, some church leaders try to stop or reduce the amount of the bride price and the costs of weddings, but with limited success. In Minbya Township, the Chin Christian missionaries banned the practice of bride prices in the converted villagers.

It is worthy to note that the Mara Evangelical Church has declared to stop the bride price practice in 2007, the year they celebrated the Evangelical Centenary in Mara Land⁶⁶. Mara

⁶⁴ Johnson (1988).p.543.

⁶⁵ But they all think that they are obliged to pay if they are asked by the bride’s family.

⁶⁶ The Mara, formerly known as Lakher live in India and Myanmar. In Myanmar, the highest population can be found in Matupi Township while they also live in Thantlang and Paletwa Townships. Unlike the other tribes, most of the Mara remains in one Christian denomination called ‘Mara Evangelical Church’.

Women's Organization with the help of the Youth Organization had advocated for this. The practice has significantly declined since then.

2.2.6 Changes⁶⁷ and the current situation

The Christian respondents claimed that conversion to Christianity was the main cause of change but the research team also observed similar changes happening among the Buddhist communities. Some respondents also cited better education, increased contact with the outside world, as well as a growing apprehension that 'selling' daughters was unethical, as the causes of change.

As traditional objects become rare and big animals like buffalos and mithans are difficult to get in towns, money has become more common. If the bride price is paid in cash in lieu of objects or animals, the amount tends to be lower than the real prices. Among the Laitu and Asho, gold has become more common today. This may be because of the influence of the Rakhine and Burmese as they live together in the same area and this trend is not found in Chin State⁶⁸.

In Hakha and Thantlang Townships, generally, the practice of the major bride price, *phun-thawh* and *ar-sa-that*, are continued while the minor ones are neglected. Among the minor prices, *ni-man* (paternal aunt price) appears to be abandoned more easily than *pu-man*, the price asked by the maternal grandfather or uncle.

⁶⁷ In her master thesis "Bride Price Negotiating among Chin Women in Myanmar", Flora Bawi Nei Mawi explains the change in three periods: Firstly, in the pre-colonial era, the bride price had a different meaning. Secondly, with the arrival of Christianity, the bride price was viewed as backward practice that should be changed. Thirdly, after independence, it was seen as a practice that should be continued in order to resist 'Burmanization' and to maintain the Chin identity.

⁶⁸ In the research areas of Rakhine and Magway, the Chins, the Rakhines and the Burmese live in separate villages. In Magway, if they live together in bigger village or town, the Chin rather stay together in a certain place, which are called as *Chin Kung* and *Chin Suh*. However as many of the Chins in this areas are Buddhist or a confess Buddhist (who mix both Animist and Buddhist practice and in Rakhine, they are called *Natsa-Buddha*), more mixed marriages are found among them than in Chin State.

On the other hand, the Zahau abandon asking for a major bride price in exchange for wedding feasts, but continue to ask for minor prices as a way to strengthen family ties. Though many stop asking for mother price, people continue to give them as gifts.

When a woman's family did not ask for a bride price but requested a wedding feast to be paid by the groom's family, her parents do not have to return the cost of wedding even if she divorces her husband. In southern Chin State, the Burmese word '*kadawh*⁶⁹' has been adopted, referring to cases when the bride price is not demanded but given voluntarily by a man's family. In Mindat Township, a bride's family is not obliged to return the gifts, for money or mithans they received as *kadawh*. In Paletwa Township, if a man *kadawh* his in-laws instead of giving a bride price⁷⁰, there can be a division of property at the divorce. In Kanpetlet and Matupi Townships, another Burmese word *kyi* (money) is added; hence the term becomes *kadawh-kyi*⁷¹. In this case, there is no change of practice but only of words.

Amidst these changes, the bride price practice is not likely to disappear soon among the Chins as many respondents prefer to continue the practice by asking a moderate amount in order to keep the Chin custom and identity alive.

2.3 Pre-marital pregnancy

When a single woman becomes pregnant, the man responsible (father of the unborn child) will be pressured to marry her. If he agrees to marry her, either a formal proposal with wedding are held, or often, elopement is practiced. For those who have a formal proposal and marriage, since the protestant Churches do not allow pregnant women to marry at church, they have to hold the wedding ceremonies at home instead.

Among the Laimi, if a man responsible for the pregnancy is unwilling to marry, the pregnant woman can go to live in with his family⁷². Parents would usually accept women who come to their

⁶⁹ (ကန်တော့) Gifts given to show respect and affection.

⁷⁰ This happens mostly when Khumi women are married to Rakhine or Burmese men.

⁷¹ ကန်တော့ကြီး

house, kill a pig to recognize the marriage as it is believed that refusal would mean bad luck for the family. The Khumi consider it is improper to give an illegitimate child to the father's house. Therefore, a male relative will take the pregnant woman to the responsible man's house and leave her there.

A man who refuses to marry a woman who is pregnant with his child has to pay a compensation, i.e. either a pig or a mithan, according to the local custom. Today, cash becomes more common and amounts vary, ranging from 100,000 to 3,000,000 MMK. There were a few cases, in which the reluctant men were threatened with high compensation to marry the woman. However, marriages imposed in this way tend to end in divorce after a child is born. At Falam, one man was pressured to marry this way and after marriage, instead of staying at home, he spent most of his time hanging out with his friends outside. After the child was born, he continued to neglect both the mother and the child. Later, the wife gave up and went back to live with her parents. Similar stories were also mentioned in other communities.

If a man refuses to marry but would like to recognize the child as his, he needs to slaughter a pig or a mithan. Children who are born out of wedlock and are not recognized by their fathers, are often look down and treated badly in the communities. If the man refuses to recognize a child as his own, it would be raised by the mother's family and become a member of the maternal grandfather's clan.

"When my sister got pregnant, her boyfriend had another lover who also was pregnant with his child. He chose to marry the other one because she had a job. When his family came to our house to apologize according to our custom, my father was furious and refused to accept. Instead he went to court. We might have won the case and he might have to pay maintenance for the child, according to the statute law. However, my father changed his mind, forgave him and

⁷² Fan

withdrew the case again. Then instead of putting the child's father's name in the official papers, my parents adopted it, and wrote their name as its parents."

(50 years old man, Tedim Township)

Men, who refuse to marry the pregnant women, often spread gossip in the community about the causes of the pregnancy, e.g. proclaiming that they were drunk or sometimes accuse the women of having multiple sexual partners. Some respondents mentioned cases in which pregnant women sued the responsible men to court, and were given compensation for child support⁷³. In Kanpetlet, the court sentenced a man to pay compensation to a pregnant woman for refusing to marry her. However, she had to give about half of the compensation to her father and uncle.

"In our town, there is one young woman who has fallen in love with a married man. When she got pregnant, he refused to marry her. She went to court and the court decided that she should be given compensation, may be eight lakh or eighteen lakh [800,000 MMK or 1,800,000 MMK], I am not sure. Later, when the court clerk met the woman, he inquired how she has spent the money. She told him that she got only half as her father and uncle took a quarter each."

(Small group discussion with women at Kanpetlet)

Access to safe abortions remains extremely difficult for women as it is legally prohibited⁷⁴. Some women take the matter

⁷³ If a man promised to marry a woman in order to have sexual intercourse, but refuses to marry when she became pregnant, Section 417 of The Penal Code can be used to sue him. [Youth Legal Clinic (2012?),p.27]

⁷⁴ "Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description of a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. [Section 312 of The Penal Code; In Youth Legal Clinic (2012?),p.5.]

in their own hands and try to abort by whatever available means⁷⁵. Some resort to illegal abortion services, often leading to serious health complications and in some cases, death.

“As I sell medicines, some women have asked me, but I told them that I didn’t sell that kind of medicine. I advised them they should go to the village nurse instead. I also told them that, from a religious point of view, this is not good as God doesn’t like this. Some pregnant women even committed suicide. In the other village, last year, a woman committed suicide by taking some poison. Before she died, she said that she did this because she was pregnant. After she died, the responsible man’s parents gave compensation to her parents.”
(48 years old woman, Paletwa Township)

“There is one female doctor, who does abortions in a nearby town. After the abortion, there is no further service but the women are just sent back home. Some women got infections and came to my clinic. There were also a few who have died. Nobody reports the cases to the police or to court because it is too shameful for the family. Some people went to tell the female doctor that she shouldn’t do this. But she replied that those women were in great trouble and she was just trying to help them out.”
(Male medical doctor from northern Chin State)

2.4 Elopement

The reasons given by young people for elopement are: high bride price and costs of the wedding, parent’s disagreement over their choice of partner, pre-marital pregnancy, and fear that their parents would object the marriage because they are still young. Even if there is no reason, elopement seems popular among the youth and in some communities, it seems more elopement cases than going through a formal proposal.

⁷⁵ *Kathy-pan* (ကေထီပန်), Burmese traditional medicine is mentioned by two female respondents. When women do not menstruate in due time, it is believed that this medicine can help. Some tried to abort a foetus by overdosing this medicine.

Typically, a young couple would stay with their relatives for a few days, and then return to the young man's family⁷⁶. Sometimes, a man may simply bring his girlfriend to his parents' house⁷⁷. Even if parents do not agree with their children's choice of partner, they tend to recognize and accept the marriage after eloping. The protestant churches do not allow eloped couple to marry at church. So, in the north, it is common to arrange a wedding ceremony at home. Only a few people demand punishment for elopement but most parents demand a lower bride price and smaller wedding feast.

"Also my daughter eloped. A man who has migrated to a third country proposed to her and we agreed to that. But she didn't want to marry him because she already had a boyfriend. So they eloped. The night they came back to her husband's house, his parents came to apologize to us. Since she is our daughter and we love her, we cannot disown her for marrying against our will. So, we requested not having to kill a pig to save our and her face [hmuikhum] that same night⁷⁸, but to make a proper thlacamnak⁷⁹. The next day, they brought a pig and other necessary things and we made the thlacamnak at our house. We didn't ask for a bride price."

(49 year-old woman, Thantlang Township)

In Kanpetlet and Mindat Townships, high penalties are strictly enforced discouraging young people from eloping. Young people who have eloped in these communities had mostly fallen in love and married against their custom's⁸⁰ dictation. Respondents in

⁷⁶ In Hakha, the terms for elopement are *tli/zam*, and in Falam *tlán*, meaning to run away. *Fir* (steal) is also commonly used as an expression. In Burmese, the term *khu-pae* (ခိုးပေး) is used (*khu*=steal, *pae*=run).

⁷⁷ *Tlun* means to 'bring a wife' in Lai.

⁷⁸ To slaughter a pig and host a meal to relatives and friends in order to save someone's face or restore dignity.

⁷⁹ To hold worship service at home led by pastor or church leaders, which is often followed by a meal with friends and relatives.

⁸⁰ Read detail under the topic "Arranged marriage".

Rakhine State, where the elopement is very common, also mentioned punishment, though it is not strictly enforced.

Among the Laimi, either a woman or a man can initiate a marriage without the formal procedure of proposing, simply by moving into the house of the person they would like to marry (*fan*). If a woman does this and is being accepted by the man, his family would kill a pig and host a feast to recognize the marriage. He can also reject her but an upright refusal would be rare. On the other hand, if a man goes to live in the house of the woman (*luh*), he has to bring a pig to be slaughtered at the woman's house. If the woman accepts him, the pig he brought would be slaughtered to seal the marriage. However, if she refuses his advance, her family has to kill a pig in order to manifest rejecting him. However, this kind of marriage is rare as it is rather considered shameful, according to the respondents.

2.5 Arranged marriage

Arranged marriage between cousins has been practiced in all the research communities. A young man has to marry a daughter of his maternal uncle, the "MBD", the mother's brother's daughter, as the anthropologist F. K. Lehman coined it. Lehman states that while the northern Chin tribes were more open in their marriage arrangements, the southern tribes enforced it more strictly by asking high penalty and attaching social stigmas the ones who break the customs⁸¹.

The Zomi have also been practicing the arranged marriage between first cousins naming the practice *neita*. The practice is disappearing but still a few cases can be found. In Falam Township, some aristocratic⁸² clans have intermarried only inside their clan. Aristocratic clans of Hakha also practiced arranged marriages of their daughters to the rulers of the neighboring tribes to build alliances. In the north, as the divisions between the aristocratic

⁸¹ Lehman (1963).pp.96-97.

⁸² Or rather the ruling clans. The northern Chin tribes have practiced hereditary hierarchy system and only people from a certain clan could become a chief (ruler). However, the southern tribes, any strong or wealthy person could become a leader of the village.

and lower clans have disappeared today, people can marry freely. However, exceptional cases of arranged marriages can still be found.

“We didn’t know each other though both of us are from this village as I lived mostly with my relatives in other town and studied there. When I came home after taking my matric exam, my husband’s parents proposed. My parents said I should marry him and if I obeyed them, I would have a blessed life. I agreed and we married. We are relatives but not first cousins. But my brother-in-law is married to his first cousin.”
(28 year old woman, Hakha Township)

Among some southern tribes, the Laitu and the Ashos, such an arranged marriage between cousins is extended to two possible marriage lineage clans or families, i.e. the family of the wife taker and of the wife giver⁸³. The following quote is an explanation of this practice among Laitus.

“In our custom, suppose there was no marriage relation between Rongsaw family/clan and Biasaw family/clan⁸⁴ before; if a man from Rongsaw married a woman from Biasaw, in addition to normal bribe price, he has to pay extra for starting a new marriageable lineage between the two clans/families. After that his son (a Rongsaw) has to marry his first cousin, a daughter of his maternal uncle (a Biasaw) and other male descendants of Rongaw have to marry women from Biasaw. If they follow this custom of marriage, normal bride price would be demand. However, if a Biasaw man marries a Rongsaw woman, this is called marrying the opposite and high penalty, double of the bride price would be demand as a penalty.”
(37 years old man, Minbya Township)

⁸³ Lehman (1963).

In Uppu, they are called *apu* and *akawi*. Among the Laitu and the Ashos, the Burmese words လောကွမမျိုးနှင့်သားမက်မျိုး are also used to refer to them.

⁸⁴ When a clan becomes too big, it is divided again into smaller family-units, called ‘*chung*’ in Hakha.

In Kanpetlet and Mindat Townships, marrying against the custom is sanctioned with high penalties and social stigmatization. For example, among the Uppu of Kanpetlet Township, a normal bride price would be about four mithans but for marrying against (the opposite) the custom, they would ask about 8 mithans. Moreover, there would be no return gifts as a penalty. A man also has to pay more if he marries a woman who is not from a wife giver family, for creating a new marriageable family lineage.

“According to our custom, I had to marry my paternal aunt’s son. But I fell in love with my maternal uncle’s son and, since both of our families were against our marriage, we had to elope. My parents were angry but not as bitter as my husband’s. His relatives said he should be buried alive because of the crime he committed, marrying opposite of the custom. They also spat at me and said I would not be able to bear a son because I married to the wrong cousin.”

(42 years old widow, Mindat Township)

Case Study (3): Arranged marriage

“My parents divorced when I was a child, so I had to stay with my father. I would like to live with my mother but my father didn’t allow me to. I was beaten whenever I visited mother or played with my friends. Later, I moved to my paternal uncle’s family. My cousins treated me well, as their own sisters.

I never met my husband before we married. I was from another village and my uncle sold me to his relatives in this village. The day we married, he came to our village and paid my bride price. And the two of us walked back to this village. Only he and me, nobody accompanied us.

My bride prices consisted of two female mithans, three gongs and two pair of *napats* (earrings for men) which were received by my father and uncle. My price was not cheap at all. So, every time my husband is angry with me, he says, “Your price is too expensive, but you don’t even know how to

work properly.” I have to work continuously, but he always scolds and blames me. I cry very often. A woman’s life is so difficult.

I am also upset that my husband and uncles got into a dispute over my bride price. The mithan my husband gave to my uncle as my bride price died, and he refused to return the gifts. My husband is not happy about this and I have to take the brunt. He always says unpleasant things to me for this. On the other hand, my uncle no longer visits us.”

(35 years old married woman, Kanpetlet Township)

The Uppu and Laitu respondents shared their memories from childhood that, in the past, marriages were arranged as soon as a girl was born in a wife giver family when parents of a boy would come to propose to the girls’ parents. In present times, people no longer practice this. However, young people in these communities are aware of whom they should marry according to the custom, and consider this when they look for potential marriage partners.

In the study communities, forced marriage becomes rare and arranged marriage also is declining. Many parents stated that even if they would like to arrange the marriage for their children, young people would not accept this practice anymore. Instead, love marriages have become more popular, and many blame arranged marriage as a cause of divorce. With the decline of arranged marriage, now more women are choosing to remain single, especially among the educated ones. By observing the respondents’ and their spouses’ marriage age and education level, it seems that men tend to favor younger and less educated wives.

2.6 Parcel marriage

‘Parcel marriage’ is a term used for marriage arrangement between Chin men who have out-migrated to foreign countries and women living in Myanmar, in which a bride is sent abroad to join her husband. Parcel marriages were widespread among the Chin communities in Sagaing and northern Chin State, Matupi of the

south and less so in the other southern townships. In Minbya and Mindon Townships, the respondents do not know the locals who migrated to other countries and hence, no parcel marriage.

Parcel marriages emerged with the migration of the Chin to developed countries via the UNHCR third country resettlement programme and became popular in the 2000s. While waiting in Malaysia⁸⁵, men requested their parents to propose to their girlfriends or to find suitable brides for them. Men would send money needed for bride price, the wedding feast and travel cost for the bride to join them. In some cases, the bride and groom were strangers who had never met before but only seen each other's photo.

"I also sent a bride for my brother. She is a relative. They haven't seen each other before but their marriage worked out alright. They have a five years-old boy now. However, there are many couples whose marriages have failed. Women might think highly about living and working in a foreign country without knowing the real situation there. So they agree to marry men they have never seen before. They don't know whether he is good-looking or ugly, smart or stupid. And then, when they meet and see an ugly, stupid and alcoholic man, they don't want to live with him anymore. So they have to divorce again."

(57 year-old woman, Hakha Township)

Many parents agreed to this kind of marriage hoping that their daughters would escape poverty and economic hardships in Myanmar. Some parents and brides also were lured by the high prestige and wealth of the developed countries. While some young women themselves were willing to go, some accepted only because they were not strong enough to defy their parents' will.⁸⁶

Later, with better access to internet through mobile phone and the emergence of social networking sites such as facebook,

⁸⁵ Though the Chins also migrate through India, there are much lesser cases and the respondents only mention Malaysia.

⁸⁶ Forced (arranged) marriage was mentioned more in the earlier period of parcel marriages.

young people discovered new ways to connect across borders. They can meet online and make their own choice of partners instead of requesting their families to look for them. Instead of sending the bride to the groom, the groom would come home to meet and marry. Today, parcel marriage is decreasing across the studied communities and there are only very few recent new cases.

2.7 Polygyny

According to the respondents, polygyny, i.e. the man's right to be married to several wives, has been practiced in the study communities and was justified by the demands for farm work and the need for sons, who would continue the family lineage. A man, whose wife was unable to bear a son, would take a second wife if he could afford to pay her bride price. Men, who could take several wives were respected and admired for their wealth and status in the community.

Female respondents unequivocally expressed a strong stance against the practice of polygyny, explaining that it causes much suffering and puts tremendous pressure on women to bear sons. On the other hand, male respondents were less vocal about the negative effects of this practice on women.

Polygyny has been declining across all study communities. However, in remote areas of southern parts of Chin State as well as in Rakhine State, there are a few men who continue to have multiple wives.⁸⁷ It has almost disappeared in northern parts of Chin State, as the Christian communities reject this custom for not being compatible with Christian values. Another cause mentioned for the decline is economic hardship people are facing nowadays. However, in Hakha, it is mentioned about a few wealthy men who built houses for their mistresses and provided financial support, but did not marry them officially.

⁸⁷ The researchers have interviewed two men who have multiple wives, one each in Minbya and Paletwa Township. The man from Minbya had three wives at once before, but currently only has one wife. The man from Paletwa Township still has two wives but though they are not divorce, one of his wives lived with her married son's family. Both said that they took more than one wife because they wanted to have more children.



- | | |
|---|------------|
| (1) Lt-Col. Kyaw Phone Naing (B.A- His.) | (6) Miss |
| (2) Daw Win Su Su Hlaing (B.A- Geog., PGD/MA Computer) | (7) Mr At |
| (3) Mr Kyaw Thu Hlaing (B.A- His) | (8) Miss I |
| (4) U Hlaing Hmong (S.H.S Bakha, 9th Standard) Science(1965-1966) | (9) Mr Za |
| Daw Nyunt Sein (7th Standard-1970) | (10) Mg K |
| (5) U Hlaing Hmong (Medical Sergeant, 1966 to 1986) (Pensioner) | (11) Mg T |
| Daw Mar Mar Lwin (Matric, 1979) | |

3. Married domestic life

3.1 Living with the husband's family

After marriage, most Chin women have to move in with their husband's family. In rural areas, young couple tend to live separately until they have the means to build their own house. The duration how long the couple will stay at their parents' house depends on the financial situation of the family, the local customs and on personal preference. In the urban areas, houses can also be rented. In any case, if the husband is the family's heir, i.e. the youngest or oldest son, the couple has to live in his parents' house and take care of them in their old age.

"My husband was the oldest son who inherited the family house. So we had to live with his parents for 15 years, and I was the one who did all the housework. My father-in-law loved me, but I had problem with my mother-in-law. She couldn't hear properly and whenever I talked to my friends, she thought I was gossiping about her. She kept all the cash. Only since she passed away, I can keep the cash. This is our tradition."

(45 year-old widow, Tonzang Township)

The female respondents preferred to move out from their parents' homes as soon as possible, citing tensions between daughters-in-law and mothers-in-law in many families. Parents-in-law were often perceived as controlling, and many husbands demanded from their wives to do all the household chores while restricting their freedom of movement, e.g. not allowing them to visit their friends and family (see also in case study 2).

"I don't mind that married women become members of their husband's family's clan because this is our custom. However, I find that some men are very selfish. They are not pleased when they think their wives are not taking care of their parents well. But when our own parents are sick, they don't allow us to go and take care of them. I was very upset when my mother was ill but I wasn't allowed to take care of her."

(42 years old married woman, Tamu Township)

"My husband gets up in the morning, eats and goes to work. He never helps with housework, even when I am too busy. Since I also have to take care of my children, I am always busy. When I am free, he doesn't let me go out alone. But when I ask him to accompany me, he refuses. Since I don't want our marriage to break up because of this small issue, I have to tolerate it. But it is so boring always to stay at home, and do the same housework again and again. I really, really want to go out sometimes. I am not happy anymore."

(28 year-old woman, Mindat Township)

3.2 Gendered division of labour

Hard work requiring physical strength, such as clearing the forest, ploughing rice fields, or constructing a house, are considered 'men's work'. The rest is 'women's work' including work on the farms, collecting farm products and fire-wood for use at home, raising the children, taking care of the sick and all other household chores. Some men think that the difficult tasks are for men while easier ones are left for women. In our study, women complained that though their works seems to be easier, but that they had to work continuously from early morning to nightfall, with hardly any time to rest. Many male respondents agreed with this finding.

"About 15 years ago, the Khumi men would choose a wife by looking at her ability to work. Women have to feed pigs and chickens, pound rice, collect water and fire-wood, and so many things. If a husband comes home from travelling

and brings a guest, he would order his wife, 'Hey cook chicken for us!' His wife then would have to kill a chicken immediately, and cook for them. While sipping an alcoholic drink, the husband would scold his wife, 'How come you take so long just to cook a chicken?' His guest would praise, 'Ha ha. You can make your wife very obedient!' Then he would be very pleased with himself."

(62 years old retired priest, Paletwa Township)

"To tell the truth, Matu women were like slaves, especially in the past. Both, husband and wife work on the farm. On their way home, the woman has to carry the firewood on her back in a bamboo basket, and in the front, she carries the baby. But her husband only carries a gun. At home, she has to cook and do many other tasks while the husband rests. And in the morning, she has to get up early to cook while her husbands can continue to sleep soundly."

(54 year-old divorced woman, Matupi Township)

Generally, many women are willing to take on tasks considered as 'men's tasks' as long as it is physically possible for them. On the other hand, many men appear to be reluctant to do tasks considered as 'women's tasks'.

"How shall I say it... of course men can also cook. Once, before I had finished cooking, it was time to go to church for the women fellowship service. Since my husband was at home doing nothing, I asked him if he could continue to cook. But he said: 'You should finish the cooking first and then go to church. If you leave me like that, unhappy as I am, you won't get any blessing from God even if you go to church'."

(42 years old woman, Falam Township)

"I think this kind of tasks division between husband and wife is more common among uneducated people. I wash my wife's sarongs if needed. When she's not well, I am the one who cooks. I have no problem to do this. But some people

think differently. When I was washing the clothes, some men would come to say: 'You are a man. Why do you wash your own clothes? Don't you have wife and daughters?'"

(48 year-old man, Falam Township)

While the older generation of women who participated in this research compared their lives to being slaves, the younger ones rather felt being servants. Though women perceive this as, they appear to have little power to change the situation. Some women shared that they rebelled against this when they were young girls, but gave up the resistance when they became teenagers as the pressure was too much for them to resist. Some women found themselves accepting their role without questioning them and continue to pass them on to the next generation.

Among the respondents, it was generally agreed that the situation seemed to be changing slowly and that women's daily lives were less tiring today than in the past. While the older generation thought that the change was immense, the younger generation held that change was rather small and that a situation of equal distribution of work between men and women was still in far reach. It should be noted that the changes were not attributed to men's behaviour change but to the arrival of modern technology, cars, motor bikes, small mills, and other equipment that reduces the time and labour to fetch water and firewood, as well as cleaning and pounding the rice.

Some progressive husbands were encountered during the study, though only few in numbers. Some male respondents claimed that they 'helped their wives' with the household chores. However, at a closer look, the researchers often encountered a similarly gendered labour division in these households. Strikingly, some educated men in public positions, who are aware of gender disparities and preach equality in public, tend to maintain a conservative lifestyle in their own households. In sum, the influence of a traditional mind-set is still strong among elderly and many young people.



“He’s the president of our family. So he decides.”
(52 years old woman, Matupi Township)

“I have been married for 25 years. In the earlier years, I decided everything by myself. My wife didn’t object much. However, after 15 years and some failures, we started quarrelling often. She accused me that I acted like a dictator. Instead of thanking me for the successes, she pointed out the failures and blamed me for them. At last, I reflected about our married life and understand that it’s not good that only one person decides for a family, even if I could think better than her. It’s better to consult her and make the decisions together. It takes more time but it is better at the end. You might not become rich but at least you can have peace of mind.”

(60 years old man, Mindat Township)

3.3 Income generation and decision making

In the pre-Christian era, while men fought war and hunted, women were confined to the family house and farm works. After the arrival of the British colonialists and Christian missionaries in the late 19th century, the first who were able to travel and see the outside world, to be educated, employed and earn money were men, while women continued to be confined to the homes.

Most of women's work on agricultural farms and home gardens is for family consumption. In addition, some women earn income from selling their products in local markets, seasonal labour at other people's farms, or from handicraft production, such as weaving. The wage gap between men and women is significant, as for example in Thantlang Township where men earn about 6000 to 9,000 MMK, while women earn only about 3,000 to 5,000 MMK as manual labourers.

In the urban areas, women can run small grocery shops, or some educated women may work as civil servants. Both men and women earn the same salary as civil servants but more women are employed in lower positions and only a few women can be found in higher ranks. Both, women in rural as much as women in urban areas, still have to continue the household chores next to farm work and income generating work.

Today, even though more women are engaged in income-generating activities, the main bread-winners of the families remain to be men. The majority of men trust their wives with keeping their income and managing daily expenses. The researchers encountered only a few exceptions of men who keep the cash by themselves, and both a husband and a wife who keeps their own income separately. However, as household heads, men usually take important financial decisions by justifying that they have more experience and can make 'better decisions', hence only a few men consult their wives.

"I am the one who earns the main share for my family, and I am the captain of this family. I hand all the money I earn to my wife and she manages it. Sometimes, I don't even know how much money we have. If she runs away, I am done!"

I let her keeps it because I trust her. Women say that they totally abandon themselves to their husbands. But in reality, we, men have to trust our wives completely. My wife can decide on her own what to buy for our shop no matter whether the amount is big or small. But if somebody comes and requests a loan, I am the one who can decide. This is how we practice in our family."

(46 year-old man, Minbya Township)

In some communities, people shared the belief that a family would be more prosperous if the wife manages the household finances as men would often spend money on alcohol. The more educated the wives are, the more they are being trusted by their husbands with the management of the family finances and decision making. Some women must give up a paid job after when they have more than two children which increases their risk of becoming financially dependent on their husbands, and diminishes their decision-making power in the family as well as their self-esteem.

"When I had my own income, I bought whatever I liked. It was up to me as I was the one who earned it. However, I had to stop working after I got two children. Since then, I don't dare to buy things I like anymore as I am not the one who earns the money. I spend as little as I can even though my husband doesn't say anything."

(35 years old married woman, Paletwa Township)

3.4 Preference of sons over daughters

"The elders used to say: 'When a baby boy is born in a family, his father would proclaim: 'Very good! When he grows up, he will come hunting with me. He will travel to faraway places and bring me some gifts and new things.' But when a baby girl is born, even a crow shouts: 'What a pity!'"

(89 years old man, Hakha Township)

“Time changes and now we are living in the time of education. Because of our family’s financial hardship, my daughter had to drop out of school for a while. But now I am letting her again go to school after my older son, who is studying at the University came home, found out that his sister dropped out of school, and he pleaded me to let her go back again. He said: ‘Father, I only have this one sister. Please let her study.’ I also have another reason. I have a friend who dropped out of school at primary level. The school was in another village and he dropped out after his mother complained that she was missing him and didn’t want to be without him. He often said that without education, he was useless and blamed his mother for it. I don’t want my daughter to blame me like my friend blames his mother. This is why I send her back to school.”

(39 years old man, Mindon Township)

“My father! He sent my brothers abroad to study. But as soon as I passed my matric exam, I had to work as a civil servant. When I requested him to let me attend trainings, he said, as a woman, I’d better stay at home. Even if he didn’t send me abroad, I wish I could go to Yangon and join some training. But he didn’t allow me to. At first, he said in a friendly way that he didn’t want his daughter to have a hard life but that she should have an easy life staying at home. But after I requested him again and again, he got angry and told me that a woman’s place is at home. As I was a woman, I should rather do house work, and then go to office to work. That’s all.”

(24 years old woman, Matupi Township)

The Chin societies are organized in a patrilineal way, hence women cannot pass their father's clan to their children. Sons, who can carry and pass the family lineage to the next generation are favoured and referred to as 'hosts'⁸⁸ while daughters are called 'guests', who will leave the family one day, after marriage. In Mindon Township, when a new baby is born in a family, people would ask: 'Is it a host or a guest', instead of 'Is a boy or a girl?' Other Chin tribes might not use the same terms, but the idea is the same: Daughters are considered as 'temporary' family members, or the 'others'.

Across the study communities, the strong son preference was found to be declining, and daughters are slowly becoming more accepted than they were in the past. However, if people had a choice, by the far majority of both, male and female respondents, would prefer to have sons. There were no male respondent who preferred to have daughters, while a few women preferred daughters with the reason that daughters tend to care more about parents than sons.

3.4.1 The impact of son preference on the lives of married women

Due to the son preference in the Chin society, married women are pressured to bear sons and often worry that their husbands might take another wife or divorce them if they are not able to bear sons. The situation appears to be improving overall except for in Mindat and Kanpelet Townships, where some men were found to continue practicing polygamy.

"To tell you the truth, I preferred to have a son. But it was not my own wish - I just wanted to fulfil his wish, I guess. I was worried that people would say: 'This woman even can't bear a son!' But when three girls came in a row against my will, well, I became one of those women who were threatened by their husband that he would take another wife. He never

⁸⁸ The Laimis in Hakha/Thantlang also refer to sons/men as '*phun-tung-tu*', meaning those who will raise the clan.

really took another wife though. But every time a girl came, I cried, wanting to have a boy worrying he's really going to take another wife. It's not easy. I was able to breathe freely only after I had my twin boys.

(46 years-old graduate woman, Kanpetlet Township)

3.4.2 The impact of son preference on the lives of daughters⁸⁹

The position of daughters as 'guests' or 'temporary family members', is often followed by discrimination in education and inheritance practices. Many fathers consider investing in their daughters' education a waste because they will leave the family after marriage and belong to the husbands' families. Learning from the answers of respondents, discrimination in education appears to be declining, especially in towns. However, in remote areas, where attending school requires going to another village, girls are less likely to attend school. Sons are given priority for higher education than daughters.

Case study (4): Discrimination of a daughter in education

"In my community, women are discriminated. While girls help with the house work after school, boys are going to tuition classes. My father favoured my brother and sent him to Yangon to study. But he denied my request to go to another town to study as well. So I had to study in our village. He always told me that it's a waste for him to spend money for my education as one day, I would marry and belong to my husband's family. 'No matter how good you are at school, it's for others', he used to say.

My poor mother, she tried to intervene, speaking to my father. But since she had no income, she had no power to decide. My father earned, so he decided. I requested him often to send me to town to study, but without any success. Until today, in my community, fathers send only their sons to

⁸⁹ This topic only deals with discrimination in the field of education. Discrimination regarding inheritance is dealt with in chapter 5.

the towns where they can stay in good boarding schools – but no one sends their daughters yet. They say: ‘Why waste money for others?’

I failed my matriculation exam in the first year, but passed in the second year. At that time, my younger brother also passed this exam. My father said: ‘I can’t afford to send you both to University. And since your brother is better at school, I am going to send him to university.’ I pleaded with him, hoping that if he didn’t let me go to University, I could at least join a nursing training. But he simply rejected my request.

At that time, someone had proposed to me. I was only 18 years old, and he was 19 years older than me. I did not want to marry yet. I just wanted to study. So I rejected their proposal. But after they came back two or three times, my father pressured me to marry. He said that they came from a faraway village and if we rejected many times, they would be upset and this would stop the blessing for our family. If I listened to him, I would have a blessed life. So, in the end, I had to marry him.”

(40 year-old woman, Matupi Township)

Almost all of the respondents who were parents answered that education was the first priority for their children, both sons and daughters. Many expressed that education was the best inheritance for daughters, which other people could not take away from them. However, only a few mentioned the same for sons. The research team also found out that some parents, particularly fathers, asked a higher bride price for educated daughters. This also indicates the concept that daughters belong to their husband’s family after marriage.

"A rotten fence and a useless wife should be replaced."

(Old Chin saying)



4. Divorce and widowhood

4.1 Divorce

Key findings

- There is a power imbalance between husband and wife in decision making.
- Under Chin customary laws, 'who initiates the divorce' and 'why they divorce (whose fault/mistake)' are important points to be considered.
- If a wife initiates divorce, her parents/relatives have to return the bride price they received at her marriage to the husband or his parents. If a husband initiates divorce, bride prices he gave will be forfeited. If he still owes a portion of the bride prices, he has to give it all.
- Among the northern tribes, Laitu and Asho, there is a principle of division of property at divorce based on the causes of divorce (whose fault/mistake it was).
- Among some southern tribes, there is no division of property at divorce. Instead, a man has to pay a divorce (return) fee to her parents.
- Considering the divorce cases on the ground of whose fault or mistake it was, the practices often reveal a double standard. The rules and penalties are stricter for women while men often get away easily.
- In a few communities, if parents do not trust the groom, pre-nuptial agreement, either oral or written, is arranged to regulate the division of property in case of divorce.
- The bride price practice bestows men's guardianship of

their children. However, today more women are getting custody of their children than in the past.

- Alcoholism and domestic violence are often cited as the cause of divorce. But in reality, this is rather the cause of a temporary separation as many couples tend to be together again.

4.1.1 Decision making

There are two different views concern with women's decision making power at divorce. The majority of respondents thought that women have no power to end a marriage but have to obey their husbands' decision. On the other hand, a few respondents believed that women can also end their marriage as they wish.

"Even if a woman wants to divorce, if her husband doesn't agree, she can't divorce."

(60 years old man, Tedim Township)

"In Chin custom, if a man wants to divorce his wife, nothing can stop him. He just has to leave all his belongings and the family house. It's the same for women. If she can't tolerate her husband anymore and wants to divorce, she will leave. That's all. Nothing can stop her."

(39 years old village administrator, Mindon Township)

However, it is clear that there is a power imbalance between the husband and the wife at divorce. For example, the Laimi use the word '*maak*' to refer to a man divorcing his wife. '*Maak*' has a force of ordering a wife to leave the family house. If a man '*maak*' his wife, she cannot refuse but has to go back to live with her parents. On the other hand, the words '*taan*' (to leave) or '*kir*' (to return) are used when a woman divorces her husband. It means that she has to leave the family house, property and her children, and go back to live with her parents. Moreover, in Chin communities, when divorce cases are discussed between the respective families, the participants and decision makers are mainly men.

The objectification of women via the bride price practice, i.e. that men regard themselves as the owners and women internalize their subordinate position reduces women's self-esteem. As a consequence, women become more submissive, and in turn diminish their decision-making power at the same time.

"After a man has paid the bride price for his wife, he owns her. If the owner does not agree, how can they divorce?"
(45 years old man, Mindat Township)

"Some women think, 'He bought me already with mithans and napats (male earrings). So no matter how difficult it is, I have to stay with him.' They regard themselves as being 'purchased wives.'"
(38 years old woman, Kanpetlet Township)

It appears that parents also have a certain power to end their daughter's marriage as it is often said, 'they can take her back.'⁹⁰ If the son-in-law is an alcoholic, who often beats his wife and makes her life miserable, the parents can decide to take back their daughter if she agrees.

4.1.2 Divorce under the Chin Customary Law

Under the Chin customary laws, 'who initiates the divorce' and 'why they divorce (whose fault/mistake it is)' are important factors to consider in divorce.

If the wife initiates divorce, her parents have to return the bride price they received at her marriage⁹¹. In addition, she will lose all the family property and custody of their children⁹². If the husband initiates divorce, he will forfeit the bride price he has

⁹⁰ 'Dir' in Lai.

⁹¹ Among some tribes, if a woman bears a child or children already, there is no need to return bride price.

⁹² A woman gets a very low share of the family's property even if she has no fault and is being divorced by her husband. The bride price practice grants the sole custody right of children to fathers. However, the respondents often said that a woman would lose property and custody of her children if she is the one who initiates the divorce.

given; and if he still owes some portions, he has to pay it all. So, in the past, people often got into a dispute over who initiated the divorce. Among the northern tribes, the Laitu and the Asho, if a man divorces his wife who has no fault, he has to give some part of the property or belongings to her.

“My father was a circle chairman⁹³ and in my childhood, I often watched how he decided over disputes brought to him. Once, a couple wanted to divorce. But when my father asked them, both refused to admit that s/he was the one who initiated the divorce as the wife didn’t want her parents to pay back the bride price while the husband didn’t want to lose it. So the case couldn’t progress further and my father was quite frustrated. At last, he told them, “Since both of you do not want to get divorced, go back home and continue to live together.”

(60 years old man, Hakha Township)

Men often appeared to be exploiting the situation in their own favour. For example, when a man wants to marry another woman, instead of divorcing his wife, he would create an unbearable situation, leaving his wife at home and visiting young women every night, so that his wife would finally leave on her own. This would result in him getting back the bride price he had paid for her. The quote below explains how the respondent’s grandmother cleverly exploited the situation so that her family would get back the bride price.

“Once, my uncle suspected his wife had a lover but he had no proof. When he brought the case to the community leaders, they asked his wife but she just denied his accusations. At last, the elders summoned my grandmother and asked: “Do you divorce your daughter-in-law?” My grandmother suspected her daughter-in-law was having an affair and

⁹³ The term ‘circle chairman’ was used during parliamentary democracy era (1948-62). The post is similar to today’s village tract administrator.

wanted to divorce her. But if she had said 'yes' they were going to lose the bride price they gave at the marriage. So, my grandmother answered: 'Of course not, if she doesn't have a lover. I like her the best among my nieces and that's why I proposed her for my son. If she doesn't have a lover, she can stay.' My uncles were not pleased that my grandmother didn't say she wanted to divorce her. But my grandmother was a shrewd woman, who understood the situation. Of course, she was right. Soon after, unable to stay with a man she didn't love, her daughter-in-law left by herself. So her parents had to return the bride price to my grandmother."

(57 years old woman, Hakha Township)

'Whose fault or mistake it is' is another important factor to consider at the divorce. However, there is no clear definition of the concept of faults/mistakes. In the past, men divorced their wives for being unable to bear children, particularly a son, or if they failed to perform the household and farm work to their satisfaction. Alcohol abuse and frequently beating the wife, being unable to provide financially for the needs of the family, and adultery are considered men's faults⁹⁴. On the other hand, the quote below explains how people in a rural community understand this concept on the side of women's faults.

"If the divorce is caused by the wife's fault and the husband can prove it, he doesn't have to pay the divorce fee. For example, if she is lazy, cheats on him, ignores when he tries to correct her bad behavior, etc. If she run away again and again despite her husband's warning not to do so, he will lose his patience and she will lose the case. It is different if the wife bears children, is working hard, fulfills all her duties for her husband, behaves nicely with his guests, but her husband is an alcoholic, has lovers and makes her life

⁹⁴ Among the Hakha, impotence was one reason why a woman could leave her husband. He would forfeit the bride price he had given for this case. (Head 1955, p.18) However, the respondents for this research do not mention about this.

miserable. If her parents cannot tolerate the situation anymore and ask to return their daughter, the husband has to return her to her parents and pay the divorce fee.”

(68 years old woman, Kanpetlet Township)

Among the northern tribes, the Laitu and Asho, if either the husband or the wife leaves his/her spouse in order to be with another partner, s/he has to leave all the properties and children behind. S/he only can take the clothes s/he is wearing⁹⁵. However, this rule is applied strictly to wives but rather loosely to husbands. Adultery committed either by the husband or the wife is considered a ‘serious fault’ which can cause divorce. However, different penalties are applied for men and women. If a man commits adultery and the woman becomes pregnant, he can take her as his second wife as long as he can afford to pay her bride price. If he refuses to marry her, he has to pay compensation. If his (first) wife does not approve the marriage, the only thing she can do is to leave her husband. Since the divorce is caused by the husband’s fault, in principle, he has to give some of the family’s property as compensation or a divorce fee to his wife’s family. However, many of these cases are presented as if the wife had initiated the divorce and hence, many women lose all of the family’s property.

On the other hand, if the wife commits adultery and the husband divorces her, she has to go back to her parents and leave the children and family property behind. In some tribes, the wife’s parents have to slaughter a pig to apologize to her husband⁹⁶. If her husband forgives her, the marriage can be continued but her lover has to pay compensation to her husband. If the husband divorces her and her lover wants to marry her, the latter has to give the bride price and compensation, hence a double payment, to her ex-husband.

The Laitu have special rules concerning divorce during pregnancy:

⁹⁵ The Zahau of Falam call it ‘*zinghnam mei zuk*’ and the Ashos *ye-cho-sin* (ရေချိုးဆင်း) adopting Burmese word.

⁹⁶ Mr. Head included about this in his book, “Haka Chin Customs,” and as a punishment the husband could slit her ear or nose [Head (1955).].

“If the divorce happens during pregnancy, the ex-husband has to support the mother for one month, for giving birth. The amount depends on the amount for bride prices her clan usually ask for. If she dies while giving birth, he has to give compensation to her parents - twice the amount of her bride price.”

(37 year-old man, Minbya Township)

4.1.3 Division of property and divorce fee

The northern tribes, the Laitu and the Asho have the principle of division of property at divorce. Instead, among some southern tribes, a man has to pay a divorce fee⁹⁷ to her parents. The respondents from the Laitu, the Asho, the Zo and the Thado tribes mentioned about both giving a divorce fee and the division of property at divorce.⁹⁸ In the past, gongs, mithans and buffalos were given as a divorce fee but nowadays, cash is more common.

Table (2) : Different divorce fees mentioned by the respondents⁹⁹

Township	Tribes	Divorce fees
Tamu	Thado	One mithan
Matupi	Matu	One female mithan and baby mithan
Mindat	Mun	One or two mithans
Kanpetlet	Dai	One or two mithans and a gong
Kanpetlet	Uppu	Two buffalos
Paletwa	Khongso	One gong
Paletwa	Khumi	400,000-700,000 MMK
Minbya	Laitu	Two gongs, 100,000-700,000 MMK
Magway	Asho	One cow, 700,000 MMK

⁹⁷ Burmese word ပြန်အမ်းကြေး is often used to refer this in Mindat and Kanpetlet Township.

⁹⁸ Some respondents also refer this as ‘compensation’ instead of dividing property or paying a divorce fee.

⁹⁹ Divorce fees in this table are what the respondents mentioned during the interviews but they may not represent a certain tribe or even a village due to the flexibility of customary laws and practices.

4.1.4 Guardianship

The bride price practice grants men guardianship for their children.

"In our custom, after their parents' divorce, children have to stay with their fathers. But if a man hasn't pay bride price (phun-thawh or ar-sa-that) for their mother, she can take the children. It happened during my childhood in our village. As the husband couldn't afford to pay bride price of his wife, she took all their children when they divorced."

(56 years old man, Hakha Township)

Mostly, mothers are allowed to take small babies. However, in some communities, respondents still report about recent cases of babies forcefully taken away from their mothers.

"In our custom, only fathers get custody of their children. No matter how mothers love their children, they can't take their children with them. This is still true today. Might be I can say my father is a modern man because he tells me just in case I am divorced, he would accept my children if I bring them with me. But he acted differently when my brother divorced. Actually, my brother took a second wife and this was why his first wife went back to her parents taking her baby boy. Then my father ordered to take the boy back. He's only 6 months old and now he has to be feed with bottle. So pitiful!"

(28 years old woman, Mindat Township)

Among some tribes, if the mother is allowed to take the baby, when she stops nursing, the father would take back the child after paying compensation¹⁰⁰. The most common age set to stop nursing a baby is three, but is not strictly followed. Formerly, mothers were rarely given custody of children and if they were, they had more

¹⁰⁰ The compensation varies across the communities but a mithan, buffalo or cow are the most common.

chance to get custody of daughters than sons. For example, in Kanpetlet Township, when a man could not afford to pay divorce fee, his wife demanded custody of her daughter in lieu of it. But even if mothers get custody, children are still considered to belong to their father's clan and important decisions are entitled to either the father or his male relatives. Among the Laimi, if a mother is given custody, the day she remarries, children would be taken away from her.

In Kanpetlet, Mindat and Tamu Townships, if a child under the mother's custody passed away, she has to give compensation¹⁰¹ to her husband. This compensation dissuades many mothers from demanding custody of their children as they won't be able afford to pay this. At the same time, even if a divorced mother would like to bring her children, her father or brother might refuse to accept them.

4.1.5 Barriers for women to divorce their husbands

Bride price is one barrier for women to end their marriages. If parents or relatives who have received her bride price cannot or are not willing to return, she will not be able to leave/divorce her husband. This custom denies women the power to make decision at divorce; rather it bestows to her father or male relatives.

The second barrier is the practice of giving divorce fee, among some southern tribes. If a men divorce his wife, he has to give divorce fee to her parents and this payment affirm the divorce is official. It means the husband has the sole authority to make decision at divorce. If he cannot afford or is not willing to pay, there is nothing his wife can do except to stay in that bad marriage.

"What have happened in this town is; it seems the husband has something wrong with his head. He often told his wife to go away. Thinking about their children, the wife refused at first. But when she couldn't tolerate anymore, she contacted auntaman, and sent to her parents. But her parents demanded high divorce fee which her husband could not afford. Poor

¹⁰¹ 'Luang-man' in Thado.

woman! She cannot make a choice for her own life. High divorce fee demanded by her parents tied her to that bad, terrible marriage."

(46 years old woman, Kanpetlet Township)

In addition, in communities where polygamy is continued to practice, divorce fee is often exploited by men. Suppose a man loses interest in his first wife, instead of divorcing her, he would take another wife ignoring the first. In this situation, if the first wife would like to marry another man, he has to pay bride price to her first husband as she still is legally bound to him. Respondents from Mindat and Kanpetlet report cases in which the first-husband demanding exceptional high bride prices for his first-wife to whom he has neglected but refused to divorce legally. Similar case of a man continuing to control his first-wife's right to remarry is reported in Paletwa Township. The Khumi have the practice of giving spear at engagement. At divorce, the wife's parents have to return the spear to the husband and this makes the divorce official. In one case, a man refused to accept the spear returned by his ex-wife's parents. As a result, though they no longer live together, she dares not to remarry again.

Separation from their children and financial dependence on male guardians are other barriers for women. The respondents often mention about women who endure abusive husbands in order to be with their children. In addition, losing family properties forces a divorced woman to depend financially on male relatives. If she does not have male relatives to lean on, it would be extremely difficult for a woman to leave her husband. Moreover, in cases of women who no longer have parents, some express their unwillingness to live with their married brothers citing tension with their sister-in-laws.

4.1.6 Women's access to Justice

In principle, if the problems cannot be settled privately, it has to be reported to village leaders, then to village tract, township, district, High Court, and finally to Supreme Court.

Resolving the disputes under customary laws, in the northern parts of Chin State, male elders among the relatives or family friends play important roles. But in some southern parts, instead of relatives, male elders from communities who are well versed in the local custom act as mediators.

Table (3) : Mediators for solving disputes in Chin Communities

Townships	Tribes	Description
Tamu	Thado	Best friend of the groom's father (<i>beh-pa</i>) is sent to propose the bride. He also leads discussion on bride price and wedding on behalf of the groom's family. If problems arise between the married couple, he is the first person to be informed and he would help solve their problems.
Tedim	Zomi	When the bride price and wedding are discussed, both families would bring an elderly male relative (<i>tamsi</i>) to represent the family. The <i>tamsi</i> would be consulted and has to lead the discussion if problems arise between the married couple.
Matupi, Mindat, & Kanpetlet	Matu, Mun, Dai, Uppu	Especially in Mindat and Kanpetlet townships, people mostly ask help from <i>antamans</i> , elderly persons in the communities who are well versed in the custom and clever in speech, to help solve their problems. The <i>antamans</i> mediate and negotiate between the two disputing parties and cases they help solve might range from marriages, divorce, inheritance can murder. (See also under Glossary.)

Townships	Tribes	Description
Paletwa	Khumi	Both the families of the bride and the groom bring their own <i>savai</i> (witness) when they pay bride price. If the couple gets in problem and has to divorce, the <i>savai</i> will act as their witness. Relatives are not allowed to act as <i>savai</i> in order to prevent taking side in disputes.

One woman from Falam Township brought her divorce case to village administration. She wanted to divorce her violent, alcoholic husband. The administration accepted her case and arranged for her to sign divorce paper. But after a few days, they were together again. Because of this incident, the village administrator is not willing to accept divorce cases anymore. One male retired village administrator from Paletwa Township gives similar reason for his refusal to take divorce cases during his time.

“Some (people) brought divorce cases to me but I refused to accept because people often change their mind after their anger cools down. I told them to invite relatives from both sides and divorce according to the custom or go to court at town. Of course, they didn’t go to court but together again after a few weeks.”

(60 years old retired village administrator,
Paletwa Township)

Another woman from Hakha Township brought her case to village tract leaders. Her request for divorce was granted, but not the equal division of property.

“A few years ago, I had a chance to learn about one divorce case from a nearby village. At that time, I was the committee member of our village tract and the complaint was made to the committee. She wanted to divorce her husband because he took a second wife. And she claimed that she should get

half of the family properties because she had worked very hard to get them too. They have three sons and two daughters. When we discussed about their case, the husband suggested that instead of dividing the properties equally between them, they should be kept for their children. He would take care of the properties till their children grow up and would give them later. It's difficult for us to decide. But at last we suggested that both husband and wife took three cows and two buffalos each, and the rest, to keep for their children. The children also were presented when we discussed about this, to make sure they knew too. We told them if they were not satisfied with our advice, they were free to go to township court. But since they didn't go, may be they accepted our advice".

(42 years old village administrator, Hakha Township)

In Minbya Township of Rakhine State, both families meet before the village elders and the cases are decided depending on 'whose fault it is,' according to the Chin custom. The village administration members, village elders also are presented. But here, the decision makers not only take consideration on Chin tradition but also about financial situation of the parents, in granting custody of the children.

"The first time she came, I advised her to reconsider, because everybody could make a mistake and he might change. But she came to me again and again and at the third time, I realized that they could no longer live together. So, with the village elders, we discussed their case and they divorced here, in my house. Though it was the wife who initiated divorce, she was allowed to get custody of their children because the husband was alcoholic. Even he couldn't look after himself, how could he take care of children, right?"

(46 year-old village administrator, Minbya Township)

In Mindon Township of Magway Region, divorce cases are first brought to the village leaders and if the problem is difficult

for them to decide, it is forwarded to the village tract level. One female respondent from Mindon Township was divorced at village tract level. Her case was considered as *ye-cho-sin*, as her husband was the one who demanded divorce. She and her children were allowed to continue to live in the family home and her husband has to give child support, 20,000MMK monthly.

At Paletwa Township, one man brought his case to court to get back bride price after his wife left him. The divorce was recognized but her brother had to return all bride prices as the local custom.

"It happened last year. One woman left her husband. He called her back but she refused. So the husband demanded to return bride price he gave at their marriage. She refused so he brought the case to court. It took about two to three years to end the case. At last, her brother had to return all bride prices. For that all of his properties were almost gone. They have one son and the father gets custody of the boy."

(36 years old man, Paletwa Township)

At Falam, one woman left her violent alcoholic husband and returned to parents as the local custom. However, he continued to harass and claimed that she still was his wife. Therefore, she went to court and the court granted divorce. After that, the ex-husband stopped contacting her again. Another woman who worked as a teacher also went to court to get custody of her son after divorce. The district court granted her guardianship. In this case, her husband was an alcoholic.

In some communities, pre-nuptial agreements are made in order to mitigate the loss of women. In Tonzang and Falam Townships, when the woman's parents do not trust the man and his family, verbal promise are made, concern with division of properties or compensation in case of divorce. In Minbya Township, one female respondent was given gold jewelleryes as wedding gifts by her male relatives and her husband had to sign he would return all the gifts if he divorces her. In Paletwa Township, when the Khumi women marry Burmese or Rakhine men, a bride price is not

requested but a contract is made to ensure the equal division of property in case of divorce and inheritance in case of widowhood. In some communities, mothers are allowed to take their babies if they are still nursing at divorce and compensation is paid when the father takes back the child. Among the Thado, this compensation is one buffalo. Surprisingly, it was not the mother who receives the compensation but her male relatives.

“Here the compensation is one buffalo. But it’s not the mother who gets it but her parents or male relatives. Women get nothing. We, women don’t even own ourselves. We even don’t get compensation given to us. They say it’s not good women spend compensation given to her. I wish, for example, if a buffalo compensated was sold with kyats 300,000, the woman should be given a portion, the relatives shouldn’t take it all. They should give about one third to her. But now the male relatives take it all.”

(42 years old woman, Tamu Township)

The custom seems to have stronger influence than the court order in some communities.

“Do you see that big house? The owner’s wife has been accused of having a lover. They went to court and they were granted divorce. And some properties were given to her. But instead of giving her share of properties, the ex-husband threatened her, “If you dare ask me,...” So she loses properties given to her by the court. She said that she gave up the properties in order to avoid some more problems.”

(38 years old woman, Paletwa Township)

4.1.7 Life after divorce and remarriage

Divorced women have to return to live with their parents. If the parents are no longer alive, they have to live with their brother or the related male relative. In exceptional rare cases, if the husband leaves the house and children for another woman, she can continue to live with their children in that house.

According to the respondents, men divorcees tend to remarry more because they do not know how to do or rather are not willing to do the housework. On the other hand, when women can take the children, they rarely remarry as a new marriage would result losing custody of their children. However, the research team encountered one exceptional community in Falam Township, where men were more accepting of former wives taking children into a new marriage. Women who lose custody of children and those who have to live with their brother's family are more likely to marry soon.

In general, divorce is considered shameful and divorced women are frequently gossiped about and judged by the community while men are much less likely to be affected by social stigma than women.

Case Study (5): Life of a divorced woman

As our custom, I had to live with my husband's family, in another town. We have those old stories about problems between daughters-in-law and mothers-in-law. My in-laws would like to control my life. I had to do all the housework. I had to get up early to cook for them and clean up their leftovers after meals.

When I couldn't take anymore, I took my two boys and came back to my parents. He came after us and lived with us for a while but returned to his parents taking my two boys. Only the youngest one stays with me now. According to our custom, mothers cannot get custody of sons. He doesn't want to give me the older boys, hoping I might return to him for the sake of the boys. But I won't go back to him because, if I do, I have to give up my interest and dreams. He won't allow me to continue my political activities. So we won't be able to get along anymore.

People from my community think I should reconcile with him. They think it's not good that a woman who involves in politic is a divorcee. Since there are only few cases of

divorce in my community, some look down on me, especially from religious side. But I never think lowly of myself. I prefer to be on my own.

I am not promoting divorce but I believe that if a man oppresses and controls his wife, she should leave the marriage instead of losing her own life. Women should have the freedom to make their own choices and should not be forced to return to abusive marriages. Our customs always give child custody to men, no matter whether they are rich or poor or capable. I want to change this. If a mother is capable of taking care of her children, financially and emotionally, she shouldn't be denied custody of her children.

(38-year old woman, southern Chin State)

4.1.8 Changes and present situation

It seems divorce cases are rare in the research communities. Some respondents had difficulty to remember and share examples of divorce cases in their community. Frequently, men were reported to get drunk, which would result in the couple quarreling and finally the man beating his wife. As a result, she gets upset and goes back to her parents. When he becomes sober, he regrets and tries to bring her back. In Chin communities, when a man does not call back his wife who goes back to live with her parents, or when a woman refuses to return when her husband call her back, divorce happens.

"Some men take drugs here. When his wife could no longer tolerate, she would go back to her parents taking along her younger children, while leaving the older ones. This is how divorce often happened in our community. No need to sign papers."

(27 years old woman, Tamu Township)

"This is how divorce often happened in our village. A man would drink often and gamble. In the morning, he leaves the

house claiming that he would go to forest to cut bamboo. But instead, he would drink and gamble. His wife tolerates hoping he would change. One child comes, and next year another one. But he still remains the same. After years of waiting, she realizes that he won't change anymore. So she decides to leave him, without caring about her children anymore."

(46 years old village administrator, Minbya Township)

In the Christian communities, the church leaders often take mediator role between the couples.

"Here pastors and church leaders help solve family disputes before they reach the village leaders or court. I know this as I have served as a church deacon for some years. When I was the church chairman, I often visited houses that have problems, prayed for them and tried to help. Once I was traveled to ... village. I was told that one woman I knew, left her husband and went back to her parents. The church pastor was just graduated; he didn't have experience yet and took no action. So I told him, 'Let's go and talk to the woman and her family'. And we visited them and talk. After that she relented and they were together again."

(60 years old man, Hakha Township)

If a man wants to bring back his wife who goes back to live with her parents, he would request a relative or church leaders to help him to get her back. They would rebuke him for his drinking and violent behavior. And they would dissuade her by reminding about their children and her marriage vow to God. Many parents also tend to encourage the women go back to her husband. The husband would change for a little while, but violence would start soon again after the wife return home.

There is little change concerning the division of property but more women are getting custody of their children today. In some communities, children also are given a chance to choose with whom they would like to live with. In most cases, they choose their

mothers. Alcoholism of men and their inability to take care of children is another reason for mothers getting more custody of their children. However, when a woman gets custody of her children, she is expected to raise them by herself. Men hardly provide any support to their ex-wives for raising their children. Even if they do, the amount is very little.



Key findings

- The Chin customary laws do not allow widows to inherit property from their husbands.
- Generally, widows are allowed to continue to live in the family house while taking care of their children and managing the family properties. But if they remarry, they have to give this up.
- However, widows might also lose this chance to live in the family house, depending on whether she has a child, a son or daughter.
- Even if a widow has children (including son), if she is young and her chance to remarry is high, and if she is not getting along well with her late-husband's relatives, they can evict her from the family house and take custody of her children.
- In order to continue to live in the family house, a widow can rely more on a son, a 'host' or heir of the family, than a daughter who is considered as a 'guest'.
- Among the Khumi, a widow has to return to her parent's house. If she would like to continue to live with her children, she has to pay *mairawn* (a kind of compensation) to her father or brother.
- In some communities, the late husband's relatives can continue to control a widow's right to remarriage by refusing to give a divorce fee and return her to her parents.

4.2.1 Widows: Guests who should go back

As soon as a girl is born into a family, she is regarded as a guest, a temporary family member who would one day, marry and leave the family. With the payment of bride price, she becomes her husband's family/clan member after marriage. When her husband passes away, her membership to her husband's family/clan member is put at stake again as it can be revoked depending on whether she has children, and what sex the children are. Therefore, a widow has to return to her male guardian (father, brother or the nearest male relative), especially if she has no child or only daughters. The patriarchal system renders women a clan-less class, or 'others' who are only allowed to share the clan of their fathers or husbands¹⁰². Women respondents often shared: "Men told us that, you (women) do not have your own clan. You are just sharing the clan of your men."¹⁰³

4.2.2 The right to continue to live in the family house and guardianship

The Chin customary laws do not allow widows to inherit from their husbands¹⁰⁴. Instead, the Chin Special Division Act grants a widow the right to continue to live in the family house. But this right will be revoked if she becomes pregnant with another man's child or if she remarries.

In the communities, a widows' chance to continue to live in the family house often depends on whether she has a child, a son or daughter. Generally, a widow who has children is allowed to continue to live in the family's home while taking care of her children and managing the family's properties. But if she remarries, she will lose this opportunity. Even if a widow has children (including

¹⁰² The Laimi also have an old saying: "*Nunau khua le sakhi khua*" (A deer has no village, just as a woman). It means, a woman is born in a certain village but if she marries to a man from another village, she has to move to that village and live until she dies. Women do not belong to any village of their own, just like a deer that is wandering in the forest for its whole life. The elderly male respondents mentioned this saying in order to explain that women do not have a clan.

¹⁰³ In Hakha and Falam, the words used are *phun nei lo*, *phun ttawm/hrawm/kep*.

¹⁰⁴ Also read in chapter 5, under sub-topic "Widow and inheritance."

son), if she is still young and her chance to remarry is high, or if she is not getting along well with her late-husband's relatives, they could force her out of the house and take custody of her children. As in divorce case, she can take young babies but after the baby is weaned, the relatives would take back the child.

"When my father passed away, I was so young that I only had two teeth. My mother took me with her to her parents but when I was weaned, my uncle took me away. I was so young that I couldn't remember how I departed with my mother."

(51 years old man, Minbya Township)

Having a son or daughter also makes a difference. A widow can rely more on a son, who is the heir of the family than a daughter who is considered a 'guest' of her father's clan. During a small group discussion in Falam, women respondents mentioned about a young widow who only has two daughters. Her late husband was the youngest son who inherited a house from his parents. But after he passed away, his parents took back the house saying he only has daughters. In another incident, the husband passed away while they were building a house. And his parents tried to take that house from his widow saying that he only has daughter. Similar cases are also reported in other communities.

A childless widow is the most vulnerable. She has no protection except the mercy of her late husbands' heir. In a village of Falam township, one couple made a living by opening a small restaurant at their house. After her husband passed away, his male heir took the house. As the local custom, her brother took the widow back at his house and later built a small house for her to live. The below quote is about one childless widow from Matupi township.

"I know one childless widow here. Her husband passed away long ago. Without remarrying, she continued to live in their house. She has a meager income from husband's pension. She collects left over foods from the neighbours and breeds a pig. This is how she makes a living. Not long ago,

the heir of her husband wanted to build a new house and told her to move out offering compensation. But she didn't want to move out. She would like to live in that house till the end of her life. However she was pressured and had to move out. There was no one who supported her, even her relatives. When her house was demolished, she was there, watching and tears rolling down her cheeks. Such a pitiful sight!"

(Small group discussion, Matupi Township)

Even if the male heir let a childless widow continue to live in the family house, in many cases, her male guardian (father, brother or nearest male relative) will take her back. In Tedim Township, an old practice is that on the funeral day, while her husband's body is taken out from the front, a childless widow has to exit from the back door. After the funeral, she cannot enter the house again but will be taken by her male guardian to his house, directly from the burial site.

Most of the widows mentioned are submissive, leaving the family house meekly when they are told to. But there are a few exceptionally strong women who resist to this practice as they find it unfair. The strength to resist may come from their strong personality and their family background.

"Here, I know one widow who has three sons and two daughters. She comes from a rich family. After her husband passed away, his relatives told her to leave all her children, family's properties and go back to her parents. She hit them back, 'I am not going to do what you tell me to. These children are mine, not yours. You are not the one who built this house but it was me and my husband. I will not leave my house and my children.' When her daughters married, she was the one who take their bride prices. But strong women like her, are rare indeed. May be you can find only one among a thousand."

(72 years old retired Bishop, Paletwa Township)

In some communities, widows, whether they have children or not, are given a chance to choose to continue to live in the family house or to return to their parents. If they choose to return to their parents, the widows lose the custody of their children and management of the family's properties. Their late husbands' heirs, i.e. a male relative, will inherit the family's properties and take custody of the children.

In Paletwa Township, a widow, whether she has children or not, has to return to her parents. However, if she has children and wants to stay with her children, she or her sons or her late husband's male relative has to pay compensation (*mairawn*) to her father or brother who in turn would slaughter a pig and host a meal for the family. Despite local efforts to end the practice,¹⁰⁵ it is still widespread.

"Suppose my sister is still young when she becomes a widow and she has three children. According to our tradition, I have to take her back after her husband dies. And her late husband's relatives would take their children, because the children belong to their clan. However, my sister wants to live with her children and so do her children. But her late-husband's relatives do not trust my sister and worry that she might remarry again. So mairawn is like a vow that she would take care of her children without remarrying again."

(34 year-old man, Paletwa Township)

Case study (6): Life of a young widow

"My husband died at a car accident in Malaysia. All the compensation money was taken by his relatives. Moreover, they blamed me for his death, as if I asked him to go to Malaysia and die there.

When relatives of both sides met after his death, I told his relatives that if they didn't like me, they could return me

¹⁰⁵ Khumi Forum's, held in Paletwa in March 2014, agreement number 73 states that this practice should be ended.

to my parents as the custom. But they had to pay me what I demanded. The total of our family properties might be around 200 lakhs and I asked them to give me only 30 lakhs. But they said this was not our custom and stormed out of the meeting angrily. I told them if they refuse my demand, I wouldn't leave the house. I married young but fulfilled all the duties of daughter-in-law. I was the one who took care of my parents-in-law when they were ill and both died on my hands. I shall never go back to my parents empty handed.

I threaten them that I will change, put my name as the owner of our family properties but I am not sure I really can do that. I don't know the laws. It might be good if I could put my sons' name, but they still are too young. I might have to wait till they turn 18. If I leave the house now, my brother-in-laws are going to take all the properties. There was one incident here. A wealthy couple passed away and the husband's brother took all the properties. He raised the children but sold all their properties and when the children grow up, all the properties were gone. I worried that my sons would face the same fate. That's why I continue to stay in this house though it is so difficult.

I have three children but I am still young as I married at 17. When my sister-in-law passed away, her children wanted that their father marry me instead of marrying other woman, a stranger. So he proposed and I would like to accept as he's getting along well with my children. But they objected so we broke up. As they don't return me yet to my parents, I cannot remarry without their permission.

Now our family's monthly expenditure is about two lakhs. Instead of helping us, they keep warning me that I cannot sell the properties. Without regular income, how to feed three children? It's so difficult but I have to stay here for the sake of my children. Woman's life is so hard. As my uncles and brothers all are abroad, there is no one who stood by my side. When I think about all this, I am so depressed."

(28 years old widow, Tonzang Township)

4.2.3 Remarriage

Among the tribes in Kanpetlet, Mindat and the Zo, as in the case of divorce, the late husband's relatives have to return the widow to her parents with a divorce fee or slaughter an animal. Only after that, she is free to remarry again. It is not unusual that the late husband's relatives refuse to return her and try to control her right to remarriage. In Kanpetlet and Mindat Townships, respondents report cases in which ex-husbands or male relatives asking twice of the bride price they had paid, to a man who would like to marry divorcees or widows. The following quotation is taken from focus group discussion. The speaker is explaining the situation of a widow who is refused to be returned by her late husband's relatives.

"To continue what my friend has said, she thinks that she's free from her husband's family/clan as she is now living with her parents. But people from my community would think differently as her late husband's relatives refuse to pay the divorce fee. Until they do, people still will regard that she still belongs to her late husband's family."

(40 years old woman, Mindat Township)

In the former Chin custom, the brother of a deceased man had an obligation to marry his widowed sister-in-law. However, in many communities, this practice has been abandoned. If a widow accepted this arranged marriage, she did not have to give up custody of her children. Men took it as their duty to take care of their deceased brother's children and the widow. However, from the women's side, this is a further constraint on her right to make a decision about her own life.

"If my married brother passed away, even if I am married already, I have to marry his wife and take care of her. I also have to send his children to school, with my own children and take responsibility. We, the Kaang have this custom."

(45 years old man, Mindat Township)

“No woman asked a question like this before. As I told you, my grandfather divided all his land with his three sons and none of my aunts asked, ‘Why didn’t you give anything to us, your daughters?’ It’s the same when my father gave all the land to me; my sisters didn’t raise any question. For them, this is just what is supposed to happen.”

(79 years old man,
Falam Township)

“The other day, my father had a visitor and they discussed about inheritance. My father told him he had no intention to leave his properties to us, his daughters. I think it’s not fair and I asked him: ‘Do you think we, your daughters, won’t look after you when you are sick? Look at our community! Daughters are the ones who take care of their parents, not the sons.’ Then my father relented and said he would let us, his daughters inherit, too.”

(24 year-old single, graduate woman,
Matupi Township)



5. Inheritance

Key findings

- The youngest or oldest son inherits land, houses and other important family property.
- If there is no son, the deceased man's male relative from same clan will inherit.
- Daughters inherit their mother's traditional dresses and accessories.
- Wedding gifts also are often considered as a form of inheritance for daughters.
- Widows are not allowed to inherit from their husbands.
- The right to inherit is followed by responsibilities. The heir of the family cannot live separately but has to stay with his parents and take care of them.
- Common excuses given for exclusion of women in inheritance are: (1) After marriage, women would belong to their husband's family/clan. (2) Women do not have to take over the responsibilities, either to take care of parents when they are old, or to pay their debts.
- As a change of opinion, some people think that who take care of the parents in their old age should inherit regardless of being a son or daughter. Some fathers, who only have daughters, would like divide the property between the daughters and the male heirs; and some intend to give all to daughters. However, if they have, sons are still favoured.
- Compared to the daughters' right to inherit, fewer respondents expressed concerns about the change in favor of improved widows' rights.

- Inheritance disputes are rare in Chin communities due to strong influence of tradition.
- Law-suits for inheritance cases were mainly encountered about male heirs suing a widow and her daughters to claim the family house and property.

5.1 Inheritance under the Chin Customary Law

5.1.1 Men and inheritance

Depending on the tribe or clan, the oldest or youngest son is heir to his father. Among some tribes, lands are given to the oldest son and family house to the youngest son. Therefore, in general, it can be concluded that the youngest or oldest son inherit among the Chin. Traditionally, among some tribes, the middle sons have no right to inherit but they have more chance to get some properties than the daughters. If the deceased man had married twice and both wives bore him sons, if the house was built with the first wife, the son of the first wife would inherit. But if a house is built with the second wife, her son would inherit. If he has no son, his male relative from the same clan would inherit.

In the Chin custom, inheritance comes with responsibility. The son who inherits the family house cannot live separately but has to stay with his parents and take care of them. In addition, the oldest son who inherits has to take care for his mother and younger siblings after his father's death. If the deceased man has no son, his nephew or the nearest male relatives will inherit his property and take responsibility to look after his widow and daughters. However, there is no system to enforce the male heir to take his obligations. Respondents often report about greedy male heirs who take all the family properties, take custody of children but force the widow out from the family house.

"A cousin of mine, same age with me, had a rich father who had passed away in his childhood. They have many buffalos and cows. After his father passed away, his paternal

uncle took all the properties and him, and forced out his mother. Of course he raised him up, but when he became adult, there's nothing left for him to inherit as all the properties are sold and spent up by his uncle."

(48 years old man, Minbya Township)

5.1.2 Daughters and inheritance

The respondents simply answer that daughters have no right to inherit. In addition, when some elderly men spoke about a few fathers who gave land, mithan or buffalo to daughters, which is unusual in the communities, they always continue to explain this is not inheritance but gifts.

Daughters are given mother's traditional dresses, beads and other accessories¹⁰⁶. It is either the youngest or the oldest daughter who inherits depending on the tribe or clan, or the properties are divided among the sisters. Many regard that wedding gifts given to daughters at their marriage as a form of inheritance. Traditionally, the gift would be a bamboo basket or trunk filled with clothes, farm tools or household utensils, etc. In exceptional cases, daughters might be given a mithan or a plot of farmland. Among some northern tribes, if a woman divorces or becomes widow, she could take those gifts back. But in Mindat and Kanpetlet Townships, they have to leave all, except their own clothes.

In chapter 2, it is written already that the church is against bride price though there is no Bible verse that prohibits this practice. But the church seems silent concern with inheritance right of daughters which is clearly stated in the Bible. During this research, one male and female respondents bring up biblical story of the daughters of Zelophehad, who had claimed to inherit land belong to their father.¹⁰⁷ However, they understand it differently. Though the woman respondent is highly intelligent, she cannot read Bible by herself because she had taken care of the family's cattle while her brother studied in school. Based on the book of Numbers in which the daughters of Zelophehad were restricted to

¹⁰⁶ *Hlawn* in Hakha.

¹⁰⁷ Joshua 17:3-4; Numbers 27: 1-11; 36:1-9

marry inside the clan by the male leaders, she argues that women should not inherit. On the other hand, the educated man who recited Joshua 17:7-4 to the field researcher, takes that God allows daughters to inherit.

“Why do we, the Zomi, not treasure our women? In the time of our ancestors, only men could fight wars and hunt. Women couldn’t fight and hunt, that’s why they had to stay at home and do the housework like servants. But the situation has changed! Why do we have to continue like this today? Now, many daughters, not sons, take care of their parents. They are taking responsibility of their parents. Why can’t we let our daughters inherit? ... In the Bible, in verse 27:8, it is written, ‘Tell the people of Israel that, whenever a man dies without leaving a son, his daughter is to inherit his property. If he has no daughter, his brothers are to inherit it.’¹⁰⁸ This is how God instructed Moses. God regards daughters as very important. And we, the Christians should do what the Bible tells us to do.”

(70 years old man, Tedim Township)

Case Study (7): Daughter: caretaker of parents

“Both my parents worked hard and they were considered rich by our village standard. My father could buy anything he liked. He had a large rice-field, many buffalos, cows and horses, a gun, a sewing machine, big pots - everything that rich men could have in our village. But he gave me nothing, not even a sewing machine which is often given to daughters. While I lived in the other village, he told people that he would give me some of his rice fields if I came back to our village. But when I really came back, he didn’t. It may be because I am a woman or because I eloped and failed to please him. I am not sure.

¹⁰⁸ Today English Version

He gave all his possessions to my brother. But when he became ill, neither my brother nor my sister-in-law took care of him. It was I, who cleaned up his mess when he could no longer go to the toilet by himself. It was I, who left all my work and took care of him in the hospital. It's not only of him, but also of my mother in her final days. I didn't mind taking care of them as they are my parents. But I couldn't stop myself from telling my father on his deathbed: 'Father, now you know who really cares about you. When you were young and strong, you preferred your son and gave all your properties to him. You didn't give me even a broken needle. But when you are ill and in need of care, where is your son?' Father just kept quiet. He didn't reply.

In our village, I never hear that daughters are given inheritance. I've only heard some women say: 'My brother shared me some of his inheritance.' No father has given inheritance to their daughters yet. We are told: 'You women have no portion in inheritance because you will marry one day and belong to other family/clan.' Actually, it's us, women, who care more about our parents, even after we are married. Mostly, sons forget about their parents once they are married."

(47 years old woman, Thantlang Township)

5.1.3 Widows and inheritance¹⁰⁹

The initial response to the question, "What can widows inherit from their husbands" is, "They get all." However, they add again, "But if she remarries, she has to give it back." The truth is, widows are not allowed to inherit from their deceased husbands. Concerning inheritance, the respondents often said, "Parents give to their children." But as widows cannot inherit or own the family property, the word 'parents' rather means 'fathers'. In addition, the wills are usually left by the fathers only¹¹⁰.

¹⁰⁹ Also read Chapter 4; sub-topic 4.2 "Widowhood"

¹¹⁰ Also read under the topic 'Wills'.

However, there are a few women, either wives or widows, who speak as if they can make decisions concerning the inheritance of their children. Their strong personality might give them this exceptional power but the below quote indicates that their decisions are likely to be challenged by male relatives later on, especially if it is against the existing custom.

“People often tell me, ‘Leave your rice fields and other property to your son who lives in Mindat.’ I asked them: ‘Have you ever seen that he visits me or offers me a glass of water? How can I leave my property to a son who does not care about his mother? You don’t have to tell me what to do. I am going to do what I think is right. I might sell the rice fields if I want to. It’s not your business.’ And they reply, ‘If you do that, there will be a problem after your death.’ So I say: ‘Don’t worry. I have my brain. I can think by myself (laughing). I will sell the rice fields. I will donate some, divide some among my children and I shall keep the rest for myself.’

(68 years old widow, Buddhist, Kanpetlet Township)

5.1.4 Reasons for exclusion of women from inheritance

Male respondents explained that daughters were not allowed to inherit because after they married, they would belong to their husband’s family/clan¹¹¹. If daughters are allowed to inherit, they would pass the property to their husband’s clan via their sons. Therefore, to secure land and property inside the clan, men excluded their daughters from inheritance.

“You, women, don’t have your own clan but have to share your husbands’. If you inherit land, your son, who belongs to your husband’s clan will inherit that land. That’s why you are not allowed to inherit.”

(56 years old man, Hakha Township)

¹¹¹ This is a mere excuse given for denying daughters inheritance of family properties. Even if a daughter remains unmarried her whole life, spinsters are not given any inheritance.

Another reason given is that women do not have to take responsibility for taking care of parents in their old age, and to repay their debts or to be killed in the case of a blood feud¹¹². According to men, women are exempt from taking responsibilities, hence, they are not allowed to inherit.

5.2 Changes and current situation

Concern with inheritance, the influence of tradition is strong in all the study communities. Still, there are men who want to follow the old custom strictly. For example, one man from Hakha gave his house to his youngest son (heir as the custom) who has been migrated to the United States, instead of leaving it to the other son who lives at Hakha. Moreover, the tradition still has a tight grip on some young people.

“If I marry and have children, I would like my son to inherit my property. According to our custom, only sons can continue the family lineage. Daughters cannot do that. In our custom, the youngest son inherits the family’s house. Even if the youngest son does not receive the house, the other sons should inherit the house, not the daughters.”

(22 years old male university student,
Matupi Township)

However, with the change of the situation in the communities, a change of opinion and practice can also be seen. Unlike in the past, when people were born in a village and lived there until their death, today, many Chins have migrated to live in other regions, both inside and outside the country. Therefore, the traditional heir of the family, the oldest or the youngest son may not be able to stay with parents and take care of them in their old age. Sons or daughters who live near to them have to take this responsibility. And many respondents think that those who take care of their parents should inherit. Daughters are included in this change of

¹¹² Blood feud has almost disappeared among the Chins but this is often mentioned in Mindat and Kanpetlet townships.

opinion as some of them are taking responsibility of their aging parents now.

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"I used to prefer to have sons because they can build a house and hunt for animals but now I know that sons are useless. Only my daughter cares about me. I lived with my son's family in Mindat for one year. My daughter-in-law put my beddings and things downstairs separately. I felt that she didn't like me staying there. So I came back to my daughter and she takes care of me. My son has inherited most of the family property already. But what is left with me now, I am going to give it to my daughter."

(64 year-old widow, Mindat Township)

A change also happens in families without male heirs. While some would like to keep the balance between the old custom and modern ideas by dividing the property between the daughters and the male heirs, there are some fathers who intend to give all the property to their daughters. A few cases of giving inheritance to daughters were reported in the northern parts of Chin State.

"Even if we don't give them all, I think daughters should get half of the property. Your nephew won't look after you when you are old and sick, but your daughters will."

(64 year-old man, Matupi Township)

Yet, if they have a son, many men are still willing to give priority to sons. Only a few parents think that family property should be divided equally among all their children. There also are parents who would like to leave the property to the child who was in greatest need. In Matupi Township, it is mentioned that though some are willing to let daughters inherit the family house, they regard differently to land.

"I have three daughters and one son and I want to treat them equally. If our son inherits the house, we will give the other property to our daughters. If our daughters get divorce,

they will be welcome to live in this house again. My husband agrees with this. But here, we make a living by land. What would we do if our daughters marry Burmese men? Our village administrator raised this issue during the village meeting. He said if our daughters marry men from other races, we should not let them inherit land."

(Woman SRG group leader, Matupi Township)

Another change is happening in the field of education. Many parents recognize the value of sending daughters to school and regard this as a form of inheritance other people cannot take away from them. At the same time, compared to a change of mind-set and practice happening related to the daughters' inheritance rights, fewer respondents expressed concerns about the widows' inheritance rights.

5.3 Wills

There is no standard custom to allocate inheritance and the process varies from community to community and from family to family. The most common is oral will. Across the studied communities, what happens often is that when a man feels that he no longer has much time to live, he may summon his relatives, trusted friends or neighbours, or family members and express his last wishes, who would inherit what properties. And some divide properties among their children while they are in good health.

"My husband is the only son in his family. My father-in-law slaughtered a mithan and summoned all his children and distributed its meat to them. He instructed them to record his voice with a cassette recorder. He said that my husband would inherit the house and land. He also divided and gave other properties to his daughters. I think he gave a sewing machine to his oldest daughter. And he told them that after he died, they could not demand other properties from my husband."

(50 year-old woman, Falam Township)

Some men may directly inform the concerned individuals without witnesses. If the intention is accorded to the existing custom, there will be no problem but if it is against the custom, it might not work out.

My father had a second wife and when he grew old, their children were still young. When he realized that he didn't have much time left, he told me that he gave me all his properties, but that I had to take care of his younger children. My stepmother could continue to live in the house. But "If she remarried, you would have to follow our custom", he said. He didn't call other relatives or tell anyone else, just me.

(60 year-old man, Falam Township)

"According to our custom, only men can inherit. We were six sisters and we didn't get any of my father's properties. My uncles took all; the house, mithans, buffalos or land. The only thing I got was my education and clothes. My father told them he intended to give the family house to our youngest sister, whose hearing was impaired. But my uncles didn't listen to him. When my mother was alive, they let her live in the house with my youngest sister. But after her death, they threatened my sister that they were going to demolish the house. My sister didn't dare to live there anymore so she moved in with me at Matupi."

(40 year-old woman, Matupi Township)

Written wills were occasionally mentioned in some communities but they are mainly written in informal, mostly recorded as private notes. Both oral and written wills, especially if they deviate from local customary practice, have little effect without witnesses in disputes.

"There was one case in our neighbourhood. The husband wrote in his diary that his second wife and her children should inherit the family house. After he died, his sons from first

marriage refused to accept it, took the house and forced the second wife and her children out.”

(75 year-old widow, Falam Township)

When parents think that problems might arise after their death, they tend to leave a written will, signed with witnesses that are either relatives or the village leaders.¹¹³

“Now, I only have daughters. According to our custom, all my properties will be inherited by the son of my eldest brother. If my eldest brother doesn’t have a son, the next brother’s son would inherit. But if it’s going to happen like that, you, women activists won’t like it. But I cannot give all to my daughters. To keep our custom alive, I have to give some to my nephews. I would like to give some to my grandchildren too. In order to make sure they will follow my instruction, I will summon village elders and signed a will in front of them.”

(62 years old man, Tonzang Township)

*“If we give our family property to our daughters, my husband’s male relatives might try to take it away from them. I am not sure that those relatives would look after my daughters in difficult times. So, I have to make sure that my daughters get it. I will write a will and have witnesses signed it.”*¹¹⁴

(52 year-old woman, Matupi Township)

If a man dies without leaving a will, the male elders of the clan have to ensure the property to be inherited according to the local custom.

¹¹³ The Chin Christians can leave a will according to Christian marriage act. But the Chin Buddhists have to follow the Burmese customary laws and would not be able to leave a will.

¹¹⁴ As mentioned already, women are not allowed to inherit. But it is interesting this woman speaks as if she could make a decision on her own.

5.4 Women's access to justice

The respondents, including judges and advocates, agree that inheritance disputes are rare in Chin communities due to strong influence of the customary laws. Most of the problems are solved within the communities, and only very few are brought to court.

In one village in Falam Township, the male heir of a deceased man tried to take away the family house and other property from the widow who had three daughters. When the elders of the clan met to discuss the matter, one relative, a civil officer told them that there was a new law that granted women inheritance rights. Only after that, the widows and her daughters could live peacefully in their house.¹¹⁵

In a village in Hakha Township, a similar case happened where the village elders interfered.

"There was a couple who had only daughters in our village. Their daughters were quite young when the father passed away. Then his cousin claimed that all the family's properties belong to him as the custom and tried to take them away. Unable to stay quiet, the village elders told him he should not take all but left some. Then he took two-third of the properties and left one-third for the widow and her daughters. I think this is very unfair. Even if there is no son, daughters should have the right to inherit their father's properties. But this is our custom and there's nothing I can do about this".

(42 years old man, Hakha Township)

An exceptional case of a widow who inherited was found in Tedim Township under a special circumstance.

¹¹⁵ Informal conversation with one of the daughters who was on her fifties at Falam, in 2014. The researcher planned to interview her again during data collection trip but her son who was drunk disturbed the interview and was canceled. It seems the civil officer disagreed with the male heir's action and lied to stop him as a law he mentioned didn't exist in Chin State.

"In our community, women are not given inheritance. However, there was one exceptional case in which a widow was a member of amyotamiyiya¹¹⁶. In her case, her organization helped and she inherited the properties though she didn't have children."

(60 years old man, Tedim Township)

The research team has learnt about seven lawsuits concern with inheritance and five out of them were male heirs suing widows and her daughters in order to claim the family house and property.

In Falam, one man with the support of other male relatives sued his childless stepmother, the second wife of his father to claim the family house. She lost at the Township, District and State Courts, but appealed and won at the Supreme Court after a 10 year-long judicial battle. One lawyer explained that she could win because her husband was a military officer and the judges considered the military law. Another lawyer also gave another reason that she won because she could prove that the house was not inherited from his parents but built after they married.

"We were married for six and a half years and we didn't have children. Once, before my husband entered the operation room, he was asked: 'If something happens to you, who will inherit your property?' And he wrote that his wife would inherit, and signed it. I kept it but after he passed away, his brother asked and I gave it to him. He never gave it back to me. Since our marriage was arranged between relatives, I never thought that a problem would arise. But they [his relatives] told me that since I had no child, I didn't have the right to inherit the house according to our custom. I refused to accept and I was brought to court. It took 10 years. I lost the case at State Court, but I appealed to the Supreme Court and won."

(62 year-old widow, Falam Township)

¹¹⁶ Myanmar Women's Affairs Federation.

In Hakha, a childless widow sold the family house to her niece and they were sued by her late husband's son who was born out of wed-lock. The widow passed away before the trial end and her niece lost the case at State Court but did not appeal to the Supreme Court. In another case, at State Court, the Judge sentenced to divide the family house between the childless widow and her husband's male heir¹¹⁷. The case was appealed to the Supreme Court but same judgement was issued. In similar case in Paletwa Township, the male heir was given the family house and property according to the Chin Special Division Act.

"In one village of this township, a widow was sued by her late husband's male relative. She has a child but it died in its childhood. She continued to live in the house and to use the farm. But when she tried to give some property to her relatives, the heir of her late husband sued her and won the case. According to Chin Act, she can live in the house till she dies if she doesn't remarry. But she cannot give it to others. It means, she can't own but only manage them. I think this happened long ago, may be 20 years ago. So, she was allowed to continue to live in the house and used the land. But after she died, the male heir of her husband got them all."

(60 years old lawyer, Paletwa Township)

Outside of Chin State, there was one case in Kalay in Sagaing Region, where the male heir, the youngest brother of the deceased man sued the widow and her daughters to claim the family house and property. Like the case in Falam, he lost after the widow appealed to the Supreme Court¹¹⁸.

¹¹⁷ This is the only case in which the male heir lost his case in Chin State. The article 15(a) of the Chin Special Division Act states that the judges have to consider the local custom and justice. In this case, the Judge, who is not a Chin, considered about justice and used his good conscience to adjust with the local custom. One lawyer explained that the judge could make that decision because the land, on which the house is built, was registered already with the widow's name.

¹¹⁸ U Aw Thein vs. Daw Sui Cuai, 2006 SC Mandalay (full bench); in U Mya Sein 2014, pp 29-33.

In Minbya Township in Rakhine State, one widow who had one daughter went to court when her husband's male relatives tried to take the family property. The court granted her all the property.

"Since the widow only has one daughter, her husband's male relative tried to take away her family property including the buffalos and cows which were earned by the hard work of both her and her late husband. The widow refused to give up and went to court in town. The court awarded all the family property to her."

(48 years old man, Minbya Township)

There was only one case in which a childless widow went to court to claim inheritance of the family house, in Falam Township. In her case, the Chin Special Division Act was applied and she lost the house to her stepson from her late husband's first marriage.

In Kanpetlet Township, one male respondent tried to help a widow get some compensation after her son was killed in a car accident but the court awarded all the property to the male heir.

"My nephew worked as a civil servant and died in a car accident leaving his widowed mother, wife, and children. And then his male cousin claimed that all the family's properties belong to him. Of course he even could claim the widow, as the custom. My nephew owned some rice fields. Moreover, there was compensation given by the government. I thought that his widowed mother should get some of the compensation. So I went to court to claim for her. But we lost because of that Chin Special Division Act. His male cousin got all the compensation money, rice fields and other property. When the children were young, they stayed with their mother but when they got older, he took them, too. We have this horrible custom, which should not exist at all."

(81 years old retired civil servant,
Kanpetlet Township)

5.5 Efforts for change

In 1955, a women's organization¹¹⁹ was founded in Falam. They advocated for women's inheritance right and supported Za Hre Lian¹²⁰ during the election, who had promised them to support their cause. However, when he was elected, he failed to fulfil his campaign promise arguing that the time was not ripe yet for this kind of law. The group ceased to exist after activities of un-registered organizations were prohibited after the military coup in 1962.¹²¹

According to one Chin MP, there have been further attempts to amend the Chin Special Division Act during the socialist years of the 1970s and '80s, concern with inheritance.

"During the socialist era, we discussed about inheritance in Chin Act. It was not fair that women were not allowed to inherit. So we thought we should amend it. But we couldn't continue because of the military coup in 1988. In particular, I don't like that a male relative inherits if there is no son in the family."

(68 year-old man, Thantlang Township)

In November 2013, the Chin National Conference in Hakha called for a law that would grant women equal rights in inheritance, addressing the Chin State and Pyidaungsu Hluttaw (agreement 139, pp. 35). In March 2014, the Khumi Forum in Paletwa called for equal inheritance rights (agreement 74). Moreover, after the bi-elections in 2010, the first Chin State Hluttaw formed a Committee to review the Chin Special Division Act. In response to the recommendation of the Committee to the Hluttaw, NINU (Women in Action Group)

¹¹⁹ The group's advocacy seemed to address to Chin Special Division Act which was amended in 1957. The author wrote the name of the group's leader as Eain Twe (the article was written in Burmese), who was the daughter of Van Hmung and wife of Captain Tha Lung. But according to Ro Sang, whose wife is descendent of that family, said that the name probably is rather Kim Twe. The author and Capt. Tha Lung were advisors of the group.

¹²⁰ Minister of Chin Affairs (1954-1962).

¹²¹ U Tial Luai 1992, in *the Falam Town Centenary Magazine (1892-1992)*.

consulted with Chin women leaders and submitted a letter to the Chin State Hluttaw in September 2014 to voice its concerns about the lack of women's participation in the review process and suggested to consider CEDAW in the law amendment. In 2015, the Chin State Hluttaw met with Chin women leaders to discuss the issue. Yet, the subsequent review process failed to produce any significant changes and the resulting draft did not reflect women's rights as stated in the CEDAW.



6. Violence against women¹²²

Firstly, the respondents were asked how they understood the term ‘violence against women’ and what it defined in their views¹²³. Depending on the answers, the research focused on two main issues, domestic violence (physical, husbands to their wives) and sexual violence in the community (outside the families). The word and idea of ‘violence against women’ is new to the study communities and it is still difficult for some men to accept other forms of violence except the physical and sexual violence. One male respondent, a former MP of Chin State Hluttaw, stated that it was not a ‘serious issue but some educated women borrowing western ideas and emphasizing too much on it’.

However, there are a few respondents who understood the nature of different forms of violence.

“I don’t think violence is only physical. I don’t want to say their names, but there is a couple in our village. Although the husband doesn’t beat her, he tells her often: ‘You are

¹²² The original research plan does not include ‘violence against women’. However, Mai Hnin Wai, one of the field researchers, raised the issue and the change was embraced by the team. However, the focus was kept mainly on how the past customs dealt with this problem and how the cases are solved in Chin communities, today. Therefore, the information obtained is not as comprehensive as the other topics. This chapter rather aims to draw attention to the existence of this problem in Chin communities and the need for actions. Recent research publications addressing violence against women, customary law and women’s access to justice in regions inhabited by Chins span over several regions in Myanmar (Justice Base 2016, Gender Equality Network 2015).

¹²³ Burmese word “*amyotami mya aa a kyan phet chin*” (အမျိုးသမီးများအား အကြမ်းဖက်ခြင်း) is used as there is no Chin term for VAW yet.

such a useless woman. I married you because I pitied you. I can leave you any time. I can marry another ten women like you if I want to.’ And also, he forces his wife to work continuously but refuses to let her go to the hospital when she is sick. I think all of these things can be understood as violence against women.”

(39 year-old male village administrator,
Mindon Township)

“In public meetings, some men won’t pay attention when women speak. They do not touch her physically but they would reply in a way women won’t dare to raise their opinion publicly again. I consider this action as violence on women.”

(40 years old woman leader, Mindat Township)

Women are objectified through bride price practice. In turn, the objectification of women is one of the causes for physical violence. At the same time, it might also causes sexual violence among married couples. During a male group discussion, one respondent half-jokingly says that since men own their wives after paying their price, a wife cannot say “no” if her husband demands sex.

“I don’t know about other places, but among us here, I think violence towards women is related to the bride price practice. If men did not pay bride prices, they would not be able to bully their women. Without bride price, women would have less restriction and could act more freely.”

(51 year-old man, Minbya Township)

A drum and woman are there to be beaten.

(Chin old saying)

"I hit my husband back! Do you think it's wrong to hit your husband back when you can't take his beatings anymore? It was not me who started the fight. We women also have our dignity. I agree that wives should respect husbands. But what would you do if a person you should respect acts like a dog? To me, if somebody beats me, I have to hit back. He beat me often, not only one or two times. He hurts my body, then my dignity. It's humiliating so I hit him back. I know it's not good as he's stronger than me. But I thought I'd better die happily after hitting him back. He beat me not only one or two times... not only one or two years but for twenty years. And then I hit him back once and people blame me instead of my husband, who has been beating me for 20 years. And the ones who blame me are women! I wish all women who are beaten hit their husbands back like me. If then, men won't dare to beat us like this anymore. Now, women take it silently. I believe that God gave me hands to defend myself. My parents never touched me but he beats me without mercy. Of course, I know he is stronger than me but I think it's better to die for hitting him back than just taking his blow silently. And then, people blame me. They say, 'She's a woman but she hit her husband back. She is a bad woman. That's why her husband beat her.' Can you believe that?"

(42 years old woman, Tamu Township)

Key findings

- Physical violence of husbands to their wives is categorized into 'normal' and 'severe' beatings.
- When women no longer can tolerate their violent husbands, how they solve often is to go back to their parents.
- If the husband wants to bring back his wife back, her parents can demand compensation.
- Although some respondents claim that violence has decreased with Christian influence, it is still occurring in all the research communities.
- Alcohol abuse is endemic and is the most cited reason as a cause of domestic violence.
- Many blame the alcohol instead of violent men and the survivors instead of the perpetrators.
- Separation from their children and financial dependence are the most cited reasons for women unable to leave their alcoholic abusive husbands.
- Mostly, women think that it's shameful to be beaten and try to hide it, if possible.
- Nobody reports to police or court just for being beaten but only if they want to file divorce.

Physical violence is the most common form of violence women are facing in Chin communities. Women have been beaten for giving birth to girls, for not working hard enough, complaining and many other things. In one village, one female respondent said that her sister-in-law was beaten by her husband for cutting her hair without his permission.

Some think that it is 'natural' for men to turn violent sometimes. And there is a strong tendency by both men and women to blame victims. Women are often blamed for talking back, or complaining too much.

¹²⁴ The beatings of husbands to their wives.

"People often blame violent husbands. But if you look closer, you will find that their wives talk too much. Some women, even before their husband can utter a word, have finished four sentences already. As men cannot speak like that, they beat them."

(37 year old woman, Tonzang Township)

"Some women... how can their husband refrain themselves from beating them! Because they could earn money, they are proud and despised their husbands. Good women would be never get beaten by their husbands."

(26 years old single man, Thantlang Township)

One female doctor said that she sometimes treated women with injuries which look like marks of beating. But none of the women would admit that their spouses were the source of their wounds. Women think that to be beaten is shameful and try to hide it from others if possible.

"Women have to take it silently. Mostly they don't speak about it to others but keep it secret, because they worry that they will lose face in their society. Before we divorced, my second husband also beat me often until my face was badly swollen. Now I can't keep my back straight because of the injury from his beating."

(45 year-old woman, Tonzang Township)

Many respondents, including neighbours and closed relatives think that it is better not to intervene as women tend to change their mind after their anger cools down.

"It's difficult to talk about those couples. At our neighbours, the husband is often drunk and beats his wife. Sometimes we couldn't sleep because of their noise. We tried to stop them, but after four or five times, we gave up. When we couldn't take it anymore, we informed the wife's parents and they came and took her back. Then, a few days later, she was

back again. They might fight at night as if they were going to kill each other; and the next morning they would cuddle. So it's better to leave them alone."

(52 year-old woman, Thantlang Township)

"Whether we can interfere also depends on the woman herself. If my sister is being beaten by her husband next door... here we are, three of her brothers, feeling helpless and unable to interfere. If we go into their house to stop him, her husband might say: 'It's not your business! I am beating my own wife.' If he beats me up, I can't take any legal action because it happens in his house. If we want to go, we have to be accompanied by village leaders. And then, the next day, if my sister comes to tell me what has happened and that she would like to divorce him, only then, I can help her. If she doesn't come to ask me for help, I can't take any action by myself. At last, even if she leaves her husband, I have to make sure she really can divorce him. You have to watch your mouth and be careful what you say, just in case she regrets her decision and goes back to him."

(39 year-old village administrator,
Mindon Township)

Only a few women can end abusive marriages, though temporary separation is common. Separation from their children and financial dependency seem to be major barriers for women to leave their violent husbands even when they have been seriously hurt. (Also read under the topic Divorce)

"One night a couple quarrelled and the husband wounded his wife with a knife. After that he torched their house. They sent her to hospital. At first she wanted to report to the police, but later relented and didn't. May be she worried that her husband, who was going to retire soon from his work at the hospital would not get pension if she informed the police."

(40 year-old woman, Mindat Township)

“In one village, there was a man who often beat his wife. Once, she was seriously hurt and sent to hospital. People advised her to go to court for divorce and she agreed. But later she worried about her six children and changed her mind. Now they are together again.”

(21 year-old male university student,
Tamu Township)

6.1.1 Domestic physical violence under the Chin Customary Law

“The Chin Customary Law”, compiled by Maung Tet Pho is the first written record of Chin Customary Law and is about the practices of the Asho tribe. The section 36 states, “A man has the right to cane his wife three times if she talks back to him. If she is stubborn and refuses to change, he can punish her by divorcing her, or with another canning to correct her bad behaviour.”¹²⁵

Across the study communities, men’s physical violence against their wives falls into the categories of ‘normal’ and ‘severe’¹²⁶ beatings, according to the respondents. A case is categorized ‘severe’ if it involves visible wounds, bleeding, head injuries or serious long-term physical damage¹²⁷. Lacking these elements, they are considered ‘normal’. If the husband beats his wife severely, even if she does not go back to her parents; her parents can take her back. If the husband wants to bring her back, her parents can demand compensation or refuse him.

“According to our custom, a man should not beat his wife severely so that blood comes out or should not slap on her face. Parents understand that sometimes husband and wife

¹²⁵ [Maung Tet Pho (1884).p.16.]Maung Tet Pho’s “The Chin Customary Law” is translated into English and published by Kessinger Publisher in 2010. However the research team only has access to the Burmese version and this quotation is translated by Mai Len Nei Cer, one of the researchers.

¹²⁶ *Thaman* (ထာမန်) and *Pin-htan* (ပြင်းထန်).

¹²⁷ The term used in Falam is *lukuai hnacat*. *Lu-kuai* means ‘cut on the head’ and *hna-cat* means ‘part of the earlobe is torn/cut’. The Laitu consider ‘slapping the face’ also as ‘severe’.

do quarrel and fight. But you are not supposed to beat your wife so that she gets a cut and blood comes out from the wound. You should not slap her face as there are other parts you can beat. You should not beat her severely so that her bones break, even if you have paid her bride price. If a man does this, he has to give a gong or buffalo as compensation to her parents."

(51 years old man, Minbya Township)

"If the husband wants to bring back a wife who left him, he has to give a mithan to her parents and discuss the matter with them. But here, we don't have mithans. So I paid 100,000 MMK to bring my wife back. In earlier times of our marriage, she often went back to her parents. She stopped only after we had two children. I had to go and bring her back again and again. I would bring a pot of zu to apologize to her parents: 'I was drunk and that's why I beat her. Now I regret what I did. Please forgive me.' In turn, they killed chickens or a pig and I was reprimanded: 'Don't drink so much. You should not beat her again.'"

(45 year-old man, Tamu Township)

Compensation varies across the communities, e.g. a chicken, a pig, mithan, a gong or a pot, etc. Among the Laitu, the wife's maternal uncle has a strong influence on the decision making and has the right to ask compensation separately. But the women survivors are not the ones who receive the compensation.

6.1.2 Changes and current situation

Some respondents claim that alcohol abuse and domestic violence are declining. However, the research team find that both are happening in all study communities and are closely related to each other.

"Problems usually arise when men get drunk. The drunken husband orders his wife: 'Set the table. Why is the meal not good? Give me a cup of water!'", etc. They treat their wives

like a servant. When they repeat this again and again, at some point, the wife can't take it anymore. So she shouts back at him and then the beating follows."

(53 years old man, Paletwa Township)

"When men are sober, they can control themselves, but when they are drunk, they let out their dissatisfaction and anger freely. Women, on the other hand, also get angry when their husbands drink. So they complain. It is often followed by quarrels and then beatings. Women start with words; men respond with fists."

(50 year-old woman, Hakha Township)

Also, the way of solving domestic violence has not changed significantly over time. When a woman leaves her violent husband and seeks refuge with her parents, when her husband apologize and comes to take her back, she would be pressured to forgive and go back with him. The husband will pay compensation and her parents in turn will slaughter an animal and have meal together.

In the first years of my marriage, my husband beat me often. Once he beat me until blood came out, but I didn't go to my parents at that time. The next time, I went back to my parents. My husband brought one chicken to take me back as is the custom. I didn't want to go back but my parents said I had to, because I've made a vow to God when we married. So my parents killed a pig and I came back with him. It's not fair that he beat me and all he gave was a chicken. He didn't even tell me he was sorry for what he did!

(38 year-old woman, Paletwa Township)

In the research areas, there was no shelter existing either by the government or civil societies for the victims of domestic violence yet. Their parents' house is the only shelter for women. Sometimes, compensation demanded by the parent-in-law to a man who want to take back his wife, might cause a man to retrain his violent actions on his wife. However, the compensation can also become

a hindrance for women who have no intention to divorce their husband, for accessing this temporary shelter.

Some parents try to mitigate the risk of domestic violence by having the groom sign a pre-marital agreement in which he promises to refrain from physical violence, or pay compensation if he does. Other parents asked a verbal promise or sign an agreement when the son-in-law takes back their daughters who come back to live with them because of the husband's violent behaviour.

6.1.3 Women's access to Justice

Across study communities, domestic violence cases are reported to courts only when women want to divorce their husbands. The research team learnt of two women who had died from injuries inflicted on them by their husbands. In the first case, the deceased woman's family brought the case to court and the husband was sentenced to a prison term. In the other case, the family decided to forgive and not to take any legal action 'for the sake of the couple's children', who remained in the care of their father.

“Here some women have to go to their in-laws instead of their parents when their husbands turn violent. If they go back to their own parents, when their husband comes to take them back, he might be asked to give a pot or a cow as compensation. So women don’t dare to go back to their parents as they know they can’t divorce their husband, and they have to face financial difficulty caused by the compensation later. Such a pitiful life!”

(42 year-old woman, Tamu Township)

“If it was me, I would not be able to forgive if somebody did this to my daughter. In my opinion, all the rapists should be put in jail. This would deter others from committing such crimes. I think the rules are slacking these days. Now, the two families meet, apologize and forgive, and that’s all. In former times, you couldn’t get away that easily. You had to pay a penalty, *vokthau lungkhen*, if you raped a woman. But now, I don’t know what to say - no rules, no law, I think.”

(63 year-old widow, Falam Township)

6.2 Sexual violence in the community¹²⁸

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Key findings

- In the past, the Chin customary law considered sexual violence as a serious crime and the penalty often was the same as murder.
- Forgiveness, which has been embedded in the Chin custom, is further strengthened by Christianity and now it is applied often in solving rape cases.
- The current practice stresses more on forgiveness and reconciliation between the two families, and peace and harmony in the community while neglecting justice for the survivor.
- Compare to divorce and inheritance, more sexual violence cases are reported to police or court but some of them are withdrawn again.
- Girls and women with mental impairment who have weaker resistance also are targeted.
- The respondents overwhelmingly think that sexual violence should be solved through formal legal system and the perpetrators should be imprisoned. But in practice, many cases are solved in the communities and as the consequence, the perpetrators often walk away with impunity.

6.2.1 Sexual violence under the Chin Customary Law

The Chin customary laws regarded sexual violence as a serious crime and in the past, the perpetrators were given the same penalty as murder, which means revenge killing.

But today, if rape happens in northern Chin State, male elders of the perpetrator's family would go to the survivor's family to apologize. At the meeting, all the participants are men. Both the

¹²⁸ This section does not include sexual abuse by husbands and other male family members to women and girls inside the family due to the limited scope of this research and the sensitivity of the topic. Further research needed to be conducted on this issue.

perpetrator and the victim are absent. One village administrator from Hakha Township explains about the practices in their community in the below quote. He stresses to point out that materials brought by the perpetrator's family are neither compensation nor penalty but rather gifts offered for asking forgiveness.

"In our community, rape cases were taken as seriously as murder. When this crime happens, the family of the perpetrator go to apologize to the victim's family. They have to bring a traditional necklace¹, puanlukhup and a pig. Puanlukhup means penalty for murder and is an adult mithan. The family of the victim can decide freely how to respond. Some may accept materials offered and forgive the perpetrator. Some may forgive but return all the gifts. Now, if they can't forgive, they report the case to court."

(42 year-old village administrator, Hakha Township)

One male respondent from Falam Township explains that apology and forgiveness is embedded in the Chin custom. This practice is further strengthened by Christianity and now, it is often applied in solving rape cases. Instead of bringing justice for the victim, the current practices stress more on harmony and wellbeing of the community through forgiveness and reconciliation between the two families.

"We have a saying: 'A female mithan can be reduced to one cigar.' It means that if I did something wrong and the penalty I have to pay is one female mithan. I know my mistake and regret what I did. So I bring something like a pig, a pack of sugar or a can of condensed milk to apologize to the family that has suffered because of me. If I humble myself before them and apologize sincerely, the gifts I brought will be accepted and my sin will be forgiven."

(55 year-old man, 10-household leader,
Falam Township)

¹²⁹ *Tthi-fang (Lai), a kind of red beads.*

Table (4) : Traditional penalties for sexual violence mentioned by the respondents¹³⁰

Townships	Tribes	Penalties/Compensations
Tamu	Thado	One mithan
Falam	Hlawnceu, Zahau	<i>Vokthau Lungkhen</i> ; a pig, a pot of zu, rice, salt, etc. In the past, this was regarded one of the highest penalty and paid to the council members.
Hakha	Lai	The penalty depended on the clan of the survivor and normally it was equal to her <i>phunthawh</i> .
Mindat	Mun	Revenge killing in the past; in the most severe cases, both the victim and perpetrator were killed. If the case could be resolved with the help of <i>auntamans</i> , the penalty might be a female mithan and a pair of <i>napat</i> , etc.
Paletwa	Khumi	A pig
Minbya	Laitu	One white buffalo and a gong. (In addition, the maternal uncle of the survivor could demand a separate compensation.)

In Falam Township, in the past, rape cases were heard by the village council and a common penalty was *vokthau lungkhen*, i.e. a pig, some rice, a pot of *zu* and a packet of salt, which were consumed by the council members. Before the arrival of Christianity, there was a belief that this crime angered the guardian spirit of the village. To appease the spirit, the village had to be cleansed by slaughtering an animal, i.e. a pig or mithan.¹³¹ There was also the

¹³⁰ The compensation/penalty mentioned may not be able to represent a certain tribe or township.

¹³¹ The locals call this '*thisen-luan*' (shedding blood) and it is often mentioned that, 'there is no forgiveness without shedding blood.' In Gender Equality Network's report, "Raising the Curtain", it is mentioned about similar belief in Kaya State.

practice of killing an animal as penalty paid by the perpetrators, and distributing the meat to all households of the village or the related families.¹³² None of the respondents knows how the ceremonies were conducted to appease the guardian spirits in the past. However, not long ago, there was one rape case in a Christian village and the village leaders ordered the perpetrator's family to cleanse the village again. Therefore, his family paid one pig, some rice packets, tea, cans of condensed milk, sugar and other necessary things. A prayer was led by the pastor and all the villager had dinner together, in the expenses of the perpetrator's family.

In some communities, the victim and the offender were forced to marry but the practice is less common now. If the offender agrees to marry the victim, he does not have to pay compensation or penalty but only the bride price. If the victim becomes pregnant, even if the men refuse to marry her, he can claim the child as his by paying compensation according to the local custom.¹³³

6.2.2 Women's access to justice

About fifty years ago, in a village of Falam Township, one woman reported to the village council that she was raped. When the village council met to hear her case, she was asked, "Where and when did it happen?" When she answered that it happened near the perpetrator's house and at night, they questioned her, "Why do you go to a place near his house at that time?" and dismissed the case.

Compared to divorce and inheritance cases, more rape cases are reported to the court and police but some cases are withdrawn again. Moreover, as some cases are reported to the police only after failing to resolve with the local custom, a lack of evidence often results in the dismissal of those cases.

¹³² *Tlang-zam* (in Lai).

¹³³ Similar to cases of men refusing to marry a woman who is pregnant with his child.

Table (5) : How rape cases are resolved in the communities ¹³⁴

No	Survivor	How the cases were solved	Remarks
1	Minor (under ten years)	Compensation: MMK 400,000/-	The survivor's family was poor and they didn't want to inform the police.
2	Adult with mental disability	Apologized with 2 sarongs.	No concrete information.
3	Minor	Compensation: 2 cows (paid in cash, MMK 500,000/-)	The perpetrator used his intoxication as an excuse.
4	Two adult women	The first case was reconciled through compensation of cows. The second case was reported to the police and the perpetrator was convicted to 5 years in prison.	Two separate cases committed by one man
5	Minor	The father reported the case to the police but withdrew again because of family pressure. The case was resolved with compensation MMK 10,000/-	Two separate cases committed by one man
6	Two minors	The respondents are not sure how the cases were resolved. One survivor was bleeding but was not sent to hospital to treat her injury.	Committed by one man.

¹³⁴ Mostly, the respondents do not remember the exact date or year when the cases have happened. We report cases which were likely to happen after 1980. Though important information is missing, the objective here is to highlight how rape cases are solved in the Chin communities. The places or townships are not mentioned in order to protect the privacy of the survivors and their families.

No	Survivor	How the cases were solved	Remarks
7	Minor	The survivor's brother reported the case to the police and the perpetrator was incarcerated for a few nights. After his family apologized, the case was withdrawn again.	
8	Adult	Apology from the perpetrator was accepted and no reporting to the police.	
9	Minor	The apology of the perpetrator's family was accepted and the case was not reported to the police. The village leaders decided that the village should be cleansed. Therefore, the perpetrator's family killed a pig and hosted a dinner for the entire village.	
10	Adult	The offender's family slaughtered a pig and the meat was distributed to the villagers.	Attempted rape.
11	Adult	Reported to police and the perpetrator was held in prison for three months. But the survivor's family accept the perpetrator's family's apology and withdrew the case again.	
12	Minor	The case was reported to the police, but the perpetrator fled to Mizoram State, India.	

No	Survivor	How the cases were solved	Remarks
13	Adult (with mental disability)	The two offenders fled to India and their families slaughtered a pig to apologize.	
14	Two minors (15 and 17 years)	The parents accepted compensation 1,800,000 MMK. But one of the survivors tried to file the case to court and the perpetrators fled to Phakant, Kachin State.	Two perpetrators
15	Minor (13 years)	The court sentenced the perpetrator to five years imprisonment.	The perpetrator was about 50 years old.
16	Minor (13 years)	(Incomplete information)	The perpetrators were two army defectors.
17	Adult	The case was reported to the police, but withdrawn after apology. The survivor's family demanded 1,200,000 MMK but the amount was negotiated to 600,000 MMK as the offender's family could not afford to pay.	
18	Minor	The perpetrator's family apologized and the case was resolved with compensation 500,000 MMK.	The perpetrator was also minor.
19	Adult	The case was reported to police. The perpetrator fled and lived somewhere else for a while but he was caught when he returned. The survivor would like to withdraw the case as she was married already. But on the comment of the Law Office, he was sentenced to three years imprisonment.	

No	Survivor	How the cases were solved	Remarks
20	Minor	Two perpetrators were sentenced to ten years imprisonment and hard labour.	The perpetrators were policemen.

6.2.3 Barriers for women to access justice

The Penal Code of 1960 remains Myanmar’s main legislation concerning violent crimes and their punishments. The laws pertaining to sexual harassment and assault are found in the original Penal Code, thus containing language that dates back to the colonial era that does not adequately address women’s experiences of violence today¹³⁵. Moreover, there are many barriers for women to access the formal justice system. The Justice Base reports that many choose traditional dispute resolution mechanisms due to the persistence of long-held, widespread distrust of the state legal system and complaints about its high costs, corruption, gender bias, lengthy trial delays and language barriers for ethnic minorities who are non-Burmese language speakers¹³⁶. One respondent, a female retired advocate, shared that when women reported their problems to her organization, the Myanmar Women’s Affairs Federation, she advised them to solve them outside the court and to seek monetary compensation, as the court procedures are complex, long and costly.

The exclusion of women (including the survivors) from decision making processes is another barrier for women to access justice. In many cases, women have no power to decide whether to report the assault and seek formal justice or to reconcile in the traditional way. Instead, their male guardians would make decision on behalf of them. Moreover, when rape cases are resolved with customary laws, both the law makers and the judges are men. When resolving formally, the system is still dominated by men.

¹³⁵ GEN (2013); in Justice Base (2016).

¹³⁶ Justice Base (2016).p.9.

“Women are afraid to go to court because their owners¹³⁷ would say, ‘the head of the family is the one who should speak’. Mostly, here, cases are solved with the help of auntamans and when problems are solved this way, women are not allowed to speak. Men have the power and they control.”

(Middle-aged widow,
Mindat Township)

Moreover, victim blaming, gossip, fear of losing face and earning a bad reputation discourage women from reporting rape cases and seeking justice. Some women have hid this even from their own families.

“Only after they failed to solve with the custom, the cases are reported to police. Women have to think about their reputation. Nobody wants to become famous for cases like this! Another reason may be that they don’t know how to get help from the police and they have to spend a lot of money during the court process. In the past, there have been bribery cases and people believe if they don’t have money, they will lose their case.”

(40 year-old women leader,
Mindat Township)

6.2.4 Changes and present situation

The study respondents expressed their concern about resolving rape cases according to the local custom, which mostly result in letting the perpetrators walk away with impunity. Women worry that the perpetrators might not afraid to commit the same crime again, making unsafe environment for women and girls. Instead they prefer the statutory law which would result with the incarceration of the offenders which also might act as deterrent for the potential ones in the community. However, many rape cases are not reported to the police but solved within the community

¹³⁷ (pai-shin) ပိုင်ရှင်. Probably, she means the husbands.

according to the custom. The quote below shows how difficult it was, even for the man who has worked as a village headman before, to stand against the pressure of tradition.

“My daughter was raped by a man from another village. I informed the police and tried to take the case to court. When the offender’s family came to ask for forgiveness, I said ‘no’. I couldn’t forgive him for what he did to my daughter. The police advised me that we should solve it according to Chin custom. I told them that if they refused to take the case, I would go to district court. This is a serious crime - to rape a minor! But my older brother interfered, telling me that I should accept their apology as this was our custom. At last, I gave up and accepted their compensation of 10,000 MMK.”
(62 year-old retired village headman)

Even abroad, the Chin migrants seem to prefer solving sexual violence with customary practices, rather than the state law of the host country. It may be that the justice system of the host country is difficult to access for the migrants or men just prefer the familiar system where they have the power to decide.

“I never heard about rape case in our village. But when I was in Malaysia, a young girl who was living with her sister’s family was raped by her brother-in-law. The victim told her brothers and all were seething with rage. When the perpetrator’s family came to apologize, I was there. There was no mithan to bring in Malaysia, but still they speak as if they bring all of them as our custom. The brothers had said that they would never forgive a man who did this to their sister. However, when they discussed the matter, the older sister, the wife of the perpetrator refused to divorce her husband. So the brothers could do nothing but scold the perpetrator.”

(44 year-old village administrator, Hakha Township)



7. Conclusion and recommendations

With all their diversity, the Chins tribes participating in this study have one commonality of practicing patriarchy in which their customary laws are discriminating and oppressing women into a subordinate position compared to men. In order to keep the power in the hands of men, women are excluded from all decision making processes. They are objectified through the bride price practice, which in turn diminishes their self-esteem and decision making power. Through economic exploitation of denying their basic rights of ownership to land, houses and other important property, women are forced to depend on their male guardians – father, brother, uncle, husband and sons – unable to stand on their own as free human beings with dignity.

However, the customary laws are not static but are undergoing changes regarding their contents, interpretation and enforcement in response to the situation that a society is experiencing and living. Changes have been brought to Chin society by outside influences such as the western civilization and Burmese culture plus the inside questioning and revaluation of the norms and practices in the communities. The outside influence has been especially strong under the administration of the British during the colonial period and under the successive Burmese governments after the independence of Myanmar. The Christianity and Buddhism also reshape the community's values and norms in a more subtle way. Amid those outside influences, the current practice of customary law survives because the public acknowledge and approve them. When we compare the past and present practices, we can see a trend of positive change for women but the process has been slow and till today, the main decision makers are men. Among the decision makers, there are a few progressive men who

can accept gender equality but many still prefer to stick to the past discriminatory laws, using 'to keep Chin identity alive' as their excuse.

On the other hand, legal pluralism, a legacy inherited from the British is continued to practice in Myanmar. The statute laws have their flaws but they grant more rights to women. However, there are some barriers for women to access the formal legal system and the customary laws remain the most accessible problem solving mechanism for women in the research communities.

Discrimination of women and gender inequality are not the problems faced by the Chins alone but is a global issue. In the age when technology transforms the world into a small village, women's right movement and progress made on gender issues could not be isolated but link to each other. Therefore, considering on the research findings and the situation of women, we recommend that:

7.1 The policy makers and government

Exclusion of women from decision making process has caused the unjust policies, laws and practices. Therefore, the Chin State and Pyidaungsu Governments should make policy, institutional reform and legislation for inclusion of women in decision making, especially in politics. Moreover, economic exploitation has been used to oppress women into a dependent state and subordinate position to men. Therefore, the governments should protect the basic human right of women to own properties, especially in divorce and inheritance through enacting and enforcing the laws.

The contents of the Chin Special Division Act, especially concern with inheritance are obsolete and do not reflect the current practices of the communities and the women's human right enshrined in the CEDAW to which Myanmar is one of the signatory country. The proposed draft of the first Chin State Hluttaw in 2015 for amending Chin Special Division Act has some progresses but it still refuses to give equal right to women. Therefore the Chin State Hluttaw should reconsider and make adjustments to the draft in order to protect women's human rights. During the process, the diverse customary practices of the Chin tribes and different situations caused by geographical areas should be considered.

Public consultations need to be conducted with large participation of people in the communities. As the lives of women would be greatly impacted by the implementation of this law, the Hluttaw must ensure participation of women throughout the amendment process. The Pyidaungsu Hluttaw should assist and accelerate the amendment process, while ensuring that the amendments will protect women's human rights according to CEDAW.

Domestic physical violence was found in all the study communities and appears often linked to alcohol abuse of married men. Therefore the government should make effective policy on brewing and selling liquors and alcohol to prevent violent cases in the families. In order to protect women from violence, the government should make institutional improvements so that women are able to access the formal legal system and support mechanisms that need to be established throughout Chin State. Gender training should be provided to the judiciary and law enforcement personnel. New laws, such as "The Protection and Prevention of Violence against Women Law", drafted by the Ministry of Social Welfare Relief and Resettlement, should be enacted and enforced as soon as possible in order to protect and prevent domestic and other forms of violence committed on women today.

7.2 Civil Society

Decision making related to marriage is still the domain of men. The amount of the bride price is decreasing but this practice is not likely to disappear soon as public support for continuing in moderate amount in order to keep Chin identity alive. In Chin communities, the bride price is used as an objectification of women, and also in other parts of the world, different forms of objectification of women can be found. Therefore, instead of the bride price practice, the root causes should be addressed. The bride and the groom should become decision makers for their own marriage, especially regarding the amount of the bride price or whether they want or do not want to follow this practice.

Because of the unequal division of labour in the families, women have to work harder with little time to rest. While women do most of the unpaid work, men do most of the income generating

work and are, hence, entitled to make important decisions on behalf of the family as the major or only bread-winners. To redress this inequality, civil society organizations and groups should advocate for the recognition of women's unpaid work as important for the survival of their families and the whole communities. If women take the share of earning income for the families, men should take their share of the unpaid work as well.

The customary law is the most accessible mechanism to discuss and resolve disputes in the communities. Therefore, the informal way of solving legal problems in the local communities should be improved so that women can actually get justice through them. Male decision makers in the community need to be addressed and informed about the concepts of human rights, gender, CEDAW and state laws that concern with women through awareness raising programs, trainings and advocacy in order to build knowledge, a change of mindset and behavior change. At the same time, grassroots women should be informed about their human rights, gender concept, CEDAW and state laws through training and other possible means. Moreover, they should be empowered through leadership training, income generation programs and other means so that they would become positive change makers in their communities.

Public awareness raising and knowledge building on gender issue, women's human rights, CEDAW, VAW and legal issues are urgently needed in all the communities. They should be done through community trainings or other means. Not only women, but men also should be targeted in the programs. For VAW survivors, temporary shelters, counseling service, legal and health service, etc. urgently needed. The works should not be directed only to respond to the cases but also on the prevention of them.

More research is needed on the economic and educational situation of women, relationship between alcoholism and violence against women, in order to identify intervention points and policy advocacy.

CBOs, LNGOs, INGOs and other civil societies in Chin State that are working on women rights and gender equality should establish networks; share information and research findings and

others. Collaborative approach will be essential to bring gender equality and sustainable positive change in the communities.

Chin women from different areas should work together, to organize and build a movement in order to bring social justice for women in their communities. They should engage men who share the same value of justice and cooperate with them. In addition, as discrimination of women and gender inequality is a global issue, Chin women should not work in isolation but build networks, solidarity and work hand in hand with other women activists from both, inside and outside of Myanmar.

7.3 Donor Organizations

In order to bring sustainable positive change in the communities, the donor organizations should support the empowerment of grassroot women and capacity building of local women's organizations. As the patriarchy system has been entrenched in the community for a long time, change will require a long-term effort involving a broad range of interventions. Therefore, long-term support will be needed.

7.4 Public

The Chin men and women, who want to get justice, should start working from their own families in order to bring social justice into their respective communities.

7.5 Recommendations for the change of customary laws and practices by the respondents

The high bride price causes unnecessary financial burdens on the newly married couples. Therefore, depending on the financial situation of the groom, an affordable amount should be asked.

Some married women are required to do all the house work but restricted to go out to meet friends and parents. Therefore married women should have time to rest, to go out to meet friends and parents freely. In addition, as they take the duty of caregivers to the infirm parents-in-laws, they should have a chance to take care of their parents when they are ill.

Both, husband and wife are working hard together to build a family. It is not fair that women are only given little property or not given anything at all at the divorce. Therefore, man and woman should divide the family property equally at the divorce, no matter who initiated it. In addition, men and women who commit adultery should be treated equally, especially when this becomes the cause of divorce.

Generally, mothers are allowed to take custody of babies at divorce. But there are a few cases in which babies are forcefully taken away from mothers. In these cases, the welfare of the baby should be put at first. And if the mother could and would like to take her babies, she should be granted the custody.

If the father takes back the child who has been under her mother's custody as the custom, adequate compensation should be paid to the mother. If the father refuses to pay adequate compensation, the child should remain under the mother's custody.

Women are only given little property or nothing at all, at the divorce. Moreover, when they get custody, men do not give child support. This put tremendous financial burdens on divorced women. Therefore, if women are given guardianship, the fathers should give child support. And if the mother gets custody, more of the family's property should be given to her at the divorce.

Daughters should have the equal right of inheritance with their brothers. At the same time, widows should have the right to inherit from their husbands, whether they are childless and regardless of the sex of their children. Moreover they should not lose custody of their children to the male relatives of their deceased husbands.

Daughters are denied to inheritance on the reason they are exempted from taking responsibility for their parents: to take care in their old age or to pay their debt (if they have). If daughters are given equal chance, to access and improve their potentials by education and ownership of properties equally with their brothers, then they would be able to take responsibilities as their brothers.

Alcohol abuse of husbands and physical violence in the family is prevalent in the communities. It is not fair that women are blamed for being beaten. Instead, the perpetrators of violence

should be blamed for their actions. In addition, family members and religious leaders should not pressure women to remain in the abusive marriages, when they would like to divorce their alcoholic, violent husbands.

Solving sexual violence in the community according to local practices often causes the perpetrators get away with impunity. Therefore, for the sake of justice for the survivors and security for women in the community, all rape cases need to be reported to the police and solved according to the formal justice system.

Appendix 1:**Written documents on Chin customary laws and practices**

1. Mg Thet Pyo's 'Customary law of the Chin Tribe'(1884) is the first recorded customary law among the Chin and focuses on the practices of the Asho tribe. It was compiled under the British administration in order to help during court processes. It was written in Burmese and later translated in to English.
2. 'The Haka Chin Customs' (1910) is the records and writings of W.R. Head, Provincial Civil Service and Assistant Superintendent, of his 13 years of service in Hakha. The text was intended as a handbook to solve cases according to local custom.
3. 'Kamhau Upadi' (1920) covers areas which were under the famous chief Kam Hau, including parts of Tedim and Tonzang Townships. (Written in Tedim).
4. 'The Customary law of the Siyins' was developed during public consultation meetings in the Siyin area, after Burma's independence. (Written in Burmese).
5. "History, Customary laws and practices of the Chins" by Chin History Compiling Committee; published in 2001 at Yangon. It was written about practices from townships in Chin State while combining Tedim and Tonzang; Hakha and Thantlang, Mindat and Kanpetlet into one. The authors are from respective townships. (Written in Burmese).
6. 'Customary Laws and Practices of the Chins' (2012) by Steven Nikio covered mostly about the practices in Hakha and Thantlang Townships. (Written in Burmese).

Appendix 2:
Attachment of Section 15(a) of the Chin Special Division Act

The customary law on inheritance of property of a man of Chin tribe shall be amended as follows:

1. The funeral cost shall be deducted from the property of the deceased person, and all debt of the deceased person, any other lawful debt owed on the property, and all other liabilities arising on the property shall be deducted from the remaining property.
2. The property shall be divided into predecessor's property and usual property;
 - (a) Predecessor's property:
 - (i) Shall include the property fixed to the house in general and other buildings built in the household land. The family's house owned by the deceased person (if more than a house of the deceased person are remained, only one house is recognized as the family' house. However, if the deceased person married with more than a wife and each wife lives in a separate house, each of such house shall be considered family's house.)
 - (ii) Immoveable antique inherited from his father or other relatives. In addition,
 - (iii) Includes moveable properties such as guns which are included in the predecessor's property according to the customary law and things associated with such guns, traditional clothes and jewellery;
 - (b) All of the moveable and immoveable properties of the deceased person other than the properties as mentioned above shall be the usual property.

Explanation:

- (a) The property which is obtained by the joint effort of the husband and wife shall be designated as the usual property of the deceased person when the husband is dead.

(b) The property which is obtained by the joint effort of the husband and wife shall become the property of the husband when the wife is dead.

3. (1) The inheritors for predecessor's property of the deceased person shall be as follows:
 - (a) According to the respective traditions, direct succeeding inheritors for such property such as son, grandson, and great grandson of the deceased person;
 - (b) If there is none of them, the father of the deceased person;
 - (c) If the father of the deceased person does not exist, male person directly descended from the father of the deceased person, who is inheritor of such property according to the respective tradition;
 - (d) If such person does not exist, male person directly descended from the great father of the father side, who is inheritor of such property according to the respective tradition;
 - (e) If such male person does not exist, the eldest daughter being alive of the deceased person;
 - (f) If she does not exist, the eldest daughter being alive of any of the male person directly descended from the deceased person;
 - (g) If she does not exist, the eldest sister being alive of the deceased person;
 - (h) If she does not exist, the mother of the deceased person;
- (2) If the deceased person does not have any relative as described above, the predecessor's property shall be counted as the usual property of the deceased person.

Explanation:

- (1) The widow of the deceased person shall have a right to live in the family's house with free of charge. However, such

right to live shall be terminated when she re-marries or it is approved that she is pregnant with another man. (If there are more than a widow left by the deceased person, each widow shall have a right to live with free of charge in the house where they are living without any contrary to such conditions.)

- (2) The male person who is directly descended as stated in this paragraph means the male person derived from the relative of husband's relative such as son, grandson of the son. But such expression shall not include the son derived from the wife's relative.
 - (3) Notwithstanding anything contained in the customary law of a region, all of the children shall have a right to inherit.
 - (4) For the purpose of the provisions of this schedule, the children include the children adopted according to the customary law of a region.
4. The usual property of the deceased person shall be allocated to the widow (or widower) of the deceased person and other relatives as follows:
- (a) If the deceased person remains the children, a son shall receive twice of the property which is received by the daughter, and a daughter shall receive twice of the property which is received by the widow (or widower).

Explanation:

However, if a child of the deceased person dies during the deceased person is alive and he or she left a child directly descended and being alive, the son shall receive twice of the property which the daughter is entitled to receive and the deceased person should receive while he is alive.

Example:

When "A" dies, widow "B", daughter "C" and son "D" are left. Other son "E" died during "A" is alive and "E" left children. The property shall be divided and one portion for

“B”, two portions for “C” and four portions each for “D” and “E”. Four portions to be received by “E” shall be allocated to the children of “E” and therefore son shall receive twice of the portions which the daughter receives.

- (b) If there is no person directly descended from the deceased person, the usual property shall be divided as follows:
- (1) Both parents if they are alive or father or mother if one of them dies shall receive half of the property and the widow (or widower) shall receive half of them. However, father shall receive twice of the property which mother is entitled to receive if both parents are alive. In addition, mother shall have no right to receive the property if the husband is alive.

Explanation:

Father or mother means the biological father or mother of the deceased person but not include step-father or step-mother.

- (2) If both parents are not alive and the father has younger brother, elder brother, elder sister and younger sister, they shall receive the property which the parents are entitled to receive. In such case, younger brother or elder brother shall receive twice of the property which elder sister or younger sister is entitled to receive.
- (3) If both parents and persons directly descended from the father are not alive, and grandfather or grandmother from father’s side is alive, the widow or widower shall receive two-thirds of the property and grandparents shall receive one-thirds of them. The portion which grandfather should receive shall be twice of grandmother’s portion. However, grandmother shall not be entitled to receive any property if her husband is alive.
- (4) If there is no relative as stated in above paragraphs (1), (2) and (3), the widow or widower shall receive

three-fourths of the property and any inheritor shall receive one-fourths of the property according to the respective tradition.

Explanation:

- (a) Direct descendant shall end at woman. In other words, the daughter is a direct descendant in respect of inheritance but her children are not direct descendants of their grandfather who is the father of such mother.

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ကျော်ဇေယျ၊ ဦး၊ အမွေဆက်ခံခြင်းအက်ဥပဒေ၊ ရန်ကုန်၊ စကားပြောနေသူများစာပေ၊ ၁၉၉၉။

ခင်ဝင်းမြင့် (ဥပဒေ သုတေသီ)၊ ခရစ်ယာန်ဘာသာဝင်များဆိုင်ရာ ဥပဒေနှင့် သိကောင်းစရာများ၊ ရန်ကုန်၊ ရှုတိုင်းယဉ်စာပေ၊ ၂၀၁၅။

ချင်းဝိသေသတိုင်းလက်စွဲဥပဒေ၊ ရန်ကုန်၊ ဗဟိုပုံနှိပ်တိုက်၊ ၁၉၆၄။

ချင်းလူမျိုးထဲက မျိုးနွယ်စုများအကြောင်း (၂၀၁၄ တွင်ကောက်ယူမည်၊ မြန်မာနိုင်ငံသန်းခေါင်စာရင်းအတွက် ကြိုတင်ပြင်ဆင်သည့်အနေဖြင့် အစိုးရမှသတ်မှတ်သော ချင်းလူမျိုးစု ၅၃ မျိုး နှင့် ပတ်သက်၍ ချင်းအမျိုးသားညီလာခံမှ လေ့လာသုံးသပ် တင်ပြသည့်စာတမ်းများ)၊ ရန်ကုန်၊ ၂၀၁၃။

ချင်းလူမျိုးဝိသေသပြန်လည်ရှာဖွေခြင်းမှသည် အမျိုးသားပြန်လည်ရင်ကြားစေ့ သင့်မြတ်ရေးသို့ (၂၀၁၄ ခုနှစ် သန်းကောင် စာရင်းဆိုင်ရာ ချင်းအမျိုးသားအထောက်အကူပြုကော်မတီ၏ ချင်းလူမျိုးအမည်စာရင်း အမှန်ရရှိရေး ဆောင်ရွက်မှု လုပ်ငန်းစဉ်၊ လေ့လာတွေ့ရှိချက်နှင့် ကော်မတီ၏ သဘောထားမှတ်ချက်နှင့် အကြံပြုချက်များ။) ၂၀၁၆၊ ရန်ကုန်။

ချင်းသမိုင်းရှာဖွေပြုစုရေးကော်မတီ၊ ချင်းလူမျိုးများ၏ သမိုင်းဖြစ်စဉ်နှင့် ရိုးရာယဉ်ကျေးမှု ဓလေ့ထုံးတမ်းများအကျဉ်း၊ ၂၀၀၁၊ ရန်ကုန်။

ချင်းအမျိုးသားညီလာခံ ကျင်းပရေးပူးပေါင်းကော်မတီ၊ ဒုတိယအကြိမ် ချင်းအမျိုးသားညီလာခံ၏ ဘုံသဘောတူညီချက်များ၊ ရန်ကုန်၊ နှစ်ခြင်းပုံနှိပ်တိုက်၊ ၂၀၁၄။

စတီဗန် နီကီယို၊ ချင်းယဉ်ကျေးမှုဓလေ့ထုံးတမ်း၊ ရန်ကုန်၊ အဘေဇီဇာပုံနှိပ်တိုက်၊ ၂၀၁၂။

ငချင်းပျံ (မနားရှင်း)၊ ဒိုင်ဓလေ့၊ ရန်ကုန်၊ ရွှေမြို့တော်ပုံနှိပ်တိုက်၊ ၂၀၁၃။

ငိုင်ဆာခုံ၊ ဦး၊ မတူဓလေ့ထုံးတမ်းဥပဒေ ပြုပြင်ပြောင်းလဲရေး၊ မတူဖိုရမ်၊ မတူပီ၊ ၂၀၁၅။

ပထမအကြိမ် ချင်းပြည်နယ်လွှတ်တော်၊ အမွေဆက်ခံခြင်းဥပဒေမူကြမ်း၊ ဟားခါး၊ ၂၀၁၅။

ပထမအကြိမ် ချင်းပြည်နယ်လွှတ်တော်၊ ထိမ်းမြားလက်ထပ်ခြင်း ဓလေ့ထုံးတမ်းဥပဒေ မူကြမ်း၊ ဟားခါး၊ ၂၀၁၅။

ဗကြိုင်၊ ဦး၊ ခရစ်ယာန်ဘာသာဝင် မိုဟာမေဒင်ဘာသာဝင် ဟိန္ဒူဘာသာဝင်တို့နှင့် သက်ဆိုင်သော ဥပဒေသိမှတ်ဖွယ်ရာ အဖြာဖြာ၊ ယုံကြည်ချက်စာပေ၊ ရန်ကုန်၊ ၂၀၀၄။

မြစိန်၊ ဦး၊ မြန်မာဓလေ့ထုံးတမ်းဥပဒေ၊ ဂုဏ်ထူးစာပေ၊ ရန်ကုန်၊ ၂၀၁၄ (၁၂ ကြိမ်မြောက်) (ပထမအကြိမ် ၁၉၅၅)။

မြန်မာ့ဆိုရှယ်လစ်လမ်းစဉ်ပါတီ၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ၏ တိုင်းရင်းသားယဉ်ကျေးမှု ရိုးရာဓလေ့ထုံးတမ်းများ (ချင်း)၊ စာပေဗိမာန်စာအုပ်တိုက်၊ ရန်ကုန်၊ ၁၉၆၈။

ရိုဆန်း၊ ချင်းလူမျိုးများဆင်းသက်ဝင်ရောက်သည့်လမ်းကြောင်း၊ ရန်ကုန်၊ တိုင်းရင်းသား လူငယ်များဖွံ့ဖြိုးတိုးတက်ရေးစင်တာ၊ ၂၀၁၄။

ဖလမ်းမြို့နှစ်တစ်ရာပြည့်ပွဲမဂ္ဂဇင်း (၁၈၉၂-၁၉၉၂)မှ ဦးတီလ်လွယ်၏ဆောင်းပါး ‘နယ်ချဲ့ တော်လှန်ရေး ချင်းအမျိုးသားခေါင်းဆောင် ဗိုလ်ကြွန်ဘိမ်’၊ ၁၉၉၂။

Chin World Journal, December 6, 2015. Yangon.

ကျဲအိုဘိမ်ထောင်၊ ဆလိုင်း၊ ချင်းလူမျိုးများပျောက်ကွယ်မသွားစေချင်၊ ၂၀၁၁။

ပထမအကြိမ် ခူမီးမျိုးနွယ်စုများဖိုရမ်၏ ဘုံသဘောတူညီချက်နှင့် သဘောထားထုတ်ပြန်ချက်၊ ပလက်ဝ၊ ၂၀၁၄။

စီးယင်းချင်းလူမျိုးများ၏ ဓလေ့ထုံးတမ်းဥပဒေများ၊ ၁၉၅၁။

Chin

Kamhau Upadi (1925) (in Tedim)

This study has been made possible by the work of a dedicated and enthusiastic team. We appreciate their effort and record their hard work here. The team is made up by:

- Polina Polianskaja, sociocultural anthropologist, as research consultant
- Mai Len nei Cer, Coordinator of Ninu, who carried out field research in Falam, Hakha and Thantlang Townships, translated documents between Burmese and English
- Mai Naomi Thang, who carried out field research in Kanpetlet, Mindat, Matupi, Tonzang and Tamu Townships
- Mai Hnin Wai, field researcher in Mindon, Minbya and Paletwa Townships
- Thian Nei Cung, research assistant to Falam, Minbya and Paletwa Townships
- Vung Suan Dim and Cing Deih Huai, who carried out field research in Tedim Township
- Rose Mary, Accountant and who provided other office support

The photos in this report are taken by Mai Len Nei Cer, Mai Naomi Thang, Mai Hnin Wai and Thian Nei Cung during the field trips.



Ninu (Women in Action Group) was formed in 2013
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The mission is to empower women and bring gender equality and
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