

MIGRATION & TRAFFICKING OF WOMEN & GIRLS

Everyone has the right to leave any country, including his or her own.

- Article 13, The Universal Declaration of Human Rights

The lack of rights afforded to women serves as a primary causative factor at the root of both women's migration and trafficking. The failure of existing economic, political and social structures to provide equal and just opportunities for women to work has contributed to the feminization of poverty, which has led to the feminization of migration, as women leave their homes in search of viable economic options. Further, political instability, militarism, civil unrest, internal armed conflict and natural disasters also exacerbate women's vulnerabilities and may result in an increase in trafficking.

- Report of the Special Rapporteur on violence against women¹

Trafficking in persons shall mean the transportation, transfer, harbouring or recruitment of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. [Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or servitude, slavery or practices similar to slavery, servitude or the removal of organs.]

- Definition of trafficking in persons from the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons

Migrants : a) persons who are outside the territory of their State of nationality or citizenship and not subject to its legal provisions, and are in the territory of another State. b) Persons who do not enjoy general legal recognition of the rights inherent in the status of refugee, permanent resident, naturalized citizen or other similar status granted by the host State. c) Persons who likewise do not enjoy general legal protection of their fundamental rights by virtue of diplomatic agreements, visas or other accords.

- Report of the Special Rapporteur on the Human Rights of Migrants²

People must come from inside Burma to work in Thailand. They have many money problems, and often no education. The women in the factories are often very young. They are girls that are 14, 15, 16 and they should be studying. But because of the political and economic changes, they cannot stay in Burma anymore, they cannot study. They cannot survive without food and clothing. They need money. They work everywhere in Thailand – in factories, shops, restaurants, and as sex workers. If they were inside Burma, they would study in school, and maybe go to university. They would live with their families, and they wouldn't have to worry about anything. When they come to Thailand, they have no family, and they are working. Girls are often "carried" to Bangkok or the border areas. CINT 268

OVERVIEW

In many countries in the world, women's lesser status puts them at greater risk of exploitation as migrants. Although international consensus is still largely lacking on what constitutes trafficking, by any definition, women are more often trafficked than men. Every year, thousands of women and girls from Burma leave the country, in search of better living conditions, safety from violence and oppression, and work and educational opportunities. While some emigrate legally, the vast majority crosses undocu-

mented over the country's porous land borders into neighbouring countries.

Depending on the different circumstances that surround their journeys and ultimate destinations, these people are variously termed refugees, economic migrants, smuggled immigrants and trafficked persons. However all these categories exhibit a great deal of overlap. For example, women who flee conflict situations and enter refugee camps are called "refugees," but others who are unable to survive because of forced labour and find work illegally across the

border are usually only recognized as undocumented migrants. Women who are deceived and coerced into bonded labour are referred to as “trafficked,” but those who migrate willing with an agent to work in exploitative conditions beyond their determination are usually considered smuggled. Moreover, even women who are initially trafficked may be liable for prosecution if they manage to get out of the situation they were trafficked into and find other uncoerced work.

Despite actions at international and state levels to suppress trafficking, the problem persists. Moreover, most governments, including Burma’s, continue to target migrants in legislation and policies, rather than attempting to provide them adequate protection of their human rights or to address the conditions that give rise to abusive situations. Denied access to regular migration, Burmese women outside their country face racism and a wide range of human rights violations, with little recourse to legal remedies.

Trafficking and migration are complex issues, and we are unable to do them full justice here. While many of the women we spoke with for this report were migrant workers, because the work conditions for women migrants from Burma has been extensively documented elsewhere,³ these issues were not the focus of our research. Likewise, as trafficked persons, by virtue of their status, are usually difficult to access, we are only able here to touch on the kinds of abuses trafficked women face as indicated by our data. Further, while it is recognized that women are also trafficked inside Burma’s borders, we are unable to access information about this problem. These obstacles withstanding, since issues surrounding migration are significant to so many of the country’s women, and women’s human rights violations in this context so prevalent, it is imperative that they be included in any discussion of Burmese women’s human rights.

RESTRICTIONS ON WOMEN’S FREEDOM OF MOVEMENT

Poverty, displacement, being forced to move to refugee camps – these situations make women very vulnerable and make it very easy to fall prey to things like trafficking and prostitution.... The reality is that people have to move across the border because so many families are divided in and out of the country. So what mechanism does this Ministry of

Immigration apply to monitor that migration?

- CEDAW Committee member Salma Khan

Government policies in Burma that restrict women’s emigration contribute directly to the likelihood that women will enlist the help of agents or brokers in order to travel or seek paid employment outside the country. Most policies function by denying women the identification documents they require to travel legally. Ironically, many of these policies have been put in place explicitly to stem the flow of trafficked persons from the country. Specifically, many are believed to have been formed in response to regional media publicity throughout the 1990s, following the publication of *A Modern Form of Slavery*, a report by Human Rights Watch about the trafficking of Burmese women and girls into Thailand’s sex industry. When the case of a young woman who committed suicide in Japan after being trafficked by mafia into forced prostitution received attention inside the country, the government enacted measures to limit women’s travel.

Internal Restrictions

Because media attention has focussed primarily on women from Shan State doing sex work in Thailand, the regional military command has imposed specific restrictions in eastern Shan State to prevent women from crossing the land border. All women in this area between the ages of 16 and 25 are required to travel with a legal guardian, a measure government representatives have referred to on several occasions in papers on trafficking.⁴ According to the women we interviewed, these regulations do not actually stop women from travelling. They only make the process more expensive, as additional bribes must be paid to cross intermediate and border checkpoints.

If a woman is 25 years old, she can travel almost anywhere in Burma. If she is younger than 25 years, she has to pay money for this — a bribe at almost every checkpoint. By the time she reaches her destination, she has almost no money left. CINT 06

In other border areas, all women are required to carry special permits to travel between towns or near borders, and women under 35 are more likely to be stopped or questioned, an impediment for women traders. Even when they possess these permits, they may face harassment and extortion at government checkpoints. These restrictions function alongside

IDENTITY CARDS

At some land border crossings, Burmese are permitted to cross over for the day, to trade, shop or do business, just by showing their identity cards and registering with the local immigration office in the neighbouring country. Theoretically, everyone in Burma is registered on a household list at their habitual residence. In addition to household registration, citizens of Burma must apply to receive color-coded national registration cards, commonly known as identity cards, and are required to carry them while travelling. Ordinary cards for full citizens are pink. (*See Women and the Law for more about identity cards.*)

The Burmese government was very interested in everybody having a card, not because of their freedom, but so they can keep an eye on everybody.... We don't know what happens when you get your name taken off your family list. There are people in Thailand whose names are no longer listed on their family registration, but who also don't have any Thai identity papers, so they are stateless. CINT 11

In the last several years, the government has also issued temporary white cards to some people not recognized as citizens, for example to Rohingyas, and special cards identifying ethnic people from cease-fires areas, for example in Mon and Shan States.

Look, here, I have a white ID card. This is a temporary card. On the back is written in Burmese "The holder of this card is not recognised as a citizen of this country". All Rohingyas have these cards. Since 1996, we are not allowed to study geology, computer science, engineering, medicine and industrial chemistry with a white card. Also without a pink card, we cannot obtain any job in the government services, including as teachers, nurses, and so on. So for me, there is no possibility to ever get a job in the government services because of this ID card. CINT 177

The Mon now have a pink ID card like the other Burmese citizens, but we have a special stamp on it to show that we are from a cease-fire group. If the cease-fire breaks, we can be identified easily. I was a student at Rangoon University during the 1996 demonstrations. The person in charge of my hostel didn't trust me because of that ID card. I was requested to go home. CINT 127

White temporary cards have also sometimes been rescinded, ostensibly in order to reissue them, without being replaced. Most of the Rohingya women we spoke with had had to give their cards back and had never had them replaced. Many Rohingyas hold only family registration lists as a means of proving their domicile in Burma.

In conflict areas, remote areas and ethnic areas, it is often difficult to get an identification card. Midwives and village heads register births, and township authorities are responsible for regularly issuing new identification cards.

Not all the people in our village have ID cards, because when the officials came to register the people, some paid what they were asked, but some never got their ID cards, the officials just took the money and cheated the people. CINT 222

In many parts of Mon, Karen, Karenni, Shan and Chin states, especially "black areas" where conflict continues, officials rarely visit. Those desiring cards must pay to travel to the township center and get them, often also falsifying their address and registering their names with those living in towns. Only people who speak Burmese well are likely to do this.

Officially the cards are issued for a 100 kyat fee, but in 1999 it was reported that identification cards for women could cost anywhere from 500 kyat (Chin state), 1,000 kyat (Mon State) to 5,000 kyat or more in

some areas of Shan and Kachin States, plus travel charges required to go to the township office. Costs vary widely, but villagers from remote areas who are least likely to have a regular cash income usually must pay the most. For example, in Chin State, in the town of Thantlan, one woman paid 130 kyat for her ID, but in a village in Matupi area, another woman reported that everyone must pay between 1,000 and 2,000 kyat.

When I was a student in Karen State, it cost 3,000 kyat to get my ID card. CINT 80

[If you live in a Kachin village in the cease-fire area,] if you can find someone to put your name on their household list, the cards will still cost at least 5,000 to 6,000 kyat. It can go up to 10,000 or 20,000 for those who don't have the right connections. I spent 5,000 kyat for each ID, for my children and for myself. At the office, there were Burmese, Chinese and Indians who were also there to have ID cards made. The Burmese did not have to pay anything. And they got their ID cards without any problem. The Indians had to pay some, and the Chinese had to pay even more, and were delayed. They kept telling the Chinese to go from table to table, or to come back in the morning, or in the evening. They create difficulties. I had my ID made and stayed in Myitkyina. I had to cross one river to get my ID but was finally able to get it. CINT 111

We can get an ID card in Burma even if we are born in the refugee camps in Thailand. You have to pay money to the headman. The poor cannot pay, though, because it costs 1,000 kyats. CINT 127

Because of the costs, many people never acquire the cards at all. Sometimes, rural families choose one person to hold identification. In these cases, it is far more common for the male household head or oldest son to hold the family's only identification card. The expense of acquiring cards is considered less justifiable for women, when fewer of them travel within the country to work.

The cards are 200 kyat, so those who cannot afford to pay don't get them. Then even if you have a card, when people travel they are often stopped and asked if they are fake. In a family, usually the men get the cards. Most women and girls don't need them. CINT 233

Many of the women we spoke to had never had an identification card, and had also never traveled outside their villages before becoming refugees or migrants. Anyone travelling without identification risks arrest, though it is more likely they will choose to pay bribes in order to avoid it. Not possessing identification therefore further restricts women's ability to travel unassisted.

existing practices of harassment in areas of insurgency, where travelers are regularly searched to preclude any support to or contact with opposition armies, or seized to do forced labour.

Whenever the women of the village go the cities the soldiers from army camp or column are checking their whole bodies even their private parts, and taking all the money and other things they need. CINT 56

Many people are arrested on the way and taken to do farming for the military in Pa'an. The soldiers usually arrest people like that. If you told them you were going to Thailand to do work, they wouldn't let you go. CINT 163

Before they go, [women traders] must get a travel permit from the local [Peace and Development Council] office. Often the officers ask for a lot of money before they will issue this permit. Whenever they arrive back, they have to make another new permit, and more money must be paid. If they show their original documents, the officers will say, no this is not valid, you must pay us some money before we can accept this. And if they do not pay this amount, all their goods will be confiscated by the SPDC.... There's no fixed rate, it depends on the value of the goods you're carrying, but usually you have to pay 5,000 or 10,000. Sometimes, the officers get their enjoyment with those girls and after that, some girls got their goods back, but most of the time, those girls can't even get their goods back. CINT 92

In order to travel anywhere [in Shan State], we had to go to Mine Hsat and get a recommendation letter. We had to pay 300 kyat and the letter was valid for only 10 days. We were fined if it expired. We had to pay 500 kyat to get a Burmese identity card, but still we needed to travel with a recommendation letter every time. CINT 56

However, it should be noted that it is actually easier for older women to travel in some free fire zones and conflict areas, including parts of Karen State, where women are less likely to be suspected of activities in support of anti-government groups. In these areas, women who do not possess identification documents can pay bribes to the local officials or soldiers they meet on the way.

Women have an easier time travelling. They don't suspect them the way they do the men. Even though I have no ID card, even now with 1,000 kyat, I can travel to town. CINT 219

Restrictions on internal travel in Burma that require that women pay more fees and provide more documentation at checkpoints actually increase the likelihood that women will resort to using traffickers and brokers, who often have government connections.

Most women won't travel alone at all, sometimes they will travel with a family member or an agent. The agents are all connected with the SPDC. They know what areas to avoid, and how to get across into Thailand. CINT 01

Restriction of Passports

I think there is a new law that says women cannot leave the country. Before, if you were married and over forty years old, you could get a passport. Now it is almost impossible for a woman, whether she is married or not, to get a one. CINT 18

Passports are very hard to obtain for women of all ages, even women over 50 years old, though the government says it's only for women under 25 in order to protect them from ending up in situations of exploitation as night club workers or CSWs in foreign countries. The government says that women are vulnerable to all kinds of dangers abroad and thus they can no longer get a passport for study or work in another country. Women can only get a passport if they pay a lot of money, between 100,000 and 200,000 kyat. Men don't need to pay this much in bribes and can get a passport for working abroad, but not for studying. CINT 254

Although the legal foundation for government poli-

cies restricting women's passports is unclear, government documents refer to the establishment of a special board by the Ministry of Immigration and Population to screen women's applications for passports.⁵ Passports in Burma have always been difficult and expensive to obtain for anyone without government connections, even though the only official charges involve purchasing the forms, and getting photographs taken. (*See also Women and the Law.*) When women were still officially permitted to marry foreigners, a woman holding a dependent passport and travelling overseas with her spouse had to deposit her return airfare from her destination country to Burma in the bank as a surety before her passport would be issued. Now marriages to foreigners cannot be registered at all (*See Prohibition of Marriage to foreigners, below*), so this regulation no longer applies. All passports must be returned to the government passport office when the holder returns to the country, so each trip abroad technically requires reapplication, unless the returnee is staying less than 60 days in Burma. In 1995, before the current passport regulations for women came into effect, a passport application could cost 50,000 kyat or more and take five months to process.

Not only do we lack information, when we lack information, we have to approach agents. We pay a large amount of money to them. If you don't use agents, there are rules written down in the office, and you submit your application with all the documents fully there, they still might not consider it unless you pay, because those people there still aren't making enough money. So they have to have money from you. And even if you submit it, they might lose it or they might not submit it to their higher ups, anything might happen. There is no real information. It's true they have a list saying you need this this and this document, that's it, but it will take a long time for you to get it, or you might never get it.... CINT 99

I tried to get a passport. I managed to get all the way to Rangoon from Shan State. A woman traveling alone is stigmatized for even staying in a hotel. Many women have been raped in hotels by the owners and workers. When you go to the passport office, the process is very long. They had endless questions and you have to pay money every time. They prolong the process so they can receive more money. I met a man who said he could do it for money. I gave him 60,000 kyat. He took the money and disappeared. CINT 01

Changes to the passport application process in 1996 exacerbated corruption in the Ministry of Immigration and Population, so that now it has become

almost impossible for any woman under the age of 50 to obtain a passport without going through a broker. Men's passports must also be acquired through agents, but the fees are typically 30,000 to 70,000 kyat, and men are permitted to apply for work passports. Since May 1996, women under 30 have not been able to apply for work passports, and passports allowing overseas study are only issued if the applicant is officially sponsored by the government to study. In 1999, broker fees and bribes brought the price of a woman's passport, which could take anywhere between a few days and six months to receive, depending on the applicant's age and the scale and frequency of bribes, up to between 60,000 and 300,000 kyat.

[In 1997], the passport and visa alone were 130,000 kyat. This does not include the cost of paying for an agent that you must go through. The agent is a type of middle man and is always connected to the authorities. CINT 11

If somebody leaves the country with a passport, he or she has to apply for the departure form. It used to be very easy, you could get the form after about half an hour or an hour after you applied. Now you have to wait three days, and they want your marriage certificate, your husband's passport and registration and everything — this happened to my friend even though she is over forty years old. CINT 10

To submit a passport application, I don't think there's [officially] any fee. You have to buy the forms, maybe for 100 kyat, legally you buy the forms. Then you submit the application with your photographs, and documents, and there's no processing fee. If you have connections, you don't have to pay anything, but if you don't have connections, you might have to pay 150,000 kyats. Ten years ago, it was maybe 15,000. To give an idea of how much that means, you're living in Rangoon, for one person, maybe you earn 15,000 a month, so ten months salary. Then before you get to travel, when you need your departure form, they might give you more trouble. You need a departure form to leave the country. Since you're a woman, they know you're desperate to get out, so they know they can squeeze money from you. Ten years ago, or even last year [1998], no fees were required. You bought the form for 100 kyat. Now I ended up paying 45,000 kyat just for the departure form. CINT 99

As a result of the new passport regulations, some university professors teaching overseas have reportedly had their passports revoked, leaving them unable to continue working. Students accepted for overseas study have had to cancel their plans, or try to

get out of the country on business passports, in the hopes that they will be able to extend them long enough to finish their programs.

I was accepted to two international universities to study in 1996 with full financial support. There is no passport for students unless it is government-sponsored study for a government employee. Obviously I wasn't eligible for this kind of passport, so I applied for a "job" (renewable) passport with a letter of employment, as everyone does. I was desperate. Since I had no relatives overseas who could sponsor me, and I didn't know anyone highly placed in the government, I talked to several agents. I finally found one willing to help me, but not surprisingly, the cost was very high. I lost my chance to study at the first university, and I barely got a "business" (limited-term non-renewable) passport in time to attend the second program. When I finished that program, I was offered full assistance again at the first school, so I tried to change my passport overseas to a renewable one. The Embassy staff yelled at me and told me, "Don't you know the rules? No single woman under 30 is eligible to apply for that kind of passport after May 1996 under the new regulations. Women are not allowed to hold a 'job' passport, so it is impossible for us to issue you one. Moreover, we don't handle business passports. You didn't follow the regulations so you're not our responsibility. You will just have to go back to Burma, but there's no guarantee you will get back here." Finally, after many telephone calls, I was told I could get a six-month extension, but when I arrived at the Embassy, my passport was taken from me, and I was given a certificate of identification instead, which required me to go back home.⁶

It's very unfair. We did hear that there are many women from Burma working as prostitutes in Thailand. But if the government knows that this is happening, then they should investigate the cases and determine how. And they should check people's applications to schools and other things like jobs, and if they are valid, these people should be allowed passports. The situation now is really ridiculous because this affects women of all ages. CINT 101

They shouldn't generalize and restrict all women. There are women who do get real jobs, and they don't end up in trouble. That's talking specifically about it. But I think, if the country is a happy country and everyone is getting jobs there, and there are jobs available in the country, who would like to leave your own country? Right? If you have a happy home, you won't want to go to your neighbour's house and stay there forever. You'll be happy where you are. So give us a happy home. CINT 99

The passport regulations serve to restrict all women in their abilities to travel for any purpose. However, they are unlikely to significantly affect women who are trafficked, who usually travel by road through small border crossings. Most women in Burma would never think of applying for a passport to cross through a land border, and many do not even possess identity cards.

[The first time I came to Thailand] it never even occurred to me to ask about visas for Thailand and so on. Rangoon is the only place that issues visas and passports. It is not safe for a woman to travel there, on the way and in between, on the buses and trains, and you will have to sleep on streets. There are many risks you have to take, like sleeping on roads, and it is very expensive. CINT 11

Many migrant women cross international borders without ever showing any identification, either because they avoid the checkpoints, or because they are escorted by people who have ties to, or are themselves, authorities or police. Some women trafficked to Thailand do not even know initially that they have illegally crossed an international boundary. Those who are trafficked on to third countries are usually represented as citizens of the second country; so for example, Burmese women travelling to Japan often go on false passports acquired by traffickers in Thailand, and Rohingya women en-route to Pakistan via Bangladesh travel as Bangladeshis.

REGIONAL MIGRATION

The main reason women are migrating from Burma is that there is no work. You can't work even if you have education. CINT 01

While the situations women encounter during the migration process and outside the country are complex and varied, their reasons for leaving the country are simpler and more universal. The "push factors" or determining conditions in Burma include economic instability and extreme poverty, which exist throughout the country, but are particularly acute in areas of forced displacement and under-developed rural border regions. For many women, human rights abuses and oppression under military rule constitute the primary impetus to leave. Others choose to migrate because of the absence of employment and educational opportunities. Countervailing conditions in neighbouring countries create "pull factors" that make migration an attractive option for Burmese women. In the more

developed economies over the country's borders, there is a demand for unskilled and cheap labour. These countries also exhibit greater political stability and greater freedom for residents, even illegal residents. In most nearby countries, there are more jobs available for women. Until Burma's universities re-opened in 2000, other countries also afforded the only options for post-secondary study.

PHYU PHYU KYAW, 20

My father was a construction contractor in Rangoon. Some of his friends and business partners took a lot of money from the business and ran away with it. My father lost a lot of money. We decided to leave Rangoon to stay in my mother's village in Mon State. My little brother died when my mother went to work in the village. He was two years old and he died of malnutrition. I was eight at that time. Then, the same year, my little sister also died of malaria. We had no money to take her to hospital. She was five years old. At the time, my father was doing day labour, but not regularly. I went to school up to 4th Standard. I stopped because my family could not afford to send me to middle school.

The whole family decided to come to Thailand four years ago. We heard about Payaw refugee camp and that it was supplied with rice. We had not enough food at home and the whole family went to Payaw. I stayed there for one month. My other brothers and sisters could go to school there.

Very soon we heard rumours that NMSP would make a cease-fire and that Payaw would be moved back to Burma. We contacted my uncle who was living in Phuket. I went alone to Phuket because it was too expensive for the whole family to meet my uncle. He got me a job as a housekeeper there. Unfortunately, after two months, my uncle got arrested. My Thai employers were good, but I came back to contact my parents who had moved to Halokhani camp. They grow chili there, but it's not enough for our family. So now I am working here in Sangkhlaburi cleaning mirrors. I need to earn money to support my family. I get paid 75 baht for an eight and a half hour day of work plus 42 baht for three hours overtime each day. I dream of going back to Thanbyuzeyat. But how can we eat there if I go back? We are people but we must live like dogs. CINT 134



For many years, people have migrated from Burma to regional countries, often individually and temporarily, to perform seasonal labour. Increasingly those leaving the country, who are usually termed “economic migrants,” come with entire families and have no immediate intention of returning to their homes, sometimes because their villages have been destroyed. Although women from various parts of the country move over all Burma’s land borders, the greatest number migrate from the peripheral areas of eastern Burma: from Tenasserim Division, and Mon, Karen and Shan States to Thailand. These are also the areas where the greatest number of women and girls are known to have been trafficked, into sex work, domestic service and factory work. Women also migrate from Kachin State to Yunnan, China, and Burma is a receiving and transit country for women trafficked from Yunnan, who are usually taken to Thailand.⁷ From Chin State, Sagaing Division and other parts of central and western Burma, women move to India’s Mizoram and Manipur States. From Arakan State and the refugee camps in Bangladesh, Rohingya women are smuggled and trafficked to Pakistan and sometimes further to the Middle East. Burma’s diaspora also extends to other regional countries such as Singapore and Malaysia, and to other parts of the world as diverse as Barbados and South Africa. While estimates of the numbers of migrants from different areas exist, there are no reliable calculations of the total number of women migrating, or the number of trafficked persons, even in any given area.

The bulk of labourers migrating from Burma to neighbouring countries do so illegally. Since they are usually unable to organize to protect their labour

rights, they face various forms of exploitation, from unsafe conditions and long hours to non-payment of wages. As a result, most women from Burma working outside the country do not enjoy the benefits of labour regulations protecting women’s health, and many work in situations that involve occupational hazards. Even during favourable times, most migrant workers live under constant fear of arrest, which prevents them from accessing health and other social services.

For women working in orchards and farms, continuous exposure to pesticides results in skin lesions, hair loss and respiratory illnesses. In factories, women regularly handle dangerous chemicals, and may work 16-hour days in sites that are poorly lit, not properly ventilated, very cold or hot, with only short breaks to rest or eat. At construction sites, workers usually are not provided with protective clothing and have little chance of receiving compensation for injuries. Women who do sex work are likely to work at the lowest end of the industry, where they face the most coercion and least choice, and may not be able to communicate with customers, putting them at increased risk of contracting HIV. Domestic workers, who remain virtually invisible in private homes, must cater to the demands of their employers, often for very low wages. Many illegal migrants live on their work premises, in conditions that are insecure, crowded and unhygienic, lacking adequate clean water, proper drainage, bathing facilities, or room to cook. In various situations, women are vulnerable to abuse from employers, local people and fellow workers, including sexual violence.

During the 1990s, the Thai government’s estimates of the number of migrant workers from Burma in the country ranged between 500,000 and 1.2 million, the majority of them women. Migrants from Burma, women and men, have made important contributions to the Thai economy, doing jobs that most Thai workers consider undesirable, such as unmechanized factory work and construction. In the economic boom of the early 1990s they were welcomed, particularly in border towns such as Mae Sai, Mae Sot, Sangklaburi and Ranong, and factory areas such as Samut Sakhon’s Mahachai. In late 1999, in Mae Sot alone, there were estimated to be 50,000 workers from Burma in the town’s 72 factories.⁸

The late 1990s saw several mass expulsions of Burmese workers from Thailand, including attempts

in November 1999 to deport 600,000 illegal workers, endangering many lives and resulting in widespread human rights violations.⁹ While repatriations continued over the next two years, women, many with families, have continued to migrate from Burma to swell the ranks of illegal labourers, particularly from areas of forced relocation such as Shan State.

Along the India-Burma border in Mizoram and Manipur States, women migrate from Chin State and Sagaing Division to work primarily in domestic labour and handloom weaving. There are estimated to be anywhere from 40,000 to 80,000 Chin migrants in Mizoram, while the number of Burmans from Sagaing Division and central Burma remains unknown.¹⁰ Most women entering India from Burma cross the border independently or in small groups, unaided by agents. While some handloom weavers are assured a relatively high degree of protection from arrest by employers who value their labour, reports that women working as housemaids are raped by employers are common.

A lot of women who live in their employer's houses are forced to have sex with their employers and some women got pregnant and had abortions by themselves. And we are always insulted as foreigners here. If you are wrong, you will be told you're wrong and even if you are right, you will be told you're wrong. We are always told by the local people, "This is our country and you are foreigners. We can do anything we want to you." CINT 194

Despite the fact that more and more women and girls are now working outside the country, some complain that they face contempt among those in their communities when they return home to visit or live. This disrepute may stem from the conventional notion in many societies in Burma that women should not live on their own, and from the emphasis that has been placed on sex work among the forms of labour women undertake in neighbouring countries.

I went home once and the neighbours said I only brought a little money back home. They say, "Even though she works in another country, she can't save money. She must be extravagant." CINT 81

They talk about us because we are working in another country, but we don't care anymore about the rumours they spread. CINT 282

MEMBER OF WOMEN'S ORGANIZATION ON PROBLEMS OF SHAN MIGRANTS

Some Shan women live in villages and don't get any education at all. They have no chance for improving their lives. Then they come here [Thailand] to look for work, for anything, at a restaurant, as a housemaid, whatever they can find. Some of them don't have any understanding of things here, and they end up in bad circumstances. They come to our [women's] organization and explain their stories to us. For example, some have worked as housemaids, and their boss tries to sleep with them, maybe rapes them. They can't say anything back to their boss, and they dare not tell anyone. They just have to keep it to themselves. And sometimes even the bosses' wives accept it, because they think that at least these young Shan women are clean, they don't have any diseases, and if their husbands go and take a minor wife outside the home, or they start going to prostitutes, the husbands will spend a lot of money.

Of course, once women have some trouble with their employers like being raped, they want to leave and go back home. But they are so afraid, some are as young as sixteen and can't speak the language. Where will they go? There was one really pretty girl I met who was six or seven months pregnant. She was from my town. She wasn't interested in boys at all, she came here to work as a housemaid, and when she went back she was pregnant. Some are so badly abused they can't speak when they come back. One girl worked for an old man, 60 or 70 years old, and she wanted to go back. She had no money, so she could not escape from that house. He just kept her there, she was not even allowed to go out, and she couldn't leave because she couldn't pay her fare home without the wages owed her. We hear so many of these kinds of stories.

Even if people don't want to be there, they have nowhere else to go. And they keep leaving and coming here because the conditions in Shan State are worse. So many villages have been forcibly relocated. The army uses forced labor all the time, so the people don't have time to work for themselves, and then they have to pay taxes as well, so all their money is used up. How can they support themselves? So no matter how bad things are living in Thailand, most have no choice but to try to bear it. They hide and live secretly to avoid being arrested and sent back. They are always afraid, and oppressed for being different. CINT 243

WORKING WOMEN IN REFUGEE CAMPS

In neighbouring countries that host refugees from Burma, governments impose restrictions to avoid creating a “pull factor,” or making life inside the camps more attractive than life in Burma. The food rations that refugees receive, for example, are extremely basic, usually just rice, fishpaste (a traditional condiment), salt, oil, and yellow beans. In most camps, refugees are allowed very small kitchen gardens and they forage themselves for forest vegetables, but those wanting to feed their families protein foods such as meat, fish, or eggs must find the income to purchase them. Refugees must also purchase toiletries such as soap, toothpaste and shampoo, and sometimes such household items such as dishes, spoons, dish soap, detergent and candles. Some clothing is donated to the camps through charitable organizations but most camps cannot count on receiving such items regularly, and so refugees often must also provide their own clothing and footwear.

While in most refugee camps on the Thai border, living conditions are not dissimilar to those in upland villages, in some like Tam Hin, in Kanchanaburi province, facilities are extremely cramped. On a visit in October 2000, the United Nations High Commissioner for Refugees Sadako Ogata remarked,

I have not seen such a crowded [situation], shelterwise very bad. I was quite shocked.³²

In the refugee camps on the Thai and Bangladesh borders, few work opportunities exist for women or men. Women are sometimes able to earn small amounts of money by selling cooked foods or produce in the camps. In Thailand, refugees are generally prohibited from working outside the camps, although in some places they can get daily camp passes which allow them to leave and work in seasonal jobs planting and harvesting crops, cutting bamboo, collecting leaves for roofing, making charcoal, or doing other daily wage labour. Although both women and men engage in this kind of labour, men usually receive higher wages.

Since traditionally women perform most of the household tasks and take care of the children, often women remain busy in the camps, while men

who are not able to work are idle. According to some health care workers, this situation exacerbates existing stress in families and leads to an escalation of problems such as domestic violence. A great number of women refugees are single household heads, and bear sole responsibility for supporting themselves and their children.

In some towns near refugee camps, such as the border trading center of Mae Sot, there are many factories employing mostly undocumented migrants. There are more opportunities for women than men in the factories and in domestic work. However refugees who seek work in the factories risk losing their status in the camp, a gamble few are willing to take.

NGOs and women's groups run income-generation projects, including production and marketing of handicrafts, and other skills trainings, to assist women and eliminate the need to leave the camps in search of work. These activities can also enhance women's self-esteem and give them a chance to regularly meet and discuss common problems with other women.



FOCUS GROUP DISCUSSION ON WORKING OUTSIDE REFUGEE CAMPS

1st woman: For Karen who leave the camp to find work, people don't respect them. Some of the girls and women who stay in Burma have no jobs. They come to work with rich Thai people as housekeepers. Then it becomes a bad situation. When these women come to the camp, people think they are bad women. But it's not like that -- it's not their fault. When they come here, people look down on them. When we organize a safe house, it's better for them.

2nd woman: If we think about how women and girls come to Thailand, the problems are economic. Maybe for girls in town, there is no problem for violence. But for women in rural areas, women are forced to porter and they are raped, so they don't want to stay in Burma. They come to Thailand because poor people cannot go anywhere else. Maybe 5 to 10% of women in cities could travel to other countries, but in the rural areas, more than 80% of the women are poor. They cannot study, they cannot be political, and even if they finish 10th standard, they cannot go to university. So, women cross the border to work. It is the political and economic problem in Burma.

Q: Why do people look down on women in bad situations?

2nd woman: Because for women who come from Burma, if they work in Thailand, they will work in the bars and nightclubs. They cannot work any other jobs. The women who come don't have a lot of education. If they could study more, maybe they could come work in a company, but if not, they must work in a nightclub, or a bar. If women leave the camp or come from Burma, people know the women will have to work like that. Some of them are lucky and don't have to work in a bar or nightclub, but most have to work like that.

1st woman: Some women are trafficked, but they don't even know they are being trafficked. People come and tell them they will get jobs and salaries, but they are never paid their salaries.

2nd woman: If a woman is raped and oppressed by the SPDC in Burma and she arrives at the refugee camp, people will be very kind to her. If a woman comes here from working in Thailand, people will look down on her. They have the same problem, but most people will see it differently.

3rd woman: For example, if you are raped by the SPDC and I am raped by the Thais, the people in camp would be nice to you, but not to me. I would have to find my own way.

2nd woman: Why? Because if you come from Burma, and you cross the border, and you live in a camp, you are already safe, you are safer than in Burma. You are already lucky if you arrive in a camp. If you are already lucky and you leave the camp for work anyway, you have to make your way for yourself. You wanted to go by yourself. You were not abused by SLORC or anything, you just wanted to go by yourself. If you are raped by the SPDC and you come to the camp, the community will pity you and help you.

Q: If a woman leaves the camp for work, can she come back?

2nd woman: Probably she would worry about coming back. She is free to come back, but the community will look down on her. If a woman works in Thailand for one or two years, she may not be able to come back. She may stay away too long. Every three or four months, they change the count in the camp and in each family.

Q: Are there the same number of women and men crossing the border to find work?

1st woman: Mostly, it is women that come to work. In their families, they don't have enough food and they must work.

2nd woman: Women can find work more easily than men. (CINT 234)

As it is becoming better known in Burma that women and girls are sometimes trafficked, particularly into sex work or sexually abused by employers, parents in some areas, for example of Shan and Karen States, are fearful of letting their daughters migrate in search of work. However, this rarely stops young women from leaving.

I asked permission from my parents, but they didn't allow me, because in our hometown, there are many women who have come to Thailand. Some have taken partners here, and then followed them for work, and ended up with their lives ruined. Some have been sold by other people. Some have taken a husband here, but then separated and been left alone with nothing. So I didn't tell anyone, I just came here secretly. CINT 243

My father really didn't want me to come to Thailand. We hear about girls being sold all the time, and he was afraid for me. But I knew other girls from my village who came to work as maids and they were okay, and my aunt lives in the south, so finally he let me come. CINT 293

The owner of the Intra-Tour bus company [based in Chiangmai] was looking for a housemaid. They asked people to look for a housemaid for them. Finally, the people met me at the border. I worked there for more than a year and was paid 2,500 baht per month. I have heard about [trafficking of women and girls into sex work] before, by word of mouth, when I was in Shan State. [But] the first priority for us is to look for a job. And when some of my relatives here recommended the person [who brought me to work in Thailand] to me, I trusted them.¹¹

TRAFFICKING

Trafficking in women... is a particularly violent form of movement, which has to be prohibited. Nevertheless, the Special Rapporteur is of the opinion that trafficking must be considered in the broader context of violations that are committed against women in the course of their movement and migrations.

- Report of the Special Rapporteur on violence against women¹²

While no universal definition of trafficking exists, most governments and non-governmental organizations working on irregular migration agree that *coercion* is the most important component in distinguishing trafficking from other forms of illegal cross-border movement, such as human smuggling. Coercion can include deception about the nature of the

work; extreme physical and other abuse, preventing women from protesting or negotiating work conditions, or leaving their place of work; forced labour, or debt-bondage. It is sadly ironic that women trafficked from Burma work in conditions that do not allow them self-determination, given that many of the women who migrate do so because they are *escaping* forced labour or forced relocation.

Definitions of trafficking recognize that children require special protection, and that movement of children and exploitation of their labour is considered trafficking, whether their consent has been given or not. While our focus is primarily on adult women, a number of the cases referred to here concern girls who are minors both under international and Burmese law.

With the various forces that compel women to migrate, it is not always easy to define what constitutes coercion in practice. Although most women make the conscious decision to seek work outside Burma, government policies that render it impossible for women to support themselves and the dearth of employment alternatives within the country often leave women with little real choice. A great many of the women who leave Burma willingly pay an agent to arrange their journey and passage over borders, and sometimes to find them employment. At the same time, many women do not make the decision to migrate with full knowledge of the work conditions they are likely to encounter. Even voluntary migrants are frequently subjected to abusive and constrained employment situations. Therefore, it is often difficult to draw a clear distinction between trafficked persons and other migrants.

I came together with four other women. The agent who brought us was a man. Some of the men we know who know well about travelling by themselves came alone, by bus. But mostly women come with agents because they are afraid of being arrested by the police. Before the agent brought me here, he said he would try to find me a job in Thailand. He has contacts with Thai businessmen. We came by boat through Kawthaung to Ranong, and we had to pay double the price of what it cost us to come here. The man who brought us didn't mention what kind of work I would get. Anyway, he promised to take care of me until I got a job, and I stayed with him till I started work in this factory. There are no men here, only women. I wasn't afraid of being sold because the man is from my village and he is a friend of mine. CINT 280

Previously much of the discussion of trafficking focussed on women coerced to do sex work. While forced prostitution is unquestionably an egregious human rights abuse, not all sex work is coerced, and many of the same violations that forced prostitution entails are encountered by women trafficked into domestic work and other forms of labour. It is the denial of self-determination and the resulting loss of control over their passage and work conditions that leaves women open to abuse. Because the situations experienced by women doing sex work outside Burma vary widely, they are discussed separately below.

Trafficking typically involves chains of people, often including relatives, neighbours or others well-known to women who work as agents at the village level or the border, convincing potential migrants to go with them or take the jobs they offer. These people are often women who were formerly migrants themselves, and they usually receive the smallest part of the total profit. The “traffickers,” those in charge of trafficking networks, who make the connections between the local contacts, drivers, border authorities, and business owners are the ones who profit most. They are often powerful, and investigating and prosecuting them is difficult. Despite growing publicity, trafficking continues because most agents and brokers maintain close ties with, or sometimes are themselves, police and other authorities. Without the intimate involvement of authorities who profit by allowing undocumented migrants to pass through border checkpoints, most trafficking could not continue. Police in Thailand have been known to “resell” women arrested along with traffickers at the border.

I know a girl who was trafficked by the police. She is Karen. She had been arrested at the border along with the broker (*carry-thama*) she came with, but she was released earlier. When she got out, she found out her broker was still in jail. A woman outside the jail approached her and asked, “What will you do, will you wait for him or carry on by yourself?” The girl said she didn’t know. She didn’t have any money so she didn’t know what to do. One of the police said his friend needed somebody to work in Chiangmai. She was taken to a house where she worked as a maid for a year, but she only got a small part of the money they promised her. At the end of a year she was able to leave and now she works somewhere else in Bangkok. CINT 293

In both Thailand and Burma, police and soldiers frequent brothels, and women arrested in raids of-

ten recognize their clients among their captors. Police often benefit not only directly but also indirectly from trafficking and human smuggling, taking bribes not to arrest illegal workers or raid workplaces and sometimes looting savings or possessions from those they arrest. Complicity of border police and other officials in trafficking not only allows the trade to continue, but also drives it further underground. Traffickers and agents who work at or near borders or recruit women from villages and enable women to pass through checkpoints directly into the hands of business people and brothel owners ensure that migrating women have less access to other kinds of work. At the same time, women often believe that under the current circumstances, traffickers offer the only avenue out of Burma.

A lot of people come to the border with families, and go into all different types of work. But there are agents that do bring women from their villages to Thai agents and into Thai brothels. The agents are also the means by which women can leave, escape, or they would be absolutely trapped. Most women we know come through a third method; women coming with friends, not with family members or agents. CINT 01

Because we had no money, my husband took two of my daughters to Mae Sai and sold them. I did not decide this, my husband just did himself. I was very upset about this, but now they work and have money, so I don’t want them to come back. If they come back, I don’t know what they can do here. CINT 31

Women and girls sold by relatives or agents to traffickers and employers are usually unaware that they must pay off their commission before they receive any wages for their work, a situation that usually renders them captives of their employers. Trafficked women who are held in debt-bondage are likely to face violations of their basic human rights under international human rights and labour laws that may include unlawful confinement, denial of wages, remuneration and compensation, confiscation of identity documents, discrimination on the basis of sex, ethnicity or nationality, slavery, torture, rape, forced and child labour, wrongful arrest, custodial abuse, denial of privacy and lack of due process, among others.¹³

According to reports from women trafficked in debt-bondage from Karen State and from refugee camps into cities in Thailand, the conditions for domestic labourers, which are virtually closed to investigation, can be extremely abusive.

PAW GHAY, 20

I can't remember exactly when I first came to the refugee camp, but it was about four years ago with my mother and father. A man from the camp took five of us to Mae Sot. Then we were taken to Phitsanaloke by a rich Thai man. We were kept at a footwear shop until two Indian women took us to their house. All we knew was that we were in Phitsanaloke.

I had to work watering the flowers, washing, cleaning, sweeping. I was responsible for cleaning the six toilets. Two of the others were made to work in the kitchen. The other two had to make the beds of the Indian women, and wait on them when they have visitors. One of the other girls, D--, must have done something wrong, for they sent her to work at the Indian women's sister's house. After Day Moo Naw was sent away, I had to take up her work.

Two days after we got there, I was severely beaten. I was beaten for one hour with an iron rod. My head, my face, all over my body. I cried and for that I was beaten more. No sound could come out of me. I was not even allowed to sob. After that, they still beat me even though no sound came out from me. There was blood and pain all over my body. I dare not touch my own body because of great pain.

I was beaten uncountable times. Daytime as well as night time. I was beaten in the face, in the eyes, on my body, I was strangled, I was stomped by the feet. I was beyond pain, beyond fear. One day as I was about to go down after working on the upper floor, I was kicked down the stairs.

There are scars all over my body. The injuries on my head putrefied and all my hairs fell out. Now my hair only grows in fringes around the top of my head. The top of my head is bald. The injury in my eyes left me blind in

my right eye. [There is a white spot in her right eye.] I suffered so much physically and mentally that until now I have no menstruation. Because I cleaned all the toilets, I had to handle caustic disinfectants with my bare hands. My hands and nails were eaten away and putrefied. I suffered greatly for four years.

I was not allowed to lie down. If they saw me lying down, they came to beat me. I had to sleep sitting. After one week, I was not allowed to live with my friends. They made me live in the charcoal room where they also kept cow dung. I had no mat and no blanket. Even rats came to bite me at night.

I was not given food. My friends could not give me good food. They stole leftover stale food to feed me. When there were visitors to the house, we were locked up in a room. They didn't feed us. Once I was so hungry I stole and ate their dog food. The rich woman saw that and beat me, saying, "You are not allowed to eat our dog food." Once when the visitors were gone I stole and ate left-over food and bones. Another girl, reported this to the rich lady. I was severely beaten.

Myself and Day Nyar Paw, who died there, suffered the most. We were beaten with the pounding pestle, pipes and iron rods. The scars on my head, brow and face are the result of being hit by a Sprite bottle.

Some of my friends escaped. They went back with some authorities to look for me, but they didn't find me. At that time I was suffering severely. But I didn't die. They took me to another house where they gave me medical treatment. When I became better, they took me back to the old house. After one week I was sent to a Thai house to live there. After one month, the old Thai man sent me back home. He took me to the Phitsanalok bus station. He talked with the car driver. The car took me to a place near here and put me on the bus back to the refugee camp. CINT 241

MAY OO, 19

Since I was young, I had to live with my Grandma. My parents separated. I heard my father lived somewhere with a new family. My mother went somewhere. When my Grandma died, I had to live with my neighbors for

four years.

One day, when I was about 16, someone told me my mother was in Bangkok. I had the urge to see her. A Burmese woman told me if I wanted to see my mother, I could go to Bangkok. She could send me there, and I

could have a job with salary. Then I'd have to give her 5,000 baht. I agreed.

We went to a place that I thought was Bangkok. I was taken to a four-story building where I was to work as a house maid. I had to work in the kitchen, wash clothes and do house cleaning. I was not paid. I later learned that the woman had sold me to the owner. I had to live in the third floor. I was never allowed to go outside. I worked there for one year. I knew that I had no future, I was a virtual slave. I decided to escape. I learned that I was in Nong Khai [several hundred kilometers northeast of Bangkok, on the Lao border].

I stole and hid a black nylon rope. I took out the glass sheets from the window. People did not notice because of the window blind. At midnight, I tied the rope to the window frame and slid down it to the second floor verandah. The verandah was quite close to the compound wall, beyond which was the street. I jumped to the top of the wall and then down into the street. It was a big risk that I simply had to take. I knew very well that I might die in the attempt. I fell to the street. Luckily I suffered only a sprained ankle.

I met a man who asked me where I was going. It turned out he also was Karen. If I had nowhere else to go he would take me where he worked. But he said it was not such a good a place. I said I'd take my chances. He took me to Khorat [Nakhon Ratchasima] where he worked for a drug gang.

The boss took a liking to me, so I started to work with him. I was then involved with handling of amphetamines, sorting, packing, receiving, sending, and selling them. The pills were green and yellow with the markings 99, 44, or WY. There was also marijuana, which was cheaper. The owner bought me everything I needed. In fact I became his lesser wife. I took drugs, I inhaled drugs, I played cards, I gambled. In the day-time, I went out to sell drugs, to car drivers, factory and other workers, and policemen. When the customers failed to pay for what they had taken, I was made to locate and pin-point these people. Then I used everything at my disposal to entice the person and lure them away somewhere. Sometimes I even had to try to attract them sexually. When it was necessary, I tranquilized the target person by dropping drugs in his drink. Then I would leave and my coworkers who followed me would converge and handle the affair. I was there for over one year. One morning, on the way

back from the market, I saw police surrounding the place, some people running in the house, some jumping from the windows. I had only a little over 1,000 baht. I bought a ticket to Bangkok, and when I got off the bus, I was arrested by policemen who asked to see my I.D card. I told them I had none. I was taken to the Immigration Detention Center and held there for a month.

One evening, 60 people including four of us women were put on a police truck and taken to Mae Sot, which we reached the next day. All of us were supposed to be deported to Burma across the Moei River at Mae Tao. There, I gave some officials 400 baht and was released. I met M--, a Karen girl, who was a drug addict. I became friends with her and we bought some drugs and inhaled them near the Moei River. Her father was a "carrier" [an agent who arranges border passage and jobs for people migrating]. People pay him 5,000 baht to find them a job in Bangkok. M-- sometimes worked as a carrier too. Her father scolded us for taking drugs. M-- wanted to go away, so we caught a bus to [a nearby town]. She knew a lot of people there, including civil and military authorities. They stayed at her friend's house. There were only men there. What I saw was that most of the men were drugs addicts and gamblers.

We bought drugs on credit, sold them and took the profit. We gambled, sometimes for money, sometimes for sex. One day, we went to sell drugs to some Forestry Dept. officials. I heard M-- selling me to the Forestry people for sex so I excused myself to go to the toilet and ran away from that place. I walked in the night along the road and when I saw an empty roadside hut, I rested there for the night. I had 10 baht left. In the morning, I took the bus to [another village]. I got off at one sawmill and asked for work. I got work, packing wood pieces to be used for cooking. I got 70 baht per day. People came to sell drugs at the sawmill.

Then, M-- came to the sawmill and we were both forced to leave there. I came here because I knew some people [who will let me live with them]. Now I've sworn I will stay away from drugs and lead a good and useful life. I do not want to go back again into the bad life. I have had problems with drug withdrawal. Now it's been a month that I've kept away from drugs. But it still haunts me. I have bad dreams of what I have gone through. CINT 239

Even when women who are initially trafficked escape these circumstances, they may encounter further risks as illegal migrants. In many cases, even when they leave the circumstances into which they are trafficked, women cannot return home because they lack adequate resources. Others are unwilling to return home, because they are likely to face arrest and detention if they do, or because the conditions that led them to leave initially have not changed. If women are repatriated under these circumstances, it is very likely they will only return again if they can.

Despite the fact that women who are trafficked are survivors of crimes, few ever get the opportunity to charge those who trafficked them, or to recover compensation for wages or opportunity costs lost during their time of involuntary service. Most women would never consider the possibility of charging their employers or the brokers who arranged their passage, in part because they are unaware that they have the legal rights to do so, but mostly because the positions of authority and power that traffickers occupy place them above the law in practical terms. Personal relationships with those participating in trafficking, who may include family members and neighbours, may inhibit women from taking action against them. Women are also often deterred by their fear of being deported or charged with other crimes, such as working illegally or working in illegal labour, even though as trafficked persons, they should enjoy protection from prosecution on these grounds.

While some local NGOs in Thailand work quietly to assist Burmese women who escape abusive labour situations and want to return home, the process is fraught with difficulties. One of the most insurmountable ones is that women who are brought across the border by brokers may not even know how to find their villages again, and may only know the name of their village in their own language. For these women, the agents who brought them are sometimes their only links with their homes and families. Recently, many women from Shan State who have tried to return home from Thailand have found that their villages no longer exist — they have been forcibly relocated and the original villages have been burned down.

One of the women that died with us, when she got sick [with AIDS-related illnesses], she tried to go home. But her village was relocated and nobody knew where anyone was. We knew she had a mother and brothers and sisters but she

came back and died here in Chiang Mai. If she can't find her own family then how is anybody else going to? CINT 11

Trafficking & Smuggling of Rohingya Women

Rohingya women have been smuggled and trafficked out of refugee camps in Bangladesh and transported alongside Bangladeshi women through India into Pakistan, which is estimated to have more than 200,000 Rohingya migrants.¹⁴ Denied citizenship in Burma, Rohingyas cannot apply for passports and are *de facto* stateless persons. Most Rohingya women marry at an early age under Muslim Sharia law and many are illiterate. Except in absolute necessity, they do not work outside their homes. Successive waves of Rohingya refugees have fled Arakan State for Bangladesh since 1978, some of them eventually migrating illegally to neighbouring countries in search of work. The number of refugees in camps in Bangladesh in the early 1990s swelled to 250,000 or more. Although repatriation¹⁵ began in 1994, many repatriated refugees have returned to Bangladesh, and new refugees have joined them. Since most have not been allowed to enter UNHCR-administered camps, thousands have settled in the slums of Cox's Bazaar, where they cannot receive any humanitarian assistance.

In Bangladesh, economic conditions are scarcely better than those in Arakan State, and Rohingya women collect firewood, work as domestic servants, or beg for their families' survival. Economic uncertainty makes them more vulnerable to traffickers. The UNHCR confirmed that at the height of influxes to Bangladesh in 1991-2, there was a network of traffickers operating in the refugee camps. However, as recently as 1999, hotel staff claimed that young girls were being trafficked out of refugee camps into sex work.

The local pimps are buying girls in the camps. If he wants to get a girl, the pimp visits the camps dressed in smart clothes and makes friendship with a maji or a responsible Rohingya leader in the camps. He spends some money to please that man. If he is questioned by the camp security or officials, he will give some bribes. Then he will play a role. The Rohingya leader will introduce him as his own relative from Cox's Bazar who came to see him. He will stay for a week or so, and choose a girl. Then he will come to tell her family that he wants to marry her. Even the parents of the girl have no idea of what is happening. He will take her away, but actually will not marry her. There are also inform-

ers in the camps who spot the nice girls and inform the pimps. They receive 3,000 to 4,000 taka for the information. Then they will smuggle the girl out of the camp at night. They have arranged the escape with the camp security and a mini-taxi is waiting outside. The parents search for the girls but they have disappeared. Sometimes the pimp will sell a girl to a trafficker going to Pakistan. The price varies between 10,000 to 30,000 taka depending on the girl.

Mostly the parents agree to let the girl go under coercion... I have just been talking to two girls who arrived from the camps. They are leaving because of starvation. Lots of things given by the NGOs are not reaching the people....

A girl receives 200 to 300 taka for one night. The going price for a Bangladeshi customer is usually 1,000 to 1,500 taka. Some white foreigners also hired girls but they pay usually 3,500 Taka... Very young girls are brought in from the camps.¹⁶

Women are also smuggled by brokers, known as "dalals," who offer to transport them and their families to Pakistan, usually promising work in carpet factories. Often when they reach their final destination, they work processing fish, and their minimal wages are kept by the trafficker to pay off their passage. En route, the women and their families are transported together with others from Bangladesh in large groups through India via Calcutta, then taken by train to Amritsar or Rajasthan, where they must walk over the border. The Rajasthan crossing necessitates walking 15 days through the desert to reach Sindh, Pakistan. Reportedly group members are often arrested or lost during the journey. Sometimes they are abandoned by the brokers mid-journey. They face physical and sexual violence from police at border crossings, (*See Violence Against Women*), as well as from those who arrange their passage. Some women have lost children or been permanently separated from their spouses on the way.

When we crossed to Pakistan, the guide ordered us to stay quiet while he did the negotiations for us. Unfortunately one baby in our group started crying. He grabbed the baby and threw him into the water. The baby drowned.¹⁷

However, little is known of the ultimate work conditions for Rohingya women who are trafficked and sold into domestic labour and forced marriage, as few women return to their communities afterward. Since the buyers are Muslim and polygamous, they are able to marry their servants, lending the cachet

of legitimacy to their presence as unpaid workers in the household. Traffickers from Bangladesh take between US \$1,285 and \$2,428 per woman, depending on her age, appearance, education, and whether or not she is a virgin.¹⁸ After being sold, most women disappear, and all contacts with friends and family are lost. It is believed that women who are trafficked into Pakistan may be sent further to Saudi Arabia or the United Arab Emirates.

We only came to know about [cases of trafficking women through forced marriages] years later when the daughters came back to visit their families. One of the girls was sold in Punjab when she was 15. She got forcibly married and only eight years later she came to Karachi to visit her family and she had two or three children. The other girl was only eight years old when she was forcibly married and when she came back after eight or nine years she was even unable to speak our language. But of course she recognized her parents.¹⁹

The situation for Rohingya women is of particular concern, since as stateless persons, they have no recourse to protection in receiving countries, and have been denied re-entry to Burma except during organized repatriation under the UNHCR. Many women in Bangladesh end up in protective custody, where, with no relatives or few legal aides to assist in their release, they are held indefinitely. Studies by Lawyers for Human Rights and Legal Aid (LHRLA) in Pakistan identified that 12% of female inmates in Karachi detention centers in 1991-3 were from Burma, and conjectured that the true number was probably higher, as women from Burma often deny their origin for fear of deportation.²⁰ Asia Watch during the same period reported that 70% of women in police custody in Pakistan are subjected to physical or sexual violence.²¹

SEX WORK

I only know one woman who returned [from Thailand]. The woman is from Hpakant. I asked her why she went there. She wanted to work. She's poor. She wanted to support her mother and father. The one who took her there told her there was a lot of work, and high pay, so she went there and the man sold her to a prostitution ring. CINT 120

Myanmar society does not accept immoral ways of earning money.²²

- "Initial report of States parties: Myanmar"

Sex work is illegal in all countries bordering Burma,

and as illegal immigrants doing illegal work, sex workers remain doubly invisible and often have little control over the situations in which they work. Some of the problems they face are common to all migrant workers, who are at risk of arrest and deportation, and because they often cannot speak the local language, are unable to access legal and social services. Others arise because of the nature of the work, and the lack of self-determination women experience during the migration process and in their work conditions.

The first reports of women trafficked from Burma to Thailand concerned the horrific conditions that exist for trafficked sex workers. In the 1990s, a variety of media exposed the stories of young women, often sold by relatives, knowingly and unknowingly, into brothels. In 1993, Asia Watch (now Human Rights Watch/Asia) & The Women's Rights Project released a report entitled A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand, based on research and testimonies of women interviewed in emergency shelters or immigration detention after being "rescued" from locked brothels. They detail how they were transported often by police or other local authorities, sold without their knowledge into debt-bondage, illegally confined, subjected to sexual and physical abuse by brothel owners and customers, and sometimes raped by police in custody after their brothels were raided and they were imprisoned pending deportation. Of the 19 women who had been tested for HIV, 14 were HIV positive.²³ The book had an immediate and electric impact. One woman remembers reading a copy of the book after it was released, when she was outside the country.

We were so shocked. My friends and I cried when we read it. We couldn't believe these things could happen to women from Burma. CINT 12

This book and subsequent reports and articles have also provoked apparent defensiveness on the part of the Burmese government, who have evidently felt the need to defend themselves from "attack" at regional conferences on trafficking, prefacing reports with comments such as the following.

Myanmar has these days been receiving the bombardment of critics. When one has preconceived ideas which are carefully nurtured into a person's mind, it is psychologically difficult to accept the truth.²⁴

Despite the publicity trafficking of women into sex work has received since, the trade continues. Work conditions are worst for women trafficked into "locked" or "closed" brothels, where they are kept on the premises and unable to leave. With no money, identification documents, knowledge of the local language or of the area where they are kept, they have little chance of escaping or finding other work. Many women never know how much they earn, because they are not given cash, only tokens for each customer they service. Daily living expenses such as food, clothing, and health care expenses are deducted from the amounts earned, calculated by the owners using the tokens. As a result, many women are never aware when their debt is paid off.

Young women and girls in their teens are at greatest risk, because of the high demand for them, their fear and inexperience, and their relative inability to deal with brothel owners and customers. When they first arrive, young women and girls usually have their virginity "sold" several times, to customers who believe that they carry less risk of being HIV positive. Sometimes they have no ability to refuse customers, and are thus forced to sleep with as many as eight to ten men a night. They also sometimes cannot demand that customers use condoms, which puts them at high risk of contracting HIV. Women and girls from Burma commonly have had little education in reproductive health, including contraception, and have very limited prior knowledge of HIV, STDs and methods to prevent infection, further inhibiting their likelihood of negotiating condom use.

When they are freed, to return home to their families or seek other work, many are already sick with the AIDS-related illnesses that will ultimately kill them. Local NGO workers have noted that once women from Burma contract HIV, they often die very quickly, usually within six months, as the poor nutrition and health conditions in Burma combined with the stress of migrating and working in brothels take a profound toll on their abilities to resist disease.²⁵

While there is growing knowledge in some areas about the risks of young women and girls being trafficked to Thailand, in some areas like Kengtung in eastern Shan State, it has reportedly become commonplace for families to send daughters to work, as this allows them to purchase Thai consumer goods and build better houses. Some parents know that their daughters are likely to work in brothels, and even themselves

make the arrangements. However, it is more common that agents well-known to the families offer to lend them money and find their daughters employment so that these debts can be paid off.

Now in Kengtung, many people go to work in Thailand because they can earn more money in Thailand than in Kengtung. When they come back from Thailand, they have nice clothes and money for their parents. In Burma, women are only allowed to work in the house, they don't go anywhere. But when the women go to Thailand they see everything. When they come back they are not afraid like the other women. They also know about condoms and the pill.

Many of the women go and work as prostitutes, and they like it because they have money, and if they have a husband and have to do everything for him, he may hit them and they have no freedom. They don't really like the work, but they try to save money for a long time so that they can come back and open their own shops. Money is so important because if you have money people treat you nice, if you don't have money, they don't treat you nice. They don't care how you got the money, only that you have it.

Many people know that when they go to Thailand they will be prostitutes. In Kengtung, Shan people organise this for themselves and want to go. But the Akha and Lahu and Burman, they don't organise for themselves. A lady will say to them, "Do you want to come and stay with me and look after my baby? I will buy you nice clothes, I will send money to your mother and father." Many women go with this type of woman and get sold into prostitution. If someone tells the police about this person, the police can arrest them, but many police know about this and they take bribes. CINT 33

The majority of Burmese women doing sex work in Thailand and other neighbouring countries are not trafficked. However, due to racism and their inability to communicate in the local language, many still work at the lowest strata of the sex industry, where they have relatively little power to bargain with customers and sometimes brothel owners. Thus even those who consent to do sex work sometimes face conditions similar to those encountered by women who are trafficked. At the same time, other sex workers enjoy good relationships with their employers, are able to negotiate condom use with their customers, and earn regular wages that permit them to save money and enjoy a better standard of living than they would in Burma. While some women do sex work from the time they enter Thailand, others start after they have left other employment. For

example, three young women we spoke with in Mae Sot began working at a brothel after their factory burned down. There are brothels and indirect sex establishments such as karaoke bars in all the major towns on the Thai-Burma border, catering to customers from both sides. Working conditions in different establishments vary widely.

Sex work is still not considered desirable employment by most women. In contrast to the statement above that if women have money, its source is irrelevant, other women we spoke with mentioned the social censure they face in their communities if they are suspected of having done sex work.

Returning back to Burma, even to visit, is most difficult. It is not actually getting inside the country but the stigmatism for prostitution and sex workers. There is a very strong stigma [against sex work]. They presume all women returning have been or are still sex workers. When it gets too painful in Thailand, people return home to Burma and the people are very hard on them. Whether or not you have been doing sex work, people will not eat with you. They gossip and whisper as you walk by them. CINT 01

People think badly about single women, even if they can save more money and come back home, people get suspicious about them being in prostitution. They think that's where the money must have come from. Even the women who have never been away from home think that. Women traders may go to Thailand and even though they work really hard to make money, people just say they probably got AIDS. CINT 282

In addition to the stigma women face and the increased risk of contracting HIV, sex workers constantly fear arrest. Nonetheless, women continue to engage in sex work by choice because of the income it affords them.

Burmese sex workers in Thailand are particularly fearful of deportation, in part because of the custodial abuse women commonly face during deportation. Additionally, in the early 1990s, there were well-publicized rumours that a group of sex workers returned from Thailand who tested HIV positive were injected with cyanide on their return to Burma. It has also been reported and is believed by some that returned sex workers who go to hospitals to test for HIV or receive treatment are given lethal injections, or are sent to holding centers in Shan State.(CINT 01)

TIN TIN MYA, 34

When I was five, my mother got remarried and I was left at my grandmother's place. She went to Thailand along with her new husband and she came back when I was 16. We had no money. Both my parents never sent any money to allow me to go to school. We hardly managed to get food to survive. When I was nine, my grandmother died. So I had to stay with my aunt. Everyday I was scolded and beaten by her. I was so depressed. When I was 16, I got a boyfriend. At 17, I decided to marry him to be free from this situation.

My husband used to be a farmer. After we got married, he became a hairdresser. He was so lazy. He didn't do his job properly and he was always busy talking. He used to play cards and drink liquor. To gamble he even pawned the wood we bought to build our house. We used to quarrel about twice a week. And he also beat me. I never got what I wanted. He never wanted to work seriously. I was not happy with that situation. So I decided to leave him.

Our house was almost collapsing. I came straight to Mae Sot with my children. I was selling clothes there, but I didn't get any profit. After that I had another husband in Bangkok. I was working as a tailor when we met. He was a revolutionary. I thought he was single. Later I came to know that he was already married. So I left him. One day his wife came to our place with three children. I was three months pregnant at the time. And I decided to go. I left from Bangkok to Burma. I worked in the paddy fields during the harvest, and I carried water to sell. I even carried water when I was 9 months pregnant. I had my baby in Moulmein.

It was very difficult to survive in Moulmein with my children. So I decided to go to the border. I was carrying bricks and earning only 50 baht per day. I could not provide enough food for my children on that wage. I had to pay 800 baht for house rent too. It was too difficult. That is how I became a prostitute. I myself agreed to do this work.

I asked one of my friends, "How do you work for your survival?" She said, "I work as a prostitute." So I thought, "I am getting old. I don't really care whatever happens to me. OK, I will do the same." And I followed her. She dropped me at the brothel. I had never been to the area before. I stayed with the brothel owner and got a good

salary. I earned 5,000 baht per month. I became the favorite of the brothel owner because I could speak many languages.

I worked as a dealer for one year. I used to go and buy prostitutes from the Mudon and Moulmein brothels. 10,000 kyat for one girl. I only had to bring the money to the brothel owners.

Then, about one year ago, the brothel owner left to Bangkok and I became the manager. But the Thai police arrested me and I had to pay a lot of money to get released. Moreover, the brothel was closed down. That is when I became a prostitute myself. I have now been a prostitute for eight months.

[Clients choose women, but] they don't use photographs. The girls have to appear one by one in front of the clients, for them to choose. There are many kinds of customers: soldiers from Burma, businessmen. There are some privates, and corporals. Sometimes a lieutenant or captain too. But of course, the division commander does not visit these places! If he came, I would marry him!!

I heard about [HIV/AIDS] from the radio, before I became a sex worker, when I was living in my village. I had never seen a condom when I was in Burma or seen [condoms] sold in any shops. I learned about condoms when I became a sex worker. Burmese men do not want to use condoms, but Thai men always carry 5 or 6 with them. Some customers refuse to use a condom, because they are afraid to have evidence that their wives could discover. I usually warn them, "Aren't you afraid of us? You better use a condom."

Now I can feed my children regularly. I have many children. If I were not a prostitute, I could not provide food for them. [But] I do not want to continue this job. I can never sleep properly. Even when the clients don't come, I have to sit the whole night. I am really fed up with this situation. I do not have many problems with drunken men. I know how to deal with different men, and I am old enough. The other young girls sometimes face problems with their clients, especially when they are drunk. But I know how to console them and handle the clients. Most of the girls have had the same problems like me. They also had a domestic problem with their bad husbands. If they had married a good husband, I am sure they wouldn't do such a job. CINT 133

PUI, 28

In Burma, I had no house to live in and no job. My husband and I decided to come here to India to find work. At first we took up any jobs that came by. I worked cleaning people's gardens and searching for fruits and vegetables from the jungle to sell them in market. But it was difficult for me to work when I was pregnant. The neighbours forbade it and gave me rice instead. I had done forced labour many times and had malaria, so my health wasn't good. I didn't have any education, though, so I just did whatever was easiest. My husband worked so hard, and he was seriously ill. We had no money for medicine, and I was not able to sent him to hospital, so he died. We had two children, so finally I supported myself by selling alcohol and sometimes I secretly sold myself doing sex work.

Now I don't really think of going back to Burma, because I couldn't find any way of supporting myself there. And I don't want to do forced labour.

We don't have any other means of support, but [if we do sex work] it's not good for our relations with our neighbours. People look down on us. They want us to quit this work. I myself wish I could find something else. It makes me feel really bad.

NGUN TE, 38

My husband took another woman as his wife, and I was angry. According to [Lushaine] tradition, you should behave properly and not do like this. But he didn't care about that, he just went with another woman, so he just left and I came here. Following our tradition, he kept our children. He also didn't give me any money. When I left my baby was just 13 months old. My breasts were still full of milk and they hurt. I wanted to keep my baby with me. I was so upset. I got sick on the way. I had no friends so I just followed other people who were also coming [to India].

I knew that people here could trade small goods and I hoped to get something like that. I had no place to live, so I lived in a house with other people. I took a small commission for the things I sold. Then I married again, and I had two more children. But my husband also took another woman, so we divorced again.

I needed a way to support myself, and the only things I

could do were to sell liquor or do sex work. I never went to school in Burma. So I started selling alcohol. Finally that wasn't enough, so I started selling my body. I was really in trouble. I had no other choice. I've been arrested twice. If it's the police they only arrest the woman. But if it's the Young Mizo Association, they also catch the men, and sometimes shave their heads. They usually have to pay a fine. Sometimes they shave the women too.

Some women take the men to hotels. The hotel owners are almost never arrested. It's really difficult to touch them because they have relations with the police. Sometimes the YMA or people in the area know that the hotel is used for prostitution so they try to report on the hotel owners and get the police to come. But usually the hotel owners get some information about this first, and it's difficult for the police to show any evidence of a crime. So they rarely have problems.

I used to sell goods on commission. But my health was bad, and I wanted to be able to put my children in school and make sure they got a good education. If my health had been better, I would have tried to do something else, but I couldn't. School fees are really expensive: 2,600 rupees just for the entrance fee, then 260 per month after. Then we have to buy uniforms and books.

The men that I have relations with are educated and they know about HIV/AIDs and using condoms, so they taught me. They insist on using condoms. Most are government officials in the local government here.

If we sell alcohol, we have to hide the alcohol in the forest or the village and always worry about being arrested. Also doing sex work, I worry all the time about the police. But I want my children to live well. Especially I worry about the future. I can't do this work forever, so I worry what will happen when I can't do it any more. What will I do when my children get older and I still have to support them? I would like to be able to open a small shop or something, so I have a stable source of income.

I still have my children in Burma and I haven't seen them for many years. I would love to be able to meet them again and see if they are okay. But I have to send my two children to school here, so what can I do? I have to stay here. CINT 228

Migrant women from Chin State and Sagaing Division in India's Mizoram sometimes do sex work or sell alcohol when they are unable to find other forms of paid employment. As there are few brothels, women work independently in Aizawl, the capital, meeting clients near cinema halls and in other areas of town that are well-known as places to procure sex workers and alcohol, then taking them to their homes or hotels. However the work is complicated by the fact that the local government zealously prosecutes sex workers. Any woman who is considered to be behaving inappropriately or found in an area known to be frequented by sex workers stands the risk of being arrested. The population of Mizoram is mostly Mizo, an ethnic group closely related to the Chin and predominantly fundamentalist Christian, and citizens' groups also patrol the streets in search of suspected sex workers, and have even been known to tar and feather or shave women and their customers.

Most of the female prisoners in jails in Aizawl are women from Burma who are arrested for illegal entry, using and selling drugs, selling alcohol, or doing sex work. The sentence for prostitution is four months, and conditions are grim. One woman who had been arrested four times for selling alcohol re-



lated that so little water was given to the prisoners that they had to wash their faces with the liquid from the watery bean soup they were fed. She also said that prisoners were raped and sexually harassed nightly by male guards (who were not officially permitted to be in the women's area of the jail) as a part of what they referred to as "Special Duty." (CINT 232) However, women who are able to maintain a

low profile and regular customers can work with little harassment.

Women also migrate from Burma to China to do sex work, in the busy border trade towns and inside Yunnan, however there is little documentation of brothel conditions in the Kachin State-Yunnan border area. The Chinese government does not acknowledge that sex work exists in the area. Ruili in Yunnan is home to many brothels employing Burmese women and girls, and local sources claim that venues selling sex are expanding in neighbouring towns such as Jie Guo, across the border from Museh. Reportedly in this area, over half of the women are from Burmese military families, and the remainder is from poor families in Shwebo, Myingyan and Mandalay in central Burma. One brothel is said to be owned by a Burmese army captain. Another is owned by a Burmese medical officer from Rangoon. Most of the customers are truck-drivers from central Burma and labourers from Shan State. Despite Chinese government programs to address HIV/AIDS, since women compete for customers, most of whom are from Burma and uneducated, condom use is not prevalent. There is also said to be a trade in brides out of the brothels. Chinese from Sichuan and Yunnan, who would have to pay 3,000 to 4,000 yuan for a Han Chinese woman, can buy a Burmese woman for only 300 to 500 yuan.

It was reported that in September 1998, the wife of one corporal sold her 5- and 7-year old daughters to a Chinese merchant for 10,000 kyat (about US\$30), believing that he could offer them better lives in Yunnan than anything they could expect under the family's situation in Burma. The woman was illiterate and from a rural village. Her husband had not received any salary, only rations, for some time, and he was posted at the frontline, leaving her alone to struggle for her survival.²⁶ The woman is believed to have been arrested by military intelligence.

DEPORTATION

Women who leave Burma face not only the threat of exploitation en route to other countries, and in the work place once they arrive, but the possibility of deportation, with associated legal penalties, as well. How zealously local authorities work to deport migrant workers often depends on how badly illegal labour is needed at any given time, and how much deportations are monitored by the interna-

tional community. At times, during attempts to expel illegal entrants, even UNHCR-recognized refugees and trafficked persons have faced involuntary return.

Since the authorities in bordering countries and in Burma rarely attempt to differentiate between women who have been trafficked and other illegal migrants, all are at risk of similar violations of their rights, including abuse during processing and detention, and lack of due process. Furthermore, arrested migrants cannot enjoy the benefits of consular assistance, since most Burmese embassies deny the presence of undocumented migrants in the countries where they operate. Undocumented migrant women also have faced particular problems after being trafficked to third countries, such as Japan, where they have little recourse to legal means to secure their release and return to sending countries or Burma. Women who are arrested must therefore bear the fines and other penalties for having no documents or false documents, and sometimes must remain in prison until they have fulfilled their sentences, often even when they have been trafficked.

Under Thai law, illegal entry is punishable with sentences of up to two years and fines of up to 20,000 baht. A 1997 anti-trafficking statute stipulates that trafficked persons should be treated as the victims and not the perpetrators of crimes, and that those

abusing the rights of illegal migrants are subject to punishment. However, some researchers have noted that as late as 1999, police and immigration officials were not apprised of the provisions in the statute.²⁷ Furthermore, deportees often complain that their personal possessions are stolen by the police themselves during raids. Deportation is sometimes used as an excuse by employers to avoid paying wages owed, and repatriated workers sometimes face further extortion after they return to Burma. As a result, workers are often left with none of their savings or valuables and are therefore unable to underwrite the expenses for their return, as the law requires.

Deportation centers and holding cells in police stations are typically overcrowded, unsanitary and do not ensure the safety and protection of female migrant labourers. Amnesty International has for eight years expressed consistent concerns over the conditions in Bangkok's Immigration Detention Center.²⁸ Female migrants are also at constant risk of harassment, rape and sexual violence by authorities during arrest and deportation.

With my friend and I, the police spent a longer time interrogating than with the other five women. They didn't threaten or beat us, but they made some jokes about both of us women, and touched us on our arms. At that time we were afraid. We didn't even know what to do or say. There were

STATELESSNESS

Statelessness is an issue for the many refugee and migrant women, and their children who are born outside of Burma. In recent repatriations of migrant workers from Thailand to Burma, identity cards have sometimes been used by border officials to determine Burmese citizenship. It is feared that women who do not possess or flee without cards will be considered stateless, although those who have been registered by the UNHCR in refugee camps are unlikely to face this problem. Rohingya women, who, after fleeing Arakan State for Bangladesh, live outside refugee camps in towns like Cox's Bazaar, and who are not considered citizens of Burma, are at greatest risk. Women fleeing human rights abuses in Shan State for Thailand, including Shan, Akha, Lahu and other ethnic groups, are also not allowed to enter refugee camps, and work as illegal migrants. Since many of them never get identity cards, they are also in danger of being rendered stateless. Their children who are born outside of Burma may also become *de facto* stateless persons, as their births are not registered and sometimes neither the Burmese nor Thai governments are willing to accept them as citizens.

In terms of citizenship, the people worst off are those who are no longer registered in Burma, but aren't registered in Thailand either. It means that they are aliens in both countries. We know of one woman in prison in Japan, who is from Shan State. Burma won't accept her as Burmese, and Thailand won't accept her as Thai, because she is not Thai. So she is stuck in jail in Japan. What a lot of women do is, if they give birth in Thailand, they find a friend who can register the child as theirs. They don't worry about Burmese citizenship. CINT 12

four or five police, including a policewoman. They let us sit at chairs in front of a table, and one of the policemen asked us questions and typed at the same time. Another one stood close to us and touched our arms. He was joking to us at the same time. He said, "Shan girls are very beautiful and have nice complexions. We would like you to be our wives. Would you marry a policeman? You won't need to work hard, and you will get a salary of three thousand baht per month. But you must sleep together with us." I said, "I already have a husband, I don't want any more husbands." And then he said, "You should divorce your husband. If you marry us, the police, you will have a better life." Then the policewoman saw him, and she said, "Hey, don't do that, don't touch the girl." And then they stopped touching us.²⁹

As noted previously, in November 1999, the Thai government began a program of mass repatriation aimed at deporting an estimated 600,000 migrants to Burma. The program was the largest in a series of repatriations undertaken over several years, following various programs to register undocumented workers that met with very little success.³⁰ However, since the Burmese government refused to acknowledge the presence of undocumented workers in Thailand, returnees were turned back from the border by Burmese officials at gunpoint and ultimately left in no man's land on islands between the two countries in the middle of the Moei River. The exercise only ended after several weeks when representatives of the two governments concerned met to reach an agreement and the borders opened to accept those sent back. In the intervening time, thousands hid in forests and fields, without adequate food, shelter or medical treatment, resulting in deaths, numerous beatings and other brutalities. Women were also raped by security forces from both countries. (*See Violence against Women.*)

In August 2001, the Thai government initiated a new scheme to determine the number of illegal migrants from Burma, Cambodia and Laos working in Thailand, allowing alien workers to apply for one-year registration. Registrants were required to pay a total of 4,450 baht (approximately US\$100), in two disbursements, and if already employed, provide their workplace details and obtain their employer's signature. In exchange they would receive identification cards protecting them from arrest for illegal entry. Those who were not employed when they registered were given a six-month grace period in which to secure work. After the resolution passed, border officials were told to seal the borders and prohibit fur-

ther illegal migrants from entering Thailand, in order to prevent a flood of new immigrants. The stipulation that the employer must sponsor the worker's documents may open the door for further labour-related abuses, making workers beholden to their employers for their continued stay. Nonetheless, there is cautious optimism that the new system may protect those registered more adequately than the provisions utilized in the past. It is believed that only a portion of the total estimated migrants, possibly 20% to 30%, took advantage of the registration, for a variety of reasons, including that the fees were relatively expensive. Until the new resolution took effect, immigration sweeps aimed at deporting illegal migrants from towns such as Mae Sot (often coinciding with diplomatic visits by Burmese officials) were ongoing, and even those holding work permits from the prior registration were sometimes detained.

In late July 2000, the Indian government threatened to expel Burmese migrants from Mizoram and Manipur. Over a week-long period, about 400 mostly Chin illegal entrants from Burma were deported, and another 1,000 arrested and jailed, including several members of ethnic and pro-democracy opposition groups in exile in India, who were likely to face imprisonment for political activities if returned to Burma. However the repatriations were halted after protests from the international community, and those arrested were released, most after serving 20-day sentences.

Leaving Burma without documentation and through unofficial border crossings is an offense, and women who are deported also fear arrest in Burma, or worse.

People don't ever talk about going to Thailand. If you talk about it, the authorities might find out, and you will get in trouble. It happens often. Authorities find out people went to Thailand, and they kill them. We have to come secretly. Only two of my relatives know. (CINT 264)

Entering Burma illegally is also a crime, punishable by up to nine years imprisonment.³¹ In the November 1999 deportations of workers from Thailand, reportedly those from Shan State who could not present identification cards were jailed under these charges.

Women deported back to Burma as sex workers can be charged for both illegal exit and prostitution, with

sentences of up to three years for the latter. Regardless of the work they did while in Thailand, female returnees are sometimes assumed to be sex-workers.

...For women who are sex workers and even for women who aren't sex workers, there is a presumption for women who have left the country, that they have been selling sex. That is illegal so that is automatically three years in jail as soon as you return to Burma. CINT 11

Women also mentioned that returnees face extortion from local town officials if they find out they have been working outside the country.

The Burmese police, especially the police in the village, if they know that someone has come back from Thailand, they will come to his or her house and ask for money. They say, "We heard you were bringing back this thing and that thing from Thailand, and you must pay this much to us," or something like that. CINT 282

During the 1999 deportations from Thailand, people in Tenasserim Division reported that the amounts demanded by local police ranged between 1,000 and 2,000 kyat.³³

ACTIONS TO COMBAT TRAFFICKING

If a program's objective is to prevent girls from being trafficked, the success of the program can be measured by the numbers of girls trafficked or not. The fate of those girls who have not been trafficked becomes immaterial. The fact that they are left on the farm with no land rights, or working in factories for less than the minimum wage, often with dangerous chemicals, is not important. Are we really satisfied with only preventing our daughters from being trafficked? Do we not have dreams for them to become significant participants in society?

- Jackie Pollock, "Beyond Trafficking Jams: Creating a Space for Trafficked Women"³⁴

I know of one friend who is involved in interviewing and counselling girls [who have returned from Thailand and are being rehabilitated after doing sex work], especially HIV positive girls. The government isn't willing to accord any kind of publicity to this kind of thing because they are not willing to own up to the fact that we have this kind of problem in the country. They do not want to magnify the problem - but this is the area where you need all the publicity, isn't it? CINT 126

Due to Myanmar customs of upbringing and protection of women and children and the strong legal enforcement of

the existing laws of Myanmar against any forms of woman and child abuse and neglect, woman and child trafficking is not the problem of Myanmar society, [except for] a few cases found in the border area compared with some developing countries. [sic]

- Union of Myanmar, "Myanmar Country Report on Trafficking in Women"³⁵

Government Recognition of Irregular Migration

The Burmese government has recognized in a limited fashion that every year women and girls from Burma are trafficked into neighbouring countries, and sometimes beyond to third countries. However, there are indications that they have failed as yet to admit the magnitude of the problem, as one CEDAW expert observed during their 2000 review. At that time, the government claimed,

Although there may be some unreported cases, the known number of women who returned to the homeland are 150, the number who are intercepted are 110 and the cases of trafficking in women and children are 2140.³⁶

Since it is unclear exactly what the "cases of trafficking in women and children" referred to here are, and the source of these numbers is unknown, it not possible to assess their accuracy. However, if, as it appears, the government is claiming that a cumulative total of 2,140 women and children have ever been trafficked from Burma to neighbouring countries, the estimate seems to be low, given the frequent references in the Thai press to trafficked women and girls in brothels alone.

The government has not as yet acknowledged the thousands of women who leave Burma every year voluntarily in search of a better life. The root causes of trafficking and migration — the conditions that make life unlivable for many women in Burma — and the links between the various means of passage out of the country are not addressed in government policies. Instead these policies serve to punish the women for illegally migrating or working in illegal labor, and to control their movements. As a result, most of the actions that have been taken to date appear token, aimed more at deflecting criticism than at devising effective provisions, legal or practical, to deal with the problems arising from irregular migration.

Legal Provisions Against Trafficking and Prostitution

The laws that exist have been largely ineffective at reducing the flow of women who are trafficked or migrate into sex and other industries over international borders. Rather, they make it likely that women, including women who have been trafficked under current definitions, will be punished for illegal migration.

Government reports to international and regional fora on trafficking have referred to Burmese legal provisions to prevent trafficking and prostitution.³⁶ Related provisions from the Penal Code include section 361 against kidnap, section 366 (a) against procurement of minors, and 366 (b) against importation of girls from other countries, section 369 against kidnap or abductions of children under 10 years of age with the intent of stealing the child; sections 370-1, against the slave trade, section 372 against sale of minors for prostitution, 373 against purchase of minors for prostitution, and 376 against sex with a girl under 14 irrespective of consent. These legal provisions, which are part of the colonial era Penal Code, primarily address the situations of minors, not adult women.

The 1949 Suppression of Prostitution Act (amended 6 April 1998) defines brothels and criminalizes solicitation and procurement, and has recently been amended to increase sentences, from one to three years, to one to five years. This law aims to “protect women from being ordered or coerced into prostitution;” however it also punishes women who choose to engage in sex work. Coercion in other parts of the law is usually defined as threat to inflict bodily harm, and it is not known if a wider interpretation has been employed in prosecuting traffickers in Burma. What constitutes “prostitution” under the law is also not defined. Women who do sex work outside the country can also be arrested under the Suppression of Prostitution Act and detained in special training centers. While traffickers are supposedly subject to arrest under this law, the government has never referred to the number of traffickers who have been arrested. At the same time, there are no legal provisions guaranteeing women their rights to migrate or to choose their form of work. Given the involvement and apparent impunity of authorities who facilitate the trafficking of women and girls to reap profits, domestic laws are clearly

ineffective and insufficient. Regional measures addressing cross-border complicity between police and other authorities need to be taken.

Government Programs on Trafficking

As the women in the border areas are more simple and vulnerable, the Ministry of Progress of Border Areas and National Races Development Affairs has established eight training centres in towns adjacent to neighbouring countries since 1992.

- Union of Myanmar, “Report on the CEDAW”

With respect to the national level trafficking policy, in their dialogue with the CEDAW committee in January 2000, government representatives mentioned that a National Task Force on Trafficking in Women and Children and Cross-Border Committee had been established. However, the activities of the Task Force were not discussed, other than future plans to hold a national seminar on trafficking later in the year 2000.³⁷

In its publications, the government has emphasized that trafficking continues not only because the brokers are cunning, but also because women are ignorant and easily fooled. Because the government does not recognize women’s agency or the difficult living conditions they encounter that lead them to migrate, their statements also do not reflect that the decision-making process is one in which women take calculated risks. Failing to address the economic nature of the migration, government policies have responded by stressing the need to protect and re-socialize women, rather than to change their unlivable situations in Burma. The apparent emphasis on rehabilitating sex workers serves only to strengthen the prejudice that exists against sex workers, and convince the population-at-large that all migrating women have done sex work, and that this deserves condemnation.

The government claims that information and non-material skills-training targeting trafficked persons and women and girls “at risk” are provided, specifically in border areas. In their initial report to the CEDAW Committee dated June 1999, the government noted that preventative educational measures against trafficking in women and children have been in place since 1992, five years before Burma became a state party to the Convention. Although statements by the government describing their programs are

PROHIBITION OF MARRIAGE TO FOREIGNERS

In 1998, ostensibly to reduce trafficking, in 1998 the government issued orders preventing the registration of marriages between Burmese women and foreign men. This action was taken in response to an incident described in the 9 July 1998 *New Light of Myanmar* newspaper, in which local and foreign Taiwanese brokers were accused of enticing Burmese women to marry in order to traffic them overseas. After a woman (presumably coerced or enticed) married a Taiwanese man on 26 May 1998, she divorced him within 24 hours. A week later the man married her sister, who divorced him two days later. Later the same day, the sister and their brother were killed in a train accident where foul play was suspected. As a result, authorities claimed they would take action against the brokers profiting from these transactions, including the district officer who issued the second woman a passport for her overseas travel. The following order was issued by the Supreme Court to all States and Divisions Courts and all Township Courts. It reads (in unofficial translation):

“The matter concerning the marriage of Burmese women and foreigners”

(Letter number 3604/Su 14 “gange” 86/98).

We are aware that many foreigners from foreign countries have come to Burma through various means, and that some foreigners have connections with human brokers from Burma and try to lure Burmese women to marry them by swearing an oath in court and take them abroad. Women who have been taken abroad through this process have faced unseemly problems even before they have arrived overseas, and also when they do arrive overseas, they lose their characters and have various problems.

Devoid of national spirit, they lure Burmese women with promises of money and are making plans to transport them from our country by marrying them to foreigners. Accordingly, we must set ourselves up with full national spirit, and, in keeping with our national obligation, strive to protect Burmese women's lives from the dangers that threaten them.

Therefore this is an order to all staff of courts that none of the staff is empowered to accept any oath or application of marriage of a Burmese woman to a foreigner nor marry any Burmese woman to any foreigner.

Action will effectively be taken against any staff of any court who neglects to abide by this order to dismiss them from their duty.

(Signed)
Chief Justice Aung Toe
Reference No. 3604/Su14(gange) 86/98
July 1, 1998

Related to this are two other documents also issued by the Supreme Court:

- ? **Decree 3/98 issued July 1, 1998**, regarding court registration of marriages, requires that all marriages be sworn in sight of the judge, and orders court officers to be careful in issuing marriage certificates. Officers are ordered that all promissory letters and pledges for Burmese nationals should be made in Burmese language, not English. Judges are also directed to make sure signatories understand and agree fully to what they are signing and that they are signing of their own free will, and that anyone who swears a promissory letter is vouched for by someone who knows them, if the judge does not. The judge is also to ensure that the names are written on the forms. The Decree is signed by Aung Toe, Chief Justice.
- ? **Letter No. 514/254/91 (La Hta Na), dated July 10, 1998**, reminds judges of courts at all levels that registrations of marriages and divorces must be taken “seriously.” All such certificates need to be properly

recorded in the marriage registration book, and judges must ensure that neither marriages nor divorces are registered until both parties have signed the documents in the presence of the judge and witnesses, after the judge has explained the implications and ascertained that the decisions are taken of free will. This letter is signed Aung Min, Director General.

Women have confirmed that the provision prohibiting foreign marriages is currently in effect. (*However, it appears that in many areas, marriages generally still are not registered. See Women and the Law.*) Even foreign embassies have been ordered not to register marriages between women and foreigners. Women previously married to foreigners have also been prevented from obtaining passports, or forced to pay exorbitant bribes to secure them, since even they are not supposed to be permitted to leave the country. These regulations do not prohibit Burmese men from marrying foreign women.

I had one friend who asked permission to marry a foreigner and within her own village, they said yes, come and get married here. And when they got married, after the ceremony they went to the airport. Her foreign husband was allowed to leave the country but she was not. CINT 11

vague, generally omitting details about the sites and numbers of persons reached, it appears these programs primarily address sex work.

A number of vocational schools operate under the auspices of the Ministry for Progress of Border Areas and National Races and Development Affairs, and the Department of Social Welfare. The Ministry administers eight training centers, with a capacity of approximately 100 students per center per year, where women learn income-generating activities. The Department of Social Welfare runs two training schools for girls, and four vocational training schools for adult women, established under the Suppression of Prostitution Act of 1949. Certain government statements about these training centers, which include facilities for destitute and orphaned children, suggest that students are referred there following arrest or other legal proceedings. For example,

These institutions are not closed institutions, since every inmate has to attend compulsory basic education. (emphasis added)³⁸

While there are various other references to vocational training schools in the government's papers on trafficking and violence against women, the total number of facilities for trafficked persons is unknown. It is believed most of these various institutions teach skills such as sewing and weaving. However, little information is available about numbers of students, or the student selection process, and none of the women we spoke with were aware of

the existence of these centers, so it is difficult to judge the suitability of these programs to women's needs. Furthermore, under current depressed economic conditions, it is unclear as to whether provision of skills-acquisition alone is sufficient to allow women to earn an income.

[W]hat I've heard about is those who have worked [in the sex industry] ... being given loans to set up their own businesses or do something else, and then save and return the money. But what happened is many couldn't return the money, so they had to go back to the sex trade just to pay back their loans. That's what I've heard. And it's pretty bad....

Q: When they're giving loans, are they also given skills or management training?

Look, even if they're given training, I don't think it's going to work. You need to set women up with an occupation. You've got to be able to provide a business where they can work right there. It has to be that, I think. If you're training someone for tailoring, give them a shop where they can actually work. You can't just teach them — then what? Where is she going to work? CINT 99

Beyond training for income-generation, there is no information about the medical facilities or counseling provided at these institutions.

Literature about trafficking risks is also said to be offered to women and girls at reading centers. According to the government's report, the information that is distributed is available at Ministry of In-

formation-supported libraries “where anyone can read newspapers, journals or other publications free of charge.”³⁹ This approach does not recognize the high numbers of women and girls who are not literate in Burmese, who migrate precisely because diminished educational opportunities have left them with a dearth of employment options, and who are afraid of anything operating under government auspices. Furthermore, it is unclear how women and girls should be aware that information exists about issues of which they may have no previous knowledge. While trained Community Development Volunteers in border areas provide education about HIV/AIDS, it is unknown how widespread this program is or whether CDVs are also able to supply potential migrants with other kinds of information. In late 1997 this program operated in only five village tracts, where workers had identified “4 – 5 women”⁴⁰ who were HIV positive. To be effective, these outreach programs will have to be more widespread, active and immediate in high-risk communities, as well as more sensitive to women’s concerns and needs.

Non-Government Programs on Trafficking

There are a variety of local and regional programs by UN agencies addressing trafficking and skills-building to provide income generation. The UN Development Programme (UNDP) and the UN Drug Control Programme (UNDCP) have both undertaken initiatives for poverty alleviation involving sewing, weaving, marketing and animal husbandry training, in areas where trafficking of both drugs and people occur. At a regional level, ongoing endeavors include the UN Inter-Agency Project on Trafficking of Women and Children in the Mekong Sub-region, ILO-IPEC’s Mekong Sub-regional Project to Combat Trafficking and the International Organization for Migration (IOM)’s project for the Return and Reintegration of Trafficked Women and Children in the Mekong region. Among other planned activities, the Inter-Agency Project will conduct a program to monitor trafficking risk groups through sentinel surveillance of villages and townships with high migration levels. At present, much of the action on trafficking is still focussed on data-collection.

NGO programs in partnership with the Burmese government to date have been small-scale. At present one international NGO, Association

Francois-Xavier Bagnoud (AFXB), operates a skills training and rehabilitation program at two sites, Rangoon and Mandalay, with 119 returned sex workers. The reintegration operates alongside a prevention program for “at risk” women, including family members of the returned women. The programs place emphasis on building women’s confidence and positive self-images. However, with obviously restricted capacity, they cannot possibly reach most of the women who have been or may be trafficked in Burma, particularly those geographically far from the program sites, for example in the border areas near Tachilek, Ranong and Mae Sot, where the greatest number of women are trafficked. Other international NGOs partnering with the government in high-risk areas, such as World Vision, focus primarily on HIV/AIDS education. With limited ability of NGOs to provide outreach to various geographic areas within Burma, and women’s restrained mobility within the country itself, those most at risk of being trafficked remain in vulnerable situations.

Programs by other local NGOs operate sometimes independently, sometimes together with other organizations, and sometimes with local authorities in neighbouring countries, to assist trafficked women and women migrants from Burma. Some provide shelter, access to health care and legal facilities. Others work to assist women who wish to return to their homes. Organizations such as these and exiled women’s groups also arrange seminars, workshops, and trainings in women’s human rights and various aspects of law relating to migration, in order that women outside Burma know what their rights are, regardless of where they live and work. Unfortunately, the current proclivity for punishing women for migrating puts these organizations also at risk for assisting women migrants, and thus they cannot be named here.

FINDINGS & RECOMMENDATIONS

Under Article 6 of the CEDAW, governments are obliged to eliminate trafficking of women and exploitation of prostitution. This article also recognizes that poverty and unemployment increase opportunities for trafficking in women, and that armed conflict often fosters prostitution. Article 15 provides that women must receive equal treatment with men under the law, including as regards their rights to freedom of movement, and possession of travel documents and identification. Article 16 guaran-

tees women the right to enter freely into marriage with the person of their choice. Article 9 obligates governments to give women equal rights with men to acquire, change or retain their nationality and to transmit their nationality to their children.

Until there is greater recognition that most migrant women do not wish to live in Burma or to return there before significant economic and political changes occur, programs to address irregular migration are doomed to failure. Women leaving Burma often have almost no employment options within the country. Some are fleeing persecution and conflict situations that threaten their very survival. Others desire chances to study that do not at present exist within the country. Durable solutions to the problems of illegal migration and trafficking need to account for these push factors, as well as pull factors in neighbouring countries, and to reflect the variety of women's experiences.

Women from Burma lack information about the probable situations that they will encounter while traveling and in other countries, about their rights as migrants under the law, and about where to go for help when they encounter problems. Concrete steps should be taken to increase women's access to information and to appropriate skills-training, in order that they can make more informed decisions and have a greater range of employment choices. It is important not only that information is accurate, up-to-date and appropriate, but also that it is available to women in the languages they can understand and forms that are accessible. Radio programs in ethnic languages, for example, are likely to reach a wider audience than printed materials in Burmese. While there is some awareness among populations in states bordering Thailand about sex trafficking, it often translates into discrimination against returning workers or attempts to dissuade women from working at all, rather than empowering women to make choices about their futures and potential employment. Legal literacy programs would also help women to understand their rights and the laws governing legal migration and work outside the country.

The Burmese government has been embarrassed by international criticism over the trafficking of Burmese women and girls into the sex industry. As a result, they have responded hastily with the policies and laws that restrict women's movements of all kinds and prohibit women from marrying foreign-

ers. Restrictions on women's legal migration which attempt to stop women from migrating completely may in fact foster underground networks and increase the likelihood women will be trafficked or smuggled. In addition to removing these restrictions, policies regarding provision of travel documents should be revised to allow women greater access to means of legal migration.

Since trafficking networks depend on the complicity of authorities, officials benefiting from the trafficking in women and girls should be prosecuted. Regional multilateral agreements between Burma and receiving countries would assist in extraditing and charging of traffickers, and in facilitating the return or legal stay of trafficked women.

Gender training and programs on women's human rights and violence against women should be undertaken with law officers and other authorities dealing directly with women during migration and repatriation. Additionally, these personnel should be educated on the legal provisions for trafficked persons and other migrants and the legal representation afforded these persons. The number of women working in these positions should be increased, and women officers should be used during questioning and detention of women, whether they are migrants or trafficked persons. Offenders who commit crimes of sexual violence against women should be prosecuted to the full extent of the law, and under no circumstances should enjoy impunity because of their positions.

Migrants and trafficked persons must enjoy full protection of their human rights. Trafficked persons are survivors of crime and as such deserve redress under the law rather than prosecution. Repatriation of all trafficked persons is inappropriate and return should only be undertaken with women's consent. Undocumented workers should be entitled to protection of the International Labour Organization. Refugees fleeing persecution should under no circumstances be forcibly repatriated. Adequate screening measures need to be put in place to determine whether it is safe for women outside Burma to return, and protection offered when it is not.

The Burmese government also has a responsibility to provide access to consular services and translators to those facing prosecution or deportation. Both in Burma and in host countries, women should be assured of freedom from mistreatment by those in

positions of authority. Trafficked women should also be entitled to medical care, financial support, adequate housing and opportunities for further training, and be given access to free legal services in the receiving country. Given the sometimes strained relations that exist between Burma and neighbouring countries, partly because of the phenomenon of illegal migration, it may take time before agreements to provide such arrangements can be made. However, NGOs and women's organizations may be more sensitive to women's situations and better placed to respond than government agencies. In this case, governments should partner with NGOs or allow them to implement shelters or other programs for women migrants.

Programs inside the country for returning migrants appear to be directed almost exclusively towards sex workers who have been returned following arrest. Despite the considerable number of women doing sex work in- and outside the country, the government clearly believes that sex work is morally unacceptable as an occupation and that sex workers need rehabilitation. It is unclear whether the government-operated facilities, some of which have been established under the Suppression of Prostitution Act, are able to provide appropriate services for women who have been trafficked, including medical care and counseling. The current programs may also be unsuitable for women who have done consensual sex work and wish to continue doing it. In any case, it appears very likely that women who enter these centers will be stigmatized as former sex workers after their release, and have more trouble finding paid employment, even if they receive job skills training. This increases the likelihood that women will migrate or be trafficked again. In areas where migration is prevalent, NGOs and women's groups should be allowed to provide programs to implement training that women themselves desire, or where appropriate women's shelters, with adequate support. Public information campaigns about women's human rights would also function to raise community awareness and understanding of the needs of women who have been trafficked or abused while working outside the country.

Often those who are in the best position to help women, both those intending to migrate and those who have returned from exploitative migration experiences, are other women. Currently there are few spaces for returned migrants, sex workers, or trafficked

persons to support each other by meeting, discussing, and sharing experiences. The government needs to acknowledge the realities of migration and allow women the freedom of association to create their own solutions to the problems they face.

NOTES

1. Economic and Social Council, Commission on Human Rights, Fifty-sixth Session, Agenda item 12 (a) of the provisional agenda, "Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women," Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, on trafficking in women, women's migration and violence against women, submitted in accordance with accordance with Commission on Human Rights resolution 1997/44, 29 February 2000, p. 4.
2. Report of the Special Rapporteur on the Human Rights of Migrants, World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance Preparatory Committee, First Session, Geneva, 1-5 May 2000, Item 7 of the provisional agenda.
3. See Human Rights Documentation Unit and Burmese Women's Union, *Cycle of Suffering* (Bangkok, Thailand: HRDU, January 2000), and Asia Pacific Forum on Women, Law and Development, *Dignity Denied* (Chiangmai, Thailand: APWLD, July 2000).
4. For example, see "Trafficking in Women: A Myanmar Perspective," presented at the Regional Conference on Illegal Labour Movements: The Case of Trafficking in Women and Children, hosted by the Southeast Asian Fund for Institutional and Legal Development and CIDA, 25-28 November 1997, Bangkok, Thailand, p. 17. This text has been reproduced verbatim in other government papers.
5. "Trafficking in Women: A Myanmar Perspective," p. 17
6. Confidential correspondence.
7. Therese Caouette, *Needs Assessment on Cross-border Trafficking in Women and Children in the Mekong Sub-region*, UN Working Group on Trafficking in the Mekong Sub-region, Bangkok, Thailand, 20 February 1998, p. 25-27.
8. Chris Beyrer, "The Health and Humanitarian Situation of Burmese Populations along the Thai-Burma Border," *Burma Debate*, Vol. VI, No. 3, Fall 1999, p. 5.
9. See Asia Pacific Forum on Women, Law and Development, "Dignity Denied".
10. The lower figure is most commonly given; the higher estimate is based on church records of village registrations.

11. Interview conducted by Kham Chuen, Burma CRC Cooperation Team, Mae Hong Son border, 25 June 2001.
12. "Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women," Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, p. 6.
13. The Global Alliance Against Traffic in Women, Human Rights in Practice: A Guide to Assisting Trafficked Women and Children (Bangkok: GAATW, 1999), p. 29.
14. Images Asia, "Trafficked from Hell to Hades: the Plight of Rohingya Women from Burma Trafficked to Pakistan," (unpublished paper submitted to the Special Rapporteur on Violence Against Women), November 1999, p. 14.
15. Although the repatriation administered by the UNHCR was termed "voluntary," it has been widely criticized by NGOs like Medecins sans Frontieres and human rights organizations, who have found strong evidence that most refugees were never given any choice, but were actually forcibly repatriated.
16. Images Asia and Forum Asia, Arakan Project, Interview with hotel nightwatchman, Cox's Bazaar, 5 March 2000.
17. Images Asia, "Trafficked from Hell to Hades," p. 12.
18. Images Asia, "Trafficked from Hell to Hades," p. 16.
19. Images Asia and Forum Asia, Arakan Project, Interview No. 19, Karachi, November 1999.
20. LHRLA, "Trafficking of women and children in Pakistan: The Flesh Trade Report, 1995-1996", Karachi, 1996.
21. Asia Watch (now Human Rights Watch Asia), "Double Jeopardy: Police Abuse of Women in Pakistan," May 1992.
22. United Nations Convention on the Elimination of All Forms of Discrimination against Women, Committee on the Elimination of Discrimination against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, "Initial report of States parties, Myanmar" (CEDAW/C/MMR/1), 25 June 1999, p. 10.
23. A Modern Form of Slavery, p. 125.
24. "Trafficking in Women: A Myanmar Perspective," p. 6.
25. For a more complete description of conditions under which women migrate and do sex work, see Images Asia, Migrating with Hope: Burmese Women in the Sex Industry in Thailand (Chiangmai: Images Asia, 1997).
26. Personal communications with long-term residents of Ruili.
27. Cycle of Suffering, p. 61.
28. Dignity Denied, p. 33.
29. Interview conducted by Kham Chuen, Burma CRC Cooperation Team, Mae Hong Son border, 25 June 2001
30. Various schemes permitting temporary registration of illegal migrants working in specific occupations have been implemented by the Thai government since 1996, however, in the five year period since their inception, the majority of migrants continue to work unregistered, for a variety of reasons. See Dignity Denied for a more complete discussion of the problems associated with registration.
31. Dignity Denied, p. 41.
32. Saritdet Marukatat, "Karen Camp Disappoints Ogata," Bangkok Post, 18 October 2000.
33. Cycle of Suffering, p. 98.
34. Jackie Pollock, "Beyond Trafficking Jams: Creating a Space for Trafficked Women," The Irrawaddy, Vol. 9, No. 2, February 2001, p. 21.
34. Union of Myanmar, "Myanmar Country Report on Trafficking in Women," Regional Conference on Trafficking in Women, 3-4 November 1998, Bangkok, Thailand.
35. "Response by the Myanmar Delegation, Twenty-Second Session of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)," New York, 26 January 2000, p. 7.
36. See Union of Myanmar, "Myanmar Country Report on Trafficking in Women."
37. "Response by the Myanmar Delegation," p. 7-8.
38. "Trafficking in Women: A Myanmar Perspective," p. 20.
39. United Nations Convention on the Elimination of All Forms of Discrimination against Women, Committee on the Elimination of Discrimination against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, "Initial report of States parties, Myanmar" (CEDAW/C/MMR/1), 25 June 1999, p. 10.
40. "Trafficking in Women: A Myanmar Perspective," p.17.