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Some Acronyms in This Issue

BSPP-	Burmese Socialist Programme Party,
SPDC-	State Peace and Development Council,
ILO-	International Labour Organization
IB -	Infantry Battalion (<i>of Burmese Army</i>),
LIB-	Light Infantry Battalion (<i>of Burmese Army</i>),
PDC-	Peace and Development Council,
NGOs-	Non-governmental Organizations
UNHCR-	United Nations High Commissioner for Refugees
CEDAW-	Convention on the Elimination of All Forms of Discrimination against Women

News

Formation of Militia Force in the Conflict Zone of Southern Ye Township

(April 2004, Mon State)

The SPDC's Burmese Army (*tatmadaw*) have forced the local Mon villagers in southern part of Ye Township, Mon State, to support the army by forming militia force in various villages.

On April 4, 2004, the Burmese Army's No. 3 Tactical Command led by Brigadier Myo Win (*of the Southeast Command*) called a meeting with villagers via a village headmen in Yin-ye village, southern part of Ye Township and forced them to form a village militia force.

The army commanders forced all men to attend the meeting and called 40 villagers to involve in militia force voluntarily. As many villagers or men did not give their names voluntarily to be militiamen, then the commanders recruited them in a way of lottery. All men in the village had to collect lottery and at the end, 40 of them became militiamen.

The village has about 300 households and it has about 1900 population. After the formation of militia force, the villagers have to take responsibility to provide foods for those militiamen and payment for their salaries and wages. Those militiamen have to take responsibility



A group of forced labour used by the local Burmese Army

Unceasingly Human Rights Violation Does Not Proceed for National Reconciliation

Currently the military regime in Burma, State Peace and Development Council (SPDC), plans to hold a National Convention (NC) and draw a Constitution. However, it is a question that how is free and fair in the NC and whether all genuine representatives could involve and present their political views and opinions freely.

There is still no improvement in the fields of political and human rights in the whole Burma. The democratic opposition's leaders including Daw Aung San Suu Kyi and other senior leaders, youth leaders are still in prison. There is no sign that the regime would release those political prisoners before the NC starts.

On the other hand, there is no country-wide ceasefire between the Burmese Army and ethnic armed force. Although the regime offers for ceasefire to an oldest rebel group in Burma, Karen National Union (KNU), it has been no progress. But the fighting with ethnic Shan, Karenni rebels and a Mon splinter group along Thailand-Burma is still on-going situation and the ethnic civilians still fleeing from war and human rights violations committed by the Burmese Army.

While the political and human rights situation are not much improved, the NC could be meaningless to proceed the national conciliation for the permanent peace establishment in Burma. No genuine representatives from democratic opposition – which won 1990 general elections and representatives of ethnic nationalities – who have fought for greater autonomy for decades – in this NC.

However, the military regime has not cared much for this political deadlock and would move forward with their own political agenda – 7 points road map, in which the Burmese Army will be in the political power permanently without taking part in democratically arranged elections.

for the village and area security and they may need to report to the Burmese Army's commanders or battalions concerned if they found some rebel activities. Or, sometimes, they would be forced to patrol the areas outside of their villages and fight against the rebel armies.

After four-month period intensive military operation against a splinter group, which has been active in the area, the Burmese Army could have some control. The Burmese Army has seriously blocked the local villagers to not provide any supports to the rebel soldiers. Most villagers are not allowed to work at their farms or even go to other villages.

In order to cut all supports and created the conflict between the recent supporters and the rebel soldiers, the Burmese Army planned to form militia force in some villages, which has more population and is in strategic position.

After formation of militia force, it would be easier for the Burmese Army to control the area, because they could get information from those groups, and additionally, it could also get information who are in the villages supporters to rebel armed force.

This is the 'divide and rule' tactics adopted by Burmese Army, to rule the people in the conflict areas after they have some control.

After the occupation of territory that was controlled by the Mon splinter group, the Burmese Army has attempted to put their administration in a high momentum.

They planned to form their own village tract committee, USDA (*Union Solidarity and Development Association*), Women's Affairs Committee, Militia Force, under their control. The army has also hold some meeting with villages and appointed their own headmen, who supports them and then formed the militia force, as armed faction for those headmen.

They also planned to open some clinics with the fund collected from the villagers. As the Mon national schools are operated in area, the army also called a meeting with Mon teachers in late March and forced them to change themselves as government teachers and change the Mon schools to be government schools. There are about 30 Mon schools in the area, which have operated for nearly 30 years.

Otherwise, even in the SPDC's control areas in Moulmein Township, Mudon Township and Thanbyuzayat Township of Mon State, the SPDC is still recruiting the local civilians and give them military training in order to form militia force.

Personal Accounts: The Forgotten Mon Refugees

Since late 2003, hundreds of war refugees and displaced persons from Mon areas in southern part of Burma have fled from their native villages or towns to escape the persecution. They could not find a safe sheltering in Thailand under the protection of international refugees' agencies. But they are displaced in the border areas under the control of ethnic armed forces and some of them moved into Thailand.

Recently, our HURFOM's human rights workers conducted the intensive interviews with some displaced persons, men and women, to realize the reasons why they fled from their homes. The following information are the personal accounts of three refugees or displaced persons.

Interview # 1

Name: Ms Mi A—
 Age/Sex: 38 Years, Female
 Nationality/Religion: Mon/Buddhist
 Native Place: Kywe-thone-nyima village, Yebyu Township, Tenasserim Division
 Status: Unmarried
 Occupation: Day Labour

Q: Can you tell why did you leave from your native home?

A: Troops of Burmese Army are deploying in our villages. Since the beginning of military deployment we have no safety to live and work in village. While we (her family) could not raise sufficient income, we often to pay for forced labour fee, porter fee, self-reliance development fee for road construction. We also have to pay two to three times each month for militia fee. These various fees made us so terrible to live in the villages and therefore, I decided to flee.

Q: Can you explain me the types of fees and their amounts in more detail?

A: One type of a regular fee is 'porter fee'. The headmen collected it one time per month, we have to pay 8,000 Kyat to 10,000 Kyat each month. Some wealthy house could pay this huge amount of fee, but like our families it was so hard. We had to sell something and then pay them. If you could not, you will be taken as porter.

Conscription of forced labour is not regular. If the Burmese Army or village headmen, we have to go and work. If you don't want to do forced labour, you have to pay 2000 Kyat to 3000 Kyat. They said they would hire a substitute. Normally, I went for labour contribution. What I had to do is to clear grasses, bushes and trees (along the roads and military barracks) and rooted out grasses. Men had to work more heavily than us as they had to fence the barracks' compounds, dig bunkers and trenches round the barracks. If they could not quickly, they must suffer from kicking (by soldiers).

Our village militia force was formed with some people, and the village headmen themselves collect money for militia fee. It is not on a monthly basis but we have to pay 5000 Kyat each time to provide food cost, uniform cost and other facilities for all militiamen in village. They collected 'twice' quarterly (or in three months period). We also have to pay for the village security fee. That is for soldiers in village. We paid 500 Kyat to 800 Kyat each month.

Q: Are you even follow as a porter or as a forced labourer?

A: I never followed as a porter (for Burmese Army). I always have to pay for porter fee. If we could not pay, we will be suffered from portering for sure. As I told before, I have to contribute unpaid labour in military barracks. Our works were not so heavy like men. We had to do just carrying earth, clearing grasses and bushes.

Q: Have you ever hear that the government is not taking forced labour and not taking paddy from farmers?

A: No, never. I found there are more conscription of forced labour than before.

Q: What is your future plan?

A: I will stay in this village (a Mon village near the border). And I will try to get a work here.

Interview #2

Name: Nai T—— H——
Age/sex: 41 Years/ Male
Nationality/Religion: Mon/Buddhist
Native Place: ————— City Ward, Ye Town, Mon State
Status: Married
Occupation: Farmer

Q: Why did you leave from your home?

A: I'm a farmer and planted in betel-nut and rubber trees in my plantation. As the Burmese Army confiscated my lands, I have nothing to work and to get income to survive.

Q: What you lost from the land confiscation?

A: I had 10 acres of land that grow betel-nut trees and rubber trees. Burmese Army's LIB No. 591 and No. 583 confiscated my lands. Other villagers also lost like me. Ms. Mi Khin lost 10 acres of land; Nai Aung Mae lost 3 acres of lands; Nai Thein Pe lost over 10 acres of land. Most of lands were grown with rubber trees and a small piece of Ms. Mi Khin land is grown with betel-nut trees. A second battalion commander, Maj. Ba Lay, who confiscated the lands.

Q: Did you receive any compensation cost?

A: They have promised to pay for cost of the lands since they confiscated the lands. But until now, we would not get any compensation cost. Last year, they called us again and forced us to sign that we sold the lands. But they said that they will give compensation cost next year.

Q: Did you receive compensation and are they allow you to go to your plantation?

A: At first, they allowed us to go the plantation. But the army commander instructed that we need to take permission letters from their bases in Kwan-bae village. We have to pay 500 Kyat permission and 500 Kyat for photos. They made a card. They said if we could not show, they will beat us. But they didn't allow us to stay over-night. Later, we faced a lot of threats and the soldiers also arrested us to be porters. We are afraid of them and then I abandon my plantation.

Q: How much the cost for land? Whether the Burmese Army carry on for their promise?

A: It was cost about 1 million Kyat. But they said the worth is only 737, 300 Kyat in the list. They said if other people get compensation, I would get it.

Q: How long you left from you home?

A: One-month.



A family of displaced persons in a jungle

Report

Migration for Survival: Understanding Migrant Workers from Burma

I. Labour Migration to Thailand

For many years, Thailand has had a big burden to receive thousands of migrant workers from Burma (Myanmar), Lao and Cambodia to seek works in Thailand. On the other hand, As Thailand's economy is boom, many industries have also required that cheap labour from migrant workers. Although the successive Thai government has adopted a strict policy against those migrant labourers to prevent them entering its country, however, it could not effectively enforced the laws.

As the people from Burma, Lao and Cambodia have the same skin colour to the Thai people, the migrants could easily moved into and pretended as 'Thais'. After the unsuccessful crackdown again those migrant workers, Thai government agrees to register the limited number of migrant workers from its neighbouring countries since 1996. However, in the estimation, only 50% of the total migrant workers registered in the Thai government's Ministry of Labour. The remaining thousands of illegal migrants are still in hiding and they are arrested by the Thai police on a daily basis and are deported back to the border of the countries concerned¹.

For almost Thai people, they think those migrants have to flee from their homes because of just economic reasons – unemployment, poverty, low-wages, etc. At the same time, Thai labour unions have also accused them that those migrant workers entered into their countries illegally and robbed their jobs by taking low-wages from employers. The Thai media always and mostly posed as the migrant workers are criminals who created crimes in their country and there are very less news how the migrant workers are oppressed by their employers. Only a few reporters in English language newspapers produced in Thailand – Bangkok Post and The Nation – have described the plight of migrant workers.

There are a few Thai NGOs, which have helped the migrant workers to understand the Thai labour laws and other humanitarian assistance in term of bringing them to hospitals or clinics, providing education to their children, communicating their families and relatives, etc.

Although the migrant workers from Lao and Cambodia have fled into Thailand illegally because of economic reasons, but the migrant workers from Burma have fled to Thailand not because of economic reasons but also because of human rights violations. In Burma, the majority of non-Burman ethnic people who live in the border areas with Thailand have suffered more from human rights violations committed by the regime, SPDC's armed force, troops of Burmese Army. Most Burman people who lived in Burma, except a few number of political activists, most of them are not seriously suffered from the serious human rights violations – such as killing, torture and sexual violations.

Among thousands of Burmese migrant workers, over 60% of them have fled from the ethnic rural areas of Burma, which are situating along Thailand border². More or less, most of them have been suffered from a few or many types of human rights violations by the SPDC authorities or the soldiers of Burmese Army. At least, most of them have to pay various types of tax to the authorities or soldiers, or some of them have to contribute unpaid labour, or suffer from other abuses³.

Even though thousands of ethnic Mon, Karen and Shan ethnic villagers have fled into Thailand because of serious human rights abuses in their home villages – such as killing, torture, arrest, and sexual violations, those illiterate or low villagers have a very less knowledge to seek the international protection especially the protection

¹ Thai immigration department deports the migrant workers back to Burma via three main border points and they are: Three Pagoda Pass, Mae Sot and Mae Sai.

² This is just a rough estimation. Most people fled from ethnic rural areas and most of them are villagers.

³ The villagers in Burma has constantly suffered from paying both official and unofficial tax to the authorities. Normally, the official tax is only a few amount of Kyat, while unofficial taxes are varied and the civilians have to pay different authorities and different departments.

from UNHCR (*United Nations High Commission for Refugees*) in Thailand⁴. Most of those or thousands of Burma's (ethnic) war-refugees have disappeared in thick population of migrant workers.



A hardship life forced the people from Burma to leave into Thailand

Accordingly to unofficial estimation from various sources, there are nearly one-million illegal migrants workers from Burma and they are defined by the Ministry of Labour as 'unskilled foreign workers'. In the unofficial estimation of Thai police source,

there are about 2 million migrant workers altogether from Burma (Myanmar), Lao and Cambodia. Although the number of these migrant workers slightly decreased during 1997's economic crisis in Thailand, however it gradually increases again since 1999.

In 1996, the Thai government's Ministry of Labour started registering the number of migrant workers or unskilled foreign workers and defined jobs for them. In late 1996, about 372, 000 migrant workers – from Burma, Lao and Cambodia – registered to the Thai government to get work-permit. The registered migrant workers have gradually increased. Again in late 2002, Ministry of Labour registered 586, 000 workers⁵. But many were remained with any registration and just in hiding situation.

In order to get the exact number and complete registration of all migrant workers, the Thai government have enforced for punishment against the employers from various industries, who tried to hidden their workers. In the yearly registration processes, only the migrant workers, who lived in the cities or in big factories, mostly registered but thousands of them who worked areas close to Burma's border in plantations, gardens, farms, grocery shops, gasoline stations, etc, have failed to register.

Thousands of Shan refugees⁶ or hundreds of new Mon refugees⁷, who are recently fled from the offensives in Burma, are not allowed to set up refugee camps in Thailand, and most of them have become as 'illegal migrant workers' in most areas along Thailand-Burma. According to Thai government's work-permit extension policy as to just extend for former migrant workers, many new arrived workers to Thailand also lose chance for the registration.

⁴ During decades long civil war in Burma, the ethnic people who are in the conflict zone could not get much opportunity to attend school or to get basic education: writing and reading of their own language or Burmese language.

⁵ The number is referred from a report: Thailand: Improving the Management of Foreign Workers: produced by International Labour Office and International Organization for Migration.

⁶ Even there were serious fighting and human rights violations in Shan State and thousands of Shan refugees fled into Thailand, Thai government has not allowed Shan refugees to set up 'refugee camp' in Thailand.

⁷ After the Mon armed revolutionary party, New Mon State Party (NMSP) entered for ceasefire in 1995, the Mon refugees in Thailand are forced to return in NMSP control areas. This is referred as 'spontaneous repatriation' by the UNHCR. Since then, no more Mon refugee camp in Thailand.

However, the main causes or reasons of migrating of illegal workers have varied. All of them should not be categorized as migrant workers, who escaped from poverty and unemployment.

Accordingly to a migrated farmer from southern part of Ye Township,

“I have a big rubber plantation with 5000 rubber trees near my village. In normal time, I could raise a lot of money. It is enough for feeding my family and give alms to Buddhist monks. But now, the Burmese Army has not allowed to collect our rubber latex, to feed fertilizer to rubber trees, and even not allow to go to the plantations. They also beat me when I was staying at plantation. They also tortured us in village.”

This Mon farmer fled from his homes not because of he was poor and unemployment, but he has no choice except from escaping from the mis-treatment committed by the members of Burmese Army or *tatmadaw*. He did not stay in refugee resettlement camp in NMSP control area because he felt it was not safe for his family and decided to migrate into Thailand.

II. Reasons of Migration

A. Unemployment and Low-wage in Burma

In the socio-economic point of views, most people in Burma are not guaranteed for the economic rights to have suitable employment with available payment for the survival. Even though the regime has declared that it developed Burma's economy to be 'open market economy' and invited the foreign investments in order to provide employment to general population, but the situation is reluctant for foreign investors to invest a huge amount of dollar in Burma because the country is undemocratic, no specific and consistent economic regulations, unstable of foreign change rate.

On the other hand, the military government also does not have 'employment policy' to create employment for millions of unemployment people. Accordingly unofficial estimation source, there are 5-10 million in Burma have no regular jobs, unemployment and have a very low income, where the country has only 50 million people⁸.

Unemployment rate is so high and most of young Burmese people nowadays spend their time on the streets, coffee-shops, public resting places, and gambling dens.

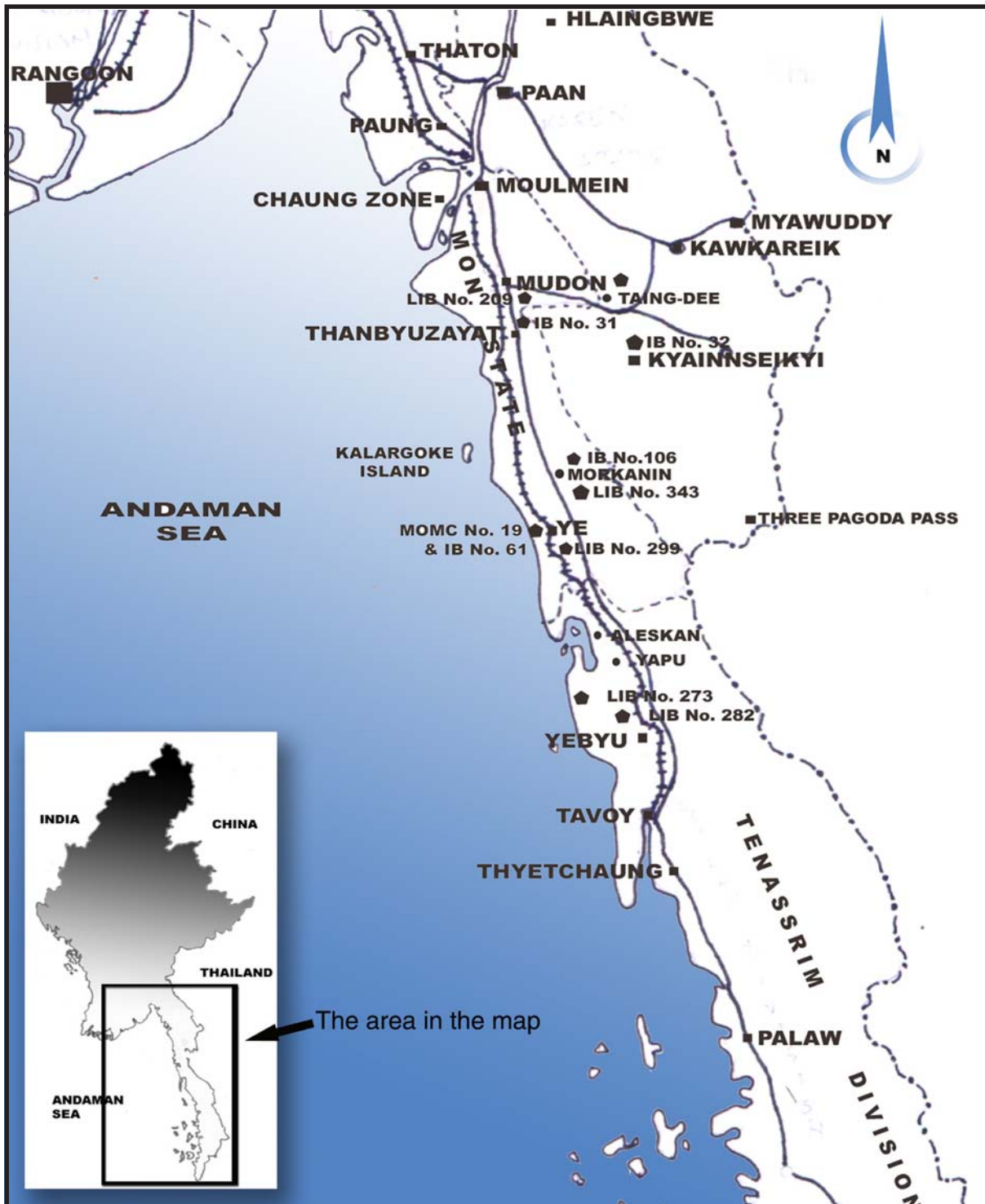
Exploitation of Burma's national resources – logs, fishes, gems, natural gases and others – by many ASEAN's countries' companies have not created many jobs for both ethnic people in the border areas, who belong most resources, and Burman people in the central parts of the country⁹. In the regime's open economic policy, only China has a great opportunity to extend its markets by importing its cheap goods to Burma. But this China's extensive market extension into Burma in the recent years have not really helped increases of jobs in the country.

Since the economy situation in Burma has been deteriorated since the era of BSPP (*Burmese Socialist Programme Party*), the current regime has no ability to stabilize country economy besides to sell natural resources to foreign companies to obtain dollar to maintain in power. Unlikely to many developing countries, Burma has a very less enormous employed industries such as fishing, construction and others to provide thousands of labourers for jobs. The most Burma's agricultural industries could provide employment to only a few number of the local people.

In comparison of unemployment rate between urban and rural areas, the urban people have more unemployed number of the people. Except a few big cities in the country, hundreds of small towns do not have industries or work-place and most people has relied on the traditional family businesses – such as selling groceries, weaving, sewing and making dresses, livestock, transportation, etc. The people in the urban cities or small towns does not have extra works besides these traditional works and therefore, the unemployment rate has increased.

⁸ The Burmese military regime, SLORC or SPDC never declared the statistics of unemployed number of people in Burma.

⁹ ASEAN's constructive engagement created an opportunity to exploit the national resources for the companies from Malaysia, Thailand and Singapore.



Map of lower Burma, from where thousands of people migrate into Thailand illegally

In the rural areas, the people has totally relied on the agricultural activities, paddy and other crop cultivation, raising livestock and fishes, grow rubber and various orchid trees, logging, hunting and gathering of forest products. Although the population in the rural areas of Burma has grown up, there are less and less available jobs for them. The lands or resources for the jobs for those in the rural areas in order to create new jobs have also limited¹⁰. For example, if a farmer with 5 children had 10 acres of agricultural land for growing paddy, he could receive enough income from his land. But when his children grew and got marriage, that 'legacy' land is only available for his two children (sons or daughters) and so that the remaining children have to seek another types of works.

¹⁰ Over 80% of the total population in Burma live in Thailand and majority of them involved in agricultural activities.

In the comparison between men and women, the unemployment rate among the women is higher. Women have traditionally relied on domestic works and later when the population grew up in the communities or cities or villages, many women could not find the new works. As the women have been remained in traditional and domestic works at their homes, the discrimination against women in workplaces has also occurred. In the mind of most employers or employment criteria set by the employers, they always tried to select men rather women in some workplaces. This becomes culturally discrimination against women and some works are not available for women¹¹.

In the rural areas, only jobs or employment in agriculture lands are available for the community people and most of these works are hard and heavy for women as they needed to work in back-breaking situation under heat and rain. When the land owners or employers plan to hire labour, they always think men first before women.

But for some agricultural works, even the women could involve and work, but these are only seasonal works. Only in the beginning of rainy season, the women could get planting of small paddy plants in the ploughed farms and in the cold season of November-December, they could get of harvesting of paddy crops. Similarly, women could receive in collecting rubber latex during the dry season.

Although the regime has ratified the 'Convention on the Elimination of All Forms of Discrimination against Women' (CEDAW), the regime – SPDC – still fails to ensure all women in poverty have access to sufficient food, basic health care, education and vocational training and opportunities for employment. The regime has similarly failed to ensure 'job security' for all working women to have a regular income for their families.

On the other hand, as Burma does not cover for the social security program, both men and women and their families have been greatly suffered in access to sufficient foods, housing and other social patterns if they are unemployed.

Not only the unemployment, but the employees also received a very low wages for their work in Burma if comparing with the situation with the neighboring countries. The income they raised could not cover their living expenses to have available foods, clothes, and other needs for everyday use. Additional unemployment and no permanent jobs for many families have pushed them into the pool of poverty.

The men who work in the paddy-farms could get only 1,000 Kyat (~ 1.1 US Dollar) per day for the back-breaking works – such as ploughing lands together with water buffaloes, planting paddy plants, harvesting the crop grains, etc. Based on the traditional discrimination against women in the work-places, the women could receive only about 800 Kyat (~ 0.9 US Dollar) per day for most similar works of the men. Thus, the monthly income for a day labourer is just around 30 US Dollar.

However, the families who belongs farms, gardens, a space of grocery shops, have better conditions to raise their daily income, but most of them have to pay a lot of illegal tax to the local authorities or troops of Burmese Army.

In cities and small towns, the men who work as tri-shaw drivers, labourers at boat, car, and other transport stations receive a very lack amount of income for the family. A tri-shaw driver could receive their daily income only about 2000 Kyat in maximum rate for their whole day (over 12 hours) work. It is only equal to approximately 2 US Dollar per day.

In most families, only the heads of families, men, could get permanent and stable employers as day-labourers, tri-shaw drivers, and other hard works, but the remaining family members could not get the permanent works. The families in the cities or small towns, which have 5-8 family members have faced a serious situation to afford for the payment of all their daily needs, food, schooling, clothing, and sheltering expenses. With 2000 Kyat (2 US Dollar) per day income, many poor and unemployed families could not afford even to buy basic foods – such as rice, fish-paste, salt, chili, cooking oil, meats and vegetables.

As the economic situation has been deteriorated and the inflation rate has on a monthly basis increased, the commodity costs in all parts of Burma have been gradually increased until many poor families could not afford to buy all types of food that they needed. They just have limited amount of money and could buy only basic and necessary food – rice. Some many families even could not afford to buy sufficient rice and they have to boil in order to save for more meals. Many families even in big cities like Rangoon and Moulmein (the capital of Mon State) have faced such situation.

¹ Women also receive lower wages than men for the same works in many workplaces and it becomes as cultural discrimination.

Unemployment, low-wage and income and food-shortage situation have forced the villagers in both rural areas and town residents to leave from their homes and migrated into the neighbouring countries, especially Thailand and Malaysia – where the economics is boom.

B. Violations of the Rights of Economics

Besides the regime – SPDC – is unable to create employment and increase the wages of the workers in the country, the general population is subjected to contribute unpaid labour; their lands and properties are confiscated without compensation; are forcibly levied to pay various unofficial tax; their movement to involve in daily livelihood; etc.

Conscription of forced labour is a still remaining issue for Burma. After ILO (*International Labour Organization*) involved in eradication of forced labour in the country, although the use of forced labour in the SPDC's firm control areas, cities and small towns, have gradually decreased, however, the people in the remote rural areas are still subjected to be forced labourers by the local authorities or troops of Burmese Army, the so-called *tatmadaw*¹².

Many people, who fled from the remote areas still say, the Burmese Army's soldiers have used them as 'porters' to carry ammunition and food supplies along with the military offensives. During the days while the men are forced to be porters along with the Burmese Army's offensives, they have failed to work in their own livelihood, such as in farming, fishing, plantation and others. When a man is taken as 'porter', the whole family has suffered due to lack of income.

Similarly, the Burmese Army or the local authorities in the remote ethnic have also forced the local civilians to contribute their unpaid labour to construct the roads, bridges and other communication ways to have smooth travel and absolute control for the Burmese Army. On the other hand, the Burmese Army also used the local civilians in farming and other business, which are relating to the self-reliance program.

The constant and inhumane conscription of 'forced labour' is also committed by some troops even during they are operating the military offensives against the ethnic rebels.

As an instance,

While the Burmese Army: Southeast Command's No. 3 Tactical Command and 5 battalions have been launching military offensives against a Mon splinter group in southern part of Ye Township, Mon State, the Burmese Army has conscripted hundreds of villagers from 7 villages to build a 10 miles long motor road.

No. 3 Tactical Command's commander, Brigadier Myo Win, ordered to construct a 10 miles connecting two local Mon villages in the area, Khaw-za and Magyi, and it is also known as 'Khaw-za – Magyi motor road.

Local Mon villagers from 7 villages along the motor road have been ordered to complete building of embankment of the road. Under the Tactical Command, two army battalions: Light Infantry Battalion No. 586 and LIB No. 282 have taken responsibility in conscription of forced labour in villages.

The battalions also set piece of work for each family in the villages and let the villagers work in workplaces with their own arrangement. They set each family to complete building of 4 meters in length and 8 meters in width of embankment. The embankment is 8 meters in width and each family need to complete 4 meters in length of embankment building.

The height of embankment is different from one place to another. In some place, where the ground level is normal, the villagers have to build 2 meters high embankment. In some places, if the route passes in valley area, they have to build up to 5 meters high embankments.

General works in the construction are: villagers have to dig earth outside of embankment route; carry dirt and stones to the embankment until it get the same level of height; and press the earth to get strong embankment.

The battalions ordered that the villagers must go to the workplace on the set days and if someone failed to work, he/she must be punished.

¹² Women also receive lower wages than men for the same works in many workplaces and it becomes as cultural discrimination.

Therefore, since early of January 2004, at least 50-100 villagers each day have been forced to work in the construction without payment. The villagers have to carry their own foods and medicines to the workplaces. As most of the workplaces are close to the villages, the villagers can sleep at their homes.

While the local civilians are forced to contribute their labour in the road construction sites, they have to abandon their livelihood and lose their income as well. As a result, their remaining family members faced difficulties for survival.

Restriction against the movement of the local civilian in the rural especially instructed by the troops of Burmese Army also created a serious suffering for the local people or farmers, who are absolutely relied on the farming, fishing, hunting and others in Mon State, Karen State and Tenasserim Division.

In the nature of the community in Burma, the people are living in villages, where groups of houses are established, and they have their livelihood – farming, fishing and others – outside of the villages. In the normal situation, the villagers go to their workplaces in early morning and return homes at late evening. But for some types of works – such as working paddy growing farms or orchid and fruit plantations, the farmers has stayed for weeks until they could complete one type of works in there. For example, if they have to harvest crops, they might stay at their farms or orchid plantations for many days up to 2-3 weeks to complete the whole process of harvesting crops.

In war and conflict areas, the soldiers and commanders of Burmese Army, always accused the local farmers as ‘rebel-supporters’, who are providing information, food and sheltering to the rebel troops concerned. The Burmese Army believes that if the farmers stay at their farms, they always have contacts with the rebel soldiers and therefore, they have ordered the villagers who live in their farms or orchid plantations to get out from their workplaces and stay at their own villages.

In some area, for example, in southern part of Ye Township, the Tactical Command No. 3 from the Southeast Military Command (*which bases in Moulmein, the capital of Mon State*), totally restricted all villagers’ movement and have banned the villagers – farmers and fishermen – to not get out from the villages and go their workplaces. Because of this restriction of movement, over 40000 people in the area has suffered to receive available foods and other social problems.

But in some areas, where the conflict is not so intensified the authorities or soldiers allow the villagers to leave from their home but with their signed permission. The villagers have to pay the authorities or soldiers to get that permission document for travel to their farms. But they have not allowed any villagers to stay over-night at their farms.

Restriction of movement is similarly to the restriction against the civilians’ access to their tradition livelihood, which they have practiced for their survival. Generally, in the rural areas of Burma along Thailand-Burma border, the villagers could get their food especially from their farms or plantations.

Additionally, the civilians in both urban and rural areas have been suffered from **unlawful taxation** by the authorities and Burmese Army. They have to pay for various types of tax to the authorities or Burmese Army inconstantly period and amount of tax. In most situation, the authorities or Burmese Army especially take money from the civilians in cash, but sometimes, the Burmese Army, that launches offensives also take rice and other food supplies as tax.

For most of those payment for tax to authorities or troops of Burmese Army are not regulated in laws. Generally, the people in the rural areas have to pay more because there is lawlessness and serious corruption among the authorities and members of Burmese Army have occurred.

The types of taxation has been varied. In areas where the regime has firm or semi-control, the authorities and the commanders or Burmese Army always collected money related to the development projects such as road, bridge, dam, water reservoir, and other constructions. In the SPDC’s community development self-help programs, the villages with more than 1000 households in Mon State are ordered to create ‘model village’ and the villagers are forced to re-build their own houses, roads, new clinics and schools without any government supports. In this creation of forcible beautification of villages or town wards, each family have to pay many thousands Kyat and some are forced to work if they could not afford to pay.

Besides money collection for development projects, the soldiers or the commanders of Burmese Army in the rural areas also collected ‘porter fees’ and ‘food supplies fee’ from the rural villagers. When the Burmese Army is launching offensives against the rebel armed groups or they are taking bases in one specific area, they always take porters to do their daily work in the bases and to carry things along with their operations. Later because of ILO’s instruction to the regime for the eradication of forced labour in Burma, the army commanders

have less taken porters that violates the laws of requisition of forced labour, but take money as porter fee or food supplies fee from the villagers instead of labour.

The collection of these fees related to the military operations are also different and varied. In the areas, where the Burmese Army launched intensive military offensives, they took a lot of money from every household in villages regardless of female-headed and elderly families.



A man, who escaped from human rights violations planned to enter into Thailand as a migrant worker

Accordingly to 45 years old a Mon man from Bae-kadoe village, Pa-an Township (*in Karen State*), he explained to HURFOM that:

“Because of the order by the Burmese Army, our village chairman collected 2000 Kyat (~ 2 US Dollar) from each house for porter fee each time. The soldiers showed a reason that they needed to hire porters in their military operations and our villagers did not need to go. But we have to pay them. In one month, the headmen collected money 3 times to 5 times and they gave to the soldiers. But when the soldiers said to repair the roads or re-build the bridges, then we have to go and work without payment. Additionally, we also have to guard our own villages accordingly to the Burmese Army. If we found strangers or the activities of the rebels, we must inform them immediately.”

Similar to this villager, many villagers in rural areas of Mon State, Tenasserim Division are also suffered by complex violations – unlawful taxation, forced labour and security guard. These unlawful taxations also affected the lives of the people in rural areas, after the villagers could not afford to pay, and they have to flee from their native areas.

The ethnic civilians in southern part of Burma are also suffered from **land, real estates and properties confiscation** committed by the regime SPDC and some of them decided to flee from their homes after they could not find many other livelihoods. There is not so many other choice for a farmer who has totally relied on a piece of land after they lost that land suddenly. They could not find new jobs or change to new livelihood in Burma, where the unemployment rate is so high.

The land confiscation in southern part of Burma that comprised of Pegu Division, Mon State, Karen State, and Tenasserim Division rooted from three reasons. They are:

- (1) The extension and deployment of Burmese Army’s new battalions. In most cases, the Burmese Army not only confiscated the lands to use in building the military barracks, bunkers and other required facilities, but the takes the lands also to distribute them to soldiers. Therefore, the amounts of land confiscated lands in any area have always been more than the required amount.
- (2) Some land and properties confiscation is always relating to the regime’s sponsored enterprises or businesses and foreign companies for investment.
- (3) Some land confiscations are connecting to the regime’s development projects. Whenever the regime is constructing a bridge, railway, motor road, and others, they confiscated lands in the project site.

Those civilians, who have lost the lands and other properties never received any compensation costs from the government authorities or Burmese Army’s commanders concerned. In the cases of thousands acres of land confiscation in Ye Township in Mon State, authorities and army commanders promised to pay compensation costs, but it never happened.

Some families also decided to flee into Thailand after they could not seek any new types of livelihood in their own villages decided to flee into Thailand to seek jobs, where they could get better incomes.

III. Migration Seasons

As analysis mentioned-above, the migration of an illegal labourer from Burma always connects at least one reason – economic reason or their economic rights are violated, while many suffered from both. For example, when they were at their homes, while they are unemployed and at the same time, the soldiers forced them to pay tax. In this situation, those families face so serious difficulties for survival and decided to flee into Thailand.

The periods when thousands of Burmese migrant workers migrate into Thailand is not limited. The workers migrate whole year round. But the number could be less in the rainy season if compared in dry season.

For those who leave from their homes as ‘war refugees’ could not select the seasons whether rainy season or dry season. When there is a serious human rights violations committed by the Burmese Army’s troops and intensive military offensives launched by the Burmese Army, they have to flee from their homes.

As an instance,

In December 2003,
when the Burmese

Army’s Southeast Command bases in Moulmein, the capital of Mon State launched military offensives against a Mon splinter group in southern part of Ye Township, although the local villagers wanted to reap their paddy crops or collect their fruits and tap their rubber latex, but they have no choice. Many families suddenly have to flee from their homes and left into Thailand.

According a relief worker in the border area, he said, nearly 400 people, who fled from southern part of Ye Township, continuously had migrated into Thailand by taking a short days sheltering in the border. Those escapees could not select the time that they liked but they have to flee anyhow.

In normal situation, the migrant workers migrate into Thailand in period from February to May. In April, when there is a Burma’s new year festival *Songkaran* (in Thai and Mon languages) or *Thingyan* (in Burmese language), some workers returned to their homes for a short visits to their parents and families, and then migrate against after the new year festival. Huge number of migrant workers are always found after new year festival¹³. Therefore, it is also so-called ‘migration season’ for them.

There are countless secret border points along 2000 miles long Thailand-Burma border and those migrant workers are able to sneak into many border entry entries. Royal Thai government or Thai Army could not deploy beefed security force to bar all these migrants to get into deeper Thai cities.

International Principles for the Protection of Migrant Workers (Excerpt from International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families)

Article 9:

The right to life of migrant workers and members of their families shall be protected by law.

Article 10:

No migrant worker or members of his or her family shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment.

Article 15:

No migrant worker or member of his or her family shall be arbitrarily deprived of property, whether owned individually or in association with others.

.....

Article 16:

(1) Migrant workers and members of their families shall have the right to liberty and security of person.

(2) Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.

.....

Article 17:

(1) Migrant workers and members of their families, who are deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person and for culture identity.

.....

Article 18:

(1) Migrant workers and members of their families shall have the right to equality with nationals of the State concerned before the courts and tribunals.

.....

After reaching the border, those migrant workers always try to contact 'traffickers' to find the ways how to reach to their destinations. Most workers have their own contacts or their friends and relatives in Thailand and then they try to reach to them first. Then, they try to seek suitable works in different industries – farming, livestock, construction, and others – where the Thai employers are demanding cheap labour.

Mon migrant workers have to pay 6000 Baht to 10000 Baht (~ 150 US Dollar to 250 US Dollar) to traffickers to bring them to reach their destinations. As most works are available in Thai cities near Bangkok, they have to pay a huge amount of money to traffickers. Even they paid a huge amount of money to traffickers, their travels however are not always comfortable. They have to walk, sit on boats, hide in forests, and starve for some days in order to escape the arrests from Thai police and faced many obstacles until they reached their destinations. Sometimes, they were also arrested on the half-way, but the traffickers do not take care them.

Thai government, army and border police also regularly launch operations preventing migration and try to block the border entries. When there is an operation, the migrant workers could not move forward by the helps of traffickers and many of them faced starvation and lack of shelters in jungles, forests and rivers in the border areas.

Although there are so many obstacles, the number of migrant workers from Burma that includes the ethnic Burman, Karen, Mon, Karenni, Shan, Tavoyan, Pa-oh and other nationalities have increased every year. Since Thai government agreed to register the migrant workers in every six-month period, more migrant workers from Burma migrated to Thailand on the eve of registration dates.

IV. The Condition of Migrant Workers in Thailand

Although the daily wage for a migrant worker in Thailand is better than in Burma, the commodity prices and food price are more expensive than in Burma. The migrant workers could receive at low rate of payment – 75 Baht per day up to 300 Baht per day – depending of the types of works they have and the employers they work for.

There is no specific laws and regulation on them regarding on the payment. But in 2003/2004, the Ministry of Labour and Thai legal community has assured to pay the minimum wages set by the Royal Thai government to even migrant workers. Especially, in Mae Sot border town in Tak Province of Thailand, the migrant workers have involved in demonstration for the better wages and labour rights. They had some success by the helps of some Thai NGOs and Thailand's National Human Rights Commission.

However, the general situation of overall migrant workers in various provinces in the middle part of Thailand have not really improved. Although nearly 500, 000 migrant workers from Burma have registered in Thai government's Ministry of Labour, but it is in estimation only 50% of total number of migrant workers from Burma. Many of unregistered workers are still hiding and they are not applicable in the list of alien workers.

Those unregistered workers still work in unsafe situation in many workplaces, especially in agriculture, fishing, construction, livestock and many other industries in many Thailand's provinces. Although Thai government has applied pressure to the employers, many of them failed to register their alien employees, because they would not like to spend registration and did not trust the workers whether they



Hundreds of unregistered Burmese migrant workers are deported back to Burma border

Information on HURFOM and Invitation for Feedbacks from Readers

Dear Readers,

Human Rights Foundation of Monland (HURFOM) was founded in 1995, by a group of young Mon people. The main objectives of HURFOM are:

- To monitor human rights situations in Mon territory and other areas southern part of Burma,
- To protect and promote internationally recognized human rights in Burma,

In order to implement these objectives, HURFOM has produced "The Mon Forum" newsletters monthly and sometimes it has been delayed because we wait to confirm some information. We apologize for the delay.

However, we also invite your feedbacks on the information we described in each newsletter and if you know anyone who would like to receive the newsletter, please send name and address to our address or e-mail as below:

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Bangkok 10140, THAILAND
E-mail: hurfomcontact@yahoo.com
Webpages: <http://www.rehmonnya.org>

With regards,

Director
Human Rights Foundation of Monland

worked for them or leave if they found better works and income.

Living conditions for almost workers are worst if compared at their homes. As most of them received low wages in comparison with Thai labourers, they are unable to rent good house or apartment with sufficient spaces. Workers collect money and stay in crowded condition in Samut Prakan and Samut Sakhon Provinces near Bangkok, where there are huge fishing industries.

There is no safe condition for unregistered workers because the police always tried to arrest and deport back to Thailand-Burma border. Most of them had to hide and they move from one place to another in order to escape the arrests.

Additionally, many young women are lured to become 'prostitutes' in various border and inner sex industries of Thailand and the living, health and accommodation for those 'sex workers' are also worst. However, Thailand's National Human Rights Commission and an Thai MP's 'Pavina Hongsakul Foundation for Children' also have helped Burmese young women to free them from slave sex industries.

V. Conclusion on the Rights to Migrant Workers and Their Families

As Thailand is not a signatory state to the "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families", the Thai government does not take any measures for the protection of migrant workers from Burma, Cambodia and Lao. On the other hand, the 'State of Origin' like Burma, Cambodia and Lao do not take any responsibility or cooperate with Thai government for the official migration of their people and guaranteeing for the safety, employment opportunities, minimum allowance packages and other workers' right.

Thai government Ministry of Labour's work permit makes less suffering to those who registered and re-registered in periodic occasion. They somehow receive protection under Thai laws and the police could not arrest them. But many remaining unregistered workers they lost the rights to liberty and security of the persons and their families. As always, Thailand's Immigration Detention Centers (IDCs) prisons in various provinces are full with unregistered migrant workers.

On the other hand, for migrant workers from Burma, even though Thailand wanted them to migrate into Thailand officially with travel documents or passports, it is difficult for most of them because many percentages of them fled from their country of origin after they faced persecution. Additionally, hundreds of thousands of ethnic migrant workers from Burma or the inhabitants along Thailand-Burma border are deprived of recognition for nationality and even in Burma they do not hold any Identity Card or Nationality Card. This type of

migrant worker has no right to make an official passport in Interior Ministry of the regime in Rangoon and then officially fly to Thailand¹⁴.

However, many migrant workers from Burma officially migrated to Malaysia and Singapore with official documents or passport and worked in these countries officially. But the cost of making passport and to get work permit in Malaysia and Singapore is too expensive for many families in Burma especially for ethnic nationalities. They might have to pay 1, 500, 000 Kyat (~ 1500 US Dollar) to get complete travel document and work-permit in Malaysia. If some want to work in Singapore, he might have to pay about 2, 000, 000 Kyat (~ 2000 US Dollar) to get complete travel document and work-permit.

Hence, many poor families could not afford to pay this amount of money to the regime's Interior Ministry and their agents, and so that they just enter into Thailand illegally.

Only the former members of Burmese Army or the close aids to military clique have special opportunities to make travel documents to foreign countries at low price and receive easy work-permit from these countries – Malaysia and Singapore – and could raise their income for families remaining in Burma. For those who do not have any contacts or relationship to the military clique never receive this opportunity and just leave to Thailand.

Thailand has a great burden for the migrant workers from Burma. Although Thai government has appealed the regime for several times to have official cooperation to deal in migrant workers management, the regime never showed any sign of cooperation.

Circle of migration would not be ceased until there are the economic development and political stability occur in Burma. Economic development also directly relates to democratic development and there is no sign of economic development under the rule of military dictators. Democratic and ethnic opposition forces have regularly demanded the political negotiation for national reconciliation and peace in Burma, but it has been always rejected by the regime. Currently, the regime holds a sham National Convention and try to maintain its political power in attempts the army could involve in politics automatically with respecting democratic process. While there is no peace, stability, prosperity in Burma, the migration of people will continue.

¹⁴ During the course of five-decades long civil war in Burma, hundreds of thousands of ethnic people in the rural areas have lost their rights to a nationality or citizenship of Burma.



A group of female migrant workers are deported to Thailand-Burma border

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