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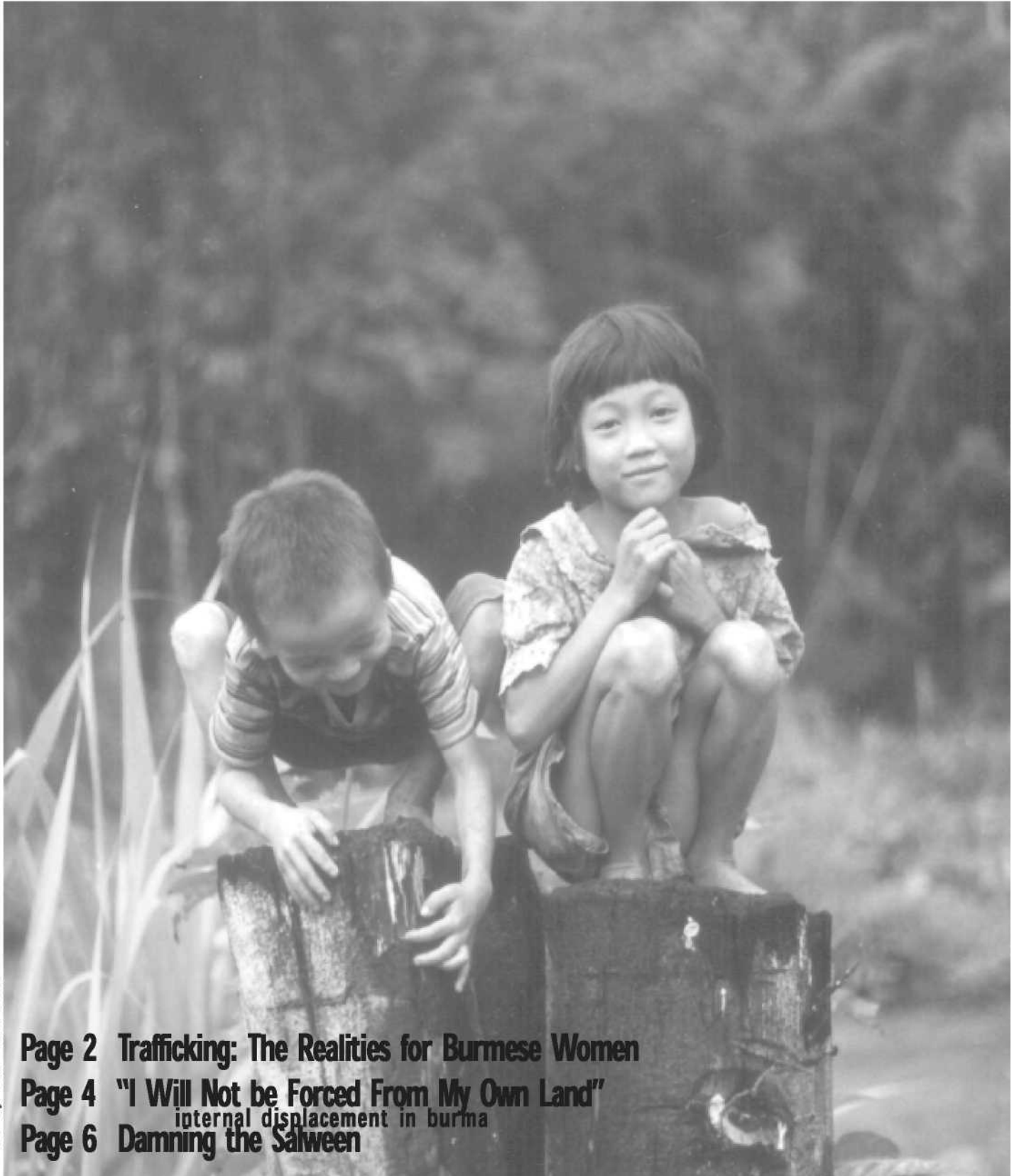


Photo by Suchada Seso

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TRAFFICKING: THE REALITIES FOR BURMESE WOMEN

by Jam Juree

In 1993 Human Rights Watch published a report, 'A Modern Form of Slavery - Trafficking of Burmese Women and Girls into Brothels in Thailand'. The report was compiled through interviews with 30 Burmese women working in brothels in Thailand. Most were from remote rural villages in Shan state, entering Thailand via the Tachilek/Mae Sai border in Northern Thailand, and most were from peasant or agricultural labourer backgrounds. They ranged in age from 12 to 22, with the average age being 17. All but one had been lured to Thailand by the prospect of improving their economic situation. Only four knew they would be working as prostitutes and even those four had no idea what the actual work would be like. With no reliable sources available from the information-repressed vacuum that Burmese media operates in, the realities of life in Thailand are never seen. Individual laws applicable to migration and other valuable information that would allow women to make an informed choice are simply not available. The situation of deception, coercion and abuse detailed in the 1993 report appears to have changed little in the last ten years. Kidnappings of young women at the Tachilek/Mae Sai border who are then taken to work in brothels in Chiang Mai are not uncommon and the phenomenon of young women and girls being sold by relatives and forced to work as sex workers continues to this day.

But what of adult women who choose to come to Thailand as sex workers?

Women who choose to work as sex-workers need to be distinguished from women who are trafficked - as not all women working as sex-workers have been trafficked. What then defines trafficking? - for one definition there is the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially women and Children, supplementing the UN Convention Against Transnational Organized Crime*. This protocol covers recruitment, transportation and harbouring of trafficked persons. It also includes the various means of acquiring the trafficked

person and describes various forms of exploitation.

While this definition acknowledges that trafficking occurs for reasons other than for prostitution the connection with prostitution is still there. This connection, combined with a strong media bias towards the reporting of sensational trafficking, has led to the common misconception that ALL adult participation in prostitution is related to trafficking. It is essential, in looking at the issue from a Human Rights perspective that we recognise the difference between voluntary and forced prostitution.

In the past, approximately 230 sex workers (the ethnic breakdown being, 80% Shan, 17% other ethnic minorities and 3% Thai) have worked in about 20 of Mae Sai's establishments: brothels, Karaoke parlors, hairdressing salons, massage parlors and other similarly 'disguised' places of work. While Thailand's recent 'war on drugs' has caused these brothels to shut down and the crack down on illegal labor has caused some women to be deported, the sex workers, according to an NGO on the border, have only been forced further underground. Here, in their precarious legal status they continue to be abused, potentially by their customers, brothel owners, local law enforcement but also by the 'system' itself. Women working illegally in an illicit profession can not turn to local law enforcement for assistance for fear of arrest as an illegal immigrant and deportation back to Burma. Instead of recognising the crimes these women have been subjected to, they are prosecuted as criminals, and then of course, there is the issue of corruption and police complicity in the whole trade.

Illegal migrants are often referred to as 'invisible workers'. This is particularly true of sex-workers, not only are they invisible but they are silenced and looked down upon. As in most cultures, sex-work is stigmatized and "remains the work of the 'bad-girl' in many communities".^ Burmese-migrant sex workers are pushed further underground because they are working in an illegal industry without any documentation.

Limited legal work is available for Burmese immigrants in Thailand. They are confined to a few unskilled, poorly paid occupations. Sex-work can, in the right conditions, earn women six times this standard wage, hence the incentive for this type of work. The oppressive polices

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of the SPDC (combined at times with demands made on them by ethnic armed groups) force many women to flee Burma to ensure their own physical safety and to improve the economic security of their family. With tales of riches to be made in Thailand reaching Burma's remote villages, Thailand is seen as the 'golden country'. What women know is, if they stay in Burma their families are subjected to portering, food shortage, rape and abuse. It is said that women in Burma see the situation and *"can stay home (in Burma) and get raped for free by the Burmese army or go to Thailand and be paid sex workers"*.² A sentiment echoed in interviews conducted by Images Asia in 1997.³ While Thailand is a relatively 'free' country compared to Burma in political, economic and social terms, for these women who choose to be immigrant sex-workers in Thailand they are just as likely to be abused in Thailand as in Burma because of the lack of legal channels of migration and the fact that sex work in Thailand is illegal.

The illegal nature of the work and of the migration process forces women to use third parties or 'agents' in order to negotiate and arrange their migration, putting them at an immediate disadvantage that often leaves them open to abuse. Migration in this fashion sees the women lose power over their decision-making and their finances. There is also the language barrier to consider, as well as a lack of accurate and reliable information in their own language about Thailand. They become completely dependant on an illegal, though highly organized structure that is designed to oppress and deceive them. In the majority of cases women begin accumulating a debt as soon as they engage the services of an agent and they are then required to pay off this debt via their work. This debt can include travel, fake documents and bribes, once they arrive at their destination it can include cosmetic surgery, clothes, pay advances, bribes paid to get them out of jail, monthly police bribes, board, lodging, laundry, medical treatment, interest and so on. Often women are not aware of this debt arrangement and do not understand the system. They are consistently deceived by brothel owners about the amount of their debt and wages are sometimes withheld for a range of fanciful reasons. As the work they practice is illegal and is not unionized they have no recourse to sue for compensation for unpaid work or to

demand safe, regulated working conditions. They are also denied healthcare and other benefits.

Within Burma, due to the repressive nature of the SPDC Government women are unable to organise themselves to improve their situations and are instead migrating to Thailand to work, mostly illegally and in increasing numbers as sex-workers in an unregulated industry. The well-documented brutality of the Burmese army is one of the primary reasons that women flee from rural areas to other countries. But once they have migrated, no woman chooses to be exploited, abused or locked up. They have chosen to migrate to improve the economic future of their families, and in some contexts can be seen as entrepreneurs, not necessarily as victims.

The repression in Burma leads families and individual women to make decisions that you or I would find unfathomable but the civil war in Burma and the repressive policies of the Burmese government has had a *"grave impact on children and women who are usually the foundation of any community. Women have been placed in roles where they must make decisions outside societal 'norms' in order to try to sustain their communities.."*⁴ Without

"Without exception, these women show an incredible dedication and commitment to the well being of their parents and families. It is unjust that they are stigmatised by their communities, and by society in general because of the work they do in the hope of earning enough money to support their families. In the time we spent with them, we became acutely aware of their generosity and their gratitude towards their parents and families"

³ *Migrating With Hope, Burmese Women Working in Thailand and in The Sex Industry', Images Asia, 1997*

economic security abuse by families who sell their daughters, nieces and sisters or women having to make the decision to work in a potentially high paying but ultimately abusive profession will continue.

Before suggesting possible 'solutions' to the twin issues of trafficking and the legalisation of migratory procedures, and possibly prostitution, I have to acknowledge that this issue is far too multifaceted and complex to address in this short article. I have not touched on the issues of HIV/AIDS, the demand side, cultural issues, the effects of raids to rescue underage prostitutes on adult women who have chosen the profession, media reporting on the issue, arrest and prosecution of traffickers, recognising trafficking cases and dealing with them effectively in terms of law enforcement, nor looked in-depth at the issue of the

continued on p. 8

11 "I WILL NOT BE FORCED FROM MY OWN LAND" INTERNAL DISPLACEMENT IN BURMA

by R Sharpies

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In a nation of 50 million people there are estimates that up to 1 million are Internally Displaced Persons (IDP). Despite the relatively recent use of the phrase internally displaced people in the context of Burma, there is evidence that the practices that lead to this displacement have been in place for a long period of time. While discussion of IDP's tends to revolve around immediate assistance to concerns of health, housing and food, the sustained existence of this problem needs future efforts to take into account the root cause and structural patterns that often instigate the displacement as well as resolutions on how to offer and implement humanitarian assistance. This article will discuss further some of the root causes of displacement caused by Burmese military operations and look at the outcomes of displacement. The second part of this article will look at future resolutions and how long-term structural assistance needs to compliment immediate humanitarian assistance.

The cause and types of displacement wear many different hats. A definition of who and what constitutes an IDP varies and while there have been many attempts to draw similarities so that causes and solutions can be better defined, displacement in all its complexities, continues to pose problems for those who are trying to address it. For the purposes of this article IDP's will refer to those displaced

primarily because of military operations and while outcomes such as living in forced relocation camps or becoming refugees will be mentioned, the main examples of displacement will draw from those who live a precarious existence in the jungle.

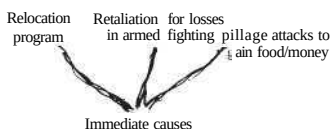
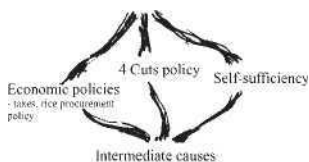
The problem of internal displacement and how to deal with it is often seen as too big, too broad and too overwhelming. To break this issue down into manageable solutions one could look at the causes of internal displacement as being placed into three categories: root causes, intermediate causes and

immediate causes. Intermediate causes and immediate causes are often a response to structural policies and a particular event that acts as a catalyst. An immediate cause of displacement may be a Burmese Army forced relocation program. Or, as an example of the catalyst that results in displacement, an attack in response to losses incurred during a battle with an ethnic armed opposition group. An intermediate cause may be the 4 Cuts Policy which aims at cutting off support to armed ethnic opposition groups, thus relocating villagers far from the supposed "clutches" of these armed groups. Another intermediate cause may be the Burmese Army's statement that battalions must become self-sufficient, thus forcing them to steal food and materials from the villagers. These types of intermediate causes stem from structural policies.

Causes that evolve as a result of structural policies are themselves manifestations of the root causes of displacement. A structural cause may stem from how ethnic groups, both armed and political, should be represented politically. But, the root cause of this structural cause is why the ethnic armed groups exist to begin with. What is deficient in a structure that fosters such divisions that result in armed conflict. Displacement in Burma has existed within the parameters of a protracted civil war. It can be seen as both a structural cause of, and a reason for, its continuance. Displacement in Burma is not a result of any single event, but rather the result of prolonged civil war activities. This environment has created a destructive relationship between soldiers and villagers which is often the immediate cause of displacement. If we look at the roots of it though we see them placed firmly in historical divisions that are then incorporated into structures used by the Burmese military to consolidate their control over the population. It is the failure to resolve these root problems that has lead to the ingrained structural responses that create displacement.

It therefore makes sense that to resolve the root causes of displacement we must resolve the roles the ethnic groups are to play. The State Peace and Development Council (SPDC) often talk about national unity, especially in reference to the role of the ethnic groups. But what do they really mean by this? Usually an assimilation policy that would create one race, one nation under one dominant ethnic group. This kind of mentality has been incorporated into the structures that feed the practice of displacement and it stems from the failure to accept Burma's ethnic diversity, which could be addressed through finding creative solutions that makes space for co-existence, not domination.

Displacement from military operations



Structural policy

cultural mind-set



If any kind of conclusion can be drawn it is that displacement is a result of a mixture of causes, some historically ingrained, some violent reactions to specific events. It is important that all these levels are addressed if we are to solve the problem of internal displacement. It is also important to note that addressing the root causes will often have run-down effects on resolving the intermediate and immediate causes, thus producing sustainable and preventative solutions to the eradication of internal displacement and the practices that sustain it.

If we talk about causes and structures we also need to be able to see the consequences of these: the outcomes of displacement. It is here that we begin to put a face to this tragedy. We often talk of strategies, causes, logistics of assistance and sheer numbers. These statistics are often dry and if they are the sole focus of dealing with internal displacement we risk not recognising the personal cost of this tragedy. For those displaced it is highly personal. What is lost is not only material things but also hope for a future and dignity. Displacement often happens quickly, forcing villagers to flee



with few, if any, possessions. Those displaced loose access to basic rights: education is limited or non-existent and at its most optimistic it forces villagers to be creative in using available means to give their children an education.

"We had to flee and we couldn't finish our school course. We had no books; we couldn't take them with us. But we decided that even with the Burmese troops patrolling the area we would finish the course. In the jungle, under the trees. That is our plan".¹

Healthcare is reliant on mobile medical teams whose numbers and medical supplies are not sufficient to deal with the problem. When one IDP was asked if she had been able to get any medicine for her sick child she replied very simply, *"There is no medicine in this jungle".²*

Food scarcity and security produces worrying instances of malnutrition and even starvation. Villagers will often store surplus rice in emergency bins away from their homes in preparation for military attacks and the resulting displacement. They will often be displaced, replant their crops at the new site, be displaced again and replant their crops again. For many this cycle continues from year to year confirming what one Burma researcher said, "Those who stay in Burma return

time and again to rebuild their homes and their crops". It is a sign of resilience and hope. I say that because those displaced have often lost everything and are also at risk of great physical harm. Most IDP's rate personal security as one of their major concerns. They are left with little choices, avenues or materials to deal with their futures. If they survive the initial displacement they have little hope to survive a prolonged future. Yet they miraculously do, many villagers have lived lives as IDP's for 5 or 10 years, surely that gives all of us hope.

But it is also an environment where that hope is sometimes hard to find. IDPs are vulnerable to human rights abuses, in many cases they find themselves intentional targets of such abuse. They are also vulnerable to human trafficking and prostitution, with Burma being the main source of this trafficking to neighbouring countries and as far afield as Japan and Australia. This constant movement puts restrictions on practices of culture and religion. Once lost these practices are hard to regain and it leaves many of those displaced feeling that their identity and their purpose has been systematically destroyed by an unforgiving and oppressive regime.

This fear for life and livelihood, the witnessing of countless human rights violations and the impermanence and insecurity of life as a displaced person are evidence that there are many issues that need to be addressed when trying to eliminate the existence of internal displacement. Resolving this issue may best be dealt with by breaking it down into the already discussed causes: root cause, intermediate cause and immediate cause and finding solutions that have many players working for solutions at these different levels. This will be discussed further in the second part to this series, but one thing that must remain in focus is the wishes of the IDP's themselves. For their wants and needs are often quite simple and their fulfillment an achievement that can not be underestimated. Any future action must take these voices into account.

"It's getting more and more difficult. Last year we were living somewhere else...and this year we are living here. I just want to live in my own home and have my own lands. I used to have my own home and live my own life with my family. "³

Footnotes

1,2 & 3. *No Place to Go*, Video produced by Burma Issues and WITNESS, 2003

Next month: How dealing with the root causes of displacement must compliment humanitarian assistance.

DAMNING THE SALWEEN

* Most of this information is based on studies done by the Foundation for Ecological Recovery and Towards Ecological Recovery and Regional Alliance (TERRA)

BACKGROUND

The Lower Salween Dam is part of the Asian Power Grid, a joint venture between eight Asean countries that will increase power distribution through the construction of hydroelectric dams along the Salween River. The upper and lower Salween dam projects are proposed for construction on the section of the Salween River that is the border between Thailand and Burma, from the Salween Wildlife Sanctuary in Mae Sariang district to the Moei River in Tak Province. The Electricity Generating Authority of Thailand (EGAT) is expected to fund and construct these dams. A joint Thai-Burmese government venture is also expected to be established to oversee the construction of these two dams. Environmental and social impact studies are expected to draw heavy opposition from human rights activists and environmentalists. Communities and conservation areas are both likely to be heavily affected by the construction of these two dams, their impact felt both in Thailand and Burma. EGAT are currently surveying the construction site for the Upper Salween Dam but have yet to start any feasibility studies for the Lower Salween Dam. It is unlikely that Burma will carry out any such studies on their side of the border.

PROBABLE IMPACTS OF THE CONSTRUCTION

Environmental

- Environmental impact assessment studies have not been carried out on the Burma side.
- Studies estimate that over 3,450 rai (1 rai = 0.16 hectares) of land will be flooded.
- Deforestation is likely to occur, both in the construction of the dam and reservoir and also in the areas that will be flooded.
- There is likely to be a high impact on regional ecosystems that will have direct effect on weather patterns.
- Reduction in river flow will cause seawater intrusion to farming areas and wildlife habitats.
- Effects will be felt in the Salween National Park and the Salween Wildlife Sanctuary.
- Mine blasting, the use of surrounding logs, gravel and clay for the construction of the dam and the clearing of forest for transportation will all impact the surrounding environment.
- Decline in native fishes due to a reduction

in river flow which means less habitat, nutrients and increased stress on wildlife downstream of the dam.

- Water quality and disease, especially in stagnant areas of water, will foster breeding grounds for waterborne diseases. It will also create catchments for decaying organic matter.

Economic

- Local livelihoods that are dependent on the river, such as fishery, trade and water quality will be effected and possibly destroyed causing run-off effects on economic stability.
- Cost of constructing the dam. So far the costs of this dam will be met entirely by EGAT to the tune of 277 million baht. At present Thailand already has power reserves of 40% and despite estimates that the construction of this dam will dramatically reduce the cost of electricity for people in Thailand, it is debatable whether the benefits of the project will outweigh the negative costs to the environment and human habitat.

Human

- Forced Relocations. It has already been determined that people in the villages Mae Sam Lab, Tha Ta Fang and Mae Kham Gong will be impacted and removed from the area that will be flooded. It is probable that more people will be relocated from this area to ensure the dams security and construction. It is unlikely these people will receive any help in the relocation or compensation for the loss of their lands. In the past the Burmese military has used the construction of development projects as an excuse to forcibly relocate ethnic villagers.
- Human Rights abuses. There is substantial documentation from past development projects, such as the Yadana gas pipeline, that supports the practice of human rights abuses in attempts to clear and secure the area of construction. Villagers in the past have been subjected to rape, torture, extrajudicial killing, crop and land destruction and other civil rights violations.
- Destruction of livelihood and culture. Loss of land and livelihood that is dependent on the river will have serious economic impact on local communities. The culture that is inevitably linked to livelihood will also be at risk of destruction.
- Refugee flow to Thailand. Thailand now

houses over 140,000 refugees who have fled from Burma. A percentage of these have fled due to the direct impact of development projects on their economic and social ability to survive.

- Health problems due to changes in environment. Forced relocations and displacement make people susceptible to a range of diseases that wouldn't exist in a normal environment such as Malaria, Tuberculosis and Dysentery. Changes in the river's environment can also have negative effects on the health of

those who rely on it for a living.

- Forced labour. Substantial documentation from past development projects shows forced labour is used in the construction of these projects. Local villagers are often forced to devote a certain amount of their time to working on these projects and receive no payment for this work. Forced labour has been declared illegal in Burma but the practice is still commonly used, often with the knowledge of international investors.

The following villager was interviewed by Burma Issues. This villager lives in the area of the proposed Lower Salween Dam. He was asked what effects the construction of this dam would have on those in the area.

Q: What is your occupation?

A: I am a farmer

Q: Do you do any other activities?

A: I also fish in the river to feed my family.

Q: What are the villager's main occupation?

A: In this village the main occupation is cultivation. But many are also fisherman who fish in the river to sell and feed to their families. It is not a big economy but it is important for our living. Others have a boat, to transport passengers or goods across the Salween River. They earn some money from this.

Q: What kind of fishing do you do here?

A: We get different fish in the river here, many different sorts. We usually catch 10-20kg per day.

Q: Can the villagers support their families sufficiently or do they face problems with this?

A: They can just about support their families but it is not enough, it is just enough to survive on for our daily living.

Q: Have you ever heard of the Salween Dam which they want to build here?

A: Yes, we did hear about the dam. But unfortunately there is really nothing we can do about this. There are no organizations which came to help us, or to express our feelings to. We can't do anything.

Q: Can you tell us what you heard about the dam?

A: We heard about it but not through the SPDC. If they build it, it will benefit the SPDC and the Thai government surely. But it is not built for the people.

Q: What will the situation be for the villagers who live beside the river?

A: When they build the dam everything will be destroyed. Our village, our lands, but also transporting people across the river, all our activities. Then we can't stay at this place we live at now. We shall have to flee our lands, but there is nowhere to go, everywhere there is SPDC activity, so where can we flee to?

Q: What will happen then with the villagers?

A: I think we will face many problems. If we flee, we will not have a stable place to stay, so then we will probably face many more diseases, our situation will be much worse.

Q: Do you think the building of the dam can still be prevented?

A: We would like to prevent this dam being built but the villagers can't do anything. We can only ask other groups to help and protect us. We would like to express our problems and ideas to others so that this dam will not be built so that we villagers can live here peacefully and don't have to flee this village, our lands and this natural environment.

Q: How do the people of the village live with the Salween River?

A: The Salween River has an advantage to us in many ways; some people have a boat which they use for transportation. With this the people can support their families. Others do trade along the river and come here to trade.

Q: What kind of trade?

A: We get all different types of trade. Some have salt, chillies or other food but some also have clothes. For trade, the transport on the river is important. Also some of our villagers farm in the areas along the river.

Q: What will it mean for these villagers when the dam is built?

A: When they build the dam many villagers will lose their jobs, here and in other places. Also trading by boat will be very difficult. When they build the dam I don't think there will be any trading anymore so these people will have to find other jobs.

Q: Tell us more about this?

A: We would really want that more people would be concerned about this issue and that the information about this is spread to more people and organizations such as the United Nations. So that they can help us and other villagers to prevent this dam being built.

continued from p.3

legalisation of prostitution, a question that is currently being debated within Thailand at this time.⁵

If legal avenues were available for voluntary migration the abuse through deception and possibly the illegal selling and kidnapping could be curbed. Women would have the recourse to say 'no'. They could seek help from local authorities without the risks of arrest for being an illegal immigrant, they could have information on their rights available in their own language - they would have CHOICES and bargaining power, they would have knowledge of where they are going and what kind of work they will do. The opportunity to be abused and 'kept in the dark' would be reduced.

The legalisation of prostitution could also help reduce incidents of human rights abuse but this is in itself problematic, *"as the market (so far) has not solved questions of inequality, or for that matter conditions of work or even slavery (in its new forms)."*^{*} Opponents see the legalising of prostitution as state-sponsored abuse of women. Of course, however, the legalisation of prostitution relates to adult women who choose to be sex-workers. Remaining separately to this is the issue of underage workers, children who are kidnapped and trafficked and women who are forced to work against their will. Perhaps the best solution to these twin issues is *"to concentrate on finding the real traffickers - those who coerce children and women in to the business and keep them there by force"*⁷ while every

*"effort should be made to support migrant sex-workers ... in their right to work safely with dignity and to be free from exploitative and oppressive work conditions."*⁸ Or in the case of looking specifically at the trafficking of women and the voluntary migration from Burma to Thailand one of the most obvious and helpful changes to the life of women in Burma would be to provide more employment opportunities and safer conditions for them in their home country. In the absence of this dream though the creation of a safe avenue for migration for them and the effective policing of traffickers is the most immediate need.

(Footnotes)

1 'Transnational Prostitution', Edited S.Thorbek and B.Pattanaik, Zed Books, 2002, p.63

2 'Trading Women', Interview with Dr Feingold, Bangkok Post, 15 June 2003

3' Migrating With Hope, Burmese Women Working in Thailand and in The Sex Industry', Images Asia, 1997, p 17

4 Ibid 3, P 15

5 'Thailand has to confront the question of decriminalisation', The Nation, 30 September 2003, 'Sex workers must be allowed their say on legislation' and 'Legalise sex industry, says activist', P.Rojanaphruk, The Nation, 30 October 2003

6 Ibid 1 p. 9

7 Ibid 1 p. 8

8 Ibid 1 p.67

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