

## OPENING THE BOOK ON WOMEN FROM BURMA'S EXPERIENCES OF INTERSECTIONAL DISCRIMINATION

### *Women's League of Burma*<sup>1</sup>

"In fact, no barriers whatsoever in the form of racial norms or practices restrain Myanmar women..."<sup>2</sup>, SPDC Initial CEDAW Report, 1999.

"Those few refugees who insist upon telling the truth even to the point of 'indecenty', get in exchange for their unpopularity one priceless advantage: history is no longer a closed book to them and politics is no longer the privilege of Gentiles."<sup>3</sup>, Hannah Arendt, Winter 1948.

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<sup>1</sup> This paper was authored by Women's League of Burma ([WLB](#)). IT is built upon the presentations given by three WLB representatives at the NGO Forum in the World Conference against Racism, Xenophobia and other Related Intolerance (WCAR) at Durban, South Africa on 27 August-1 September 2001. In particular, it is an extension of the paper presented by Naw Mu Si entitled, "Refugee Women from Burma." presented on 29 August, 2001 at the "Intersectionality: Rethinking the Race/ Gender/ Class Divide" panel sponsored by the Asia Pacific Forum on Women, Law and Development (APWLD), ISIS International-Manila and INFORM.

<sup>2</sup> Initial Report of State Party: Myanmar to the Committee on the Elimination of Discrimination against Women (CEDAW), 25, June, 1999, CEDAW/CMMR/1, <http://www.un.org/womenwatch/daw/cedaw/mmr.pdf>, p. 3.

<sup>3</sup> Hannah Arendt, (1943), "We Refugees", *The Menorah Journal*, Winter, p. 77.

## Introduction

Opening her presentation at the WCAR on Durban in August 2001, Karen<sup>4</sup> woman and Women's League of Burma<sup>5</sup> representative, Naw Mu Si said:<sup>6</sup>

*...I want to tell you about how women from ethnic minorities, and especially refugees and migrant women, are doubly and even triply discriminated in many aspects of their lives. They experience sexual violence, powerlessness, poverty and few educational, economic, and leadership opportunities. They are treated with disrespect and dislike in the best cases, and with cruelty and hatred in the worst. They are unwelcome guests in their host country, but they have nowhere else to go. Even the strongest of these women—and many of us are very strong, because we have had to endure a great deal—have no defenses against the prejudice we face and the hardships that result from that prejudice.*

Naw Mu Si, talks of the extreme experiences faced by women from ethnic minorities from Burma who are forced to flee across international borders in search of sanctuary. At the same time, all forms of discrimination against women and girls throughout Burma<sup>7</sup> are experienced in daily life.<sup>8</sup> In the multi-national milieu of Burma's militarized societies, racism and gender-based discrimination are structural. Women face discrimination also on the basis of their economic status. Women from remote, rural areas face discrimination on the basis of their traditional or tribal ontological constitution, or what may colloquially be referred to as "backwardness". Women displaced by compounding factors of poverty and conflict face discrimination because of statelessness.

As most women from Burma are in more than one of these situations at any given time, they can be understood as positioned at various combinations of intersections of macro-social constructs of race, gender, economic status, religion, political opinion, ontological constitution, and statelessness. Furthermore, women face discrimination on more micro levels on the basis of age, marital status, sexual orientation, physical and mental dis/ability and so forth. As noted by Yuval Davis:

*"Not all women are oppressed and/or subjugated in the same way at the same time or to the same extent, even within the same society, at any specific moment".<sup>9</sup>*

At the core of intersectional discrimination is the ubiquitous human polemic of dealing with 'otherness'. In this paper, 'otherness' is considered in its gendered forms as it is *experienced* by women in and from Burma.<sup>10</sup> Naw Mu Si continues:

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<sup>4</sup> The Karen are the largest ethnic minority nationality in Burma today. Within the Karen, there are several sub-ethnicities with their distinct languages. There are 7 major ethnic nationalities in Burma besides the Karen: Shan, Karenni, Chin, Kachin, Arakanese and Burman. There are an estimated 135 distinct ethnic minority groups in Burma.

<sup>5</sup> The Women's League of Burma is an umbrella organisation consisting of 11 member women's organisations based around the Burmese borderlands with China, India, Bangladesh and Thailand. Having formed in 1999, the WLB's primary concern is political change towards a future federal democratic Burma that respects equality for all. It works to this end through facilitating links between its member organisations and the international level for lobbying, networking and funding purposes, working for the empowerment of women through capacity building and increased participation in political processes, education of the grassroots communities, and welfare of displaced peoples including refugees and migrants.

<sup>6</sup> Naw Mu Si, "Refugee Women from Burma", paper presented at the NGO Forum, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa, August 2001.

<sup>7</sup> Explanation of Burma/Myanmar terminology

<sup>8</sup> Images Asia, Alternative Voices, Other Voices: Assessing Gender Equality in Burma, Submission to the 23<sup>rd</sup> session of CEDAW, December, 1999, Chiang Mai.

<sup>9</sup> Nira Yuval-Davis, (1997), *Gender and Nation*, Sage Publications, London, p. 8.

*"I saw firsthand how my mother and my friends' mothers struggled in the camp to keep us healthy, fed, clothed and in school. I was a girl in a country not my own, where girls from my own country are generally either illegal migrants, refugees, or trafficked into prostitution. I experienced the loneliness, isolation and homesickness that comes from being outside the mainstream, a woman, a refugee and a person with no citizenship and no power."*

The purpose of this paper is to define and deconstruct the meaning of intersectional discrimination as experienced by women from Burma. While recognizing women throughout Burma suffer multiple, compounding forms of discrimination, this paper focuses particularly on racialized women in situations of conflict, internal displacement, un/documented migrant workers and refugees. Women are displaced across Burma's borders with China, India, Bangladesh and Thailand. Their increased vulnerability to intersectional discrimination rises directly from (but is not limited to) the lack of state protection – first in the case of the State Peace and Development Council (SPDC) in Burma, and then in countries of migration and exile. Women report discrimination in forms peculiar to each individual locality even though root causes may be the same. Unfortunately, due to resource constraints, the experiences and information drawn on here are concentrated on Burma's eastern borderlands with Thailand.

While the paper draws links when possible to indicate the fluidity and interconnectedness of power relations spanning inter-state borders, it is far from comprehensive in representing the mind-boggling scope of discrimination that displaced and stateless women face. The examples of intersectional discrimination given here attempt to illuminate some consequences for women forced to exist outside the 'normal', legal state/citizenship relationships due to armed conflict and life-threatening poverty. To contextualize the setting in which women experience discrimination, this paper draws briefly on narratives of Burma's pre-colonial, colonial and post-colonial history to forefront the deeply entrenched character of racial tensions throughout the country. Today these tensions continue to be fought out through ethno-political armed conflict that remains largely ignored at the international level.<sup>11</sup> The paper then proceeds with a brief description of the types of intersectional discrimination faced by women from Burma today. It is argued that root causes of discrimination against women from Burma – wherever they are located – are attributable to the ongoing racist and sexist policies of the current ruling military dictatorship in Burma. Therefore these issues cannot begin to be addressed in any meaningful way without political transformation to democratic political system. Moreover, political change must culminate from broad social movements genuinely committed to all forms of equality including gender and ethnic equality. In conclusion, recommendations, extrapolated from the WLB's research and political position, are given.

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<sup>10</sup> The WLB employs the linguistic technique of saying 'women from Burma', and not 'Burmese women', to recognize equality across all ethnicities, including Burmese and Burmans.

<sup>11</sup> Starting in 1948, Civil War between the Karen National Union and the central Burmese military regime is the longest running civil conflict in the world today. Many other ethnic insurgencies have continued for nearly as long, with checkered histories of victories, defeats and cease-fires. For a comprehensive account of modern history of ethno-political conflict in Burma, see Martin Smith, (1999), *Burma: Insurgency and the Politics of Ethnicity* (Updated edition).

## Understanding intersectionality in the context of Burma

'Intersectionality' is a particularly useful concept for understanding the experiences of multiple discriminations of women in and from Burma. As Yuval Davis notes:

*"(G)ender, ethnicity and class, although with different ontological bases and separate discourses, are intermeshed in each other and articulated by each other in concrete social relations. They cannot be seen as additive and no one of them can be prioritized abstractly."*<sup>12</sup>

Dr Kimberle Crenshaw, an African American law professor used this analogy to explain the concept of intersectionality:

*"To use a metaphor of an intersection, we must first analyze the axis of power, for instance, race, ethnicity, gender and class, as constituting the thoroughfares which structure the social, economic, or political terrain. Racialized women are often positioned in the space where racism or xenophobia, class and gender meet. They are consequently subject to injury by the heavy flow of traffic along these roads."*<sup>13</sup>

'Intersectionality' recognizes that women experience discrimination on a variety of grounds "and that it is often a combination of these factors which contributes to a human rights violation."<sup>14</sup> However, the international human rights system has a long history of prioritizing one form of discrimination over another.<sup>15</sup> In an effort to overcome this theoretical and technical weakness, the WCAR focussed on the intersectional character of discrimination that underlies human rights violations. The United Nations Gender and Racial Discrimination Report of the Expert Group meeting convened for the World Conference defined 'intersectionality' as seeking to "capture both the structural and dynamic consequences of the interaction between two or more forms of discrimination or systems of subordination."<sup>16</sup> This concept recognizes that women's experiences of racism can be substantially different from men's.

These explanations fit the understandings that inform the WLB's approach to discrimination and 'refugees' – the focus of this paper. In their experiences, the international and state-centric political, legal definitions of 'refugee'<sup>17</sup> exclude the vast majority of people in contemporary refugee situations. For the WLB, refugees include people displaced by violence and/or poverty, that may be internally displaced, registered in refugee camps and/or forced to exist across international boundaries as un/documented migrants. Based on actual lived experience, their definition acknowledges that these situations are not static or permanent, that women and their families are pushed through these different circumstances at different times, often forced into cycles of constant migration to survive.<sup>18</sup> The

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<sup>12</sup> Nira Yuval-Davis, (1997), *Gender and Nation*, Sage Publications, London, p. 8.

<sup>13</sup> Kimberle Crenshaw, (2000), "Position Paper on the Intersectionality of Race and Gender Discrimination", paper presented to the UN Expert Group meeting on Gender and Race Discrimination held in Zagreb, Croatia, November 21-24, 2000 and the African American Forum. Quoted from Women's Rights Action Network Australia, (2001), "The Intersection of Race and Gender at the World Conference against Racism: An Australian Perspective", Discussion Paper and Interim Report by Women's Rights Action Network Australia, p. 2-3. For information see <http://www.nwjc.org.au/wrana>.

<sup>14</sup> Women's Rights Action Network Australia, (2001), "The Intersection of Race and Gender at the World Conference Against Racism: An Australian Perspective", p. 2.

<sup>15</sup> *Ibid.*, p. 5.

<sup>16</sup> *Ibid.*, p. 2.

<sup>17</sup> 1951 Convention Relating to the Status of Refugees, Article 1, <http://www.unhcr.org>.

<sup>18</sup> Women's League of Burma, *Women in and From Conflict Areas in Burma: Basic Needs, Family Planning, Violence Against Women*, WLB, April 2000, Thai/Burma Border. Report produced for the UN Women's Conference Beijing Plus Five, June 2000. Aung Myo Min and Burmese Women's Union, (2000), *Cycle of Suffering*, National Coalition of the Government of the Union of

unrelenting and dangerous search for sustainability propels women and their families into unending series of oppressive predicaments that defy compartmentalization.

Intersectional discrimination for women from Burma is constructed from (but not limited to) combinations of the following factors: ethnicity, gender, citizenship, class and religion at the macro level, and age, marital status, mental health and physical dis/ability and sexual orientation at the micro level. The most important of these in Burma's context concerns racism as it relates to the Burmese military's version of homogenizing meta-narratives of the modern nation-state. Furthermore, women from Burma suffer forms of discrimination particularly prevalent to post-colonial states. Two particular forms are highlighted here. First, discrimination occurs relating to ontological constitution – that is, women from tribal, traditional and cultures in transition often face discrimination from people constituted within more 'modern' settings. Second, as post-colonial states are often characterized by political instability, discrimination on the basis of political opinion is often a life threatening matter.

### ***Background on Burma***

Burma's population is approximately 50 million people,<sup>19</sup> more than a dozen major ethnic groups, and nearly a hundred different ethnic languages and dialects. It is also a country in which 51% of the population is female.<sup>20</sup> Prior to British occupation, the ethnic peoples of modern Burma had sophisticated political and social institutions including their own monarchs and territories.<sup>21</sup> British colonial rule imposed on these independent states a single administrative apparatus, which lasted until independence in 1948. During their occupation, the British took advantage of the pre-existing ethnic divisions, using ethnic conflict to consolidate their power. This is relevant to understanding the on-going strength of ethnic identity in Burma today and the modern history of ethnic divisiveness and oppression.

The emergence of the Union of Burma in 1948 was the outcome of the mutual understanding that the Union would be one of co-equal and co-independent states, which was the spirit of the Pang Long Agreement in 1947. However, since Burma gained independence from Britain in 1948, the mutual understanding between the ethnic people was lost and civil war broke out all over the country. The military has remained in control and its human rights abuses have been rampant especially in the non-Burman nationalities' areas, which for decades have been ravaged by civil war, ethnic strife and insurgency.

Burma has been involved in an active internal armed struggle for the past fifty years. An earlier version of the current military regime took power in Burma by *coup d'état* in 1962, after independence from British colonial rule, Burma's inter-ethnic relations were fundamentally fractured after decades of 'divide and rule' strategies by the British. The country has been at war with itself ever since then.

In 1988, a student-led people's uprising against the military regime occurred across the nation. After the military reasserted power by shooting unarmed demonstrators in the streets, many civilians were arrested and thousands fled to minority areas and to

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Burma's Human Rights Documentation Unit and Burmese Women's Union, Mae Hong Son. APWLD, *Dignity Denied*, APWLD, Mekong Regional Consultation Series, July 2000, Chiang Mai.

<sup>19</sup> United Nations Population Fund ( UNFPA) *Documents*: DP/FPA/MMR , July 13, 2001

<sup>20</sup> Union of Myanmar, "Consideration of reports submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Initial Report", p.3  
<http://www.un.org/womenwatch/daw/cedaw/mmr.pdf>.

<sup>21</sup> Thant Myint-U, (2001), *The Making of Modern Burma*, Cambridge University Press, Cambridge.

neighboring countries. Thousands of young activists also joined the armed struggle against the military.

To regain control after crushing the popular uprising, the military dictatorship staged a 'coup' upon it self in September 1988 and re-emerged as the State Law and Order Restoration Council (SLORC). Since then, thousands of political activists, many women among them, have been imprisoned. Torture is commonplace in all Burmese prisons. Today, power remains in the hands of the military in its current incarnation, the State Peace and Development Council (SPDC), which comprises 19 leading military commanders. Ethnic-political insurgency and political, cultural and economic oppression continues, causing severe and widespread hardship and human insecurity.

The extent of internal displacement, particularly in the ethnic and peripheral areas, is unknown but roughly estimated at 1.3 million.<sup>22</sup> In 1984, the first refugee camp in Thailand, Huay K' Loke, was established especially for Karen people fleeing Burmese military attacks. Initially, this camp's population was 4,000 people, but now the population has risen up to approximately 18,000 people.<sup>23</sup> In total, there are now over 120,000 refugees – predominantly Karen and Karenni – on the Thai-Burmese border, living in 10 camps.<sup>24</sup> An estimated 100,000 Shan refugees have fled to Thailand, however, the Thai government refuses to acknowledge the conflict in Shan State and prohibits the establishment of refugee camps for Shan people.<sup>25</sup> Consequently, the Shan people are forced to subsist as undocumented migrants, along with an estimated 750 000 other migrants from Burma in Thailand. Following the June 1995 Mon-SLORC cease-fire, 12,846 Mon refugees were forcible repatriated to refugee camps situated just inside the Burmese border opposite Thailand's Sangklaburi area <sup>26</sup>where they remain today.<sup>27</sup> On Burma's western border with Bangladesh, 230,000 refugees were forcibly repatriated under the guise of UNHCR, however 21,000 refugees remain in Bangladesh.<sup>28</sup> Unknown numbers of people from Burma have migrated to Bangladesh, China, India and Thailand to survive, and many have been trafficked to third countries. Today, people are still traveling to escape persecution and life-threatening poverty.

## **Intersectionality: Perspectives from women from Burma**

### ***a) Racial Discrimination as State Policy and Practice***

Conventional (predominantly western, male) theorists of the nation-state assume the coincidence of state, national and ethnic boundaries.<sup>29</sup> Their theories, widely held by states and assumed at the level of international relations, act to legitimize a dangerous fiction, of which a significant effect "is to naturalize the hegemony of one collectivity and its access to the ideological apparatuses of both state and civil society."<sup>30</sup> Significantly, "(t)his

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<sup>22</sup> Source: UN Commission on Human Rights, 10 January 2002, para 100, <http://www.idpproject.org>.

<sup>23</sup> Figures of the Burma Border Consortium.

<sup>24</sup> Figures of the Burma Border Consortium.

<sup>25</sup> Shan Human Rights Foundation, (1998), *Dispossessed: Forced Relocation and Extrajudicial Killings in Shan State and the Condition of Shan Migrants in Thailand*, Shan Human Rights Foundation, April 1998, Chiang Mai, Thailand.

<sup>26</sup> Source: Human Rights Watch Report, "Burma/Thailand: No Safety in Burma, No Sanctuary in Thailand, Vol.9, No.6(C), 1999. P 6.

<sup>27</sup> Hazel Lang, (2001), "The Repatriation Predicament of Burmese Refugees in Thailand: a Preliminary Analysis", *United Nations High Commission for Refugees Working Paper Series*, <http://www.unhcr.ch/evaluate/main.htm>, sourced 15 January, 2002.

<sup>28</sup> Burmese refugees in Bangladesh, <http://www.burmalibrary.org>.

<sup>29</sup> Nira Yulval-Davis, *Gender and Nation*, Sage Publications, London, p. 11.

<sup>30</sup> *Ibid.*, p. 11.

*naturalization is at the roots of the inherent connection that exists between nationalism and racism.*<sup>31</sup>

Yuval-Davis identifies culture as a major dimension of nationalist projects in which “the symbolic heritage provided by language and/or religion and/or other customs and traditions is constructed as the ‘essence’ of the nation. Although such construction allows for assimilation, it tends to have little tolerance for organic diversity.”<sup>32</sup>

It is argued that this is the case in Burma where Burman and military identities are merged and privileged over other ethnic identities in every facet of life, including language, education, government and social institutions, social structure, agriculture, commerce and business. The consequence, says WLB representative, Hseng Nong, “is the persecution of ethnic nationalities by the military regime, depriving people of their economic, social and culture rights on a large scale.”<sup>33</sup>

To illustrate this point, examples of racism, xenophobia and related intolerance against Burma's ethnic people highlighted by Hseng Nong at the WCAR are juxtaposed with recent official SPDC statements below:

SPDC: *“Religious intolerance or discrimination on grounds of religion has been non-existent in Myanmar throughout its long history. There is complete freedom of worship... Myanmar in that respect may be a model society.”*<sup>34</sup>

- church-burning, harassment and detention of pastors, but preferential treatment for local Buddhist civilians in Chin State and persecution of Christians in Karen State<sup>35</sup>
- persecution of Muslims who are living in Burma on account of their religion<sup>36</sup>

SPDC: *“The report of the Special Rapporteur is highly biased against Myanmar...It also ignores the most important fact that the entire population of nearly 50 million Myanmar people are enjoying peace, stability and better living conditions for the first time in their life.”*<sup>37</sup>

- uprooting the ethnic people by systematic forced relocation programs, especially in Shan, Karenni and Karen States, where hundreds of thousands of people have been dispossessed of their lands, cultural heritage and livelihood;<sup>38</sup>
- three major armed groups in Karenni, Karen and Shan State and Rakhine and Chin groups are still fighting with the SPDC, although most armed groups and SPDC have agreed to cease-fires. Because of their ethnicity and presumed support for armed groups, Shan, Karenni and Karen civilians are targeted for

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<sup>31</sup> Emphasis added. *Ibid.*, p. 11.

<sup>32</sup> *Ibid.*, p. 21.

<sup>33</sup> Extract from Nang Hseng Nong's talk entitled "Ethno-politics and Militarization" on August 31, 2001 at the Women's League of Burma's Panel: Cycle of Displacement: Reality for Women Under Burma's Military", the NGO Forum, WCAR, Durban, South Africa.

<sup>34</sup> Union of Myanmar, "Initial Report of State Party: Myanmar to the Committee on the Elimination of Discrimination against Women (CEDAW)," p. 5.

<sup>35</sup> Nang Hseng Nong, "Ethno-politics and Militarization."

<sup>36</sup> *Ibid.*

<sup>37</sup> Myanmar Information Committee, "Information Sheet No. B-1316 (I), Yangon, 2 April 2000. Statement released by the SPDC concerning the 2000 United Nations Human Rights Commission Report. Quote sourced from Hazel Lang, (2001), "The Repatriation Predicament of Burmese Refugees in Thailand: a Preliminary Analysis", p. 8.

<sup>38</sup> Nang Hseng Nong, "Ethno-politics and Militarization."

punishment by the military authorities. Even in the cease-fire areas, the SPDC has broken the agreement and continue oppressing the civilians and increasing the military presence. The majority of the civilians are farmers;<sup>39</sup>

- ethnic persecution by the military regime - forced labour, forced relocation, torture, looting, mass killing, and summary execution including systematic rape of women and young girls - has been continuously committed by SPDC troops<sup>40</sup>

### ***b) Racial and Gender Discrimination in Militarized Society***<sup>41</sup>

Further into her presentation at WCAR, Naw Mu Si explained:

*"To understand the situation of violence against women in Burma, it is necessary to appreciate what it means to live in a highly militarized society for over half century. The military dominates every aspect of life in Burma – political, civil, social, economic, and cultural. In this highly militarized society, the only official leaders are men. The most important social division in Burma is between members of the military and non-members. Women are always non-members, and never have access to the privileges such membership offers. In addition, because gender roles have been redefined to reflect the pervasive military culture, men are seen as the powerful fighters and protectors, and women as the weak and protected."*

The military junta's official position on gender is that "women are accorded equal rights with men and there are no racial norms or practices in Burma that prevent the advancement of women."<sup>42</sup> At the same time, the SPDC states "traditions and customs not only expect a woman to bear and care for the children but she is responsible for its general well being, keeps order and discipline, provides love and sympathy, makes sure that each member of the family is healthy, happy and if possible, wise."<sup>43</sup> The SPDC's rhetoric concerning the construction of women's identity as mothers, reproducers of society, carriers of cultural traditions – defined as Burman but promoted as 'Myanmar' – should alert us to at least three points.

First, the SPDC constructs women's role to suit its military interests through constructing societies that support military structures. The paradoxical honouring and esteeming of women who exemplify unconditional and willing submissiveness in relation to men is part of a larger matrix of social norms that underlies a culture which 'unquestioningly' supports military power. Second, to negate the 'fragmenting' impacts of the twin processes of capitalism and globalization, the SPDC is trying to enforce control over identity formation, and the national psyche. As such, the construction of femininity is manipulated by the state "in an attempt to resist the effects of hybridization and the emergence of new and more assertive forms of female identity" which inevitably emerge through processes of

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<sup>39</sup> *Ibid.*

<sup>40</sup> Shan Human Rights Foundation, (1998), *Dispossessed: Forced Relocation and Extrajudicial Killings in Shan State and the Condition of Shan Migrants in Thailand*. Karen Human Rights Group, *Caught in the Middle: The Suffering of Karen Villagers in Thaton District*, Karen Human Rights Group, Thailand, September 1999. Human Rights Documentation Unit, *Human Rights Yearbook: Burma (Myanmar) 2000*, HRDU of National Coalition Government of the Union of Burma, Thonburi, Thailand, October 2001.

<sup>41</sup> Brenda Belak, (2001), *Gathering Strength: Women from Burma on their Rights*, Images Asia, Chiang Mai.

<sup>42</sup> Union of Myanmar, "Initial Report of State Party: Myanmar to the Committee on the Elimination of Discrimination against Women (CEDAW)."

<sup>43</sup> U Win Mra, *Presentation by His Excellency, U Win Mra, permanent Representative of the Union of Myanmar to the United Nations and Leader of the Myanmar Delegation to the Twenty-Second Session of the Committee on the Elimination of Discrimination against Women*, New York, 21 January, 2000.



globalization.<sup>44</sup> Importantly, ethnic women whose identity does not conform to the SPDC ideal can easily be manipulated to be categorized as abnormal or 'non-Myanmarese' in the regime's and Burmese mainstream's eyes. Deviation from this state defined ideal – especially in the case of women in the political opposition movement – is used as a strategy of gendered attack to undermine social support for political opposition. The example below, given by a woman political activist in exile, indicates the range of racial and gendered discourses of difference deployed by the military regime to discredit women who are perceived as enemies of the state and to undermine their political opposition through association with anti-nationalism and immorality:

*At that time, I don't know who sent the negative, but they published the photo and then they wrote in the magazine – that magazine is controlled by the government. And then they published the photograph and they circled my face and wrote about me. They said I had another name when I stayed inside Burma and when I arrived on the border I changed my name to 'Diana.' And when I attended medical training, I was living together with our teacher, the doctor. But that name was false because they put the name of a doctor who was not at the training. And they wrote that that doctor and I were living together. And when the training finished, the doctor told me all the answers so I could pass the exam and get first prize. They said that when the training finished, I was three months pregnant and the doctor left me when I was three months pregnant. They wrote like this. This issue was just for me. But they wrote like this about other women living in the liberated areas and exiled in other issues. What they wrote was very, very bad.*<sup>45</sup>

Third, there are at least two nationalistic discourses at work in the SPDC's rhetoric on women that inform inter-ethnic relations, including the attitudes and behaviour of *Tatmadaw*<sup>46</sup> personnel stationed in ethnic and conflict zones. First, is the myth that nations are founded on organic, blood/gene bonds and on women's roles as the producers and reproducers of the 'nation'. Second, is the construction of women as the symbolic protectors and promoters of cultural traditions.<sup>47</sup> These two nationalist discourses, which appear as mirror images in the rhetoric of SPDC and ethnic and pro-democracy opposition collectives, construct women as the symbolic 'border guards' of cultural and genetic integrity. Control over women therefore signifies control over the boundaries of membership into the collectivity. Hence ethnic women become the targets of attack in the SPDC's fight for political and cultural hegemony and the ethnic nationalities' wars for political and cultural survival. It is the consequences of this last point, as it manifests in zones of ethno-political conflict that is the focus of the three examples given below.

## **1. Rape as a Weapon of War**

In daily life, ethnic women in conflict areas experience many forms of specifically gendered human rights abuses including rape,<sup>48</sup> Burmanisation policies, such as forced pregnancies and marriage to Burmese soldiers, domestic forced labour and being forced to act as human

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<sup>44</sup> For an analysis of the rhetoric of culture in East Asia within the context of capitalism in late modernity and the disembedding potential of modernization to authoritarian states, see David Wright-Neville, (1995), "The Politics of Pan Asianism: Culture, Capitalism and Diplomacy in East Asia", *Pacifica Review*, Vol. 7, No. 1, pp. 1-26.

<sup>45</sup> Interview with politically active women on the Thai Burma Border, July 2001.

<sup>46</sup> *Tatmadaw* is the Burmese name for the Burma Army.

<sup>47</sup> Nira Yuval Davis, *Gender and Nation*.

<sup>48</sup> The Women's Organisations of Burma Shadow Report Writing Committee, (2000), *Shadow CEDAW Report for Burma, Thai/Burma Border*, and Betsy Apple, (1998), *School for Rape: the Burmese Military and Sexual Violence*, EarthRights International, Bangkok.

mine sweeps.<sup>49</sup> Sexual attacks, particularly rape, murder and mutilation of ethnic women is a strategy used by the *Tatmadaw* to not only attack individual women and girls and to devastate their families, but to terrorize entire ethnic communities.<sup>50</sup> Rape of ethnic women occurs in all kinds of situations. The example given here describes a particular development in war behavior where, in response to SPDC targets against ethnic men, many communities have counter-responded by sending the adult men to hide in the forests, leaving women in the villages. Consequently, women have become a front line of attack for SPDC using rape as the weapon in the absence of men. The Karen Human Rights Group interviewed 'Pu K'Ner, male aged 60, from Pah Klu village, T'Nay Hsah township, Karen State, in August 1999 about his village's experience:<sup>51</sup>

*They tried to steal women to sleep with, so the women had to gather and sleep together in the same house at night. They had to close the door tightly and each of the women had their own big knives. They dared not sleep in their own houses because the Burmese were staying in them. Der! In the morning they would go back home. They asked my wife to have sex because she stayed with just one or two others, and she scolded and shouted at them. We dared not stay without many people. I cannot explain how great the fear was...Two or three years ago they did not do things like this, and my wife and I did not want to run too hastily... One time my wife visited me in the farm field hut and whispered, "We have to move. We dare not stay anymore because now at night we have to sleep in one big group with big knives." So people fled because they couldn't tolerate the Burmese treatment. Now they have all fled.*

A single source – the Human Rights Documentation Unit of the National Coalition Government of the Government of Burma – published a *partial* list of 48 documented incidents of rape and sexual violence against women recorded in 2000. It lists the (predominantly gang) rape of over 170 ethnic women of Shan, Lisaw, Tavoy, Muslim, Karen, Arakan and Mon nationalities by Tatmadaw troops, of whom approximately 30 were also murdered.<sup>52</sup>

## **2. Internally Displaced Women: No Access to Services, Resources and Rights**

Once displaced, women and their families have little or no access to sufficient food, shelter, healthcare or education. In the absence of a functional healthcare system in Burma, childbirth remains very dangerous, and Burma's maternal and infant mortality and morbidity rates are amongst the highest in the world.<sup>53</sup> For women internally displaced and hiding from SPDC attacks in forests, only anecdotal evidence is available to indicate the dangers faced by women and the impact of displacement on the life chances of their families. At the WCAR, WLB representative Naw Chai Mei Hua, recounted her own experience. Her story is a frequent experience among mothers and children in conflict areas today:<sup>54</sup>

*I've become an IDP and a refugee since in my mother's womb. My mother gave birth to me under a tree in the jungle. Three-days after giving birth, she had to*

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<sup>49</sup> For documented evidence of gendered human rights violations see regular reports produced Karen Human Rights Group, <http://www.khrg.org>

<sup>50</sup> Betsy Apple, (1998), *School for Rape: the Burmese Military and Sexual Violence*.

<sup>51</sup> Karen Human Rights Group, *Beyond All Endurance*, Karen Human Rights Group, December 1999, p. 31.

<sup>52</sup> Human Rights Documentation Unit, *Human Rights Yearbook: Burma (Myanmar) 2000*.

<sup>53</sup> Rates of maternal morbidity range from 100/100 000 births (WHO, 1999, *Health Situation in the Southeast Asian Region*) to 580/100 000 (UNICEF, 1998, *State of the World's Children*)

<sup>54</sup> Naw Chai Mei Hua, "Cycles of Displacement: The Reality for Women Under the Burma's Military", presentation given at the NGO Forum, WCAR, Durban, South Africa on 31 August, 2001.

*escape to another place with me as the Burmese army attacked our place. It was in mid-1950 after my parents joined the Karen revolution. All my life, I never stayed in one place for more than six months until we came to a refugee camp in Thailand in 1990.*

### **3. Burmanization Strategies: Denial of Community Reproductive Rights**

While rape, as referenced above, is one common form of gendered attack, policies and practices of 'Burmanisation' – including forced pregnancy and marriage of ethnic women to *Tatmadaw* soldiers – are another. The narrow construction in nationalist discourses of ethnicity on the one hand, and women as quintessential cultural symbols and its reproducers on the other, positions women in situations of particular vulnerability to sexual attack in ethno-political conflict. In fact, it is argued here that it is precisely because women and ethnicity are constructed in these ways that Burmanization policies become imaginable and can carry the potency to damage beyond the individual woman to the level of national morale. It is at the nexus of discourses on essentialized cultures, the construction of women as the cultural 'border guards' and racial intolerance in the extreme that Burmanization is able to occur. How this plays out in the lives of individual girls and women is subtle but powerful, as this Karen women explains:<sup>55</sup>

*"But most of the Karen villagers, they do not want to marry SLORC soldiers. But, you know, the soldiers are very clever about getting married to them. So the way they do it is to hold their hand and kiss them by surprise. So you can marry her because the traditional Karen will never accept the girl who has a physical relation to a boy unless she marries him."*<sup>56</sup>

### **The Statelessness/Gender/Race Nexus**

Statelessness is a complex and varied condition. Displaced women describe and explain the forms of discrimination they suffer primarily in terms of their lack of legal status which simultaneously denies them access to basic rights and justice through means of legal redress. Their experiences resonate profoundly with Edward Said's observation that exile (and statelessness) is "a condition *legislated* to deny dignity – to deny an identity to people."<sup>57</sup> Divisions between nation-states are neither natural nor essential, rather they are *legal* constructs agreed on between *states*, monitored and enforced through tandem regimes of violence, nationalism and citizenship. Naw Mu Si addresses the heart of discrimination for displaced women outside Burma when she says:

*"...the racial discrimination we experience as refugees and migrants in a strange land is, in some ways, even more difficult to deal with, because we are burdened with this discrimination in an unfamiliar culture where we have few, if any, legal rights."*

Citizenship in Burma can be an ambiguous notion as many, particularly ethnic people, never get identity cards. For women and their families displaced across international borders, there

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<sup>55</sup> Betsy Apple, (1998), *School for Rape: the Burmese Military and Sexual Violence*, pp. 94-97. Apple further argues in the same report that forced marriage is "repudiated as a slavery-like practice under the Supplementary Slavery Convention that prohibits "any institution or practice whereby ... a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or kind." p. 49.

<sup>56</sup> Betsy Apple, (1998), *School for Rape: the Burmese Military and Sexual Violence*, p. 95.

<sup>57</sup> Edward Said [1894], "Reflections on Exile" in Edward Said, *Reflections on Exile and Other Essays*, Harvard University Press, Cambridge, p. 175.

is an increased risk of being rendered stateless – a risk compounded for children born to mothers displaced outside Burma. As Brenda Belak notes, statelessness is a complex issue entrenched in ethno-political conflict in Burma, often instrumentalized by the military regime to prevent the return of migrants without identity cards.<sup>58</sup> This leaves displaced people in the ambiguous and easily ignored spaces 'outside', 'betwixt', or 'in the gaps' of the nation-state system which juxtaposes citizenship against humanity. Hannah Arendt articulated the acute tragedy of people denied citizenship, for whom "the abstract nakedness of being nothing but human was their greatest danger."<sup>59</sup>

Women refugees' and migrants' experiences of the borderlands and cross border displacement reveal how inter-state boundaries are not given facts but "abstract"; they are lived objectively and subjectively as practices of states enacted (often violently) by state authorities (army, police, immigration, intelligence) on migrant bodies wherever they are. As this Shan woman explains, the most significant boundaries for displaced and migrant women are not necessarily the international border:<sup>60</sup>

*"But here, may be the Thai soldiers – not every border has Thai soldiers everywhere. But like a job placement agency or some farms – somebody, traffickers – any one who can exploit them. I mean that is a border – I guess that's everywhere."*

Importantly, these state practices of boundary inscription take various gendered and racial forms.<sup>61</sup> Loaded with the (at minimum) triple burden of 'alien', 'illegal' and 'woman', women migrants, refugees and political activists<sup>62</sup> from Burma experience intersectional discrimination on the basis of racial, gendered and legal difference. One woman from Burma explains:<sup>63</sup>

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

### **a) Racialized women in refugee camps**

Rather than places solely providing 'sanctuary', women's experiences illustrate clearly the socio-political model of refugee camps as a standardized "technology of power" by which the state attempts to control and manage the movement of displaced people.<sup>64</sup> Despite not having signed the 1951 Refugee Convention and therefore refusing to legally recognize 'refugees', the Royal Thai Government has chosen to use, in the cases of the Karen and Karenni, refugee camps to contain refugees. Says Naw Mu Si, "we are called persons fleeing

<sup>58</sup> Brenda Belak, *Gathering Strength: Women from Burma on their Rights*, p. 216.

<sup>59</sup> Hannah Arendt, (1958), *The Origins of Totalitarianism*, Harcourt Brace and Co., London, p. 300.

<sup>60</sup> Interview on the Thai-Burma border, July, 2001.

<sup>61</sup> Sharon Pickering and Mary O'Kane, "Policing, Exile and Gender in States' Borderlands," *Current Issues in Criminal Justice*, Vol. 14, No. 4, pp. 106-10.

<sup>62</sup> These are far from distinct categories. For example, a women refugees may also be politically active and may previously have been a migrant worker. Women often describe they have moved through different situations in their lives to survive the challenges of the day.

<sup>63</sup> Interview exert quoted from Brenda Belak, *Gathering Strength: Women from Burma on their Rights*, p. 216.

<sup>64</sup> Liisa H. Malkki, (1995), *Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania*, University of Chicago Press, Chicago, p. 52.

*fighting who are staying in 'temporary shelters,' not refugee camps. Some of these 'temporary shelters' have been around for over fifteen years."*

Below are four examples of the forms of intersectional discrimination that women in refugee camps face regularly. These forms of discrimination, however, are not limited to women in camp situations.

### **1. Within the Refugee Community**

One example of gender-based violence that women in the camps are facing which is particularly difficult to address is domestic violence.<sup>65</sup> Naw Mu Si tells the story of a married woman living in one of the camps:

*"Not long after getting married, her husband began to beat her. One time, she and her husband were arguing when her husband beat her on the head with a big stick until she passed out. She needed 13 stitches. It was not the first time that he had beaten her. We all know that this is not the woman's fault and men have to be responsible for that, but in the eyes of our community, women who face such violence are blamed for loving the man who is beating her. Even in clear cases of rape women are blamed for being victims and lose respect in the community."*

### **2. Refugee Communities are Not Homogenous**

Women and girls displaced from remote areas, where traditional culture is practiced undisturbed by modernity, are often thrust abruptly into refugee camps where, in a state of conflict induced trauma and denied their cultural practices important to the integrity of their culture, they are confronted with an amalgam of unfamiliar factors. Firstly they are forced to live in tight proximity with other ethnic collectives from similar areas with whom they have complex, sometimes tense, pre-existing political and social relations. They find themselves in strange new hierarchies of the artificial camp and administrative structures. Also, there are international NGO workers, Thai hospital staff and soldiers, exposure to modern and capitalist logics and unhealthy camp conditions. Within this environment, they face discrimination from other refugees, Thai health workers and (more indirectly) NGO workers for being 'backward' for the very things, including dress and beliefs, which are their source of cultural pride.<sup>66</sup> Sandra Dudley adroitly articulates this phenomenon in her anthropological exploration of conditions faced by newly arrived Kayah women to Karenni refugee camps in northwest Thailand. Dudley teases out how converging discriminating factors including refugee/refugee, refugee/Thai, refugee/INGO relations, combined with a lack of awareness and sensitivity, has detrimental consequences to Kayah women's access to essential welfare services. In one instance, a young Kayah woman in a refugee camp, "whose baby was acutely ill with dysentery ... tearfully refused to return to the (camp health) clinic, because its refugee staff had told her it was her own fault for being dirty."<sup>67</sup>

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<sup>65</sup> Naw Mu Si, "Refugee Women from Burma."

<sup>66</sup> Sandra Dudley, (1999), "Traditional Culture and Refugee Welfare in North-west Thailand", *Forced Migration Review*, December, Issue 6, pp. 5-8, <http://www.fmreview.org/fmr062.htm>, sourced 27/6/2001.

<sup>67</sup> *Ibid.*, p. 7.

### **3. Refugee Women and Camp Authorities**

Women in camps, as Naw Mu Si explains, have very little room to move, physically and in terms of securing their daily needs. People in refugee camps are forced to push the boundaries of their 'protection/captivity' in the following ways:

*"People are very crowded in the refugee camps and have little means of generating income, as they are kept in the camp and guarded by the Thai soldiers. Women in particular are affected by this poverty, and must struggle to support their families and children in order to be healthy. Several months ago, during a training I conducted about violence against women, a woman shared a story about two young women who tried to sneak out of their camp in order to look for jobs. They were caught and brought back by the Thai soldiers, who punished the two women by having them do house work for them. Then one day, one of the guards raped one of the women. The women reported the actions of the soldiers to the camp leaders, but they never heard anything about what happened to the soldiers afterwards."*

### **4. Redress for Violation of Women's Rights in Refugee Camps**

Women and girls in refugee situations are buried under thickly layered webs of unequal power relations that make redress for violations almost impossible and rendering them and the violations invisible. As noted above, strong traditional, cultural and social norms often place the blame of sexual assault, rape, domestic violence and so forth back onto the women. Lack of education and shame thus functions (amongst other things) to silence women from reporting violations and seeking help. Second, these same conservative social norms, when held by camp leaders and justice decision-makers in camps act as a barrier and deterrent to seeking redress. Third, research conducted by Brenda Belak noted that for various reasons, refugee camp workers were often unwilling to accept or admit the real dangers women face in camps, thus making it unlikely for women to feel comfortable approaching authorities at other levels for recourse.<sup>68</sup>

Fourth, when violations are committed by Thai authorities in camps, refugees have the right to appeal to the Thai justice system however they rarely do for (at least) four interlinking reasons. First, refugee communities often do not know (and may be blocked from knowing) their full rights under Thai law. Second, from past experience, refugees' protests are not expected to result in any appropriate action being taken by Thai authorities. Third, refugee individuals and communities often lack the support, from NGOs (international or local) and the resources to pursue legal action against strong institutional and cultural resistance. Fourth, camp leaders may refrain from making complaints for fear of destabilizing their precarious relationship with the host authorities and in the process contribute to undermining their continued sanctuary. Refugee communities are intensely cognizant of the precariousness of their cross-border refuge; their continued 'safety' remains always contingent on the acquiescence of their host, especially where the host state has not signed the Refugee Convention (as in the case of Thailand).<sup>69</sup>

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<sup>68</sup> Brenda Belak, (2001), *Gathering Strength: Women from Burma on their Rights*, p. 70.

<sup>69</sup> Precedents of forced repatriations in the 1990s, with violent consequences for women and their families quietly but constantly reinforce the powerful ever-present threat of repatriation. In 1991, 230 000 refugees from Bangladesh were repatriated to Burma and in 1996, 12,846 Mon refugees were repatriated.

## ***b) Undocumented migrants and local communities***

Refugees and migrants who are not permitted access to camp institutions experience the policing and exploitation of statelessness in quite different ways from women in camps. Thailand's dependence over the last two decades on cheap exploitable labour from Burma goes largely unmentioned and unnoticed by the outside world.<sup>70</sup> Exploitation of cheap labour is made possible specifically through the widespread social acceptance of discrimination on the basis of nationality (race)/citizenship, often combined with gender, as in the industries of domestic and sex work and many factories.<sup>71</sup>

### **1. Discrimination in the Workplace**<sup>72</sup>

Dispersed throughout host country populations, they may experience conditions along a continuum from complete isolation (often the case with domestic workers) to containment in unhygienic buildings or compounds (some factories and brothels). Undocumented migrants live with the imminent possibility of arrest and deportation and exploitative and abusive control by employers (or their managers). Below, two migrant women tell of their experiences of employment in Thailand:

*"I didn't get any money for five months. When I asked for my salary, my employers threatened me they would inform the police and they told me they could do whatever they wanted with me as I was a Karen who has no country. I was on my knees in tears telling them that they promised me a monthly salary of 3,000 baht (\$73) and then I had been working there for five months already and I needed some money to send to my family. Then my employer took out 90 baht (\$ 2.1) from her purse and threw it to me and told me that was the salary that I deserved.*

*I worked in that house for 4 months with the other three maids who also come from Burma. The employers also owned a shop. So we had to do housework as well as help in the shop. They were very cruel and inhuman. We had to work the whole day non-stop. They never gave us enough food to eat. We had to work fast, eat fast, no time to rest. Once I made a mistake, they got furious and locked me up in the toilet. They didn't let me go until they calmed down. They always scolded us. Even if one maid made mistakes, the other three were also punished; were forced to starve. The employers always found faults and called us names. We were so unhappy. We put up with all the hardships because we needed money. They withheld our salary to prevent us from running away."<sup>73</sup>*

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<sup>70</sup> The Thai government now recognizes over one million un/documented migrants from Burma working in Thailand.

<sup>71</sup> General understandings of race, nationality and citizenship tend to be blurred in Thailand. As one Burmese woman notes from personal experience: "But in Thailand or ASEAN because of the position of nationality and citizenship, they don't have that understanding. Not two categories, just one category for them. So it makes it really hard for me sometimes. For the people over here, I look Asian, therefore I can't be Australian." Interview with politically active women on the Thai Burma Border, July 2000.

<sup>72</sup> According to the Thai Labour Department, the minimum wage for a worker in Thailand is \$3.5 a day. However, the wages for migrant workers are well below. As of one interview, the wage of a domestic worker was as low as \$2.5 per month. (Interview on file with Migrant Action Programme)

<sup>73</sup> Interviews excerpted from A brief research : The Situation of Migrant Domestic Workers in Thailand", 2001 (on file with Migrant Action Programme).

## **2. Discrimination in the Community**

In Mae Hong Son on 23 August 1999, a migrant Shan woman was knocked unconscious and gang-raped by ten men, five Thai and five Shan near the airport. A Thai man found her lying on the ground and took her to the hospital. The following day an NGO worker (from Burma and who also had undocumented status) went to the hospital to see her, but her bed was surrounded by many police and he did not dare talk to her. The following day when he returned to the hospital, she was gone. He was told that she and her family had already returned to Burma. After that, the details became confusing; not only was there no charge of rape, but the two Shan men brought in for questioning were identified by the woman as not her rapists. Hospital records also reported no sign of rape. Rumours circulated that she was a 'bad' girl and had a long-term disagreement with one of the men. Then the story was quickly hushed over. Two months later it emerged that the original story was true, that one of the rapists was the son of a high Mae Hong Son provincial official and that the two Shan men had actually been charged and sentenced to two years prison each.<sup>74</sup>

The case above illustrates clearly various processes in which discrimination against women migrants and migrants generally, manifests in Thailand. Firstly, the woman's migrant status increased her vulnerability to rape because of the perceived impunity with which the crime could be committed. Interestingly, the fact that the woman was taken to the public hospital required some official health and police reports to be conducted which inevitably complicated the police proceedings and subsequently resulted in two of the rapists, who were Shan, to be jailed while the others remained unpunished. Nevertheless, authorities in the police, hospital and as later became apparent the local government, quickly mobilized to cover-up the truth of the event, by withholding information, restricting access to the woman and arranging her swift repatriation to Burma before others had access to speak with her. Third, the undocumented status of migrant communities and other Burmese networks actively works to prevent friends and family providing support and advice as making themselves known to the authorities invites their own arrest and deportation. Fourth, rumours surrounding the rape case that the victim/survivor was a 'bad woman' worked to further isolate the woman from social support by discouraging community sympathy. Fifth, the police 'cover-up' of this rape was made possible by a cloud of ambiguity, rumour and the speed and lack of transparency with which the Thai officials made and implemented 'arrangements'. When combined, these factors create almost insurmountable barriers for this migrant woman to access any recourse of justice or even compensation.

## **2. Mass Discrimination and Massacres**

The forms of intersectional discrimination that women face as undocumented migrants are varied and extreme. Some cases attract media attention in Thailand because of their extremity and absurdity. But most remain ignored on the assumption that they are normal. Below are listed three very recent cases of discrimination against migrant women in Thailand.

- In January 2002 the Royal Thai Government (RTG) announced a ban preventing pregnant foreign workers (mostly from Burma and Laos) from renewing their annual work permits. The ban will force female migrant workers into seeking illegal terminations to their pregnancies, facing emotional hardships along with life threatening risks because of lack of access to safe medical procedures.<sup>75</sup>

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<sup>74</sup> Interview # 218 from Women's League of Burma, (2001), *Women in and from Conflict Areas in Burma: Basic Needs, Family Planning, Violence against Women*.

<sup>75</sup> The Nation (Thailand), "Thai Pregnancy Ban on Foreign Workers", *The Nation*, 18 January, 2002. Sourced from BurmaNet news: January 18, 2002, <http://burmanet.org>, 7 February, 2002.



- Between 31 January and 6 February, the bodies of 17 people were found dumped the Mae Lamao, a tributary of the Moei River in Tak province. The victims had their hands tied behind their back and their throats slashed. At least 7 of the bodies were women.<sup>76</sup>
- Between February 5-March 6 2002, 817 Burmese migrants were deported back to Burma were they were being held by the SPDC in a "reception centre" in Myawaddy.<sup>77</sup> While raids to arrest and deport migrant workers occur regularly, large-scale mass deportations usually occur at the end of migrant registration periods with human rights violations occurring in the process.<sup>78</sup> One report which analysed the violent, gendered character of mass deportations in the context of Thai government labour policy warns:

The November 1999 deportations witnessed the rape and abuse of migrant Burmese women, the separation of families, women and children hiding alone and isolated in fields and forests, pregnant women giving birth in the same fields. Measures must be implemented to ensure the safety of and to protect the rights of all migrant workers during deportations in the future, taking into particular consideration the vulnerability of migrant women.<sup>79</sup>

### **3. Trafficking**

Trafficking in labour is a complex phenomenon. It is a cross-border operation dependant on the exploitation of women in their country of origin, as well as countries abroad. The Burma Human Rights Yearbook 2000 writes: "Many refugees, particularly from Shan State, Chin State and Sagaing Division are unable to enter refugee camps and therefore are restricted in their options for leaving the country. Seeking the help of agents and being trafficked, whether for sex work or other types of employment, such as factory work or domestic service is one possibility."<sup>80</sup> There is diverse range of factors involved in trafficking of women and girls from Burma, including age, economic crisis in Burma, powerful trafficking networks which also include border police and other state authorities. Women and girls are trafficked in a number of circumstances. As the HRDU says:

*"In the best case scenarios trafficked women are able to escape exploitative labour situations and enjoy greater self-determination than they would have by staying in Burma. In the worst case scenario they are sold into bonded labour situations where they are kept incommunicado in slavery like conditions."*<sup>81</sup>

The greatest numbers of women are trafficked to Pakistan via Bangladesh and to Thailand.<sup>82</sup> Women and girls are trafficked into all kinds of work situations, however most attention is given women and girls trafficked into the sex industry. As the sex industry is illegal, and women and girls have been trafficked outside 'formal' migration processes, information about the numbers of women trafficked into sex work in foreign countries is difficult to

<sup>76</sup> Supamart Kasem, "Border Closed as Inquiry Ordered", *The Bangkok Post*, 11 February 2002.

<sup>77</sup> Kyodo News Service, "Over 800 Myanmar migrant workers repatriated from Thailand", *Kyodo News Service*, 6 March, 2002. BurmaNet, Issue # 1978, <http://www.burmanet.org>.

<sup>78</sup> APWLD, *Dignity Denied*.

<sup>79</sup> *Ibid*.

<sup>80</sup> Human Rights Documentation Unit, *Human Rights Yearbook: Burma (Myanmar) 2000*, p. 408.

<sup>81</sup> *Ibid*, p. 413.

<sup>82</sup> *Ibid*, p. 413.

ascertain. However, there is an estimated 40,000 sex workers from Burma in Thailand alone.<sup>83</sup> During her research, Naw Mu Si was frequently told how:

*"Women who have been trafficked into prostitution are beaten by their customers but can make no complaint because it can come back onto them simply as illegal migrants. If their brothel is raided, they are taken to a detention center, where they are raped by police and then repatriated back to Burma."*<sup>84</sup>

Women who live with intersectional discrimination – experienced repeatedly but more commonly, as a way of daily life – bear the costs of the contradictions and tension between being human and 'illegal'. They expose the rhetoric of states that promote connections between rights and citizenship at the expense of intrinsic value of humanity. Racialized and undocumented women's increased vulnerability to abuse and exploitation makes them highly aware of this hypocrisy and how things should be different:<sup>85</sup>

*"There are other words – stateless, illegal, guilty or not guilty, against the law. But no one says what is right or wrong sometimes, you know. People talk about rules and regulations, yeah, but is it right or wrong? Or rights to be or no rights to be? People don't talk about like that, you know! People talk about dead or alive, or against the rules, illegal, stateless. You are not following the law, you are guilty, not guilty... an offender, something like that. No one talks about right or wrong or rights to be. People should think about it more. They could get a better approach to things."*

## **Conclusion**

On the 27th August, a petition drawn up by the WLB and signed by 51,487 internally displaced persons, refugees and migrants on the Thai-Burma and Burma-Indian borders, was submitted to the Rapporteur of the Commission on Internally Displaced Persons, Refugees and Migrants, and the NGO declaration drafting committee at the WCAR. At the international level, the petition was used as a lobbying tool for the inclusion of Burma as country specific issue in the WCAR NGO Declaration and to urge the WCAR delegates to address the consequences of racial and gender discrimination and related human rights violations committed by the current ruling authority of Burma.

At the local level, the signature campaign enabled the WLB to raise awareness on racism, racial discrimination, xenophobia and related intolerance in local communities. In the process, they built a greater sense of solidarity amongst people of Burma who participated as well as received support and suggestions from the people for the WLB's activities at WCAR. Working closely with the people at the grass-root level, WLB feels it is very important their message gets across to the UN level. Having participated in the WCAR, they believe they achieved their goal in this instance of acting as a medium to bridge the gaps between the UN level and the grass-roots level.

The process of the WCAR has brought 'intersectional' benefits to the WLB's campaign against racism and other forms of discrimination in Burma, however, the focus must remain on the root causes of intersectional discrimination in Burma. As Naw Mu Si concludes:

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<sup>83</sup> *Ibid*, p. 413.

<sup>84</sup> Naw Mu Si, "Refugee Women from Burma".

<sup>85</sup> Interview with politically active woman on the Thai-Burma border, July 2001.

*"Finally, the Burmese regime also must acknowledge the problem of racial and ethnic prejudice within the country. Racism is like a disease. It creeps across borders and travels back and forth freely. It must be addressed wherever it exists, and it must be treated like the public health hazard that it is. And it must be recognized as a particularly deadly force when it is combined with sexual discrimination. That is the only way to stop these abuses and bring peace to my country."*

The only way forward towards peace is through the establishment of a government in Burma that recognizes and respects *all* forms of human rights as indivisible and interdependent. To that end, the women's movement of Burma continues the struggle for political transition in Burma – from military dictatorship to democracy – where a human rights framework can become embedded in law and the state recognizes and incorporates strategies that address intersectional discrimination for *all* people. At the same time, women from Burma are working towards building the capacity of women, including new women leaders, who are aware of their rights and empowered to demand them both now in their communities and in Burma when the time comes.

## **Recommendations**

- WLB demands that the Burmese ruling authority eliminate the multiple forms of discrimination against women of ethnic nationalities of Burma and stop all human rights violations.
- WLB also requests the United Nations to encourage the Burmese ruling authority to negotiate a nationwide cease-fire, and to enter into genuine dialogue with all political actors in Burma.
- Particularly, WLB requests the ASEAN, China, India, and Japan to review their policy towards Burma and to take a leading role for the development of a national reconciliation process and meaningful political change in Burma.<sup>86</sup>
- The Thai government, and all host governments, must take a humanitarian stance in its policies towards refugees and migrants and work to fight against the prejudices so many people hold against ethnic minority women.
- The United Nations and member States of the international community must ensure that women who are refugees and in other emergency situations are protected from acts of violence including sexual violence, rape and abuse and ensure methods of recourse for victims based on human rights principles.
- The United Nations and member States of the international community should ensure that health workers in refugee camps and emergency situations are given training in issues of sexual violence and reproductive health care and that women are included in decision-making policies for relief and development. □

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<sup>86</sup> Intervention by Naw Chai Mei Hua (WLB/APWLD representative), World Conference Against Racism, Durban, South Africa, 6 September 2001.