"MIGRATING WITH HOPE"

Burmese Women Working in Thailand and The Sex Industry

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"MIGRATING WITH HOPE"

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This report is dedicated to all Burmese women in the sex industry in Thailand, whose lives have been so deeply affected by the military rule of Burma. It is an acknowledgment of the honour of those women who have fought so hard for their own survival, that of their families and their communities, and who have done all this while being denied basic human rights, both in their country of origin and in receiving countries.

"Governments are urged to cooperate in reducing the causes of undocumented migration, safeguarding the basic human rights of undocumented migrants, preventing their exploitation and offering them appropriate means of appeal according to national legislation and punishing criminals who organize trafficking in human beings."

Clause 78 (a)United Nations General Assembly A/50/150

"... (Government policy must) account for the presence of migrant prostitutes as workers in their own right at the policy level...(and) target this group as recipients for services, assistance and to design programmes which address the needs, interests and realities of this group."

Casa, Cordero, and Foderingham, *Recent Trends in International Migration in Asia,* 1989

"The only way to see women living in better conditions, having the opportunities to do things according to their potential, having rights in all apsects of social life such as acquiring education to upgrade their quality of life, is to see changes in the political situation within the country, to democratize Burma, to stop the war and develop the country. When we have peace, the Burmese women can develop themselves.

Ma Mi Suu Pwint, Burmese Women's Union

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ORGANIZATIONAL PROFILE

IMAGES ASIA (IA)

Images Asia was formed in 1993 as a non-profit and non-government organization dedicated to development and human rights in Burma. Our organization views human rights as a tool development.

Images Asia is engaged in implementing material and non-material development projects with the aim of empowering the Burmese groups we work alongside. We provide education materials and technical training intended to stimulate appreciation of the diversity and creativity necessary for human rights and development education at the grass-roots level.

Images Asia is an alternative media organization involved in the documentation and dissemination of current information. We maintain a library of slides, video and photographs from throughout the region, spanning the last seven years. These materials are distributed by Images Asia to educate and lobby the international community about the situation in Burma.

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PREFACE

This report, *"Migrating With Hope : Burmese Women Working In Thailand and The Sex Industry"* attempts to present and highlight the needs, interests, and realities of undocumented migrant women from Burma[1] working as sex-workers[2] in Thailand. We look at the lives of women in Burma, the migration processes, processes of entry into the sex-industry, and factors which govern women's well-being or suffering during the time of migration in Thailand. The authors hope that the documentation presented will provide useful information to prospective migrants from Burma. We also hope that it can be used to instigate programmes to protect the rights of and to provide the necessary services for undocumented migrant workers, and by doing this, prevent more Burmese women from being exploited. This report is written in the knowledge that women can become empowered to make informed choices about their lives. It is also hoped that this report will provide the general public with information not only about Burmese migrant women, but also about the situation of undocumented migrant workers who flee from Burma, a country ruled by a military regime.

"Undocumented migrant workers", as defined by the United Nations, are "persons who do not fill the requirements established by the country of destination to enter, stay or exercise an economic activity", and therefore by definition do not appear on any official records. While working as sex-workers, Burmese migrant women are pushed further underground, not only because they are working in an illegal industry, but because of their lack of legal documentation. As with any illegal activity, the business of prostitution is difficult to investigate, and it is impossible to penetrate all the levels involved. During our research, we had always to be careful we did not jeopardize the safety and security of the women by drawing negative attention to them. Police raids on brothels and entertainment venues are often the result of such attention, and usually result in women being arrested, deported, or hidden.

Burmese women who migrate to Thailand, much like other people migrating all over the world, leave their homes and their families in a poor country with the goal of moving somewhere perceived as richer, with more opportunities for work. A comparison between the Thai and Burmese economic situations reveals a very distinct gap in the opportunity for increased standard of living, which attracts many Burmese people to work in Thailand. Women from Burma are also migrating from an oppressed society with a military junta, to a country with an elected government, where citizens have more freedom, and where there is greater respect for individual rights.

[1]In 1989, Burma was renamed "Myanmar" by the SLORC, historically the name of the country in Burmese language. However, as the change was instituted by SLORC, infamous for their appalling human rights record, many Burmese prefer to use the name Burma. Throughout this report, we will refer to the country as "Burma".

[2] Throughout this report we will use the word "sex-worker" rather than prostitute, as the former focuses on the occupation of the women.

With little knowledge of the country to which they are moving, its language and its laws, women migrating from Burma are in a vulnerable position. The degree to which this vulnerability can be exploited by others depends to a large extent on the power and information that migrant have with which to protect themselves. The ability to protect oneself depends partly on understanding the immigration laws, the labour laws, and if separate, as is the case in Thailand, the laws regarding prostitution. But this also depends on the enforcement of these laws and the ability of the migrant women to take legal action against their employers It depends on the health-care systems, existing attitudes and prejudices between the two nationalities, the level of services for assistance existing in the receiving countries, and the accessibility of those services, legally and socially to "outsiders". Other important factors are the opportunities for legal migration, the cooperation and dialogue between the sending and receiving countries, and the services available to migrants on their return to their home countries. A recent report on migration to Thailand observes,

"Following the pattern of out-going Thai migrants, in-coming male migrants work in construction and female migrants in service sectors. The problem of illegal female migrants is being recognized ... as very serious... because many of them are forced to become prostitutes, with very little protection in terms of personal safety and health.... This problem ... needs to be dealt with through collaborative efforts and with the cooperation of different agencies. "[3]

It was possible to complete this report through the assistance of the Burmese women, who generously shared their experiences, sometimes with laughter and sometimes with tears. Some women have expressed that living illegally in Thailand is far better than remaining in their homeland, as they have the hope of more opportunities and do not have to continually cope with the oppressive policies of the State Law and Order Restoration Council (SLORC), or with the demands made on them by the ethnic armies. Some women have gone so far as to state that they feel that their life in Burma is worthless and that they have no hope in Burma under the SLORC, the military regime that has been in power in Burma since 1988. 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 stigmatized 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]Economic and Social Commission for Asia and the Pacific, "Recent Trends in International Migration In Asia," Asian Population Studies Series 137,1995, pp. 33-34.

We also gratefully acknowledge the help of Thai health workers who are working to prevent the spread of HIV/Aids along the Thai-Burmese border, and women's organizations from Burma, ethnic nationality groups, and the Burmese people who encouraged and contributed to this report. Assistance also came from Burmese friends in refugee camps along the border, from various NGO's working on women's issues and on children's issues, and others who have requested anonymity. Their efforts and advice have been vital to the completion of this study, and have made it possible for us to produce tapes for Burmese sex workers in Thailand containing information and advice on HIV/AIDS in the Shan, Akha, and Burmese languages.

The report itself is the result of collaborative research, writing, and editing efforts between Thai, Burmese and Western writers. Most of the particulars must remain confidential to protect those involved with this project. However, it should be noted that by necessity, the methodology employed changed considerably over the course of the research. While this project was conceived to represent the voices of women from Burma, attempts to do so and wise counsel have proven that this is not the straightforward task it once appeared. The researcher-interviewee relationship is inherently fraught with obstacles inhibiting the kind of self-disclosure which researchers desire to give their work "authenticity." Women's representations of their stories may vary radically depending on their situation — for example, if they are jail, in a brothel, or have not yet come to Thailand. They may be sensitive to the desires of the researcher, who may have "bought them out" (paid for their time as a customer would) for the interview, and may therefore feel compelled to give the "right" answers to questions asked them. In addition, as human beings, women may be understandably uncomfortable with this focus on their identities as only relating to their work. As another researcher observes of women working in the sex industry,

"Their aspirations to be seen as part of mainstream society mean that using their voice to speak only on sex work is not a position they are willing to take. They do not see themselves constructed so discretely."

The final product represents something of a compromise. While at times we make reference to individual stories, we have chosen for the most part to pool the voices and experiences of many women into one, to avoid exposing them and to give a better understanding of these women's lives. We have therefore tried throughout this report to present the entirety of these women's lives, rather than just focusing on them in terms of their present occupation, sex-work.

The research was undertaken in the border provinces of Thailand, inside Burma, and in Chiangmai Province. All of the contributors were either Burmese in nationality, were Burmese sex workers themselves, had extensive experience in human rights documentation in Burma, or had worked for many years alongside

Burmese sex-workers. Many of the women who have contributed to this report have chosen to remain anonymous. Thanks must be extended to Jackie, Pi Deng, Pi Sangthong, Liz, Pi Wan, Ma Hnin Hlaing Oo, Ma Hnin Pyu, Ma Khin Pyu Win, The Green Man, Mary, Pi Grib, and Say Paw Moo.

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Introduction

Burma boasts a wealth of natural resources including oil, natural gas, valuable hardwoods, marine life, wildlife, minerals, jade and other gems, and rich fertile soil. This potential for largesse contrasts starkly with the poverty suffered by most of the Burmese people, a direct result of decades of economic mismanagement and corruption within the Burmese bureaucracy. As a product of government policy, the present state of the Burmese economy and its effects on women's lives can only be understood in the context of recent Burmese history. The first two chapters of this report, "Burma Profile" and "Life Under SLORC", document the complex economic and political environment in Burma, from which women are fleeing. They raise considerations that Burmese women have stated are important to them in their decisions to migrate.

The third chapter, "The Migration Process," deals with conditions women face when they migrate. The fourth chapter, "Working Conditions" documents the terms under which many Burmese sex-workers earn a living in Thailand. The fifth chapter, "Third Countries", outlines the difficulties, especially legally, that women face in the countries where they often find themselves after their migration to Thailand.

The final conclusions and recommendations suggest ways in which the governments in the region can adapt policy and legislate for better protection of undocumented migrant labourers, particularly Burmese sex workers. The international community has a responsibility to apply continual pressure on the military regime of Burma to allow fair and multi-party elections and to immediately stop all forms of human rights abuses. Receiving countries also have the responsibility to uphold human rights for all peoples on their own territories. Furthermore, receiving countries in the region have a large and influential role to play in facilitating changes within Burma since they are, in most cases, better geographically, politically, and economically positioned to influence and intervene for a positive change in the situation in Burma.

The Situation in Burma

Situated in the Southeast Asian mainland, Burma or Myanmar borders the People's Republic of China, Tibet, India, Bangladesh, Thailand and Lao PDR. The population of Burma is approximately 46 million, comprising a myriad of diverse ethnic nationalities with distinct languages. The largest ethnic groups are the Burman, Mon, Karen, Shan (or Tai, as they are known in Thailand), Kachin, Chin and the Arakanese. Burma's internal political problems have always been coloured by the struggle between its various ethnic groups for hegemony and autonomy. Lasting for more than forty years, the civil war in Burma has been a battle mostly between ethnic minority groups and successive central government regimes, but also among the different ethnic groups themselves. War has been fed by political conflicts and racism. Since 1962, military dictatorships claiming that their rule is the only way to bring stability have controlled the troubled country. However, their effect has been the opposite. Few of Burma's inhabitants have been unscathed by economic and political turmoil that has devastated their land. Perhaps the only constant has been that people still leave Burma for the same reasons: to escape poverty and harassment under the military regime.

The policy of "divide and rule" employed by the British during the colonial period exacerbated existing antagonism between the Burmans and other ethnic groups, creating resentments that have remained to the present day. By co-opting members of ethnic groups like the Shan, Kachin, and Karen into individual companies in the Allied army, the colonial administration placed many of them in direct opposition to the Burman majority, who were fighting for liberation from the British. (An extension of this policy, refusal to negotiate cease-fires multi-laterally, is still used today by the SLORC to divide the ethnic nationalities, precluding the possibility of nation-wide peace, and making it difficult for the ethnic groups to work and live together.) After independence from the British was achieved in 1948, many of these groups took up arms to fight for self-determination. They were met by central government troops who targeted ethnic civilians and troops with equal ferocity, massacring villages in the countryside. Through the 1950s, the political situation deteriorated into chaos and outright civil war. Finally in 1962, the head of the military, General Ne Win, staged a coup and seized power from elected Prime Minister U Nu.

One of Ne Win's first moves was to radically reroute the economic path of the country under a disastrous plan known as the *"Burmese Way To Socialism."* The new government, calling itself the Burmese Socialist Programme Party (BSPP), applied what it claimed was an integrated Buddhist philosophy with a socialist economic policy, which in effect isolated the country from "foreign influences." Burma cut not only trade ties but also most forms of communication with the outside world for nearly three decades. As a result of this xenophobic isolationist policy, the country was nick-named the "Hermit of Asia". The barrier put up by the Ne Win regime also conveniently concealed many of the human rights abuses being carried out under military rule.

Twenty-six years of notorious mismanagement under the socialist regime impoverished the country. Burma was rapidly reduced from being one of the richest Southeast Asian countries to one of the poorest nations in the world. Designated a Least Developed Country by the United Nations in 1987, today the average per capita income is US$200 a year.[4] The cost of living in Burma is high, while the locally reported per capita income is not.[5] The unemployment rate is consistently increasing, with few job opportunities available, and wage-earning hours are eaten away through the endemic use of forced labour by the military.

Once among the largest of rice-exporting countries, Burma now faces rice shortages and is increasingly forced to import rice from other countries.[6] Meanwhile, the military extorts rice from villagers in the countryside, sometimes ostensibly to prevent it from being given to rebel forces. The government controls the agricultural sector by setting base prices for produce, and purchasing the products directly from the farmers. A percentage of all produce is acquired without any payment under the SLORC's "Rice Procurement Policy." Most people have no hope of a stable living under this system because the government may tax their income or harvest at any time. Additionally, farmers have also long faced constant harassment and relocation from the military, especially in rural areas where villagers are suspected of sympathizing with rebel ethnic armies. Pressure on civilian populations has often backfired, resulting in increasing support for anti-government troops.

However, government attempts to monopolize the economy have been as unsuccessful as their attempts to quash insurrection. For many years, there has existed a flourishing black market trade in drugs and other goods, particularly consumer goods not manufactured within the country, along the borders of neighbouring countries. The volume of illegal cross-border trade has consistently exceeded the legal trade in the country and kept a large portion of the real economy outside the government's control.

From the early to late eighties, trading along the border areas under the control of ethnic opposition groups was at its peak. Insurgent groups, including the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), the Mong Tai Army (MTA), the Kachin Independence Organisation (KIO) and the United Wa State Army (UWSA), traded in timber, gems, livestock, and even opium and heroin, using the profits to fund their armed and political struggles, in some cases for autonomy, and in others for federal union. Trade in timber was fostered by the readiness of the Thai logging companies, which received concessions to work in or near ethnic-controlled areas.

[4] UNICEF, "Children and Women in Myanmar: A Situation Analysis," March 1995. p. 3.

[5] The average wage for labor in Burma is 60 Kyat per day (1996-1997), while meat costs more than 600 Kyat/kg (July, 1997), making it unaffordable to most Burmese. The main dish therefore regularly consists of vegetables, chili and salt.

[6] In 1992-1993, rice price in Burma was 200-250 Kyats per basket, thereafter in 1994-1996 the price increased to 500 Kyats. In 1996, the price was even higher.

Cognizant of the currency slipping over the borders, the military government employed every measure possible to deprive the ethnic groups of this source of livelihood, including both offensives and manipulation of the currency. In 1987, the government surmised that a great deal of currency was circulating among the ethnic peoples in the border areas. Amidst shortages of rice and equipment for industry, it canceled 50 and 100 Kyat bank notes without any prior notice to the people. The expectation was that this would weaken the black-market economies on the border controlled by the ethnic opposition groups. After the first bank-note demonetization, the government issued 25, 35 and 75 Kyat bank notes. Later the same year, the military government canceled the 25, 35 and 75 Kyat bank notes wiping out 80% of the country's money in circulation.[7] Not only were Burmans in the cities and ethnic peoples in rural areas badly affected by the ploy, Burmese and Thai businessmen were also adversely hit.

Sometimes far less rational reasons have been behind demonetizations that have further destabilized the economy. Under the superstitious Ne Win, policy-making was often dependent on astrology and a form of Burmese magic called "Yaddaya." The 75 Kyat note was introduced in Ne Win's 75th year. Shortly after, these were replaced with 45 and 90 Kyat bank notes. The reason behind the change was that General Ne Win believed the number 9 to be especially lucky for him. As the sum of 4 and 5 is 9, the 45 Kyat bank note was also considered lucky. These currency changes were introduced without consideration either of their effects on ordinary citizens or of how unwieldy they are for market exchange.

Over the last three decades, from 1970 to 1997, the value of the Kyat has depreciated continuously. In 1970, 1 Burmese Kyat was worth 3 Thai Baht. In 1988, the exchange was reduced to 1 Thai Baht, and by 1992, it took 4 Kyat to purchase 1 Baht. Most recently in 1996, the Kyat has plummeted to 7 per Baht[8]. "Maew" a Burmese woman doing sex work in Chiang Rai province complained:

"The value of the Burmese Kyat is very low. Daily expenses in the village amount to 25 Kyat. But the Burmese people are very poor and do not have money nor food to eat. "[9]

The two demonetisations and other economic and political grievances helped to precipitate the 1988 uprising. While they politicized some people, the fluctuations of the Burmese Kyat have also had profound effects on people quite uninvolved in organized political struggle. Banks are hard to access in Burma, especially in rural areas, and many people still do not trust them. Burmese who have used the banking system in Burma have complained that when they went

[7]Bertil Lintner, *Outrage*, White Lotus Books, 1989, p.192.
[8]The rate quoted is the black-market exchange rate, which is commonly used among people on the street in Burma, and which has always been used on the Thai-Burmese border. The official exchange rate is approximately 6 Kyats=US $1.
[9]Interview with Burmese woman in Chiang Rai, April 26,1996.

to withdraw their money, it often took up to a month, and that funds sometimes just disappeared or were completely wiped out. Most Burmese prefer to buy gold, gems, or land than to put their money in a bank, and valuables are often buried on the family property for safe-keeping. Some Burmese women remember their families losing their life-savings under the demonetizations and currency changes, as most money was kept in cash.

In 1988, the cloaked and long-simmering criticism of the economic mismanagement under General Ne Win's government found public voice. Inflamed by the stress of the recent economic recession and demonetization of bank notes, the people's demands for a change of government culminated in uprisings calling for democracy. The uprisings were led by students and joined later by Daw Aung San Suu Kyi, the daughter of the independence hero General Aung San. The peaceful protests were brutally suppressed by the arresting and killing of many of the pro-democracy demonstrators. Finally a military junta, the State Law and Order Restoration Council, seized power in what was referred to as a military coup, though it is widely known to have been orchestrated by Ne Win and believed to have been staged to scapegoat others for the economic and political problems that the country faced.

In 1990, the SLORC held multi-party elections in which the National League for Democracy (NLD), under the direction of Daw Aung San Suu Kyi, won an overwhelming majority of votes. However to this day, the SLORC's avowedly provisional government has not handed over power to the NLD and other elected representatives, and many NLD leaders and members have since been detained or arrested. Prior to the election, Daw Aung San Suu Kyi was placed under house arrest, and was not freed until six years later. The difficult political situation and human rights abuses, including fear of persecution for the SLORC, forced thousands of the pro-democracy demonstrators, both men and women, to flee to border areas controlled by ethnic opposition armies, many of them based close to Thailand. Some demonstrators formed alliances with the ethnic groups to continue their political work, while some fled into Thailand to seek asylum. Of these refugees, some have eventually found sponsorship in a third country, while others have become part of the migrant labour work-force in Thailand.

In 1988 after the seizure of power, Burma's economic woes, combined with mounting international condemnation of its human rights abuses, forced the SLORC to abandon the self-isolation policy and seek friends in the outside world, especially among the People's Republic of China and the ASEAN countries. The regime has attempted to improve its image and bolster its position in the international scene by transforming the centralized economy to an open-market system. Foreign investors have been welcomed and trade partnerships encouraged. After 30 years of impoverishment under the *Burmese Way to Socialism,* Burma's economic system is now on its way to capitalism without a democratic foundation.

Burma has seen a large increase in investments from the ASEAN countries as a result of the ASEAN's "constructive engagement" policy with Burma. This policy is premised on the idea that increased wealth through investment will stimulate the growth of democratic institutions. However, many claim that in reality constructive engagement is just a political justification to capitalize on investment opportunities for the companies and governments of the ASEAN nations. The constructive engagement policy employed by the ASEAN countries has only functioned to further entrench the SLORC politically and done little to stimulate the growth of democratic institutions and secure the rights of Burmese women and men.

Critics of the SLORC say the greater the amount of foreign investment, the more money goes into the pockets of members of the junta or their compatriots, as these are the people most able to embark on joint-ventures with foreign investors. Since a large number of joint ventures are held under the Union of Myanmar Economic Holdings Corporation, which is partially controlled by the Directorate of Defense Procurement, the money that the SLORC receives from such undertakings is also diverted with relative ease to arms acquisitions. An estimated 40-50% of the annual budget goes to military expenditures which support the SLORC's efforts to suppress both the ethnic and Burman opposition.[10] ASEAN has steadfastly affirmed that democratic reform is possible through constructive engagement despite ever-increasing outside criticism. Burma was formally admitted as a member of ASEAN amidst international outcry in July 1997.

However, according to international human rights monitors, no improvement has been seen in the human rights situation in Burma. Since Daw Aung San Suu Kyi was released from house arrest in 1995, public confrontation between the SLORC and NLD has grown. In late November 1995, all NLD delegates walked out of the constitution-writing National Convention, widely declaimed to be a sham. Following this, the SLORC reacted quickly when the NLD attempted to convene a general meeting in Rangoon in May 1996. In the week prior to the meeting, the majority of invited delegates, a total of 262, were arrested. International outrage was further inflamed the following month when the former Scandinavian consul to Burma, James Leander Nicholls died in prison under very suspicious circumstances. He had been arrested for the crime of possessing six fax machines. Another planned NLD Congress in September drew an estimated 600 arrests. A violent blow to the democracy movement was dealt very literally, in an armed attack on Daw Aung San Suu Kyi's motorcade in November 1996, an attack almost unanimously believed to have been engineered by the SLORC military intelligence. December saw massive peaceful demonstrations by university students in Rangoon, which ended in the arrests of hundreds.

[10]Richard J. Patard, U.S. Embassy, Rangoon, "Foreign Economic Trends Report: Burma," July 1996, p. 22-24.

By the end of 1996, Amnesty International estimated that more than 2,000 political prisoners had been arrested or detained in Burma during the year, and called it the worst year for human rights violations in the country since 1988.[11]

Meanwhile, since the early 1990s, abuses against ethnic villagers in the country-side have also mounted. During this period, the SLORC have shown an ever greater desire to conclude cease-fires with the ethnic opposition. At the same time, they have displayed a greater intransigence to negotiate on political matters. The SLORC's refusal to address lasting political solutions to armed conflict has meant that virtually any cease-fire amounts to a capitulation. After rejecting repeated offers from 1993 to 1996 for negotiations with the major alliance of ethnic groups, the SLORC have launched bloody and protracted offensives against the few remaining ethnic armies that have not entered into bilateral agreements with the junta. Unable to compete with the far stronger troop numbers and weaponry of the Tatmadaw (the SLORC army), and the determination of western oil companies to build a gas pipe-line on their land, ethnic groups such as the Mon have had no choice but to sign accords or face annihilation. In cease-fire areas, including territory previously held by the Mon MNLA, Khun Sa's Shan MTA, and the Karenni KNPP (where the cease-fire lasted but three months), SLORC troops have continued to threaten villagers, rape women, take people for porters or use on forced labour projects, and extort heavy fees from them even after agreements have been concluded.

Since the SLORC seized power, they have increasingly used political maneuvers and struck trade and natural resource deals with Thailand to garner the Thai government's cooperation in stemming the insurgency and black market trade on their shared border. Simultaneously, they have mounted heavy offensives against the ethnic groups in the border regions that have had crippling effects on civilian populations. Once tolerant of border refugee camps, the Thai government's attitude towards the displaced on its border appears to be growing more unsympathetic. Thailand's booming economy and the travails of life in border regions have created perfect conditions for a new exodus of impoverished Burmese into Thailand, desperate for a means of survival. It should therefore not be surprising that Burmese people have an incentive to leave their homeland and head for Thailand.

[11]"Amnesty International Report 1997," p. 238.

BURMA AND NEIGHBOURING COUNTRIES

Map by © R. Reijers

LIFE UNDER THE SLORC

The SLORC are able to maintain their hold on power only through tight control of virtually every aspect of life in Burma. With the repression of any kind of dissent, those wishing to oppose the military regime have been forced underground. As a result, the policing measures undertaken in both urban and rural areas to root out and crush the opposition also affect ordinary people. In addition, the military exacts support in the form of "taxes" and services from the civilian population. The double burden makes life for many nearly unlivable.

Even in areas unaffected by warfare, average Burmese are regularly plagued by the SLORC's use of forced labour and its taxation policies. In order to attract foreign investors, Burma has had to engage in rapid upgrading of infrastructure. Roads, railways, an extremely controversial gas-pipeline, and a veritable legion of hotels are currently being built under various joint-ventures or government upgrading projects. The military have been only able to execute these projects by using forced labour, creating "strategic hamlets," and forcibly relocating communities. "Visit Myanmar Year 1996," which opened much later than originally planned in October 1996, was devised to draw foreign tourist dollars. Preparations for it also necessitated wide-scale infrastructure improvements. The Burmese people's sufferings have been none-too-skillfully hidden behind a facade of booming economic growth constructed with foreign investment and forced labour.

Pro-democracy groups and people who have fled to the Thai-Burma border complain that these infrastructure construction projects, which are concentrated in large cities, often result in homelessness, hidden unemployment, abuse, and slums. They have protested that the projects only benefit the investors, the members of the junta, and a scant few tourists. In some areas, people have been led to believe that these projects would create jobs and steady incomes. These promises have rarely been realized. Instead, many have lost their homes or had to pay much of their income in "beautification fees." Potential for future disasters exists in the fact that there is little consideration for the quality of work. The contractors are usually only concerned with making as much profit as quickly as possible, and the workers are usually concerned only with finishing as quickly as possible to avoid beatings by the army. The dangerous consequences of such circumstances were seen near Loikaw, when the railway, constructed primarily with forced labor, collapsed shortly after it was opened in 1995. While forced labour is common throughout Burma, it is often used to target civilians in areas of ethnic revolt.

Burmans are, however, treated with similar suspicion by the SLORC. Events within Burma over the last year have made the degree of political repression that exists within the country more transparent to the international community. Since her release, Daw Aung San Suu Kyi has called repeatedly for tripartite dialogue between the pro-democracy and ethnic groups and the SLORC.

Her entreaties and those of the ethnic groups have been flatly refused. Instead, opposition, real and suspected, on every side has faced increased harassment. The SLORC military intelligence has employed a strategy of suppression against the pro-democracy and ethnic movements. It sends agents to infiltrate the organizations seeking political change, as well as into villages and communities inside the country and on the borders, to monitor the activities of dissidents. The SLORC have proscribed the civil liberties of ordinary citizens, restricting movements and meetings under conditions tantamount to martial law. These tactics have long caused an atmosphere of fear and distrust amongst people throughout the country, and driven the opposition against the SLORC further underground. In this climate, every kind of criticism or demand for change is suspect. It remains difficult for women to organise themselves to improve their situation within Burma for these reasons.

From the time of her release in July 1995, Daw Aung San Suu Kyi held informal weekly talks on Saturdays and Sundays outside her private residence in Rangoon, which consistently attracted thousands of supporters. For many women inside Burma, Daw Aung San Suu Kyi remains a symbol of hope and freedom. People gathered at her gate in the thousands to reaffirm their faith in her leadership, despite the fact that her speeches have been regularly attacked in editorials of the official state-controlled press. Until the speeches were ended by the SLORC in September 1996, they were perhaps the only public forum in the country were people could hear and take part in open criticism of the regime.

Despite the important role Daw Aung San Suu Kyi has played in generating greater understanding of political repression in Burma, the abuses that occur in remote rural parts of the country, from which most migrants flee, remain largely unknown both to the outside world and to urban Burmese. Nonetheless, the well-documented brutality of the Burmese army is one of the primary reasons that women flee from rural areas to other countries. SLORC troops are notoriously undisciplined and operate under a policy that actively advocates cruel and inhuman treatment of ethnic people. Garrisoned in remote regions where the commanders engage in profiteering through extortion and illegal trade, the troops are frequently described as *Dacoits* (roving bands of armed gangsters)[12].

Widely feared for their unpredictability and barbarism, the soldiers employ both psychological and physical warfare against the Burmese people. Reports from throughout the country confirm a consistent record of human rights abuse of civilians by the military. Amnesty International has accorded the SLORC as having one of the most appalling human rights abuse records in the world and makes special note of their treatment of ethnic nationality groups.

[12]Interview with an internally displaced Karen in the KNU Third Brigade, August 15, 1994.

In areas where the SLORC army, the Tatmadaw, have conducted military operations, soldiers systematically engage in torture, detention, execution, forced relocation, destruction of property, looting of food, goods and domestic animals, conscription of men and women as forced labourers or porters for the military, and frequent institutionalized rape of women. Women have faced continual harassment if their husbands are suspected by the SLORC. They are subject to the same conscription for forced labour as the men, and they have sometimes been forced to marry soldiers. The civil war has 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. While men are away, fighting, serving as porters and on forced labour projects, or even imprisoned, tortured, and killed, women are often left behind to fend for themselves and their extended families. In areas of conflict, there are many war widows and orphans. Many ethnic civilian women wish only that the war would end, so that they could live their lives in peace.

A Burmese-Karen woman recently made a refugee:

"We can accept anyone to be our ruler, if he doesn't bother us and lets us live in our homeland safely, instead of having to hide in the forest... We as women are always afraid of everything. When the gun is fired, we worry for our children and look for a place to hide... When the gun is fired, the children cry because they are frightened and hungry. It is difficult to be a woman. We are always afraid that our children will starve to death, our husbands will be forced to be porters, or that we will be raped by the soldiers. When the gun is fired, we have to move and we can't do anything but to pray for peace."[13]

Another Karen woman describes the treatment of Karen villagers by the SLORC army. Her story is common among members of other ethnic groups, particularly women:

"I have never trusted the SLORC. Every time they enter our village, almost all the women are kidnapped. We were trying to explain about what the SLORC has done to the Karen people but our headman warned us that the army has threatened to come back and burn our houses and kill everyone if outsiders know of the truth. Some senior officers can control their men, otherwise the soldiers always disturb us. Sometimes they will take our rice because they are fearful that we will give it to the KNU. If we want to come back to our former area, we have to pay the SLORC army 5,000 Kyats per person. Although the SLORC takes possession of all our food, they spare no mercy in ignoring and letting us die when we are sick. They also force us to speak Burmese and enforce their Burmese law upon us. In the day, we are coerced to collect water, chop firewood. In the night, we live in fear of being raped. The conditions are worse for women but no one can help us .... They rape us because they want to eradicate the Karen race."[14]

[13]Interview with a Karen woman, Tha Song Yang, Tak Province, January 10, 1996.

[14]Interview with another Karen woman, Tha Song Yang, Tak Province, January 10, 1996.

Most of the combat in the civil war occurs in the mountainous border regions. The lack of infrastructure in Burma requires transportation of many goods by foot, and the porters who perform this work are subject to severe human rights abuses. Military porters are forced to carry munitions and rations often in excess of 30 kilograms. Women do not escape such injustice. While serving as porters, many women are raped, some fall ill from the harsh conditions and never recover. When SLORC soldiers are on patrol, porters are also made to serve as human shields, forced to walk ahead of the soldiers. Any who escapes and is re-arrested is killed. Porters are often beaten while carrying their loads. In addition, they must carry their own food because no food or medicine are provided. If anyone falls sick, they are left behind so as not to slow down the column. Any civilian wishing to escape portering must pay hefty fines to the army. However, these bribes do not guarantee complete safety. Some women are still forced to be porters, and many may have to pay further money in the following months to avoid portering duty. In some areas, the few villagers who can afford to pay the exemption money still must hire local ethnic people to work in their places.

Villagers are frequently tortured by the SLORC as suspected sympathizers with opposition groups. In fact, often villagers do not want to support any armed minority group, but are required to provide food and domestic animals to support the army that controls their area.

"Maew", the Burmese woman, explains further:

"If the family has rice, ducks, or chickens, the Burmese soldiers confiscate them. They would ask for the same amount of produce every year regardless of the size of our farms or the harvest for the year. When the harvest is not bountiful and sufficient for our own daily consumption, we have to buy rice from others both for ourselves and for the [Burmese] soldiers. All of us do not want to work in the fields anymore because of this. The life of a Burmese woman is very difficult. If somebody mentions work in Thailand, everyone in the village would want to follow even though they would have to pay a high price."[15]

Many local villagers are recruited into the ethnic armed forces, sometimes by choice and sometimes by circumstance. The men are often absent serving with opposition troops, or are forced to leave the villages on report that the SLORC army is approaching, to escape both porter duty and harassment. Thus women in rural ethnic areas with no means to protect themselves, are particularly vulnerable to rape by Tatmadaw soldiers.

[15]Interview with a Burmese woman in Chiang Rai, April 26, 1996.

Women face discrimination not only from the military regime, but also from society. Gender distinctions and bias are clearly apparent in Burmese law. For example, women under the age of twenty must have the consent of their parents or a guardian in order to contract a valid marriage. Women's rights to self-determination before the age of twenty are thus not acknowledged, despite the fact that many women take care of families and make life decisions well before this age. In traditional Burmese society, a woman who has been raped is no longer considered desirable by men for marriage and will often live with ongoing shame and guilt if she remains in her village. Her position in society is often defined by her gender. By law, according to section 375 of the Penal Code, a man is said to commit rape when he has sexual intercourse with a girl, with or without her consent, when she is under fourteen years of age, however the commonplace occurrence of rapes committed by the military are never brought to trial.

As one Burmese woman who fled to work in the Thai sex industry explained,

"Every time we hear that the SLORC is coming to our village, we prepare our meal before dark and take our food to hide in the forest, because every time the soldiers come, they would rape us. Many women have been caught and taken to the senior officers. After the officers have raped the women, they would be given to the other men. Women who have been caught by the soldiers are considered by their own village as bad women because people gossip about her that she has lost her virginity. Those women who are too ashamed, move to another area or flee to Thailand to be sex workers. Victims often think that since they have already lost their virginity, it is better for them to work as a prostitute than being a sex object for soldiers, for they could earn money and send back to their parents in Burma. "[16]

The volatile situation that exists in conflict areas leaves women with the burden of responsibility for the livelihood and safety of their families. Unable to protect themselves, more and more women and their families are driven to flee their homes for uncertain futures, as migrants or refugees. Even when women arrive at refugee camps or in areas under ethnic army control, they often find limited safety there, as most of the camps are close to war-zones, and many are subject to attacks by the Burmese army and other armed groups. Refugee camps in Thailand are an option for very few people from Karen and Karenni States. For Shan people it is almost impossible for them to enter camps as the Thai Government has never allowed Shan refugee camps to be set up. Most women coming into Northern Thailand for employment are from the Shan State in Burma.[17]

In the refugee camps, with limited assistance available, woman and children are forced to live without proper health care, educational facilities, or employment. The decision to enter a refugee camp is usually only taken after painful forethought, for it is well-known that few of the people in refugee camps have ever returned to their homes in Burma. Rumours abound that the border refugee

[16] Interviewed a sex worker, Mae Sai, Chiang Rai, June 12 1995.

[17] Interview with an NGO worker in Chiang Mai, May 25, 1997.

camps may face repatriation, and that camps themselves are sometimes infiltrated by SLORC informers. Because of this, living in a refugee camp is an unpalatable choice, and one that is open to very few. For some, migration to work remains another choice.

Most people deciding to cross the border and try their luck in the illegal labour industry in Thailand come with members of their families, and often have the responsibility of providing for and taking care of them. Some of these family members are ill, injured, aged or too young to work, so often migrant labourers are supporting more than one person. While refugees in camps have basic needs provided for, Shan and other ethnic migrants who leave land or families in Shan State must often take care of these dependents, and send back income to ensure that their family members in Burma can survive.

For women, it is an even more momentous decision to migrate than for men. Traditionally, women have not been expected to migrate for work. Their role has been to maintain the home to which men can return, and to keep the community together while the men are away. Because of the escalation of human rights abuses in ethnic areas, the pattern of migration has changed. Now whole families are leaving their homes. Many women are not fleeing from potential dangers, but from the actuality of rape and abuse, and the consequent stigmatization that they face.

Within Burma there is little chance of finding work in other areas for most women, and in particular for young, ethnic women. Many of those living in border areas do not speak Burmese fluently, and therefore are unlikely to be able to travel or find work in cities. It is traditionally very uncommon for women under the age of twenty-five to travel alone. Identification cards and travel passes are often required by the SLORC, both to cross check-points and to purchase travel tickets, even on ordinary line-cars in border areas. However such official documentation is denied to most of the ethnic peoples under ethnocentric citizenship laws. By virtue of the government's failure to provide adequate social services, women in Burma and again, particularly ethnic women, have severely limited access to education. Lack of education and skills further reduces their opportunities for work outside their communities.

Often with no official acknowledgment of citizenship from Burma, women's internal sense of "nationality" may come from her identification with her ethnic group, which is not confined by the legal boundaries of the nation-state. An Akha woman may live in country defined as Thailand or Burma, however, she will recognize herself as Akha and will be recognized by others as such also. Akha people know the mountains and can travel long distances to other Akha villages, where they communicate in Akha and share a common culture. Similarly, there are strong links between the Shan of Shan State and the *Lanna* present in Northern Thailand, where the language-group is the same and there are many shared cultural characteristics. Moving to work in *Lanna* (Northern Thailand) may feel more familiar and may be closer in distance for Shan people, than moving from Shan State to work in "Burmese" Rangoon.

With this in mind, it is hardly surprising that increasing numbers of Burmese, particularly members of border ethnic minorities, are migrating to Thailand. Every day, Burmese leave to escape impoverishment and the lack of economic opportunity in their country, as well as looting, torture, forced labour, and rape by the Burmese military. For most, the only option of migration is illegal flight over the closest border. Concurrently, neighbouring countries including Thailand, Malaysia, Singapore and China are enjoying unprecedented rates of economic growth. As there is an infinite demand for cheap labour in Thailand, Burmese people continue to flood across the border by the thousands.

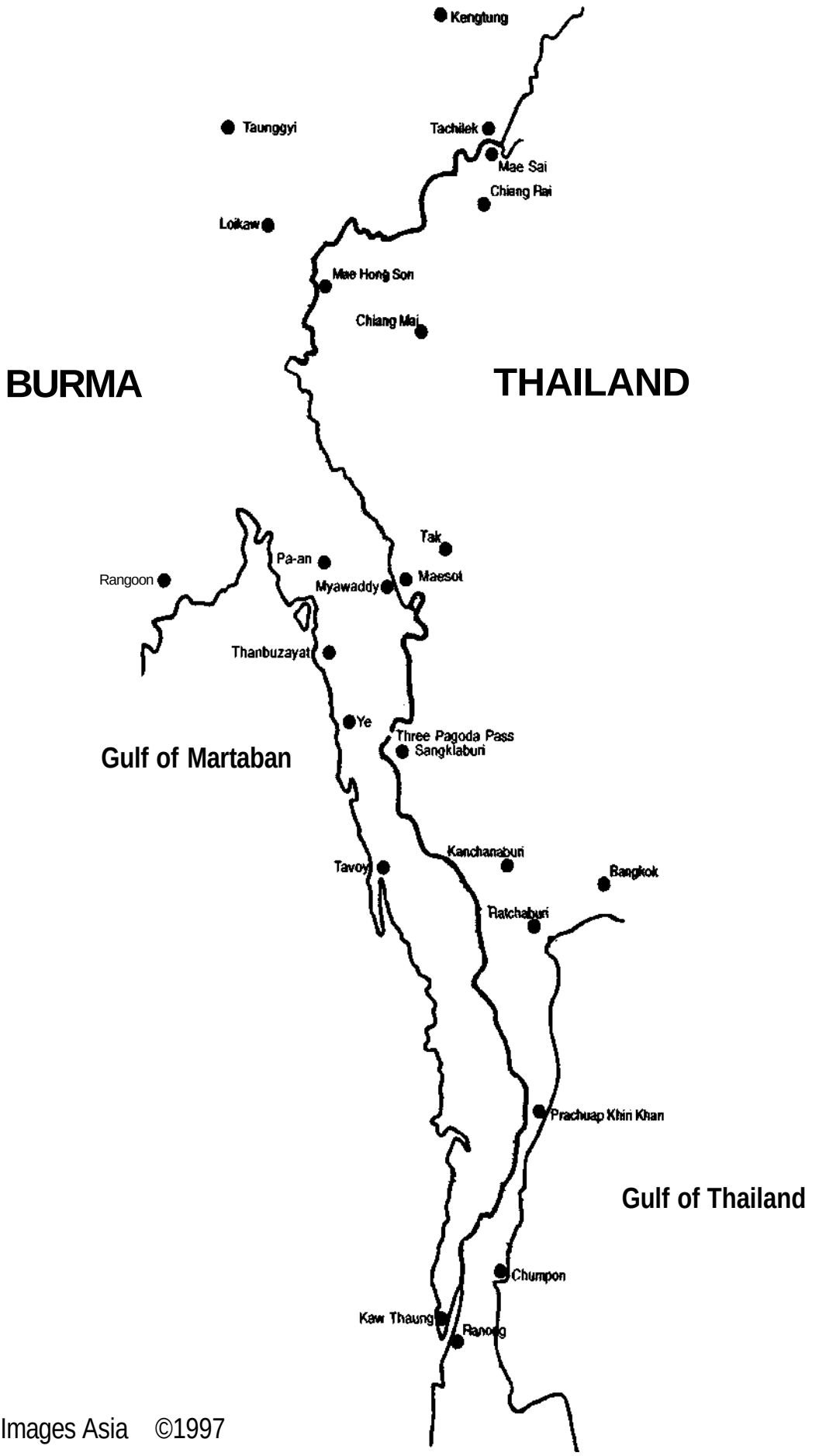
A worker in a fishing boat in Ranong said:

"If we still lived in Burma, we would be forced to work at gun point. Everybody would be conscripted. Previously only men came to Thailand where they earned enough money and sent it home. However, their families had no chance of using it because they had to pay the Burmese soldiers. Some family members were conscripted even before receiving the money. Thus of late, the workers began to bring their spouse to Thailand. Older people who didn't want to leave their village would be left alone. When the Thaokae (Thai employer) need more workers, we would persuade our neighbors to work in Thailand. Sometimes the whole village has left. Now in Ye and Tavoy you can find many deserted villages. All the people have gone to Thailand. Only dogs take care of the houses."[18]

This situation provides migrants with many opportunities for labor, though most are illegal and in jobs considered undesirable by the citizens of those countries, jobs described by people in Thailand as the "3-D-jobs": Dirty, Dangerous, and Difficult. The majority work as unskilled labourers on construction sites, as seamen, or in industrial or small-scale factories. Burmese women are channeled into work such as construction site labourers, farm hands, domestic maids or as sex-workers in the sex industry. Currently, the illegal migration of Burmese into Thailand is estimated at over one million, excluding refugees residing along the borders and the pro-democracy dissidents who escaped the suppression after the 1988 uprisings. Thai entrepreneurs favour cheap Burmese labour as a means to reducing production costs. It is certain that Burmese workers have played a role of paramount importance in the economic growth of Thailand.

[18] Interview a Burmese worker in Ranong, 24 June 1996

BURMA - THAILAND BORDER



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THE MIGRATION PROCESS

The human rights abuses, committed by the SLORC and its army and as a result of prolonged civil war continue to devastate communities throughout Burma. They continue to threaten and devastate the lives of people, and thus are central considerations for women in their decisions to migrate. The fundamental political and economic conditions in Burma must be changed, and the human rights abuses stopped, before women can be in the position to make real choices about migration.

"Moo", now a labourer working in Ranong Province explained how she fled the country:

"Having joined the democracy protests in the eighties, I left Burma to escape the brutality of the army which killed many of my friends. Although I was wounded and was sent to a hospital by a friend, the soldiers continued to pursue me and others who were in the hospital. Many who had not recovered from their wounds were sent to prisons. But I escaped to Ranong. On arrival there, I found that I had no where to go, no relatives and no money. A Thai approached me and told me that he knew of some work for me with a place to stay, so I believed him. When I arrived there, I saw many Burmese girls staying in one room.... it was only a while later that I knew that we had all been deceived. Although we did not want to become prostitutes, we had no choice because we would be punished if we did not work. I have learned that being a woman is very difficult, especially for a Burmese woman...."[19]

It may be a myth that all migrant workers will make their fortune in Thailand, but it is not a myth that the abuses committed by the military, which go unquestioned in Burma, would be questioned if they occurred in Thailand. In Thailand there is the hope of justice because there is a level of respect for the rule of law. In Burma there is no respect for the rule of law, as laws routinely are created and changed arbitrarily by the SLORC and arbitrarily enforced, if at all. Stories that filter through Burma about freedom enjoyed Thailand, are not necessarily true for the experiences of migrant sex-workers, but they offer a vision of a society with more hope and freedom.

"Nit" is a sex-worker in a "closed brothel"[20] in Chiang Mai. She lives and works in the same room, is not allowed out of the brothel, and her debt increases as fast as it diminishes. An NGO worker asked her to write something to discourage other Burmese women to come to Thailand. Nit replied:

[19]Interview with a Burmese woman in Ranong, June 23, 1995.

[20] A "closed brothel" refers to a venue in which sex is sold which does not advertise, where women are not allowed to leave the premises, and where there are no other k
income-generating activities being performed.

"I can't -- I understand why they want to come. When I was at home I could do nothing for my family. Through coming here they have some money and when I've paid my debt I'll....." The NGO worker further explained, *"there were many things Nit wanted to do; sometimes to go home, sometimes to work in some other trade, sometimes to see other parts of Thailand. She had many dreams, in Thailand she could afford to have dreams."*[21]

The largely mountainous border which Thailand shares with Burma is approximately 2,000 kilometers long, and is often described as "porous" because of the great number of unpaved roads and footpaths that snake across it. It extends from the 'Golden Triangle' in the north where Thailand, Laos, and Burma meet on the banks of the Mekong River, to the southern ports of Kawthaung and Ranong which face each other across a narrow harbour. It is relatively easy for Burmese people to be brought across by a variety of routes which are difficult for the SLORC and Thai armies to monitor.

The northernmost part of Burma bordering Thailand is the Shan State, which is a large, multi-ethnic state. It is situated opposite the Thai provinces of Chiang Rai, Chiang Mai and Mae Hong Son. Descending in order southward down the border on the Burmese side are the Karenni State, adjacent to Mae Hong Son Province; the Karen State, adjacent to Mae Hong Son and Tak Province; the Mon State, adjacent to Kanchanaburi Province; and in the southernmost stretch, the Tenasserim Division, opposite Ratchburi and Prachuab Kiri Kan. Along this border a number of "official" permanent passes have been opened in a joint agreement between the Thai and Burmese governments: Mae Sai in Chiang Rai Province (opposite the town of Tachilek in the Shan State), Mae Sot in Tak Province (opposite the town of Myawaddy in Karen State), Sangklaburi in Kachanaburi Province (opposite Three Pagodas Pass in Karen State) and Muang District Pass in Ranong (opposite Kawthaung -- also known as Victoria Point -- in the southern tip of Burma's Tenasserim Division). These border passes are controlled by the *Tatmadaw* and immigration officials on the Burmese side, and Thai immigration, customs, and Border Police Patrol units on the Thai side. These passes are frequently closed and opened due to border disputes between the two countries. In addition to these permanent points, there are many smaller, temporary check-points which have been opened legally and illegally to facilitate local and black-market trade.

The apparently simple act of traveling from villages and towns in Burma to the Thai border presents huge obstacles for Burmese peoples. On the way, travelers can be plagued with breakdowns of vehicles, some of which are over 50 years old; "taxed" repeatedly by various armies including the Burmese army or *Tatmadaw;* trapped in deep mud, cut off by landslides or floods; unable to buy petrol or diesel fuel; captured for officially sanctioned forced labour projects or porter duty; blocked by warring armies; or detained by officious, suspicious, and corrupt authorities.

[21]Excerpt from an interview with an NGO worker, Chiang Mai, May 1997.

It is difficult for many people to get identification cards, and they are scrupulously checked when buying tickets or traveling in border regions (for example, through Shan State to Tachilek on the way to Thailand); occasionally, official procedures can be circumvented, but only through the payment of heavy bribes. Despite these daunting obstacles and the multitude of troubles that the traveler can face from border officials, hundreds of thousands of women and men take the risks in order to gain access to the relatively great financial rewards possible from getting work in Thailand.

Increased ease of travel has made the decision somewhat easier. In 1990, when the SLORC and Thai government agreed to open the official border crossing points, it became easier for more Burmese to cross the border into Thailand through these channels. This easing of traveling restrictions has indirectly opened up more opportunities for Burmese people to be assisted out of the country. In some cases, nationals of Burma, Laos, Cambodia and Malaysia can enter Thailand using a border pass issued at border checkpoints. The border pass is generally allows an individual to stay for short periods of time (usually one to three days) and restricts the holder to travel in the border area only. It does not allow entrants to work.

In addition, expansion and improvement of existing road networks has decreased travel time. Some of the road-building has been undertaken through multi-lateral development agreements, and much of it is suited to SLORC's military purposes. Projects implemented under the "Economic Growth Quadrangle" agreement between Thailand, Laos, Burma, and China include road-building from Kengtung (Shan State) to Tachilek (bordering Thailand) and from Kengtung to Xipsong Panna (Yunnan, China). Traveling especially to places in the "Golden Triangle" region near the junction between Laos, Burma, and Thailand has been made increasingly convenient since the implementation of these projects. To illustrate, in 1993 the 388 mile journey from the Taunggyi, the Shan State capital, to Keng Tung in the far eastern part of the State took one or two days on the government-controlled road, compared to an average of 10 to 15 days in 1985. From Keng Tung down to the border town of Tachilek, in 1993 it took around 6 hours, compared to from one to four weeks ten years before.[22] Burmese people from Shan State now cross the border check point at Mae Sai every day.

To many Burmese people, Thailand has been portrayed as a rich, abundant and beautiful country with high standards of living. The impression is that anyone in search of work can come to Thailand, find a job and return home quickly with a large amount of money. Thailand is now often perceived as a land where "the streets are paved with gold", a place where everyone can make their fortune.

[22]Doug J. Porter. *Wheeling and Dealing: HIV and Development on the Shan State Borders of Myanmar*, UNDP 1994, pp. 36-38.

"Na", a Shan woman currently doing sex work in Mae Sai, Chiang Rai Province, related,

"I had heard from the local news that Mae Sai was a very prosperous town. I wanted to see Thailand. A person who came to bring goods from Tachilek asked me if I would help him sell his goods [in Thailand]. I thought that if I did so, I would surely earn some decent money. I decided not to tell my parents that I was coming here since I thought I would only be here for a short time."[23]

However access to "real" information concerning Thailand is very difficult to obtain in Burma, as there are severe restrictions on freedom of the press and freedom of speech. Little accurate information about Thailand appears in the newspapers, all of which are propaganda mouthpieces of the military junta. It is therefore impossible for the population to get up-to-date information about the situation in neighbouring countries, to learn about their laws, regulations, and living and working conditions. The only accessible information available may be from returning workers, who often do not want to recount the bad times for fear of worrying their families. When workers return with money, the myth of Thailand is re-enforced, and no-one need know of the traumas they have faced. Those who return with no money do not want to lose face, and will at least have tales to tell of their adventures. As with men at war, their horror stories do not come out until many years later. In the case of those who do not return, people back home keep waiting, hoping that those absent have made their fortunes. For indeed, there is nothing else to do. There are no channels for Burmese people to contact Thai authorities when they are worried about a relative who has not returned.

Most women recounted similar stories of their preconceptions of Thailand before they arrived. "Nok" a Burmese woman doing sex-work in Mae Hong Son Province related,

"Somebody said that there is a lot of high-paying work in Thailand and anyone can come and bring back the money they earned. Everyone in Burma wants to come here to work. Nobody wants to stay in the country [Burma] and work there."[24]

"Kai", a Burmese sex-worker, living in Mae Sod, Tak province, echoed her words:

"Everybody wants to come to Thailand to work. Even though their parents would not allow it, women would still escape because they want to help their poor families in Burma."[25]

[23] Interview with a Shan woman, Mae Sai, March 16, 1995.
[24] Interview with a Burmese woman, Mae Hong Son, April 20,1995.
[25] Interview with a Burmese woman, Mae Sod, June 15, 1995.

The structure of the family has changed in order to accommodate the oppression of life in Burma. In many cases, young women have taken it upon themselves to make a move to guarantee the survival of their families. As Kai suggests, what she is doing by coming to work in Thailand is not acceptable to her parents. She has disobeyed her family by leaving home, even though her decision to do so is based on her attempt to ensure her family's survival and her capacity in taking on a role that could help. Despite the purity of her motives, she cannot be sure how she will be accepted when she returns home.

Women's decisions to assist their families by migrating in search of work are not made lightly or without due cause. Unfortunately, after their conscious deliberation to make a life-change that will bring good to their families, most women will find a great deal of the decision-making process will be taken out of their hands. Illegal labour migrants find employment in a number of ways. The most common method is through an agent. Even before crossing the border, most women are dependent on the services of agents and brokers who are motivated by profit not altruism. These agents travel widely in border regions and are remarkably tenacious. Some agents may go to the actual villages in Burma to recruit labour. Most commonly they wait at the border points and collect the workers from cafes to transport them to work-sites.

One young Shan sex-worker in Chiang Rai spent many months deliberating over whether she should bring her sister down from the border area of China. She feared for her sister's safety at home, but she also feared for her safety in Thailand. She tried to make as many plans as possible to protect her sister if she came. She negotiated moving out of the brothel where she was working and renting a room so her sister would have somewhere to stay. She saved her money so her sister could have food, and her dream was to find somewhere for her sister to study. With the plan in place as far as it could be, she returned home to get her sister. But on her arrival she found that an agent had been to her village and already taken her sister and two other young women to Thailand. She was very distraught when she returned to Thailand, blaming herself for her delay in making a decision. Her younger sister subsequently contacted her through a network within the industry and asked assistance in getting out of her brothel in Central Thailand. The young woman's release was negotiated and she went to stay with her sister in Chiang Rai. Tragically, she had already been forced to sleep with customers without condoms.

The dependence on using agents to find employment puts women at an immediate disadvantage. Women migrating often have little money and no understanding of Thai language. Most know the names of only a few towns or cities within Thailand but are unaware of their geographical locations. They are often not told their ultimate destinations by the agent, upon whom, as illegal immigrants, they are dependent. They have little power to bargain, make requests, or extricate themselves when they find themselves in situations that they neither anticipated nor wanted.

"Noi" told a Thai official:

"I told the person who brought me here that I would like to work in Mae Sod.... I knew then that the place I was in was not in Mae Sod but Ta Phan Hin, Phichit Province. I was able to escape because I asked for the directions to Mae Sod."[26]

The vast majority of migrant workers coming from Burma to Thailand, enter the country illegally, with no legal contracts of work. By law, they can be arrested and charged with illegal entry, held in a police station or the deportation centre, and deported back to Burma. Anyone providing assistance, outside of hospitals, can also be charged with harbouring illegal migrants.

There are frequent reports of unscrupulous Thai government officials taking advantage of migrants' vulnerable status and charging high fees to transport migrants from the border to work-sites and arrange employment. As mentioned, most women coming to the border have little or no money, and generally do not carry money with them because they fear it being stolen. When the agent charges for travel to a job placement, women must borrow the money, and a debt is immediately incurred. (See the following chapter for more information about debts women bear.) From the moment they leave their homes, most women become increasingly indebted throughout the course of their migration.

The type of work the agent offers will depend on the situation of the person at the point of entry. It may depend on whether the person is a single woman, a man, or someone traveling with their family. It may also depend on the job market at any particular time, as some work such as fruit-picking and harvesting is seasonal, and on the frequency of police raids. The system is essentially the same whether workers are being taken into factories, brothels, construction sites, farms or domestic houses. None of these jobs can be obtained legally, so there is usually only a verbal agreement at best. Even if the offer of a job happens to be written, it is not binding and cannot be used legally. Deception and cheating are thus inherent in the system.

Most women understand that, when starting work, they are entering into a short-term contract. The length of "contract" often discussed between the worker and the agent is a year, usually from Thai New Year to Thai New Year (the traditional time when people return to their families). There is generally an understanding on the part of the woman that she will be free to leave after "a short time", that is, after a year or so when she has made enough money, paid off her debts, or wants to go home. In reality, the decision to go home does not rest with the woman, and she is not free to control her future and act upon it.

[26]Interview with a Burmese woman, Mae Sod, June 17, 1995.

Until the recent amnesty for illegal workers in Thailand, there had been no legal work available in Thailand for Burmese migrants. The effects of the recent changes in migration policy in Thailand allowing illegal migrant workers to work legally in Thailand for up to two years, are limited because they apply only to a few unskilled occupations. The choices available to women are primarily as domestic help, construction labourers, and farm-hands. As prostitution is illegal, those women working in the sex industry remain ineligible for work permits.

In Thailand, working passes have been granted at certain locations for migrant labour along the borders, most often for fishermen in Rayong Province. Some migrants do not have the identification papers necessary to obtain a border pass.

Some dispensations have been given to illegal workers at times when intensive labour was needed, for example, for the building of the South-East Asian Games Sports Stadium in Chiang Mai in 1994. However these dispensations cannot be seen as laws which provide protection for migrant workers, because they have been easily reversed when the political climate has changed. This was the case when SEA Games Stadium construction was nearing completion, and all the people working illegally on the site were arrested. The arrests occurred at a time when the government was rounding up illegal migrant workers, including sex workers.

The dangers for women working in the sex industry in Thailand are real and serious. The Crime Suppression Division in Thailand conducts raids on brothels supposedly to "free" women. However, once found, any woman over 18 may be charged with illegal entry and with prostitution. It is often said that migrant workers are invisible workers. This can particularly said of migrant sex-workers as they are kept apart from society, silenced, and looked down upon; they are invisible workers doing invisible work.

The decision to migrate is not an easy decision. The necessity of escaping the terrible conditions at home in Burma combined with the attractive stories told about Thailand, make it an obvious choice. Women take into account the survival and future of their family and set off on their journeys with fear, but also with great hope. Many women have made the decision to migrate to Thailand. No woman has decided to be exploited and abused. Some women have made the decision to work in the sex-industry. None of them have decided to be locked up, isolated, and forced to sleep with all customers. Yet these are the circumstances in which many women will find themselves. If this is to change, women must be able to control their own migration during all stages of the process.

WORKING CONDITIONS IN THAI BROTHELS

Most Burmese women who arrive in Thailand for the first time and are taken to a brothel face the worst working environments in the sex-industry. Because of their legal status, Burmese women are ineligible for work in licensed venues such as karaoke bars and nightclubs. Denied a voice in determining their basic working conditions and without legal protection, they daily face mounting debts, arrest and deportation, and great risks to their health, especially from exposure to STDs (sexually transmitted diseases) including HIV.

Brothels are usually situated in areas which are not accessible to other women. Sex-work is an illegal business, and its customers are men. Initially, in order to get work in a brothel, women have to be taken there by someone else. This person may be someone who is in the employ of a brothel or several brothels and goes out to deliberately bring women in to the brothel, to then sell them to the owner. In many cases this person is a relative, another sex-worker, or a person of authority who runs a syndicate.

If a woman has already had some experience of working in the sex-industry in Thailand, she may be able to find her own job by walking straight in to a brothel and asking for employment. This does not ensure, however that she will start off work without a debt. Sometimes, she may have to ask for an advance on her salary to send money home, to relieve some crisis such as an urgent need for medicine for her brother or rice for her children. She may also be told she must take an advance in order to buy make-up and the appropriate clothes. In addition, an exorbitant interest rate will be charged on the initial debt.

In one brothel in Chiang Mai, the brothel owner told the women that he was unable to pay them at the end of the month and would pay them on the 5th day of the next month. The women, however, had regular bills which needed to be paid the last day of the month, for their laundry, clothes, and cosmetics, all bought on credit. The brothel owner offered an advance on their pay on the condition that the sex-workers pay 20% interest for the five days that they had borrowed the money - money which was already due to them.

Whatever the original amount of the "debt" a woman incurs entering a brothel, every woman will have the costs of her board, lodging, and other necessities added to this amount daily. Women who are not allowed to leave their brothels must rely on vendors who visit to sell them goods at inflated prices. Often these goods have previously been confiscated during police raids on unlicensed street vendors. The people reselling the goods frequently find themselves with a captive market, as the women do not have freedom of movement to buy from other sources.

Despite the fact that these debts are often unfair, and that many are not actually incurred through the actions of the women, women may still interpret them as personal liabilities. An NGO worker told of one women showing symptoms of an Aids-related illness, who explained why she wouldn't leave the brothel before her debt was paid. The women feared absconding on her debt would have negative ramifications for her next life: she might become a ghost in one of the realms of bad spirits, inhibiting her rebirth. She considered her debt to the brothel owner a debt of honour, and not paying it could cause recriminations against her soul or her family.

Usually living on the brothel premises is compulsory. Often these lodgings provided by the owner are unhealthy, poorly-maintained, dirty buildings, in which each woman usually has one tiny room in which to live and service customers. Women from Burma are unlikely to be informed how to access alternative accommodation. For these women, living in the brothel also gives them some nominal protection from arrest.

As all sex work is illegal in Thailand, the brothel owner is required to pay a large monthly bribe to local police for protection against raids. The brothel owner reimburses her/himself for this amount by adding it to the women's daily costs and thereby it becomes part of the total "debt" that the women must pay. The "protection" from raids is meant to ensure women can work free from the threat of arrest, however this is by no means any guarantee that they will not be arrested. In one raid in district of Rayong, reported in *The Manager* Thai language newspaper on the September 30, 1993, the police found and arrested 100 Burmese women aged between 15 and 20. The owner of the brothel was himself a former policeman.

Burmese women working in Thailand often have few or no Thai language skills. Thai is a language not commonly spoken in Burma, except in a few border towns, and migrants have little or no prior experience with it. The sound of Thai is very different from most ethnic languages and from Burmese. Most of the women who migrate from Burma are not literate in any language. Their opportunities for learning Thai are few, particularly when they are working in an illegal brothel. Without the language of the host country, the vulnerability of migrant women is further magnified and complicated. It may be of some advantage to the brothel owner if the workers cannot speak the local language fluently, as it keeps them dependent on the owner. The inability to communicate in the local language intensifies the women's social and psychological isolation and helps to keep them in a position where they can do little to improve their situation.

The health system in Thailand is ethically bound to give treatment to anybody presenting with an illness, but it is an ethic which is not publicised. Most migrant workers fear arrest if they present themselves at a hospital. Socially, ethnic minorities face discrimination and prejudice in Thailand. They are looked down upon as illiterate, unable to speak Thai without an accent, and are often assumed to be takers and dealers of drugs. The contempt with which they are sometimes treated can mean that their access to services is limited.

When women working in the sex industry become ill, they are not given the freedom or the assistance to access good medical care. Women usually begin work in a condition of very poor health. Many women from Burma arrive in Thailand anemic as a result of malnutrition, their lack of previous access to health care, and the long-term and extreme levels of stress under which they have always lived. Some come with chronic chest infections, and all have poor immunity, rendering them highly susceptible to infectious diseases like HIV/Aids. Women from Burma, due to their illegal status in Thailand, are understandably afraid of seeking health care from the cheaper, more effective government services. The brothel owners do not inform the women that they have a right to medical treatment regardless of their illegal immigrant status. As a result, women use medications bought by customers, or are sometimes taken to expensive private clinics for treatment, where the cost of the medication is added to their "debt".

Thai Public Health STD clinics have tried to make themselves available to all sex-workers, but they do not employ any translators. There have been occasions when Immigration officials have waited outside the clinics to arrest illegal migrants. It is very common in Thailand to find a clinic set up in a brothel area. Though the services offered depend on the individual doctor, their creditability is often dubious. Many of the pharmacies in the areas where brothels are concentrated sell "ya chut," a small bag of three different types of pills, issued to treat a variety of general symptoms.

Once, when one local nurse realized that some of these pills given to a sex-worker to treat an STD were antibiotics, she questioned the pharmacist as to why she had not given the woman the full course. The pharmacist replied that she felt sorry for the women, knowing that they had very little money, and so gave them what she thought they could afford. As a consequence of insufficient medication, the women's resistance to antibiotics is increased, and STDs cannot be completely or effectively treated.

It is also becoming increasingly common to find plastic surgeons opening practices in brothel areas. Pressure is put on the women in brothels to have various augmentation procedures performed, such as "nose bridges", two-layered eyelids, or whatever the fashion of the moment deems necessary to make women more attractive. These are obviously expensive cosmetic surgery practices, and the safety of these operations is not guaranteed.

Sex-work differs from other types of migrant labour in the nature of the earnings. A woman's "price" (as referred to below) is the amount that the brothel owner demands for her services each time she sleeps with a customer. The woman receives only a small fraction of this amount. A woman's earnings per customer remain relatively stable over entire the time that she stays in one brothel. However, the amount that the brothel owner is able to ask from customers for the woman decreases steadily. Women who enter a brothel as virgins attract a very high price for the owner during the first month, after which the price customers pay consistently depreciates.

One sex worker related:

"Sometimes, the guests would be drunk but some would not hit us. Several of the girls would not be paid during their first time, which usually amounts to 15,000 Baht (for the agent or owner). The agent would get all the money and would instruct the bouncers to hit or slap us if we refused to obey. He would tell us that we would be able to earn a lot of money if we obeyed him, that every time someone sleeps with me, my debt would decrease. Everyone has to work to pay off her debts. At that time, I did not know what he meant by my debt.... After 3-4 times, our price decreased slightly. The second time would cost around 9,000 Baht and then 5,000 - 6,000 Baht. The third time, it would decrease to 3,500 - 4,000 Baht. We have learned that if we do not sleep with our guests, we would be hit or punished. In the end, we would be paying off this debt so we just did what they told us to do. Anyway, it would be over in just a few minutes"[27]

It is interesting to note that brothels which had the highest number of Burmese were also the brothels charging the cheapest prices for sex. Most charged 30 - 50 Baht, with only a few charging 100 Baht. In comparison, at places where there were no hill-tribe or Burmese women, the price ranged from 100 - 3,000 Baht, with the majority falling into the 500 - 1,000 Baht category. This pattern has continued since 1991, with the percentage of Burmese and hill-tribe women in the cheaper brothels increasing. Thai women have not been pushed out of the market. Rather, they have moved up into a new market of more expensive karaoke and go-go bars which has developed, a market which, though far from ideal, does offer better wages and safer working conditions. This market, however, is not readily open to illegal migrants.

It is impossible to obtain overall accurate figures concerning the number of Burmese women in the sex-industry in Thailand, but during July 1st - 12th 1991, the Public Health Department in Chiang Mai implemented a survey entitled "Venues Where Diseases are Transmitted" in the city of Chiang Mai. Of 120 establishments with 2,136 sex-workers, they reported that 86 women were Burmese and another 85 were from "hill-tribes" (the study did not specify whether their country of origin was Burma or Thailand).

Brothel owners are continually looking for new workers and are happy to get rid of women who have been working in their brothel for some time. A constant turnover of workers guarantees more customers will come to the premises to view the new attractions. Some brothels have a system for getting a constant new supply of women and selling their old staff to other brothels or arranging exchanges. Virgins are kept as long as the clients are willing to pay the high prices for them. Often during this time, they are also used as cleaners for the brothels or baby-sitters for the owner's children. The owner is usually in no hurry to sell them as he can exploit their labour in the meantime and will wait until he is offered the best price.

[27]Interview with an Akha woman, Chiang Mai, May 16, 1995.

"Ai", a sex worker in Mae Sai, stated that:

"Most of the clients here come from Singapore, Taiwan, Japan and Hong Kong. These foreigners would ask someone to contact the girl's or woman's "father" (or the owner of the brothel) to request a virgin. Once they know that there are virgins available, they would negotiate to sleep with them. Those who often come for this reason are always checking with the brothels to check if there are any new arrivals. When they come, they would first look at the girl, and then sleep with her there.... When I first started, there was a man from Hong Kong who would always come to enquire about new girls and would even sleep with two girls at one time".[28]

Women do not receive their wages in cash. As part of the work practice, women are given "tokens" every time they have a customer so that the money always passes directly to the hands of the owner before it reaches the women. At the end of the month, the "tokens" are counted, and the women are paid accordingly. They are told that they get half of the rate the customer pays (between 80 and 200 Baht). Invariably the brothel owners "protect" the women's money by keeping it for them. Women who have never had an opportunity to learn to calculate numbers are dependent on the honesty of the brothel owners to manage their finances, for example, to multiply the tokens by the price, deduct it from the women's debt, and to tell them when their "debt" has been paid off and how much they have in "savings." Most women will never handle their own money until they leave a brothel. Cases are known where many women had worked for well over a year, only to find that the brothel owner refused to give them the wages that they knew they were entitled to.

There have also been cases of police raids, where the women are taken off the premises to avoid arrest and upon their return they have found their savings or belongings had been stolen. The brothel owner usually blames one of the women for the theft, despite the fact that she was amongst the women that were taken, and the brothel owner was the only person remaining behind.

Brothels may be open anywhere from twelve to twenty-four hours a day. Women are required to be available for customers at all times during opening hours. Most women are required to have sex with as many clients as come for service. The number of clients frequenting the brothels will vary according to the proximity to pay day, festival times, weekends, and other events. To make a living wage (the Thai minimum wage is 120 Baht per day), women need to have a minimum of five clients per day, every day. This rate of work puts the women at an extremely high risk of the contracting STDs including HIV/Aids. To put this into some perspective, by contrast sex-workers in karaoke bars are employed and receive a salary of 2,000 to 5,000 with set working hours. Women receive the maximum wage when they service seven clients per month. Beyond this, women can decide whether or not to service more customers.

[28]Interview with a Shan woman, Mae Sai, October 27, 1996.

One young Shan woman working in a brothel in Chiang Mai was hit over the head with an iron bar by a customer attempting to steal her gold necklace. (Because of the difficulty of keeping cash, many women choose to keep their savings in gold. This is a common practice in Asia). The theft had been pre-arranged by the customer and his friend, who had gone to the brothel and taken the women to their rooms. During the theft, however, one of the men acted earlier than the other one, and his violence caused the woman to scream. He escaped, but his friend was caught still attempting the robbery. The young woman was taken to the Intensive Care Unit at the State hospital in Chiang Mai, where she remained in a deep coma for a week. She had sustained severe head injuries and never became more than a little responsive to pain and some other stimuli. The brothel owner's response to the situation was to bring the woman's mother down from Shan State and arrange for the woman's transport out of Chiang Mai. Although the hospital in Chiang Mai understood that they were referring the woman to Mae Sai hospital, when a local NGO went to visit her, she discovered that the woman had never been admitted, and nothing further was heard from her or her family.

Illegal migrants face a variety of problems. Foremost amongst these is arrest or the "sending back" of the individuals to their home countries. Therefore it is essential that migrants keep a very low profile. However, the sex industry in Thailand attracts a great deal of negative attention, especially via the mass media. Women fear their photos and details being reported in the newspaper as this can lead to their arrest or repatriation. As well, it is a source of great shame to be exposed in this way. However, there are always reporters waiting at the police station or present at raids with the police, so photos of women frequently appear in the papers, depicting them in a derogatory light regardless if they have been rescued or are children. As an example of this, in *The Nation* newspaper of February 28, 1993, a photo appeared of some Burmese women with the headlines: "Burmese Women Held for Illegal Entry." Upon reading the story, however, it became clear that these women were brought to Thailand by an agent, and thus should have been treated as trafficked[29] persons.

Raids performed on brothels by the police are usually responses to outside criticisms or attempts to further personal careers. Often, police need to receive commendations from their superiors, or want to showcase a raid in response to a media event critiquing their lack of response to the sex industry. As a result, women are arrested.

[29]Definitions of "trafficked persons" and protection of their rights are provided under the UN Convention for the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of Others. One group of regional NGOs defines "trafficked" persons those who have simultaneously experienced all the following conditions: 1) They have been moved from a place to one or more other locations, 2) Their freedom of movement has been limited, 3) Their labour has been exploited, and 4) They have had their right to freedom of self-determination restricted. Under this definition, it is possible for a person to have been "trafficked" in the past (i.e. during their migration journey), but to then subsequently enter into conditions under which they are no longer "trafficked" (i.e. when they begin work in a situation where their freedom of movement is not limited).

The extensive raids that occurred under Prime Minister Chuan Leekpai were sparked by criticisms from overseas about child labour in Thailand. The government responded with an announcement that it was determined to stop child labor. The following day a young girl who had escaped from a brothel in Songkla and gone to the authorities for help was found dead outside the public welfare building. The campaign against child labour consequently became focused on child prostitution.

The Thai government under Prime Minister Chuan Leekpai, as part of its efforts to stop the commercial sexual exploitation of children, conducted numerous raids on brothels hoping to release children who had been forced into the sex industry. These raids were largely directed at places that were seen to be "employing direct prostitutes." Direct prostitutes are women who work in brothels where they must sit on display behind glass, waiting for men to choose them, and where there is no other business being conducted. In recent years, as a consequence of these raids, owners of "brothels" under the government's definition of "direct prostitution" have altered their businesses, so they now operate as karaoke bars, "bar beers" (bars with entertainment), coffee shops, and the like. Businesses such as these can be registered under the Entertainment Law, however this law only affords some protection to the owner. Women working in these businesses can still be arrested if caught selling sex.

On June 25, 1996, Thailand's cabinet (under then Prime Minister Banharn Silapa-arch) decided to allow employers to register illegal labour migrants from Burma, Cambodia, and Laos. Employers are required to pay a 1,000 Baht registration fee and provide a 5,000 Baht surety to the Ministry of Labour for each migrant registered. The conditions of the permit stipulate that registered migrants must work for the employer that registered them. Commonly people are employed to work on a specific project or at a particular site, and conditions of the permit require they remain within this area.

The illegal workers' permit policy applies to 43 of Thailand's 76 provinces, but only to some categories of work. Though migrants are still officially "illegal," they can work in Thailand for up to two years, after which time they must return to their home countries. They are entitled to many of the same rights as Thai workers, but are not allowed to form or join unions. It is unclear if the new policy will improve the working or living conditions faced by migrants, as many Thai government officials have already pointed out, because addressing migration issues involves changing the economic situation in the countries of origin as well as in receiving countries. The migrant women in the sex industry do not fall under any category of the registration, and thus continue to face some of the worst working conditions.

Burmese women arrested for working in the sex industry are usually treated differently from other people under arrest. Other migrants caught entering illegally are generally sent back over the border quickly by the Thai authorities. Those migrants who violate other Thai laws or those found in the interior of the country will normally spend time in prison before being sent back or will be released after paying a fine.

However, often migrant sex-workers are held in the police station until the brothel owner bails or bribes them out. Unlike other countries which send consular officers to check on and assist their nationals, Burma does not assist Burmese arrested or detained in Thailand. Women in police holding cells often have no access to anyone who can speak their language, or can assist them legally or in any other way.

In general, raids on brothels are not carried out by the local police since they are often the ones receiving protection money from the brothels. More usually are carried out by the Crime Suppression Unit from Bangkok. However, local police may also perform raids in response to outside events or criticisms. In Chiang Mai in 1995 the Crime Suppression Unit raided a brothel and found several girls under 18 years of age working there. Questions were raised about the lack of action by the local police. In an effort to save face, the local police carried out extensive raids over the following months. During periods of wide-scale raids, brothels must stop business temporarily and can resume working only when the monitoring officials have left. The women are either hidden away by owners, or put in police cells where they may be raped and further abused.

"Sai", a young Shan woman who had worked in the South of Thailand recalled one such police raid on the brothel where she was employed:

"The brothel owner brought a van around the back, and we all ran so quickly to get into it that one woman fell off the back and broke her arm... We were taken up a hill and camped there for two days until it was safe to go back to work."[30]

In other cases, women reported occasions when they had to run out of the back of the brothel through dirt and garbage and hide all night under the brothel building, with rats running around them and mosquitoes biting them. Naturally, they were very afraid. When raids are made continuously over a long time, women are taken to a "safe" house. In these houses, the women are "safe" only from the police and are completely out of contact with the outside world. Here, anything can happen to them. During these times, the brothel owner continues to add to the women's board and lodgings costs and other debts, including, oddly enough, expenses incurred from daily bribes to the police, despite the fact that the women are not at work. If the owner pays a bribe to get a women out of jail that amount will be added to her "debt" as well.

Women who have found themselves in jail under these circumstances have reported that they are treated with contempt by the police officers and that legal proceedings are never explained to them. They wait anxiously for their only contact in Thailand, the brothel owner. There are no negotiations between the Thai and Burmese governments concerning the fate of Burmese women arrested in Thailand. Official deportations were stopped after reports of women being killed by the Burmese soldiers.

[30]"Interview with a Shan woman, Chiang Mai, April 12, 1995.

The Thai police are also aware of this situation and are often reluctant to deport women to Burma for fear of their safety. A compromise is made by deporting the women to a border point or some other place en route. Women who, for whatever reason, are unable to return to their homes, are left with little option but to contract the agents who wait at these locations to transport them back to their place of work or to a new place of work. In either case, they incur a new "debt". This situation is difficult to fully appreciate. On the one hand, it is a compromise instigated by some often well-meaning police officers or immigration officials which protects the women from the abuses of the SLORC soldiers. On the other hand, it plays into the hands of agents whose intentions may not be so well-meaning.

Burmese women working in Thai brothels are illegal immigrants doing illegal work. They have had little say in how they arrived, where they work, or what their employment options are. The majority of these women work in the most dangerous and exploitative venues in Thailand, yet they have almost no means of protecting themselves. They are at high risk of all kinds of abuse and of contracting STDs including HIV/Aids. Increasingly, women who come to Thailand to work are dying from Aids-related illnesses.

In general women who have control over how and with whom they have sex can protect themselves, whether the sex is paid for or not. Control comes from having knowledge and the power to use that knowledge. However, the working conditions within Thai brothels ensure that women do not have control over their work. Women coming from Burma have had no prior or immediate access to the health knowledge and information that they need to protect themselves. Even when they acquire this, knowledge, their working conditions often prevent them from acting on it.

As mentioned previously, all brothels will try to obtain young women who are still virgins. Virgins can be sold at a high price because the customer "opens her virginity." The woman is then considered to be "spoilt." No man who has specifically come to a brothel for a virgin, and is paying a high price, will use a condom. The young woman is therefore at risk of contracting an STD or HIV the very first time she has sex. Her virginity is sold several times, each time increasing her risk of being exposed to the HIV virus and other sexually-transmitted diseases from these customers. These women do not have the right to refuse to service a customer even if he refuses to wear a condom. Inevitably, the risks to the woman's health increase each time a customer has unprotected sex with her.

At the same time, a woman's "training" for her job will be conducted by the pimp or tout, who considers it his privilege to have sex with all the women to whom he brings customers for free. As he is in a position of power and assumes he is at no risk, he is highly unlikely to use condoms to protect the women. He does not consider it necessary to protect the women from any diseases he may have. Many pimps in brothel areas of Chiang Mai have already died from Aids-related diseases.

According to the information provided by a Thai government agency involved in the prevention of HIV/Aids along the Thai borders, blood-testing of Burmese women working in exploitative conditions in Mae Sai, Mae Hong Son, Chiang Mai, Mae Sod or Ranong, has shown very high rates of infection, up to 80% in some brothels. These same results are not being found in women doing sex work in the less exploitative areas of the sex industry, for example, among women working in karaoke bars in Chiang Mai. The Office of Communicable Disease Control Region 10 (Northern Region) in their HIV Sero-Sentinel Surveillance quotes a 34% infection rate for indebted sex-workers in brothels (they refer to these women as "direct commercial sex workers") and 13% for employed sex-workers in bars and entertainment venues (they refer to these women as "indirect commercial sex workers").

The government Aids-prevention policy-makers have yet to act on the obvious connection, that HIV transmission rates for sex workers can be reduced by at least 60% by improving their working conditions. The risks of contracting HIV for Burmese sex workers are not due to the fact that these women sell sex, but rather that they are put at such high risk by unsafe and unfair working conditions. These conditions mean many young women are now dying from Aids-related diseases, and many others are HIV positive and are fighting to maintain their health. Even more are struggling to continue work, to survive, and to remain HIV-negative.

Campaigns to stop the spread of HIV through brothels, such as the '100% Condom Use Program' were mounted to protect the customers and their wives. Very little attention has been paid to the real needs and protection of the sex-workers themselves. During these government-sponsored campaigns, no information or campaigning is conducted in any language but Thai. Furthermore, these campaigns re-inform the Thai society's view that sex-workers are bad and dirty women, spreading diseases, intensifying their sense of stigmatization, and adding to the discrimination they face if they become ill with Aids.

Sex-workers in Thailand have been routinely tested for HIV, but when counseling is provided, it is only been provided in Thai language. It is common that women from Burma have been tested for HIV without understanding what they are being tested for or even what HIV is. A positive test hardly changes their circumstances in any way. They still remain indebted to the brothel owner; they still have no power to insist on condom use; they are still unable to live at home; and they still have no other job options. When women become ill, the brothel owner no longer wants them and they are thrown out onto the street. As the brothel is the only community these women know in Thailand, they have nowhere to go. If they have an opportunistic infection (a secondary, HIV-related infection), they may be able to get treatment at a hospital in Thailand. However, after treatment they must leave, as the hospitals do not offer hospice care.

If they are still strong enough, women may try to get home. Even for those who succeed in reaching home, the stressful situation in Burma, the lack of treatment there, and the stigma they face ensure that their life-span is very short (See appendix "HIV-Aids in Burma"). Over the recent years, rumours have been transmuted to a common belief that local doctors will administer lethal injections to women known to be HIV-positive. Therefore women who have returned to Burma have an intense fear of seeking treatment from local doctors. Whether in Burma or Thailand, women who have contracted HIV through their work will receive no compensation and very little if any compassion.

Burmese sex workers work for varying lengths of time in Thailand depending on their situation, their future plans, and their available options. Most women will work until their "debt" is paid off. This usually takes between 18 months and 3 years. During this time, some women are able to go home to visit their families and friends, usually once a year. This round trip is usually organized by the brothel owner and a local agent (who may be connected to the police). The agent charges each woman approximately 5,000 Baht for a round trip to a Thailand - Burma border checkpoint such as Mae Sai. At a pre-arranged time agent will return to this point to collect the women and bring them back to the brothel. Without this "service", women would be unable to return home until their "debt" was paid. After their "debt" has been paid, many women will choose to work for at least a few months longer, in order to be able to save some money. They may intend to use these savings to improve the family's situation or to keep them as emergency funds to cover any future crises, such as bribes to SLORC soldiers, to prevent them from forcibly recruiting a family member into the military or to work on an unpaid labour project. Leaving the brothel is not always easy, as most brothel owners will delay or refuse to hand over the money that they owe the women, sometimes producing a brand new "debt" at the last minute.

When women have successfully negotiated their release from the brothel, the owner will sometimes contact an agent who has connections with the authorities, to bring them back to the Burma border via safe routes. The few women who have had access to information about how to travel home are often able to return to their villages without paying an agent. These women usually manage to avoid paying the Burmese authorities' patrols as well. This is important, as women are at risk of having the money that they have managed to save for their families after paying off their debt extorted or stolen by police, army patrols, and other opportunists. In making these journeys home, women also risk abuse such as rape from Thai police, government, and border officials, as well as SLORC and some other ethnic army soldiers.

On many occasions, women lose contact with their families due to forced relocations of entire villages by the SLORC, fighting between the Burmese military and the ethnic armies, or extreme poverty. "Nop", a Shan woman doing sex work in Chiang Mai, returned to her home town while ill and in the advanced stages of Aids-related diseases. Upon reaching the village where her childhood home was, she found soldiers had occupied the area and that all the villagers had disappeared. After asking local people in the area, she was told only that the whole village had been relocated under military orders to another area.

She was left with no clues as to the whereabouts of her family or community, and with neither the resources nor the energy to try to find them. She could only return to Thailand illegally to die.

Some women who had never left their village until an agent brought them to Thailand actually have no idea where their home is or how to get there. If they are "rescued" by the police and the connection with the agent severed, then so is the last tie to their families and the route home. Since Burma does not allow fully autonomous NGOs to work with sex workers, and the SLORC punishes women who have been sex-workers, there are no safe or reliable contacts which the government or NGOs in Thailand can make to facilitate women returning to their villages.

Women who have suffered trauma in Thailand and require assistance back home often have nowhere to turn to in Burma. A small training centre was set up by a foreign NGO in Rangoon for women returning from Thailand and finding themselves in this position. However, it is very difficult for the women and the Rangoon-based NGO to make contact. A group in Shan State found that women returning from Thailand were sleeping in the grounds of a church when they could not get home. They tried to set up some services for the women including emergency accommodation, but were finally refused permission to do so by the SLORC. In the absence of any services in Burma, it is very dangerous for women to make the journey back. If the women do not succeed in reaching their destination, no one knows that they are missing. If they return home with STDs or HIV from working in Thailand, they will not be able to get treatment , information, or care (See appendix "HIV-Aids in Burma").

While some women return to Burma with a little money to build a house or start a small business, as long as other conditions in the country remain unchanged, their permanent return is impossible. Because of this, many women return again to Thailand. Women will continue to make these hazardous journeys back and forth so long as they do not have control over their lives in Burma.

Since the conditional release of Daw Aung San Suu Kyi, foreign businesses and governments have felt justified in investing in Burma. This recent development and the high profile of the "Visit Myanmar Year 1996" has seen an increase of visitors to Burma, including businessmen. Some women we spoke to see this as an opportunity to use their savings to open their own sex establishments within Burma. For example, one enterprising group of sex workers have jointly opened a small karaoke lounge at Tachilek, where they also offer sex sales as a means to attract more guests. The prices they charge for their services are well beyond the reach of most Burmese locals, aside from several SLORC government officials who are regular customers. To open and maintain their karaoke bar, the women have to pay monthly protection money to soldiers and police officers, as is the practice in Thailand. Since the consequences of being arrested on prostitution charges in Burma are very severe, it is unlikely that women will be able to ensure their own safety or that of the women working with them.

Whether in Thailand or a third country, women from Burma suffer atrocious working conditions in the sex-industry. Most arise out of the women's illegal status, their lack of information about their rights and the conditions in Thailand, the lack of services accessible to them, and the SLORC's complete lack of responsibility to Burmese nationals outside the country. Some of these working conditions exist in the sex-industry, irrespective of the nationality of the women working. The conditions themselves constitute a human rights abuse. If these conditions were not allowed to exist, if sex-workers were given equal working rights and protected under the labour laws, no woman of any nationality could be thus exploited.

THIRD COUNTRIES

Many women from Shan state are doing sex work in countries such as Singapore, Malaysia, Taiwan, and Japan. Since there is considerable movement of Thai women from Thailand and Japan to the United States and Europe, it can be assumed that Shan women are included in this migration trend. In most of these countries, sex-work is illegal, and even in countries like Singapore where sex-work is legal, it is not possible for foreign women to obtain work permits to do sex-work. Thus Burmese women there must continue to work in dangerous and exploitative conditions.

In March 1993, during a raid on traffickers in Bangkok, the police seized forged passports with fake visas from the Japanese Embassy in Rangoon, as well as fake immigration stamps and Burmese identity cards.[31] While agents organise false passports and other documentation, as confirmed by a Japanese NGO officer of "Ban Sala", a center to assist Thai women working in the sex-industry in Japan, it is the women themselves who bear the financial and legal consequences of using fake documentation. This officer spoke of a Shan woman who was imprisoned for three years, for illegal entry into Japan using a false passport and also for doing sex work.

For Burmese women working outside Thailand, it is extremely difficult to return home, or even to communicate with family or friends. These women must rely totally on the assistance of brokers if they wish to go back to Burma. In May 1994, there were 6,391 people who had overstayed their visas from Burma in Japan, although the breakdown of males and females in this group is unknown.[32]

Some of the women who have been apprehended in other countries have been deported back to Burma, to face imprisonment for illegal travel outside the country, or for their work in prostitution. NGOs everywhere are at a loss as to how to assist these women from Burma, who are either completely undocumented or have false documents. No country so far has been willing to take responsibility for them. While the Thai government will enter into negotiations with the Japanese government or the Taiwanese authorities concerning Thai women in prison, they cannot take responsibility for Burmese women. Burma will not enter into any negotiations with foreign governments about the welfare of its women, therefore they stay in prison indefinitely.

[31] *Bangkok Post*, March 5, 1993, p.4.
[32] Wickramasekara, *Recent Trends in International Migration in Asia*, United Nations, 1995, p. 49.

CONCLUSION

Women from Burma are migrating illegally into Thailand, in an effort to escape the human rights abuses in their own country and to have the opportunity to improve their own lives and those of their families. For many women the only option for work is sex-work, unfortunately usually under extremely dangerous and exploitative conditions.

Women migrate from Burma because of the oppression they face there, and the poor economic conditions which make it impossible for them to break out of the cycle of poverty. They migrate in the hope that they can save some money (often for the survival of their families), in the hope that they can experience freedom, and in the hope that they can be agents of change. Sending countries have the responsibility of protecting their citizens from unfair labour practices abroad. However, as is well-documented, Burma itself uses forced labour. It may be unrealistic to expect that Burma will demand the labour rights of Burmese workers abroad, let alone those of sex-workers.

From our interviews with women it has been very clear that tougher and more restrictive laws are not effective. Deportation of women only increases their dependency on agents and places them at danger on their return to Burma. It has also been shown that there has generally been little interest in enforcing anti-trafficking laws, and that immigration policies are difficult to enact. A different approach is therefore recommended to ensure that migrants have sufficient power and information to protect themselves. The negotiating position of women must be strengthened while the power of agents, syndicates and corrupt authorities must be weakened. Policies need to be formulated which respect women's rights as migrants and workers and are concerned with the protection of women.

In the past, measures have usually been taken in order to give credit to some agency or to generate publicity or self-promotion. Little genuine concern and action for women's rights, welfare, well-being, or immediate safety, have yet been apparent.

Clearly women need accurate information about working conditions and their legal rights in Thailand. At the same time services for undocumented migrant women need to be strengthened. Women also need the freedom to travel and migrate independently of others. These tools could provide women with the ability to access work which they have chosen to do, safely and without exploitation.

GENERAL RECOMMENDATIONS

1. All peoples must be treated equally well regardless of gender, occupation, ethnicity, political or religious beliefs, in accordance with the United Nations Universal Declaration of Human Rights.

2. NGOs should be allowed to conduct information and orientation programs designed to inform and alert potential migrants, and those who decide to migrate, about the conditions of the places to which they intend to migrate. All programs and information concerned with Burmese women should recognize and support the reality that many women have themselves decided to migrate in the pursuit of refuge and work. These programs should include information on:

- basic rights
- labour laws
- prostitution laws
- measures dealing with illegal migration
- knowledge to facilitate cultural and social adaptation of migrants

3. Governments must:

- make improvements in legal migration procedures from the point of recruitment, to placement in legitimate employment abroad.
- take long term measures to include expanding employment options for women in their home country/state.
- address existing attitudes and practices which discriminate against women in their choice of employment.

4. Prostitution should be decriminalized. Sex-workers should be protected under national labour laws and international labour laws.

5. Women who face persecution in their own state/country should have the right to apply for legal asylum from the receiving country. If the sending country will not recognise the person as their own national, the receiving country must treat her as a national of that country and the Convention on the Status of Stateless persons (1960) should apply. The receiving country should then allow these people to work in conditions free from discrimination and exploitation. For women whose existence is already centred in the receiving country, a "setting-day regulation" should be introduced, so that persons who lived and worked in the receiving country for a certain period of time are given a deadline before which they can apply for a temporary permit of residence.

6. Receiving countries should grant women work permits, enabling them to work and access vocational training.

7. Women who have been abused or exploited as a result of migrating should be compensated by those involved in their exploitation.

8. Cooperation and coordination at the national and bilateral levels between government offices, police, immigration, health authorities, social welfare departments, NGOs and sex-workers, working on migration and sex-workers' issues, should be encouraged and developed further.

9. There should be a coordinated international response to address the needs and rights of migrant labourers, and particularly sex-workers, taking into account that women are transported through many different countries, across a number of borders, and that therefore the international community must take responsibility for this situation.

10. NGOs should be allowed maximum access to assist migrant workers according to the law.

11. Medical assistance should be made more available and accessible to undocumented migrant workers.

12. Strictly confidential HIV-antibody testing should be carried out only if requested by the woman and with her full informed consent. All HIV-testing must be accompanied by appropriate pre- and post-test counseling in the client's mother-tongue.

13. The details of the undocumented migrant sex worker should be kept private and should not be used against her, particularly with regard to her right to freedom of travel, marriage, and/or search for gainful employment.

14. All governments should ratify and honour the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

RECOMMENDATIONS TO THE THAI GOVERNMENT

The current Thai government response to illegal migrant workers targets workers and not the perpetrators of their exploitation and abuse. Adequate avenues for migrant workers who have been abused and exploited, and for those who wish to report these abuses to seek any form of justice safely, do not exist. These workers are in many cases detained or otherwise punished. These current measures taken in Thailand ensure that workers being abused remain isolated, and that they are justifiably afraid to seek help.

We therefore recommend that:

1. The Thai government should co-operate further with sex-workers and relevant non-governmental organisations (NGOs) in their efforts to improve conditions within the sex industry.

2. While police raids may be necessary to halt the commercial sexual abuse of children, adult women should not be arrested or detained as a result of measures aimed at protecting children.

3. Burmese women who identify themselves as in need of assistance should have access to appropriate services to cope with their needs. The services should include shelters, temporary residence permits, protection, and social and financial assistance, and should be coordinated by several different sectors. The women and NGOs which represent them need to be included at all times in the policy formulation and monitoring.

4. Legal authorities and the police should be better informed of the situation in Burma, and should be trained in non-discriminatory practices so that the discrimination against Burmese women as women, as ethnic women, as foreigners, as illegal migrants and as sex-workers is decreased.

5. A wider variety of work opportunities for Burmese women should be offered under the two year work registration agreement available currently in Thailand.

6. Protection of undocumented workers and their families giving evidence against the agents or procurers must be provided and guaranteed, and they should be awarded adequate compensation. In order to offer incentive to victims of indebted labour to report and/or testify against brothel-owners, etc., they should be free from threat of retribution. In order to facilitate this process, authorities should offer legal protection to encourage migrants to provide evidence against perpetrators of abuse and exploitation, and should not prosecute these migrants for offenses such as prostitution and illegal entry.

7. Interpreters should be routinely available at the police station and in court.

8. Police stations should have female police officers available to all women, whether crime victims or suspects.

9. Women should have the right to contact an individual or an organisation to assist them, and if they do not have any contacts the police should facilitate contact with relevant NGOs who can provide them with assistance.

10. The Thai government should implement measures to prevent abuses of women in police stations. They should impose the full legal punishment on those who abuse women's rights.

RECOMMENDATIONS TO THE THAI GOVERNMENT ON DEPORTATION OF BURMESE WOMEN

No deportations of Burmese women should be carried out until it is possible to guarantee the immediate and future safety of the returning women, and until all other legal avenues have been exhausted. If women are to be deported to Burma, similar provisions must be made as services currently offered in Thailand by the International Organisation For Migration (IOM) to women and children who have been trafficked into Thailand from Yunnan, China and Laos. These services include:

In Thailand:

- medical treatment and counseling
- provision of travel documentation
- temporary shelter while documentation is processed
- travel arrangements and tickets

Upon arrival in the home country (Yunnan, China or Laos):

- provision of temporary shelter, organized by local NGOs
- payment of a monthly allowance by a local NGO to the women for approximately one year
- education and vocational training
- medical and social counseling organized by receiving NGO
- follow up of the security and stability of situation on returnees

RECOMMENDATIONS TO SLORC AND OTHER MILITARY FORCES IN BURMA

1. The *Tatmadaw* and all other military forces in Burma should, as a matter of urgency, cease to commit human rights abuse such as the forcible appropriation of land, food, and labour. They must ensure all military personnel under their command are not involved in harassment, abuse or other crimes against civilians.

2. All people within Burma should be granted freedom to travel within Burma and to access passports and visas, in order that those wishing to migrate are able to do so without relying on others.

3. The SLORC, while it retains a position of power, must work cooperatively with countries where Burmese citizens work. This cooperation should be made both at the national level between states, and at the commercial level between states and private sectors, and must be aimed at the welfare of its citizens.

4. The economic system in Burma, currently under the control of SLORC, must undergo reform including the creation of more job opportunities for its citizens, especially projects that would satisfy the economic and development demands of Burmese women.

5. The SLORC should legislate and enforce existing laws at the national level, in accordance with the ILO laws ratified by the country (Articles: 29 Forced Labour and 34 Freedom of Association), in order to develop and enforce equitable labour laws ensuring safety and opportunity.

APPENDIX 1

HIV-AIDS IN BURMA

Women in Burma are also at risk because of the failure of the government to provide adequate health care facilities and education. Despite the recent flurry of "development" in Burma, little attention has been paid to the need for hospitals, schools, or social welfare and educational facilities, especially in grossly under-developed rural areas. UNICEF studies indicate alarming incidences of maternal and infant mortality, prevalent malnutrition, and a high rate of death from treatable diseases. They also suggest that women are given chance to protect or exercise reproductive rights. It appears that little of the government budget goes into primary health care programs. The most serious potential threat is HIV/Aids. Medical agencies working inside Burma estimate that the rate of HIV infection in Burma is growing much faster than those in African countries.

"The most common mode of HIV/Aids transmission in Burma is injecting drag use (in 1994 it was estimated that 67.1% of injecting drug users were HIV+ according to a WHO report in April 1996). In Myitkyina, 96% of drug users were found to be HIV+. The increase in the use of injected drug use in Burma since 1988 has now been confirmed by abstracts from the Eleventh International Conference on HIV/Aids in Vancouver. It was submitted by the UNDCP from its program based in Rangoon. 175,000 pregnant women were found HIV+ according to 1995 WHO surveillance."[33]

The lack of HIV information and education available in Burma is one of the major reasons for this situation. The military government has a limited number of personnel who possess a thorough knowledge of HIV/AIDS and its epidemiology, and has virtually no budget for those undergoing treatment, nor are there campaigns against the spread of the disease. Most campaigns concerning this problem have been left up to foreign non-governmental organizations working inside the country who have little autonomy or freedom in their work. These limited campaigns and educational programs are usually produced in Burmese language, and are therefore accessible to only a minority of the many ethnic groups of Burma, who are largely illiterate in Burmese. Condoms are not widely known about and are less widely available, especially in the country-side where the majority of the population lives. At various times the sale of condoms has even been banned by the military.

[33]National Health and Education Committee (Burma),"Report: the Activities and General Policy Recommendations Regarding Burma and HIV/ Aids", August 1996, p. 3.

Many women in Burma have never had access to appropriate health information, nor education concerning how to protect themselves from sexually transmitted diseases. The limitations of the present policy and the constraints imposed by the military government are clearly reflected in the recommendations made by the coordinated NHEC task-force on HIV/Aids. The task-force represented pro-democracy groups, including 10 different ethnic groups who, following a meeting in August 1996, recommended the following:

1. That the people of Burma should have the right to fully and freely participate in the National HIV/Aids control program.

2. For any donor agency or international agency considering involvement with HIV/Aids in Burma, to initiate any such collaboration at a minimum in consultation with the elected leaders and ethnic leaders in and/or out of the country, and to optimally do so in a full collaborative partnership.

3. A commitment on the part of the donors and on the part of the SLORC to an open accounting of the use of funds and resources. Such an accounting should be made to a neutral international body, and would include clauses for the cessation of aid if resources were not reaching the target populations.

4. An agreement by all parties involved in HIV prevention, care and research, to fully abide by the Geneva accords on the rights of research subjects. Again, such agreements would include mechanisms of observation and mandatory cessation of funds if rights violations were identified.

5. The participation of people with AIDS, and of people from groups at risk (sex workers, addicts and others) in the design and implementation of HIV programs. These would include assurances of their protection and again, cessation of such projects if the rights of community members were violated. [34]

HIV/AIDS has become yet another struggle and life-threatening situation that the people of Burma must face.

[34] *Ibid*, p. 5.

APPENDIX 2

ACRONYMS AND NAMES

ASEAN	Association of South East Asian Nations
BSPP	Burmese Socialist Programme Party
CSW	commercial sex-workers
IWDA	International Women's Development Agency - Australia
Khun Sa	Shan-Chinese opium warlord and former MTA leader. Currently in Rangoon after surrendering to the SLORC in 1996.
KIO	Kachin Independence Organisation
KNPP	Karenni National Progressive Party
KNU	Karen National Union
MAMACASH	NGO from The Netherlands
MNLA	Mon National Liberation Army
MTA	Mong Tai Army
NGO	Non-government Organization
NHEC	National Health and Education Committee (ethnic opposition groups coalition of health and education program directors and supervisors)
NLD	National League for Democracy
NOVIB	Netherlands Organisation for International Development Cooperation
SLORC	State Law and Order Restoration Council
Tatmadaw	the Burmese military
UNDCP	United Nations Drug Control Program
UWSA	United Wa State Army
WHO	World Health Organization

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