

CYCLE OF SUFFERING



A report on the situation for migrant women workers from Burma
in Thailand, and violations of their human rights.



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Thailand, and violations of their human rights

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Foreword

In the 1960s Thailand was besieged by the issues of refugees and for three to four decades this issue has come in one big circle. Today, Thailand faces yet another issue, that of undocumented migrant workers whose visibility and problems have become more sensitive and difficult. Undocumented labor- mostly Burmese -left their country for political reasons, or due to internal fighting and insecurity. Recent reasons are more economic. To escape hardship in their home country, they find work as unskilled laborers in three Ds- dirty- difficult and dangerous jobs in Thailand.

Unlike many other migrant labor situation where most migrants are young men, women constitute a significant segment of the approximately one million of migrant population in Thailand. Women from Burma who migrate to Thailand, much like other people migrating all over the world, move from their homes and families in search of job opportunities in more prosperous areas. Human rights violations in Burma often cause economic hardship. However, determining whether people leave Burma due to the hardships they suffer as a result of human rights violations is not always easy to distinguish from purely economic difficulty. Some migrant women have stated that they left Burma solely because of economic hardship. However, many other flee because of serious human rights violations. Many who have fled do not have enough to eat because unpaid forced labor under harsh conditions prevents them from earning a living. The distinction between economic hardship and violations of civil and political rights is not necessarily a clear one. Many of these people have been unable to make a living due to continuing unpaid forced labor and forced relocation from the homes.

With little knowledge of the country to which they are moving and working, its language and its laws, women migrating from Burma are in

vulnerable position. Labor exploitation, sexual assault by their employers and law enforcement officers, abuse of power during detention and deportation against undocumented migrant women in Thailand are systematically documented.

This report, jointly prepared by the Human Rights Documentation Unit (HRDU) and Burmese Women's Union (BWU), highlights the pull and push factors of migrant women from Burma into Thailand and their situation in their workplace, detention and deportation process. This report represents the culmination of year-long work, trips, discussions and efforts of the research team. It notes that the problems of undocumented migrant workers in Thailand is concerned with both Burma and Thailand. Decision of Thai government to send thousands of workers from Burma back to their country can not solve the problems alone. The problem can not be solved unless Burma improves its political, economic and human rights situation. Improving their security and living condition can only encourage these people not to look for jobs in other countries.

I wish to thank the many people who support with great understanding and patience. Special thank also due to U Thein Oo, Minister of Justice (NCGUB) who allow me to contribute my energy for preparing this report. I also would like to thank Khin Ohmar and Dr. Naing Aung for their constant support to my work and their accommodation. This work would not have been possible without the generous support of the National Endowment for Democracy.

Aung Myo Min
Director

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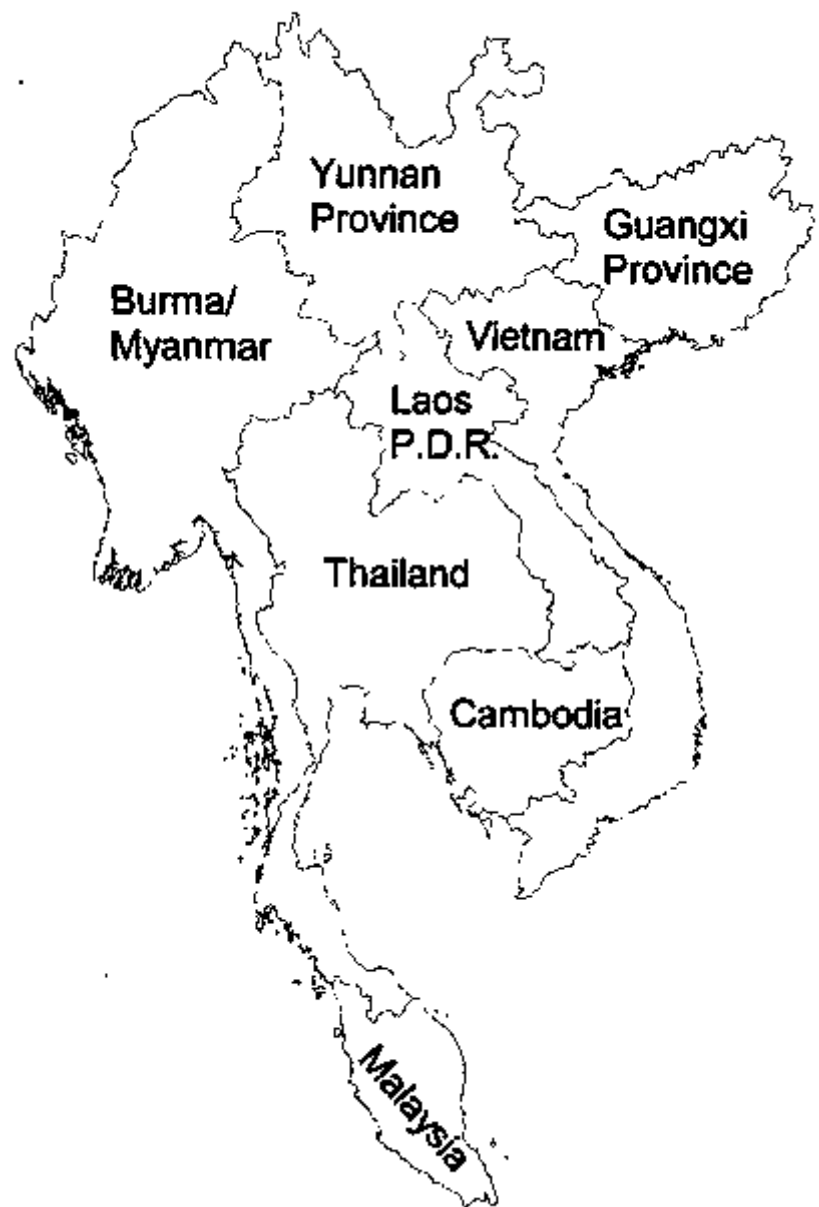
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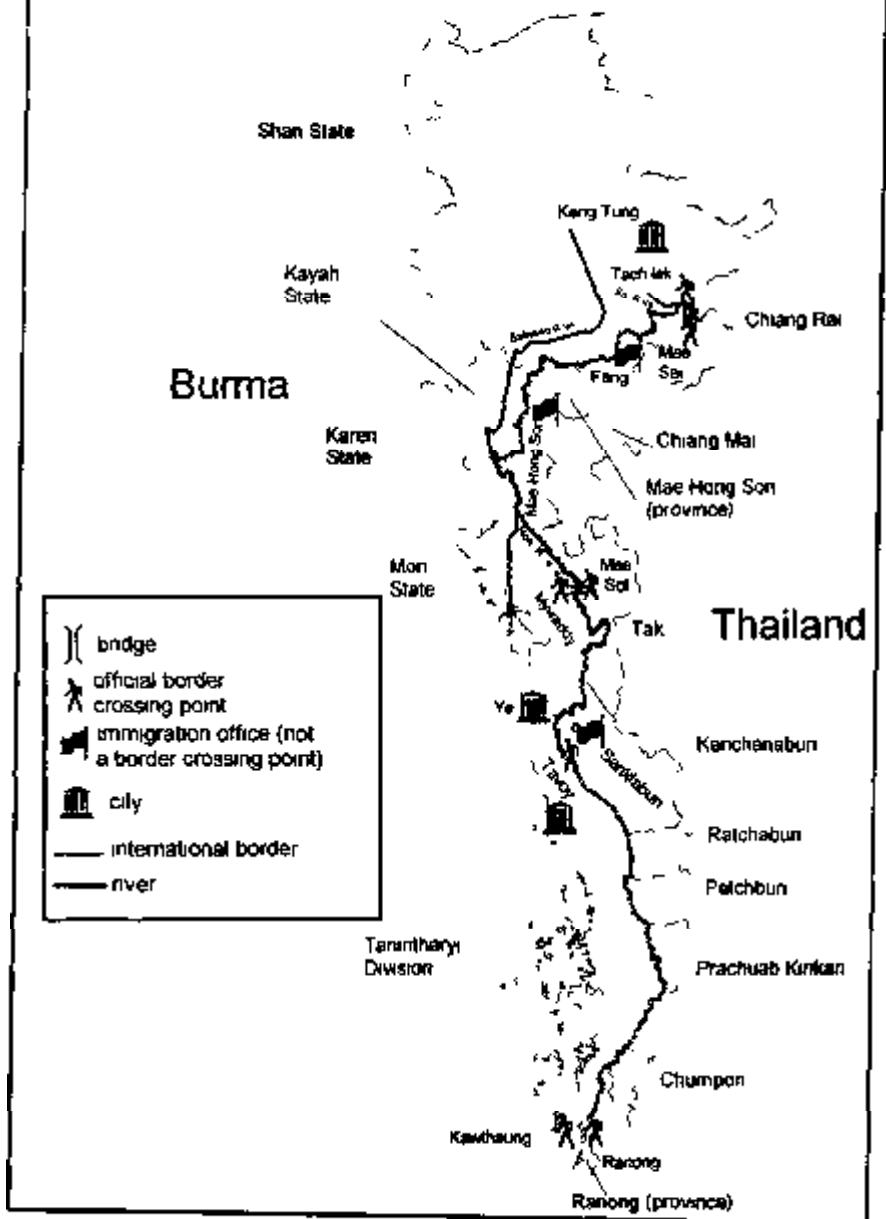
Mainland Southeast Asia



**Map of Thailand and Its Neighboring Countries,
Showing Principal Border Crossing Points**



Thailand - Burma/Myanmar Border Area



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I. Research Methods

A research team consisting of members of the Human Rights Documentation Unit¹ and the Burmese Women's Union, based in Thailand, undertook extensive research into the treatment and life circumstances of undocumented women migrant workers from Burma. Extensive research was undertaken in Thailand throughout 1998 and 1999. During the course of numerous fact-finding missions, researchers traveled extensively throughout areas of Thailand that were heavily populated by Burmese migrants, or considered key trafficking centers for Burmese migrants along the Thai-Burma border. Information was gathered from in excess of 300 Burmese migrant women workers in areas as diverse as Mae Hong Son, Chiang Mai, Chiang Rai, Mae Sot, Samut Sakhorn, Samut Prakan, Bangkok, Thorn Pa Phun, Kanchanaburi and Ranong. Secondary sources such as newspaper reports, academic texts, NGO reports and press releases issued by the Thai government were also used in compiling this report.

Members of the research team conducted interviews with women migrant

¹The Human Rights Documentation Unit operates under the auspices of the National Coalition Government of the Union of Burma.

workers from Burma working in various types of employment, as well as female dependents of male migrant workers. Consultations with the representatives of non-governmental organizations (NGOs) and academics working with Burmese migrants in Thailand were also undertaken during the research period. The information was compiled in order to provide a more comprehensive understanding of both the life circumstances of Burmese migrant women workers in Thailand, and to consolidate preliminary research findings on the human rights abuses suffered by Burmese migrant women workers in Thailand.

In this report, both 'push' and 'pull' factors for Burmese women migrating to Thailand are examined in their social, economic and political context. Further attention is given to the process of migration, the specific labor conditions that exist for migrant women workers in Thailand's construction, agriculture, manufacturing and fishery-related industries, as well as conditions for women undertaking domestic labor. The conditions of Burmese women working in Thailand's sex industry has not been extensively referred to given the dearth of pre-existing research on the subject². The researchers do not wish to ignore the plight of women in the sex industry, but rather wish to highlight the shared experiences of Burmese women migrants of all types, working in different types of fields, across a diverse range of industries.

II. Executive Summary

The disproportionately high numbers of undocumented migrant workers in Thailand results largely from its geographical location. Thailand's shared borders with neighbors Burma, Cambodia and Laos are long and accessible. For example, Thailand shares a border with Burma that is approximately 2,532 kilometers long. A further 1,750

² For more information on the women from Burma in sex industry in Thailand, see in detail in "A modern Forms of Slavery" published by Asia Watch, Women's Rights Project in 1993 and "Migrating With Hope" by Images Asia in 1997.

kilometers of Thailand's border is shared with Laos and an additional 789 kilometers with Cambodia. Despite the existence of six official border crossings between Burma and Thailand, there are countless unofficial ones. Government controls are difficult to maintain on both sides of the Thai-Burma border largely due to the presence of mountains and thick jungle terrain along a large part of the border that is only accessible by foot.

Anecdotal evidence suggests the overall number of Burmese migrants in Thailand to be somewhere in between 800,000 and one million. Within this number are numerous distinct ethnic groupings. The most highly represented Burmese ethnic groups in Thailand are the Shan, Karen, Burman, Mon, Arakan (Rakhine) Tavoyan³ and Karenni (Kayah). The differing ethnic populations pursue different occupations and lifestyles, and engage in different social and cultural worlds both in Burma, and while in Thailand. However, as the majority of Burmese migrants in Thailand are undocumented or illegal, it is difficult to determine the exact population of Burmese migrants in Thailand, and their ethnic composition. Inadequate enforcement of Thailand's immigration and labor laws, while at times due to lack of resources, is very often the result of the collusion between elements within the Thai bureaucracy with labor recruiters and traffickers. Such practices are widespread and well-documented and further complicate the task of building a more precise population profile.

Cross border migration into Thailand has steadily increased in recent years. Increasing political and economic differences between Burma and Thailand, particularly Thailand's economic boom of the 1980's and Burma's worsening political and economic crisis culminating in the 1988 uprising, attracted large numbers of not only Burmese refugees and migrants, but large numbers of Cambodian and Laotians. Many argue that workers from Burma, Laos and Cambodia filled a widely felt labor shortage left by 300,000 - 400,000 Thais who went to work abroad.

³ Burmans from southern coastal region particularly from Tenasserim Division who speak different dialect of Burman.

A significant factor that continues to stimulate illegal migration into Thailand is its investment promotion policy during 1980s. The policy emphasized opening domestic markets and encouraging foreign investment, export businesses, and international tourism. The Thai export industry has grown by an average of 10 per cent annually since 1985. This export industry has required large numbers of unskilled, cheap, hard-working laborers to fill low-paid unskilled positions that Thai nationals were no longer prepared to do, leading to an influx of Burmese migrant workers who had come from predominantly border areas, some fleeing in the very wake of a worsening civil war. During 1995 and 1998 in particular, dramatic increases in human rights abuses and an ever worsening political and economic background forced many young men and women to leave Burma in search of a better life. Originally, Burmese people saw Thailand simply as a place of refuge from military harassment and forced labor, but the booming economy in Thailand also attracted them for potential employment.

Undocumented, illegal workers constitute the most vulnerable section of the work force because as illegal non-citizens, they are least protected by a nation's legal system. These workers have no job security, little access to social services, health protection or accident insurance. They are housed in substandard conditions and exposed to many health risks as result of the dangerous labor they perform, and the conditions in which they are forced to live. They are not compensated for injury, illness or death even when it is caused by employer negligence. They are usually treated as faceless laborers - economic tools - and not as human beings. Because they are foreigners, they are subjected to dehumanizing conditions and various forms of discrimination. Their human and labor rights are usually not recognized, protected or respected. A large numbers of undocumented workers, particularly Burmese women, who are rendered more vulnerable to certain kinds of exploitation, depend on the protection of Thai employers in order not to be arrested and deported from Thailand. Such

dependence on employers often leaves undocumented workers, particularly women, at risk of abuse, exploitation, humiliation, and violence from employers and corrupt police.

Despite the high incidence and reportage of abuses against women migrant workers from Burma, survivors are not often afforded any legal redress. If survivors complain to police, they are simply arrested, charged with illegal entry and deported to a remote location along the Burmese border. The current economic crisis exacerbates the already vulnerable situation of migrant workers in Thailand, exposing them a greater risk of xenophobic attitude, exploitation and abuses during forced repatriation.

In February 1998, the Thai government announced its intention to send back some 300,000 undocumented migrants workers within a six months. Again in November 1999, the Thai government launched a crack-down on the undocumented migrant workers in Thailand. This practice of deportation to Burma leaves migrant workers, particularly women, exposed to further abuse and exploitation. The distinction between undocumented workers and refugees from Burma is already so blurred that there is a genuine fear that people are being forced back into Burma where they face serious persecution on political, religious or ethnic grounds. Many migrant workers from Burma have been were driven out of their country not only for economic but also for political reasons and human rights violations by the regime. Greater economic and political stability in Burma can only reduce the flow of migration into Thailand. Until or unless it is achieved, Thailand must continue to bear the burden of undocumented migrant workers from Burma, and the many problems generated by their influx.

III. The Burmese Labor Migrant in Thailand

Disparities in income levels, differing structures of labor demand,

and differing conditions of supply have generally provide the setting for labor migration across national borders. Transnational migration is not new to the Southeast Asian region. In the eighteenth and nineteenth centuries, Chinese and South Asians populations migrated in large numbers from poverty-stricken areas to labor-scarce but land-abundant countries like Thailand, Singapore, Malaysia and Indonesia. The recent surge of transnational migration in the region involves both inbound and outbound moves, skilled and unskilled workers, men and women⁴. Skilled and professional workers tend to move relatively easily between countries within the framework of rules for visas, work permits, and citizenship. Unskilled workers have more difficulty as not all countries officially open their doors to them. Rapid economic growth in Thailand had generated high demand for unskilled workers, and had induced a large flow of unskilled migrant workers from Burma, largely operating outside the law. By 1995-6 Burmese migrant workers could be found throughout the country working in construction, factories, homes and restaurants.

After the economic growth of the early 1990s, Thailand experienced a shift in policy towards migrant workers and began to allow legal in-migration of manual labor within official limits on the types and numbers of migrants workers from neighboring countries, mainly from Burma. But as a result of high demand and significant wage differentials between sending and receiving countries, the movement of Burmese migrants into Thailand grossly exceeded these limits. The Thai Department of Labor had also begun to issue work permits to migrants workers, but were often issued to Burmese workers who had no passport or identity document, leaving them illegal workers under Thai law despite possessing valid work permits.

By the end of 1998, unemployment figures had spiralled in response to massive lay-offs. Thailand was particularly affected by the economic downturn in Southeast Asia, where an estimated two million work-

⁴ "Thailand's Migration Situation and Its Relations with APEC Members and Other Countries in Southeast Asia", Asian Research Center for Migration, Institute of Asia Studies, January, 1998.

ers became unemployed by the end of 1998, approximately 15 per cent of the work force. Burmese migrant workers were promptly deported by the thousands from major urban centers in Thailand, despite the Thai economy's increasing dependence on cheap Burmese labor.

It has been suggested that almost half of the Burmese migrant worker community in Thailand are women. Women have tended to find employment in the manufacturing (particularly sea foods and plastics), construction, sex and entertainment industries, as well as domestic workers. Thailand announced early on 1998 that 300,000, half from industries and half from non-service industries, would be deported. Evidence collected in interviews revealed that women migrant workers were subjected to a range of physical and sexual violations during their deportations back to the Burmese border, as immigration officials looted trucks and buses for money and goods people had saved while working in Thailand.

Migrant workers are still sorely needed in certain industries such as the construction, fishing and other industries shunned by Thai workers. Without them, companies could well collapse. Some business sections of Thailand, especially farming, fishing, construction and manufacturing sectors, rely on the cheap and easily exploitable labor of undocumented migrants from Burma, working for, on average, about 50 *Baht* per day. Because of the illegal immigration status of their workers, employers can exercise tremendous power over them. In some cases of young women domestic workers, some as young as twelve, experience physical and sexual abuse at the hands of their employers. Police rarely investigate or prosecute such abuses, and in some instances may contribute to the exploitation by deporting workers that have not been paid in full, or taking bribes from workers and or their employers for an earlier, more convenient release on the border. In one case, a 13-year-old Karen girl was forced to work in a private home for more than one year. She was allowed no contact with the outside world, given minuscule amounts of food and was regularly beaten to make her work harder. After her year of

almost slavery, she received 2,000 *Baht* from her employer and was left on her own to find her way back to Burma.

IV. Undocumented Women Migrants from Burma in Thailand

Although Burma is a signatory to the 1952 UN Convention on the Political Rights of Women and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), women from Burma have suffered from discrimination throughout history. Society and tradition in Burma tend to denigrate the role of women. There are many indicators of male dominance and female subordination within Burmese culture and society. Women and girls are frequently less educated, leading to a lower literacy rate for women. Women also have less access to decision making processes and to political power, and have experienced an even further decreased ability to make and implement policy under military rule. This can be evidenced by the fact that relatively few women serve in important government positions. Women are frequently exploited both sexually and economically, as demonstrated by the growing sex industry in Burma. Additionally, women are either excluded from the official work force or relegated to low-paying unskilled jobs in the national economy, as indicated by official military statistics. Women, particularly ethnic women, are extremely vulnerable to exploitation and abuse under the military regime.

Economic crisis and political turmoil have equally triggered waves of illegal population movement from Burma to Thailand as young people seek work to earn enough money to support families at home in Burma, and often, to pay back the huge debts that migrant workers often accumulate to brokers in the trafficking process. Labor market depression combined with the increasingly desperate financial circumstances of migrant Burmese women, who are often paid less than their male counterparts, have pushed many to take their chances with

recruitment smugglers and migration through illegal channels. Those who are caught wind up in detention centers and are swiftly deported. More often than not, workers return almost immediately to Thailand from the border, finding their own way back to their workplace, or under the arrangement of their employer, to whom they will most likely incur a debt. The cycle continues.

Women from Burma who migrate to Thailand, much like other people migrating all over the world, move from their homes and families in search of better job and life opportunities in more prosperous areas. Breaking traditional gender roles where women regaled to work in the home, women from Burma are increasingly forced to take on additional financial responsibilities. More Burmese women are finding their way into paid work out of the home to cover the financial shortfalls caused by high rates of inflation in Burma. Women in Burma are often handicapped in their search for work because of their poor educational levels and in the face of the many barriers they face in the official work force. Although official figures show only a disparity of around 15 per cent in the national literacy rate between men and women, rates are substantially higher in ethnic minority areas. It is estimated that an 80 per cent illiteracy rate among women from some border areas and in many remote mountain regions, girls are often never able to attend school and consequently lack basic social skills. In order for families in such remote parts of Burma to survive, some young women have been forced to seek employment in Thailand. It is mainly young women from the remote mountainous areas of Burma who end up working in the Thai sex industry.

A further significant factor contributing to the migration of Burmese women into Thailand has been the extensive human rights violations perpetrated by the Burmese military dictatorship which have often cause economic hardship and the breakdown of traditional family roles. The human rights abuses committed on a daily basis by the regime coupled with the effects of a prolonged civil war continue to devastate communities throughout Burma. These abuses continue to

destroy the lives of citizens in Burma and are thus central considerations for women when making their decisions to migrate⁵. However, whether people leave Burma due to the hardships they suffer as a result of human rights violations or in response to purely economic needs is not always easy to determine.

In interviews conducted for the purposed of this report, some Burmese women migrant workers indicated that economic hardship in Burma was the key consideration in their migrating to Thailand. However, interview material also indicates that many other women flee in response to serious human rights violations committed by the Burmese military regime, particularly along border areas. Increasingly women have had to bear the burden of performing forced labor for the military on behalf of the family unit. Families that cannot provide the military with labor for the required time must pay a fine or 'tax' and women forced to labor for the military are often subjected to further kinds of abuse. The distinction between economic hardship and violations of civil and political rights as well as economic, social and cultural rights in Burma is not necessarily a clear one; many families, including women, have been unable to make a living due to continuing unpaid forced labor and forced relocation from the homes.

Unlike many other migrant labor situations where most migrants are young men, women constitute a significant proportion of the Burmese migrant population in Thailand. Out of estimated 800,000 undocumented migrant workers from Burma working in Thailand, more of half are women. This is because of a high demand for women workers in many sectors such as manufacturing and fishing-relating. Women are often preferred to men in many sewing factories, food processing factories and in manufacturing more generally because they are considered to be 'easier to control' than their male counterparts.

⁵ *Burma Human Rights Year Book 1997-98, 1998-99*, Human Rights Documentation Center, National Coalition Government of the Union of Burma.

Women migrant workers come from diverse areas within Burma and most major ethnic groupings are represented in the migrant women's population, and many perform a range of labor intensive jobs traditional thought to be the realm of men, such a construction, fisheries and related industries, agriculture and in retail. Additionally large numbers of women work as domestic workers, and as sex workers, restaurant workers, or entertainers. A further additional number of women accompany their partners to Thailand, particularly in the border areas such as Ranong, Mae Sot and Sankhlaburi.

Adjusting to an unfamiliar society, culture and language in Thailand has proven a great difficulty for women from Burma. Most women find life in Thailand isolating and lonely, particularly due to a lack of Thai language skills. With little knowledge of the country to which they are moving, its language and its laws, women migrating from Burma are placed in an extremely vulnerable position. The degree to which others can exploit this vulnerability depends to a large extent on the information that migrants have to protect themselves against exploitation. The ability to protect oneself depends partly on understanding immigration laws, labor laws, and if separate, as is the case in Thailand, the laws regarding prostitution. Women are working for below official minimum wage limits and predominantly, under situations of debt bondage. Under such circumstances and with no country of origin to take responsibility for them, women from Burma have little or no power to bargain, make requests, or to extricate themselves from situations that they did not anticipate or want. Women migrant workers from Burma in Thailand have little power to change their situation and, it seems, remain an invisible yet crucial regional labor sources⁶.

Considered the most serious problem by women interviewed for the report, arrest and deportation by the Thai authorities confronts Burmese women with an additional set of dangers. Employers are com-

⁶ "Migrating With Hope", Burmese women working in the sex industry (Thailand)", Images Asia. Thailand, 1997.

monly known to pay-off police and immigration officials in their local districts to avoid arrest of both themselves for harbouring illegal immigrants, and the workers. In some cases, the economic and political power of local business people allows them to hire undocumented migrants illegally without any fear of arrest or penalty. Those women charged with having entered Thailand illegally or undocumented are generally sent back immediately by the Thai authorities, but those who violate other Thai laws, or those who are arrested in the more populated urban areas of Bangkok and Samut Sakhorn will normally spend time in prison (up to 60 days) before being sent back. In the course of being arrested and deported, women migrant workers are kept in overcrowded jails without regard to age, circumstance of arrest or status in the judicial process. Young, single girls are at risk of sexual harassment and abuse when confined in overcrowded immigration detention centers and police lock-ups. Embassies are allowed to send representatives to check on and assist their nationals, although the Burmese embassy in Thailand typically ignores their responsibility to care for citizens under detention in Thailand. .

After serving their sentences or paying fines, Burmese women migrant workers face deportation. Under Thailand's Immigration Act of 1979, detainees are responsible for paying the expenses incurred for transport to the border under a deportation order. The actual deportation can take place at any of several border crossing overseen by the Ministry of the Interior. The places are frequently in at Mae Sod, Ranong, Sankhlaburi and Mae Sai. On the day of deportation, they are driven to a place along the border in large overcrowded trucks, told to get out, and abandoned. There are often numbers of recruitment agents or people smugglers who follow the trucks loaded with deportees from nearby towns and villages. They immediately approach the deportees offering jobs, transportation or other arrangements for cash payment or arranged so-called 'finance' for workers. In many cases, police officers offer (for a price) to take the deportees back into Thailand. Since deportees rarely have this money, they are dependent on an smuggler willing to advance them the fee. This typically becomes the debt which the new recruit must work to repay.

Some young women interviewed had been arrested and deported up to three or four times in their short stays in Thailand, returning to the same area to continue working with a fresh debt to pay off. The circle of suffering continues.

V. SPDC Responses to Migration and Trafficking of Burmese Women to Thailand

In 1988, the State Law and Order Restoration Council (SLORC) was established and assumed political power in Burma. Virtually indistinguishable to the Burmese Military, SLORC crushed a student led uprising and nationwide movement for political and economic reform and has yet to be held accountable for the killing and torture of thousands of innocent civilians during this period. SLORC later refused to honor the elections won by the National League for Democracy (NLD), led by Nobel Laureate, Daw Aung San Suu Kyi in 1990, despite their overwhelming 80% poll victory. In November 1997, the SLORC leadership was reshuffled to form the benignly named, the State Peace and Development Council, and stepped up its efforts to combat their international image as the persons responsible for the world's worst human rights situation. Since 1997, SLORC/SPDC have become more active in international fora, attempting to present a picture of a more 'caring' leadership.

SPDC's response to the massive social and economic problems created in the wake of large-scale migration and trafficking of women from Burma has been more punitive than protective. Article 3.2 of the Burma Immigration (Emergency Provisions) Act of 1947 states that "no citizen of the Union of Myanmar shall enter the Union of Myanmar without a valid Union of Myanmar Passport or a certificate in lieu thereof, issued by a competent authority". Furthermore, Article 13.1 announces that those who violate this section of the act shall be punished with "six months to five years imprisonment or with a fine of a minimum of Ks.1500 or with both.". In addition,

Burma has imposed restrictions on girls under 25 years of age from travelling to the border towns unless accompanied by a legal guardian. However, corruption of law enforcement officials on both sides of the border assist young women wishing to cross the border into Thailand.

In February 1998, when Thailand announced its plans to repatriate more than 300,000 undocumented workers by June of the same year, SPDC publicly described the action as "pitiful" and accused Thailand of double standards in relation to migrant workers from Burma. In a report in the state-run newspaper, *New Light of Myanmar* on February 15, 1998, a Burmese government spokesperson stated that "...it is rather pitiful that (Burmese) nationals, legal or otherwise, once welcomed in Thailand, are now being sent back home"⁷. SPDC later agreed to assist halt undocumented workers from Burma returning to Thailand and during the 16th local Thai-Burma border committee meeting, held in Mae Sot on November 13, 1998. Major Tin Ngwe promised to toughen up cross-border procedures and stop people crossing at non-authorized border points⁸.

VI. Undocumented Burmese Migration into Thailand

Push Factors

The large proportion of undocumented migrant workers from Burma cross into Thailand due to a range of economic reasons, but a greater number, particularly people of ethnic minority backgrounds and cultures- initially flee Burma to escape the repressive policies and practices of the SPDC military regime. In many cases, it is impossible to make a simple distinction between the economic hardships faced by the civilians from Burma and the human rights violations suffered through-

⁷ "Burma labels repatriation 'pitiful'", *The Nation*, February 16, 1998.

⁸ "Burma to help stop illegal immigrants to Thailand", *The Bangkok Post*, November 15, 1998.

out the country. Many people from Burma who have fled to Thailand do not have enough to eat, due in part to the widespread practice of forced labor, forced relocation and other forms of human rights violations. Such people perform work for the military under conditions so harsh that they are prevented from earning a living. Their situation has often resulted in people drawing of purely "economic" assessments of the reasons for their migration, but such assessments are not easy to make when based upon sweeping generalizations. The distinction between economic abuses suffered by the civilians from Burma and the serious violations of their civil and political rights is not necessarily a clear one; many of migrant workers from Burma in Thailand have been unable to make a living in their homeland because their right to life has been threatened.

Ongoing Civil War

Armed ethnic minority group opposition against both military rule and central Rangoon administration has existed since Burma gained its independence from British in 1948. Insurgent groups have engaged in armed struggle against the central government in order to gain greater autonomy or complete independence from Burman rule. The military government reasserted power in September 1988 after suppressing the nationwide pro-democracy movement, only to pursue further military offensives against armed opposition groups along the border areas. SLORC later adopted a policy of negotiating cease-fires with individual ethnic groups. Since 1989, the SPDC has agreed to cease-fires with 16 of the armed ethnic minority groups. However, cease-fires have sometimes been short-lived. In March 1995, a cease-fire agreement between the Karenni National Progressive Party (KNPP) and the SPDC broke down after three months.

In January 1996, the SPDC signed a cease-fire agreement with the Muang Tai Army (MTA) led by Khun Sa in Shan State. Nevertheless, other Shan opposition groups have continued their armed struggle against the SPDC. The Karen National Union (KNU) remains the last

major group not to have agreed to a cease-fire. At the end of January 1997, cease-fire talks between the SPDC and the KNU broke down for the fourth time. In early 1997, the SPDC troops launched a large scale offensive against remaining KNU positions. In the meantime, the SPDC army freely kills, maims, and terrorises civilian ethnic minority populations that happen across their path.

Continuing armed conflicts in the Karen, Karenni and Shan states have been accompanied by massive human rights violations of rape, beatings, forced relocation and mass killings. The SPDC army routinely seizes civilians to work as porters carrying military supplies during offensives against ethnic minority armies. Women are sometimes chosen to become porters, as soldiers forced them to act as second wives, soldiers. Under international law, civilians taken by the army in this way are considered to have been arbitrarily detained. Further violations such as rape, torture and general ill-treatment are common. Both men and women are severely punished especially when they are unable to perform all that is required of them. Further abuses of porters include being repeatedly beaten with bamboo sticks or rifle butts, being deprived of food, water, rest and medical treatment, and sometimes being killed. A 23 years old Karen woman from Papun district told her experience of living under the constant fear of military mistreatment against the civilian in her village and around. She is currently working at a Korean-owned knitting factory in Mae Sod. She said unstable and insecure life in her region forced many young people to flee into Thailand and seek a job for refuge in the foreign country. This was not because of the lack of job in her region, but because of the lack of safety and security, according to her. She said;

"I experienced the fighting around my area since I was a kid. Both my father and brothers have been taken as porters for military column. Sometimes, they were taken for a week, but sometimes longer than that. One of my friends

was even worse. He was taken by the military when he was 17 years old. It was a first experience for him to be porter, but he never come back. People assumed that he was killed during his porter period. In our village, there were many jobs that we could work for a living. But the military destroyed our peaceful lives by constant threat and demands."

In interviews, some women explained that political instability is one of the push factors for them to seek refuge and job in Thailand. Any activities considered to be anti-regime, whether undertaken by themselves or by family members, have also been given as reasons for flight to Thailand. One woman interviewed, aged 25 years old, was left in Burma when her husband was forced to flee to Thailand to escape capture and arrest by Burma's notorious Military Intelligence (MI) network for political activities undertaken in 1995. She was constantly watched and harassed by intelligence officers. Sometimes she was taken from her home, forced to leave her two young daughters with neighbors, while she was interrogated. She stated;

"I felt as though I did not have any freedom at all. Mis were everywhere watching me. Though I did not become involved in any political activities like my husband, I was watched by the MI wherever I went to market or travelled to other towns for my trade business. Sometimes, the MIs raided our house and searched for the things they expected to find. Days and nights, my daughter and I were all living in fear of arrest and raids by the MIs. After much harassment by the Mis towards our family, our neighbors and relatives were also scared to have anything to do with our family. They did not want to associate with us because they were afraid of receiving same harassment like us from the intelligence. My family was separated from the rest. I felt I was alone in our own society. My business deteriorated daily and I did not want to live in that situation."

Massive Relocation

Thousands of women from Burma have been driven from the homes as SPDC troops continue to clear large areas along the Thai border. These military operations are efforts to combat ethnic insurgency against the military regime. Relocation sites have been found in the plains under military control or near military encampments in hilly areas. Villagers who did not comply with SPDC authorized relocation orders were forced to flee across the Thai border, arbitrarily arrested and detained for alleged sympathy to the insurgent causes, or, in some cases, shot on sight. SPDC's continued policy of forced relocation is a crucial element of their genocide campaign against ethnic minority people and is commonly known as the "Four Cuts" campaign. This campaign uses a strategy of cutting alleged links of intelligence, food, money and recruits between the armed opposition groups and local civilians. Such forced relocation offensives are one of the main causes of Burma's population displacement along the Thai-Burma border. One Karenni woman currently working in Chiang Mai since 1996 told her whole village was forcibly ordered to move to new concentration camp in Shadaw, Karenni State. She and her families had lived in this native village for generations. She said;

"My village was forced to relocate to Shadaw in mid-1996. The military issued written orders to move within just seven days or be 'considered enemies', in other words, shot on sight without question. Villagers from some other villages were marched at gunpoint to relocation sites without warning. Since relocations, the military did not allow people to resettle in their home villages or provide them any assistance. The situation throughout Karenni State grows increasingly critical. Never before in history has the situation been so terrible in the region as it is now. I could not stay in this situation anymore, so I decided to find a job in Thailand. "

In recent years, the Burmese military regime has accelerated its policy of relocating entire Shan villages by forcible removal to new sites. Independent reports alleged that by July 1996 more than 200,000 people from central Shan State were relocated at gun-point to more than 50 new relocation sites. Because of Thailand's refusal to recognize Shan asylum seekers as refugees, large numbers of Shan poured into Thailand where they have filled a need for cheap exploitable labor. Despite a formal cease-fire between the Burmese military regime and the Mong Tai Army (formerly led by the Opium Warlord, Khun Sa) and a lessening of armed conflict in the area, many Shan continue to flee severe economic hardships and forced relocation, portering and forced recruitment into the Burmese army. Personal accounts from Shan villagers who were relocated during 1997-1998 reveal civilians were only given between 3 and 5 days in which to move from their homes. Many were compelled to leave their livestock (and thus their livelihood) as well as other belongings behind. One 20 years old Shan woman from Ho Hmong township recalls her experience in her village as follows;

"All men attempted to escape from the village when the troops came into the village. Only women left behind. The military troop searched one house to house and took away anything they liked including clothes, livestock and valuables. I dare not to speak them because they might beat up. Then the troops ordered all women and children to gather in one place and asked about the men. When they learned that men were in hiding, the officer ordered three women to bring the men or they would rape and torture the women in village. I was so scared to be raped or tortured. Only thing I can do was praying. When the men came out from their hiding, the troops beat them all and then taken as porter including my father."

In view of hardships experienced in central Shan State, most of the migrants consider that life is better in Thailand despite its many difficulties. Many of them come to Thailand with the families and all members seek

for jobs.

Forced Labor

Burma became a member of the International Labor Organization in 1955 and later ratified the ILO Convention on Forced Labor (No.29), in which it agreed to "suppress the use of forced labor or compulsory labor in all its forms within the shortest possible period"⁹. However, despite having ratified the Convention, the regime has systematically failed to implement it, even though it has had more than 40 years to do so. The ILO Committee of Experts for the Application of Conventions and Recommendations has addressed the practice of forced labor in Burma since 1964. In 1997, the ILO established a Commission of Inquiry to investigate it. A comprehensive report on Forced Labor in Burma was released by the commission on July 2, 1998. In its conclusion on the substance of the case against Burma, the Commission stated that "there is abundant evidence... showing the pervasive use of forced labor imposed on the civilian population throughout Myanmar by the authorities and the military for portering, the construction, maintenance and servicing of military camps, other work in support of the military, work on agriculture, logging and other production projects undertaken by the authorities or the military, sometimes for the profit of private individuals, the construction and maintenance of roads, railways and bridges, other infrastructure work and a range of other tasks."¹⁰ Tens of thousands of men, women and children of all ages are forced to work each year without compensation on construction site, army camps, or as porters for the army. SPDC recruits forced labor by means of systematic intimidation, coercion, and kidnapping. Laborers are taken away from their harvests and other forms of wage-earning only to spend weeks in uncompensated hard labor. They are not even provided with basic necessities like food or tools. If a person refuse to work on SPDC's labor projects, he/she must pay exorbitant fines, pay a substitute worker,

⁹ "Forced Labor in Myanmar (Burma), Commission of Inquiry, International Labor Organization, 1998.

¹⁰Ibid.

or worse he/she is beaten or killed. Indeed, beating, rape, and even murder are common even if a villager agrees to cooperate with the army's arrest.

In the past years, increasing numbers of women, including young girls and the elderly have been forced to work on SPDC's infrastructure projects and to act as porters in war zones¹¹. SPDC has continued its widespread use of porters to carry military supplies, stand on sentry duty, build and maintain army camps, and act as human mine-sweepers. SPDC has no problem with using women for such jobs. Sometimes, the military deliberately demands or capture women porters in order to provide captive rape victims for soldiers. The military troops generally select unmarried girls under the age of 18 for "porter duty". Women are considered more versatile and useful to these battalions. They can be employed as porters, human shields, property to be sold, and of course, as sexual entertainment for the soldiers.

SPDC's use of female forced labor on its infrastructure projects, including building railways, hydro-electric dams, and building and maintaining military supply roads, is also prevalent throughout the rest of Burma. Since the creation of the SPDC in November 1997, various officials have been at pains to emphasize the importance of the concept of "self reliance" for a new Burma, which means becoming more reliant on the use of forced labor. As SPDC has increasingly opened up the domestic economy to international investment, it has forced civilians, prisoners and soldiers, to rebuild the country's dilapidated infrastructure. In January 1998, Senior General Than Shwe, head of SPDC announced that "...all citizens must implement projects to build a modern, developed and new nation". Women and children, like men, are forced to endure arduous work such as repairing collapsed sections of embankment and digging ditches.

¹¹*Burma Human Rights Year Book 1997-98, 1998-99*, Human Rights Documentation Center, National Coalition Government of the Union of Burma.

Often men stay at home to cultivate the fields while women report to the authorities for forced labor. The working conditions at the labor camps are horrendous. Conditions are unsanitary, no medical care is provided, little food is available, and the makeshift shelters must be constructed by the workers themselves.

In answer to reports of forced labor from the international community, the SPDC claimed that all work undertaken for the military is voluntary, donated, and for the benefit of the people. On May 14, 1999, SPDC Secretary-General Khin Nyunt made the following statement in address to the ASEAN Labor Ministers' meeting in Rangoon; "There have been allegations of the use of forced labor in Myanmar... a sustained effort to improve the infrastructure of our economy ... has been undertaken. Realizing the benefits to the communities from these projects, people have voluntarily contributed labor so that they can be completed sooner ... On our part, to dispel these wrong impressions, the government has issued instructions that only remunerated labor must be used in infrastructure projects. At the same time, with the return of peace, we are now mainly using our military personnel to undertake these public works. Therefore the allegations of forced labor are groundless."

However, a 40 year old Karen farmer from Thaton district in Karen State stated differently. She detailed how she was forced to work for four days per week without pay during 1997 for military unit in and around her village on road construction. Work included breaking stones, carrying and digging ground and paving the road. Food that was brought by the informant was taken by the soldiers and she was rationed out a small daily amount. In her account, she stated that many people were beaten by the soldiers for taking rest in the working house without any specific reason.

Taxation

People throughout Burma, rural populations particularly so, are normally subjected to innumerable 'taxes' or 'fees' of both the official and unofficial kinds. Funds are predominantly appropriated by local authorities and military officials in addition to what is known as the 'monthly' and 'emergency pottering' taxes and fees. Taxes and fees of the official kind are levied by the authorities under the guise of providing necessary support to officially-sanctioned 'community work' on government sites. Many authorities levy these official fees for private benefit. The poverty-stricken rural majority experience unparalleled hardship under the constant and forced to obey any order given to them by the local military and civil authorities and are forced to comply with any demand made by them. Rampant corruption among government officials and civil servants, and the tradition misuse of their authority, have doubled the burdens of the rural population and have increased their suffering. A 35-year-old woman from Mudon township came to Thailand in 1996 in order to escape from the various forms of taxes demanded by the local authorities. In her own account, taxation has been increasing over the last five years and is the reason why so many villagers from her region who normally traditional weavers, left for Thailand in search of work. She stated;

"I can't remember how many types of taxes and fees we had to pay every month because there were too many fees. The local authorities ordered is to pay porters fees, sports fees, security fees, etc. Many types of new taxes have been introduced in our region. We had never had to pay tax for weaving. In recent years, all owners of the weaving businesses were required to pay 50 Kyat per month for each loom. The authorities can issue their orders as whim, and they can required any tax they want. All the local people have to do is to pay tax as they are required. In other village, local villagers are told to pay taxes for bicycles, radios, cows and buffaloes."

In 1995, the Karen Human Rights Group studied a group of 28 villages averaging 50 families in size in Nyaunglebin district, Karen State and found that each village was paying an average of approximately 10,000 *Kyat* (\$350 USD) per month to local army battalions just in established cash fees, not including extra fees to avoid forced labor, ad hoc extortion demands or forced contribution of food and other materials goods¹². Ten thousand *Kyat* is a very large amount of money for a subsistence farming community in Burma. This sum continues to increase because of the constant expansion of the number of army camps near key villages. Just looking at this amount and considering the number of villages in Burma, it appears that at least one to two billion *Kyat* per month is being extorted from rural villagers by the SPDC field military officers.

In addition to the various forms of fees such as porter fees, forced labor fees, security fees, road maintenance fees, sporting fees, festival fees, organisation fees, and emergency fees just to name a few, all farmers in Burma are legally required to pay an annual paddy tax to the authorities, under a country-wide program of paddy procurement for the military. Under this paddy quota system, all farmers are required to sell a number of baskets per harvest to the SPDC at their set prices which is usually only 20-25 per cent of market value. Paddy quotas set by the SPDC appear to differ from area to area, probably based on the types of cultivated soil available. Fees also vary from year to year. Farmers from Yebuy township, Tenasserim Division, have reported selling up to eight baskets per acres to SPDC in the 1996-1997 paddy tax year. However, during the same year, farmers from Thayet Chaung township in the same division, and some farmers from the Irrawaddy Division, reportedly had to sell 12 baskets per acres. The paddy tax rate was generally 12 baskets per acre up to the 1997-98 paddy tax year. This paddy quota system is to provide the SPDC with cheap rice to supply military and civil servant demand.

¹² "Situation in Dooplaya District", the Karen Human Rights Group, 1999.

Rice farmers who are not able to sell the required amount of paddy are liable to imprisonment or face hefty fines. Additionally, those rice farmers who have been arrested and detained for their inability to sell the required amount of paddy, are not released until they have sold the full amount of required by the law. If farmers do not obtain an adequate crop of paddy from their paddy fields, they must buy additional paddy from surrounding market places to make up a full quota. Such farmers are forced to sell the paddy they have bought in these market places for at least one-fourth less than the market price. Farmers have to mortgage or sell off their own farmland or cattle to be able to pay the paddy tax as required. Many migrant women from Burma told their stories of suffering under this kind of paddy quota system. Almost all of them are in debt due to this system by the SPDC and their debt to the military has been cited as a major consideration in their decision to migrate to Thailand. A 35 years old Mon woman from Mudon township, Mon State explained how she was forced to leave her farm and to get a job in Thailand since 1998.

"My paddy field was only 5 acres big. The authority demanded 15 baskets of paddy per acre. They issued a warning order to me to be sure to sell our quota to the centers. If we did not bring our quota, they could use force, they said. Harvest was not really good in that year and I did not produce well. The authorities threatened me to buy the quota paddy from market and sell it to them with their set, price. In this way, I had to buy 15 baskets with a price of 700 kyat per basket and sell them 350 kyat per basket. As I have no choice, I did that way. This is like a systematic robbery. I could not tolerate and pay anymore in the next year. So I decided to go to Thailand."

Gender Disadvantage

In Burmese society, mothers are central figures in the daily lives of both

the family and entire communities. Women bear a disproportionate responsibility for household duties as well as managing the financial affairs of the family unit. In times of economic depression, women are generally the ones turned to for solution to local economic problems. Burmese women currently unequally bear the burden of inflation and the rising prices of basic commodities such as rice and fish paste, and continue to not only care for their families, but to take on additional part-time employment."

Such hardships, generally caused by SPDC's mismanagement of Burma's failing economy, is another key push factor in Burmese women's migration to Thailand. However, it should be understood that the flux of undocumented women migrant workers from Burma into Thailand is in the context of economic conditions in both countries. Many areas inside Burma, there has been a steady deterioration both in the rural and urban areas, with declining productivity, skyrocketing prices, and heavy taxation. People from rural area experience ever more dire poverty- hence the attraction of work in Thailand. A 18 years old Burmese girl from Rangoon told that many young uneducated girls choose to come to Thailand in order to look after their families under this economic crisis. She said;

" After I failed my high school, I decided to stop my education and find a job to help my family. I was not educated, so it was very difficult to find a job except very low job. Both my parents were old and I have three elder sisters and four younger brothers. All my elder sisters got married. It would be impossible for me to earn enough money to look after my family if I work as sale-girl or shop assistant. These are the only available jobs for girl like me. When I asked a permission from my parents to go and work in Thailand, they did not agree at first. They said I was still young. Later they realized how difficult to get a job in city for me. I did not want to be burden myself to my family so I kept asking permission. Finally my parents let me to go with my friends."

Before coming to Thailand, most women interviewed for this report had received only positive information about life chances and economic prospects for migrants in Thailand. Women were attracted by stories of light work, high pay, good working and living conditions. Such information is distributed through the vast networks of human smugglers and friends who had returned safely from a migrant experience in Thailand, sometimes to ashamed to tell the real story of hardship and toil. A 21 year old woman from Thein Zayat, who arrived in Thailand during early 1999, currently works in a factory on the outskirts of Mae Sot and warned;

"Going to Thailand, working and coming back home after some time is quite common for young people in our area. Many young women have spent some time in Thailand, and often came back with some money they have earned from working there. Some came back with good money, but other not at all. Some came back with only a little money, which is hardly enough to start any business. People are told about the good things in Thailand but never told about the how bad and difficult to get a job in Thailand. If I had known that, I would not have come."

Those women who have worked in Thailand and came back to Burma usually don't tell the hardship and bad side of life in Thailand. It may be because they do not want the community to know their hard time in Thailand. Most of them only tell the glory days they enjoyed in Thailand. Thus, most migrant women workers from Burma leave the country with high hopes only to find themselves trapped in and unprepared for difficult lives in appalling conditions.

Pull Factors

Thailand's Booming Economy

Recent years saw a high demand for migrant labor in Thailand's farm-

ing and fishing sectors. The labor shortage was largely caused by internal migration by local farmers and fishermen, venturing to urban areas like Bangkok to find work in the industrial and manufacturing sectors. Their vacancies were largely filled by undocumented migrant workers from neighboring countries. While the majority of workers came from Burma, significant numbers of Cambodians, Laotians, mainland Chinese and South Asians, migrated to Thailand to work either legally or illegally. This severe shortage of domestic Thai labor is recognized to be a key consideration for Thai employers in deciding to hire foreign workers. Thai business people explained that Thai people do not want to work in high risk jobs considered to be dirty or dangerous, such as fishery and construction jobs.

As additional numbers of Thai workers have been enticed into higher paying industrial-sector work overseas in areas like the Middle East or other, more prosperous areas of South East Asia, this has freed a still larger portion of domestic labor markets for migrant workers to fill. Thai employers in the fishery and construction industries have also complained of Thai workers' unwillingness to apply themselves to manual labor for long periods of time. Thai workers in these industries have often migrated from more remote areas of Thailand and can be absent for long periods of time to visit their homes or to tend to their own agricultural and financial affairs. In the construction sector, this is particularly a problem for work completion schedules which are very often tied to milestone payments by foreign investment companies. If a particular part of a construction project is incomplete because of employee absenteeism, the company will not receive their payment for that section. Another reason for hiring migrant workers has been that the price for hiring Thai labor comes at a higher cost to employers compared with illegal migrants, particularly women, who command much lower wages and conditions.

The Value of the Thai Baht

Compared to the low value of the Burmese *Kyat*, the Thai *Baht* is seen by Burmese women as being one of the key pull factors for migrant



Saving gold is safer than saving money, for migrant workers working in Thailand. Heydays in Mae Sod.

workers. The permanent over-valuation of the Burmese *Kyat* (In 1999, 1 Thai *Baht* - 9.5 Burmese *Kyat*) has meant that relative small sums of Thai *Baht* can seem huge to a poor family in Burma. This has continued, despite the recent fall in the value of the *Baht* by some 30 per cent. In fact the situation has been growing steadily worse. A 22 year old woman from Prome in Burma explains the value of Thai currency and Burmese *Kyat* as follows;

"For two member family, you need at least 200 Kyat for daily expenses. This is very basic food, not like a curry with good ingredients. One Pyi of rice costs 200 Kyat so it is very hard to earn to fill our stomachs. Here even if you can save only 800 Baht per month, this is 8,000 Kyat in Burmese currency. This sum is hard to earn for many poor people in Burma".

Despite SPDC increasing the monthly salary of its government employees several times over the past 10 years, the basic problem of inflation, skyrocketing prices of basic commodities, continues to be a major concern for women and their families. The Burmese minimum wage was raised to

six hundred *Kyat* per month, the last time SPDC increased the government employee salaries in 1993. The salary scale for a primary school teacher, a favored job by women, is in between 875-975 *Kyat*, Secondary School teachers are paid in between 1,000-1,100 *Kyat* and Higher School teacher between 1125-1225 *Kyat* per month. Many forms of fees and taxation reduce basic wages even further. On the other hand, a unskilled women worker with little or no education may earn between 2000 and 3000 Thai *Baht* in a factory (approximately 1,900-2,900 *Kyat*), a wage entirely out of their reach in their homeland. For this reason, many Burmese government employees take periods of prolonged leave from their positions in Burma, as school teachers or nurses from areas as urbanized as Rangoon, to seek work in Thailand. A 35 year old former middle school teacher from Tavoy, Tenasserim Division, currently working in fish canning factory in Maha Chai, Thailand explained how she quitted her school teacher job and work 3-Ds jobs in Thailand in 1998.

"I was a middle school teacher when I was in Burma until I left for Thailand in 1998. I really admired my occupation and love teaching for the children. It was very sad-den for me to quit my job and work in such hard job in foreign country. When I worked as a middle school teacher, I earned about 1,100 kyat. But I never receive full salary in my life because the authorities deducted various forms of fees such as sports, security, cooperative shop fees, from my salary. Normally I got 800 kyat per month. The authorities banned teachers from teaching special tuition classes so I could not earn extra money for my family. One pyi of rice in my town is around 3000 kyat. Thus my whole monthly salary was only able to buy two pyis of rice. How can I survive with my teacher salary?"

VII. Migration Process

Burmese border towns such as Kawthaung near Ranong, Three Pagodas Pass near Sankhlaburi, Myawaddy near Mae Sod, and Tachilek near Mae Sai are important gateways to Thailand, experiencing high levels of cross-border trade and migration of undocumented workers from all over Burma. There are some additional entry points at Ban-I-Daung near Thorn Pa Phum, Kanchanaburi and Tambon Morn Bin near Fang, Chiang Mai as well as range of entry points through Chiang Rai, Mae Hong Son and Tak Provinces.

Undocumented workers from Burma either enter Thailand illegally or enter using a border pass and stayed beyond the one-day limit of the pass, for which they do not require a valid passport. As there is are very few opportunities for work along these border areas of Thailand, migrants from Burma often must continue their journey into larger, more populated regions of inner Thailand. It is in these areas that hold better wages and more stable jobs for both illegal and legal migrant workers. In 1999, many Burmese migrant workers could be found working further and further away from areas along the Thai-Burma border.

Women migrant workers generally come from all regions and districts of Burma and are a ethnically diverse group. Ethnicities include Shan, Karen, Mon, Tavoyan, Karenni, Burman, Arakan and Indian-Burmese. Some women even travel as far as the western and northern areas of the country which share borders with Bangladesh, India and China. Particular ethnic groups from Burma, however, tend to experience a more successful settlement as undocumented workers in Thailand than do other groups. For example, the *Tai Yai* people (called Shan in Burma) share and similar culture and speak a language similar to a northern Thai dialect and find it easier to integrate into Thai society, and enjoy better employment prospects compared with other groups of Burmese migrants. Other groups, such as the

Karenni, have much more trouble and run a high risk of arrest if they venture into urban areas of Thailand to find work, language and cultural barriers setting them apart from the general Thai population.

Unlike other ethnic minority populations in Burma who are still engaged in conflict with the Burmese military regime, Shan fleeing from military oppression are not regarded by Thailand as refugees, but as economic immigrants. This is most likely the case due to the fact that Shan migration from Burma into Thailand has been more recent than that of other groups, and politics along this particular stretch of border has been long complicated by the cultivation of heroin and trafficking in drugs. Thai authorities have tended to reject particular refugee groups as it has progressively expanded economic and political links with the Burmese military government.

People smugglers, often referred to as brokers by Burmese women migrant workers, more often than not procure women workers from inside Burma, and tend to be from a workers' local community or region. They operate a profitable and highly illegal business by procuring and recruiting women and men inside Burma, illegally transporting them over the Thai-Burma border, to place them in pre-arranged employment, or to deliver them to a pre-arranged destination where it is easy for Burmese nationals to obtain employment. Destinations in Thailand that order and procure workers from Burma are mostly along the Thai-Burma border, and/or Thailand's busy seaport areas. Migrant workers from Burma using brokers to gain entry into Thailand often do not know where they will be working in full detail and often have no form of contract or agreement with the broker.

From inside Burma to the Thai border town

Migrant women, unlike young men who are inclined to take more risks, tend to seek out friends or relatives to take them to the border towns in Thailand, like Mae Sot or Ranong. A number of women

interviewed for this report came to Thailand with a close relative who had previously been to Thailand, sometimes having previously worked there. Women from Burma do not travel into Thailand on any one particular route but used diverse methods and modes of transport. Despite Burma imposing tight restrictions on the travel of young women under the age of 25 years, particularly to border areas and under the supervision of a legal guardian, corrupt military or police officials at military checkpoints along routes to the Thai border seek out bribes for turning the other cheek.

In collaboration with passenger bus drivers and ticket conductors, bribes are given to the corrupt Burmese officials and travel restrictions can be easily lifted. Very few women interviewed indicated that they experienced any difficulties at any of the checkpoints inside Burma, or being barred access to the Thai border, even when they did not know who to bribe or how to make a bribe. According to local sources, there are at least ten checkpoints between the towns of Kawkaik and Myawaddy which are manned by both the army and the police. Women travelling this particular route reported that payments of between 200-500 Kyat were required at each checkpoint in order to secure a safe passage to Thailand. A young woman from Pegu aged 19 years of age stated;

"At all the checkpoints along the road to Myawaddy, the soldiers or policemen checked the passenger cars and when they found young girls without relatives they asked so many questions. However, everything went well after paying some money as a bribe to them. It is very common for the passengers to pay some money to the driver if there are some young girls on the bus. The driver will work out a deal with the authorities at the checkpoint and the policemen or soldiers never come to check the car after they got the bribe from the driver. The actual bus fare is only 800 Kyat between Kawkaik and Myawaddy but passengers have to pay 1,200 Kyat. The extra is for the bribes paid at the checkpoints. "

Other women and girls, who do not have friends or relatives with which to travel to a Thai border town, sought out other, usually familiar local people to arrange their safe passage to Thailand, either professional people smugglers themselves, or people who knew of brokers to arrange safe passage. Such women are usually charged sums of money. Most women interviewed for this report indicated that brokers arranging work placements or safe passage to Thailand are well known by local communities. Additional numbers of women interviewed were approached by brokers who lured women with the promise of making good money in Thailand. The network of people smugglers is an informal network, operating largely on a word-of-mouth basis. Some brokers promised women that they would obtain employment upon arrival in Thailand, and others would promise to take women to family members or friends who had previously migrated to Thailand, either to destinations along the border, or to places such as Bangkok, Chiang Mai, Mahachai or Samut Sakhon. Brokers generally charge women between 500-2000 *Baht* for safe transportation, depending on the route taken. Those who came with a promise of getting a job in central regions of Thailand such as Bangkok, Chiang Mai, Nakhon Pathom and Samut Sakhon are usually charged higher rates. Some women interviewed for this report were asked to pay between 2 and 3 ticals of gold (16.33 gram) depending on the routes, type of transportation and nature of the job.

A 24 years old woman from Mon State told her arrangement with an agent and her experience on the way to Mae Sod as follows;

"I came with an agent from another village. Many people in my village and other villages around knew him and his business. He usually charged two baht of gold for taking one person to Mae Sod finding a job though he did not guarantee to get a job then. He did not accept Burmese currency and we had to pay him back when we arrived to Thailand. If someone cannot pay all the fees in one time, he will collect it every month until it is fully paid back.

But the amount will be increased with interest. I sold my sewing machines and paid him two baht of gold in Mae Sod."

A number of women from the inner regions of Burma, including central Burma, revealed that they have paid even larger amounts of money for arranging transportation and work placements in Bangkok, the amount varying between 10,000 - 35,000 *Kyat*. For example, a young women from, for example, Moulamein in Mon State, was required to pay cash of around 35,000 *Kyat*. Young women from Moulamein, however, not in full possession of the amount of money required for their travel would have to enter into an arrangement whereby they would pay back an amount equivalent to around 70,000 *Kyat* (in Thai currency) which would be deducted by brokers from the salary they received from their work placement in Thailand. Alternatively, amounts of gold can be given to Burmese brokers. Burmese currency tends to be acceptable payment for brokerage before women have commenced their journeys inside Burma.

Many women who agree to paying off their brokerage debt over time, already see their debt accumulated interest and increase in size even before they get to Thailand. As expected, many women are forced to accumulate sizeable debts to their brokers, which in turn expose them to a range of abuses and exploitation at the hands of illegal traffickers who have huge amounts of control over their women workers. However, not all prospective migrant workers have good friends or relatives who can assist them with travelling or entering Thailand, or who have the necessary network with Thai businesses once inside Thailand. Unfortunately, a larger proportion of Burmese women and girls end up being deceived by the brokers whom they had entrusted with their safety, and were sold as slaves to the brothel owners and employers of house, farms and factory in border towns or in the central regions in Thailand. Evidenced indicates that those women who are taken further into the central areas of Thailand are more at risk of being cheated and sold in this way. One 19 years old girl from Mandalay came with her friends with a promise of getting a shop helper job in Bangkok. She was promised to get a job paying 3000

baht per month. So she came with her two friends to Ranong. She was then taken to outside of Bangkok by Thai man and forced to work as a sex worker at a brothel together with her two friends. None of them received any money for one year and they were told that all of them were sold by the Thai pimp and all had to work free until their debt were paid back. She said;

"As soon as I got to Ranong, she took us the house and locked from outside. She said she would arrange for transportation to Bangkok. We stayed there all day and she came back with a man in the evening. She gave fancy dress to us and asked to change. Then we were taken by van to Bangkok. The man who took us drove the van and when the police checked, he said something to them. We did not understand Thai so we have no idea what he said. When the van arrived to Bangkok in the morning of next day, the man asked us to get off. Then he took all of us to a room and locked again. We did not see him again since then. We were provided food and spent the whole day there. On the next day, we realized what happened to us. An owner of the house turned to an owner of the brothel. He forced us to sleep with the customers. One Karen woman translated us that we were sold by the pimp and have to work in this way. We all cried and asked for help. But we had no other choice."

Life in Towns and Villages along the Thai-Burma Border

Mae Sot. Tak Province

Most migrant women workers from Burma reach Mae Sot by crossing the Moei River from Myawaddy. Many women use the illegal route of crossing river by foot a few hundred meters away from the official



Mae Sod market filled with migrant workers from Burma. This is where migrants can seek jobs and go shopping.

crossing point on the Thai-Burma Friendship Bridge, not wanting to leave their ID cards with the Burmese authorities at the checkpoint. All Burmese who pass through the bridge must leave their identity card and obtain one day pass into Thailand by paying 60 *Kyat* to Burmese authorities and 15 *Baht* to Thai authorities at the other end of the bridge. This pass is valid for a period of 24 hours.

In Mae Sot alone, there are 8,072 registered migrant workers from Burma. These workers obtained work permits in accordance with two Thai cabinet resolutions of March 17, 1992 and June 25, 1996. It is estimated that in the Tak province as a whole there are approximately 70,000 migrant workers from Burma employed in over 100 factories making ready-to-wear clothes, canning vegetables and fruits, making dolls and assembling electronic components. Women workers mostly labor in sewing and knitting factories, canned vegetables and fruit processing factories, doll-making factories, as domestic workers or shop assistants, while men mainly work in construction, farming and some factories.

The largest number of women migrant workers, however, work in textile factories in and around Mae Sot. These factories manufacture export quality garments for sale to Hong Kong, Japan, Singapore and Taiwan and are mostly owned and administered by Chinese-Thai or Hong Kong-Chinese. Some of the factories, M.C. Apparel Co. Ltd, K.N. Co. Ltd and Turbo Co. Ltd. to name a few, each employ more than over 3,000 undocumented workers from Burma in which majority are women aged between 15-35. Women originate from townships and villages from all over Burma and earn between 50-70 *Baht* per day. When their work is in demand, and when women are required to work over-time, some workers can earn up to 2,000 *Baht* per month. The factories provide accommodation and simple food for their workers. However, when demand for their work is at a low ebb, some worker go without wages for periods of up to two or three weeks. Factory owners provide food for worker during these times. Other key employment options for Burmese women in and around Mae Sot are in construction, farming and sex industries, domestic labor, waitressing and as shop assistants. Average daily wages for women working in farming and construction varies between 40-90 *Baht* per day, while domestic workers and shop assistants can earn between



Women learn short-term sewing training to find a job. Sewing skills is very helpful for women to get a job in hundreds of sewing factories in Tak province.

1,000-1,500 *Baht* a month.

A large number of smuggling rings operating out of Mae Sot, particularly for undocumented migrant workers from Burma who are passing through to more built up and industrialized areas of Thailand. Some workers are recruited at market, work-sites, and their community by the brokers and smuggled into other provinces by a variety of means.

Mae Sai, Chiang Rai Province

The majority of migrants workers in Mae Sai are of Shan (*Tai Yai*) origin from Shan State in Burma. Some of them cross the official border crossing at the bridge and work during the day in Mae Sai before returning back to Burma in the evenings. However, a number of Burmese workers do live in Mae Sai illegally. Most workers are in the construction, farming and service industries. Many migrants women are also working as domestic workers, shop assistants and sex workers servicing both Thai and Burmese clients. Possessing the added advantage of sharing a similar language to Thai people, young Shan women can find work easily in local shops, houses and entertainment venues, but wages are considerably lower than in other border towns. Construction workers in Mae Sai can earn between 70 and 90 *Baht* per day, and domestic workers or shop assistants can earn around 1000 *Baht* a month.

Mae Sai is renowned for being a major trafficking point for a range of clandestine operations ranging from people smuggling to drug trafficking. The Thai Immigration Department in Mae Sai estimates that there are at least 200 undocumented migrants from Shan State in Burma who enter Thailand at Mae Sai every month with the intention of staying in the country¹³. Due to the high turnover of people moving through

¹³ "A Rapid Assessment of Migrant Populations along the Thai-Burma(Myanmar) Border Regions", Asian Research Center for Migration, January, 1998.

Mae Sai in search of better jobs, it is difficult to estimate of the numbers of migrants from Burma in town. Some migrants are brought into Thailand by highly organized smuggling operations, but Thai officials in the town work closely with other checkpoints in the province and local police regularly check vehicles suspected of carrying undocumented migrant. Despite this, many people are able to get through.

Mae Hong Son, Mae Hong Son Province

In some provinces like Mae Hong Son migrant workers from Burma work principally in agriculture and in construction. Mostly they are of Shan and Karenni nationality. Many of them live scattered around the countryside and work on local farms. As agriculture is poor in the region, migrant workers can only earn between 40 and 60 *Baht* a day, compared to the local Thai minimum wage of about 150 *Baht* a day. Work is not available every day, some workers able to obtain employment fifteen days out of the month. Those living in the countryside on the outskirts of Mae Hong Son, there is little access to health care and no education facilities for their children. Because of their illegal status, workers mostly avoid going into town to seek medical help from the hospitals. There are also some number of undocumented migrant women working as domestic workers and at services for tourists such as guesthouses and restaurants. These women earn 70-90 *Baht* a day.

Chiang Mai, Chiang Mai Province

Chiang Mai is a key destination for undocumented migrant workers from Burma, particularly those who gained access to Thailand through the northern. Workers have either Shan, Karen, Lahu, Lisu, Wa, Palaung, Akha and Kachin ethnicity and enter Thailand through Chiang Rai, Mae Sai, Mae Hong Son and Tak provinces. In the Fang district of Chiang Mai Province, a large number of Shan people work in the agricultural sector. Many others are found in construction work as

well. Women work largely as domestic workers and shop assistants in and around the province. In addition, there are a few well-established networks for trafficking of women for sex work in the city of Chiang Mai. Undocumented workers from Burma working in plantations throughout this province earn between 50-80 *Baht* per day, while women domestic workers and shop assistants earn approximately 1,300-1,800 *Baht* per month.

Sankhlaburi, Kanchanaburi Province

Sankhlaburi is a small town near the remote Burmese outpost of Three Pagodas Pass, a key border trade route between Burma and Thailand, and also in close proximity to Hlockani Mon refugee camp, a major repatriation and deportation site for illegal Burmese being sent back to their country of origin. As a consequence, the small Thai town is a place of transit for new immigrant workers coming through the border crossing point along the official border trade route, as well as deportees coming off immigration detention center trucks who wish to return to Thailand who were sent back to Burma and attempting to sneak into Thailand again. Many human smuggling gangs operate out of the town and arrange for the transportation and work placements of immigrant workers to other Thai provinces.

The majority of undocumented workers working in Sankhlaburi are ethnic Mon from Burma, who join their Thai Mon relatives who have lived in and around the town for many years. Women are employed in garment factories, construction and farming sectors. Some work as domestic workers and shop assistants. The wages of women factory workers ranges between 60-90 *Baht* per day, depending on a woman's expertise. Women in construction and farming sectors make 40-60 *Baht* per day while domestic workers and shop assistant earns 700-800 *Baht* per month.

Thorn Pa Phom District, Kanchanaburi Province

Thom Pa Phom district is situated near the Ban-I-Taung border route that connects the upper part of Tenasserim Division and the lower part of Mon State in Burma. In addition to cross-border traders, illegal immigrants of Karen, Mon and Tavoyan ethnicity in Burma cross into Thailand. Migrants tend to find employment in agriculture, animal husbandry, construction, logging, mining and in restaurants. The local authorities allow some migrants from Burma to stay in a particular site outside of Thom Pa Phom by issuing them special permits allowing them to live and work. The intention of this site is not known, but it has been suggested that it might be to monitor the illegal movement of migration into other provinces of Thailand.

The many women who live at the site are dependant family members of men who undertake all kinds of day work for local businesses, reports have indicated that local authorities are instrumental in setting up day jobs for residents of the site. The migrant population of the Burmese in Thom Pa Phom has been estimated at around 6,000. It is difficult to estimated the numbers of Burmese women who use this site as a transit point on their way to work in other provinces. Thom Pa Phom, like Mae Sai, pays very little in migrant wages.

Ranong, Ranong Province

This southern province, bordering with the Burmese town of Kawthaung, is home to an estimated 100,000 migrants from Burma. The local Thai population is comparatively low at 137,554, although this figure is based on a 1994 government estimate. In Ranong township alone, there are about 65,000 undocumented workers from Burma, almost equal in number to the native Thai population. The ethnicity of workers tend to be predominantly Mon, Karen, Tavoyan, Burman, Arakan and Indian-Burmese. Most migrants traveled through southern

routes, sometimes by seas, but usually always through Kawthaung.

Arrivals in Ranong can be roughly divided into two groups - the first, those who plan to work or stay in Ranong and the second, those who plan to go to other parts of Thailand. As a whole, there is significant overlapping between these groups of migrants as sometimes people take temporary work in Ranong to pay for their trip to other provinces. Ranong is also a busy place where many of undocumented workers from Burma gather before proceeding with their journey to other southern such as Phuket and Hut Yai and western provinces as well as Bangkok. They pay usually between 5,000-7,000 *Baht* for travel and another 1,000-3,000 *Baht* for the employment placement.

The fishing community in Ranong has a particularly high number of migrant women compared with other key seaport towns home to Burmese migrant workers. Thousand of women work in a range of other labor intensive jobs, while others accompany their husbands and have no formal or regular employment. Fishing, fisheries related and fish/food product industries are integral to Ranong's thriving economy and migrant women play a crucial role in keeping this thriving economy alive. Burmese families live in slum-like places near Ranong port and fishing piers. Some scattered groups of migrants work in plantation, agriculture, charcoal making, mining, domestic services and as sex workers. Women workers in fishing and fisheries related industries earn 90-110 *Baht* per day, while women in other industries such as construction and mining earn 70-80 *Baht*. Domestic workers and shop assistants make 1,000-1,200 *Baht* per month. Further, Burmese and Thai pimps and brokers lure young women from Burma into the booming local sex industry.

Phuket, Phuket Province

Phuket is a famous tourist spot in Thailand and many migrant men and

women migrate through Ranong to work in construction and the service industries. Hotel and restaurant businesses, as well as the booming local sex industry, rely on increasing numbers of migrant workers from Burma.

Mahachai, Samut Sakhon Province

Mahachai, a busy town in Samut Sakhon Province, is home to Thailand's largest fishery industry. This is also the number one destination point for the largest numbers of both undocumented men and women workers from Burma. Most workers migrate through Kanchanaburi, Ranong and Mae Sot to take up jobs that the local Thai avoid. All Burmese ethnicities are represented here. Communities of migrants from Burma in this province are so large and visible that one could mistakenly assume that Samut Sakhon is a Burmese border province rather inland province, and hour from Bangkok. Women workers from Burma work in fish and shrimp selection and canning processing plants. The daily wage rate of the women workers in fishery factory is 80-100 *Baht*, the month 2,000 and the lump-sum depends on the type of duty and the numbers of unit produced. For example, cleaning squid will bring 3 *Baht*/kilogram.

There is great wage disparity between the Thai border provinces and provinces in central Thailand- between for example, Ranong and Bangkok, or Tak and Chiang Mai. This is one of the pull factors for Burmese migrants to move towards the more central provinces. A monthly wage for a Burmese construction worker in Bangkok is 2500 *Baht*, but only 1,500 *Baht* in Tak. A Burmese woman working in the factory in Mae Sot can make 50 *Baht* a day, but could earn in excess of 100 *Baht* if she was performing the same duties in central Thailand. As pervasively stated, large numbers of Burmese women work in the odd jobs and undertake day or piece work in the border provinces to pay back the debt incurred to their broker, before moving more to more industrialized areas such as Bangkok and Chiang Mai. One woman told that she was still in debt after working one year at the sewing factory

in Mae Sod.

"I worked one year to pay back my debt. But my factory did not have a good demand to make us to earn better money. I was paid only 50 baht per day and I had to take care my food and accommodation. I could hardly save five hundreds baht per month. I got sick in last three month and all my saving went to my medical charge. Every pay-day of the month, the broker came to my factory and asked for the money to be paid back. At first we agreed 2,000 baht for the fee but now he increased the amount of 3,000 baht because I was not able to pay back in one time. "

Some young women interviewed for this report would have been able to pay back their debts after only four months work in a city province compared with two years of work in a border province.

Direct Passage to Central Thailand

A significant number of undocumented Burmese women were taken directly to factories and work sites in Bangkok or Chiang Mai without period of transit in a border province. These women were mainly in groups of around 10 persons, who were transferred from Burmese brokers to Thai brokers almost immediately after their arrival on the border. Groups generally became smaller in the border towns and smugglers recruited additional workers to join the trafficking groups, people being easily recruited at markets, temples, or work sites. Fees for brokerage of this type varied between 2,000-3,000 *Baht* to other parts of the border provinces and 5,000-6,000 *Baht* for central regions such as Bangkok. Again, brokerage fees and amounts of debt incurred varied between differing routes, type of transportation and job placements. Our reports indicate, however, that this kind of trafficked women increases her risk of arrest and mistreatment at the hands of Thai immigration, border and police officials, or being sold into the Thai sex industry, or sweat-shops or to work on plantations in a situations of

debt bondage. Many young women from Burma who have not made the effort to pay back debts by working for periods along the border have fallen victim to such practices. In some case, women do not even know that they have been sold into debt bondage until the non-payment of wages makes the situation apparent.

A 22 years old woman had a story of being sold to the Thai owner of the plantation in Kanchanaburi province by Thai smuggler from Sankhlaburi. According to her, she was approached by a Thai man at the market in Three Pagoda Pass while she was looking for a job. He promised that she could get a job as a domestic worker in Bangkok. She said she would go with him if she could bring her friend as well. He agreed. Two of them were taken by bus to Kanchanaburi. The Thai man promised that two of them could earn 2000 *Baht* by cleaning house. She said how they were cheated and sold to the Thai plantation owner as follows;

"At first we thought we would cook in the kitchen. We were taken into the huge plantation field outside of Kanchanaburi. When we got there in the afternoon, we did not see other workers as they were in the fields. We were told to take a rest in the room, until the workers came back from their work. On the next day, the owner ordered us to work like other workers in the suger-cane plantation. We did even it was very hard for us. At the end of the month, we did not receive any salary like other workers. So we asked the manager and he said the man took six months salaries for us from the owner. That meant we had to work six month free. We realized that we were cheated and our wages were taken by the broker. I tried to run away from this plantation, but the owner knew my plan and did not give any chance for me to do so."

There are various routes used by traffickers of women from, for example, Mae Sot. There are at least five routes that have been developed by traffickers that avoid all Thai police checkpoints along sealed roads. Mi-

grants are normally required to walk through the jungle in order to avoid the police checkpoints on the road. Normally it takes three to five days walk and the jungle routes are so remote that migrants run a and have great risk of being robbed by unidentified armed gangs. Women are particularly at risk of rape and sexual assault by smugglers. One 25 years old woman from Sagaing, Sagaing Division paid 1,000 *Baht* for her to a broker in Mae Sod to take her to Tak through the jungle route. He put her in a house in Mae Sod with her other two female friends and brought another twelve persons including two more women aged 18 and 21 from Kyar-in-seik-kyi township, Karen State. They were guided by one Thai-Karen through the jungle route to Tak. They were told that journey would take only two days but actually they spent five days in the jungle, according to her.

"We, fifteen people walked for five days in the jungle. There were ten men and five women in our group. We attempted to avoid the patrol police and militia on the way. I was afraid of sleeping in jungle at night. We, all five women gathered in one place and slept together. One of the women told me that she had heard the rape of women on the route by the unidentified gang groups that made us more scary. After two days, we had no food left. We went to one hut outside of the village and asked for food. The men in the house said if one of us could stay with them one night, they would provide food to us. I did not understand but one of my friends translated it. We all were scared and left immediately. So we did not dare to go the huts again."

Some smugglers use the Mae Sod- Tak highway road for smuggling women and men from Burma into inner regions of Thailand. The women and men are put under, for example, piles of fruit or vegetables on the back of pick-up trucks or put among the boxes of goods. Sometimes this leads to suffocation and death, according to one interviewee one small girl almost died of suffocation after passed through the police check point along the

highway. She paid 3,000 Baht to a broker in Mae Sod for her safe passage to Bangkok 1998. She was among the nine people from Burma put under the vegetables on the back of the pickup truck driven by a Thai driver. This was to avoid the police check-points along the road to Bangkok from Mae Sod. She said;

"We were put under the vegetables on the back of the pickup. All of us were nine including three women. We all were asked 3,000 baht each for transportation and finding a job in Bangkok. A broker who collected us told all of us to wait in a place. At 9 p.m., a truck arrived. We were told to lay down on the back of the pickup and put the wood over our body. The space was so small and the wood was only 1-2 inches from our body. Then they put the vegetables on the wood. We could not take breath well and move all the way. When the car stopped, my heart was beating like a drum. I was afraid of being found by the police. We did not know where the van was heading for. The car stopped after driving five hours. It stopped three times at the checkpoints. When we got off for a rest, one girl was almost suffocated. All of us got weak and vomit."

In another separate case, this kind of dangerous trafficking led to the death of a Burmese woman. In January 1996, a 10-wheel truck accidentally caught fire on its way from Ranong to Phuket. Densely packed on the truck, and hidden by a canvas cover, were more than 70 illegal Burman and Mon illegal immigrants, who had arrived from different parts of Burma, and were south to find work. As a result of the accident, one young woman died and 55 people were injured¹⁴.

The safest but most expensive way of arranging human traffic from Burma into Thailand is by paying off corrupted Thai officials. Many women interviewed by the research team indicated that were brought from border areas to central Thailand by small trucks or vans driven

¹⁴ "Slave to Labor", *The Nation*, January 31, 1996.

by Thai policemen or soldiers in uniform. Traffickers can charge more than 5,000 *Baht* for each person. One woman explained her journey from Mae Sod to Bangkok by a van driven by one Thai policeman as follows;

"I paid 5,000 baht to Thai gent for my journey to Bangkok. He told me that it cost money because the policeman would take all of us by himself. When he came, he was not in uniform but wore police T-shirt with walkie-talkie. Everyone immediately recognized him as a policeman. He did not say a word to us. The broker put all of six people including me on the back seat of his van and drove away. He stopped over at the police station for a while but I did not the reason. On the way, we were stopped at the check-point. The police saw us sitting at the back seat. They talked in Thai that none of us understood and then the car moved on. When we arrived to Bangkok we were taken to a factory that now I am working. "

VIII. Illegal Trafficking of Persons

Trafficking is part of a larger migration problem in Thailand. Trafficking in Burmese women for sex work, and other kinds of work, in situations of debt bondage is an particularly disturbing feature of both Thailand and Burma's migration problems as trafficking generally is closely linked to illegal migration. However, the two are different problems. Cross-border migration of people without documentation does not have to be coercive or exploitative and is the way that many Burmese women are able to choose to migrate. Yet evidence shows that being undocumented clearly leaves an migrant women vulnerable to particular forms of sexual coercion and exploitation¹⁵. An estimate 40,000 women and young girls from

¹⁵ Muntarbhorn, V (1997), "The Trafficked in Women and Children in the Mekhong Sub-region: Law and Policy as effective countermeasure?", Paper presented at the Regional Conference on Illegal Labor Movements: The case of trafficking in women and children, Bangkok; Mekhong Regional Law Center.

Burma are forced into the sex industry in Thailand by traffickers each year. Some are abducted from inside Burma, or from border provinces where they have already migrated to, but usually, smugglers deceive or trick women into believing that they are taking them somewhere else for work completely unrelated to the sex industry. Once deep inside Thailand, smuggler and/or owners of sex establishments forced women to sleep with customers, often using violence, threats of violence, or arbitrarily detaining them in the establishment. Other girls have been sold to sweatshop owners, or to Thai families to work as domestic workers. They face the same forms of violence and suffer under similar arrangements of debt bondage where they are forced to work without pay until they are able to repay their debt.

Many migrant workers do not have the money to pay their transportation and illegal border crossing fees up front. They often make verbal agreement, or in some cases, sign a document resembling a vague contract, that leaves them in a position of debt bondage to that broker or smuggler. In most cases, the debt is for amounts of money that take a long time for poorer, people from rural areas to pay back, especially as the reason why they have come to Thailand is to save money for their families in Burma. It is very difficult, for example, for a 13 years old Mon girl, who is attempting to supplement the small income of her family of seven in Burma, to repay a debt of 8,000 *Baht* while she earns a daily wage of 145 *Baht*.

In most cases the debt increases along the journey from their village to their place of employment. Sometimes debts increased after they have arrived. Brokers who have transported undocumented workers from Burma to Thailand will frequent workers' dormitories to harass, threaten, and in some cases beating them, for not making the required payments, although repayment details to have never been specifically agreed upon. There are frequent reports of Thai government officials taking advantage of the vulnerable status of undocumented migrants who seek employment.

Despite the high level of official Thai complicity in the trafficking of women workers from Burma, efforts have been made by the Thai authorities to stem the problem. In a well known incident, two crime suppression policemen were arrested in April at a checkpoint in Mae Sod district and charged with smuggling Burmese migrants illegally into Thailand. Two policemen, eight Burmese men and seven women were stopped while travelling on the Tak-Mae Sod road in a van bearing Police Department insignia, according to the local police source¹⁶. In a separate case, five supreme command soldiers were arrested along with 42 Burmese, while they were travelling in two van¹⁷. In a further incident, a human trafficking ring that involved a Thai couple and some police officers in the northern province of Tak was exposed in July 1998 in Bangkok. Police arrested Laihua Sae Tang, 54 and his wife, Malee, for procuring women from Burma to Bangkok. Police searched the couples' house and rescued three other women from Burma aged between 17 and 19. The women said they had been brought from Burma to northern Thailand by some police officers who had been paid 6,500 Baht each to deliver them to the couple. The couple had already sold some women into prostitution and others as cheap labor to seat-shop operation¹⁸.

Although Thailand enacted an statute during 1997 clearly defining it's position in relation to the development of anti-human trafficking measures, as well as spelling out severe punishments for those convicted of such human rights abuses against illegal migrants, on the ground, Thailand's law enforcement officers are still unaware of the law. The Act had clearly stipulated that upon arrest, illegal aliens who are victims of trafficking rackets must be treated as damaged parties rather than wrongdoers or violators of the Immigration Act. But it is as violators of immigration laws that large numbers of Burmese are rounded up, detained and deported back to remote border areas.

¹⁶ "Policemen held on charges of smuggling immigrants", *The Nation*, April 2, 1996.

¹⁷ *Ibid.*

¹⁸ "Thai Police bust prostitution ring", *The Bangkok Post*, July 12, 1998.

IX. Common Life Circumstances for Burmese Migrant Women Workers in Thailand

Arrest, detention and deportation

Under the Thai Immigration Act of 1979 all aliens without proper documentation are subject to arrest, detention and deportation back to their own country. Illegal entry into Thailand is punishable by detention of up to two years or fines of up to 20,000 *Baht*. Among the eleven categories of persons to be denied entry under Section 12 of the law are: — these not in possession of valid travel documents, although Section 13(2) of the law exempts from carrying passports "citizens of the countries having common borders with Thailand who temporarily cross the border in compliance with the mutual agreement made between Thailand and those countries." — those without means of subsistence — those seeking work as unskilled laborers — those who have engaged in prostitution, trading in girls or children, drug trafficking, or other immoral activities."



Arrested migrant workers from Burma are temporarily detained in a hall inside Police Station in Phuket province before sending to a court.

Fear of arrest as an illegal immigrant is especially pronounced among migrant workers because it can mean deportation back to Burma where they must again suffer human rights abuse at the hands of the military regime, and widespread economic hardships. Burmese women are always living in fear of arrest by the Thai police at all times in their migration process- in their workplaces, on the streets, or in their homes at night. Many Burmese women are reluctant to leave their work places due to a fear of arrest. This makes women especially isolated from health and social services, and from other Burmese women workers. Threat of being arrested is always used by the employers of domestic workers to maintain control over workers and encourage them to stay on factory sites. Domestic workers, for example, are very often confined to the houses in which they work, with little access to the outside world. This again makes women especially vulnerable to mistreatment, harassment and sexual assault by their male employers.

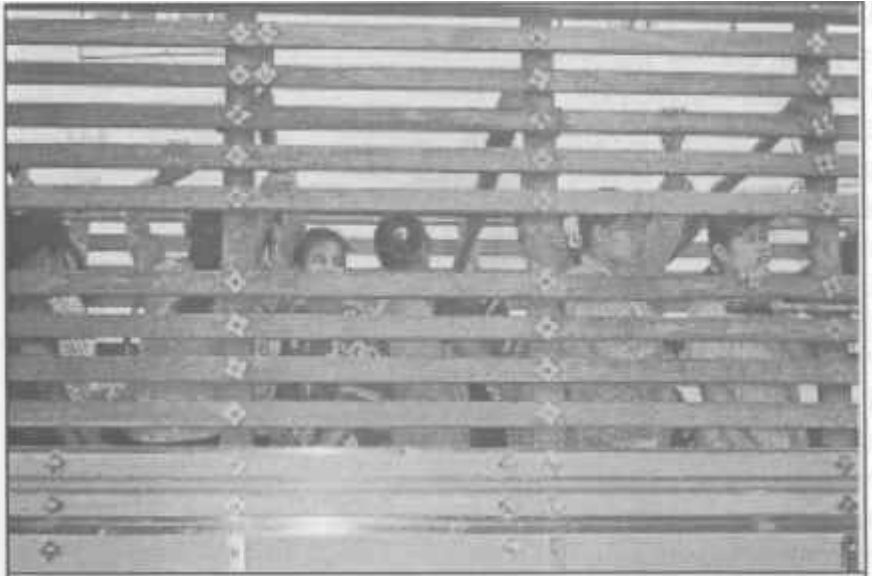
If undocumented women migrant workers are arrested and detained under the Immigration Act, they are normally sent to the Immigration Detention Center (IDC) in Bangkok or local prisons or local police lock-ups. All places of detention in Thailand that hold Burmese migrants are substandard, overcrowded, and characterized by cultures of corruption, extortion and physical abuse. Section 56 of the Immigration Act



Women escorted by police during the deportation process

states that, "...any expenses incurred on repatriation of an alien shall be borne by the owner of a conveyance or person in charge of a conveyance. In the case where an owner or person in charge of a conveyance is not apparent, the offender.... shall be required to bear such expenses. In this case, the competent officer has the power to demand the entire expenses in repatriating the alien from any individual offender or collectively as appropriate, but if such alien is asking to leave by any other conveyance or by another route, the alien shall have to bear such expenses himself and therefore may have the approval of the competent officer."

The wording of the law suggests that Burmese have some choice in where they or not they are deported- if they are willing to pay the price. But the scope for extortion is obvious, and the highest prices are often charged for the nearest point of deportation from Bangkok. Migrants awaiting deportation are held at the Immigration Detention Center (IDC) in Bangkok, as well as at prisons and police lockups. Conditions at the IDC in Bangkok is much better than previous



During the deportation process to the border with Burma. What is their future, going back homes or sneaking back to Thailand?

years but still below internationally accepted minimum standards for detention and the treatment of prisoners. Places such as prisons and local police lock-up are often severely overcrowded and meals are insufficient. Migrants in local police lock-ups often share cells with Thai criminals and are frequently robbed of their possessions and clothes by these criminal suspects.

Normally, illegal migrant workers from Burma are deported to Mae Sot, Ranong, Mae Sai and Sankhlaburi, before being forced back over the border, sometimes at gunpoint, into Burma. Most migrant workers prefer to be sent back through Kanchanaburi to Sankhlaburi because it is less possible that authorities hand deportees directly over to SPDC border troops. Some of those repatriated have suffered upon their return; for example, some of those returned from Thailand have been required to forced labor in Burma.

Low wages and excessive hours of work

Undocumented migrant worker women from Burma must often endure unsafe working conditions and long hours of work for relatively low pay. The Thai minimum daily wage is 135 *Baht* per day but most undocumented women migrant workers make less this amount, sometimes a mere 50 *Baht* for certain types of manual agriculture work. In the fishery sector, normally workers are paid on average 2,000-2,500 *Baht* per month. In the fisheries work, there are three types of wage payment- daily, monthly and piece work payment. The daily wage rate is 80-100 *Baht*, the month 2,000 and the piece work payment depends on the type of duty and the units produced by individual workers. In the construction sector, wages are paid either daily or fortnightly. In domestic work women earn between 1,500-3,000 *Baht*.

(a) Construction, fishery and farming workers

A common scenario in construction and fishing sectors an employer promises his migrant workers that they will receive their pay after working for a certain period of time. At the time the wages come due, the employer pay less than the promised amount. In some cases, the employer makes arrangements for the local authorities to arrest the migrants before paying the wages. On interviewee stated;

"I worked six months at the rubber plantation in Kanchanaburi last three months ago. The owner promised me to pay 1,000 Baht per month, but after six months of working, he only paid me 2,000 Baht. When I complained his, he said that get what he give him out of mercy, otherwise, he would call the police to arrest me and my family. My husband also received the same amount of money. What can we do? Ask for money and get arrested? We could not quit the job immediately because we could not find a way to another new job. So we had to work another two months for 1,000 Baht each until we were able to get a new jobs. "

(b) Factory workers

Excessive hours of work is another problem for undocumented women migrant workers from Burma, particularly those working in large factories. Usual working hours is from 7.a.m. to 5 p.m. six days a week. Sunday is a common day of rest for migrant worker women. In most factories around the Mae Sot area, employers demand that women work overtime in peak production times. Burmese women interviewed in a garment factory for knitting wool was required to work three days and two nights without rest or sleep. Women were so tired and had formally requested that the employer allow them to rest, but they were refused.

Women who are illegal workers usually have no right to deny the demand

of overtimes unless she is seriously ill. Only in emergencies are women allowed to refuse overtime or risk losing her job without question. One woman interviews stated;

"My friend was sick several times and she could not work overtime. The employers did not say anything when she was absent to work overtime for the first time, in the second time, she was scolded and on the third time, she was fired."

Excessive working hours is a common problem for undocumented women factory workers throughout Thailand. Another woman describes her experiences in Tak province during 1997 as follows;

"The work starts daily 8 a.m. and lunch time is 12:15 p.m. Then it starts again at 1:15 p.m. and finishes at 5:45 p.m. We had overtime almost every day. We had to work overtime from 6:45 p.m. to 10 p.m., sometimes until 2 am. the next morning. Its depends on the demand for the products. Sometimes, we want to take a break after working long days and nights. Even if we can earn more, we



Women workers at the prawn-processing work in Maha Chai, Samut Sakhorn.

don't want to work overtime because we are all exhausted. But we have no choice, and have to work as ordered by the factory owner. She told us to work overtime without fail, otherwise we will be fired from our jobs. She will tolerate an absence only once or twice, but she will not tolerate a third time. Some of the workers were fired after failing to work overtime on three occasions. Some got sick and could not go on working for such a long time, like two or three days non-stop. But no excuse is accepted."

(c) Domestic workers

Out of the many domestic workers in Thailand, only a few Burmese women are lucky enough to obtain employment with fair and kind employers. Many domestic workers are treated inhumanely and given relentlessly long hours work without adequate rest. Almost all domestic workers interviewed lived with their employer and were required to be on call 24 hours a day. In addition, women have found the isolation of domestic labor in Thailand to be hard to endure. A young domestic worker describes her experience as follows;

"I have to get up at 4 p.m. everyday with no excuse. My responsibilities included preparing food for family, cleaning house, taking care of garden and dogs etc. I had no time to take rest until I went to bed at 11 p.m. every night. The most frightening job is feeding five dogs in the compound. They were so big and made me scared. I had been almost bitten by the dogs one time. At the first three months there one Karen woman working together with me at the same house, but she moved to other house. Since then, all the jobs became my solely responsibility. I could not speak Thai so I felt very isolated and lonely. Whenever I did mistake, the employers scolded all the day."

Hazardous work and unsafe working conditions

Migrant workers from Burma, like migrant workers the world over, invariably fill '3 D' jobs- the dirty, difficult and dangerous- which employers are unable to recruit Thai nationals for. Many undocumented women migrant workers in Thailand live in 'bare-minimum' housing, with poor sanitary facilities and insufficient protection from the elements. Women who work on construction site usually construct shanties from whatever materials are available in the area. Many women migrant workers suffer from occupational health problems and problems associated with their cramped, unsanitary living conditions, as well as extreme isolation.

(a) Construction workers

The mobile nature of this kind of work, taking people from one site to another site, require women to make temporary shelters from scraps of metal and wood. Many living quarters for Burmese construction workers in Thailand are constructed with zinc sheeting. As both the walls and the roof of such dwellings are made from zinc sheeting, they become unbear-



Migrant workers occupied the living apartment in Maha Chai. At least eight people share one room which is only enough for two people to save money.

ably hot in the summer, making it difficult for women to remain in the dwellings throughout the daytime. Most construction areas are in remote locations where there are few trees and little service infrastructure. When the rainy season arrives, most shelters are vulnerable to the wind and rain.

The unhealthy environment around construction sites where Burmese women work are not adequately sanitized. Most living quarters are built on the muddy swampland near construction sites. Some construc-



Children are left alone in day times while both of their parents go to work. No school and day-care for them.



Construction quarters surrounded by unhealthy environment where most construction workers stay

tion workers live within the unfinished structure that they have been building. These makeshift cubicles are dark and receive inadequate ventilation. Rooms are generally separated with wooden piles or sheets. Garbage around the dwellings, and stagnant water stink and breed flies and mosquitoes, resulting in the spread of disease and ill-health.

(b) Factory workers

Factory workers are mostly provided with living quarters or dormitories accommodation by their employers, particularly when they are single Mae

people. These quarters are generally found on private property within the greater factory compound, where possible, married couples and single people are housed in separate dormitories. Single persons dormitories are usually separate for male and female workers. Dormitories are generally 40ft x 10ft wide halls in which at least 40 people must share. Beds are close to one another, and privacy impossible. Ceiling fans are provided in each of the dormitory halls, but there is little or no air circulation due to extreme overcrowding. A factory investigated in



'bare-minimum' housing with poor sanitary facilities of migrant workers

Mae Sot was unable to provide its 3,000 workers, most women, with enough water for daily bathing and washing.

Living conditions at the 'Champion' factory dormitories in the Mae Sot area are articulated by a women worker as follows;

"Most of the workers, around 4,000 of us, live in quarters inside the factory compound. All the women share two large living quarters, and the men and married couples share another. The quarters are two-storey buildings and the roofs are made of zinc sheeting. One hundred and twenty women have to share one room which is around 15ft x 10ft wide. There are no fans, and only one window per room. In the summer time, it is very hot and we cannot sleep. Another problem is a shortage of water. There is not enough water for 4,000 workers living in the same compound. The owners provide two meals per day for the working living in quarters, mostly plain rice and vegetables. Sometimes, rice is not cleaned properly. We try to eat the food as much possible because we don't want to spend extra money."

Some workers do not stay in the building provided by the factories. This is because either they want more freedom, or that the necessary space is unavailable. In order to save the money that they earn, migrant women rent substandard rooms with low rent. Rooms are small and dark and are occupied by at least six people. In some cases, up to ten women shared a single low-rent room stay in 20ft x 10ft rooms. A Burmese woman worker from the Mahachai area reported that while seven of her colleagues worked during the day, another seven women slept until beginning their shifts in the evening. When the factory closes on Sunday all 14 women find it difficult to sleep in the same room, forcing some to wake and sit outside.

Working conditions in some of the factories are very poor and sometimes cause sickness among Burmese women working there. Health fa-

cilities are generally insufficient, and in some places there is no first aid or health care provided on work sites at all. Such hazardous working conditions causes women workers extremes amounts of stress and discomfort, particularly those women working with chemicals in fisheries, manufacturing and doll-making factories. Seafood processing factories generally provide long sleeve shirts, trousers, long boots and gloves, but working long hours in such a uniform has caused abscess in some women. In a doll painting factory jointly run by a Taiwanese and Thai employer in Mae Sod, a 14-year-old girl from Thaton township, Mon State stated;

"There are about 400 women aged between 4 to 40 years old working in two divisions of this factory. The smell of paint and alcohol used in the factory is so bad many of us get dizzy, sick and have respiratory problems. Some even faint and cannot see properly after working long hours. Nobody can work without stopping at least once in three hours. I work in the painting section which is worse than other sections. There is only one air circulation machine in the room where all the workers are working. There are no fans because the owner does not want the paint to dry too rapidly. There is one door for one entrance and exit and no windows. Many faint and fall down."

The worker went on to say that when someone fell ill and or collapsed while on the job, the manager only allowed women to take short breaks. After such a break, the manager asks woman to return immediately to work. If someone is seriously ill, the manager asks one of the workers to take her colleague to a free medical clinic run by Burmese students in exile. If she is unable to work for that day, she is not paid, the daily wage being deducted from her monthly salary. She stated that most women do not want to take sick leave because they do not want their wages to be reduced.

(c) Farming and plantation workers

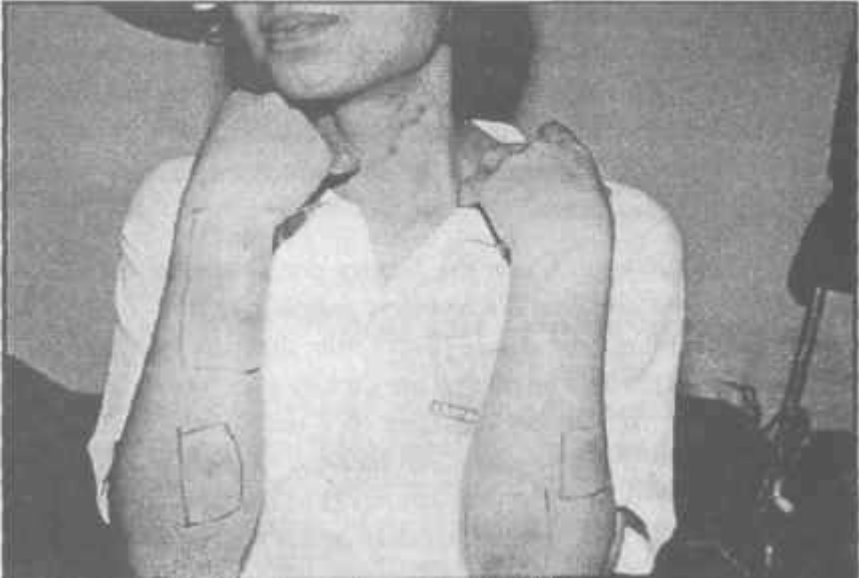
Women who work in the agricultural sector on rubber and sugar cane plantations, and fruit and vegetable farms tend to live on the farms or plantation sites. Most farms are large distances from the towns or cities. Workers generally construct their own dwellings on farms, and have little access to the outside world. In some areas, plantation owners provide workers with rows of brick quarters for all workers. Those with family live in one room and single men and women live as dormitory.

(d) Domestic Workers

Domestic workers are given a place to sleep either in a small room in house or separate quarter sharing with other workers in the compound. They are generally barred from going out or having access with outside world.

Physical and Mental Abuse

Undocumented women migrant workers from Burma experience sexual and physical violence at the hands of their Thai employers and are afforded little or no legal redress. In addition, women workers have reported being subjected to illegal confinement, extremely long working hours and non-payment of wages. In construction work, factory work and fishery- industry related jobs, women are subjected to sexual assault not only by their Thai employers and security guards, but also at the hands of their Thai and Burmese male colleagues. An 18 year old Burmese girl from Rangoon told how all young girls working in her children's clothing factory in Mae Sot work under the veil of constant fear of harassment by their male Thai colleagues, or supervisors. Most of the young women refrain from speaking out against their ill treatment because they are afraid of losing their jobs. She stated;



Rescued Karen domestic worker shows her bruises caused by the mistreatment of her former employer.

"There are very few Thais working in the factory and they all are supervisors. They always look down on Burmese girls and think girls are easy to get. Especially when they get drunk, they try to touch our bodies, so we try to stay away from them. Burmese male workers do not like this harassment by the Thai. One time, there was a brawl between the Thai and Burmese male workers because Burmese tried to intervene to stop the harassment by Thais of a Burmese girl. Two Thais were drunk at work and they called out to a young girl to help fix a sewing machine. When she went they touched her lower body and the Burmese men attempted to stop it. Then a brawl took place."

Young girls are more vulnerable of the sexual harassment at their workplaces by the employers or security guards than are older women. For so-called 'security reasons', Thai guards inspect the rooms of women workers at night and force some women to have sex., or to sleep beside

them. In Burmese culture it is thought to be both inappropriate and offensive to sleep with a male stranger in a single room and Burmese women tend to feel humiliated and sexually harassed when this happens. A 20-year-old Mon woman from Moulmein in Burma currently working in fish-canning factory in Ranong told how she felt about the actions of Thai security guards in her factory;

"The security guards in the factory are Thai, and they always look down on the Burmese female workers. They also attempt to seek sexual favors from the girls who are young and pretty. The guards are factory supervisors can check the girls' rooms any time they want. Sometimes, they enter the rooms and sleep there. It is not good for Burmese girls to sleep with strangers in the same room. We don't like it but we did not dare to say so. There is no lock on the door to the girls' room. We try to tie with rope, but the guards are authorized to check the rooms any time of the day and night. They sometimes come at the night while we are sleeping. Even they go into the mosquito nets and check if there are extra people in the room."

Rape and sexual assault by the Thai law enforcement officers such as border police, and immigration officials have also been reported by Burmese women migrants in Thailand. On July 12, 1999, a group of undocumented women workers from Burma were deported back to their country for illegal entry to Thailand in northern Thai province of Chiang Mai. The Thai officer, in charge of the local Ranger Unit for the area, had detained the eleven women at his camp near Ban Lan village, close to the Thai-Burma border. He forced them to strip naked and fondled them. He then raped two of the women. Following this incident, three women, including one of the rape survivors, reported the incident to the local authorities, and asked for charges to be brought against the Thai officer. However, on July 29, when the women were brought to the local police station in the town of Fang to identify the offender, the police had persuaded the women to drop the charges and make an out-of-court settle-

ment. Of the three plaintiffs, the woman who had been raped received only 11,000 (about US\$300) *Baht* and the other two women, who had been forced to strip naked, received 5,000 *Baht* each. A Shan women organization's member who had accompanied the rape survivors to the police station was threatened by the representative of the Thai military officer that if she went ahead and pressed the case her life would be in danger.

(a) Construction, fishing and farming community

The incidence of sexual violence in some migrant Burmese communities in Thailand, particularly in fishing areas, is high, but some cases of sexual assault have been reported on the work sites of construction workers and farm hands. At least some of the offenders are people from the same communities as the women, who are known to the women. Due to their illegal status, and other socio-cultural reasons, the women are reluctant to take these matters to Thai law enforcement authorities. In some cases reported to the Thai police, women have reported surviving further sexual and physical abuse. As a result, a large proportion of incidents of sexual violence against Burmese migrant women workers are not reported for fear of reprisal, as well as the feelings of shame and embarrassment that women feel and their wish to hide the details of such incidents to family and friends.

(b) Domestic workers

Burmese women undertaking domestic work have complained steadily that they work long hours, frequently eighteen to twenty hours a day, with no formal rest periods. Some state they are not paid for months. Withholding wages rob women domestic workers of the means to leave abusive situations. It is extremely difficult for the women to escape situations of debt bondage, particularly those who were sold by the traffickers to the employers. Some undocumented women domestic workers from Burma have reported incidents of

rape or sexual assault by their employers, or a man with access to their employer's house. Almost all of these cases involved serious physical assault and are under-reported to the authorities. They face numerous obstacles to reporting abuses or mistreatment by being confined to their employer's home. One 21 years old Burmese woman domestic worker working in Bangkok reported her experience of abuses by the Thai employer as follows;

" / had to take care all household duties as well as three kids. My employer was not nice to me. She was always watching me and looking for a mistake I made. When I did something wrong or did not do quick, she started yelling me. She thrown boiling waters at my back two times causing blisters because she did not satisfied my work. You can see the scares on my back. She also kicked and slashed with her hands to my faces. She said I was stupid for not doing jobs well. She never let me go out or communicate with other. She said I would be arrested by police for my illegal status or cheated by strangers. So even I wanted to run away, I had no chance to make it. "

A 18 years old girl from Karen State told her experience of being raped and assaulted by her employer while she was working as a maid in Bangkok;

"He was a brother of my employer. He always tried to touch my body whenever he had a chance. I tried to avoid him because I did not like. I wanted to quit the job and find another job that might be safer for me. But I did not have any contact to leave the place and find a job. One day, he followed me into a room I was cleaning, he locked the door and raped me. When I refused he punched my face and said he would kill me. Thereafter he repeatedly raped me. He gave me the tablets that was for anti-pregnancy, according to him. I always attempted to run away

from the house but no success. I was like a sex slave for him."

She was able to escape from the house with a help of Burmese volunteer working with the NGOs. She spent six months in this house. The physical and emotional trauma was so severe that she became catatonic and psychologically injured when we interviewed her.

In addition, the social stigma attached to certain types of abuses, particularly sexual assault, deters many women from reporting employer abuses to the authorities. Debt bondage and confinement are also very common and create conditions for the women to suffer assault in near total isolation. Many domestic workers told of violent assault by their employers. Violence against women workers includes rape and other forms of sexual assault, beating, kicking slapping and burning. Increasingly, escaping an employer's home also involves the possibility of arrest by the police and deportation.

Health Concerns

Thai officials regularly express their concern about migrant workers introducing new diseases or re-introducing those diseases which have been previously eradicated in Thailand. Thai government health officials have reported that significant numbers of undocumented workers from Burma carry diseases (some communicable) like malaria, elephantiasis, and polio. In 1996, an estimated five per cent of the 500,000 migrant workers from Burma thought to be living in Thailand had elephantiasis¹⁹. The Ministry of Health collected data on the health of migrant workers who registered with the Thai authorities as part of the new policy of registration in 1996. The health check was required in the registration process. According to one report, many of them found syphilis, tuberculosis, elephantiasis and malaria.

¹⁹ "Diseases imported by influx of labor", *The Bangkok Post*, May 2, 1996.

According to the test results of Mae Sod hospital and 21 clinics in town from 1993-97, 249 cases of Burmese HIV/AIDS were examined. Of these, 70 have died. In total, 49 of these patients were foreign (11 women) and the rest were Thai²⁰. Though this study is based on case reporting on patients in hospitals and clinics, this can give limited indications of the level of HIV infection among migrants in Mae Sod.

Illegal Abortion

Abortion is relatively high amongst women migrant workers from Burma, and it is understood that at least some of them are induced. The high rate of unwanted pregnancy among migrant women who have little or no access to safe contraception methods, forces them to have abortions. The traditional methods by which women induce abortion is very unsafe and has resulted in a number of documented deaths. Due to their illegal status, Burmese women migrants have no access to legal abortions. Some women who are desperate for a termination attend underground abortion clinics sometimes run by unregistered Burmese midwives from the same migrant communities. A woman worker in Mae Sot revealed that there are at least seven illegal abortion clinics run by both Thai and Burmese midwives in Mae Sot alone. Deaths of women are very frequent due to the use of unsafe practices and unclean equipment. A woman interviewed stated;

"I saw two bodies of unidentified women and two bodies of newly born babies were found in the compound of temple outside Mae Sod in March 1999. The babies were just delivered. People assumed that they died while they were having illegal abortion. The clinic dumped the dead bodies because they might be afraid of the police... are many case like take have taken place in Mae Sod."

²⁰ "A Rapid Assessment of Migrant Populations along the Thai-Burma (Myanmar) Border Regions", ARCM, January, 1998.

According to her, this was not only one case, there are many case like take have taken place in Mae Sod.

A volunteer from a NGO working with the migrant workers in Thailand said that due to their illegal status, most women do not know how to get access to free condoms and other birth control measures. Most of the young migrant girls are afraid of going to the hospital. According to her, the women sharpen the edge of the stick to make it very thin and wash it with detergent several times to make it clean. Then they pierce it into their uterus to abort their babies. A number of cases had to be rushed to the hospital because of complication, she said. She added that many cases, the sharpened edge of the sticks remained in the women's body.

HIV/AIDS and Health Education

The rate of HIV infection has been steadily on the rise in the Burmese migrant worker community in Thailand, in addition to an already high rate of other STD infection among both men and women workers. Many men, and at least some women, have multiple sexual partners. This would include commercial sex workers visited by Burmese clients. According to a survey by the Asian Research Center for Migration, at Chulalongkorn University in Bangkok, 54 per cent of the women that were surveyed could not identify a condom when shown pictures during interviews in the Ranong area²¹. The found out that few women were using condom with their husbands or other sexual partners on a regular basis. In particular, wives of fishermen reported that their husbands don't like to use condoms, complaining that if they a forced to use condoms with their wives, they might just as well go make a visit to a commercial sex worker. Many women interviewed for this report said that they believed that commercial sex workers could transmit the AIDS virus to their hus-

²¹ "Reproductive Health Survey: Migrant Burmese Women in Ranong Fishing Community" ACRM, Chulalongkorn University and World Vision Foundation of Thailand, April, 1997.

bands, but only a few thought that they could contract the virus from their husbands. There is a strong belief amongst the Burmese community that men and women who appear robust and healthy cannot contract the AIDS virus.

Abuses by Thai Law Enforcement Officers

Assault and theft by police and immigration officials during the arrest and deportation process seem disturbingly common. Many undocumented Burmese women migrant workers interviewed for this report claimed that they had been assaulted and robbed of valuables by the police during raids of their living quarters. In some cases, police reportedly suggested that women pay a 'fine' or a bribe as an alternative to arrest and deportation. Such raids and arrests commonly take place in quiet streets or in isolated places.

A young Burmese woman worker in Mahachai, Samut Sakhorn province, recounts her experience of March 24, 1998 when local Thai police raided their apartment in Talat Kung, home to hundreds of legal and illegal Burmese migrant workers;

"About 200 policemen burst into the apartment and searched one room after another. They forced us to open up all our boxes and searched for valuables. They took all of our savings- gold and cash mainly- from our boxes. They also body searched all of us, including the women. They hide our gold and valuable things in their boots and pockets, and walk away with them. It is a kind of organized crime performed by the police. "

The witness herself lost two gold necklaces and five thousand *Baht* during the raid. An additional 200 migrant workers, including women and children, were arrested on the day and deported back to Burma.

In a separate incident reported on February 23, 1999, three Thai policemen came to the room at 2am where Ma Aye Htun, aged 24 and her three

years daughters lived. The policemen ordered her to open the door for investigation. In extreme fear, Ma Aye Htun jumped from the window and ran away. The police chased after her, but upon reaching on the bridge and finding no way out, jumped into the river and drowned.

X. Thai Policy Development on Burmese Migrant Workers

There are currently around 700,000 undocumented labor migrants in Thailand, according to the Thai Ministry of Labor and Social Welfare. The commonly cited but unofficial estimate, however, is in excess of one million. In a cabinet resolution of September 1996, Thailand announced a new policy for the registration of undocumented migrant workers from Burma, Laos and Cambodia. The resolution approved a directive to permit Burmese, Laotian and Cambodian workers to remain in Thailand as laborers in the authorized sectors namely, agriculture, fishery, fishery related activities (pier work, selection and classification of seafood, cleaning seafood, shrimp farms), construction, mining, porter of goods from



Welcome when they were required, but kicked out when they are not in need.



Repatriated with all their saving.

water to land, domestic work, salt fields, jar making and brick making, production (shrimp paste, fish cause, squid drying, filleting fish, tobacco, sweet and salty fish production, drying tapioca, storage of agricultural goods in silos, storage of goods in warehouses, timber mills) and other production activities as approved by the Ministry²². The drafters of the resolution aimed to consider and systematize the influx of immigrant populations in new ways, at the same time prohibiting new entries. Employers were required to register their undocumented migrant employees between September 1 and November 1996, but due to the bulky caseload of the final weeks of registration, an extension of an additional 90 days for processing was permitted. No new applicants were accepted during this period and registration was also only available to those migrants who has entered Thailand before June 25, 1996.

In order to register, employers had to follow a three-step process. First, all migrants were required to pass a health check at specified local hospi-

²² "The Monitoring of the Registration of Immigrant Workers from Myanmar, Cambodia and Laos in Thailand", ARCM and International Organization for Migration, May 19097.

tals and health centers. Physicians checked for tuberculosis, filariasis, leprosy, syphilis, narcotics addiction, alcoholism and mental health problems. Workers were either classified as 'pass', 'requiring treatment', and 'fail'. Those falling within the final category of migrant workers would not be permitted to work, and under the new legislative measures introduced, would be required to leave the country.

The second step involved preparing documentation and paying of a bond to the Immigration Office. Immigration officers recorded a detailed personal history of each migrant and collected a 1,000 *Baht* guarantee per person from each employer. The workers then received a Temporary Residence Permit for Immigrations Awaiting Deportation (commonly known as '*Taw Maw 69*'). Immigrant workers and the guarantor were required to report to the Immigration Office every three months, forfeiting their bond payment in failure to do so. If the worker decided to leave his employer and return to his/her home country during this period, both worker and employer reported this the Immigration Office to report travel details and the deposit would be refunded.

In the third and final step the resolution required employers to take was to request a work permit from the Department of Employment. An additional 1,000 *Baht* was paid for the work permit after which the registration would be complete. Workers and employers needed to extend this permit after a period of one year. Under official directives, workers would be permitted to change employers within the same province if all parties were in agreement to the transfer. Both employers would then report to the Immigration Office where the outgoing employer could be refunded his bond and a new bond could be paid by the incoming employer. As of the end of registration process, 293,652 undocumented migrants had received their work permits. Another 20,290 qualified for a work permit but failed to pick it up from the Thai authorities. Most employers preferred to pay a bribe to the police rather than undergo the cumbersome registration procedure to make their employment legal.

Thai government policy on undocumented migrant workers changed dramatically in response to Thailand's currency and resulting economic crisis. Thailand was the first Southeast Asian economy to collapse in mid-1997. By January 1998, Thailand's unemployment rate stood at around 1.8 million at the time, and official statistics estimated this figure would reach two million by the end of the year. In January, 1998, in an effort to address the issue of rising local unemployment, the Thai government announced their plan to deport at least 300,000 undocumented migrant workers within a six month period and their strategy to simultaneously fill the vacancies with unskilled Thai workers. According to Chidchai Wannasathit, Immigration Police Bureau Commissioner, between January 1 and March 11, 1998, a reported 60,000 -70,000 undocumented workers had voluntarily returned home, predominantly Burmese²³.

On March 2, 1998, Thai Labor Minister Trairong Suwankhiri, announced that undocumented foreign workers in nine specific sectors would be repatriated by May 1, 1998 or face eight years imprisonment and a fines of up to 110,000 *Baht*. It said those arrested on charges of illegally entering the country or violating the Immigration Act were liable to five years imprisonment and a 500,000 fine, while those transgressing the Foreign Workers Work Act will be subjected to a three years imprisonment and 60,000 *Baht* fine. However, the labor department directive allowed migrants to continue working in the fishing industry in 13 border province including Chiang Rai, Mae Hong Son, Tak, Kanchanaburi, Ranong, Chathaburi, Trad, Sa Kaew, Mukdahan, Nakhon Phanom, Nong Khai and Surin. The nine sectors include the service sector, transport, commerce, textile, garment, food, chemical, wood and wood by products, paper and publishing. The Labor Minister also detailed plans to force the total one million Burmese migrant workers to go return home by the end of 1999, as the labor and Social Welfare Ministry would not renew work permits for registered workers at this time. These knee-jerk and somewhat conflicting measures forced migrant workers even further underground, making them even more

²³ "Ouster of Burmese 'impossible'", *The Bangkok Post*, March 15,1998.

vulnerable to abuses and exploitation at the hands of brokers, employers and Thai authorities. To date, Thailand has consistently failed to fully implement any of these policies, and policy remain unclear and confusing.

The November 1999 Immigration Crackdown

In November, 1999 the Thai government made a landmark decision to restrict the number of legal migrant workers in Thailand to a mere 106,684 workers in 18 industrial sectors across 37 provinces and embarked on a swift campaign of deportation and repatriation. The terms "deportation" and "repatriation" are used interchangeably in this section, as both "persons of concern" to UNHCR, and migrant workers fell victim to the immigration crackdown. The principle of "non-refoulment", that is should apply to persons of identified concern to UNHCR, who has a general policy of encouraging only voluntary repatriations. Thailand's non-compliance with this international standard has been an ongoing problem in relation to Burmese refugees over the past 10 years.



Women and children waiting their repatriation in Mae Sod

On November 3, 1999, Thai authorities commenced implementation of this policy and deported both illegal and legal migrant workers from neighboring countries back to border areas. From the outset of the mass repatriation of illegal workers in Mae Sot on the same day, armed Burmese soldiers waiting for the deportees at the Moei River border crossing threatened to shoot a group of migrants sent home from Thailand. The workers were subsequently turned back into Thailand. The Burmese troops repeatedly threatened to shoot anyone who stepped off the boats and onto the river bank near the Burmese border town of Myawaddy, which lies opposite Mae Sot. Immigration officials in Mae Hong Son, Chiang Rai and Ranong provinces also reported that Burmese workers were being refused entry by the SPDC troops on a large scale. Denied deeper access into Burma, many were being forced to spend the nights in the jungle along the border, without food or shelter.

Thousands of Burmese have been left to languish in the jungles on either side of the Moei River in and around Mae Sot. They have nowhere to go and most are without food. They have been expelled from Thailand and then pushed back at gunpoint by Burmese troops. Some migrant workers have been seen trying to swim back into Thailand across the Moei River, believing that they have a lesser chance of dying from hunger on the Thai side. Two migrant workers from Burma were allegedly killed by Thai farmers who mistook them for thieves. Many workers have been unable to bribe their way past Burmese troops enforcing a border closure ordered by the SPDC in early October. The closure of the border came in response to Thailand's handling of a hostage crisis at Burmese embassy in Bangkok. After the October 1-2 hostage drama in downtown Bangkok, relations between the two countries had sunk to their lowest point. The SPDC had shut the border in clear retaliation against the Thai government's release of the five exiled Burmese students who had occupied the embassy, stating that the border would not be opened until the five allegedly hostage takers had been arrested. Thai fishing vessels normally permitted to fish in Burmese waters have also been forced into port, and two dozen Thai gamblers who had attempted to try their



Packing all the belongings and heading towards uncertain future.

luck at a border casino, spent a week a jail. Burmese policy of deportation and repatriation has been consistently clear. On November 12, 1999, Amnesty International expressed its concern about reports that Burmese national being deported had been refused entry, or had been arrested and detained for illegal entry into their own country by the Burmese authorities. Despite Thai Foreign Minister Surin Pitsuwan pledge that all repatriation would be handled in an orderly manner and in accordance with basic Thai laws, Thai NGOs have made repeated claims about authorities attempting to pressure male workers by arresting and repatriating their wives and children. The groups state that Thailand's repatriation policy in regard to Burmese workers is a clear violation of the right of children not to be separated from their parents, particularly when there can be no guarantees made for families wishing to be reunited. In an open letter dated November 20, 1999, a consortium of Thai NGOs and human rights organization accused Burmese troops of raping female deportees, and threatening to shoot others. In a separate case, SPDC officials detained 30 Shan workers after they were deported from Thailand's Mae Hong Son province in the crackdown against illegal. In the first week of November, an alleged 30 people out of a total of 116 deportees were arrested immediately after

crossing the border. A border control official stated that the group was being held in a military camp at Ban Namonluang and would probably be charged for illegal migration, as the SPDC considered the migrants stateless. He reported that the workers could face up to nine years imprisonment for their "crime".

Some returned workers have been interrogated and asked to pay bribes to SPDC officials upon returning to their villages. During November in Yebyu township, Tenasserim Division, returnees were told to report to the township Peace and Development Council. Between 1,000-2,000 Kyat were demanded upon reporting to the authorities and some questions were asked. They were told to report again at the Military Intelligence No. 19 offices based in Kanbauk. Another 5,000-10,000 Kyat were demanded from returnees. Those who were not able to pay were arrested and detained. Approximately 400 returnees from Thailand were arrested in the same period because they were not able to pay the required amount of money that was demanded by the authorities. Some Thai employers took the opportunity created by the mass deportations to cheat workers by refusing the pay wages from the commencement of the crackdown. Workers in many factories around Mae Sot were dumped near the border without receiving their wages. In one incident, 94 Burmese deportees confronted two Thai employees from Fupo Knitting Thailand near the border, demanding the payment of outstanding wages from the company. The two had been sent by the firm with a mere 90,000 Baht to pay to the 94 deportees. However, the workers said they were owed in excess of 200,000 Baht. The demanded the company pay all the money outstanding, but were unable to secure payment.

XL Negative Public Sentiment Towards Burmese Migrants

On April 9, 1988, the UN Commission on Human Rights adopted a convention on the rights of migrant workers without vote, stating that, "...underling the importance of the creation of conditions to foster

greater harmony and tolerance between migrant workers and the rest of the society of the state in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers".

Some prominent and influential Thai politicians, the Thai press and some vocal sections of the Thai public continue to blame undocumented migrant workers from Burma for exacerbating social problems, such as rising crime rates, widespread unemployment, and spread of infectious disease. Stemming from such beliefs, undocumented migrant workers from Burma have been subjected to abuses by not only police and immigration officials, but by the general public. Thai-language newspapers tend to portray all illegal migrants as people who commit crimes or bring diseases into Thailand. Media coverage on crimes committed by migrant Burmese largely relates to narcotic trafficking, murder, and theft. This has resulted in the development of ill-feeling between Burmese and Thai communities.

Further, in early 1996, the Thai-language *'Siang Tai* newspaper displayed a front-page photograph of Phuket's northwest, taken from the sea and published a caption, referring to migrant Burmese workers, reading "Here is where the Burmese landed their army to attack Phuket in 1785. They were defeated then. But now, another Burmese army has come - this one without soldiers, filling every town and village. Yet no one knows how we can protect ourselves." The Thai media often use historical ill-sentiment about the Burmese invasion of the ancient Thai capital of Ayuthaya, to foster ill feeling between Thai and Burmese people.

In general, attention has been focused on the allegedly socio-economic impact of migrant workers in Thailand, despite the absence of evidence to confirm these negative impacts. Attention has been diverted from the suffering and exploitation experienced by the undocumented workers as a result of such reporting. In addition, Thai authorities encourage people to foster negative attitudes towards migrant workers. The official Thai Sub-commission on Solving the Problem of Migrant Workers, has proposed

that in relation to public policy Thailand must "...realize the danger of the use of illegal migrant workers".

Government departments have produced public relations media such as television items, poster, stickers, etc. to convey messages that migrant workers are a social threat, and sometimes are even likened to animals. Many media reports present images of Burmese migrant workers in particular as being cruel, inhumane people.

In July 1999, a Thai civil rights lobby called on the Thai government and media to stop propagating a criminal image of Burmese migrant workers in Thailand, claiming that any government policy that supports the promotion of such images contravenes the recently implemented Thai Constitution of 1997. Article 4 of the constitution states that the "human dignity, rights, and liberty of the people shall be protected", and Article 28 states that in "the use of power by every government institution human dignity, rights, and liberty must be respected in accordance with the constitution". Further, Thailand is signatory to the International Covenant on Civil and Political Rights (ICCPR). The civil rights lobby has warned Thailand that it contravenes Article 20 (2) of the ICCPR which states that "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law."

XII. Recommendations

To The State Peace and Development Council, Union of Burma.

1. The SPDC must work together with other governments, inter-governmental and non-governmental organisations to address the root causes of Burmese women's migration into Thailand, such as poverty, lack of suitable employment opportunities for women, scarce food resources, the low status of women in Burmese society and the general

political and economic instability which drives the migration process as a whole.

2. The SPDC must explore, determine and implement measures to safeguard the human rights and welfare of all Burmese citizens, which are concerns of the people and the main reasons for Burmese migration into neighbouring countries.

3. The SPDC must abide by the basic principles of international human rights and humanitarian law concerning the treatment of men, women and children in Burma.

4. The SPDC must abide by ILO Convention No. 29 concerning forced labor, which Burma has ratified. Immediate measures should be taken to end ill-treatment and torture in the contexts of forced labor and forced portering.

5. The SPDC must issue clear orders to the military to halt the practise of state sanctioned rape and sexual assault of women and bring to justice those found responsible for performing these acts of violence against women.

6. The SPDC should take an active role in monitoring and preventing the trafficking of women from Burma into Thailand. By means of radio, posters and other means, it should alert it citizens to the danger of recruitment and trafficking, with particular attention to rural areas. The AIDS epidemic should be specifically discussed in the context of trafficking and Burmese migration to Thailand.

To the Government of the Royal Kingdom of Thailand

1. Thailand should ratify the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other

Cruel, Inhuman or Degrading Treatment or Punishment, and bring domestic law and practice into conformity with these treaties.

2. Thailand should sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and bring domestic law and practice into conformity with this treaty.

3. Thailand should take immediate measures towards ratifying the 1951 United Nations Convention relating to the status of Refugees and its 1967 Protocol, and bring domestic law and practise in line with this convention.

4. Thailand should sign and ratify the International Labor Organisation (ILO) Convention concerning Migration For Employment (Revised 1949, No. 97), and the ILO Migrant Workers (Supplementary Provisions) Convention (1975, No. 143), and bring domestic law and practice into conformity with these treaties.

5. Thailand should take make reasonable efforts steps to prevent the practices of racial and ethnic discrimination in the development and application of Thai immigration and refugee policy.

6. Thailand should recognise that undocumented women migrant workers from Burma have the right to be protected from violations of their civil and political rights, as enshrined in the ICCPR.

Measures to Prevent the Abuse of Burmese Women Migrants by Thai Officials:

1. Thai law should provide for the clear protection of Burmese migrant women against arbitrary arrests, searches and seizures in the apprehension of undocumented migrants, including publishing detailed procedures that are to be followed by police and immigration officers in carry-

ing out the above immigration functions.

2. Thai government agencies should ensure that the officials under their authority do not commit human rights abuses against illegal migrants, particularly the sexual abuses of women. The government must encourage the sexual abuse of women to be prosecuted in the Thai court system, and offenders given serious sentences.

3. Senior officials in Thai government agencies should make it clear that abuses of undocumented migrants, asylum seekers and refugees is inconsistent with Thailand and international laws and will not be tolerated. All allegations of abuses by government officials should be investigated thoroughly, and the responsible officers should be brought to justice.

4. Effective procedures should be established and publicised to enable refugees, asylum seekers, and undocumented migrants, as well as Thai citizens, to file complaints, without fear of retaliation, against the Thai law Enforcement Officers who commit acts of human rights abuses.

Prevention of the Forced Repatriation of Burmese Refugees and Asylum Seekers:

1. Thai authorities must cease the practise of returning refugees and asylum seekers back to their country where they are at risk of torture and ill-treatment. The rights of refugees and asylum seekers to seek and find asylum in Thailand should be guaranteed in Thai law, as recognised in Article 14 of the UDHR.

2. Asylum seekers and refugees should not be arbitrary detained in Thai detention centres or police cells.

3. Thailand must conduct an immediate and comprehensive review of domestic legislation so that persons seeking asylum are treated in ac-

cordance with international standards. In particular, those asylum seekers recognised by the UNHCR as in need protection, should be afforded treatment in accordance with their status as refugees, and should in any cases be given durable and effective protection against refoulement.

Measures to Prevent the Detention of Undocumented Migrants

1. Thai authorities should make all efforts to minimise the period undocumented migrants spend in detention.

2. The Thai government should take immediate steps to improve prison conditions, which amount to cruel, inhuman or degrading treatment, bringing them up to the level required by international standards.

3. Independent Non-Government Organisations (NGOs) should be allowed to inspect Thailand's detention facilities in order to ensure compliance with international and domestic standards.

4. Detainees should have the right to obtain their own legal representation in the Thai legal system and a state-provided interpreter.

Measures to Protect the Welfare of the Migrant Women Workers in Thailand

1. The Royal Thai government should treat migrant people equally regardless of gender, ethnicity, religion, and their legal status in accordance with the Universal Declaration of Human Rights.

2. The Royal Thai government should take measures to protect migrant workers from labor exploitation and debt bondage by the agents and employers.

3. The Royal Thai government should stop encouraging a negative attitude towards Burmese migrants by undertaking education campaigns about Burma and Burmese migrants in Thailand through radios, newspapers and television.

4. The Royal Thai Government should provide more health assistance to migrant workers, particularly health assistance that is administered on the basis of need and not on the basis of nationality or immigration status.

5. The Royal Thai government should increase the number of Thai officials with a broader understanding of the situations in countries from which migrants originate. This should include training outside of Thailand and migrant population language instruction.

6. The Royal Thai government should improve the quality of information about labor market conditions in Thailand, particularly which sectors of the market have significant labor shortages and the reasons for these shortages.

7. The Royal Thai government should improve the quality of publicly-disseminated information about migrants, particularly in the Thai-language press and in Thai textbooks for school children.

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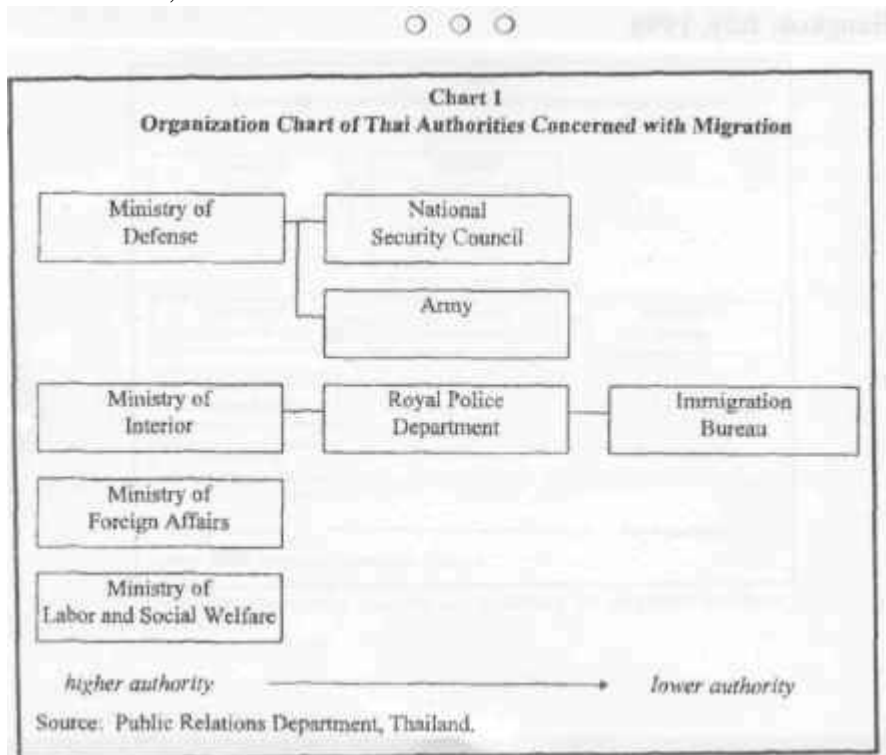
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