

1. General Context

A. Political Background

The number of Burmese women recruited to work in Thai brothels has soared in recent years as an indirect consequence of repression in Burma (Myanmar)¹ by the ruling State Law and Order Restoration Council (SLORC) and of improved economic relations between Burma and Thailand. The trafficking is fuelled largely by profit, a seemingly inexhaustible demand for commercial sex and by the Thai and Burmese governments' willingness to tolerate -- and in some cases participate in -- a burgeoning sexual slave trade between the two countries.

In September 1988, mass street protests against the government in Rangoon and elsewhere led to a crackdown by the Burmese military in which an estimated 3,000 people were killed. Mounting domestic and international pressure led the government to hold elections in May 1990, that the opposition, led by Nobel peace prize laureate Aung San Suu Kyi, won handily. The military, however, refused to hand over power and tightened its control, arresting thousands and forcing thousands more to flee into Thailand or join forces with several armed ethnic insurgencies operating along the Thai and Chinese borders.

Despite some cosmetic changes and some widely publicized prisoner releases (not including Aung San Suu Kyi who remains under house arrest), little has changed since then.² The United Nations Commission on Human Rights published a report on Burma in February 1993 documenting consistent patterns of government abuse.³ The report describes SLORC's ongoing military offensive against minority populations and political opposition groups, including compulsory military and labor conscription and forced relocations of entire villages. Torture in detention and of minorities along the border areas, cruel, inhumane or degrading treatment, disappearance and arbitrary executions are common. Girls and women are also subjected to such abuse, and Burmese

¹ Burma was officially renamed Myanmar in 1990 [CHECK DATE] by the State Law and Order Restoration Council (SLORC). While the new name has been adopted by the United Nations, many Burmese understand the use of "Myanmar" as a de facto recognition of SLORC's authority and prefer to use "Burma."

² See Asia Watch, "Changes in Burma?" [GET EXACT REFERENCE](#)

³ *Report on the Situation of Human Rights in Myanmar*, prepared by Yozo Yokota, Special Rapporteur of the Commission on Human Rights, February 17, 1993 [NEED FULL UN INDEX NUMBER].

military forces have engaged in a consistent pattern of rape of girls and women, particularly from minority populations.⁴

The international community responded to the gross human rights abuses in Burma with economic sanctions and withdrawal of foreign aid. SLORC, desperate for foreign exchange, turned to Thailand, offering a range of economic concessions for fishing, logging, gem mining and exploitation of gas and other natural resources. The beneficiaries were often highly placed Thai officials with the ability to influence foreign policy. Thus, Interior Minister Chavalit Yongchaiyudh developed strong ties to SLORC through timber concessions on the Burmese side of the border. When he was Commander in Chief of the Thai army in 1989 HERESE, CHECK DATES OF DEPORTATIONS AND CHAVALIT'S OFFICIAL TITLE, he deported several hundred (can we back up with evidence?) student refugees back to Burma in an effort to keep his relations with the SLORC leadership intact.

Such economic links led to re-opening of official trading routes (closed after 1988?) along the Thai-Burmese border, most of which operate on an informal basis and are poorly regulated by both governments. For example, in April 1993, the Thai Cabinet approved a proposal from the Ministry of the Interior to open 14 temporary border crossings to facilitate the importation of logs.⁵ An Interior ministry spokesman said that relevant government agencies would have to ensure that the logs were properly felled and that "the smuggling of war weapons, drug and illegal commodities is not involved in the logging business."⁶ Nothing was said about smuggling people. Two months later, the Burmese government was threatening to end timber and fishing concessions, apparently because of the income they provided to armed rebels from ethnic minority groups operating in and around many of the logging areas. Nevertheless, cross-border trade appeared to be increasing. Ceasefire and trade agreements between SLORC and minority groups in northern Burma led to the opening up in 1992 of the northeastern corner of the country, facilitating trade with Thailand and China. Both Thailand and Burma began promoting tourism to the Golden Triangle area, and the Thai press reported plans for the construction of a major new road, linking China, Burma and Thailand. The new road would link Mae Sai on the Thai side with Keng Tung in Burma, an area from which many of the

⁴ Asia Watch, *Burma: Rape, Forced Labor and Religious Persecution in Northern Arakan*, 4:13.

⁵ "14 Border Crossing to Help Log Import Trade", *The Nation*, April 28, 1993.

⁶ *Ibid.*

women we interviewed for this report originally came.⁷

The opening of trade and border crossings has facilitated the rise in trafficking of Burmese, men, women and children, with the same routes used to transport goods and people. The association between improved Thai-Burmese trade relations and the increasing number of Burmese women in Thai brothels is most obvious in the southern Thai town of Ranong, where fishing and logging concessions in Burma have provided the primary source of income since the 1988 uprisings. According to the *Bangkok Post* of September 13, 1992, "Ninety-nine percent of all business in Ranong involves border trade with Burma and/or depends on Burmese labor." The number of brothels in Ranong has multiplied threefold in the same period (1988-92). The chief police inspector of Ranong, Lieutenant General Sudjai Yanrat, explained the high concentration of Burmese women in brothels there as follows:

In my opinion, it is disgraceful to let Burmese men frequent Thai prostitutes. Therefore I have been flexible in allowing Burmese prostitutes to work here. Most of their clients are Burmese men.⁸

In 1992, the Ranong Public Health Department registered 44 "sex establishments" and 712 "sex workers." Even senior government officials realize these estimates are extremely low as official statistics do not include illegal Burmese or the brothels they work in. Government officials in Ranong have stated that the province probably has about 140 brothels and thousands of sex workers.⁹

Estimates of Burmese girls and women working in brothels in Thailand now range between 20,000 to 30,000, with approximately 10,000 new recruits brought in each year. A non-governmental organization (NGO) monitoring the trafficking in Mae Sai estimates that an average of seven Burmese girls a day are brought into Thailand through the Mae Sai immigration point alone.

⁷ "Thailand-Burma-China road link nearer reality," *Horizons*, June?? 1993 [date on photocopy is illegible -- can we check?]; "Rangoon slams door on Thai logging deals; border conflicts, conservation possible reasons," *The Nation*, July 2, 1993.

⁸ "Ranong brothel raids net 148 Burmese girls," *The Nation*, July 16, 1993.

⁹ "Thousands work in port area's brothels", *Bangkok Post*, September 13, 1992. The illegal Burmese women and girls are largely from central and southern Burma, but some are also brought there from hilltribe areas in northern Burma.

B. Economic Context

The flourishing trade in Burmese women and girls in Thailand must be understood in the context of economic conditions in both countries. In Burma, there has been perceptible economic growth in urban areas such as Mandalay and Rangoon in the early 1990s, a direct result of SLORC's decision to loosen government controls over trade. In the countryside, however, there has been a steady deterioration in the rural economy, with declining productivity, decreasing availability of basic commodities such as cooking oil, skyrocketing prices, and heavy taxation. Rural villages face ever more dire poverty -- hence the attraction of work in Thailand.

There is even more of an incentive for Burmese to leave when the economic pull to Thailand is combined with the push from conflict and its attendant disruptions. Thai officials in June 1993 estimated that 1,200 Burmese a month were coming across the border from the war-torn Mon and Karen states, because of unemployment, commodity scarcities and fear of being conscripted as porters by the Burmese military.¹⁰ Forced relocation of villagers has also been common practice in the borders since 1991.

The overvaluation of the Burmese currency, the **kyat**, also fuels the exodus to Thailand. One US dollar is worth 6.7 **kyat** by the official exchange rate, 120 on the black market. Any foreign currency, including Thai baht, is preferable to Burmese.

On the Thai side, the steady supply of illegal Burmese workers stokes a burgeoning economy nationwide with a 1992 growth rate of close to 8 percent [**doublecheck**]; a local border boom brought about by the increased trade with Burma; and the needs of the tourist industry.

All of the border towns, as noted above, have been booming since SLORC, in search of hard currency, opened its borders (and its natural resources) to Thai businesses. The boom has generated an increased demand for labor and services, among them construction, food processing, fishing crews, plantation labor -- and prostitution. (In early 1993, the regional army commander in Ranong complained of police crackdowns on illegal immigrants. He said the crackdown "could scare away the immigrant workers and seriously affect the local economy, which needed the cheap labor to sustain its growth.")¹¹

¹⁰ *The Nation*, June 13, 1993, "Flow of Illegal Immigrants Called Problem."

¹¹ *The Nation*, February 21, 1993, "Leniency Pleaded for

The boom brings with it a demand for women, especially from Thai men. Most Thai males -- by some estimates, 80 percent -- begin visiting prostitutes during their teenage years and continue doing so throughout adulthood. The demand, especially for young girls, free of infection, is also spurred by the tourist industry. According to one source, tourism generates some \$3 billion annually, and sex is one of its "most valuable subsectors,"¹² employing anywhere from 500,000 to two million women throughout the country. (The identification of tourism to Thailand with prostitution was a direct result of the presence of American soldiers in Thailand in the mid-1960s, and the signing in 1967 of a treaty between the U.S. military and Thai government according to which Thailand became a "rest and recreation" center for American forces in Vietnam. The huge growth of "entertainment places" was a direct result.)¹³

The 20,000-30,000 Burmese women and girls are thus only a fraction of the total, but they are easily recruited and highly prized, in part as a result of the staggering HIV/AIDS infection rates in Thailand. The Burmese, especially from remote, upland areas, are often believed not to have been exposed to the virus.

A particularly high priority is placed on virgin girls, both because they are believed to be "clean" and because a clear market exists for virgins, particularly among clients from wealthier countries.

The Economics of the Brothel [DOT: NEEDS RECALCULATING AFTER DISCUSSIONS WITH THERESE, BUT DO WE WANT IT AT ALL?](#)

The drive for Burmese women and girls from within Thailand is fueled in large measure by profit. Even a cursory analysis of the testimony taken by Human Rights Watch indicates a large discrepancy between the amount paid by the client for the girls' services and the amount actually paid to the girls.

A conservative estimate of the income and expenses of a Thai brothel is revealing. We posited a brothel employing ten women,

Illegal Burmese Working in Ranong."

¹² Steven Schlossstein, *Asia's New Little Dragons*, Contemporary Books, (Chicago:1991), pp.196-7. The author notes that of 4.3 million people who visited Thailand in 1988, three-quarters were unaccompanied men.

¹³ Tranh Dam Truong, "Foreign Exchange, Prostitution and Tourism in Thailand" in [WHAT BOOK IS THIS FROM?](#), Zed Books Ltd. (London:1990).

each of whom has six clients a day (lower than average, according to our data -- some have as many as 20). Each woman works 25 days a month. The owner of this hypothetical brothel charges \$2 an hour for his "regulars" -- again a low estimate -- and \$60 for the girls he is able to pass off as virgins. We calculated that he will be able to sell at least two of his workers as virgins for at least five nights a month. The gross annual income based on these calculations would be \$3,600 a month or \$43,200 a year.

Expenses are more difficult to calculate. Assuming that the owner will recruit at least half his workforce each year as he loses women to arrests, transfers or age, he must make a major capital outlay for each new recruit. A reasonable estimate for this outlay, based on our interviews, would be \$1600: \$800 to the family, \$300 to the "big agent" on the border, and \$500 in transport, bribes and protection money, including payments to the "small agent" who actually goes into the Burmese villages. Multiplied by five (half of a ten-woman workforce), the owner is thus paying about \$8,000 for recruitment a year.

We then assumed that the owner gives each of his 10 workers a daily allowance of \$2, for \$7,300 a year. (Many give less or none.) He might pay another \$600 in small disbursements to the women for personal effects, although in general, food, clothing and medicine are not provided by the owner. He might keep two pimps on the payroll for another \$5,000 a year, and pay some \$3,000 in rents or related upkeep costs for the brothel. **This would still leave him with a net of \$19,300.** The average per capita income for Thailand is just over \$1600.

The women, on the other hand, get 20 cents per client in tips, which they are allowed to keep. With 150 men a month, this comes to \$360 a year. With the unusually high allowance we assumed from the brothel owner, they would receive another \$730. From the combined total of \$1090, they must buy all their food, clothing and personal necessities. Moreover, the owner usually treats each woman's recruiting costs as a cash advance which the woman must work off. (If the recruitment cost \$1600, it would take each girl more than five months to work off the debt unless she increased the number of clients. But records are rarely, if ever, kept, either of the original costs or of the money earned by the women against that debt.) Any additional cash disbursements during the year, including the allowance, are added to the debt.

Much of the vast amount of money to be made from this industry goes into the pockets of the brothel owners and the border agents, local police and other officials who are involved in or bribed to overlook the illicit trade. A survey conducted by the Bangkok newspaper, The Nation, found that standard fees

paid by brothel owners to police in southern Thailand depended on the size of the brothel: Bt 3000 a month (\$120) for ten women, Bt 5,000 (\$200) a month for up to 20 women, and Bt 10,000 (\$400) for more than 20. The money is alleged to flow from local police stations up to regional headquarters.¹⁴

C. Illegal Immigration

The trafficking in women must also be viewed against the background of immigration into Thailand from Burma more generally. As noted earlier, the deteriorating political and economic situation in Burma has spurred a significant outflow of Burmese into Thailand: students fleeing imprisonment in Burma, ethnic minorities fleeing counterinsurgency operations, and economic migrants, including some of the women and girls lured into brothels. The Thai government officials have given estimates ranging from 200,000-500,000 Burmese living illegally in Thailand alone, and all illegal immigrants are vulnerable to abuse.

Under the Thai Immigration Act of 1979, as amended in 1980, illegal entry into Thailand is a criminal act, punishable by detention of up to two years or fines of up to 20,000 baht (about US\$790). Among the 11 categories of persons to be denied entry under Section 12 of the law are:

-- those not in possession of valid travel documents, although Section 13(2) of the law exempts from carrying passports "citizens of the countries having common borders with Thailand who temporarily cross the border in compliance with the mutual agreement made between Thailand and those countries."

-- those without means of subsistence

-- those seeking work as unskilled laborers

-- those who have engaged in prostitution, trading in girls or children, drug trafficking, or other immoral activities.¹⁵

The Burmese women in the brothels could run afoul of any of the above provisions. Aiding and abetting illegal entry is a more serious crime than the entry itself, punishable by up to ten years in prison; in theory, Thai prisons should be full of the agents, recruiters and officials who benefit from or turn a blind eye to the steady stream of Burmese. They are not.

There are three major problems with the implementation of

¹⁴ "Those greasy palms: a case of criminal greed...or a matter of simple survival," *The Nation*, [\[NO DATE ON MY COPY!\]](#)

¹⁵ Immigration Act 1979, translated by International Translations, Bangkok, Thailand, p.229.

the Immigration Act. Enforcement is arbitrary and discriminatory, and officials at the border are often more often interested in making money than upholding the law. Second, the detention centers where many illegal immigrants end up are substandard, overcrowded, and characterized by corruption, extortion and physical abuse. Finally, as far as Burmese are concerned, Thai authorities make little meaningful distinction between those who have a valid claim to refugee status and those who do not.¹⁶ The result is that deportation decisions for the most part ignore considerations of how deportees are likely to be treated on their return to Burma.

As the size of the Burmese "illegal immigrant" population clearly demonstrates, most Burmese are not stopped from entering Thailand. Instead, many become a lucrative source of income for corrupt officials and a pool of cheap labor for Thai employers eager to cut costs. Virtually anyone can avoid deportation for a price, and Thai authorities are selective about which Burmese they decide to hold in violation of the Immigration Act. Members of some Burmese groups opposed to SLORC operate with the knowledge and protection of central or local Thai officials, for example, while others are more prone to arrest, detention and deportation.¹⁷ Burmese workers in certain industries -- sawmills along the border, for example, or the tourist industry in Chiang Mai -- are less vulnerable to arrest and deportation than women working in brothels that become the target of highly publicized "crackdowns," in part because they are less easily replaced and earn enough to pay the requisite bribes.

Thailand has never signed or ratified any of the United Nations conventions and protocols relating to the status of refugees and stateless persons, nor has it been willing to grant refugee status to any Burmese.¹⁸ Withholding refugee status has enabled

¹⁶ The Thai government has been more willing to grant Vietnamese, Cambodian and Laotian refugees temporary asylum until third country resettlement can be arranged. In the case of Cambodians, the Thai government allowed more than 300,000 refugees to live in camps along the border for over a decade from 1979-92, but they were also politically useful to the government as a buffer against Vietnam-controlled Cambodia. According to Vitit Muntarbhorn, *The Status of Refugees in Asia*, Clarendon Press (Oxford:1992): "Those who stay in the government-directed camps are, in principle, in detention, but are generally exempted from application of immigration law and are accorded temporary refuge subject to resettlement in third countries or repatriation."

¹⁷ See Amnesty International, *Thailand - Concerns About Treatment of Burmese Refugees*, ASA 39/15/91, August 1991, p.4.

¹⁸ Those conventions and protocols include the Convention

the Thai government to arbitrarily determine who will be allowed to stay in Thailand and under what conditions.

The 70,000 members of the ethnic minorities, mostly Karen, Mon and Karenni, living in camps along the Thai border are generally left alone by Thai officials -- as long as they remain in the camps. They came (and continue to come) to Thailand, fleeing counterinsurgency operations, forced relocations of villages and other human rights abuses by the Burmese army, but since they were never granted refugee status, they are not eligible for the services of UNCHR or its social services agency, the Foundation In Support of Refugee Assistance Services in Thailand (FISRAPT). When military offensives intensify and the refugee influx increases, many Burmese cannot be absorbed in these camps and are forced to seek work as "illegal immigrants." The latter group includes Burmese who are ethnic Burmans rather than members of minority groups; for the most part, they do not stay in the border camps.

The most Thailand has been willing to do is to let UNHCR certify a limited number of persons, mostly students involved in the 1988 pro-democracy movement, as "persons of concern to UNHCR" who, in fact, meet the UNHCR criteria for refugee status. The certification has little value as a protection against deportation, but until late 1992, it did enable recipients to obtain a stipend from FISRAPT. But since UNHCR routinely provided lists of those designated "persons of concern" to the Thai Ministry of the Interior and since that Ministry had close relations with the Burmese military junta, some Burmese preferred not to register with UNHCR at all, fearing that if they were deported, they would fare far worse for having been labelled a political dissident.¹⁹

Relating to the Status of Refugees (1951); the Protocol relating to the Status of Refugees (1966); the Convention relating to the Status of Stateless Persons (1954); and the Declaration on the Human Rights of Individuals who are not Nationals of the Country in which They Live (1985). The last is not a treaty but a resolution adopted by the General Assembly and is not legally binding.

¹⁹ For a while, such certification enabled the recipients to avoid arrest and deportation. In mid-1992, however, the Thai Ministry of the Interior further screened a list of potential asylum-seekers and using criteria which were never made public, determined that 516 Burmese faced a legitimate fear of persecution, and they could avoid deportation by agreeing to go to a highly controversial "safe area" in Ratchaburi province and remaining there indefinitely. Those who refused to go to the safe area would be deported. See [cite AW news releases on safe area.](#)

II. Trafficking in Burmese Women and Girls

The traffick of Burmese women and girls into Thailand is not an isolated phenomenon. As noted by *Time* magazine in a cover story about the worldwide "skin trade", "poverty, chaos and porous borders have turned prostitution into a global growth industry, debasing the women and children of the world."²⁰ **I don't think we want to refer to this piece because it has been a scandal on two grounds 1. the explicit cover photo of the Thai woman with the male in the photo blurred and unidentifiable and 2. the controversy over whether the photos from Russia were staged (see NY Times October 5, 1993)**

We focus on Burmese women and girls in this report because a complex array of forces -- including the unregulated trade (**trafficking?**) between Thailand and Burma, the drive to maximize profit from the traffick in women, the rising threat of AIDS and the indifference or complicity of both the Thai and Burmese governments -- have combined to render them particularly vulnerable to abuse.

This section focuses on the two primary phases of this illicit trade: the recruitment of largely unsuspecting Burmese women and girls and their sale into closed brothels throughout Thailand where they are compelled to prostitute themselves under conditions tantamount to slavery.

A. RECRUITMENT

The stepped-up recruitment of Burmese by Thai brothel owners reflects a drive to maximize profits through a steady recruitment of young girls and women, free of infection, from remote rural areas of Burma. Eager for cash and easily duped, the girls with few exceptions have no idea of the life that awaits them. Thailand, seen from Burma, is the promised land. Once in the hands of brothel agents, however, the girls enter into a world of debt bondage and physical abuse in which government officials, especially Thai police, are complicit by both direct involvement and by wilful failure to enforce the law against agents and owners of the brothels.

In a pathbreaking study of Burmese women in Thai brothels, Hnin Hnin Pyne classifies her subjects by their means of entry into prostitution: voluntary, bonded and involuntary.

²⁰ "Special Report: Sex for Sale", (cover story) *Time*, June 21, 1993.

Voluntary indicates that the woman, prostitute-to-be, approaches the owner/manager of a sex establishment herself; bonded implies the involvement of parents or guardians, who receive money from an agent or owner for giving away their daughter; and involuntary conveys the use of deception and coercion of the women by an agent or owner/manager.²¹

All but one of the women interviewed by Human Rights Watch for this report would fall in the bonded category, but data from other sources, including police records, indicate that in Ranong in particular, coercion is common.

In Burma

Human Rights Watch interviewed 30 Burmese women and girls in depth, 26 who had been trafficked into Thailand through Mae Sai, in the northwestern corner of Thailand, just across the border from the Burmese town of Taichelek; one who had come through Mae Sot, and three who had been brought in through Ranong. Of the first 27, 19 had parents or guardians who were peasant farmers or farm laborers.²² They came from villages all over Shan State (Taichelek, Keng Tung and Taunggyi); Kachin State near the Chinese border; Kayin State, Sagaing division in central Burma; and even Rangoon, the capital city. They ranged in age from 12 to 20, with the average age around 16; most had never been to school and could not read or write in their own language.

The process of recruitment by agents working for brothel owners is necessarily covert, because of laws restricting the freedom of Burmese citizens to leave their country and laws in both Thailand and Burma making prostitution a crime. The brothel owners thus rely on a network of "small agents" and "big agents", acting in concert -- and for a price -- with Thai and Burmese officials to keep a steady supply of Burmese girls coming across the border.

The lure for the Burmese girls is the chance to escape from poverty. All but one of the 30 interviewed deliberately set out

²¹ Hnin Hnin Pyne, *Aids and Prostitution in Thailand: Case Study of Burmese Prostitutes in Ranong*, (unpublished), thesis submitted to the Department of Urban Studies and Planning, Massachusetts Institute of Technology, May 1992, p.23.

²² Of the remainder, two were orphans brought up respectively by a laundress and an assistant midwife; one's father was a lumberjack; one came from a family of small shopowners; and four came from families where the occupation of the parents was not clear.

to earn money in Thailand for themselves or their families, but only four knew when they set out from home that they would be involved in some form of prostitution. (Even those four, however, had no idea of the pain and harshness of the work.) Of the others, 18 thought they would be working as maids, cooks, laundresses, waitresses or some other job that required few skills. Like 17-year-old "Gyi Gyi", who was invited by a friend to go to Chiengrai to make flowers, or 16-year-old "Gai", who was brought to Thailand by a teacher on the promise of making enough money to buy a traditional dress, most were attracted by the promise of an opportunity to help their parents or simply to escape from the grimness of their own surroundings.

In notes from an interview with a Burmese girl, aged 14 or 15, from the Akha ethnic group, a Thai NGO worker described how the agents worked:

One day two women came to the village while she [the girl] was on her way to the fields. They talked to her about how much better it would be to live in the city and work. [They talked to her father as well.] Her father wanted to go along, as he was afraid of her being sold, but the two women said it wasn't necessary and would be a waste of his time. So her father didn't go and her mother cried, because [x] was her only daughter. Ah Daw [the agent] told her that the daughter would be fine. She'd be taking care of children and would get to go to school. Ah Daw's husband came and said the same thing. Finally, her parents believed Ah Daw. Ah Daw told her that she'd study Thai for a month, then learn to speak Thai, make necklaces, take care of children. Ah Daw gave her father Bt.800.²³

In two cases where girls found themselves working as prostitutes (one thought she would be working in a restaurant, one believed she would be washing dishes), they managed to return home to their villages, only to voluntarily return to prostitution. In one case, the girl believed that since she had lost her virginity anyway, she might as well earn money for her family. In the other case, the shame of being known in her village as having worked as a prostitute was too great, and she, too, decided to help her family by going back.

In only one case out of the 30 was someone lured from their homes on other than a promise of economic prosperity. One family, in Wan Mai, south of Taunggyi in Shan State, had two daughters.

²³ From handwritten notes of interviews with 21 Burmese girls and women conducted by a Thai NGO in Chiangmai which requested anonymity.

One was 16 and unmarried; the younger one, aged 13, had been married to a man in drug warlord Khun Sa's territory, in the town of Bing Nong. A man from Bing Nong had come to the family's house to tell them that their daughter there was sick. The family agreed to send the other daughter to visit. She went with the man, but instead of taking her to see her sick sister, he took her to Thailand.

Of the 26 girls and women trafficked through Mae Sai, eleven had been brought there by family members. The network for finding work in Thailand appears to be well-known in the rural areas that supply the girls; relatives knew, for example, to take their daughters or sisters to the "Mekong shop" in Mae Sai or to a particularly well-known agent or to a certain temple. In some cases, the information comes from women who have returned from Thailand; in other cases, the new recruits had relatives living in or near Mae Sai who knew the agents.

Eight of the 30 we interviewed were recruited by women returning from the brothels, who saw their escape as contingent on their ability to find successors and were therefore likely to stress the cash rewards rather than the abuse that goes on in the brothels. Four were recruited by someone known to them in the village, such as a teacher, who was operating as a "small agent" for the "big agent" in Mae Sai; and two set out for the border themselves, without knowing anyone at the other end.²⁴

Inside Thailand

For all but two of the Burmese trafficked through Mae Sai, the cash transaction that sealed the recruit's fate took place in the town of Mae Sai itself, the point of entry into Thailand. (In the other two cases, the "small agent" was able to make direct payments to the girl's family in her village.) In most cases, the girls, accompanied by parent, brother, aunt, friend or teacher, meet the agent on the Thai side of the border, where the agent gives the girl's companion a sum ranging from \$40 to \$800. The average seemed to be about \$200. It is not clear whether this payment is understood by the recipient as a recruitment fee, a gift, a purchase (of the girl), reimbursement for travel expenses or a cash advance to buy clothes and other necessities. The terms of the payment are never explained to the girl, and it only becomes clear once she is in the brothel that the owner perceives it as credit against future earnings that she must work off, with interest. In at least one case, it seemed as though the Mae Sai agent acted as a regular moneylender, because while the daughter was working in a brothel in Klong Yai, the agent who had originally given \$200 to the father reportedly loaned another

²⁴ It is unclear how three were recruited.

\$800 to the father at his request. The daughter was to be kept in thrall to the brothel owner until the additional loan was paid off.

Once the money has changed hands, the Mae Sai agent sends the girl, usually with two or three other new recruits, sometimes with as many as 10, in a truck or van directly to a brothel or to another agent at a way station en route to Bangkok -- usually Chiengrai. Of the 30, 20 ended up in Bangkok. Two went to brothels in Samut Sakhorn; one to Klong Yai near the Thai-Cambodian border; one to Prachinburi; one to Kanchanaburi; one to Chiengrai; one to Mae Lim (Chiengmai province) and three to Ranong.

These initial destinations are rarely final; while some girls do stay in one brothel for a year or more, many of the girls we interviewed were frequently moved around by the owners. "Gai", for example, spent 20 days at the Rong Ram See Tong brothel on Soi Payana in Bangkok; she was then transferred to the Rong Ram 46 on Tawit Soi 1 where she worked for three or four months. She then moved to Rong Ram 48 for two months and Rong Ram 84 for three months. All four brothels appeared to be run by either a single owner or a network of owners who among them employed 500 girls, most of them Thai.

In another case, "Tip Saeng Chan", aged 21, decided to seek work in Thailand in 1992. Accompanied by two other girls and her mother, she traveled from a village in Muang Piak to the district town of Taichelek. From Taichelek (Burma), they went by car to an agent in Mae Sai. "Tip" had worked with a relative frying fish in Mae Sai six years earlier, for a period of about six months, so the family already had contacts in the town. The agent advanced \$1,000 to "Tip" who gave all but \$60 to her mother. She stayed with the agent for two days, then was taken by a policeman, together with the two girls from her village, to Chiengrai. They stayed overnight at a temple. The next morning, "Tip", her two friends, the agent from Mae Sai, a driver, and the owner of a brothel in Bangkok called the Pai Mai Tea Shop drove by van to the Tea Shop. "Tip" worked in Bangkok for ten days; the owner then sent her and one other girl to another brothel he owned in Borai on the Cambodian border, opposite the Khmer Rouge-controlled town of Pailin. She was in Borai for six months before being taken back to Bangkok -- by the same agent she had originally dealt with in Mae Sai -- to the Dao Kanong brothel where she stayed for six or seven months. "Tip" believed the owner had at least ten brothels, with 18 agents operating of Dao Kanong alone.

Of the three women interviewed by Human Rights Watch who entered Thailand from Kawthaung and were delivered to brothels in Ranong, none received any money in advance. All three claimed

they were effectively sold to the brothel owner by the "friends" who turned out to be agents for a price ranging from Bt. 2,000 to Bt.7,000 (\$80-\$580). The three said they received no money at all from either the agent or owner and lived entirely off their tips.

Coercive Recruitment

None of the women we interviewed had been forcibly kidnapped, but we obtained enough information from other sources to suggest that the practice is not uncommon. In June 1991, for example, police from the Crime Suppression Division raided a brothel in Ranong's Muang District and "rescued" 25 women, most of them Burmese. Two of the women were sisters who, intending to go shopping, had hired a motorcycle to take them to the Ranong market. The motorcycle driver abducted the two and sold them to a brothel. According to a police report filed by the girls' uncle, they were forced to work and threatened with death by the pimps if they tried to escape.²⁵

In another case, a 15-year-old girl from Shan State was interviewed by a Thai NGO in October 1992. She had been working in Thai brothels since she was 10. She said that she had been looking after a water buffalo near her home when a man grabbed her and put her in a car, then took her to Keng Tung. She ended up in a brothel in Chiangmai for the next five years; the man who abducted her received Bt.35,000. Because she was kidnapped, the owner apparently thought she would try to leave, so she was kept locked up whenever she was not working.²⁶

Sexual Abuse in the Course of Recruitment

Even before they reach the brothels, the girls are subject to sexual abuse and occasionally raped. More frequent rapes during recruitment may be discouraged by the fact that virginity increases the value of the girls to a brothel owner -- and thus, presumably, to the recruiting agent who supplies him or her.²⁷ Of the 30 girls and women interviewed, three reported being raped en route to the brothel; one in Chiengrai, one woman in Burma en route to Ranong and one on the road to Songkla.

²⁵ THERESE, NOT CLEAR HOW WE CITE POLICE OR CPCR INTERVIEWS AND THERE IS NO DATE ON PRESS CLIPPING

²⁶ See footnote 22, above.

²⁷ It is true, however, that "virginity" is as much a sales pitch by brothel owners as it is a physical state: girls are frequently advertised as "virgins" for many nights, even weeks, after the initial penetration.

When "Bin", for example, left her village in Taichelek in 1990 at the age of 18, she was taken directly to a policeman named Bu Muad in Mae Sai who himself was the brothel agent. He gave her Bt 10,000 (\$400) and drove with "Bin" and another woman from the same village to Chiengrai in a police van. Another agent drove the truck. The two women stayed for 11 days with the policeman and his wife, who lived in Chiengrai, before going on to Mae Lim, in Chiengmai, where the brothel was. While they were in Chiengrai, the policeman raped "Bin" while his wife and the other woman were at the market. He warned her that if she ever told anyone, he would beat her; she told Human Rights Watch that she was afraid of him because he always carried his gun. According to "Bin", this policeman was a regular visitor to the brothel in Chiengmai, beating girls for the owner if they did not cooperate or were recalcitrant in any way.

"Win", a 20-year-old woman from Rangoon, was invited by Ye Htun, a man she had known in the market where she worked with her mother, to work at a restaurant in Tavoy (in the Tenasserim Division of southern Burma, midway between the city of Moulmein in the north and Ranong in the south). She agreed to go, as long as she could bring a friend with her. The two women and Ye Htun stopped en route to Tavoy at Moulmein where they stayed in a guesthouse for two days. On the second night, according to "Win", Ye Htun raped her. He then took the two on a small boat, not to Taboy but to Ranong, where Ye Htun sold "Win" to the Victoria brothel for Bt 6,000 (about \$240).

Another woman, whom we met in the Immigration Detention Center (IDC) in Bangkok but who had been so traumatized that she was unable to speak, had been befriended by many of the other women at the IDC. They told us that she was an ethnic Shan, aged 23, originally from Keng Tung. She had been taken by an agent from Mae Sai to Chiengrai and flown from there to Hat Yai, a trading town on the Thai-Malaysian border, with a woman escort and two other girls. From there she was sent with a driver to Songkla, only to be raped by the driver en route. After three days in Songkla, she was arrested and taken back to Hat Yai where she tried to escape. She was captured and detained first in Songkla and then in the IDC, and was widely believed to be "crazy."

Girls and women are also subjected to various forms of sexual abuse short of rape. When "Gai", aged 16, was first brought to the agent in Mae Sae, he took her into a separate room and said he had to check her virginity -- she said he did so by touching her breasts and crotch to see "how sensitive she was."

Burmese and Thai Police Involvement

Both Thai and Burmese officials are complicit in the

trafficking of women and thus accountable for violations not only international law but in the case of Thailand, of domestic law as well.

The involvement of Burmese officials is more difficult to pinpoint. The restrictions on freedom of movement both within Burma and across borders suggest that it would be virtually impossible for women to enter Thailand from Burma without the knowledge or complicity of Burmese officials. It is illegal under Law 13/1 for Burmese citizens to leave their country without permission, for example; according to the U.S. State Department,

Passport applicants had to justify the reason for each trip abroad generally supported by an employment offer or similar document. Legal requirements, bureaucratic procedures and corruption caused long delays in obtaining passports. Emigrants were required to reimburse the Government for "educational expenses" before receiving exist permission and were severely limited in what they could take with them.²⁸

The opening of the border between Burma and Thailand does allow people on both sides to obtain day passes for a small fee, however.

Travel within Burma is also difficult. A nationwide nighttime curfew was in effect until September 1992, and all citizens have to report either guests or intention of staying overnight to the relevant local authorities.²⁹

Given these controls, the apparent ease of getting to Thailand is striking, and the explanation is pay-offs. None of the women we interviewed who had been trafficked through Mae Sai mentioned any obstruction from Burmese officials, nor any checking of identification or travel documents. Some had to raise the money to get to Mae Sai, paying the equivalent of \$50 or \$60 from Keng Tung to Taichelek or \$120 from Mong Yang, further north; these fees may have included whatever payments were necessary to officials to turn a blind eye. But girls who went with relatives with their own transportation appeared to encounter no difficulty, nor were they ever asked for identification before they got to Thailand.

Women crossing into Thailand at points other than Mae Sai or

²⁸ Department of State, "Burma", *Country Reports on Human Rights Practices for 1992*, (Washington, Government Printing Office: 1993), p.528.

²⁹ Ibid, p.528.

coming from less rural areas of Burma were more concerned about travel documents. In one case, a brothel agent named Daw Khin Tin recruited "Khin", aged 18, from Pegu in 1990, promising her work in a restaurant in Kawthaung in the south of Burma. The agent went to the local office of the Law and Order Restoration Council (LORC) in Pegu and bought six-month travel passes for herself and "Khin." They then traveled to Rangoon and by ship from Rangoon to Kawthaung. After a month in Kawthaung, they proceeded to Ranong in Thailand, a short distance downstream by boat. This is the only instance in all of the interviews we conducted where one of the women mentioned the need for travel documents.

The ease of getting to the Thai border without obstructions from Burmese officials contrasts sharply with the real fear the Burmese women have about being deported back into the hands of SLORC. Perhaps the Burmese government sees the women going into Thailand as a source of remittances and foreign exchange; the deportees have become not money-makers, but prostitutes, a social evil. In any case, the Burmese government has made no attempt to investigate or apprehend traffickers or the Burmese agents who work for them.

The involvement of the Thai police is much more obvious. The border patrol police control all roads from the Burmese border into Thailand, and several border checkpoints have been set up. Although it is possible to enter Thailand at different place along the approximately 1,500-kilometer border, most of the Burmese are brought in through the towns of Mae Sai, Mae Sot, Three Pagodas Pass and Ranong; many more crossings are being set up as trade increases. Once in Thailand, it is impossible for Burmese to travel any distance without the knowledge and involvement of the Thai police -- and the brothel agents are well supplied with money to pay them off. In in the cases of several of the women we interviewed, the police themselves acted as agents for the brothel owners, or provided transportation beyond border checkpoints and at times directly to the brothels.

In one case, a Burmese agent brought "Lek", a 13-year-old girl from the Mong Hpen district of Burma to a policeman in Mae Sai. The policeman, complete with uniform, walkie-talkie and gun, then drove "Lek" to Chiangmai. Another woman we interviewed, "Ann", 18, spent three days in Mae Sai at the home of an agent before a uniformed policeman arrived and drove her and 12 other Burmese girls from the agent's house to a brothel in Bangkok. Their van was not stopped at any of the police checkpoints along the way. When she got to the brothel, she was told she could not leave. She said she knew there was no way to escape anyway, because all the police in Bangkok knew the policeman who had brought her there.

Sidney, I would like to add a couple more cases on police

involvement in recruitment/collaboration with the agents. OK?

In these cases, the police involved are clearly guilty, as are all agents and owners, of the Act for the Abatement of Prostitution, Section 8, which states, "Whoever regularly procures prostitutes for others shall be liable to imprisonment for not more than three months or a fine of not more than 1,000 baht or both." But they and others like them are rarely indicted, and they do not enforce the law when it applies to others.

B. The Brothel

Thai law distinguishes between entertainment places and brothels. Entertainment places, such as massage parlors, bars and night clubs are considered legal if registered with the government. The girls and women working there have some ability to negotiate the terms of their employment and clients. Brothels, which can range from seven or eight girls in the back of a noodle shop to a multi-story building with over a hundred workers, are, by contrast, illegal.³⁰

According to an interview with Sanapasit of Foundation for Children, the Thai police have registered over 20,000 entertainment places and 500,000 women working in them. The Foundation estimates that there are at least 40,000 unregistered brothels employing over a million women.³¹ Estimates of the number of Burmese women and children working in Thai brothels range from 50,000-60,000 (according to Friends of Women, another Thai NGO) to 100,000, according to the Foundation for Children.[ARTICLE OR INTERVIEW?](#)

³⁰ The difference between the two can be seen by comparing the Act for the Abatement of Prostitution (outlawing brothels) with the Entertainment Places Act. It is clear in practice that any place that offers other services than sex can be legally registered.

³¹ In 1982, the National Council of Women's Affairs in Thailand estimated the number of prostitutes throughout the country in 1981 to have been between 500,000 and 700,000. See *Tourism and Prostitution in Southeast Asia*, Zed Books (London:1990), p.181. **NEED AUTHOR**

A survey conducted in 1992 by the Ministry of Public Health came up with a ludicrously low figure of 5,622 places of prostitution nationwide, employing 76,863 prostitutes. It is not clear how the survey was conducted or how a prostitute or place of prostitution was defined. ("15,000 below age 18 working as prostitutes", *Bangkok Post*, January 16, 1993.)

A distinction is made between "open" and "closed" brothels. The former are the registered entertainment places. In the latter, the brothel owners use a combination of threats, force, debt bondage and physical confinement to control the women and girls and eliminate any possibility of negotiation or escape. Those seeking to flee legitimately fear capture and punishment by the owners or agents, arrest for illegal immigration or prostitution or abduction and resale to another brothel owner. The clients of the closed brothels are predominantly Thai, but include foreign workers from neighboring countries such as Burma, Cambodia and Malaysia. Typically only when the girls are sold as virgins for high prices are clients from wealthier countries involved.

Many of the Burmese women and girls are sold to agents of the "closed" brothels by friends or relatives who themselves may be unaware of the nature or conditions of their employment. The payment they get from the agent becomes the core of a debt which the women must pay off through prostitution before they are allowed to return home. The debt, often with 100 percent interest, is the cornerstone of the system of control exercised by the brothel owner and pimps. None of the women we interviewed understood the nature of her debt because it had never been explained to them; in most cases, they had no idea how much they owed, and none could explain the terms for repayment.

The Burmese girls and women are under the absolute control of the brothel owner not just because of their debt bondage, but by virtue of their status as illegal immigrants. They know -- and are repeatedly warned by the owner -- that they can be arrested if they venture outside without the protection of the brothel owner or locally powerful clients. They are illegally confined, cut off from all outside communication or any possibility of reaching family members or friends. Without resources, power, education, or knowledge of the local language, and with the local law enforcers acting as protectors of the owner, the Burmese women and girls have no choice but to prostitute themselves as the owner demands. Many told us of being forced to comply with clients' demands which often entailed suffering vaginal, anal and oral rape, other forms of unwanted sexual activity and routine physical abuse. The majority were exposed to HIV/AIDS.

Working conditions in the brothels are deplorable. The brothels typically consist of a "selection" room or *hong du*, a room for virgins or children (*hong bud boree sut*, literally, the "room to unveil virgins", and a series of cubicles, usually on a higher floor, where the clients can take the girls. The "selection" room consists of a window, behind which girls with numbers sit on a bench. A client picks a number, pays between \$2-\$5 to the owner and takes his choice to a room for the paid amount of time. The girl selected has no right to refuse her

client nor does she have any control over how many clients she must take. She usually works about 25 days a month, often for 10-14 hours a day and lives in the same cubicle in which she serves her clients. The women we interviewed said that a daily allowance, averaging about \$1.20, from the owner, was not enough to cover the cost of food and other personal needs, and they were forced them to rely almost entirely on tips to survive.

Debt Bondage

Debt bondage, prohibited under international laws on slavery, is defined as a situation in which debtors pledges their personal services against a debt they owe, but the person to whom they owe it fails to deduct the value of their services from the debt, or the length and nature of those services are not respectively limited and defined.³² This definition holds in the case of every Burmese woman we interviewed.

With few exceptions, every girl or woman in a brothel was kept working by her financial debt to the owner. For most of the women interviewed, that debt appeared to consist of the amount they received from an agent of the brothel owner at the Thai-Burmese border, plus transport, protection money or payoffs to police and other officials and any advances given for clothing or other personal items.

The money given to the girl or woman, her family or a secondary agent at the border -- and in Mae Sai, a standard payment was Bt 10,000 (\$400) -- was typically doubled to include "interest" in the owner's calculations of the women's debt. None of the Burmese girls or women interviewed by Human Rights Watch knew of the arrangements between the brothel owner and the agents, but they assumed the "interest" was at least in part the agent's profit. Many of those interviewed had no idea how much money was exchanged and as a consequence had no idea how much they were indebted. All of the Burmese were reminded that not only did they have to pay off their debt, but also whatever living expenses that they were unable to pay from their meagre tips and all travel expenses to return home.

Some women never knew how much they earned, how much they were supposed to earn, or what the terms for repayment of the debt were. But even those who did have some idea were not any better off for the knowledge. For example, "Tar Tar" knew that the going rate in one of the places she worked, the Dao Kanong brothel in Bangkok, was Bt 110 or \$4.40 per hour. She was told that her share was 30 percent (Bt 36 or \$1.40) plus any tips from

³² Supplementary Convention on the Abolition of Slavery, Section I, Article 1; 1957.

the clients. Of the Bt 36, half went toward repayment of her original cash advance, which was Bt 10,000 (but doubled to include interest), and half was ostensibly for rent and food -- so "Tar Tar" never saw any of it. The owner gave her and the other workers 30 baht (\$1.20) a day to buy food, but this amount was deducted from the earnings she never saw. Instead, she kept track of how much she had earned and assumed that she and the owner would settle accounts at the end of the year.

Another woman, "Nang", also working Bangkok, had a similar arrangement. The standard fee for clients was Bt 120 or \$4.80 a "time." She was supposed to get a third, but she never received any money. Instead she got one chip per client and counted her chips every night to calculate the amount to be subtracted from her original debt of Bt 10,000 (\$200). She received Bt 30 a day from the owner, plus tips, to pay for food and other expenses. The tips were small except for the first time when she got Bt 300 (\$12) from the man who took her virginity. At the time she was arrested, she had worked five months, serving 10-15 clients a day, and was sure she had paid off her initial debt of Bt 10,000, but there were no accounts to prove it. She had managed to save Bt 500 (\$20) from tips, but lost it at the time of the arrest when the police refused to let her take her belongings with her.

Some of the women had a vague understanding that they would have to work for a specific length of time to pay off the debt. "Taew" and her mother received Bt 20,000 from a brothel agent in Mae Sai on the understanding that she would work for a year, although the terms of her employment were never spelled out. (She thought she was supposed to receive a third of the income from her clients, but she was arrested after two months when all of her share was still going to pay off the debt.) "Tar Tar" was also told she would have to work for one year to pay back the money she owed. The owner of the brothel "Bin" worked in warned her that she had to stay one year or else he would follow her back to her village, get her back and beat her. She was so frightened she never even asked him to settle the accounts.

In another case, "Gyi Gyi" was held responsible for paying back the 5,000 baht (\$200) that the owner of the Sanae brothel in Klong Yai had given an agent to bring her there from the border. She had no idea when she left for Thailand that she had effectively been sold into prostitution until she arrived at the brothel, where she was given a number and told to go sit in a windowed room. When she tried to refuse, the owner, Ba Ouan, told her that with interest, she now owed 10,000 baht and said, "If you want to go home, then you've got to work, or you'll never pay back your debt."

No explanation was ever given to the girls or women about the terms of their debt. They explained that every worker was

different, and there was no consistent share or percentage for all workers within a brothel. Only two of those we interviewed had been able to settle their accounts with the owner, despite the fact that some had worked in brothels for years. All were simply waiting to be told their debts were paid and hoping they would have some extra money saved from tips to pay for their transportation costs to return home.

"Wan" was one of the very few we interviewed who paid off her debt, but her story indicates the exploitation and arbitrariness of the process. An agent in Mae Sai had given her stepfather Bt 10,000 when he agreed to find work for "Wan." She was 17 at the time and understood that she would be working in a restaurant. Instead, she found herself in a brothel in Bangkok. She got a red plastic chip from each client and was told that her debt would be paid off with 1,000 chips. She was told further that she would have to work about seven months to do so. After eight months, she was told her debt was paid.

The calculations here are instructive. If "Wan" had 1000 clients over eight months, that means she had about 125 a month or about five men a night, assuming a 25-day working month. The going rate at her brothel was Bt 120 an hour. The gross income to the brothel owner from her work alone was thus Bt 120,000. If "Wan" had been getting one third of the income and her debt remained steady, she should have been able to repay her debt after two months.

If, as was the case for many of the girls, the debt was doubled to include "interest", she still should have been able to repay it in four months. Using 1,000 chips as the terms of repayment meant either that Wan's debt was not doubled but quadrupled by the owner, or that her share of the income was at best about eight percent.

The Burmese interviewed were determined to pay off their debt as quickly as possible, knowing it was the only way to get home. In addition to the enforced compliance with the brothel owner's demands, therefore, there was also a financial incentive to take as many clients as possible, do what they demanded, work every day possible, accept long hours and avoid any additional expenses that might be added to their debt, especially health care with its unpredictable costs. The following cases are typical.

"Saing" was told by the brothel owner that she could go home after 1,000 clients. Most of her clients were police, soldiers, border patrol and other men in uniform. "Saing" worked hard and served 1,000 clients in three months. She saved about 3,000 baht (\$140) in tips. Then the owner told her that her mother had taken another 5,000 baht (\$200) from the agent. As a result, "Saing"

believed she was in debt again, even though she had no way of knowing whether her mother really did take more money, and no idea what to do if the owner was lying.

"Aam" knew she had to pay back the 5,000 baht (\$200) she had received from the agent and given her father at the border, but she did not know how long it would take to do so. She had never discussed her accounts with the owner, she said, because she was too afraid and did not dare to ask questions. "Aam" knew vaguely that the job she had taken at the border was prostitution, but she never imagined it would be as bad as it was. All she could think of was to pay back the money and get home. It never occurred to her to escape because she had no idea where she was, even after three months in the brothel. She also did not speak Thai, and she had no money.

In two cases, Burmese girls we interviewed said they were able to send some money back to their families, over and above their original advances, but in neither case was it clear whether this money constituted "earnings" or an addition to their debt. The girls clearly believed it was the latter. In one of those cases, "Num Dtan", aged 14, did not take any cash advance from the agent in Mae Sai, afraid that if she did so, she might find herself unable to leave a job she did not like (it was not clear whether she knew the job would be prostitution). She was taken to a brothel in Samut Sakhon where there were about 10 girls aged 14 to 20 and was given to understand that she would receive 50 percent of the profits. After just over a year, she was able to send Bt5,000 (\$200) back to her parents through the owner, although it is unclear how or whether she knew that the money had actually reached them.

Another girl, also 14, who worked at the same brothel in Samut Sakhorn said she had about five clients a night who paid Bt200 a time. If "Num Dtan" had a similar number of clients, the gross income per year per girl would have been Bt150,000 or \$12,000. If the girls really received half of the gross, they would have been doing well by Thai standards, but they received nothing of the kind. Telling them that they will receive a third or a half is thus a cruel deception which bears no relation whatsoever to the reality of bonded labor.

Rape

The debt bondage would be enough to make the employment of the Burmese women tantamount to forced labor, defined by the ILO as "All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." But there are other aspects of the work which reinforce the "menace of penalty" and its non-voluntary nature. One of these is rape.

In large measure, the brothel owners are profiting off what amounts to the repeated rape and sexual assault of the Burmese women and girls. The Thai penal code for years has contained articles which, had they been enforced, would have permitted the prosecution of brothel owners, agents, pimps and clients for many of these crimes.³³

For example, according to the *1987 Act Amending Promulgating the Penal Code, Section 283,*

Any person who..., undertakes to furnish, seduces, persuades for the purpose of obscene acts, a woman, for indecent act by any fraudulent or deceitful means, threat, violence, exercising undue influence or coercion, shall be punished with imprisonment from five to twenty years and fine from ten to forty thousand Baht.... If..... against a girl aged under 18 years, the perpetrator shall be liable to imprisonment from seven to twenty years and fine from fourteen to forty thousand Baht or to life imprisonment.... If....against a girl aged under 15 years, the perpetrator shall be liable to imprisonment from ten to twenty years and fine from twenty to forty thousand Baht or to life imprisonment or to death sentence.

Any person who commits an act of rape on a girl aged under 15 years... with or without consent of such girl, shall be liable to imprisonment from four to twenty years and fine from eight to Forty Thousand Baht.... Any person who commits obscene acts against a person aged over 15 years under the threats of force wherein such person is in the circumstance that resistance is impossible.... shall be liable to not more than 10 years imprisonment or fine of not more than twenty thousand Baht or both.

These have been rarely, if ever, applied in the context of assaults that take place within brothels, even though virtually all women and girls working there are in a circumstance where "resistance is impossible."

Instead of punishing rape, legal efforts, as described in detail in the next chapter, have focused on curbing prostitution, with the definition of the offender shifting over time from the

³³ Act Amending Promulgating the Penal Code (No. 8), B.E. 2530 (1987). [As published in Government Gazette Vol. 104 part 173, September 1, 1987.]

women, to the owners and traffickers, to, in some cases, the clients.³⁴ Thanks to women's and children's rights activists in Thailand, there is beginning to be an understanding that many of the women in brothels are there not by choice but as the result of deception or coercion. But there still is little recognition that what takes place night after night in the closed brothels is not a series of consensual sexual acts but rape, and that all women, not just underage girls, are the victims. [DQT: YOU'LL NEED TO FIX](#)

Many of the Burmese we interviewed talked at great length about losing their virginity by rape and the continued force used on them to prostitute. Girls and women who had been in the brothel for years still talked in detail about their first days in the brothel, how they tried to resist, the force used, how much it hurt, and how they could not stop crying. The following cases are typical:

- "Tar Tar" was sold as a virgin to a Japanese man for B12,000 (\$480). He took her to a hotel on Petchaburi Road in Bangkok and raped her while the man's wife waited in a car outside. It was very painful, and "Tar Tar" said she screamed until she was unconscious. She told Human Rights Watch she thought because the room was so big and expensive, no one could hear her. She was in pain and felt a terrible burning, but the next day, she was sent to a 50-year-old man. She tried to refuse, but the brothel owner said she had better get used to it.

- "Khin" had been in the brothel for five days when she had to take her first client, a Thai, who paid B1,500 (\$60) for her virginity. She tried to escape, but the client slapped her and held her back. She finally ran out of the room. Two pimps and the owner came and caught her. All three beat her. Another Burmese there told her to be quiet and try to do as she was told so she did not get killed. After that the owner beat "Khin" often, and she said she had to agree to everything.

- "Gyi Gyi" was a virgin when she was brought by an agent to the Sanae brothel in Klong Yai, along the Cambodian border. When she tried to refuse to work as a prostitute, the owner reminded her of the amount she owed him. She said she saw others who tried to refuse slapped in the face, and hit hard. After that, she never dared to say no to a client or leave the room

³⁴ Proposals under consideration by the Interior Ministry in July 1993 would penalize clients of boys under the age of 15 with sentences of up to six years and clients of girls under 15 with sentences of up to 10 years. "Ranong Brothel Raids Net 148 Burmese Girls", *The Nation*, July 16, 1993, p.1.

before he did. She saw other girls come out before a client, and the pimps beat them. During the first month, she was sold to four different clients as a virgin. She said she never agreed to have sex, that it was all forced.

- "Lek" was 13 years old when she was sold as a virgin in a brothel in Samut Sakorn for Bt 5,000 or 6,000 (\$200-\$240). After the first week, she had to take as many clients as the other girls, but instead of being given a number and sitting in the windowed room, she was kept with other young children on a bench in the back room. On two occasions, policemen in full uniform with guns and walkie-talkies took her out for the whole night. The first time it happened, the policeman took her to his house where he and other policemen had sex with her.

The accounts of other Burmese girls interviewed by Thai NGOs are similar. In one case, a 15-year-old girl taken to a brothel in Songkla said she was given a drug and raped while she was unconscious. She only remembers waking up with no clothes on. In another, the 10-year-old girl from Shan State, mentioned above, whose kidnapper received Bt.35,000, said she was given to a *farang* (Westerner) who paid Bt.5000 for her virginity. It hurt so much she passed out, and the brothel owner later beat her with a stick.³⁵

But rape and sexual assault are not restricted to virgins. Many women we talked to made clear that they were forced to have sex with every client for the duration of their time they were in the brothel and that refusal often resulted in a beating. Long after she was first raped, for example, "Tar Tar" tried to refuse clients who wanted oral or anal sex, but the owner just kept warning her that she would never get home until she worked off her debt. Eventually, she realized that the more she cooperated, the sooner it would be over. She explained that the debt meant that none of the girls or women could refuse a client. Once one of her friends tried to refuse a client and the next day everyone got beaten. Some of the girls were hit in the face and had swollen mouths.

On July 14, 1993, when 148 Burmese girls and women were "rescued" from three brothels in Ranong, Victoria, Wida and Sontaya, one 27-year-old woman who was six months pregnant said she was still being forced to have sex with clients. A woman named Mu Mu, aged 24, who was three months pregnant, was beaten by pimps in the Wida brothel to bring on a miscarriage after she refused to have sex with a client. She was reportedly hit on the back with a club and punched in the stomach until she began to

³⁵ See note 22, above

bleed. She was taken to a hospital on a motorcycle by her colleagues, and was in critical condition at the end of July.³⁶ The incident was confirmed by the attending doctor who told of treating a woman for a miscarriage brought on by severe beatings.³⁷ Many of the other women found in the brothel had bruises on their thighs and buttocks from being beaten with canes for refusing clients.³⁸

Similar accounts came from women in Ranong after raids in 1992. Nilni, a Burmese women aged 20, told police that she was forced to have sex within three days of leaving a local clinic where she had given birth to a baby girl.³⁹

Several girls and women interviewed spoke of being beaten if they came out of the room before the client.

In some cases, the means of coercion is not physical force but economic pressure. "Nom" was brought to Mae Sai by her brother and a friend who said she could get work washing dishes. She was brought to a brothel in Bangkok, but for the first month, did in fact work washing dishes at the owner's house adjoining the brothel. Every day, the owner kept telling her that she was not making any money, and she would never be able to pay back her debt until she started working at the "hotel." After a month, she did not have enough to eat and no way to pay back the debt, so she finally went to the hotel. The owner sold her virginity for \$30.

Illegal Confinement

Another aspect of the brothel work that defines it as forced labor is the inability of most women to leave the brothel premises. They are generally not allowed to leave the brothel or its immediate surroundings without escorts and are threatened with arrest as illegal immigrants if found by Thai authorities. The women we interviewed explained that there were dire consequences for those who attempted to escape. The brothel owner often reminded the girls and women of the extent of his network and the support of the police who could trace the women if they

³⁶ "Ranong brothel raids net 148 Burmese girls," *The Nation*, July 16, 1993, p.A2.

³⁷ Ranong HIV rate high says Doctor, *The Nation*, July 27 1993.

³⁸ "From One Hell Hole to Another," *The Nation*, July 25, 1993.

³⁹ "42 Rescued from Brothel", *The Nation*, June 11, 1992 and "CSD Police Free 36 Girls from Sex-Pit in Ranong," *Bangkok Post*, June 11, 1992.

left before their debt was paid. Given that they generally had no knowledge of the amount they owed or the terms for repayment, they rarely ventured very far outside.

With few exceptions, the Burmese are unable to communicate with anyone outside of the brothel and its clients. In many cases, telephone and mail communication is banned by the brothel owner. "Win", now 20, who has been working in the Old Victoria brothel in Ranong for three years, said she was beaten by the owner's pimps whenever she tried to listen quietly to the BBC or send letters out through clients. "Bin's" mother called the brothel in Bangkok? once, but "Bin" was not allowed to speak with her. She did, however, managed to sneak letters to her relatives in Mae Sai through the post office. Another woman, "Tip Saeng Chan", received a telephone call from her mother and "Tip" was allowed to speak, but with the owner standing by listening. A third woman, "Nang" received a call from her brother; none of the other interviewees had any communication with their families, and many would not have known how to use the telephone if they had been allowed to do so or knew anyone with a phone to call. The inability to send mail also means that even when the women are able to save some money, they are unable to send it back, which for many was their major motivation for going to Thailand in the first place.

The primary concern of every Burmese was to avoid getting arrested, imprisoned and deported as an illegal immigrant. Most women did not dare leave the brothel or the immediate surroundings for fear of being arrested or sold to another brothel that might not know how to get her back home. Some tried to avoid speaking so no one would know they were not Thai. Those interviewed claimed their fears were constantly reinforced by the brothel owner, agents and pimps. They were told of the terrible conditions of the Thai immigration jails, abuse during deportations and frequent arrests by Burmese officials upon return to Burma. Many of those interviewed said the news reports in April 1992 of SLORC's use of cyanide injections to execute HIV+ Burmese women returning from Thailand were used by brothel owners and pimps to scare them into staying at the brothel. (The reports have never been confirmed.) The Burmese girls and women believed that only the owner and his network, which included police, could get them home safely.

The pimps use different arguments to keep the women confined. "Ann" was told she could not leave the brothel because she was too new. "Gyi Gyi" was told, "If you go out, the police will arrest you and you have no papers. Then you will have to go to prison and never get home." As a result, she only went out of the brothel when clients bought her out for the night or she had to buy food or other necessities at nearby shops. "Lak" was afraid of the police, and the owner told her if she left, someone

else would catch her, sell her again, and she would never be able to get home. "Dtan" tried to leave once, but the agent found her and brought her back.

Unlike the brothels in Bangkok, where the owners play on the girls' fear to keep them in thrall, the brothels in Ranong use armed force and other instruments of physical control. Three brothels raided in July 1993 were surrounded by electrified barbed wire. Guards at a brothel in Muang District raided in 1991 carried guns. In June 1992, after another raid in Ranong, police said that the three Thais and 33 Burmese women working there "had been confined to their rooms in the compound of the brothel which was fenced in with barbed wire and live electrical wires."⁴⁰

Working Conditions

Every Burmese girl and woman interviewed had to be available to work between 10-14 hours a day with a only few days off each month during their menstruation. Some explained that they could get time off if they were very sick or sore, but they only dared request such days if absolutely necessary. Those interviewed had an average of 10-12 clients a day (some with as many as 20 on weekends) with no means to negotiate who their clients were. It was always up to the client if and when he wanted to use a condom. Compliance of the women was often enforced by threats and beatings from the brothel owner and pimps.

The girls and women could also be hired out for the entire day or night. Clients would leave a deposit and/or identification and take the girl or woman wherever, with whomever and for as long he was willing to pay. Those interviewed talked of feeling vulnerable and frightened in these situations. However, because of the owner's fear that his girls could be stolen and sold elsewhere, he was usually careful which clients he allowed such favors. Still, some girls reported friends they knew in the brothels were in fact stolen through such arrangements and never heard of again.

As noted above, most women lived and slept in the same cubicles where they took their clients. The Ranong brothels raided in July 1993 were particularly bad:

Each of the cubicles, measuring 2-by-2 and a half meters contained a cement bunk where the girls were forced to prostitute themselves. Hidden doors, concealed by secret passageways where the girls could be hidden in case of a raid..."The stench of the place

⁴⁰ "CSD Police Free 36 Girls From Sex-Pit in Ranong," *Bangkok Post*, June 11, 1992.

was terrible. There were no proper toilets. It was a hell hole," said Theeraporn, head of the CPCRC [Centre for the Protection of Children's Rights].⁴¹

The brothel owner gave each girl between \$1.20 and \$2.00 a day which forced them to rely heavily on tips from their clients to supplement their income. They had to pay for all their expenses including food and health care. The amount given by the owner was hardly enough for food, especially as they had no opportunities to go to the market or cook and had to purchase ready made from nearby shops. There were also personal expenses of soap, shampoo and other toiletries. Those interviewed often reported putting off visits to doctors because they were not sure how much they would have to pay, and not purchasing medicine unless it was absolutely necessary. If they were unable to pay, they feared the amount would be added to their debt.

"Tip Saeng Chan" was 20 years old when she began working in a brothel. Her hours were noon to midnight. She served 10-20 men a day and had to do whatever the clients wanted; she never refused them. The owner only gave her and the other workers 30 baht (\$1.20) each day for food and all other expenses. This was not enough for survival, and all the women and girls depended on tips to get enough to eat and pay for other personal expenses. "Tip Saeng Chan" worked every day except when she was menstruating. Sometimes when she was very sore, she asked to stop for a few days, but she tried to work as much as possible so she could pay off her debt and go home. She told us, "The owner knows he doesn't have to physically force us."

One girl from Keng Tung, 17 years old, was taken to a brothel in Hat Yai in the south, and described to an NGO worker in Chiangmai how dirty, sweaty and smelly her clients were. She did not want to sleep with any of them, but the owner beat her if she refused. She said she wanted to ask them to take a bath first, but they would not agree.⁴²

Sidney, Can I add a couple more cases here - some of them are so descriptive and clear I think.

Health Care, Birth Control and AIDS

Provision of health care is sporadic at best, and in many brothels, non-existent. In xx out of xx brothels where women we

⁴¹ "From One Hell Hole to Another," *The Nation*, July 25, 1993.

⁴² see Footnote 22. Interview took place on September 14, 1991.

interviewed had worked, the women had routine contact with health care providers, but this was primarily to provide birth control and test for sexually transmitted diseases (STDs), including AIDS. Most brothels have minor medications and creams available, often for a price, for their employees, but serious illnesses go untreated. When we interviewed "Khin" at the Old Victoria brothel in Ranong, she was very thin and yellow and had a high fever. In the three years she had been there, she had never been to a clinic or seen a doctor.

All of the girls we interviewed who had been trafficked from Burma were provided contraceptives by the brothel owners; it was clearly in the owners' interest to ensure their workers did not get pregnant. The women and girls we interviewed were mostly given pills; three of those who had worked at the Dao Kanong brothel in Bangkok had had depo-prevera injections from a doctor or health worker who came to the brothel. One girl in Ranong was given injections by the owner's wife, raising questions about whether any care is taken to sterilize needles. The girls themselves appeared to have no choice of contraceptives nor did they understand how they worked. In at least one case, the owner found it in his interest to keep the girls from menstruating so that there would be no excuse to stop work during the month; he did this apparently by giving improper instructions for taking the pills never allowing the one week placebo pill for menstruation.

In a group of 21 Burmese women at one shelter in Chiangmai, interviewed by an NGO between 1991 and 1992, eight were given pills by the brothel owner, four were given injections, one had to buy pills herself and one received nothing. (Information on the other seven was unclear.)⁴³ One of the women given pills took three or four a day; she was never told how to use them. A girl of 12 who was given pills started hemorrhaging shortly thereafter, but the brothel owner would not take her to a doctor.

Some brothels simply ensure that condoms are available, without requiring that customers use them, and many do not. Condoms are often painful to the woman as well, especially when she has to service seven or eight men a night. It is therefore not surprising that many girls in the brothels become pregnant.

None of those we interviewed had become pregnant themselves, and among those trafficked in through Mae Sai, only one girl mentioned a colleague having gotten pregnant, a Shan woman who, once her pregnancy was discovered, was kept in the brothel owner's house. He arranged a marriage for her so she could

⁴³ See note xx, above, on the request of the NGO for anonymity.

deliver the baby in a hospital without questions being asked. (Abortions are technically illegal in Thailand, but are widely available in back rooms and local clinics.) Among the group of 21 women interviewed at the shelter in Chiangmai, one girl, aged 15, became pregnant two months after her arrival. She wanted an abortion but the brothel owner would not permit it. He said if she had a boy, he would keep it, and if it was a girl, he would give the baby away.

Ranong is a different story. In July 1993, when a highly publicized raid took place there that led to the "rescue" of 148 Burmese girls, 20 (13 percent) were found to be pregnant. In one brothel in Ranong studied by Hnin Hnin Pyne, six out of 24 women were pregnant. Two of them had abortions at the local hospital, and for one of the two, it was her third abortion.⁴⁴ In the Let Ywe Sin brothel, according to a woman who worked there, pregnant women had to give birth in the brothel with the assistance of a midwife. Within a week of giving birth, she had to be back at work, either as a receptionist, a cleaner or a kind of housemistress for the other women. The baby was usually sold by the brothel owner.⁴⁵

It is not clear whether the pregnancy rate is higher in Ranong than in other provinces in Thailand because of the generally worse conditions there. Some of the NGO staff working closely with these women explained to Human Rights Watch staff that girls and women in Ranong believed that if they had a child they would be released and thus, tried to get pregnant. Women who were seven or eight months pregnant could be freed for Bt. 8,000-10,000 (\$320-\$400), according to a woman from the Let Ywe Sin brothel.⁴⁶

The Burmese women we interviewed were more likely to contract HIV than to become pregnant, however. Fourteen out of the 23 women we know were tested for HIV tested positive (see Chapter XX, below). Since most, if not all, had come to Thailand as virgins, they were most likely infected by their clients and possibly by the use of unsterilized needles when they were given birth control injections, treated for infections or tested for AIDS in the brothels. After the July 1993 raid on a brothel in Ranong, mentioned above, the *Bangkok Post* of July 16 reported:

Police expect a large number of the women from this

⁴⁴ Pyne, *op.cit.*, p.29.

⁴⁵ Interview with women from Ranong brothels conducted by the Burmese Student's Committee for Socaial Action, August 16, 1992.

⁴⁶ *Ibid.*

brothel to test positive for HIV as they found that the girls had shared the same old syringes during rudimentary examinations carried out on the premises.

Leaving the Brothels

For most women, there are three ways to leave a brothel: escape, arrest and deportation, or return to one's village as a recruiter. The first is rarely a real option. The fear of being arrested as an illegal immigrant is so pervasive and control by the owner so absolute, that the interviewees thought they had no choice but to wait until the owner told them their debt was paid and rely on him or his agents to escort them back through the checkpoints and border crossings. Most were severely limited in their ability to speak and read Thai and feared this would mark them immediately for arrest as illegal immigrants. Moreover, with no means to contact their families, no money and no sense of where they were, the chances that they would ever be able to get home on their own were remote in the extreme. They clearly could not seek the help of the police, since the police were so deeply involved in the brothel operations.

Of our interviewees, only three had ever tried to escape.

- "Khin" told of one time she was caught trying to go out of the Old Victoria brothel in Ranong, the owner locked her in her room and beat her. He then sent her to the showroom and beat her again along with two other pimps in front of all the other girls. She was then sent back to her room and locked in there for three days. During this time no one came in and she didn't receive any food. When the door was open she was immediately sent to work again.

- "Win" tried to escape in 1991, but the owner caught her and took her to the kitchen and beat her with a very thin wooden stick. The owner told her if she tried to escape again he will shoot her with a gun. He then took pistol out and put it to her head saying "like this." "Win" has never been out of the brothel since was brought there over two years ago.

- "Bin" tried to escape after she realized how large her debt was. She left the brothel after she had received a 500 baht (\$20) tip from a client. However, soon after she left she realized she had no idea how to get home and could easily be arrested for being in Thailand illegally. She finally returned to the brothel and told us, "The owner doesn't have to lock us up because he knows we can't go far since we don't have any ID and never enough money."

Among a group of 21 women interviewed by an NGO in

Chiangmai, one girl, aged 15, tried in 1991 to escape from a brothel in Songkla where she was frequently beaten for refusing customers. She got a ride with a driver who said he was going to Bangkok, but he dropped her off in an unfamiliar place. It appears to have been still in Songkla or close by. She was confused and went to a noodle shop. The owner called the police who came to get her. After four or five days there, the police told her she would either have to stay at the police station indefinitely or go back to the brothel. She decided to go back, and when she did, the owner beat her over the head with a pair of grass cutters.⁴⁷

The accounts of attempted escape from Ranong are particularly grim. Three Burmese girls who had attempted to escape from a brothel later raided by police in June 1992 said they were stripped naked and whipped by pimps with steel coat-hangers. Photographs in the Thai newspapers showed the scars.⁴⁸

Arrest and deportation are not seen as a desirable way of leaving the brothel; there is nothing the women fear more. Arrest can lead to a new round of extortion and abuse in the Immigration Detention Center in Bangkok; deportation at the border can lead into a new cycle of prostitution on the Thai side or imprisonment on the Burmese side.

Most women thus find themselves dependent for their safe return home on the same people who brought them into the brothels. There is a perverse logic in this. The owner and agents have the money to get them back; they know the way and have the police protection to get them there; and they have an interest in getting the girls back so they can recruit their successors.

The demand for "new girls" is continuous, as the young age of most of those we interviewed attests THERESE, PLEASE FILL IN (out of xx interviewed, only xx were over 20.) The clients want girls who are younger, smaller, and infection-free. For the owners, the naivete of the new girls is a plus, because it enables them to perpetuate their economic control. The result is a constant turnover of girls and women in the brothel, with few of the girls staying in one brothel longer than seven months. When owners have several brothels, they appear to move the girls around every three or four months so there will be a steady

⁴⁷ The 21 detailed interviews were made available to Human Rights Watch, and we spoke at length with the woman who had conducted the interviews. The NGO, however, requested that its name not be used in this report.

⁴⁸ "CSD Police Free 36 Girls from Sex-Pit in Ranong," *Bangkok Post*, June 11, 1992.

supply of new faces. If a woman can no longer bring in the 10 clients a night that make her so profitable for the owner, it is in his interest to move her on or take her back to her village and use her to find a replacement.

Given the desire of all the women we interviewed to return home, it is worth noting the two cases of women interviewed by Human Rights Watch who returned to prostitution in Thailand after safely getting back to their villages. Those cases are instructive because they indicate the impact of the brothels on the girls' self-image. Both girls were embarrassed and ashamed at having been prostitutes (one of the two received much teasing). Both decided that since they had lost their virginity anyway, there was no point in staying at home; they might as well return to Thailand and try to make more money. Their return to prostitution was voluntary only in the sense that they saw their first experience as having rendered them unfit for anything else.

The women interviewed from brothels in Ranong claimed they were kept working much longer and only when someone was sick or bought could they leave. "Win" was hoping someone would buy her as a wife for Bt. 10,000 (\$400). In 1991, three Burmese women from "Khin's" brothel were sold as wives to Thai businessmen for Bt. 10,000 (\$400) each.

For a very fortunate few, a fourth option in addition to escape, arrest and return exists -- to find refuge at an emergency shelter run by a Thai NGO (see below, Chapter xx). But as of mid-1993, those shelters probably served a few hundred women, only a tiny fraction of those trafficked into Thailand.

Government Involvement

Thai officials at the local level are well aware of the plight of the women and the conditions in the brothels. Because brothels are illegal, they can only operate with the backing or protection of local police. The policemen who carry out periodic raids on the brothels on orders from Bangkok, may be profiting from the same brothels they raid. Doctors from the Thai Public Health Department or local hospitals sometimes try to negotiate access to the brothels to test the women for infections and provide medical care. Many of the latter are motivated by a genuine desire to help the girls and prevent the spread of AIDS, but they are caught in a dilemma: if they raise a major outcry against the illegal brothels and the abuses that they surely see there, they may just drive them further underground and lose all access to the women. If they enter the brothels and say nothing, they become complicit in their continued operation.

But it is the police who are the real culprits. They frequently receive special privileges, such as being permitted to

take the girls out of the brothel for the night and return them the next morning.

The police came often to the Dao Kanong brothel in Bangkok where "Tip" worked. They usually came in uniform in groups of two to five men. They were very friendly with the owner. The policemen were the only ones allowed to take girls out of the brothel. The policemen never had to pay for the girls they took, and the girls could not refuse if they chose them. The girls did not like to leave the brothel and especially as they knew they did not make any money toward paying of their debt by doing so. "Tip" had to go out with policemen on two occasions. Both times the policemen were in full uniform with walkie talkies and guns.

"Lek" who came to Thailand when she was 13 years old and worked in the Mekong brothel in Samut Sakhorn was kept for one year in a back room of the brothel with other children. "Lek" saw policemen in full uniform come often to the brothel. On two occasions, policemen in full uniform with guns and walkie talkies took her out for the whole night. The first time, one policeman took her out along and to his house for the night. During the night other policemen came and also had sex with her. The second time she was taken out to a party with two other girls from the brothel where they all served many men throughout the night.

"Dtan" tried once to run away once, but the agent found her and brought her back. "Dtan" explained that the police station was just next to the brothel. She said it was impossible to leave because the policemen came every day to the brothel in full uniform and carrying guns; they were often her clients. They knew all the girls and worked together with the brothel owner.

"Naen" was 15 years old when she was brought to a brothel in Thailand. "Naen" saw policemen around the brothel all the time. At least every ten days a group of uniformed policemen would come to see the owner. Sometimes they took girls and other times they just had tea with the brothel owner. The policemen chose "Naen" twice. Both were in full uniforms with guns. "Naen" was afraid that they would arrest her, but both assured her many times that they would not.

The policeman, Bu Muad, who brought "Bin" to the brothel and raped her enroute turned out to be the pimp at the Mae Lim brothel in Chiangmai province. "Bin" was arrested once at this brothel and brought to the local police station with 15 other Burmese girls from the same brothel. The police station was just at the end of the street. The police asked specifically about Bu Muad for two hours. Then, the owner paid Bt 50 (\$2) for each girl's release, and they all returned to the brothel with the owner the same day. The brothel was closed for one week. Then the policemen came and told the owners they could reopen.

Ranong is particularly alarming because of the extent with which the brothel owners, merchants, local police and government authorities condone and at times collaborate in systematic abuse of Burmese women. One Ranong merchant told the press:

...anyone who hopes to win a seat as Ranong's MP must publicly announce a clear policy supporting border trade.... and that means easing restrictions on illegal migrant labor, and on foreign prostitutes.⁴⁹

In the same article, the Ranong Chief inspector Police Lt. Col. Sudchai Yanrat claimed that "to actively weed out illegal migrants and foreign prostitutes would be easy for police officers, but such a campaign could ruin the fragile economy of Ranong, which depends strongly on Burmese laborers."⁵⁰

The murder of Passawara Samrit, a Thai woman from Chiangmai, exposed the extent of official efforts to protect the brothel owner's interests. Her murder was discovered on November 2, 1992, the same day Prime Minister Chuan Leekpai announced a nationwide crackdown on child and forced prostitution. According to witnesses, Passawara was caught planning an escape from the brothel and received death threats from both the owner and police officers who frequented the brothel. She fled on November 1 to the the provincial hospital seeking help; the staff turned her over to the welfare department. The welfare office concluded that she should be turned over to the local police because of inconsistencies in her account. At the end of the day, while still at the welfare office, Passawara went to the bathroom and never returned. The next morning, her body was found. Her throat had been slashed in the bathroom and then her body thrown from the second floor.⁵¹ On December 1, the investigating officers announced that six suspects had been charged in the murder: two provincial officers, two police, the son-in-law of the brothel owner and a pimp.⁵²

There is an article in the Nation July 28, 1992 reporting 89 call girls arrested all with fake identity cards. During the raid police also found account books listing payments to government officials (ie: police, immigration officers and CSD officers).

⁴⁹ [NEED TITLE OF ARTICLE](#) *Bangkok Post*, September 13, 1992.

⁵⁰ *Ibid.*

⁵¹ *Bangkok Post*, November 8, 1992.

⁵² *Bangkok Post*, December 2, 1992.

Deportation

Going home is the greatest hope of most of the Burmese women but deportation as illegal immigrants is one of their greatest fears, for several reasons. The deportation process, on the Thai side of the border, can be as corrupt and abusive as every other aspect of the women's ordeal.

Burmese who are turned over to SLORC officials by Thai immigration officers are routinely charged with illegally leaving the country. The fines and sentences given those returning vary along the border. There have also been several reports of women deportees being arrested and charged with having engaged in prostitution.

The women may also be caught up in counterinsurgency operations by the Burmese military. Offensives conducted by the military against the ethnic insurgencies along the Thai-Burmese border have resulted in systematic abuses against civilians; the women may fall victim to such abuses as they try to traverse contested areas to get back to their villages. Often the Burmese military recruits porters from the jails, and women and children are no exception.

There is also the possibility that the women may be forced back into prostitution. The same Burmese officials who turned a blind eye to or actively colluded in the trafficking to Thailand may await the women on the other side.

But even if they do not fall afoul of Burmese authorities, the women often face abuse from Thai officials in the process of deportation, whether from police in lock-ups along the borders or from the brothel agents who, vulture-like, await the buses of deportees at the border and the prospect of new recruits.

In Thailand

Illegal immigrants, under the Immigration Act of 1979, are responsible for paying the expenses of transport to the border for deportation.⁵³ The wording of the law suggests they have some

⁵³ Section 56, Immigration Act of 1979: "Any expenses incurred on repatriation of an alien shall be borne by the owner of a conveyance or person in charge of a conveyance. In the case where an owner or person in charge of a conveyance is not apparent, the offender...shall be required to bear such expenses. In this case, the competent officer has the power to demand the entire expenses in repatriating the alien from any individual offender or collectively as appropriate, but if such alien is asking to leave by any other conveyance or by another route, the alien shall have to bear such expenses himself and therefore may have the approval

choice in where they are deported, if they are willing to pay the price. But the scope for extortion is obvious, and the highest prices are often charged for the nearest point of deportation from Bangkok -- Kanchanaburi Province -- because it is easiest to evade SLORC authorities there. Burmese generally prefer to be return to minority-controlled or disputed territories in war zones, and are willing to pay exorbitant amounts to be taken to such areas.

The actual deportation can occur at any of several border crossings overseen by the Ministry of the Interior. The most feared points of deportation are Ranong (Kawthaung)⁵⁴, Mae Sot (Myawaddy) and Mae Sai (Taichelek) because of the close collaboration between local Thai and Burmese officials, and because these towns were for most of the women, their point of entry into Thailand. Although statistics on deportation were not available to Asia Watch at the time of writing, hundreds of people are deported from these towns every week as even a casual scrutiny of the Thai press confirms. **(the average is 100/week during our mission in Jan.-Feb. and 300+ during August and September 1993.)**

On July 24, 1993, for example, the *Nation*, the Bangkok English-language daily, reported a round-up of 121 Burmese found working illegally in Muang district in the southern province of Tak. (Some 500 Burmese cross into Tak daily, according to immigration officials.) They were sent a holding center in Mae Sot, interrogated and quickly deported.

In an earlier incident in July in Tak, district officials arrested 131 illegal Burmese immigrants in Mae Ramat and sent them to a holding center at Ban Dong Pa Kiat for fast deportation. The police official there, Lt.Col. Kriangyut, said his office had arrested 600 people in June. They had to be deported immediately because there was no room to detain them and no money to feed them. Cells at police stations throughout the district were so crowded with Burmese that people had to sleep standing up.⁵⁵

Deportation from Ranong

of the competent officer."

⁵⁴ The towns in parentheses are on the Burmese side of the border.

⁵⁵ *Bangkok Post*, "Many Illegal Burmese Living in Tak Province," July 7, 1993.

Women from brothels in the Ranong area who are arrested as illegal immigrants but not brought to the IDC in Bangkok have no choice about where they are to be deported -- they go straight into the arms of SLORC officials in Kawthaung. According to one report received by Human Rights Watch, Thai police raided brothels in Ranong on July 16 and 25, 1992, arresting 20 Burmese women on the first occasion and 17 on the second. All were sent directly to Kawthaung on the afternoon of July 25. They were arrested under Law 13/1 for leaving Burma illegally. Violation of this law need description of what it actually says normally carries a three-month penalty, but in this case, the women were reportedly sentenced to three years for illegally leaving Burma and two years for having engaged in prostitution.

"Ma Thadar" was arrested in June 1992 with 30 other women in the Let Ywe Sin brothel in Ranong who, like her, were unable to run away fast enough. They were detained at the local immigration jail for eight days before being deported to Kawthaung by boat. As the boat approached the Kawthaung light house, the brothel owner and gun men stopped the boat. They gave money to the boatsman, threatened the women at gunpoint onto their boat and returned them to the brothel.⁵⁶

In the July 14, 1993 raids in Ranong in which 148 Burmese girls and women were arrested, 58 were reportedly returned to SLORC officials in Kawthaung. According to reliable sources in Kawthaung, the women were sentenced to three years in prison for illegally leaving Burma. (The remaining 90 from the rescue of 148 are believed to be back in brothels in Ranong after the owners negotiated their fines with the local Thai authorities.)

"Khin", whom we interviewed, believed that if she were arrested at the Old Victoria brothel in Ranong, she would be sent to the local police station and then deported to the Burmese authorities in Kawthaung. If the women are pretty or popular at the brothel, she said, the owner's pimps will buy them back at the boat landing in Kawthaung from the Burmese authorities. She has seen many of the other girls returned this way.

Deportation From Kanchanaburi

As noted above, however, most IDC detainees prefer to be deported through Kanchanaburi Province. At least 100 detainees from the IDC are deported through Kanchanaburi every week, according to observers. The Thai-Burmese border there is held only in some places by SLORC, with minority militias, who are generally helpful to the deportees, controlling large stretches.

⁵⁶ Interview of the Burmese Students' Committee for Social Affairs, August 16, 1992.

There are also numerous refugee camps on the Thai side of the border for ethnic minorities fleeing military offensives; the refugees are also generally sympathetic to the deportees.

Nevertheless, deportation from Kanchanaburi is marked by such chaos, extortion and fear that women are often tempted to succumb to pressure to return to brothels rather than proceed into Burma. The process works as follows:

Deportees are loaded onto buses in Bangkok for the three-and-a-half hour trip to the police lock-up in Kanchanaburi. They are held there for about a week. This is the only province where deportees must be detained at the local immigration jail. The Kanchanaburi immigration jail is known among the Burmese to be the most abusive and corrupt jail along the border. Still the Burmese choose to pass through it if it allows them to avoid being directly handed over to SLORC upon deportation.

Below is what I added from an interview this last trip...

"Aung Zeya," a Burmese male deported through Kanchanaburi, reported that on July 21, 1993 between 300-400 detainees in the IDC were transferred to the Kanchanaburi immigration jail. There were approximately 50 women and 14 children in the group. When the group first arrived at the Kanchanaburi jail, they were divided by sex and put into small rooms downstairs. The women were asked to pay Bt. 100 (\$4) for their transportation costs to the border and Bt. 100 (\$4) for the cell upstairs. Ten women, including two girls aged 15,, could not pay. One policeman and one male warden called them out and ordered them to take off all their clothes in front of all the other detainees. When several women were too slow, the two men pulled their clothes off. They took everything they found on the women: watches, gold and money. The policemen touched the women all over and even checked their vaginas. Two officers played with the younger girls and after the search, sent everyone back to the cell except one girl, about 20 years old.

Then the policemen requested the same of the men. Those who could pay were ordered to strip to their underwear while the two officers checked their clothes and watched as "room leaders" searched their underwear. All gold, money and good quality watches were confiscated.

When this was completed everyone, except the one girl not returned to the group, was sent upstairs and placed into one of two cells, with no separation of male and female inmates. At 7 pm that night all the inmates upstairs could hear the police demanding that the girl left behind sleep with them. She refused, and they listened to at least an hour of screaming and beating. Afterwards, the same two officers brought her upstairs to the

cell, slapping and hitting her in front of the others.

During the following eight days while this group was kept at the Kanchanaburi jail, the policemen came each night to the cell to call a woman or girl down to wash dishes. Those who refused to go down would be threatened and hit; eventually all had to go.

One evening "Aung Zeya" heard the policemen tell the woman downstairs that if she agreed to sleep with him, she could return to Bangkok for free, without having to pay the Bt. 3,000 (\$120) cost of returning to the capital.

Deportation

On the day of deportation, all deportees are loaded onto cargo trucks to standing capacity, locked in, driven to a place along the border and told to get out. Often the deportation point is out in the jungle (or deforested vestige of what was once a jungle), far from any village or main roads. Many of the deportees cannot walk after months in overcrowded jails, with little food and no exposure to the sun. Most have no food or water with them and have no idea where they are, what to do or how to survive.

One Burmese student who wrote about his deportation in August 1992, said that in his case, men, women and children were jammed into the truck until there was no room to sit down. It took from 8 a.m. to 3 p.m. to reach Three Pagodas Pass from the Kanchanaburi jail. When they arrived, they were ordered off the truck and told to cross into Burma and not to return to Thai soil. A Burmese military unit took all the deportees to a nearby monastery and began to search them individually. Fearing arrest and on the pretext of relieving themselves, the student and four of his colleagues managed to hide and then escape back into Thai territory.⁵⁷

Women face additional problems when they reach the deportation point, including abductions and solicitations from agents. There are often numerous agents who follow the trucks from nearby towns or know in advance the day and place of the deportation. They are immediately upon the deportees offering jobs, transportation or other arrangements. In many cases, the immigration officers or local police themselves offer (for a price) to take the deportees back into Thailand. The deportees reported that they had to pay Thai officials 1,500 baht (\$60) at the border or 2,000 baht (\$80) in Bangkok for transportation back into Thailand. Since they rarely have this money, they are

⁵⁷ Nay Lin, "First-hand Report of the Burmese Student Deportee", undated.

dependent on an agent willing to advance the fee. This typically becomes the debt which the new recruit must work to repay. Many of the agents, while promising other forms of work, simply bring the women back to brothels to work off the new loan.

"Dee", for example, was deported from the Kanchanaburi jail on January 27, 1993 after having stayed there one week. About 120 deportees were loaded onto a cargo truck and locked in. The police sat in front and never stopped for the three hour drive. The deportees were taken to Panang Htaw, an abandoned refugee camp outside of Sangklaburi. The police pointed out the direction to the border, and ordered the deportees to begin walking. They were escorted by armed Thai uniformed soldiers.⁵⁸ "Dee" said 10 other females had been deported with her. Seven of them went off with people offering jobs around the deportation site the first day. "Dee" did not know what jobs they had been promised.

Another woman, "Bau", told of the Thai border patrol police abducting two young deportees for the night and returning them in the morning. "Bau" was deported from the Kanchanaburi jail on January 22, 1993 with about 170 other inmates. They were loaded onto two 10-wheel trucks and locked in. It was so tight they all had to stand. Many people got sick, she said, and they felt like cattle. Several policemen sat up front. The trucks stopped in a field about an hour's walk from a camp for ethnic Mon refugees, and the detainees were told to get out. No one knew where to go, and some were so weak they could not walk, because they had not been out of the crowded cells for months. They started walking towards the refugee camp. There were many border police checkpoints along the way, and many people around offering them transportation and jobs. "Bau" and about 20 other deportees agreed to pay 160 baht (\$6.20) for transport to the camp. When they arrived, they all were given shelter by refugees in the camp.

On her first night at the camp, she said, two border police came on a motorcycle to the area where she was staying. It was about 8 p.m. and too dark to see the faces or uniforms of the police, but all the Mon refugees knew who they were by their motorcycle. The two police went from house to house asking for two young Chinese girls, aged 15 and 23, who had been deported that day. When they finally found them they took them to their base camp and returned them to the refugee camp later the next morning. They would not talk to anyone and just hid. On the second night, the same members of the border patrol took five other girls. Two returned the next morning and "Bau" saw the three others down at the river with the border police on the

⁵⁸ The uniforms of the soldiers were described as light blue as worn by the Border Police Patrol units.

morning we interviewed her.

If the deportees withstand the initial onslaught of brokers and begin walking away, they soon realize over the next few days that they have little choice but to find some arrangement for work or at least transport back into Thailand. No deportee could begin to find her way back into Burma on her own, due to the war and her own disorientation. Some seek help from refugees or minority militia to get home, but only in rare situations are they able to arrange a safe route back. Five days after a deportation, it is almost impossible to find any deportee left in the area.

Deportation from Pakkret

A different procedure was followed in September 1992 in the case of 95 Burmese women returned under the aegis of the Burmese ambassador in Bangkok. In this case, many of the women are believed to have returned to their parents safely but the Burmese authorities would only countenance the return of ethnic "Burman" women, as opposed to hilltribes or members of any of Burma's ethnic minorities.⁵⁹ Two hilltribe women from the Aka ethnic group who were added to the 95 from Pakkret, as described below, were separated from the other women in the Burmese town of Keng Tung and turned over to local authorities.

The very formal deportation from Pakkret took place because of international attention to the problem of women in Thai brothels. In June and July 1992, a new government under Prime Minister Anand was appointed after pro-democracy demonstrations brought down an unpopular military government in May. The Anand government did not, for the most part, charge Burmese girls and women "rescued" from brothels as illegal immigrants in the first instance, but treated them the same as Thai prostitutes. Nearly 150 Burmese girls and women "rescued" from brothels all over Thailand were sent to Pakkret during these two months.

On July 30, 1992, the Burmese Ambassador to Thailand, Nyunt

⁵⁹ "Burman" refers to ethnicity, "Burmese" to nationality. The SLORC government in Burma has engaged in its own version of ethnic cleansing. Official discrimination against non-Burmans goes back to the citizenship law of 1982, which gave full citizenship only to Burmese who could trace the families of both parents back to pre-1824 Burma. Some ten percent of the population who could not meet this criterion were considered non-nationals and classified as "associate" or "naturalized" citizens. The purpose was to deny full citizenship to ethnic minority groups. SLORC has also engaged in systematic persecution of non-Burman ethnic groups, including the Muslim Rohingya, over 300,000 of whom have fled to Bangladesh.

Swe, met with Dr. Saisuree Chutikul, Minister to the Office of the Prime Minister for Women, Children, Youth, Education and Social Development, to discuss the return of the nearly 150 Burmese recently rescued from brothels in Thailand.⁶⁰ Burma however, only agreed to the return of its nationals of "Burman stock." The Thai government's acceptance of these conditions made it complicit in the ethnic discrimination practiced by SLORC.

When Burmese embassy officials then came to Pakkret, only Burman women were brought forward to meet them. Hilltribe girls and women from Burma who could not speak Burmese were not introduced. Following the embassy visit, 95 women were considered Burmese nationals and therefore eligible for repatriation. Dr. Saisuree claimed the Thai government was considering measures for the remaining Burmese girls and women from ethnic minority groups.⁶¹

On September 15, 1992, the 95 were deported, accompanied by Burmese officials to Taichelek, Burma.⁶² U Nyunt Swe dismissed widespread fears of what would happen to the women:

We will take back anyone who is a true Burmese citizen...We have no policy to mistreat our own people. Those repatriated to Burma will be screened by photographic identification to establish that they are genuine citizens before receiving medical check-ups and necessary treatment...⁶³

U Ye Myint, a Burmese Embassy spokesman, later claimed half of the returnees remained in Rangoon for medical treatment as they were found to be HIV positive, while the rest were sent back to their home towns and villages, mainly in the southern Mon State.⁶⁴ On November 19, U Nyunt Swe invited Dr. Saisuree to meet with a group of the 95 women she helped repatriate, but as

⁶⁰ Ambassador seeks return home of Burmese women, *Bangkok Post*, July 31, 1992.

⁶¹ Saisuree defends plan to repatriate Burmese women, *The Nation*, August, 20, 1992.

⁶² Sex Slaves sent home, *Bangkok Post*, September 16, 1992.

⁶³ *The Nation*, "Thai-Burmese Plan to Stem Flow of Illegal Workers," September 16, 1993.

⁶⁴ Burmese prostitutes hit by HIV, *The Nation*, October 18, 1992.

of July 1993, neither she nor any other Thai official had been to Burma to follow up on the returnees. Nyunt Swe claimed that 52 uninfected women had been sent back to their homes. The others were either still under medical care in Rangoon or awaiting family members to sign for their release.⁶⁵

"Ma Wei" was one of the 95. She was "rescued" from a brothel in Ranong on July 7, 1992 and sent to Pakkret the following day. She stayed there until the repatriation began on September 15. She said they arrived in Taichelek at 10 a.m. on September 16 and were sent to the Than Lwin Oo Hotel. In the hotel they had their blood tested, and were given injections and medicine tablets. The Burmese immigration officers questioned the girls and women about who had brought them to Thailand and how long they had been there. Most of the women, according to "Ma Wei", tried to answer honestly.

At 6 p.m. on the following day, the women were loaded onto military cargo trucks and sent to Keng Tung. They were very frightened because they had heard rumors of what happened to Burmese prostitutes -- such as arrest **(and even execution if found HIV+)** -- when they returned to Burma. On September 17 at 5a.m. they arrived in Keng Tung. There, they were threatened by the Burmese authorities, who warned them that this was the last time they would be given "special treatment." In Keng Tung as well, the two Aka girls were handed over to the local office of the Law and Order Restoration Council. The remaining 95 were sent to the Chin Rifle Number 4 compound and stayed there from September 17 to 19.

On September 19, according to Ma Wei, they were sent from Keng Tung to Rangoon by plane. They were taken directly to the North Okkalapa Female Police Training Academy in Rangoon. One planeload was given one room and the other planeload another room. They had to take tablets and get injections every day. Everyone learned who had tested HIV+ for the AIDS virus, including 32 women and one baby. All 33 received a special lecture from Dr. Myat Kyaw WHO IS HE? Identify no. He told them they had to come back to the academy every month and gave them a medical document.

The women were told that they could go home as soon as their parents came to collect them. Family members had to show their identification and to document their relationship to the women. Girls and women were released to their parents beginning in the middle of October, or about a month after the deportation took place. "Ma Wei" was released on October 30; when she left, half

⁶⁵ Saisuree invited to Rangoon, *The Nation*, November 20, 1992.

of the women were still waiting for their parents. Some girls came from far away from Rangoon and from very poor families, and it was not clear if their families would be able to come.

"Ma Wei" believes that such official deportations are the only way for the women to return to Burma. Too many others have an interest in their remaining in Thailand or on the border -- their old owners and agents, new traffickers, the police, border police and immigration officers, both Thai and Burmese. Without an official escort, they would only be able to return home if they had sufficient money to pay the necessary bribes -- and none of them do.

Discreet Returns over the border

The emergency shelters arrange discreet returns for the few Burmese girls and women they have taken in. These returns often entails a small group of girls and women brought to the border and given some transportation money to get home. Although the NGOs have tried to find ways to follow-up on those returned in the majority of cases all contacts are lost once they cross over the border.

Recently the Thai and Burmese authorities have opened up the road inside Burma from Taichelek to Keng Tung for tourists to travel inside this area for up to three days. This has given the NGOs an opportunity to try to visit some of the Burmese girls from villages along that route. However, visitors realize that contacts with foreigners do not go unnoticed and it may not be entirely safe for the girls and women recently returned to meet and talk openly. The NGOs point out the value of having seen some of the girls back in their villages and knowing they made it home.

There have been instances where relatives originally working with NGOs to rescue their daughters have returned months later claiming their daughters, who had been discreetly returned by the NGOs, had never returned home. Given the vulnerability of these girls and women it is difficult to even begin to know where they might be or what has happened to them. The NGOs can only offer to search for the missing daughter and in these particular cases for a second time.

Deportation and War

Deportation is made more problematic by the fluid political situation along the Thai-Burmese border. The close economic ties between Thailand and Burma, and particularly between local officials with common business interests on either side of the border, are only one part of the picture. Those ties lead to the

kind of collaboration that can send women at deportation sites directly back into the brothels Therese, do we have any cases of women in Ranong or elsewhere actually getting across the border into Burma and then essentially forced back to the brothel owners by agents?. **Not mine, but there are some, I'll look them up and see what we've got.** The other side is the border war that can mean tension between Thai and Burmese militaries brought about by the latter's dry season counterinsurgency offensives, and upheaval and dislocation that make it impossible for a woman to get back to her village.

Sidney we have consistent reports of rape of Burmese women and girls on both sides of the border by soldiers, police, loggers, traffickers, etc.... do you want case examples?

The military offensives often result in incursions into Thai territory in hot pursuit of armed rebels, or abduction of Thai nationals, or in some cases, actual military clashes between Thai and Burmese armed forces. These incidents usually occur during the annual dry season offensives of the Burmese army against ethnic insurgents, from late November to early February. In early 1992, in an offensive against the Karen ethnic rebels, Burmese forces spilled over into Thailand, and Thai planes strafed the Burmese units in retaliation. A local Thai official of the Tak province chamber of commerce was detained by the Burmese army, and armed Burmese searched Thai boats along the Moei River.⁶⁶ A year later, in an incident in the same area, Burmese troops fired mortars from their side into a Thai village; they then crossed the border and set fire to huts, apparently believing the village was sheltering rebels.

Do you want to add in here recent high level visits between SLORC and RTG logging, fishing, pipeline interests or better in context section?

When the Thai military arrests Burmese soldiers for crossing the border, the Burmese retaliate by arresting Thais, usually civilians who have come across for trade or timber. In March 1993, five Thai villagers were held for two weeks by the Burmese military until the Thai army released two soldiers it had captured. The Thai villagers were fined for illegally entering

⁶⁶ See, for example, "Burmese Fighting Spills Over into Southern Thailand," *The Nation*, January 23, 1992. To prevent such incidents from turning into major diplomatic crises, a series of Thai-Burmese Border Committees were formed [do we know when? 1992? Do they also play a role in forced repatriation and deportations? The meetings occurred in 1991 and 1992. What is published is their discussions regarding opening up of the border trading routes.

Burma, and each had to pay about Bt 1800 (about \$90 **doublecheck**).⁶⁷

Under such circumstances, deportation is unsafe, from the standpoint of basic physical security of the deportees. Male deportees who have not been able to flee back to Thailand are known to have been arrested and forced to work as porters, carrying supplies for the Burmese army during its campaigns. It is not known whether any of the women deported from the Thai brothels suffered the same fate, although cases of women working as porters are numerous.

Along the border, the Burmese army employs the "four cuts" strategy, attempting to cut off the rebel armies' food, funds, intelligence and recruits. NEED DATES OF RECENT OFFENSIVES AND A COUPLE OF EXAMPLES OF ABUSES AGAINST CIVILIANS. In 1992, this meant forced removals of entire villages WHERE and the transformation of populated areas into no-man's-lands which civilians enter at their peril.

Deportation and Fear of Arrest

All illegal Burmese immigrants in Thailand live in fear of deportation directly to SLORC authorities. According to Burmese Law 13/1, all Burmese illegally leaving the country are subject to arrest, fines and/or detention. The law is in direct violation of the Universal Declaration of Human Rights which states, in Article 13, that everyone has the right to leave and return to his or her own country.

Deportees on arrival in Burma are routinely arrested and often sentenced without trial. How do we know this? They are immediately brought to the jail and charged en masse. We have consistent reports of this in Kawthaung and Myawaddy during the past four years. Although the penalties under Law 13/1 are often inconsistent,⁶⁸ the most commonly reported by those arrested over the Thai-Burma border is 1,500-3,000 kyats (\$15 - \$30) or three to six months in jail. Rarely can a Burmese afford the fine, and

⁶⁷ *The Nation*, "Burma Frees Five Thai Villagers", March 3, 1993.

⁶⁸ "The Myanmar Penal Code and Code of Criminal Procedure guarantee all persons detained....a just and fair trial by a competent court.... Only in cases for "minor" crimes for which punishment would not exceed on year, may [suspects] in certain circumstances, be tried in a summary manner." Special Rapporteur Report to the Commission on Human Rights, Mr. Yozo Yokota, February 17, 1993, p. 37.

most are imprisoned unless a benefactor or agent can pay on their behalf. There are no exceptions for women and children.

Prostitution is illegal in Burma⁶⁹ so Burmese girls or women deported to Burma and suspected of having been a prostitute can face additional charges and lengthy sentences.⁷⁰ At the border, Burmese authorities have not shown any sensitivity to the issues of trafficking or to the victims. Only in the deportation of women from Pakkret on September 15, 1992 did SLORC offer an alternative to the typical cross-border deportation for the Burmese girls and women trafficked into brothels in Thailand. However, even in this instance, the deportees were subjected to prolonged detention Do we know what conditions were like in the Okkalapa Police Academy? If they were treated like prisoners we ought to say so in the text. We should also specify the length of detention -- at least a month They were not allowed to leave for at least 30 days and then only to signed and documented guardians. According to our interview with one woman released she believed all of the women could be released to guardians regardless of their HIV status. However, according to U Ye Myint, the Burmese Ambassador to Thailand, "half of the women remained in Rangoon for medical treatment as they were found to be HIV positive, while the rest were sent back to their home towns and villages."⁷¹ forced AIDS testing, exposure of those HIV positive and threatened ongoing surveillance.

There is no procedures in place for monitoring or following up on deported Burmese. SLORC authorities do not allow access to by international organizations or diplomats their border areas without SLORC escorts. Even in cases where NGOs have been able to visit the border we should specific which ones if we can (UNDP is the most frequent and Bertil loves to go after their missions in the FEER - Want one?, they have been closely monitored and provided with military escorts. No confidential interviews with individuals are allowed, and neither the United Nations High Commissioner for Refugees nor the International Committee of the

⁶⁹ There is a maximum three years sentence for prostituting or pimping in Burma. Reported in Myanmar Children in Especially Difficult Circumstances, Dr. Jocelyn Boyden, UNICEF consultant, February 1992. **Do we have anything more on Burmese prostitution laws?**

⁷⁰ It is also common practice in Burma to shave the heads of girls and women imprisoned for prostitution upon their release from prison.

⁷¹ **Burmese prostitutes hit by HIV**, The Nation, October 18, 1992.

Red Cross have access to detainees or deportees.

However, consistent reports come back to Thailand of prisoners, including deportees, being routinely arrested, detained, subjected to abuse and forced to porter for the military. Torture, rape and execution have been well documented by the United Nations bodies, international human rights organizations and governments.⁷²

The Burmese girls and women were also preoccupied with the shame that they and their family would face if anyone in their village learned that they had been working as prostitutes. The fear of having anyone discover the trickery and abuse to which they were subject only perpetuates the vulnerability and naivete of others, and allows the trafficking to continue unchallenged.

International Human Rights Standards

For the most part, Burmese women were lured into Thailand and were forced to prostitute or forcibly raped in what amounted to a form of bonded labor **or slavery**. If, because of illegally leaving the country and working as prostitutes, they are then liable to arrest and persecution on the Burmese side of the border, they should be treated as *sur place* refugees and not deported as illegal immigrants. On the other hand, if they wish to return home, the Thai government should provide the means to do so, and the Burmese government should ensure that international agencies such as the ICRC, UNHCR, or relevant international NGOs, undertake frequent and systematic monitoring of their safety and well-being.

Non-governmental organizations (NGOs), particularly local Thai groups, have played a essential role with respect to to the issues addressed in this report and acting to address them. The NGOs, both Thai and international, widely vary in their programs and objectives. They include tracing networks to assist families in finding their daughters; monitoring through intervention observation and interviews the extent of trafficking, conditions in the brothels and other abuses; negotiating and providing temporary shelter and training when possible; advocacy and legal counselling; public awareness initiatives; and a forum for policy discussions and recommendations. The Thai NGOs have actively lobbied and spoken clearly to the Thai government and international bodies on the rights of women and children and initiatives necessary to address the abuses. Though the NGOs have made some inroads with various government offices, by and large,

⁷² [This footnote should be used to cite the reports you mention, from AI to Yokota.](#)

they have not been consulted on campaign strategies and policy decisions. This is especially true for the trafficking issues raised in this report. At the same time, NGOs have been stretched far beyond their resources and mandates to cope with the increasing number of clients and increasing scope of abuse.

Given the fact that Thailand has one of the strongest NGO movements in Asia, with several hundred playing an active and critical role in addressing social issues, there are surprisingly few working on women's and children's rights specifically. Human Rights Watch is aware of approximately 30 NGOs which focus on a wide spectrum of women and children's concerns. Of these, less than ten have reached out in any way to the Burmese girls and women described in this report. Though primarily in Bangkok other NGOs assisting the Burmese girls and women are located in Chiangmai, Chiengrai and along the Thai-Burmese border. The majority of these NGOs are Thai. Human Rights Watch is aware of only two international NGOs who have specifically designed programs to reach Burmese girls and women trafficked into brothels in Thailand.

Each NGO which addresses women and children rights in Thailand is quickly overwhelmed by the magnitude of issues, the extent of the abuses and needs, the sensitivity with which they must be addressed and its limited resources. The trafficking and debt-bondage issues alone are monumental and escalating. Trafficking for prostitution in specific calls NGOs into an array of concerns including: the trafficking of rural or hilltribe women and children within Thailand, the trafficking of Thai women and children internationally, the importing of "illegals" from abroad to work in Thailand or transit through Thailand to other international markets, the growth in of sex tourism in Thailand and inherent abuses, health concerns and the impact of the sweeping AIDS virus and the involvement of government officials at all levels.

The trafficking in Burmese girls and women is a particularly sensitive issue as the Thai government has not articulated a clear policy towards Burma, Burmese asylum seekers or illegal immigrants. There are frequently government warnings of arrest and fines for anyone known to house or support an illegal Burmese in Thailand. At the same time, there is no Thai policy on trafficking and how to treat the victims. This leaves much of the NGOs work to discreet negotiations and agreements between government offices and officials which are frequently changing. As a result, most of the NGOs working most directly with Human Rights Watch did not want their names or those of their organization disclosed for fear that it could possibly threaten the confidentiality and cooperation with government offices and officials.

For example, one Thai NGO, most involved in many of the issues addressed in this report, has taken a high profile role in the speaking to the abuses and intervening on behalf of the Burmese girls and women trafficked into brothels in Thailand. The NGO's mandate is to trace, rescue, advise legally and offer temporary shelter as necessary for children whose rights are being violated. At the same time, it works to promote the respect for the rights of children and young women in the community, legal system and government policy. The NGO has worked closely with the Crime Suppression Division (CSD) of the Thai police force and Thai government officials to rescue and shelter children and young adults physically or sexually abused, abandoned and bonded in labor or prostitution. Initially the NGO primarily focused on Thai nationals. In 1990, however it began reaching out to children trafficked into Thailand from neighboring countries. In 1992 alone, this particular NGO had assisted 452 children working under conditions of slavery or young adults in life threatening situations. Over half of their caseload were girls or young women rescued from brothels of which more than one third of them were from Burma.⁷³ Working with children and young adults from neighboring countries has added additional problems. For example, many of the Burmese working with the NGO are themselves illegally in Thailand and thus has given each issue increasingly complex. Issues such as illegal immigration status, detention and deportation, language and cultural barriers and fears of human rights abuses in their country of origin are the most apparant. Once in the shelter, the NGO has the added responsibility of finding safe and often discreet ways to return the girls and young women over the border. In addition, an overwhelming percentage of those brought to the shelter are found to be HIV positive. For example in a rescue this NGO carried out in cooperation with the CSD in 1991, 19 girls were rescued (of which 15 were from Burma) and all but two tested HIV positive. The dilemma of how to inform the girls of the virus, testing, the results and future in the context of life in repressive Burma is a further responsibility. Finally, this particular NGO has a core staff of approximately 30 to cover the entire spectrum of its work.

In an effort to cope with the onslaught of issues, local Thai NGOs and international organizations have established working groups to share information, strategies, coordinate intervention and advocacy activities and provide a united voice to government policy and actions. The international network to End of Child Prostitution in Asian Tourism (ECPAT) was formed in 1990. In 1991, NGOs in Thailand formed a national committee entitled Thailand's End of Sexploitation of Children in Tourism

⁷³ This is according to the NGO's end of the year reports for 1990 - 1992.

(TESCT). The same year the Working Group to End Sexploitation in Thailand was established to address the wider issues of trafficking and need to prosecute the traffickers, brothel owners, pimps and others involved in protecting the racket. These consortiums of NGOs offer a wide range of experience and provide a collective platform to speak from, especially on such sensitive issues as trafficking and the role of the state. These committees have also provided cover for each NGO and enabled it to turn to a larger body for support and participation.

Although the recent Thai administrations have spoken positively of the work of Thai NGOs, the NGOs themselves have felt increasing pressure by the government to keep a low profile. NGOs which challenge the governments description of the problem or efforts to eradicate them are often publicly criticized and quietly watched. As a result, each NGO at different times has had to calculate carefully the issues it will raise and the consequences it will have on their work. **(Sidney I do not want to give specific details of accusations in the press as it targets individuals or organizations and highlights one issue or NGO which would be unfortunate. I will try to look through older clippings for more general government statements seen as threatening to NGOs).**

However, even if the NGOs working with Burmese women and children had no limits on their resources, there are still serious constraints on the extent with which they, as NGOs can intervene on behalf of the Burmese girls and women. Each NGO has its own mandate and the majority of the Thai NGOs clearly do not want to provide exclusively direct assistance. For instance, when NGOs were offered funding to expand their shelters for children and young adults "rescued" from slavery conditions, the NGOs were articulate in explaining the infinite demand for shelters while the trafficking and slavery issues go unaddressed. Most of the NGOs interviewed by Human Rights Watch described their work as advocates for change through research, community outreach, legal counselling and international publicity. The the NGOs were clear to explain the government roles and responsibilities that could not be undertaken directly by NGOs. For example, the NGOs are not in a position to negotiate with the Burmese SLORC the safe return of those trafficked into Thailand nor the on-going security of these victims once back in Burma, especially given the grave human rights abuses widely known throughout Burma. NGOs, however, strongly believed that they could contribute and offer a valuable consultative role in government discussions and decisions. Ultimately, the trafficking, slavery and protection abuses outlined in this report are the responsibility of the Thai government to set policy and enforce. The NGOs are trying to summons and encourage the efforts of the Thai government while assuring the rights of women and children are upheld.