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BURMA

HUMAN RIGHTS YEARBOOK 2008





CHAPTER 21

The Situation of Migrant Workers

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21.1 Introduction

Every year, around 50,000 people reportedly leave Burma in search of work elsewhere.¹ Estimates of the number of Burmese migrant workers who live outside Burma's borders have varied greatly however, and depend on whether both registered and illegal workers are taken into account. While Burma's Prime Minister, Thein Sein, claimed in December 2008 that a mere 46,057 Burmese migrant workers were legally employed abroad, Burma Economic Watch has estimated that around two million migrant workers and refugees live elsewhere.² In contrast, *Irrawaddy* has reported that, of the estimated three million Burmese migrant workers who are employed abroad, around half work illegally.³ In contrast to this figure, Moe Swe of the Burma Workers' Rights Protection Committee (BWRPC) has put the overall figure at four million.⁴ It has also been estimated that up to ten percent of the Burmese population resides outside of Burma.⁵ Such patterns of migration are likely to persist, as the International Organisation for Migration (IOM) has stated that it expects the flow of Burmese migrant workers to increase in the coming years.⁶

The reasons behind this steady exodus of Burmese workers have been well documented, not least in the preceding chapters of this Yearbook. Debilitating poverty and serious human rights abuses routinely perpetrated by the military junta have been the main causes. The Federation of Trade Unions–Burma (FTUB) has attributed the high number of Burmese migrant workers primarily to the disjuncture between the high prices of basic goods and very low incomes in Burma.⁷ Indeed, over half of the Burmese population continued to live below the poverty line as of July 2008, and IOM has explained the flow of migrant workers in terms of Burma's lack of "adequate infrastructure" and its "low skilled workforce."⁸ Given this economic stagnation, the desire for a higher standard of living has motivated many to leave Burma. As the UK Secretary of State for International Development Douglas Alexander, noted in April 2008, while Burma is "surrounded by some of the world's most dynamic economies, a third of Burma's people live on less than 30 cents a day."⁹ The economic prowess of nearby countries such as Thailand, Malaysia and Singapore has remained a powerful 'pull factor' for many Burmese. Conversely, as of October 2008 Burma was the only country of departure for migrants in the region predicted to have slower economic growth than countries of arrival.¹⁰ The abysmal state of the Burmese economy, especially when contrasted with those which surround it, represents a strong 'push factor' motivating large numbers of migrants.

The fact that Burmese poverty has been a major catalyst for migration is demonstrated by the steady flow of remittance payments which migrant workers regularly send home to their families. In 2004, the International Monetary Fund (IMF) released its latest data on remittance payments to Burma, finding a net remittances surplus of US\$56.8 million, although this figure did not include those transfers made through informal mechanisms, which may be three to four times higher.¹¹ The authors of Burma Economic Watch, an academic periodical based at Macquarie University in Australia, found that the vast majority of such remittance payments have been used by Burmese families simply to survive and to meet basic needs such as subsistence, housing, health, education and debt repayments.¹² In consequence, remittance payments have not been used in more positive ways that would foster Burma's economic development.¹³

Many Burmese migrant workers have not fled for a single reason or because of a single event. Rather, many have left as a result of what Andrew Bosson has described as the "cumulative impact" of coercive measures and economic conditions, which push down families' incomes until they can no longer survive in their present locations.¹⁴ For instance, the Burmese junta's policies of forced labour, land confiscation and compulsory cropping have further impoverished an already desperate rural population.¹⁵ The result, Bosson argues, has not been a dramatic or spontaneous exodus of migrant workers and refugees, but rather a slower process of "gradual displacement."¹⁶ (For more information, see Chapter 7: Forced Labour and Forced Conscription, and Chapter 8: Deprivation of Livelihood).

This process of displacement has led three million persons to leave Burma in recent decades.¹⁷ Consequently, Burma's workforce has diminished greatly. In Mon and Karen States, for instance, plantation owners and farmers have begun to replace workers who have migrated to Thailand by hiring workers from townships in the Pegu and Irrawaddy Divisions, who are cheaper than local labour.¹⁸ As the President of the National Coalition Government of the Union of Burma, Dr. Sein Wein, has commented, the continual departure of Burmese migrants demonstrates the extent to which the Burmese junta has become "a self-perpetuating force which has no enduring ties with its own population."¹⁹

Due to the fact that most Burmese migrant workers leave to escape both poverty and persecution, the distinction between migrant workers and refugees is far from sharp. As Andrew Bosson has shown, and subsequent sections of this chapter confirm, the flight of many Burmese people from the junta's coercion "brings this kind of population movement squarely into the field of forced migration, even though the immediate cause of leaving home can also be described in economic terms."²⁰ Although migrants have often left Burma for a combination of reasons, the underlying causes of their departure have often determined whether they are categorised as refugees, internally displaced persons or economic migrants upon arrival at their destination.²¹ (For more information, see Chapter 20: The Situation of Refugees).

In addition to poverty and human rights violations, many occupying the most educated strata of Burmese society have also felt compelled to find work abroad, given Burma's repressive atmosphere and its highly limited career opportunities. As part of a process which has widely come to be known as the "brain drain" – whereby the most educated sector of an underdeveloped country seek employment opportunities abroad, consequently curtailing its economic development – thousands of graduates have departed Burma in the hope of furthering their careers elsewhere.²² The most popular choices of destination for young, educated Burmese migrants have reportedly been Singapore, Malaysia and Dubai, due to the availability of positions in fields such as accountancy, IT, engineering and the hotel sector.²³ Some educated migrants, however, have found themselves as vulnerable to exploitation as migrant workers in less skilled positions. For instance, Sai Soe Win Latt, writing in *Irrawaddy*, lamented the fact that those who opt to study in foreign universities have often been forced to abandon their aspirations and to take subjects which have trained them to work as "typical immigrants" instead.²⁴

Since Burma's borders are, in the words of the US Department of State, "very porous," there are various means of seeking to leave Burma to forge a new life elsewhere.²⁵ Firstly, many have made use of Burma's various employment agencies, which have flourished as a result of high demand for foreign jobs. Such agencies have typically sent migrant workers to nearby countries in Southeast Asia such as Malaysia, South Korea, Japan and Singapore, as well as to destinations further afield, such as the Middle East.²⁶ The junta itself has also been reportedly involved in the industry, as at least two employment agencies were run by the state as of October 2008.²⁷

Such employment agencies have found their business to be highly lucrative. In comparison to the 70 licensed employment agencies which operated in 2007, 40 more had been granted licenses by the junta's Ministry of Labour as of August 2008. The agencies had partially become so profitable, however, because of their ability to evade tax by retaining two sets of financial accounts: one to present to the authorities and another for their own private use, which reflected their real earnings. Owing to the lack of consistent enforcement of the taxation regime in Burma, coupled with high levels of corruption and nepotism, employment agencies with links to figures within the Burmese junta have been able to evade taxes successfully, while others have been compelled to pay millions of kyat in tax.²⁸

The junta has, however, recently attempted to clamp down on such tax evasion. On 6 June 2008 the Department of Labour Management announced that employment agencies must send at least 300 workers abroad each year in order for their licenses to be extended. Although most agencies have reportedly been able to meet the quota, they have only been able to demonstrate this by opening their accounts to scrutiny. In short, in order to keep their licenses, many employment agencies must pay high levels of tax. Other high costs imposed by the junta, such as a deposit of five million kyat to start a business (approximately US\$4,000) have been passed to migrant workers themselves, who pay large sums for foreign jobs. *Irrawaddy* found in July 2008 that Rangoon's employment agencies have taken fees worth between US\$650 and \$1,500 in exchange for work in Malaysia.²⁹

Not all Burmese migrant workers have used employment agencies as a means of leaving Burma however; many have resorted to more clandestine methods. A thriving black market has developed for example, to assist Burmese women in search of work abroad. In measures purportedly taken to protect such women from human rights violations while working abroad, however, on 9 July 2008 the junta's Department of Labour warned approximately 110 employment agencies to refrain from providing any assistance to such women, unless they were prepared to lose their licenses or face imprisonment. Nevertheless, business sources in Rangoon have alleged that the Burmese authorities themselves have been involved in the practice, and that the regulations could be easily sidestepped through bribery. One agent told *Irrawaddy*, for instance, that he could obtain visas within two weeks in exchange for 260,000 kyat (about US\$200).³⁰

Burmese migrant workers often take considerable risks when leaving Burma, as the incidents described in subsequent sections attest. One major peril for Burmese migrant workers is human trafficking which, in the Burmese context, has been described by Nikolas Win Myint as "*migration gone wrong*."³¹ Whereas most migration does not result in human trafficking, in many cases migrant workers have found themselves in the hands of unscrupulous traffickers, some of whom are employers who wish to exploit them, while others are brokers who transport them to destinations other than those which were agreed upon or expected.³² Both men and women have found themselves trafficked to destinations in Southeast Asia and the Middle East for the purposes of bonded labour or domestic and sexual exploitation.³³ Although the junta has taken some steps to address the problem – such as Burma's 2005 anti-trafficking law, which aims to offer protection to victims – the practice has remained prevalent.³⁴ (For more information, see Chapter 6: Trafficking and Smuggling).

The junta has also taken measures to hamper migrant workers' attempts to leave Burma. For instance, those in Kale, Sagaing Division, were subject in October 2008 to arbitrary fees for forms that allow them to gain visas to work in neighbouring countries. The Kale Customs Department unexpectedly increased the fee for its recommendation letter, known as Form-17, forty-fold. Although the official fee was a mere 1,000 kyat, it was reportedly increased to 40,000 kyat, despite the fact that the fee remained constant in all other towns throughout Burma. The sudden surge in the price has been explained as a simple attempt on the part of the authorities to extract more money from prospective migrants.³⁵ Moreover, the junta has sought to limit opportunities for migration to other parts of Burma. In September 2008 for example, over 100 Rohingya from Arakan State were arrested *en route* to Rangoon and sentenced to six months in prison, since Rohingya are banned from leaving Arakan State.³⁶ (For more information, see Chapter 19: Internal Displacement and Forced Relocation).

Despite the large scale of migration from Burma, by the end of 2008 many Burmese migrant workers were forced to return home due to the effects of the global economic slowdown. In stark contrast to reports of increases in job applications received by employment agencies – with one agency claiming in August 2008 that the number of applications had doubled over the course of the preceding year – another told *Irrawaddy* in November 2008 that there had been no orders from overseas employers for around a month.³⁷ Many companies operating in countries such as Malaysia, Singapore, China and Thailand responded to the economic downturn by reducing working hours, slashing pay for overtime or cutting jobs entirely.³⁸

Having paid significant amounts to employment agencies to be able to work abroad, many Burmese migrant workers have been forced to borrow money or to mortgage their homes, and have consequently suffered from heavy debt after losing their jobs. The return of many Burmese migrant workers as a result of the global recession, moreover, has had a highly negative impact on the flow of remittance payments from migrant workers to Burma, which have traditionally proved to be a lifeline for many impoverished Burmese families. This, in turn, was expected to have a serious impact on the Burmese economy.³⁹ The Burmese junta appears to have done little to remedy the situation or to create more job opportunities for returning migrant workers.⁴⁰ Nevertheless, Thein Sein claimed in late 2008 that around 100,000 jobs needed to be filled.⁴¹ He even stated that Burma's agricultural sector alone could provide millions of jobs, citing the palm oil and teak plantations, as well as timber extraction, fisheries and the salt industry as areas requiring additional workers.⁴²

As the remainder of this chapter will document, the lives of Burmese migrant workers in other countries have remained fraught with difficulties. Although the Association of Southeast Asian Nations (ASEAN) Declaration on the Protection and Promotion of the Rights of Migrant Workers, signed in January 2007, pledges to “*promote fair and appropriate employment protection, payment of wages and adequate access to decent working and living conditions for migrant workers,*” the experiences of most Burmese migrant workers fall far short of this ideal.⁴³ Many of the countries which host Burmese migrant workers have neither signed nor ratified either the 1951 Refugee Convention or the recent International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (ICPMW), which entered into force on 1 July 2003. Despite regular ASEAN summits, when its members have developed plans to imitate the system of labour mobility across the European Union, draconian measures have still been widely employed against migrant workers by ASEAN governments.⁴⁴ Moreover, ASEAN's members have generally not acted on the recommendations of United Nations Secretary-General, Ban Ki-Moon, who argued at the Global Forum on Migration and Development in Manila in October 2008 that the protection of millions of migrant workers during the global economic recession would greatly benefit countries' economies.⁴⁵ Until both Burma and its neighbours begin to respect the human rights of Burmese migrant workers, it is highly unlikely that their quality of life will significantly improve.

21.2 Situation of Burmese Migrants in Thailand

Thailand continued to be a major destination for Burmese migrant workers throughout 2008. Thailand's attractiveness to Burmese migrant workers has primarily stemmed from the relative strength of its economy. Indeed, as of October 2008 per capita income in Thailand was six times that of Burma.⁴⁶ Thailand is also relatively accessible to Burmese migrant workers, as it borders Burma's Tenasserim Division, in addition to Mon, Karen, Karenni and Shan States to the east. Recent estimates of the number of all migrants working in Thailand have ranged from one to two million.⁴⁷ Of this number, between 80 and 90 percent were thought to be Burmese.⁴⁸ In a study released in October 2008, the International Organisation for Migration (IOM) found that there are now far more prospective migrant workers from Burma than asylum seekers, and that 46 percent of Burmese migrants to Thailand are female.⁴⁹

Upon arrival, Burmese migrant workers have often been confronted with pervasive prejudice from the Thai population. Stereotypes of Burmese migrant workers stem from a number of sources. Firstly, the 300-year old history of hostility between Thailand and Burma has resulted in strong mutual distrust. Thai students have been taught about events surrounding the conflict with Burma, which has led the *Bangkok Post*, for instance, to lament Thailand's "ultra-nationalistic history which portrays Burma as evil."⁵⁰ Events such as the 1767 Battle of Ayutthaya have been depicted in films such as *The Legend of King Naresuan*, which has enjoyed huge popularity and is the most expensive film in Thai history, which has won it a wide audience. This history of antagonism has hardly been eased by the emergence of fresh divisions between Burma and Thailand in recent years over issues such as border disputes and hostages.⁵¹ Nevertheless, Thailand has occasionally taken a more conciliatory stance towards the junta. For instance, the Foreign Minister, Noppadon Pattama, claimed that the question of Burmese democracy was an "internal affair" in February 2008.⁵²

Secondly, these tensions have been reinforced by the Thai media's highly negative portrayal of Burmese migrant workers.⁵³ After studying around 1,000 newspaper stories on migrant workers in 13 different Thai newspapers between 2004 and 2006, Kulachada Chaipipat found that the local media has routinely described Burmese migrant workers with phrases such as "unlawful", "dangerous" and "fearful aliens."⁵⁴ The press has been prone to associating Burmese migrant workers with Burma and Thailand's past enmity, and to scapegoating them for any economic woes that Thailand might face. As a result of the propagation of such stereotypes, two of ILO's recent studies revealed that most Thais consider that migrant workers should not be given the same rights as Thai workers.⁵⁵ Nevertheless, some contended that the sympathy towards the Burmese people that was generated by Cyclone Nargis appeared to counteract these suspicions to an extent, given that the recent experience of the Asian tsunami remained fresh in Thai people's minds. However, others claimed that this attitude ultimately proved to be short-lived, since the Thai population may have kept their sympathy for the cyclone's victims separate from their consideration of Burmese migrant workers in Thailand.⁵⁶

Such prejudices have circulated with little regard for the harsh circumstances from which so many Burmese migrant workers have fled, or for the significant contribution that they have made to the Thai economy. There has been little awareness of the fact that, according to ILO, as of April 2008 migrant workers generated around six percent of Thailand's GDP.⁵⁷ Furthermore this source of labour contributed US\$2 billion to the Thai economy in 2007, while mainly occupying menial positions that most Thais eschew.⁵⁸ For this reason, *Irrawaddy* has opined that Thailand has a "love-hate relationship with migrant workers" and that "the situation of the migrant workers is like being in tug-of-war between the strict regulations of the government and the capitalist motives behind their exploitation."⁵⁹

The predictable result of this hostility has been that most Burmese migrant workers have remained ostracised and have not integrated successfully into Thai society. Given the limited communication between Burmese migrant workers and the Thai population, the myths tend to never be fully dispelled. This has only perpetuated their marginalised status and further reinforced the prejudice, thus creating something of a vicious cycle. Many Burmese migrant workers have reportedly felt scared venture out of their homes, given their fear of mistreatment, prejudice or even deportation.⁶⁰ The hostility has not merely hindered their ability to integrate; it may have at least partially motivated some of the crimes, such as torture, rape and murder, which have been committed against them throughout Thailand, which will be discussed later in the chapter.

The distinction between Burmese migrant workers and refugees is no easier to maintain than elsewhere, as the findings of numerous researchers and non-governmental organisations (NGOs) have confirmed. The Thai Burma Border Consortium (TBBC), for instance, has stated that “*many Burmese migrant workers are ‘refugees’, having left their homes due to the same human rights abuses affecting those in...[Thailand’s refugee] camps,*” and considers that a fairer Thai immigration policy could provide a parallel form of protection to migrant workers who lack access to the camps, by allowing them to earn a decent livelihood.⁶¹ The International Rescue Committee (IRC), moreover, has expressed its concern that large numbers of unregistered Burmese migrants living in Thailand “*deserve international protection*” as refugees. In the absence of access to the registration process for migrant workers, they contend that it is extremely difficult to distinguish accurately between genuine refugees and other migrants.⁶²

Moreover, those who are refused refugee status have often become illegal migrant workers. In contrast to the approximately 145,700 Burmese refugees housed in Thailand’s refugee camps, the US Committee for Refugees and Immigrants (USCRI) has found that around 50,000 Burmese persons have also been living outside of the camps, either as illegal immigrants or as part of Thailand’s labour programme.⁶³ Without legal documentation, they have been subject to detention or deportation and have worked illegally in frequently exploitative conditions.⁶⁴ Unlike ethnic Karen and Karenni groups, moreover, as of March 2007 the Shan had no specific refugee camps, causing many to subsequently become migrant workers.⁶⁵ Thailand has made such a sharp distinction between refugee and migrant status partly because the relative sanctuary of the refugee camps and the possibility of acceptance through a resettlement programme have constituted, in Inge Brees’ words, a “*recognized pull factor.*”⁶⁶ In July 2008, around 23 Burmese nationals informed the United Nations High Commissioner for Refugees (UNHCR) that, as they had not been registered as refugees or provided assistance and food since being sent to Mae La refugee camp, they had been compelled to work as hired labourers.⁶⁷ Moreover, USCRI reported in June 2008 that up to 40 percent of refugees living in the camps had illegally tried to find work outside them. For instance, in Mae Hong Son, employers have used camp guards to procure agricultural workers who could earn between 41 and 60 baht per day (between US\$1.15 and \$1.70). The danger of arrest for these types of workers was especially acute when being transported to their workplaces, and employed refugees have often had to pay bribes to be released.⁶⁸ (For more information, see Chapter 20: The Situation of Refugees).

Patterns of Migration and Trafficking

Migration remained an almost constant occurrence along the border between Burma and Thailand throughout the year. As this sub-section will document in detail, while Cyclone Nargis provoked migration from Burma to Thailand, the effects of the global recession at the end of the year prompted many Burmese migrant workers to return home. Burmese migrants also continued to take great risks when entering Thailand, often being smuggled or trafficked, causing numerous deaths *en route* throughout the year. Furthermore, malnourishment was a catalyst for migration from Burma to Thailand. As of December 2008, for instance, over 2,000 persons fleeing the famine that had gripped northern Chin State had reportedly entered illegally through Three Pagodas Pass on Thailand's western border in the preceding months, after a week long journey. Most were planning to continue on to Malaysia.⁶⁹ (For more information, see Section 21.4: Situation of Burmese Migrants in India).

The ability of the Burmese and Thai authorities to control the flow of migrants across the border remained limited. As of July 2008, almost one-third of Burmese migrants who had crossed into Thailand in the prior year through Mae Sot, a border town in Thailand's northwestern Tak Province, reportedly did not return. It was reported in July 2008 that, of the 298,847 Burmese persons who had entered Thailand in the first half of 2008, 86,517 still had not returned. In May and June 2008, 29,150 Burmese migrants did not return, presumably returning through other checkpoints or overstaying their border passes. In the first half of the year, just 72,124 Burmese migrants were deported by Thailand's provincial authorities. A provincial immigration chief commented that there is a lack of resources to adequately guard the border.⁷⁰ IRIN reported in December 2008 that, each year, over 180,000 Burmese who enter through Mae Sot are reportedly left unaccounted for by the Thai authorities.⁷¹

Although wet weather conditions in August normally cause the numbers of Burmese migrant workers entering Thailand to decrease, this was not the case in August 2008, largely due to Burma's continuing economic vicissitudes and the continued impact of Cyclone Nargis, which destroyed locals' livelihoods in the Irrawaddy and Rangoon Divisions in May 2008.⁷² Two months earlier, around 100 bereaved or orphaned Burmese cyclone victims had arrived in Mae Sot by 6 June 2008, mainly from devastated regions of Burma such as Kungyangon and Hlaingthaya in Rangoon division, and Labutta, Myaungmya and Ngapudaw on the Irrawaddy delta. Most arrived in the hope of receiving aid, while others reportedly planned to find work during their stay in Thailand.⁷³ By December 2008, this figure had risen to around 600, although some had by then returned to Burma. NGOs, such as the Back Pack Health Worker Team and the Burmese Woman's Union Emergency Assistance Team (EAT), had by then provided assistance to around 500 cyclone survivors in Mae Sot. Of those assisted by EAT, around 60 percent were reportedly given legal status in Thailand (allowing many to work in Mae Sot), 30 percent travelled to Bangkok and 20 percent returned home.⁷⁴

Despite fears that Cyclone Nargis would provoke a surge in the numbers of Burmese migrant workers arriving in Mae Sot, the numbers were relatively small in comparison to the regular influx of migrant workers.⁷⁵ Although it was expected that the cyclone would provoke an increase in trafficking of Burmese migrants to Thailand, UNICEF Thailand stated in December 2008 that, despite their concerns over the accuracy of data, they had received no reports of greater trafficking flows. According to IRIN, most of the evidence about cyclone-related trafficking was merely "*anecdotal.*"⁷⁶ Nevertheless, there were reports that traffickers had disguised themselves as aid workers in order to coax Burmese people affected by the cyclone into Thailand.⁷⁷

In response, the Burmese junta sought to prevent people from fleeing the effects of the cyclone. For instance, 65 persons, including 20 women and 15 children, were arrested on 2 June 2008, after attempting to escape the cyclone's aftermath in Bogale Township.⁷⁸ Since many Burmese migrant workers in Thailand responded with anger to the junta's apparent indifference to the suffering caused by Cyclone Nargis, one NGO – the Grassroots Foundation for Education and Development – sought to keep migrant workers informed about the disaster by offering news and information.⁷⁹

Far larger numbers of Burmese migrant workers, however, were affected by Thailand's economic instability. In the first half of 2008, Burmese migrant workers continued to enter Thailand in spite of such uncertainty. For instance, although the steep rise in the price of rubber in July 2008 made it far harder for migrant workers to secure employment on rubber plantations, this did not deter Burmese migrants from entering Thailand, as some even resorted to bribing plantation owners to be provided with work.⁸⁰ Despite examples such as this, the onset of the global recession forced many Burmese migrant workers to return home in the latter part of 2008, as factories' production levels plummeted and competition for jobs increased. Human rights groups, who operate on the border between Thailand and Burma, reported in December 2008 that thousands of Burmese migrant workers were returning home, after finding their wages cut in half or losing their jobs altogether.⁸¹ Illegal migrant workers were often the first to be dispensed with by employers.⁸²

Numerous examples demonstrate the severe effect of the crisis on Burmese migrant workers. Firstly, the economic slowdown disrupted Thailand's economic patterns. The garment and knitting industries, for example, ordinarily have a low season lasting from November to March each year, when workers are laid off and move to positions in other sectors such as construction or farming. However, there were less of these jobs available at the end of 2008, and the low season began one month early. Some of those who were left jobless in Mae Sot, for instance, decided to seek work in Bangkok instead.⁸³ Secondly, Thai rubber plantations, which employed Burmese migrant workers, were heavily affected by the reduced demand for tyres from the US and the consequent cancellation or delay of shipments. One Burmese migrant worker told *Irrawaddy* in October 2008 that, as a result, his salary had plummeted from 1,800 baht (then US\$52) per day to a mere 1,000 baht (then US\$29).⁸⁴

Thirdly, in late November 2008 around 3,000 Burmese migrant workers lost their jobs in Mae Sot, after orders from Europe and East Asia dried up, and around half of Mae Sot's factories halted their operations.⁸⁵ According to the Yaung Chi Oo Burmese Workers Association, around 400 of these workers returned to Burma.⁸⁶ In addition to outright job losses, many of the 13,000 Burmese migrants working in clothing factories in Three Pagodas Pass had their hours cut, leaving them with just 20 days of employment per month. Many of their salaries were also cut from around 200 baht per day (then US\$6) to just 100 baht (then \$3).⁸⁷ Remittance payments made through informal mechanisms also plummeted in late 2008. One agent transferred just a tenth of the usual amount: a mere 2 million kyat (then US\$1,650) in comparison to the normal 20 million kyat (then US\$16,500).⁸⁸

Many Burmese migrant workers were laid off with little notice and were not provided with compensation. In one case, Burmese migrant workers employed by the Lian Tong Knitting Co. Ltd in Mae Sot were ordered to vacate the company's compound, which forced 1,500 workers to find temporary shelter close to the Moei River which borders Burma. Newly unemployed Burmese migrant workers, despite being entitled to compensation under Thai law, were unable to secure it.⁸⁹ Economic forecasts for 2009 were similarly bleak. It was predicted in November 2008 that Tak District's industrial production would drop by 30 percent, and that lay-offs could affect as much as ten percent of the workforce, according to the Tak District Thai Industrial Federation.⁹⁰ In early December 2008, Thailand's Deputy Prime Minister, Olarn Chaipravat, warned that 1.2 million jobs were expected to be lost in 2009.⁹¹

Smuggling and Trafficking

Smuggling and trafficking are two common ways in which many Burmese migrant workers continue to be transported from Burma to Thailand. While the two are closely related, they are not identical. Whereas smuggling is ordinarily understood to be initially undertaken voluntarily, the Convention against Transnational Crime defines trafficking as coercive, whether involving the threat or actual use of force, and having exploitation as its purpose. Nevertheless, the distinction between trafficking and smuggling is often ambiguous when applied in practice, as any given migrant's experience of leaving Burma can involve elements of both. For instance, Burmese migrants may originally be coerced into leaving but are then left free to return, or they may initially leave voluntarily but then subsequently become coerced and exploited upon arrival.⁹² As this sub-section documents, however, both trafficking and smuggling involve significant risks.

Scores of Burmese were smuggled from the Burmese border to Bangkok for work during 2008.⁹³ One source involved in migrant smuggling told *Irrawaddy* that, as of August 2008, around 300 Burmese migrants were being taken illegally from Burma to Bangkok each day via border points including Mae Sot, Three Pagodas Pass, Ranong and Mae Sai. Migrant workers often initially enter Mae Sot, which is separated from Burma by the Moei River, by crossing either the Thai-Burma Friendship Bridge or the river, using inflated inner tubes.⁹⁴ In addition to the popular crossing point in Mae Sot, between 70 and 80 migrants were arriving at Three Pagodas Pass in Kanchanaburi Province, Thailand every day as of June 2008, mostly from Mon State. A Mon activist told IMNA that three persons per rural household were reportedly seeking work in Thailand at that time. On some days many more would arrive in Three Pagodas Pass to cross the border; on 8 June 2008 for instance, 200 people arrived. Burmese migrant workers have reportedly often paid up to 550,000 kyat (15,714 baht and \$US444) to touts to be taken to Bangkok from entry points such as Three Pagodas Pass.⁹⁵ In August 2008, however, the cost of being smuggled from Mae Sot to Bangkok reportedly rose by around 2,000 baht (then US\$58), reaching around 14,000 baht in total (approximately US\$412). Upon arrival, many find themselves in Mahachai, which has the densest concentration of Burmese labour in the country and offers poorly paid positions in the fish processing industry.⁹⁶



Migrants illegally cross the Moei River into Thailand on inflated truck tire inner tubes. One of the concrete pylons supporting the Thai-Burma Friendship Bridge (which forms the legal border crossing) can be seen in the upper right corner of the photograph. Scores of migrants make this crossing from Myawaddy to Mae Sot every day in plain sight of the immigration officials of both countries. [Photo: © Greg Lowe/IRIN]

Trafficking has also contributed to the development of the sex industry in Three Pagodas Pass, allowing numerous 'massage parlours' and brothels to flourish with the connivance of the town's authorities in exchange for taxes. Ethnic ceasefire groups, such as the Karen Peace Force, are involved in the trade, owning the Thel Htet Sue parlour. As of April 2008, Kaday Kadar parlour kept about 30 trafficked girls on the premises, who were earning a small wage plus bonuses.⁹⁷

Burmese migrant workers have been at risk of arrest when being either smuggled or trafficked into Thailand. In June 2008 around 200 Burmese job seekers hoping to cross the border into Thailand or Malaysia were arrested in the southern border town of Kawthaung, in Tenasserim Division, which has become one of the principal crossing points between Burma and Thailand.⁹⁸ Such measures continued in Kawthaung into August 2008, when the Burmese authorities shut down around six hotels on the orders of Major-General Khin Zaw Oo, the military commander of Tenasserim Division. Hundreds were arrested in an attempt to bring human trafficking under control; the majority of those arrested were returned to their places of origin. Despite such measures however, hundreds continued to travel into Thailand from Kawthaung on a daily basis.⁹⁹

Smuggling and trafficking into Thailand also presents other serious risks to Burmese migrant workers. According to the Migrant Working Group in April 2008, ten cases over the course of the preceding year in which migrants attempted to enter Thailand resulted in over 100 deaths.¹⁰⁰ Many Burmese migrant workers have died *en route*, either in accidents or after contracting malaria while furtively entering Thailand through the jungle to avoid arrest.¹⁰¹ Describing his journey to Thailand over eight years ago, when he was ten years old, one Burmese migrant worker, Yan Naing Htun, recalled that:

*"There were 10 men lying beside me in the back of a pickup truck. Our bodies were covered with a thick plastic sheet and it was extremely hot. I couldn't see a thing. I could only hear the sound of cars and trucks going by."... "I was so afraid of being arrested that I tried to stay perfectly still under the plastic sheet."*¹⁰²

In 2008's most tragic and widely publicised incident concerning Burmese migrant workers, 54 Burmese migrants suffocated on 9 April 2008 while being transported from Ranong to Phuket, Southern Thailand in a sealed freezer truck. The vehicle was designed to transport food; however the driver had reportedly failed to ensure that it was adequately ventilated by failing to make use of the air conditioning.¹⁰³ 121 Burmese migrants had reportedly been packed into the truck, which measured just six metres long and around two metres wide.¹⁰⁴ The migrants were forced to stand up for the entirety of the four to five hour journey.¹⁰⁵ Most of the victims – including 36 women and 17 men in their late adolescence or early twenties, as well as an eight-year old child– were from the Kyaikto, Moulmein, Thaton and Chaungzon townships in Mon State.¹⁰⁶ The bodies were all reportedly buried at the Buddhist Temple of Ranong.¹⁰⁷ According to the Thai authorities, the three Mon touts involved were:

1. Mi Lae, from Lamaing sub-town;
2. Mi Thami; and
3. Nywe Tun.¹⁰⁸

As the incident was reported across the world, it reportedly had a negative impact on Thailand's international reputation.¹⁰⁹ The tragedy reportedly shocked migrant communities worldwide and underlined the vulnerability of migrant workers during their journeys to Thailand.¹¹⁰ However, the incident was not unprecedented, since it was suspected that 13 Burmese migrants, whose bodies were found on a rubbish dump in 2002, had also suffocated during their journey through Thailand.¹¹¹

The tragedy also had repercussions inside Burma itself. Shortly after the incident, it was reported that Burmese police from Mon State had been inquiring as to the victims' names, seeking to track down their bereaved relatives, and questioning them thoroughly if they did so. A Burmese police officer from Kawthaung was said to have photographed the victims and pressed forcefully for their return to Burma.¹¹² Furthermore, three delegates were sent to Thailand by the Burmese junta to investigate the incident; the delegation visited Ranong jail shortly after the incident to talk to the survivors.¹¹³ Given the frequency with which those returning from abroad have been persecuted by the junta, many believed that the authorities' interest stemmed from a desire to intimidate or extort money from the victims' families.¹¹⁴ (For more information, see Chapter 6: Trafficking and Smuggling).

Thai Migration Policy

Burmese migrant workers in Thailand are subject to the Thai 1979 Immigration Act, which treats all undocumented aliens as "*illegal immigrants*" that are subject to deportation. Under the Act, refugees and asylum seekers have the same status as any other foreigners and illegal entry is punished by fines as high as 20,000 baht (around US\$564) and imprisonment for up to two years. The Minister of Interior, however, has had the authority to exempt foreigners from this and to allow them to remain in special circumstances, if Cabinet approval is given.¹¹⁵

Thai migration policy shifted throughout 2008 however, as new legislation which affected the lives of Burmese migrant workers in Thailand was introduced in February 2008: the Working of Aliens Act and the Civil Registration Act. The Working of Aliens Act notably made employment for migrant workers more flexible in some respects, but also introduced harsher penalties for illegal migrant workers and their employees.¹¹⁶ It stated that employers who were found to employ illegal migrant workers could be sentenced to up to two years' imprisonment, whereas migrant workers could be jailed for as long as five years. The Act also compelled employers to deduct the costs of repatriation from migrant workers' salaries before they are deported, and controversially introduced a system of cash rewards for informants who notify the authorities about illegal migrant workers. The Thai authorities began to offer a reward equal to 20 percent of the value of the migrant worker's seized possessions.¹¹⁷ In contrast, the Civil Registration Act concerns the issuing of birth certificates to migrant workers' children.¹¹⁸

Human rights organisations, however, have strongly opposed key aspects of the new legislation. At a conference in Bangkok in June 2008, a number of such organisations urged the government to scrap the system of rewards for informants, on the grounds that it exacerbates existing divisions between Thai workers and Burmese migrants by fostering a culture of mutual distrust in the workplace. The organisations also expected it to lead to more frequent crackdowns on migrant workers, and that it would make it very difficult for those who had fled the devastation caused by Cyclone Nargis to stay in Thailand. The organisations included:

1. The Mekong Migration Network;
2. The Thai Action Committee for Democracy in Burma; and
3. The Action Network for Migrants.¹¹⁹

The new legislation did not fundamentally change the highly restrictive nature of Thailand's immigration policy. In March 2008, the Thai authorities extended restrictions that had been in place in the south of Thailand since 2006 – such as night curfews, the prohibition of gatherings of more than five migrants, a ban on owning unregistered mobile phones and driving motorbikes – to other provinces, further curtailing the rights to freedom of association and movement.¹²⁰ Restrictions were also reportedly imposed on the celebration of cultural

events during 2008. Many ethnic Mon migrant workers were reluctant to celebrate the 61st Mon National Day in Mahachai Township, Bangkok on 22 February 2008, since the new governor of Samut Sakhon District had announced that they should refrain from wearing traditional dress, celebrating Mon culture and traditions, and engaging in political activities.¹²¹ The officials also called on the public not to give their support to other Mon cultural events in Samut Sakhon, where around 200,000 Burmese and Mon migrant workers lived as of April 2008. Around 100 Thai police officers reportedly set up checkpoints near the celebrations at Ban Rai Charoenphol monastery in Mahachai to prevent Mon workers from participating.¹²² As a result, the Human Rights Commissioner, the Lawyers' Council and NGOs were due to meet on 11 February to discuss both that specific incident and Mon workers' rights more generally. According to the Chairman of a Mon youth organisation, many Mon felt that the restrictions posed "a threat" to their "way of life." Whilst a Mon political group had reportedly been set up in Thailand to work for an independent Mon State, and has been targeted by the Thai police, the organisers of the celebrations were at pains to stress that the festivities were cultural in nature, claiming that "we don't talk about politics."¹²³

Thailand has also responded to arrivals of Rohingya boat people, who they regard as a threat to national security, in a draconian manner. Rather than directly punishing the Rohingya for illegal entry, they have appeared to employ a policy of what Arakan Project Director Chris Lewa described in April 2008 as "informal deportation", whereby the boat people are passed onto brokers who then take them to Malaysia, which is likely to create another "pull factor."¹²⁴ Lewa also noted that Thailand's immigration authorities may have passed the migrants onto brokers based in southern Thailand, who may have detained them until they paid the required fee to be smuggled across the border. Brokers have also reportedly beaten their detainees on a regular basis as a form of pressure to pay. Due to their inability to produce the money, however, many have been sold as bonded labour to fishing boats or plantations. As a result, many families have little access to information on the whereabouts of their missing loved ones. On 28 March 2008, Thailand's Prime Minister announced that he was considering the possibility of a policy of detention for the Rohingya on a deserted island as a deterrent, commenting, "to stop the influx, we have to keep them in a tough place. Those who are about to follow will have to know life here will be difficult in order that they won't sneak in."¹²⁵ However, TBBC reported that, in the first half of 2008, there had been no indication that this proposal would be implemented, and suggested that it was announced as a deterrent in its own right.¹²⁶



Burmese labourers in search of work gather in an area of Chiang Mai, Thailand known as Kamtieng, where employers recruit them to perform manual labour. [Photo: © John Hulme]

For these reasons, Thailand's migration policy has been heavily criticised. Frequently viewed, in *Irrawaddy's* words, as highly "self-serving," Thai policy has been charged with subordinating the rights of migrant workers to economic interests which are often closely connected to top government officials.¹²⁷ Despite its past enmity with Burma, Thailand's approach to Burmese migration may also be shaped by its desire to foster favourable relations with the Burmese junta and to gain access to Burma's natural resources; a prospect which makes it prepared to countenance the junta's human rights abuses. In the words of Sunisuda Ekachai, Thailand's "hunger for Burma's natural resources has caused the locals much suffering."¹²⁸ In response to the freezer truck disaster in April 2008, moreover, ILO strongly urged the Thai government to make radical changes to its policy regarding the employment of foreign workers. The ILO made the point that the current approach had failed to effectively combat trafficking, and that in fact, the trade was thriving.¹²⁹ Similarly, IOM called for the 2003 Memorandum of Understanding between Thailand and Burma to be implemented as a means of ensuring that the rights of migrant workers are respected.¹³⁰ In addition, the former Thai senator and social activist, Jon Ungphakorn, has called for an overhaul of legalisation regarding all migrant workers in Thailand, pointing out that there has been no evidence to suggest that migrant workers in Thailand are taking jobs that Thais would be able to undertake.¹³¹ There has been some hope, however, that the new Thai Prime Minister Abhisit Vejjajiva, elected on 15 December 2008 after a period of political turmoil in Thailand which led to the resignation of the former Prime Minister Somchai Wongsawat, may take a more sympathetic stance towards Burmese migrants working in Thailand.¹³²

Thailand's migration policy was forced to shift in the wake of Cyclone Nargis in May 2008. The Action Network for Migrants (Thailand) and the Mekong Migration Network wrote an appeal for urgent assistance for the cyclone's victims to the Thai Ministries of the Interior, Labour, Social Development and Human Security, as well as Thailand's National Human Rights Commission.¹³³ The letter appealed to the Thai government's concerns about immigration into the country, warning that "the people of Burma will only migrate to Thailand if there is no other means of survival." They also asked that Burmese migrants be allowed to return to Burma to see their cyclone-affected families, and that they then be allowed to return to Thailand.¹³⁴ The letter called on the Thai authorities to:

1. Stop arresting and deporting Burmese migrant workers guilty of immigration irregularities for 12 months;
2. Open registrations for temporary residence; and
3. Supply emergency work permits.

The appeal was couched in terms of Thailand's interests by claiming that the measures "would be in the interests of the economy."¹³⁵

In the aftermath of the cyclone, the Thai authorities did indeed appear to relax their immigration policy for a period. On 6 August 2008 it was reported that Rakawin Leechanavanichpan, ILO's Asia Programme Officer, had claimed that the number of deportations had dropped in the wake of the cyclone, and that the Thai authorities "became more relaxed for a while."¹³⁶ In contrast, *Irrawaddy* found in July 2008 that the Royal Thai Embassy in Rangoon had introduced new obstacles to entry into Thailand for Burmese nationals, obliging them to provide detailed information on all their possessions, and requiring proof of assets above 1.8 million kyat (then US\$1,525), in contrast to a previous requirement of US\$600. Although it was unclear whether the reason behind the changes was a further shift in Thailand's foreign policy or simply a decision made by officials on other grounds, some explained this tightening of regulations as being connected with Thai fears that Cyclone Nargis would prompt a wave of migration from Burma to Thailand. Speaking to *Irrawaddy*, however, the Thai embassy in Rangoon denied that there had been any official policy changes since the cyclone.¹³⁷

Thailand's migration policy was also forced to adapt in the light of the furore created by the freezer truck deaths on 9 April 2008. On the one hand, the authorities' response to the debacle had strongly punitive aspects. 14 child survivors were handed to the authorities to be deported, and the adult survivors were charged for violating Thailand's immigration laws, receiving two-month suspended sentences and fines of 1,000 baht.¹³⁸ After being detained for two months in Ranong prison, survivors were then returned to the Burmese border.¹³⁹ Six Thai nationals were also arrested, among them the driver and his accomplice.¹⁴⁰ Following the tragedy, the Thai authorities also pushed ahead with further deportations of other Burmese migrant workers. Less than a fortnight after the April's incident, 50 Burmese illegal immigrants had been arrested and were set for deportation to Burma.¹⁴¹ The incident also renewed efforts to curb trafficking into Thailand from Burma at crossing points such as Kawthaung.¹⁴² By December 2008, however, no prosecutions of the smugglers had been made. According to a report produced by the Department of Special Investigation (DSI), increasingly powerful smuggling gangs had resorted to violence to protect their interests, by killing a witness and threatening migrant workers. Moreover, eight persons accused of being responsible for the tragedy were only charged lightly with reckless conduct and sheltering illegal migrants.¹⁴³

On the other hand, the Thai government took some steps to avoid a repeat of the tragedy. In June 2008, the Thai parliament passed a new Trafficking Act and reportedly invited the Burmese junta to sign a joint agreement on Cooperation to Combat Trafficking in Persons, but was rebuffed.¹⁴⁴ The Human Rights Commission, the DSI and Thai Foreign Minister, Noppadon Pattama, called for the survivors to be allowed to remain in Thailand, and asked that they be permitted to assist the police during the process of identifying the traffickers.¹⁴⁵ The Trafficking Act was welcomed by organisations such as the ILO, who considered it to introduce a broader understanding of trafficking and to provide victims with greater levels of protection, by giving greater powers to all officials to act against traffickers. Nevertheless, others raised concerns about the Act. As Jackie Pollock of the Migrant Assistance Programme Foundation has argued, since the Act is focussed on the perpetrators of "international crime," victims' needs can be ignored and the underlying causes of trafficking in Burma can be overlooked. Moreover, concerns remain that the Act's implementation may be hampered by corruption within the Thai police force, which is known to have been involved in smuggling migrants itself. As of July 2008, the Act remained one of the few means of protection for migrant workers who have been exploited or abused. Pollock made the point that the survivors of the freezer truck smuggling attempt had had all protection removed as soon as it was established that the individuals were not victims of trafficking.¹⁴⁶

Survivors and victims' relatives began to be awarded some degree of compensation as the year wore on. In July 2008, for instance, an insurance company agreed to pay out 35,000 baht (then US\$1,044) to relatives of each Burmese migrant worker who suffocated to death. Under Thailand's law covering automobile accidents, if the victims were found not to have committed any crime, then another 65,000 baht (then US\$1,800) would be awarded.¹⁴⁷ Ko Htoo Chit, Director of Grassroots Human Rights Education, applauded the work of NGOs, such as the Migrant Assistance Programme Foundation, the Burmese Labour Union and the Lawyer's Council of Thailand, who lobbied for this outcome. Nevertheless, there were concerns that, since the compensation was to be channelled through the Burmese authorities, the compensation may not have reached the intended recipients, and that the junta may siphon it off.¹⁴⁸ In October 2008, moreover, it emerged that a Thai life insurance company known as 'Liberty Insurance' was to pay compensation totalling 100,000 baht (US\$2,800), as the freezer truck was insured with them. However, as of October it was not known if the money had been transferred, due to administrative delays.¹⁴⁹

Legal Registration of Migrant Workers

Legally registered migrant workers make up a relatively small proportion of all migrant workers in Thailand. For instance, the Migrant Assistance Programme Foundation reported that, at the close of 2007, there were 616,000 registered foreign workers in the country, of whom 60 percent were from Burma. In contrast, numerous NGOs have estimated the number of both registered and illegal workers has reached two million.¹⁵⁰ Similarly, although Thai employers reportedly requested 1.2 million migrant workers in 2008, only 529,447 were registered as of June 2008.¹⁵¹

When the Thai authorities made a thorough attempt to register migrant workers in 2004, 1,284,920 migrants were documented and 848,552 year-long work permits were issued. The registered workers were told to re-register annually, and the numbers decreased in subsequent years. By 2007, there were just 532,305 registered migrant workers, of whom 485,925 were Burmese.¹⁵² Indeed, Burmese migrant workers accounted for 91 percent of all applications for work permits.¹⁵³ This decline is attributable to the high costs of re-registering, and the fact that legal status is linked to a particular job, which migrant workers may have left.¹⁵⁴ In December 2007, moreover, work permits were extended for another two years to last until early 2010, with a timetable for the re-registration of migrant workers already present in Thailand during the first half of 2008 put forward, both for migrants with current permits and those whose permits had expired. Nevertheless, as of June a mere 190,107 Burmese migrant workers had registered in 2008.¹⁵⁵ Registration figures also plummeted in April 2008 after the Thai authorities announced a proposal to limit the numbers of renewals to migrants who could verify their nationalities with their governments. This made renewal practically impossible for Burmese refugees, as the junta refused to participate in the proposed scheme. The government's policy of no longer issuing permits to migrant workers' spouses and children put some children at risk of being separated from their parents by shelters.¹⁵⁶



Burmese migrant workers in a Thai Immigration Detention Centre (IDC) holding cell awaiting deportation. Between June 2007 and June 2008, Thai authorities deported over 70,000 unregistered migrants, more than 25,000 of whom were Burmese. *[Photo: © Reuters]*

In June 2008, the Thai authorities began collecting data in order to issue identity cards for migrants working in the country. The cards, to be issued by the Thai Royal Immigration Department in June 2008 in Tak, Mae Sot, Ranong and Mae Hong Son, were to be valid for ten years. Applicants needed to produce two pictures, personal details and a fingerprint. Provided that the applicant had lived in Thailand for many years, was friendly with Thais, participated in Thai life and did not have a criminal record, he or she could be granted a card at the recommendation of a Thai citizen.¹⁵⁷

It has also emerged that the Burmese junta was prepared to facilitate migration to Thailand to some extent. In November 2008, the authorities were preparing to offer new nationality identification papers to Burmese migrant workers, which would offer them one-year work permits for Thailand.¹⁵⁸ Three passport registration offices were to be opened along the border between Burma and Thailand at Ranong, Tachilek and Myawaddy Townships, where migrants would be able to apply for the necessary documents if they presented a letter of recommendation from a business or factory in Thailand, alongside his or her background information and identification card.¹⁵⁹

There was speculation following the announcement of the plan that few Burmese migrant workers would apply for the permits, given their fear of being returned to Burma. Those from ethnic minorities were anxious that the information they provide to the junta in exchange for the permits would be used to persecute their families who remain in Burma. Indeed, the Workers' Solidarity Association, which operates from Chiang Mai, resolved to reject the new passport system, due to precisely this fear. Nevertheless, some Burmese migrant workers participated in the new scheme, as Thailand's Department of Employment began to require that Thai employers undertake a national verification process. The process began in September 2008 and work permits were subsequently issued to Laotian and Burmese migrant workers who passed and were approved.¹⁶⁰

The vulnerability of unregistered migrant workers to exploitation (which the following section documents) has been attributed to the shortcomings of Thailand's registration process. IOM, for instance, has suggested that if the Thai authorities fail to extend recognition to unregistered migrant workers, they will remain highly susceptible to exploitation.¹⁶¹ Suvajee Good, of the ILO, has also explained the high numbers of unregistered migrant workers in terms of the lack of education on immigration policy. Due to their ignorance of regulations, many Burmese migrant workers are led into Thailand, often unaware of the illegality of their actions.¹⁶² TBBC, furthermore, has stated that unless the registration process is made available for migrant workers who have never registered with the authorities, hundreds of thousands of migrant workers will continue to work illegally in the country.¹⁶³

Labour Law and Working Conditions

Despite the high numbers of unregistered Burmese migrant workers, some Burmese nationals, alongside their Laotian and Cambodian counterparts, registered with Thailand's migrant programme, which provides low-paid employment in specific locations for specific employers.¹⁶⁴ Most Burmese migrant workers with permits then gained employment in the fish processing and construction industries, agribusiness and private households.¹⁶⁵ USCRI reported in June 2008 that, among the conditions of participation in the programme, only non-refugees could register, and the names of participants were passed on to the authorities of their home country. The permit cost 3,800 baht (around US\$120), and the registration process necessitates at least five visits to governmental offices. Once a migrant worker has joined the programme, he or she is eligible to be covered by Thailand's system of health insurance (although his or her family could not be covered) and to join trade unions, as long as they were formed and run by Thais. If a worker wishes to change employer, he or she must start the process afresh, and the former employer retains the power to refuse to cooperate, and to refuse to return the worker's original registration.¹⁶⁶

Although most Burmese migrant workers have received higher wages in Thailand than in Burma in relative terms, their incomes still represent a pittance. Whereas the local minimum wage for Thai workers in Mae Sot was just over US\$4.40 per day as of December 2008, Burmese migrant workers in the border town were entitled to US\$3.50 a day, although the majority has reportedly been paid US\$2 or less in practice.¹⁶⁷ In a survey undertaken by

Burma Economic Watch in 2008 of around 1,000 Burmese migrant workers, the median income for workers employed in their first job in Thailand was around 2,500 baht per month.¹⁶⁸ In May 2008, however, following protests on May Day, the Thai Ministry of Labour agreed to raise the minimum wage. Although many groups initially demanded between 15 and 33 baht per day, the Ministry settled on a daily minimum rate of between nine and 20 baht. The rise also varied depending on the location, with a rise of nine baht in Samut Sakhon, Pratumthain and Chiang Mai, compared to a rise of between four and six baht in Tak and Surathani. Nevertheless, migrant rights activists remained concerned that employers would continue to exploit Burmese workers and fail to pay them to the new minimum wage standard.¹⁶⁹

As a result of these low wages, most Burmese migrant workers have continued to face poverty while living in Thailand. Many female Burmese migrant workers, for instance, have not been able to afford to have children, as this would necessitate time away from work and would further stretch their already tight budgets. In consequence, many pregnant women have attempted abortions. In one case, reported by *Irrawaddy*, a woman in a Mae Sot clinic took the traditional *kay thi pan* pill, but found that her baby survived and that it merely made her ill. The Mae Tao Clinic in Mae Sot has seen many similar cases in recent years. According to the clinic's Dr. Cynthia Maung, "*factory owners don't tolerate babies and young children on their premises, so women resort to abortions to keep their jobs.*"¹⁷⁰

Despite their continuing poverty, many Burmese migrant workers have continued to send significant portions of their wages from Thailand as remittance payments to support their families in Burma. As noted in this chapter's introduction, remittance payments have become a very important means by which Burmese migrant workers can ensure that their families and relatives in Burma survive. In 2008, Burma Economic Watch conducted a survey of remittance payments by around 1,000 Burmese migrant workers employed in 12 provinces throughout Thailand. It found that the median amount sent home by the survey recipients was 15,000 baht (then around \$US575). While the maximum amount sent home was three million baht, the lowest was 3,000 baht.¹⁷¹ Although the authors admit that a high level of precision is difficult to achieve, they estimated that the aggregate annual flow of remittances from Thailand to Burma by Burmese migrant workers was around \$US300 million.¹⁷² They concluded, moreover, that the amounts sent home declined the longer the migrants lived in Thailand, and that on average female Burmese migrant workers sent back a higher proportion of their income than men (40 percent of the maximum, as opposed to 36 percent).¹⁷³

The survey also found that the majority of Burmese migrant workers living in Thailand chose to send remittance payments back home through informal channels. This has been especially important for those residing in Thailand illegally, who need to bypass the lengthy and complicated process of setting up formal money transfers. Indeed, foreigners seeking to access Thai banks have had to set up what is known as a 'non-resident' baht bank account, which has only been possible with a visa or work permit, a passport, and a letter of recommendation, written either by the worker's employer or their bank abroad.¹⁷⁴ Many informal payments are made by hand, through couriers, traders or friends and family. Another mechanism, known as *hundi*, involves the transfer of money from location to location through a network of dealers. Although many *hundi* transfers have included a safety mechanism to ensure that the money reaches its intended destination – which has often been an authentication code that is sent to the intended recipient – the system depends on a large element of trust.¹⁷⁵

In a more philanthropic variation of normal remittance payments, Burmese migrant workers in Thailand responded to the devastation caused by Burma's Cyclone Nargis with charitable donations.¹⁷⁶ Informal networks were used to raise money to be distributed by aid groups or Buddhist temples.¹⁷⁷ For instance, workers in the Phan-nga district of southern Thailand,

many of whom had been affected by the cyclone themselves, collected in excess of 200,000 baht (then US\$5,654) for victims of the cyclone.¹⁷⁸ Moreover, many migrant workers in Thailand reportedly wanted to return to Burma to assist the many victims of the cyclone, regardless of the dangers they would face.¹⁷⁹ Others sent supplies, such as clothes, medicine, dried foods and money, through what they considered to be “*trusted channels*.”¹⁸⁰ Others, however, were concerned that the aid might be intercepted by the Burmese junta and may not reach the victims, although some migrant workers in Mae Sot were reportedly prepared to join the Thai government in passing aid over to the Burmese authorities.¹⁸¹ Others reportedly returned to track down family members they feared to have been affected by the cyclone.¹⁸²

The ability of Burmese migrant workers to make remittance payments from Thailand to Burma was seriously affected by the global economic slowdown. Burmese migrant workers employed on Thailand’s rubber plantations were a case in point. Although these workers usually transferred large amounts of their earnings to their families in Burma through the *hundi* system, one agent claimed in October 2008 that his usual transfers of 20 million kyat (then US\$16,500) per month had been reduced to a mere two million kyat (then US\$1,650).¹⁸³

In addition to the poverty many Burmese migrant workers face in Thailand, migrant labourer’s working conditions are generally very poor. As the following examples make clear, unregistered migrant workers often toil in unsanitary and dangerous conditions and lack social security.¹⁸⁴ For instance, it was reported in February 2008 that around 200 illegal Burmese migrant workers were living near a rubbish dump two kilometres outside of Mae Sot. These impoverished workers were forced to forage and sift through the items in the dump, which is the size of several football pitches, in order to find recyclable goods, mostly made of plastic and rubber that they could sell on to shops. If successful, they stood to earn between 20 and 40 baht per day (between US\$0.50 and \$1.15). Despite the paltry nature of the returns, this was still more than some could earn in Burma.¹⁸⁵

In addition to this grimy work, however, there are often added dangers. On 22 February 2008, for instance, about 14 Burmese migrant workers, three of them children, were injured by a bomb explosion at the same rubbish dump. The blast occurred soon after a truck deposited a load of rubbish there.¹⁸⁶ Among those who sustained serious injuries to both eyes and limbs, were:

1. U Than Ngwe, aged 45;
2. Maung Aung Bo, aged 8; and
3. Pho Dah, ethnic Karen, aged 30.¹⁸⁷

Many Burmese migrant workers, moreover, work without basic protective gear such as hard hats.¹⁸⁸ If they do suffer an injury, it is often an uphill struggle to secure compensation. Nang Noom Mai Seng, for instance, who was paralysed from the waist down by an accident at a construction site in Chiang Mai in 2006, was forced to appeal a decision which refused her compensation. Although she was paid a lump sum by her employers in 2007, she was denied compensation by the Social Security Office; compensation which is only granted if the worker in question can produce a valid passport. Her subsequent appeal to the Workman’s Compensation Appeals Committee in January 2008 was unsuccessful. She then went to the Chiang Mai Administrative Court on 11 April 2008, which ruled on 25 April 2008 that the case was a matter for the Labour Court. As of May she was appealing the decision at the Supreme Administrative Court in Bangkok, claiming alongside two other Shan migrant workers that she was eligible to receive compensation. Human rights organizations, furthermore, have disputed the April judgement, claiming that the Administrative Court did have the power to take on the case.¹⁸⁹

In other cases, compensation has been forthcoming. In September 2008, for instance, Thailand's Labour Court ordered the owners of the Phraphasnavee fishing fleet to pay 38 Burmese survivors a total of 4.9 million baht (then US\$140,450), as compensation after they went without food when their boat went adrift for three months off the coast of Indonesia in June 2006. The *Bangkok Post* described the court's judgment as a "historic court ruling."¹⁹⁰ Others, however, found the compensation to be insufficient. The Labour Rights Promotion Network, for instance, called for the families of 39 Burmese fishermen, who died of starvation during the voyage, to be compensated with 15 million baht (then US\$430,000). The court found that the fleet was not compelled to compensate the victims' families, since no photographic evidence that the deaths took place at sea was presented to the court. There have also been reports of delays, and of the victims being unable to access their compensation, as they were told that they need 20 survivors present for the money to be withdrawn, despite the fact that this was impossible to achieve, as the survivors live in many different places, some of which were very remote.¹⁹¹ The employers were also planning an appeal as of October 2008.¹⁹² Ko Ko Aung, of the Labour Rights Protection Network, sees the incident as an example of how Thai labour law fails to protect migrant workers, commenting that, although "migrant workers are supposed to be protected under Thai law ... it seems it only protects Thai businessmen."¹⁹³

The danger and poverty experienced by many Burmese migrant workers is greatly compounded by the abuse and violence which many also regularly suffer at the hands of their employers or hostile Thais. Within the large Burmese migrant population in the fishing ports of Samut Sakhon province, for instance, around 800 cases of abuse such as murder and rape were recorded by the Seafarers' Union of Burma between mid-2006 and November 2007. Around one third of the cases involved murder. Furthermore, many Burmese migrant workers have not reported incidents of abuse that they have suffered to the police, given their fear of deportation.¹⁹⁴

Rubber plantations in southern Thailand have been frequent sites of abuse concerning Burmese migrant workers. Many Burmese plantation workers have often suffered theft or have been murdered by their bosses or by robbers.¹⁹⁵ There have also been reports that migrant workers have been killed by their employers to avoid having to pay them. If discovered by the authorities, employers have frequently found that they can exchange impunity for compensation to the victim's family. When confronted with accusations of abuse, many employers have resorted to bribing the police to ensure that no action is taken against them.¹⁹⁶ In one case reported in March 2008, three Burmese migrants working in a rose garden in Pohphara, near Mae Sot, were threatened with guns, beaten and seriously injured by men hired by their employer, following their request for higher wages. Although the employer in question did increase wages from 70 to 80 baht per day, four suspected leaders of the workers were sacked. Lawyers from the Burmese Labour Solidarity Organisation (BLSO) intervened to help the victims submit the case to the police. The victims were:

1. San Min Naing;
2. Anyar Thar; and
3. Ko Hlaing.¹⁹⁷

In another incident on 4 February 2008, four Burmese migrant workers were reportedly murdered and a boy was left seriously injured by an unknown Thai gang who, after posing as members of Thai intelligence, took them from their homes by car to a rubber plantation before their deaths.¹⁹⁸ The bodies of two couples, including one pregnant woman, were found in a rubber plantation in Chaiya Township, southern Thailand. The migrant workers had all been employed at the rubber plantation for around a decade since their arrival from Mon State.¹⁹⁹ The victims were all from Thanbyuzayat Township of Mon State, and were

1. Nai Win Naing;
2. Mi Khin Soe Soe;
3. Nai Khaing Thein; and
4. Mi Khaing Myint Win.²⁰⁰

Nai Khaing Thein and Mi Khaing Myint Win had left four children behind in Mon State. A fifth victim, Manaung Myint Naing, was the sole survivor, and was due to be sent back to Burma after the trial due to his lack of documentation. However, six persons were arrested for the crime on 25 February 2008, and reportedly were at risk of the death penalty.²⁰¹

Campaigners have also responded to cases of severe abuse in the fishing industry. The International Transport Workers' Federation (ITF), based in London, released a film on 9 October 2008 at their Fishers' Conference in Busan, South Korea, entitled *Abandoned, Not Forgotten*, which documents the abuse of Burmese fishermen working in Thailand and describes conditions amounting to slavery, as well as incidents such as the beating of a Burmese crew member with an iron bar. According to the ITF, of the approximately 250,000 Burmese fishermen who were working in Thailand's fishing industry as of October 2008, only 70,000 were legally registered.²⁰²



A fishing boat from Ranong in southern Thailand crewed with numerous Burmese fishermen during 2008. [Photo: © Irrawaddy]

Female Burmese migrant workers have also been at particular risk of sexual violence while living and working in Thailand. Human rights groups, such as the Raks Thai Foundation, claimed in October 2008 that women working at Mahachai's factories, in Samut Sakhon province, were particularly vulnerable. It reported that 30 Burmese migrant women were raped in Mahachai during the first eight months of 2008 and that, as of October 2008, about two women had been gang raped every month, including girls as young as fourteen. The report however made no mention of the nationality of the perpetrators.²⁰³ In some cases, Burmese women have reportedly been forced to pay the perpetrators, or have been sold into prostitution.²⁰⁴ In one incident on 29 March 2008, for instance, a sixteen-year old Mon migrant worker girl was abducted, beaten and repeatedly raped and abandoned in bushes, assumed to be dead, by six men. She was found the next morning and taken to a local hospital. Two other similar cases reportedly occurred in the same week.²⁰⁵

In another case, a 16-year old Burmese migrant worker reportedly survived a four-day ordeal of rape and beatings by a gang in Samut Sakhon province, after being taken on 22 June 2008 from her factory by male employees. It was claimed that the rapists were two Thai nationals and one Burmese man. After being found in a bush within the factory compound, she was hospitalised and required a mouth operation for her wounds.²⁰⁶ Human rights organisations have claimed that the Thai authorities fail to take allegations of rape from Burmese women sufficiently seriously, and have pointed to a high level of impunity among

rapists and street gangs, as well as the fact that many Burmese women have not reported their ordeals, both out of feelings of shame and fear of deportation.²⁰⁷ One lawyer for the Raks Thai Foundation claimed in October 2008 that a mere five percent of allegations of rape are actually taken up and investigated by the Thai authorities and that delays continue to be the norm.²⁰⁸

Female Burmese domestic and sex workers have also been especially vulnerable to exploitation. Domestic workers have frequently faced harsh working conditions and low living standards, as many of those working in the sector have started at a very young age. They have not been covered with healthcare, and have had no assurances that the minimum wage will be paid.²⁰⁹ There have also been reports that some maids have not been granted any days off throughout the entire year.²¹⁰

Burmese migrant workers have also been at risk of being cheated of their scarce earnings, especially when Thais take advantage of their desire for legal documentation. For instance, it was reported in February 2008 that 41 Burmese masons in Phuket were promised, after negotiations with their manager, that Thai labour cards would be produced for them in exchange for a fee. The employer took between 500 and 1,000 baht per month from the workers (then between US\$16 and \$31), totalling over 263,000 baht (then around US\$8,484). However, the money was reportedly collected and the employer, identified as Ko Myint, then moved to another workplace without producing the cards. After Ko Myint told the workers to come and collect their money, most of the migrant workers found that they were unable to make the journey due to their lack of travel documents.²¹¹

Despite such well-known cases of exploitation, abuse and murder against migrant workers, many Burmese people have not been deterred and have continued to flock to Thailand. As Ma Nge, a Burmese migrant worker in Bangkok, aptly stated, *“when you are starving you forget to be scared.”*²¹² Similarly, despite the exploitation, fear of deportation, abuse, work-related injuries and illnesses that the ethnic Shan suffer in Thailand, many have nevertheless considered this preferable to the persecution and poverty they experienced in Burma.²¹³

Not all Burmese migrant workers, however, have wholly negative experiences while working in Thailand. For instance, *Irrawaddy* spoke to one Shan migrant worker, Sam Htun, who said that *“I feel my life in Thailand is more secure than in Burma. In Thailand, it is easier to make a living.”* *Irrawaddy* commented that this gratitude is *“typical”* of many Burmese migrant workers living in the country. For instance, one Burmese migrant worker, Sam Htun, was earning around 4,500 baht (then approximately US\$130) per month as of December 2008, compared to the 10,000 to 20,000 kyat (then around US\$8 to \$16) that he brought home every month in Burma. With this increase in wages, he was able to send around 17,000 kyat (then approximately US\$13) a month to his family in Shan State. Other Burmese migrant workers, furthermore, have been the recipients of training and education projects. In Kakanok 2, a camp for Burmese migrant workers in San Kamphaeng in Chiang Mai province, workers have had training sessions provided by an NGO called the Human Rights and Development Foundation. As a result, the workers have been in a position to form their own workers’ group, the Migrant Workers’ Federation. On 18 December 2008, the community gathered to celebrate International Migrant Workers’ Day, where games were organised to educate the workers about their rights.²¹⁴

Migrant Health

Burmese migrant workers continued to suffer various health problems throughout 2008 which, as shall be seen, is a situation greatly exacerbated by their frequent lack of access to healthcare in Thailand. The following sub-sections detail some of the most common medical conditions which have affected Burmese migrant workers in the country.

Malaria

Malaria continued to be a problem for Burmese migrant workers in some areas of Thailand. In June 2008, for instance, the Mae Tao Clinic in Mae Sot had reportedly seen the number of Burmese migrant workers suffering from malaria on the Thai-Burmese border double in May 2008. There was an increase from 600 cases in the first four months of 2008 to 1,218 cases in May 2008, three of which were fatal. There were also other reports of increases in malaria in border areas in Kanchanaburi Province. The prevalence of malaria has been mainly attributed to Burmese migrants' failure to take preventive measures.²¹⁵

Tuberculosis

As of March 2008, tuberculosis was reportedly the mostly commonly diagnosed disease suffered by migrant workers. The sharp rise in incidents of tuberculosis among the Shan and other groups who inhabit Thailand's northern borders has put pressure on local programmes designed to control and treat it. Far fewer Burmese migrant workers have been treated for and cured of tuberculosis than Thais. In Chiang Rai province in the north of Thailand, for instance, just one quarter of non-Thais were cured of the illness.²¹⁶



This small shanty town located on the outskirts of Chiang Mai is populated by Burmese migrant workers who had travelled to Thailand in search of jobs that will help them support their families back in Burma. *[Photo: © Saw Yan Naing/ Irrawaddy]*

Sexually Transmitted Diseases

It was reported, also in March 2008, that there had been high levels of HIV infection among Shan migrant workers who reside in northern Thailand. For instance, of all diseases reported to the authorities, HIV/AIDS has been the most common disease suffered by Shan migrant workers in Chiang Mai. Many Burmese women and children affected by HIV/AIDS, moreover, have crossed the border into Thailand to receive treatment or assistance at the Mae Tao clinic in Mae Sot.²¹⁷ Like tuberculosis, HIV/AIDS has been far more prevalent among the Shan than other ethnic minorities, and far more so than among Thais living in northern Thailand, who suffer from the highest infection rates in their country. One analysis, published in March 2008, found that the rate of HIV/AIDS among the Shan was as high as 8.75 percent.²¹⁸

After living with virtually no health services in Shan State, the Shan's susceptibility to HIV/AIDS has been greatly exacerbated by their lack of education regarding basic health issues. As a result, many have a limited understanding of the disease and have tended to stigmatise fellow Shan with HIV/AIDS. A further reason behind the Shan's vulnerability to HIV is the fact that many Shan have worked in Thailand's sex industry. It has been found that Shan sex workers have been less likely to make use of condoms than Thai workers and that, even when they have used them, they have frequently done so incorrectly. According to Voravit Suwanvanichkij, an HIV/AIDS epidemic has been developing as a result of these factors.²¹⁹

Glaucoma

Given that blindness is a significant health problem in Burma, over 500 Burmese persons suffering from eye problems entered Thailand in October 2008 to take advantage of a free eye-care programme, which is provided annually by the Mae Tao Clinic. In total, 593 patients received treatment although many patients arrived after the onset of total blindness, meaning it was already too late for some to be treated. The programme was attractive to many Burmese because they could not afford to have a glaucoma operation inside Burma and, according to the clinic's staff, eye problems are so prevalent in Burma due to a "lack of knowledge" regarding prevention. One Burmese woman told *Irrawaddy* that, compared to the cost of 100,000 kyat (then US\$79) for the journey to the Mae Sot clinic, the glaucoma operation in Burma would have come to 500,000 kyat (\$395).²²⁰

Trauma

Many Burmese migrant workers remain deeply affected by their traumatic experiences in both Burma and Thailand. Despite being theoretically safe from the junta while working in Thailand, many Burmese migrant workers continued to fear that they would be apprehended by the Burmese authorities. In April 2008 it was reported that Burmese migrant workers hid in rubber plantations and jungles after rumours spread that the Thai authorities had joined forces with the Burmese junta to round up Burmese migrant workers in Phukup Township, located in southern Thailand. Employers had also reportedly become alarmed by the false news and had urged their workers, whether registered or unregistered, to flee, prompting concerns for their health and livelihoods.²²¹ In a similar case, about a thousand Burmese migrant workers in the southern province of Surat Thani fled to the mountains, after rumours spread that Burmese soldiers had been sent to forcibly return them to Burma to ensure their participation in the referendum on Burma's new constitution scheduled for May 2008. Even registered Burmese migrant workers had reportedly fled out of fear of arrest in Burma for illegal migration. The subsequent visit of Burmese Prime Minister Thein Sein to Thailand provoked yet more paranoia. The rumours reportedly originated from the fact that three men

driving a pick-up truck had seized work permits of some migrant workers on a palm plantation and threatened them, and from the fact that an inspection of a palm oil factory by uniformed men had also caused alarm. This affected the productivity of the following oil and rubber plantations, many of which lacked workers during the harvest season:

1. Khiri Ratthanikhom;
2. Tha Chang;
3. Chaiya;
4. Phunphin; and
5. Wipawadi sub-district.²²²

There were also reports that many of the hundreds of Burmese survivors of the 2004 tsunami that hit Thailand remain terrified of the possibility of a repeat disaster. Although the authorities in Phuket have set up a tsunami warning system which is broadcast in various languages, Burmese is not one of them, meaning that some Burmese workers do not understand them and panic when they hear broadcast messages, assuming that another tsunami is imminent. Burmese migrant workers have been known to flee to the mountains kilometres away.²²³

Nevertheless, not all of these fears have always been entirely unfounded, since there is at least some evidence that Burmese opposition groups have faced pressure from the junta even from the comparative safety of the Mae Sot area. In the run up to Burma's constitutional referendum on 10 May 2008, Thai security officers raided the offices and homes of Karen National Union (KNU) leaders towards the end of March. Thai intelligence advised the leaders that their safety could not be ensured. According to one exiled Burmese leader, groups allied to the junta such as the Democratic Karen Buddhist Army (DKBA) and the Karen National Union/Karen National Liberation Army Peace Council (KNU/KNLAPC) have attempted to undermine opposition groups in Mae Sot.²²⁴

Access to Healthcare

The Thai government reportedly spent around 155 million baht in 2007 (then US\$4.8 million) to provide medical treatment for unregistered migrant workers, who suffered predominantly from diseases such as diarrhea, tuberculosis, HIV/AIDS, dengue fever and malaria. Although those enrolled with Thailand's labour program have been able to use Thailand's health services, as mentioned above, many have been unable to join and have consequently lacked access. Rather than providing healthcare on the basis of need alone, there is also evidence that political considerations may have influenced the decisions of Thai hospitals to treat unregistered migrants, since many have reportedly been anxious about being accused of sheltering illegal immigrants. In consequence, most migrants have been forced to go without healthcare, including many who are legally registered.²²⁵

In July 2008, however, it was reported that the Thai cabinet was considering the extension of healthcare to over 700,000 stateless persons and migrant workers' children born in Thailand. The rationale for this proposal was that it would benefit Thai society as a whole by more effectively controlling disease. In July 2008, it was reported that the Ministry of Health had also assigned 166 medical coordinators, who were often migrants with relevant training, in public hospitals to attend to migrant workers. The Ministry also reportedly encouraged the registration of more migrants in order to "*facilitate disease control and the migrant budget*".²²⁶ Such arguments for extending healthcare have been frequently made. As Voravit Suwanvanichkij has shown, Shan migrants' lack of access to healthcare, as an example, has meant that diseases which could be prevented by vaccine have not been tackled. The inability of Shan migrants to secure ante-natal care and immunisations during childhood, for instance, has undermined Thailand's capacity to effectively control diseases such as polio. Lack of healthcare provision for migrants has also given rise to the danger that previously

controlled diseases, such as lymphatic filariasis, could re-emerge in Thailand via Shan migrant workers. When two Shan migrants were treated for lymphatic filariasis in 2004, it was the first time it had been seen for decades. Suwanvanichkij has also demonstrated the high cost of treating the illnesses of migrant workers. In response to their health problems, many public hospitals in Thailand have had to cover the costs of treating migrant workers who are unable to pay themselves. For instance, Mae Hong Son Province has forked out in excess of 40 million baht every year for charity care.²²⁷

Situation of Migrant Children

Burmese migrant children have been especially vulnerable to abuse and poverty in Thailand. Many children have become victims of trafficking, and have reportedly often been forced to beg, work in domestic service or sell flowers in Bangkok. According to Thailand's immigration detention centres in December 2008, the highest proportion of all foreign child labourers in Thailand were Burmese. It has been found that children in Mae Sot have remained susceptible to trafficking since traffickers have had greater access to them, due to parents having to work long hours to support families. Inside Burma brokers have often approached families and have offered them money in exchange for taking one or more children to Thailand to work. According to one aid worker, in December 2008 child labour has almost become the norm, and families have often not interpreted a broker's offer to take their child to Bangkok as trafficking. Furthermore, many families have simply needed the money that trafficking can potentially provide, although many have only ended up receiving a couple of payments rather than the monthly instalments that they were originally promised, and have become permanently separated from their children. As many of the trafficked children have been very young, they have often forgotten their origins and have not known how to get in touch with their families or return to their original villages. NGOs such as World Vision have responded to child trafficking with capacity-building programmes with government officials, so that they are aware of the problem.²²⁸ (For more information, see Chapter 6: Trafficking and Smuggling).

Burmese migrant children have often lacked opportunities for education, as the poverty of Burmese migrant workers has frequently forced children out of school and into work.²²⁹ It was reported in September 2008 that many Burmese migrant children in Thailand were illiterate, and arrived in the country with little or no education; a fact which contradicts the Burmese junta's claim to have achieved a 94 percent literacy rate.²³⁰ (For more information, see Chapter 15: Right to Education). Nevertheless, a few more fortunate children have been able to access services offered by NGOs. For instance, a photography course has been offered for three years in the Phang Nga and Phuket provinces in Thailand to children from poor Burmese and Thai communities by the organisation InSIGHT Out, which aims to develop skills and encourage friendships between children of diverse ethnic groups, from Burmese migrant children to Muslim and Buddhist children. The programme began after the tsunami, and was intended to offer a means for children to deal with their experiences of the disaster. Over 140 children have completed the course so far.²³¹

Deportation of Migrants

Illegal and unregistered Burmese migrant workers in Thailand have been constantly at risk of arrest or deportation. As of June 2008, after losing their jobs, registered migrants had a week before losing their legal status. If arrested, many Burmese migrant workers, including those deserving of protection as refugees, were detained before being deported. According to the US Committee for Refugees and Immigrants (USCRI) in June 2008, the Immigration Detention Centre in Bangkok was very overcrowded, keeping detainees in poor conditions involving a lack of adequate food, medical care, sanitation and ventilation.²³² In May 2008 moreover, the 67 survivors of the freezer truck accident were detained in Ranong Immigration Detention Centre, and were due to be deported back to Burma, allegedly in accordance with their wishes. Represented by the Thai Bar Council, the Ranong Court was due to begin hearing their case on 2 May 2008, and a delegation from the Burmese junta gave assurances that the survivors would be safe once they had returned to Burma.²³³

Deportations have continued to play an important role in Thailand's immigration policy. Of the 71,500 persons deported after illegally entering Thailand between June 2007 and June 2008, 25,400 of these were Burmese. Due to Thailand's Memorandum of Understanding with the Burmese junta, Thailand has continued to provide Burmese authorities with the list of deportees' names in advance of their deportations, as well as often passing Burmese people on to the Democratic Karen Buddhist Army, who are allied with the junta.²³⁴ It was reported in April 2008 for example that Thai authorities arrested 165 Burmese migrants – who had not eaten for three or four days, and had been abandoned by their brokers after crossing into Thailand via Three Pagodas Pass – in a forest near the town of Sangkhlaburi. They were from Kyait Mayaw Township, Mon State. All were detained and deported to Burma.²³⁵ In another case in December 2008, it was reported that around 100 Burmese migrants working illegally in Mae Sot were being arrested each day by the Thai authorities. As a result, hundreds of others fled to the surrounding jungle for up to two or three days. As Burmese migrant workers tended to flee regularly to avoid raids, they were unable to work every day and consequently experienced drops in their already small incomes. If they were arrested and repatriated, they usually sought to re-enter Thailand.²³⁶ The following timeline documents many other similar incidents of arrest, detention and deportation concerning Burmese migrant workers.



Burmese migrant children are detained along with their parents in the Mae Sot Immigration Detention Centre where they await deportation across the river back to Burma. [Photo: © AFP]

21.3 Situation of Burmese Migrants in Malaysia

*"I regret coming to Malaysia. I feel afraid here. The only thing I want now is to go home."*²³⁷

– Ko Shwe, Burmese migrant worker

During 2008, Malaysia remained a popular destination for migrant workers from both Burma and other countries in Southeast Asia. Since the fulfillment of Malaysia's economic ambitions requires the presence of millions of foreign labourers, as much as 30 to 50 percent of Malaysia's workforce may have been composed of migrant workers as of March 2008.²³⁸ Indeed, a number of employment agencies claimed in September 2008 that Malaysia was the most popular choice of destination among their clients.²³⁹ According to the BWRPC in December 2008, an estimated 500,000 legal and illegal Burmese migrant workers and refugees were living in Malaysia.²⁴⁰ Many were earning their livings in restaurants, factories, rubber plantations and construction sites.²⁴¹

Malaysia's 88,573 registered Burmese migrant workers toil alongside migrant workers from a variety of other countries, the most common of which include Indonesia, Nepal and India.²⁴² Malaysia claimed that there were a total of 2.1 million registered foreign workers in the country as of March 2008.²⁴³ It was also estimated that there were between 500,000 and 700,000 illegal migrants in the country in May 2008.²⁴⁴ However, NGOs have claimed that, when the true number of illegal migrant workers is added to the official figures, the total number of migrant workers in Malaysia is far higher. The International Federation of Human Rights (IFHR), for instance, has stated that the true figure may be as high as five million.²⁴⁵

Although the Malaysian government has criticised the Burmese military junta, it has largely failed to meet the needs of Burmese migrant workers who have fled its repression. Malaysia has neither signed nor ratified the ICPMW and, like Thailand, Malaysia's 1959 Immigration Act does not distinguish between refugees and illegal immigrants.²⁴⁶ Moreover, *Project Maje* reported that, during Malaysia's national parliamentary elections on 8 March 2008, topics such as security were discussed with reference to illegal immigration, which was regarded as a source of crime.²⁴⁷ Despite the significant contribution that migrant workers have made to Malaysia's economy, the Malaysian government has sought to seriously limit their illegal entry into the country. In March 2008, the authorities intensified their policy of rounding up Burmese migrant workers in Malaysia, including those with legal permits and refugees with UNHCR documentation.²⁴⁸ In May 2008, furthermore, the Malaysian government announced its plans to bring the employment of migrant workers to a halt. The Malaysian Home Minister, Syed Hamid Albar, stated that he would seek to reduce the number of foreigners working in Malaysia, although he did not detail how the menial work that is mostly undertaken by migrant workers, and largely shunned by Malaysians, would be replaced.²⁴⁹

Moreover, in response to a riot in a detention centre near Kuala Lumpur which was provoked by overcrowding, the Home Minister claimed in April 2008 that the solution lay in further measures to tighten border security, rather than the provision of better detention facilities.²⁵⁰ In December 2008 around 40 Burmese migrant workers were deported from Malaysia to Burma, reportedly after protesting against the tighter regulations that migrant workers are subjected to.²⁵¹ Despite the government's intention to crack down on migrant workers, the International Federation for Human Rights has noted the lack of a comprehensive immigration policy or coordination between various ministries, concluding that Malaysia's immigrant policy is "*mainly reactive*."²⁵²

Despite the continual arrival of Burmese migrant workers in Malaysia, by December 2008 the effects of the faltering global economy on Malaysia had led many others to return to Burma. 300 Burmese migrant workers, for instance, lost their jobs at the Press Metal Berhad aluminium factory, and were subsequently repatriated on 27 and 30 November 2008. According to the BWRPC, in early December an additional 118 Burmese migrant workers returned home after losing their jobs in Kuala Lumpur, as the companies they were employed by cut down on their staff as a result of drops in orders of consignments.²⁵³

Migrant workers who have lost their jobs report that they have not been paid compensation, and they were unaware of whether it would be possible to resume their posts if economic conditions improved again. With many Burmese migrant workers having paid up to 1.6 million kyat (then US\$1,200) for their jobs in Malaysia, many have been laid off before they had even covered the agent fees. Those who were fortunate enough to have kept their jobs throughout 2008 still suffered from pay-cuts and the imposition of greater amounts of overtime.²⁵⁴

The Journey

Burmese migrant workers have often been prepared to go to great lengths to reach Malaysia. Many embark on dangerous sea crossings in small boats, but often fail to land in the country and arrive in southern Thailand instead.²⁵⁵ According to one broker in Shapuri Dip in Bangladesh, four boats carrying around 400 boat people left Burma and headed for Malaysia in the space of one month alone between November and December in 2008.²⁵⁶ The journey includes particular perils for the boat people (the majority of whom are usually ethnic Rohingya); although many eventually reach Malaysia, there have been frequent disappearances *en route*. The Arakan Project has estimated that more than 8,000 boat people left the coast of Bangladesh between October 2006 and mid-March 2008, travelling towards either Thailand or Malaysia. 5,000 of these left during the sailing season which began in October 2007.

On 25 November 2007, for example, a trawler that was transporting around 240 ethnic Rohingya to Malaysia reportedly sank in the Bay of Bengal; only an estimated 80 survived. Another sank a week later, killing 150, after reportedly being fired at by the Burmese Navy. On 3 March 2008, in contrast, the Sri Lankan Navy rescued 71 survivors, mostly of Rohingya origin, whose boat had drifted across the Indian Ocean for 22 days after its engine had broken down. Of those on board, 20 had died of dehydration and starvation.²⁵⁷

Malaysia remains one of the only viable destinations for the Muslim Rohingya in terms of escaping persecution and poverty in Burma. In the absence of documentation however, a sea voyage has been the only means of getting there from Bangladesh or Burma. As of April 2008, the entire route led from northern Arakan State, briefly through Bangladesh and then through Thailand, with an overland leg to Malaysia.²⁵⁸ In response to this need, smuggling networks in Bangladesh and Arakan State have developed. Rohingya migrants have ordinarily been offered two alternatives. They have either opted for transportation by sea to southern Thailand, which has cost less than US\$300, or alternatively, they have chosen to be taken to Malaysia, which has been priced at between US\$700 and \$1,000.²⁵⁹ Since most boats have been captured upon arrival, most have considered the route through Thailand as constituting a safer option, since being arrested in Malaysia would entail being detained for longer and being deported to Thailand.²⁶⁰ These journeys have typically been completed through convoluted networks of brokers and smugglers. Although the majority of the Rohingya have been males between the ages of 18 and 40, children below the age of nine have also undertaken the journey.²⁶¹ (For more information, see Section 21.4: Situation of Burmese Migrants in Bangladesh).

There are high risks involved in any attempt to cross the border overland. The southern border town of Kawthaung in Tenasserim Division has been popular among Burmese migrant workers as a crossing point from Burma into Malaysia. As of June 2008, as many as 100 persons a day were reportedly being illegally smuggled across the border to either Thailand or Malaysia. Locals reported that both Kawthaung's hotels and the local authorities had been heavily involved in human trafficking. Nevertheless, around 200 Burmese job seekers were arrested in five days during June 2008 as a result of a crackdown by the local authorities, alongside nine persons alleged to have been involved in the organisation of human smuggling. On the orders of the junta's Prime Minister, Thein Sein, the authorities reportedly raided hotels at night where Burmese job seekers were staying before planning to furtively leave Burma.²⁶²

RELA

Throughout 2008 the Malaysian government continued to employ its People's Volunteer Corps (*Ikatan Relawan Rakyat Malaysia*), known by its acronym as RELA. Founded in 1972 with the aim of safeguarding public security, it is intended to be "*the eyes and ears of the government*," and consisted of around 400,000 reservists as of March 2008.²⁶³ The corps has the power to arbitrarily arrest or detain any individual that it considers to be an illegal immigrant, and has made little distinction between migrant workers and refugees.²⁶⁴ RELA regulations introduced in 2005 provide its members with,

"the right to bear and use firearms, stop, search and demand documents, arrest without a warrant, and enter premises without a warrant, and all these powers can be exercised when the RELA personnel has reasonable belief that any person is a terrorist, undesirable person, illegal immigrant or an occupier."
[emphasis added]²⁶⁵

Moreover, the 1948 Public Authorities Act provides immunity from prosecution for RELA personnel.²⁶⁶ Consequently, a catalogue of abuses by RELA has been recorded by both human rights groups and its victims, such as beatings, canings, rape and theft.²⁶⁷ RELA has continued to seriously injure migrant workers and refugees during its raids; in one case an assault on a Burmese national with a club left the victim blinded.²⁶⁸ Arrests have been frequently made without any regard for the documentation carried by the targeted individual and, in any case, RELA has often deliberately destroyed its victims' identity documents.²⁶⁹ RELA's unrestrained use of force has also allowed the flourishing of what *Project Maje* describes as "*copycat criminals*" who, under the pretence of being genuine RELA members, rob foreigners and make extortionate demands of them.²⁷⁰

RELA has previously been the subject of charges of corruption. In May 2008, a restaurateur filed a law suit against RELA, alleging that one of its members detained four of his staff members and demanded a bribe of 2,000 Malaysian ringgit (then US\$604), in exchange for their release.²⁷¹ There have also been a number of reports of RELA members stealing money, wallets and documentation from arrested migrant workers before releasing them.²⁷² RELA's record has been further tarnished by displays of incompetence, such as the case in which the corps arrested the wife of the Indonesian embassy's cultural attaché while she was shopping in a Kuala Lumpur market last October 2007, after its members refused to recognise her identity card.²⁷³

The draconian treatment of migrant workers and refugees even appears to have been actively encouraged. RELA's members have received a monthly stipend and a further 80 ringgit (then US\$24) for every allegedly illegal migrant they arrest, despite the scrapping of a bounty system in 2007.²⁷⁴ This has led to the detention of high numbers of migrant workers. As of August 2007, RELA had reportedly detained at least 24,770 migrants.²⁷⁵ It also undertook up to 40 raids a night between 2007 and 2008, arresting over 30,000 allegedly

illegal immigrants by November 2007; an increase from 25,000 in 2006.²⁷⁶ *Project Maje* has judged that RELA's methods have only become more violent into 2008, and the island of Penang has become especially susceptible to its raids.²⁷⁷

For these reasons, RELA has been consistently criticised by human rights organisations. In its 2008 annual report, Amnesty International expressed its concern that RELA has continued a campaign of mass arrests of migrant workers and refugees.²⁷⁸ It was also reported in April 2008 that the Asia Director of Human Rights Watch, Brad Adams, had also condemned RELA as a "*vigilante force*" and strongly urged for it to be disbanded.²⁷⁹ The International Federation for Human Rights (IFHR) observed in March 2008 that RELA's arrests consistently "[violate] the due process of law," and noted that the lack of adequate supervision or training for RELA's members had created a culture of impunity for those abusing RELA's mandate.²⁸⁰ Despite such trenchant criticism, the Malaysian government appears to have remained undeterred, even announcing in March 2008 that it planned to use RELA for its subsequent crackdowns on illegal migrants.²⁸¹ RELA has also continued to play an integral role in the running of Malaysia's detention centres for illegal immigrants. In November 2007, the Malaysian government announced that RELA members would staff detention centres until the training of full-time staff was completed; a process that could take up to two years in total.²⁸² Despite these proposals, Malaysian officials interviewed by IFHR demonstrated an awareness of the abuses perpetrated by RELA.²⁸³

Fear of deportation has also affected Burmese migrant workers' lives in more subtle ways. For instance, it has prevented cultural events from being celebrated completely openly. Although Burmese migrant workers in Malaysia did not face an equivalent of the clampdown faced by their counterparts in Thailand, Mon migrants were nevertheless compelled to celebrate the Mon National Day in February 2008, in Kuala Lumpur and Penang, in a more cautious and subdued manner. As a result, the celebrations were completed without incident. Most of those who attended were illegal migrant workers, heightening the risk of deportation. Unlike the illegal migrant workers, however, those with valid passports were not given time off during the national day.²⁸⁴

Malaysia's Use of Detention Centres

In addition to the abuses perpetrated by RELA both inside and outside Malaysia's detention centres – known as "*depots*," – the conditions within its facilities for detaining migrant workers have often been severe.²⁸⁵ In addition to documenting the presence of abusive guards in detention centres, USCRI has reported serious issues such as overcrowding, poor sanitation and the lack of food and health services. It documented the claims of detainees that they were provided only with contaminated drinking water, and that between 15 and 20 persons were packed into cells designed to fit just four.²⁸⁶ As a result of these conditions, Burmese migrants detained in the Lenggeng camp, located to the south of Kuala Lumpur, rioted on 21 April 2008, forcibly entering an administrative building and setting it alight. In response, even Malaysian officials reportedly admitted that the rioting had been provoked by overcrowding.²⁸⁷

Moreover, the Malaysian lawyers' professional association, the Bar Council, which represented over 10,000 Malaysian lawyers as of May 2008, has cited evidence that caning is increasingly used in detention centres against migrant workers following their arrest by RELA's volunteers. It was reported in May 2008 that the Council had called for the practice to be banned and condemned it as "*cruel*." Similarly, the IFHR stated that caning is illegal under international human rights law.²⁸⁸ Such practices and conditions in detention facilities have been left largely unmonitored, as the Malaysian government has not generally granted access to bodies such as the International Committee of the Red Cross (ICRC) or other NGOs.²⁸⁹ Indeed, in its report of March 2008, IFHR even identified a pattern of international organisations being denied access to

detention facilities.²⁹⁰ It also judged that abuse perpetrated by RELA and the incarceration of migrant workers in detention centres “replaces any fully fledged migration policy.”²⁹¹

Working Conditions

Before attempting to reach Malaysia, many Burmese migrant workers are obliged to commit large sums of money, often exceeding US\$1,000 to arrange their jobs in Malaysia and to organise their transport to the country. Although many Burmese have been lured to Malaysia by the promise of high wages from frequently unscrupulous employment agencies, they have often found themselves cheated upon arrival and subsequently disillusioned by the reality of exploitation. Once they arrive, many Burmese migrant workers have been confronted with frequently harsh working conditions. As with other countries neighbouring Burma, the Malaysian economy has heavily relied on foreign workers to undertake what have become known as the “3D jobs,” standing for ‘dirty’, ‘dangerous’ and ‘difficult.’ In addition, the Malaysian government has generally left migrant workers unprotected from exploitative employers and agencies, allowing many to experience abuse. For instance, in May 2008 *Irrawaddy* reported the case of a Burmese migrant worker, Htun Htun, who was attacked by hired thugs after failing to arrive at work due to illness.²⁹²



A Burmese migrant worker holding his documentation papers for inspection during a raid in 2005 by RELA personnel on a construction site in Kuala Lumpur, Malaysia. [Photo: © AP]

Chin migrant workers have often fallen into severe poverty in Malaysia. Given the dangers of crossing the militarised border between Burma and India, many Chin have made the longer journey to Malaysia. Of the approximately 23,000 Chin in the country as of April 2008, most inhabited very confined accommodation in Kuala Lumpur, while others lived in camps outside the capital or further afield in the Cameron Highlands. There they have worked on farms, reportedly suffering from a lack of protective equipment, unreliable water supplies and very low wages. As Chin refugees have been denied the right to work in Malaysia, they

have often been forced into clandestine employment. Amy Alexander of the Chin Human Rights Organisation (CHRO) wrote in April 2008 that less than a third of the Chin community in Malaysia had secured employment, and that those who had were heavily exploited.²⁹³ Many migrant workers, furthermore, have become bonded to their employers. As of May 2008, all foreigners looking for work in Malaysia had to apply for 'calling visas,' which allow migrant workers to undertake temporary work until full work permits are issued. However, since many migrant workers have handed over large sums to their employers to cover their calling visas, large numbers have ended up thoroughly under their control. Many employers have confiscated Burmese migrant workers' passports to prevent them from choosing to change jobs. In consequence, many originally documented migrants have preferred to work illegally so they can have the freedom to search for new work elsewhere should it become necessary.²⁹⁴ Many migrant workers have also found that because their permits are often tied to just one employer, that losing their jobs also means losing not only their permits and thus their right to work and remain in Malaysia, but also the right to take legal action against their employers. Nor have illegal migrant workers been able to mobilize themselves to press for better wages and conditions, because, as USCRI observed in June 2008, this right is reserved for Thais and migrant workers in possession of legal permits.²⁹⁵

Working conditions for migrant labourers are often highly dangerous. For instance, a Chin refugee reportedly suffered a fatal fall in January 2008 while working on a construction site. Despite these dangers, many Burmese migrant workers and working refugees have not received compensation when they have needed it, finding that medical treatment for work-related injuries is only given by employers on a discretionary basis.²⁹⁶ For instance, *Irrawaddy* reported in May 2008 that a Burmese migrant worker, Ko Shwe, lost his right hand when using a lathe in a factory, yet remained uncertain about whether he would gain any compensation whatsoever, or even whether he would be able to have his hospital fees reimbursed. It also recorded evidence that a factory in Muar, Malaysia paid the minimum wage of just 18 Malaysian ringgit (then US\$5.70) per day, but deducted ten ringgit (then \$3.17) from its employees' wages for each day of absence, regardless of illness. Such incidents have occurred in spite of regulations on compensation enshrined in Malaysian law. For instance, the 1952 Workmen's Compensation Act makes clear that employers must insure all legal migrant workers against both sickness and injury.²⁹⁷

Nevertheless, some steps have purportedly been taken to improve these labour conditions. In August 2008 the sportswear giant, Nike, investigated over 30 factories in Malaysia that had contracts to produce its t-shirts, after finding evidence that they were mistreating migrant workers. In one factory, run by the Hytex group in the north of Kuala Lumpur, Nike found that 1,150 workers, some of whom were Burmese, lived in conditions it found to be "unacceptable," and that many had their passports confiscated and, in some cases, had over ten percent of their wages deducted every month. Although the Malaysian government denied any mistreatment, Nike demanded that all migrant workers be reimbursed for employment-associated fees, and promised to promptly place all workers in Nike-approved housing.²⁹⁸

It is not just in the workplace, however, that Burmese migrant workers have faced considerable adversity. Malaysia's Immigration Act prohibits renting housing to illegal migrants, meaning that those who have managed to find work have often been forced to reside illegally in poor conditions. USCRI has described these abodes as "makeshift camps," which have often been located in the jungle or near their workplaces.²⁹⁹ For instance, in March 2008 *Project Maje* documented a campsite constructed out of a mixture of bamboo, vines and tarpaulins, where a group of Kachin people who had fled forced labour in Burma eked out a living by clearing brush for a plantation, with each worker being paid around 5 ringgit per day (then about US\$1.56). The plantation owner reportedly failed to provide medicine, despite the fact that several were suffering from malaria and others had experienced accidents while working, as well as general malnutrition. The reason behind the workers' choice to remain in such conditions was their fear of being arrested and repatriated.³⁰⁰

Such harsh working conditions have taken their toll on Burmese migrant workers both physically and psychologically. On 22 July 2008, for instance, a Burmese national, Saw Noug, hurled a petrol bomb at the Burmese embassy in Kuala Lumpur, before attempting to set himself alight. His suicide was prevented, however, by his arrest by plain-clothes policemen.³⁰¹ Less dramatically, emotional problems such as isolation, depression, and pressure to send money home have led to high levels of alcohol and drug addiction amongst Burmese migrant workers. In particular, concerns have been raised about increases in drug abuse in the Mon migrant community residing in Malaysia. In July 2008, social workers noted that drug abuse was having a highly negative effect on Mon families, as the habit consumes precious financial resources, and the average Mon drug addict was reportedly spending around six US dollars per day to feed their addictions. Given the great contrast between traditional village life in Burma and the reality of working abroad in Malaysia, many migrant workers have lacked awareness and education about the risks of drug abuse. This has also resulted in concerns that unprotected sex has led to higher levels of HIV/AIDS in the Mon community.³⁰²

Drug addiction in the migrant community has persisted despite Malaysia's goal of eradicating drug use by 2015, which it has vigorously pursued through the imposition of harsh penalties such as capital punishment for possession of small amounts of drugs like cocaine, heroin and marijuana. However, as of July 2008 such punitive measures had generally not been accompanied by softer strategies such as awareness-raising campaigns. The distribution of drugs such as alcohol and sleeping pills had also been left uncontrolled. Despite the ready availability of drugs in migrant communities, those responsible for their distribution have often remained elusive to the authorities.³⁰³

One exception to this, however, was the trial of a Malaysian national, Peter Too Huat Haw, for drug trafficking, alongside five Burmese nationals.³⁰⁴ One of these nationals was Maung Weik, who was charged in Burma during July 2008 for both violating Burma's immigration act by allowing a Malaysian to stay in his Rangoon office and for trafficking narcotics, a crime which is punishable by life imprisonment.³⁰⁵ Furthermore, some initiatives to tackle drug use have been undertaken by the Mon community itself. In July 2008, the community recognised the need for measures to be taken to curb alcohol and drug addiction at its Annual General Meeting in Klang, near Kuala Lumpur. The Master of Ceremonies, Nai Plu, proposed that members pledge to refrain from drug taking.³⁰⁶



Burmese migrant workers employed within the construction sector in Kuala Lumpur, Malaysia.
[Photo: © AFP]

21.4 Situation of Burmese Migrants in India

Burmese migrant workers, especially those from Burma's western provinces, continued to cross the border into India's eastern states such as Mizoram in 2008. Like their counterparts in other Southeast Asian countries, Burmese nationals in India have been regularly detained by the authorities. India's Foreigners Act provides, in USCRI's words, "*broad powers of detention,*" and provides no exemptions for refugees or asylum seekers.³⁰⁷ Illegal entry into India has carried a punishment of five years imprisonment. The Foreigners Order of 1948, moreover, has allowed the Indian government to restrict migrant workers' movements and to compel all foreigners to "*reside in a particular place.*"³⁰⁸ In accordance with such laws, a curfew between the hours of 4pm and 7am and restrictions on movement were imposed throughout Moreh in Manipur by the police in August 2007. Moreover, USCRI reported in June 2008 that around 36 Burmese Rohingya continued to be detained after being charged with arms smuggling, although they were transferred from the Andaman Islands to Kolkata prison, and were told by UNHCR that any asylum application they made would be unsuccessful.³⁰⁹ (For more information, see Chapter 20: The Situation of Refugees).

Burmese migrant workers have also been at serious risk of deportation while in India. USCRI found in 2008 that, if caught, ethnic Chin could avoid deportation by paying bribes of between 200 to 500 rupees (between US\$4.50 and \$11) as of June 2008.³¹⁰ Furthermore, after spending a year in prison in Manipur, in September 2008 15 Burmese persons from Arakan State were reportedly sent to Leikul refugee camp in Chendel district on the State Home Department's orders, where they awaited a decision on their deportation. The Gauhati High Court, Imphal Bench, ordered their release on 26 August 2008, after they had been detained in Moreh by the paramilitary group, the Assam Rifles, under Section 14 of the Foreigners Act for lack of required documentation.³¹¹ Although their possession of foreign currency, such as US dollars, Thai and Burmese notes as well as Thai work permits, prompted suspicions that they were linked to al-Qaeda, no proof of this was found, and they claimed to be labourers. The individuals, who were aged between 18 and 42 years old, were identified as:

1. Mohammed Nassen, alias Nasim;
2. Faizu Rahaman;
3. Said Aslam;
4. Mohammed Rehan, alias Mongla;
5. Mohammed Abdul Hussain;
6. Mahabu Bashar, alias Fijho;
7. Mohammed Abdul, alias Rahul Arin;
8. Mohammed Bashar Ahamad;
9. Mohammed Junet;
10. Sah Ahamad;
11. Mohammed Salim;
12. Mohammed Shabbir Ahamad;
13. Mohammed Rohit; and
14. Abdulla.³¹²

As with other countries neighbouring Burma, Burmese migrants have washed up on India's shores after leaving Burma by sea. Three Burmese migrants reportedly landed on the eastern coast of Orissa State, near Gopalpur Town, on 5 February 2008 after three months of drifting at sea without basic necessities on a wooden raft, as a result of a cyclone in the Bay of Bengal on 11 November 2007. They were subsequently stranded in India and were dependant on the help of an Indian truck driver named Purmachandra, who had bailed them out after their arrest upon arrival. They received no help from the Burmese embassy in India's capital, New Delhi, although the embassy had been informed of the situation on 3 March 2008. The migrants were from Pyapon Town in Burma's Irrawaddy Division, which

was one of the areas most severely affected by Cyclone Nargis in May 2008. The men were identified as:

1. Zaw Oo;
2. Zaw Lwin; and
3. Ko Lynn.³¹³

Although India has allowed refugees with status to be educated, around 200 Burmese migrant children in Manipur still lacked access to education in 2008. Given the poverty of many Burmese migrant workers in India, young Burmese girls in Manipur have frequently worked as prostitutes to boost their families' incomes. Furthermore, according to USCRI, many Burmese children in Manipur have suffered from malaria, gastrointestinal diseases and malnutrition.³¹⁴

Despite the hostility that many Burmese migrant workers have faced in India, which is described in greater detail below, some steps have been taken to raise awareness of their plight at the hands of the junta. In late July and early August 2008, for instance, Burmese activists in New Delhi reportedly celebrated the twentieth anniversary of Burma's pro-democracy student uprising – which pushed a significant number of Burmese into India – to raise awareness. As part of the celebrations, there were plans to circulate pamphlets detailing both the uprising and the current situation in Burma. A series of events were organised by the following organisations:

1. The Global Justice Centre;
2. The International Burmese Monks Organisation;
3. Serene Communications;
4. US Campaign for Burma; and
5. 88 Generation Students of Burma.³¹⁵

Conditions of Burmese Migrants in Mizoram

As of September 2008, Mizoram's unfenced border with Burma stretched for 510km.³¹⁶ Many Burmese migrants crossed that border in 2008 because of the severe food crisis in neighbouring Chin State. The onset of bamboo flowering in the state led to an explosion in the population of rats, which in turn destroyed many crops and livelihoods. The effect of the famine was compounded by the Burmese junta's imposition of forced labour, obliging many to seek food in neighbouring India after October 2007. In March 2008, CHRO visited four border villages in Mizoram State, finding 400 persons who were part of the 93 families who had fled across the border in the hope of finding subsistence. The families were originally from 22 villages in Paletwa Township in Chin State, and included between 50 and 60 children, around half of whom had reached school age. As one villager in Mizoram from Paletwa Township put it simply in an interview on 25 March 2008, "*we are compelled to leave our village simply because we have nothing left to eat.*" In addition, CHRO admitted that there may be other Burmese people in Mizoram of whom it was unaware, and that it had received reports of the arrival of a further 200 to 300 persons. However, in contrast to the Indian government's vigorous measures to try to combat the food crisis, the Burmese junta failed to act, and even went as far as obstructing the arrival of aid to Chin State.³¹⁷

As a result, between 60,000 and 80,000 Chin were living along the border which divides Burma and India as of April 2008.³¹⁸ By June 2008, USCRI had produced the more specific figure of 75,000.³¹⁹

Once they have arrived in India, most Burmese migrants have found work in farming, road construction and stone quarries, as well as having taken on odd jobs.³²⁰ Others have undertaken the difficult and costly journey to New Delhi where, unlike Mizoram, there is the

chance of receiving UNHCR protection. As Amy Alexander of CHRO described in April 2008, once these migrants are registered by UNHCR, they are required to stay in Delhi, where they have found it a great challenge to make ends meet. Their integration into Indian life has been impeded by the fact that the Chin have had to compete with the impoverished local population for scarce resources, meaning that many Chin have become vulnerable to being evicted or physically abused; actions which have been carried out with impunity.³²¹ (For more information, see Chapter 20: The Situation of Refugees).

The presence of thousands of Chin has caused tensions to develop in Mizoram. In addition to their vulnerability upon arrival, Burmese migrants have also been susceptible to abuse and murder. Female Burmese refugees have complained of incidents of sexual and gender-based violence, such as the case in June 2008 when an unidentified attacker killed a Burmese woman in the house where she worked.³²² Burmese migrant workers have also faced clampdowns by the nationalist student group, the Young Mizo Association (YMA). As of June 2008, unregistered Chin refugees in Mizoram were only allowed to rent apartments legally once they had been given letters from the authorities and the YMA. The YMA carried out inspections and deported those without the required letters.³²³ In September 2008, moreover, the YMA reportedly requested that certain Burmese migrant workers leave, after their alleged harassment of village girls and the assault of a local boy. This request followed a brawl between villagers and Burmese migrants in Thanhril village, over the alleged harassment. Nevertheless, the YMA admitted that other Burmese migrants were law-abiding.³²⁴

There have also been cases of Burmese Buddhists in Aizawl district being pressured into conversion to Christianity by their employers and local pastors. There were reports that Burmese migrants employed at a fabric factory were compelled to attend a religious gathering by their employers in July 2008, given that they had threatened to fine or report them to the police for illegally entering India. Workers were also reportedly given badges to differentiate Christian converts from non-converts. However, local pastors insisted that the gatherings were designed merely to be an awareness-raising exercise and that many had converted voluntarily, despite admitting that many attended merely out of “*politeness*” to their employers.³²⁵



Ethnic Chin migrant workers employed as weavers in Mizoram State in India's northeast.
[Photo: © Amy Alexander]

21.5 Situation of Burmese Migrants in Bangladesh

Significant numbers of Burmese migrants continued to enter Bangladesh throughout 2008, many of whom then continued to Malaysia. Villagers in Shapuri Dip, for instance, claimed in April 2008 that one or two families were illegally crossing the border between Bangladesh and Burma each day.³²⁶ Such patterns of migration have occurred in the context of tension between Bangladesh and Burma. Although a meeting was held between Burma's border control force, NaSaKa, and the paramilitary Bangladesh Rifles (BDR) to address bilateral matters in Maungdaw Town in Burma on 13 December 2007, disagreement emerged over the maritime border between the two countries in 2008.³²⁷ On 1 April 2008, for instance, committees from both countries met to discuss the delineation of the border but failed to reach agreement.³²⁸ Then again on 1 November 2008, tensions heightened as Bangladesh accused Burma of conducting explorations for gas reserves in disputed areas of the Bay of Bengal.³²⁹

Much of the migration from Burma to Bangladesh is attributable to the Burmese junta's repression within Arakan State, as well as to poverty caused by high commodity prices and unemployment.³³⁰ The Rohingya – a stateless people with strong ethnic and cultural links with Bengalis of Bangladesh and who are denied full citizenship by the Burmese junta – make up the bulk of Bangladesh's 178,000 refugees.³³¹ It has even been claimed that the Burmese junta may be willing to allow the Rohingya people to leave Burma, as this may further what has been described as their "*policy of ethnic cleansing*."³³² The level of corruption and demonstrated proclivity for bribery within in the ranks of the NaSaKa has also adversely affected the Rohingya. In March 2008, for instance, it was reported that NaSaKa had cheated businessmen, by initially giving permission for exports of goods to Bangladesh, only to revoke it later, seizing the goods and arresting the men. In the assessment of one village elder, the policy was "*a ploy to destroy the business of the Rohingya community*."³³³ (For more information, see Chapter 18: Ethnic Minority Rights).

At times, Burmese refugees and migrants in Bangladesh have been, like other countries with substantial Burmese populations, almost indistinguishable. USCRI has estimated that the unregistered refugee population in Bangladesh during 2008, almost all of whom were Rohingya, numbered between 100,000 and 200,000, many of whom lived outside refugee camps in Cox's Bazaar and the Bandarban area of Chittagong.³³⁴ As Rohingya refugees in Bangladesh have been denied freedom of movement and the right to work, many have consequently fallen into an underground existence, working illegally for poor wages.³³⁵ Although refugees lacked legal rights to work and continued to be vulnerable to exploitation throughout 2008, the Bangladeshi authorities usually turned a blind eye to informal work in fishing or farming undertaken by refugees.³³⁶ In addition to the 21,000 Rohingya who have been living in refugee camps in the southeast of Bangladesh, according to the US Department of State in March 2008, around 200,000 have also lived outside the camps.³³⁷ (For more information, see Chapter 20: The Situation of Refugees).

Like Burmese migrant workers in Thailand and Malaysia, those in Bangladesh run the serious risk of arrest and deportation. Bangladesh's 1946 Foreigner's Act allows the government to arrest and hold foreigners, including refugees, for reasons of security. Although UNHCR has provided the BDR with training on how to distinguish accurately between asylum seekers and other types of migrants, asylum seekers were still reportedly treated as illegal immigrants and arrested. In addition, many were often released in exchange for bribes. USCRI also reported that the Bangladeshi government have held over 400 Burmese nationals in prison for longer than they were sentenced, for crimes including entering the country illegally, and UNHCR has found that abuse in detention facilities has been rife.³³⁸

The Bangladeshi government has not taken significant steps to combat the smuggling of boat people into the country, although its raids at departure points and border crossings reportedly intensified from October 2007 onwards. In one incident, boat people were pushed back into Burma across the Naf River. It was reported in April 2008 that the BDR had recently switched from jailing Burmese migrants to simply pushing them back into Burma.³³⁹ In contrast, the BDR has taken steps to combat the smuggling of goods from Burma to Bangladesh. On 2 December 2007, for instance, it seized smuggled goods and narcotics worth around one million taka and, on 16 March 2008, it seized contraband wine and beer worth 200,000 taka.³⁴⁰

According to USCRI in June 2008, the Bangladeshi authorities had arrested around 200 Burmese migrants for illegal entry into the country over the course of the preceding year, only some of whom were fully documented.³⁴¹ On 28 November 2007, for instance, 14 Chin were reportedly arrested by the Bangladeshi authorities after being discovered undertaking missionary work and distributing Bibles for the Carson Baptist Church's Youth Ministry in Aizawl. Those arrested were identified as:

1. Tumbika, aged 40;
2. Bawithiangbika, aged 28;
3. Laldengliana, aged 20;
4. Rualthang, aged 23;
5. H.Lalrinzama, aged 20;
6. R.Lalneihsang, aged 18;
7. Tialkipmem, aged 30;
8. Awtkipsung, aged 22;
9. Zatinremi, aged 18;
10. Kulh Cung, aged 33;
11. Ceuthang, aged 20;
12. Ramtinthanga, aged 21;
13. Vanlalmawia, aged 23; and
14. Thatinhmung, aged 18.³⁴²

On 2 December 2007, a Burmese migrant, Chit Tun, aged 37, was reportedly arrested at Roma Molpi Para, Bandarban Hill for illegal entry into Bangladesh, despite being a longstanding resident there. The following day, another Burmese national, Anowar Hussain, aged 28, from Maungdaw Township in Arakan State, was reportedly arrested in possession of 300 yaba tablets (a methamphetamine-type stimulant) when entering Teknaf market.³⁴³ It was also reported that, on 17 December 2007, two Burmese women – Ma Thein, aged 35, and Ma Tin, aged 32, both from Maungdaw, were arrested by Bangladeshi customs at Cox's Bazaar, and a computer hard drive and cash was confiscated from them.³⁴⁴

It was reported that on 22 March 2008 the BDR removed five Burmese persons who had illegally entered Bangladesh from Shapuri Dip, after they had crossed the Naff River in a rowing boat. All five were from the same family and are listed below:

1. Nabi Hossain, aged 50;
2. Harun Rashid, aged 25;
3. Fatema Khatun, aged 32;
4. Kursheda Begum, aged 11; and
5. Shahid Hossain, aged 5.³⁴⁵

In a similar incident in March 2008, ten Burmese migrants from Khutakhali Union, thought by villagers to have been seeking to travel on to Malaysia, were reportedly arrested by police from Chakaria police station. It was unclear at the time of reporting whether they were from Maungdaw Township or Buthidaung Township, and were identified as:

1. Kabir Ahamed, aged 35;
2. Abu Sayed, aged 28;
3. Nurul Kabir, aged 32;
4. Ali Juhar, aged 23;
5. Rashid Ahamed, aged 24;
6. Abdur Rahaman, aged 21;
7. Abu Bakkar Siddik, aged 25;
8. Dil Mohamed, aged 20;
9. Nurul Islam, aged 25; and
10. Mir Ahamed, aged 22.³⁴⁶

It was also reported that the BDR deported around 93 persons in April 2008 after they were found to have entered Bangladesh from Burma.³⁴⁷ On 2 April 2008, 53 Burmese nationals from Nakondia Village in Maungdaw Township, who were entering Bangladesh by boat, were reportedly returned to Burma by the BDR, after being arrested in Teknaf Township. The group was composed of ten families, each comprising seven men, 16 women and 30 children. It was reported that they had been encouraged to illegally enter Bangladesh by an Islamic NGO.³⁴⁸ Also on 2 April 2008, the BDR reportedly arrested 25 Burmese *en route* to Cox's Bazaar along the Bangladeshi coast. Those arrested were mainly women and children, with one man, and were held in custody in Shapuri Dip.³⁴⁹

Rohingya boat people continued to flee Arakan state throughout April 2008 in various attempts to reach Bangladesh. On 20 April 2008, a boat containing 50 Rohingya men, believed to have come from Arakan State, reportedly drifted ashore at Hnitkayin village, Lamine Sub-Township in southern Mon State, after their vessel had drifted for a week without food. The village headman and the police handed occupants over to the authorities so they could be sent home.³⁵⁰ In addition to the threat of arrest, Burmese migrants have also been at risk of robbery while in Bangladesh. For instance, seven Burmese refugees were reportedly robbed of their money and telephones in Teknaf, Bangladesh on 2 October 2008.³⁵¹

It was not just Burmese migrants who were arrested or deported by the Bangladeshi authorities, however, since the Burmese junta also arrested both Burmese and Bangladeshi nationals within Burma, and handed Bangladeshis over to the BDR. On 1 April 2008, for instance, NaSaKa reportedly handed around 30 Bangladeshi migrants to the BDR at Teknaf, and they were subsequently detained in Teknaf police station. It was reportedly later found that the migrants were arrested in Burma during their journey to Malaysia, where they had hoped to seek work.³⁵² On 2 November 2008 it was reported that the bodies of four Bangladeshi woodcutters were found in Burma just two kilometres from the border, after being shot dead while trespassing.³⁵³

A cattle trader was also reportedly shot by NaSaKa on 1 March 2008 as he was *en route* to Bangladesh with his cattle by boat, near Aley Than Kyaw village in Maungdaw Township. Although the boat had the necessary documentation, when NaSaKa approached the boat, it sped away, resulting in NaSaKa forces opening fire on the vessel, killing the trader instantly. The boat and the rest of the crew were then reportedly seized by NaSaKa and taken to the NaSaKa camp.³⁵⁴

Burmese-Bangladeshi relations have been affected not only by previous maritime disputes but also by NaSaKa's activities along the border. In September 2008, the Bangladeshi authorities and Cox's Bazaar Fishing Association banned fishing in the Bay of Bengal and the Naff River, out of fear of arrest by NaSaKa or of looting by robbers; the implementation of which left around 100,000 Bangladeshi fishermen languishing in unemployment. NaSaKa have reportedly towed fishing boats and filed cases against Bangladeshi fishermen for allegedly straying into Burmese waters. Approximately 200 Bangladeshi fishermen were jailed in Maungdaw and Buthidaung Township in Burma in 2008 as a result.³⁵⁵

Some Burmese migrants unaffected by arrest or deportation have been able to openly campaign against the junta during their time in Bangladesh. The Long March, which aimed to raise awareness of Burma's referendum on its draft constitution of May 2008, and to express opposition to its exclusion of Daw Aung San Suu Kyi and non-Burman ethnic minorities, was held in Bangladeshi towns such as Chittagong and Cox's Bazaar in early 2008.³⁵⁶ Such demonstrations against the junta in neighbouring countries proved to have an affect on regime behaviour in Burma. As a result of anti-referendum posters encouraging 'no' votes which had seeped into Burma from Bangladesh for example, NaSaKa tightened border security ahead of the referendum, affecting many traders' activities. The Burmese authorities also reportedly feared the entry of insurgents from inside Bangladesh during the referendum.³⁵⁷



Cyclone survivors from Bogale Township, Irrawaddy Division travelling to Bangladesh on a grossly overloaded fishing boat in search of work after their homes and livelihoods had been destroyed by Tropical Cyclone Nargis which hit Burma on 2 May 2008. *[Photo: © AP /Myanmar NGO Group]*

Trafficking and Migration of Burmese from Bangladesh to Malaysia

Many Burmese migrants have only entered Bangladesh as part of their passage to Malaysia. This journey, which has typically involved travelling from Cox's Bazaar or Shapuri Dip in the Teknaf area, is highly perilous; many have perished in the Andaman Sea *en route* or have run aground on Thailand's beaches.³⁵⁸ Such dangers are aptly illustrated by the case of more than 50 Rohingya fishermen who reportedly disappeared in the Bay of Bengal on 15 September 2008 after the capsizing due to strong winds and heavy rain. At the time of reporting it was feared that the men had drowned.³⁵⁹ On 9 December 2007, 35 Burmese migrants, who were planning to travel on to Malaysia, were reportedly arrested at various hotels for entering Bangladesh illegally by policemen from Cox's Bazaar. They were transported to Bangladesh from locations in Arakan State by a syndicate, charging between 20,000 and 30,000 taka per head for journeys to Thailand. Among those arrested were:

1. Mohammed Yonus, aged 20;
2. Mohammed Rafique, aged 20;
3. Mohammed Shah Alam, aged 45;
4. Mohammed Alam, aged 30;
5. Kamal Hussain, aged 25;
6. Abdul Kalek, aged 18;
7. Mohammed Salim, aged 28;
8. Sirazul Islam, aged 15;
9. Mohammed Ahwa, aged 17;
10. Nawbi Hussain, aged 35;
11. Noor Mohamed, aged 18;
12. Rabiul Hassain, aged 13;
13. Abdul Bashar, aged 16;
14. Zakir Hussain, aged 20;
15. Mohammed Islam, aged 20;
16. Abul Kasim, aged 25;
17. Noor Alam, aged 25;
18. Ziaur Rahaman, aged 20;
19. Sayed Ahmed, aged 16;
20. Jamir Ahmed, aged 30;
21. Husson Ahmed, aged 22;
22. Abul Hussain, aged 15;
23. Rabi Ahmed, aged 20;
24. Elyas, aged 17;
25. Ismail, aged 20;
26. Kalim, aged 19; and
27. Khairul Bashar, aged 22.³⁶⁰

There were a number of other reported incidents of Burmese migrants seeking to leave Bangladesh for Malaysia throughout the course of the year. On 11 February 2008, seventy-two persons, among them 30 Bangladeshis, who were travelling to Malaysia from Shapuri Dip before stalling and floating towards Rangoon, were reportedly arrested by the Burmese navy and detained in Rangoon, before being sent on to Maungdaw Township in Arakan State on 29 March 2008.³⁶¹ It was also reported that a fishing trawler left Shapuri Dip for Malaysia on 1 March 2008 with 45 Rohingya from Buthidaung and Maungdaw Townships aboard. The expedition was reportedly led by the tout Omar Abbas, aged 35, in exchange for sums of between 20,000 and 25,000 taka (US\$293 - \$367) per person in advance, and then another between 2,500 and 3,000 Malaysian ringgit (US\$36 - \$44) upon arrival.³⁶² On 3 March 2008, about 71 boat people, of whom 50 were Rohingya and 21 Bangladeshi, were reportedly rescued by the Sri Lankan navy after their boat had drifted in the Indian Ocean for nearly two weeks, after its engine had failed. 20 had died of starvation and dehydration.

The navy labelled the survivors “*illegal foreign job seekers*,” and it emerged that the boat had left Burma for both Thailand and Malaysia, and may have been linked to human trafficking activities.³⁶³ (For more information, see Section 21:3: Situation of Burmese Migrants in Malaysia).

It was reported that 35 persons were sentenced to prison on 23 March 2008. After being arrested on 10 March 2008 during preparations to leave Sittwe, in Arakan State, for Malaysia, the group was sentenced to between three and seven years. Of the 26 men, seven women and two children, the women were handed three years in jail, whereas the men faced seven years. 40 others were detained in Maungdaw on 30 March 2008.³⁶⁴

On 23 March 2008, seven Burmese migrants were reportedly arrested in Teknaf, and 400 litres of diesel was seized. It was reported that the Burmese had been planning to travel on to Malaysia from Shapuri Dip across the Bay of Bengal. Those arrested were:

1. Rustam Ali, aged 22;
2. Eliayas, aged 25;
3. Abul Kalam, aged 27;
4. Shaber Ahamed, aged 37;
5. Mahamdul Hasan, aged 25;
6. Dil Mohammed, aged 24; and
7. Yasin, aged 23.³⁶⁵

On 29 September 2008 it was also reported that 40 boat people, both Rohingya and Bengali, had been preparing to leave Arakan State and to travel to Malaysia. They were taken by traffickers from Buthidaung and Maungdaw Townships into Bangladesh to the Teknaf area, in preparation for the sea journey to Malaysia, in exchange for 500,000 kyat per person. 300,000 of this amount was reportedly paid to Major Win Tin of NaSaKa Area No. 6 in exchange for the NaSaKa’s cooperation. The traffickers, all of whom were from Pong Zaar (Ashika Para) in Maungdaw Township, were:

1. Mohammed Ismail, aged 40;
2. Maulana Sayed Ahmed; and
3. Mohammed Ayas, aged 35.³⁶⁶

21.6 Situation of Burmese Migrants in Other Places

China

Discussion of Burmese migrants in China in 2008 appears to have focussed on trafficking from Kachin State. Out of the 471 persons arrested by police on charges of human trafficking, 80 percent were destined for neighbouring China.³⁶⁷ Migration from Kachin State to China has reportedly been prompted by poverty, which in turn has been the result of increases in commodity prices and the junta's confiscation of land for large-scale plantations. Given the numbers of Burmese migrant workers who have been smuggled into China, Kachin State's population has significantly dropped.³⁶⁸ Although trafficked women have often crossed the Burmese-Chinese border, the Burmese junta has sought to control movement across it. On 8 October 2008, authorities reportedly imposed rigorous border checks along recognised illegal trade routes in Kachin State.³⁶⁹

A report completed by the Kachin Women's Association Thailand (KWAT) in August 2008 revealed the extent of trafficking of women and children from Kachin State to China. KWAT documented 133 trafficking cases, both verified and suspected, involving 163 women and girls. A quarter of the victims were under 18, with some as young as 14. In addition to women from Kachin State, a third originated from northern Shan State. Most of the women were trafficked to the neighbouring Yunnan province of China, and were lured into Chinese towns near the border by opportunities to work as maids, factory workers, salespeople or restaurant workers, and by the prospect of earning between 250 and 700 yuan per month (then US\$36–100). Of the women documented by KWAT, 90 percent were forced into marriage with Chinese men upon arrival. The women had often been chosen in marketplaces, sometimes tied up throughout the process, and have been sold for an average of US\$1,900. One young Burmese woman who was deported from China in October claimed to have been married off to a 60 year-old Chinese man, who reportedly cut her hair and broke her teeth out of fear that other men might steal her from him. In another case, a woman who was five months pregnant was forced by her trafficker to have an abortion before being sold. Most of the men have tended to be relatively poor farmers who presumably save up to afford a wife, who has then often made to work on their husband's farm. KWAT even documented two cases of babies being sold. In one of the cases, a Burmese woman was forced to sell her two-month old baby in Yin Jang for 5,000 yuan, although she only received 200,000 kyat of this amount.³⁷⁰

KWAT concluded that the continued prevalence of trafficking into China clearly demonstrates the failure of the military junta's anti-trafficking law, which it introduced in September 2005. In only six cases, out of the 70 incidents documented by KWAT, were charges brought by the Burmese police against the traffickers; in an indication that corruption remains rife throughout law enforcement and the legal system. The report also documented cases of women who, after being returned to the Burma-China border by the Chinese police, were subjected to verbal assault by the Burmese authorities. Moreover, the anti-trafficking law may have functioned counterproductively, since women have been falsely accused of trafficking under its provisions. The Burmese junta was further criticised in the report for failing to issue identification cards to ethnic peoples such as the Kachin, which KWAT believes has rendered women and girls more vulnerable to trafficking into China.³⁷¹ (For more information, see Chapter 20: The Situation of Refugees).

In addition to the prevalence of trafficking, Burmese women in China have also been vulnerable to abuse and deportation. A young Burmese woman who sought help from her smuggler in China in October 2008 was reportedly raped and killed. Also in October 2008, around 200 Burmese women were reportedly arrested and held in China, having been smuggled into the country with the promise of earning up to 150,000 kyat a month (US\$121), and faced a sentence of three months for breaking China's immigration laws.³⁷²

Singapore

Estimates of the numbers of Burmese migrant workers in Singapore during 2008 have ranged from 50,000 to 60,000, although most did not hold legal work permits as of August 2008.³⁷³ In contrast to the unskilled labour undertaken by Burmese migrant workers in other countries such as Thailand and Malaysia, it was reported in October 2008 that many Burmese migrant workers in Singapore were graduates and skilled labourers.³⁷⁴ According to one Burmese migrant worker in Singapore in August 2008, most Burmese workers in the country are employed in the engineering, accountancy or IT sectors.³⁷⁵ Singaporeans have also hired numerous Burmese maids, offering an average monthly salary of 300 Singapore dollars (US\$208) as of February 2008. Together with their Thai and Indian counterparts, at the start of 2008, Burmese domestic workers occupied six percent of all positions of domestic work, out of 170,000 workers.³⁷⁶

Some migrant workers have found Singapore's freedoms and higher wages generate a reasonably standard of living, in contrast to many migrants' experiences in other nearby countries. *Mizzima News* commented in October 2008 that Burmese migrant workers often "quickly assimilate and warm to their new jobs." Moreover, unlike the official hostility in other nearby countries, Singapore's Prime Minister, Lee Hsien Loong, has welcomed talented migrants and openly recognised their contribution to the Singaporean economy.³⁷⁷ Furthermore, Singapore's *Sunday Times* claimed that Singaporean employers have been "better behaved" than their counterparts in Indonesia and the Philippines.³⁷⁸ Consequently, an increasing number of Burmese migrants, especially graduates, have chosen to surrender their Burmese citizenship. Many have done so as they have found the prospect of returning to problem-riddled Burma "unattractive," and have sought to avoid paying taxes twice. Many have done this out of consideration for their children's education and subsequent career prospects. The Burmese junta has reportedly covered up the numbers of those who have chosen to renounce their Burmese citizenship.³⁷⁹ There has been in Singapore some evidence of community activities organized for Burmese migrants, reflecting a greater level of tolerance on behalf of authorities there. Over 600 Burmese migrants watched the film *Rambo 4* in Singapore on 3 February 2008 at a cinema hired out by the Burmese pro-democracy group formed in October 2007, the Overseas Burmese Patriots (OBP).³⁸⁰

However, other evidence suggests a less rosy picture of Burmese migrant workers' lives in Singapore. Some have reportedly found that they are exploited just as readily as migrant workers occupying low-skilled jobs elsewhere. Professionals such as engineers and computer technicians complained to *Irrawaddy* in October 2008 that they had been refused the minimum wage by their employers and had been forced into working unpaid overtime, as well as being subjected to racial abuse.³⁸¹ The global recession has also adversely affected Burmese migrant workers involved in sectors of Singapore's economy such as tourism, the transport industries, manufacturing, the financial sector and retail. Singapore suffered from a downturn in exports, with exports of non-electronic goods falling by 16 percent in October 2008 alone.³⁸² Many Burmese migrant workers have been left unable to repay their debts, and those in the banking and construction sectors were reportedly most affected.³⁸³ By early November 2008, for instance, at least ten Burmese migrant workers had been sacked in the preceding fortnight, for official reasons such as "inefficiency" and "lack of language proficiency," although the timing coincided with sharp drops in share prices. Most companies, however, did not openly attribute the lay-offs to the economic crisis. Additionally, those who kept their jobs often faced cuts in wages.³⁸⁴ As a consequence, hundreds of Burmese migrant workers were compelled to leave Singapore and return to Burma. Nevertheless, Burmese migrants continued to arrive in Singapore to find work in November 2008, despite the increasing scarcity of paid employment.³⁸⁵

The political activities of Burmese migrant workers were also restricted by Singapore's authorities in 2008. Members of the OBP have been active campaigners in Singapore, voicing their discontent at the behaviour of the Burmese junta, and running up against Singapore's authorities as a result. In response to a question proposed by MP Eunice Olsen at Singapore's parliament in September 2008, the Deputy Prime Minister and Home Affairs Minister, Wong Kan Seng, reportedly claimed in a written reply that Burmese migrants were being requested to leave after the expiration of their immigration papers, not because of pressure from the Burmese junta, but because of their "*persistent defiance of the laws*" of Singapore. The alleged offences consisted of organizing outdoor protests without permission, despite prior advice from the police. Consequently, three Burmese members of the OBP were compelled to leave Singapore.³⁸⁶ While the government claimed that other Burmese pro-democracy groups had carried out their activities in accordance with the law, the OBP had repeatedly disregarded it, during incidents such as their street protest on 20 November 2007, to coincide with the ASEAN summit. The Singaporean government accused those deported of "*distorting*" their deportations as being "*politically motivated*" and described them as "*undesirable.*"³⁸⁷ It also claimed that some Burmese had broken these laws after having received benefits such as education subsidies.³⁸⁸



A woman's memento of a forced marriage. In February 2004, the Kachin woman shown in this wedding portrait (which ironically includes an image of the Statue of Liberty) was offered a job by "*a friend*" as a maid for a wealthy family in Jilin in eastern China. However, it was not until she had arrived that she realized that she was being sold as a bride for 24,000 yuan (US\$3,500). She spent the next two and a half years there, during which time she was forced to work on their farm and was never allowed to go anywhere on her own, lest she tried to escape. She was later arrested as an illegal immigrant and jailed for two months before being deported to Burma where she was handed over to the SPDC-affiliated Kachin Independence Organization (KIO). [Photo: © KWAT]

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The Human Rights Documentation Unit (HRDU) is the research and documentation division of Burma's government in exile; the National Coalition Government of the Union of Burma (NCGUB). The HRDU was formed in 1994 to document the human rights crisis confronting the many and varied peoples of Burma, and to defend and promote those internationally recognised human rights that are inherent and inalienable for all persons irrespective of race, colour, creed, ethnicity or religion. To this end, the HRDU published the first *Burma Human Rights Yearbook* in 1995 to comprehensively document the systematic and egregious nature of the human rights abuses being perpetrated in Burma throughout the previous year. This report, the *Burma Human Rights Yearbook 2008*, represents the 15th annual edition of the *Burma Human Rights Yearbook*, which, combined with all previous editions collectively comprise well over 10,000 pages of documentation and provide an unbroken historical record spanning the past one and a half decades.

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Human Rights Documentation Unit

NATIONAL COALITION GOVERNMENT OF THE UNION OF BURMA