

Caught Between Two Hells

**The Report Highlights the Situation of Women Migrant Workers
in Thailand and China**

Burmese Women's Union



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Design & Layout by Khun Pat Htar

Contact

bwunion04@chmai2.loxinfo.co.th

The Burmese Women's Union would like to thank all the people who have helped with this report and special thanks to the Novib Oxfam Netherlands and Yee Mon Htun, member of BWU Canada Branch for writing this report.

About BWU

The Burmese Women's Union (BWU) was established on January 7, 1995 by a group of young female student activists. These women had fled Burma for the Thai-Burma border following the military's brutal crackdown. Because of the military dictatorship's control of Burma, the women of Burma have had very little opportunity to learn about international human rights and women's rights movements.

It is the BWU's strong belief that the development of a democratic civic culture emphasizing tolerance, respect for human rights and women's rights is essential in a future democratic federal Burma and it is only through such a mechanism that the military regime's culture of oppression can be erased.

Mission Statement of the Burmese Women's Union

We are women from various backgrounds working towards empowering women of Burma as active workforces to build a society based on peace and sustainable development.

Burmese Women's Union Focus (GOALS)

- Enhance the role of women participation in the politics
- Advocacy on Women's Rights and Gender Equality
- Women's Empowerment and Capacity Building

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Executive Summary

Ten BWU researchers conducted 149 in-depth interviews with migrant women and girl workers in Chiang Mai, Mae Sot, Ranong (Thailand) and Rulli (China) between November 2006-March 2007. Women working in diverse areas of work, ethnicity and age were asked to participate in the research so that the report could represent a wide range of experiences. The research highlights the atrocious day-to-day working conditions and human rights abuses encountered by migrant women and girls working in irregular situations and provides insight into the occupational hazards and harms migrants from Burma face in Thailand and China. The interviews were designed to provide women workers with a much-needed opportunity to speak their mind and assert their own “voice” regarding their work, a power that was often denied in their host countries.

The research has showed that:

- Migrant women and girl workers from Burma have very limited work opportunities in their host countries due to their irregular status and are often relegated to working in so-called 3Ds jobs (dirty, dangerous and demeaning) with little or no labor rights.
- Migrant women and girl workers are doubly marginalized and highly vulnerable to abuses of their human rights due to both their lack of legal status and their gender.
- Security concerns for migrant women and girl workers are grave as they regularly experience threats of sexual harassment and violence while working in host countries.

The BWU strongly urges the SPDC and governments of the host countries to consider migrant workers' needs and basic human rights. BWU insists that international human rights law be upheld and states work to protect migrants working in irregular settings, by protecting their human and labour rights, and by providing channels for redress when they are abused.

Acknowledgement

ONE OF THE REASONS why very little has been written on the situation of migrant women and girl workers from Burma living in Thailand and China until now, is the fact that despite being victims of widespread human and labour rights violations, women desperately need their incomes. Migrant workers fear that by reporting these violations, their work could be jeopardized and deported back to Burma and human rights groups are unable to guarantee that this will not happen.

This report makes it clear that the root cause of the problem that women workers face originates from the military regime in Burma. Burmese Women's Union (BWU) hopes that knowing about the plight of migrant workers, activists, stakeholders and employers, would rally to the cause of the migrant working in irregular situations and act to rectify the exploitative labour practices harming them.

The BWU would like to thank Novib Oxfam (Netherlands) and Rights and Democracy for making the publication of *Caught Between Two Hells* possible. Special thanks must be given to Yee Mon Htun who is the author of this report and member of BWU Canada Brach, Jackie Pollock, Pranom Somwong, Micheline (Mika) Lévesque, Therese Caouette and Mary O' Kane for their feedback and kind assistance in editing this report and Tracy Thin N. Htun for her invaluable statistics and graphs.

Last but most importantly, this report would not have been possible without the participation of the numerous brave women and girls who dared to speak out despite their fears and threats against their security. This report is dedicated to them and the brave women in my life: my mother and my sisters who taught me the value of courage and being strong.

Burmese Women's Union

Chapter 1

Introduction: Burma's Culture of Migration

THE INSPIRATION for this report came from the Burmese Women's Union's (BWU) extensive social work with migrant women and girl workers from Burma¹ in Chiang Mai, Mae Sot, Ranong in Thailand, Mizoram in India, and Rulli in China. It was brought further into being by numerous conversations BWU members had with women, men and children in the migrant communities about their lives. Migrant women and girl workers repeatedly expressed their frustration at loosing their 'voice' in their fields of work and host countries and the powerlessness associated with being an migrant worker in an irregular setting². Many wanted to share their personal stories of experiencing a living hell in Burma, only to live day in, day out in another hell outside Burma.

Migrant workers living outside their country of origin can be found all over the world. According to a 2004 estimate by the International Labour Organization (ILO), there are more than 90 million migrant workers living and working outside their country of origin.³ The reasons for migrating vary depending on individual circumstances, but for migrant workers from Burma, it is often the only option available for survival. Many of these migrant workers leave Burma to escape extreme poverty, human rights violations, persecution and ongoing armed conflict under the Burmese military regime known as the State Peace and Development Council (SPDC).

More than four decades of military rule and economic mismanagement by the regime have transformed Burma from a once prosperous nation rich in natural resources, to one of the most impoverished countries in the world.⁴ A 2004 report by *The Economist* estimated that 75 percent of the population lives

¹ The term "Burma" will be used instead of "Myanmar" by the Burmese Women's Union (BWU) as the latter is the name changed by the Burmese military regime following a coup d'état in 1989. The military regime enforced the name change in an attempt to disassociate itself from the atrocities and human rights abuses committed in "Burma". Therefore, the term "Burma" as opposed to "Myanmar" is often used by the BWU and organizations within the Burmese pro-democratic movement to symbolize resistance to the Burmese military regime's rule.

² The ILO has noted that "People who enter or work in countries without legal authorization have been labeled illegal... 'Illegal migrants' has a normative connotation that conveys the idea of criminality." Source: Amnesty International, *Living in the Shadow*, Amnesty International Publications (2006), p. 7. So for the purpose of this report, the term irregular migrant or migrant in irregular situation will be used instead 'illegal migrant'.

³ International Labour Organization (ILO), *Facts on Migrant Labour* (2004).

⁴ The Economist, *Country Profile 2004: Myanmar (Burma)* (2004).

below the poverty line in Burma and the country has the lowest gross domestic product (GDP) per capita in a region that includes Bangladesh, Laos, Thailand, Malaysia, and Vietnam.⁵

This economic turmoil coupled with Burma's lack of infrastructure, poor healthcare and education⁶, decades of oppressive military rule, systemic persecution of ethnic minorities, ongoing civil war, forced relocations and forced labor has served to make the future a bleak and unstable one for the people of Burma. Thus for many, survival is no longer feasible in Burma and they must venture abroad to seek better lives for themselves and their families.

A 2000 report by the BWU, *Cycle of Suffering*, describes the internal conditions within Burma as “push factors” and external influences, such as the neighboring countries’ booming economy and high currency value, being “pull factors” equally responsible for the migrant workers’ migration. What is worth noting about the current exodus⁷ of people from Burma is that as conditions inside Burma deteriorate with each passing year, the “push and pull factors” have not changed, but rather the former factor is becoming a stronger factor behind people’s migration. This phenomenon of on-going mass migration we refer to as Burma’s *culture of migration*. Migration, both within the country and cross-border, has become a cultural phenomenon because it is not exclusive to the most marginalized and oppressed but has become a cultural norm in nearly all walks of life in Burma and is something that people from all different regions of Burma partake in. In addition, migration itself has been transformed from an economically driven process to that of survival from crushing poverty and human rights abuses.

Although refugees and migrants are nearly indistinguishable from one another and both groups leave Burma for their survival under SPDC’s oppressive rule, the international community has made clear distinctions between those who are refugees and migrants. Under international law, a refugee is “a person who is outside his or her country of nationality or habitual residence; has a well-founded fear of persecution because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail himself or herself of the protection of that country, or to return there, for fear of persecution”.⁸ However, in Thailand, the Thai government only recognizes refugees as people fleeing directly from armed

⁵ Ibid.

⁶ Burma ranks 190 out of 191 countries in terms of health care delivery and by contrast to the 30-50 percent spent on the armed forces, the government allocates only 3 percent of its budget to health and 8 percent to education. Source: Social Watch, *Extended Data of Myanmar-Burma*, available at

www.socwatch.org.uy/en/fichasPais/ampliado_137.html

⁷ According to *Refugee’s International* states that the flow of people out of Burma is Southeast Asia’s largest migration movement. www.refugeesinternational.org

⁸ The 1951 Convention Relating to the Status of Refugees , www.unchr.ch

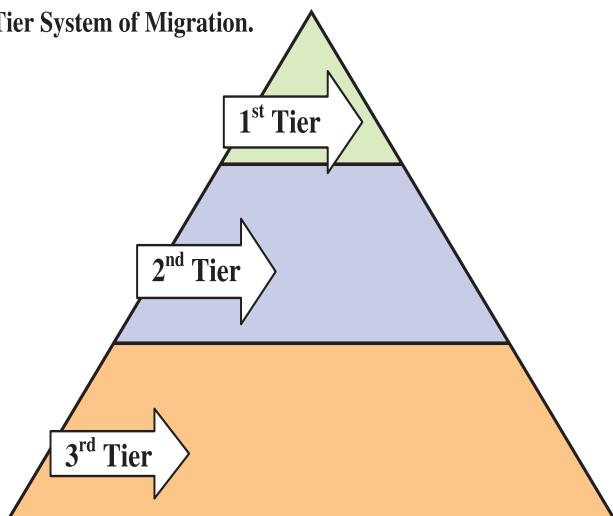
conflict and those who are thus recognized are then housed in refugee camps have been granted United Nations High Commissioner for Refugees (UNHCR)'s persons of concern status and reside in refugee camps along the Burma borders whereas the significantly larger population of migrant workers is not afforded similar protection or status. According to a 2006 estimate by Refugees International⁹, there are approximately 250,000 refugees from Burma in the neighboring countries of Thailand and India while estimations for the number of migrant workers from Burma is around 2 million in Thailand alone.¹⁰ The report's discussion of migration and analysis of the *three-tier system of migration* will be limited to that of migrant workers from Burma alone and not refugees.

The Three-Tier System of Migration

Burma's *culture of migration* is hierarchical and an individual's placement within it depends on numerous factors including economic status, social status, relationship with the SPDC, ethnicity and the sex of the migrant. The host country that one ends up migrating to and the migrant's social mobility within that society is directly affected by the individual's placement within the three-tier system and circumstances in Burma prior to leaving. Therefore, individuals in the direst situations often move at the bottom of a hierarchical system of migration. This process and the distribution of the migrant population are best represented in the form of a pyramid shaped three-tier system

Figure 1.1: The Three-Tier System of Migration.

- Developed countries of the Global North
- Developed Countries of the Global South
- Host Countries such as China and Thailand that employ irregular migrant workers from Burma



⁹ <http://www.refugeesinternational.org/>

¹⁰ A. Panam, *Migrant Domestic Workers: from Burma to Thailand* (2004), p. 9. This estimation is a rough estimation as irregular migrant workers' lack of documentation and avoidance of authorities prevent exact count the actual figure is expected to significantly higher.

The top tier (tip of the pyramid) is occupied by the affluent and/or influential, followed by a slightly wider middle tier of similarly affluent or privileged migrants and the bottom of the pyramid/the lowest tier's wide base is used to illustrate that the majority of Burma's migrant population are found within this third tier.

The three-tier system of migration is categorized according to the level of safety and mobility attached to working conditions and employment opportunities available to the migrant. Thus each ascending level represent or signifies better prospects for the migrant than the previous level. Migrants in the top/first tier tend to be a limited number and a small group of individuals compared to the bottom tier, as they are a minority group of individuals within poverty-stricken Burma, who have a significant amount of affluence and education. Therefore, they are able to find the means of migrating to their host countries that are developed countries of the Global North¹¹. Furthermore, this group of migrants is able to use their affluence to leave Burma through conventional channels, holding legal passports and valid visas. It is worth noting that while desperate migrants who migrate for survival must work in their host countries, affluent migrants of the first tier have also migrate to further or continue their education and/or to seek permanent settlement.

Migrants who constitute the second tier make up a larger group than the first tier due to a combination of factors: closer proximity, bi-lateral agreements, laxer entry restrictions in countries such as Japan and Singapore. Characteristics of migrants in this group are quite similar to those of the first tier in terms of affluence and education. The only difference between the two tiers is often an increase in migrating volume, poorer working conditions and migrant labor rights. Another common attribute shared by both groups is an overrepresentation of male migrants as women are unable to travel freely using 'official' means under the SPDC's international and domestic travel restrictions.¹²

According to the SPDC's regulations, women between the ages of 16 to 25 must travel in the company of a legal guardian. These restrictions were created by the SPDC under the guise of protecting women from trafficking but in reality they serve to discriminate women. According to Brenda Belak (2002), women under the age of 30 years old had not been able to obtain work passports since May 1996 but these restrictions have been relaxed more recently, as the regime has used the issuing of passports as a money-making business for their coffers. Furthermore, women have also been unable to receive overseas study passports without obtaining government sponsorship. Lack of financial resources

¹¹ These host countries include: Australia, Canada, New Zealand, United Kingdom, and United States as well as European Union. Their number is also limited due to various entry restrictions by the host countries of the Global North.

¹² B. Belak, *Gathering Strength Women from Burma on Their Rights*, Images Asia, (2002), p. 195

has also prevented many women from obtaining the prohibitively expensive identity cards (which allow for travel in and out of Burma).¹³

These travel restrictions combined with poor economic conditions leave women with no choice but to become irregular migrant workers migrating at the bottom of the three-tier system.

Life at the bottom: Migrant Women and girl workers of the Third Tier

The third tier is starkly different from the first and second tier in that it is composed almost entirely of migrants working in irregular situation and women and girls constitute a significant segment of the migrant population. For these migrants of third tier, finding work is the sole purpose of their migration and their families' survival are often dependent on their remittances. Countries such Thailand, Malaysia and China are the host countries for most of the irregular migrant workers from Burma as there is a high demand for cheap labor in the dirty, demeaning and dangerous jobs (3Ds). However, these migrant workers' employment opportunities are severely limited in their host countries, as they do not have legal permission to remain and unlike their fellow migrants of the first and second tier, they are most vulnerable to exploitation, marginalization and abuse at the hands of unscrupulous employers and officials due to their lack of legal status.

Without effective legal protection in their host countries, migrant women and girls from Burma and their families are left vulnerable to the attitudes, whims and ethics of their employers and host countries. Under these conditions, just and fair treatment is not a matter or legal right, but an arbitrary act of charity. The reality is that most undocumented migrants have no recourse to the abuses they face. As this woman migrant from Burma explains:

"I have been verbally threatened and physically hurt by my employer and psychologically scarred by my life in exile but the worst aspect of being[a migrant in an irregular situation] is that there is no law on our side, no protection, no safety and least of all rights. So unless I am able to go home to a better Burma, my life is bound to remain the same." (Ma¹⁴ Pwint Oo: 42 years old, day worker at an agricultural farm)

"The tragedy of the situation of migrant workers from Burma is that many leave Burma to escape human rights abuses only to experience the denial of basic human rights and human dignity all over again. We dream that things will be better here so we come but we didn't know that here we will face

¹³ Ibid, p. 198.

¹⁴ Ma is the Burmese equivalent of Ms. and is often placed before women and girls names in Burma.

other types of problems and have little more value than a dog in another person's country.” (Ma Nam Mo Kham: 37 years old, construction worker)

Research Methods: Giving a Voice to the Voiceless

This report will highlight the experiences of irregular migrant workers at the bottom of Burma’s three-tier system of migration with specific focus placed on migrant women and girl workers. The study find that migrant women and girls are further discriminated against because of their gender and face more harrowing ordeals than their male counterparts. The different types of ‘women’s work’¹⁵ will be discussed in this report along with their associated occupational hazards and difficulties.

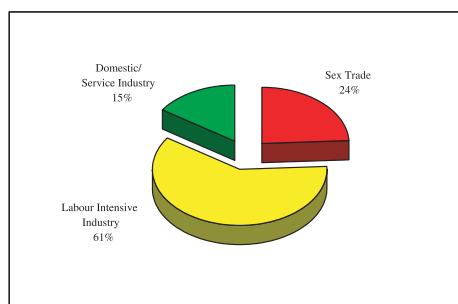
Research Methodology

Ten BWU researchers conducted 149 in-depth interviews with migrant women and girl workers in Chiang Mai, Mae Sot, Ranong (Thailand) and Rulli (China)¹⁶ between November 2006-March 2007. These 4 sites were chosen, as there are high concentrations of migrant workers, and particularly women, from Burma. Women working in diverse areas of work, ethnicity and age were asked to participate in the research so that the report could represent a wide range of experiences.¹⁷

Table 1.1: Migrant Workers Occupational Distribution.

Occupation	N	Percentage (%) (rounded to the nearest number)
Sex Trade	36	24
Domestic/ Service Industry	23	15
Labour Intensive Industry	90	61
Total	149	100

Figure 1.2: Migrant Workers Occupational Distribution.



¹⁵ This refers to the gender-stereotyped types of work opportunities open to migrant women in the private/domestic and service sectors. Most of these types of work have little or no mobility and the women workers are severely underpaid.

¹⁶ The 4 research sites are: Chiang Mai, Mae Sot, Ranong (Thailand) and Rulli (China) and the interviews were conducted in November 2006–February 2007.

¹⁷ Due to ethical consideration, certain names were not collected in order to protect the interviewees' safety and confidentiality.

Table 1.2/ Figure 1.3: Detailed Occupational Distribution of Migrant Workers.

Occupations	N	Percentage (%)
Domestic Worker	1	0.7
Agriculture	17	11.4
Cleaner in Office	1	0.7
Construction Worker	10	6.7
Cook In Factory	1	0.7
Domestic Worker	7	4.7
Domestic Worker/Water/Factory	1	0.7
Fishery Factory	1	0.7
Food Factory	3	2.0
Former Bride	2	1.3
Garment Factory	54	36.2
Garment Factory Piece workers	1	0.7
Garment Factory/ Nanny	1	0.7
Restaurant Cook	1	0.7
Sex Worker	34	22.8
Shopkeeper	5	3.4
Shopkeeper/Domestic Worker	1	0.7
Shopkeeper/Garment Factory	1	0.7
Supervisor in Garment Factory	2	1.3
Varies	1	0.7
Total	149	100

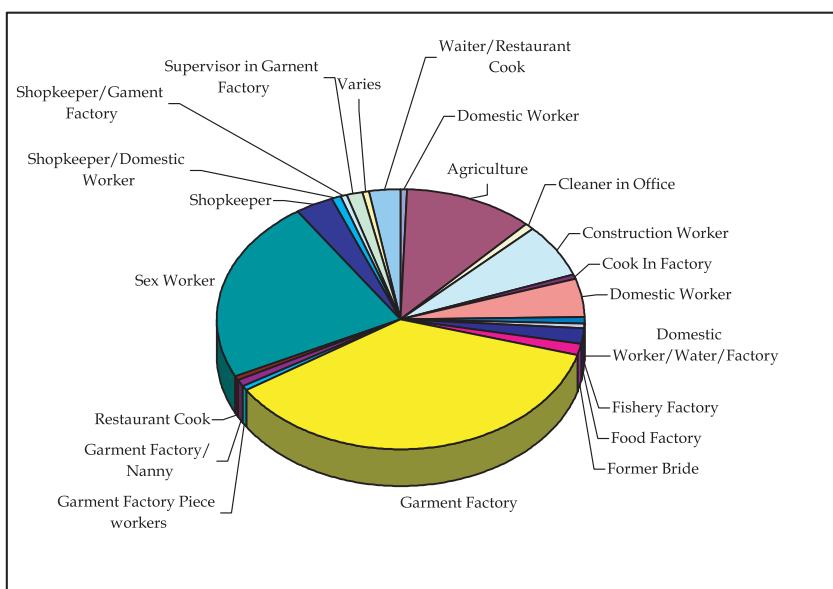


Table 1.3 : Migrant Workers Ethnicity & Place of Origin.

Place of Origin	N	Percentage (%) (rounded to the nearest number)
Arakhaing State	4	3
Chin State	5	3
Kachin State	15	10
Karen State	7	5
Kayah State	11	7
Mon State	18	13
Shan State	13	9
Irrawaddy Division	9	6
Magwe Division	11	7
Mandalay Division	11	7
Pegu Division	11	7
Rangoon Division	12	8
Sagam Division	13	9
Taninthayee Division (Tavoy)	9	6
Total	149	100

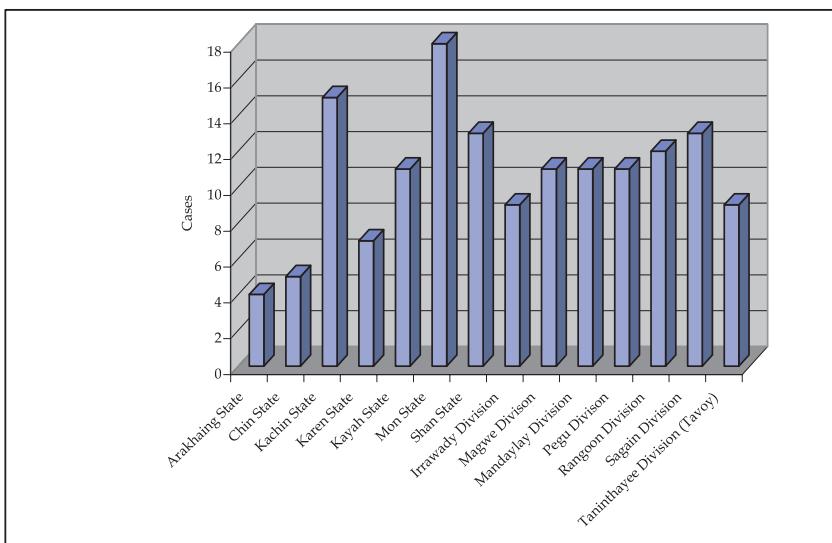
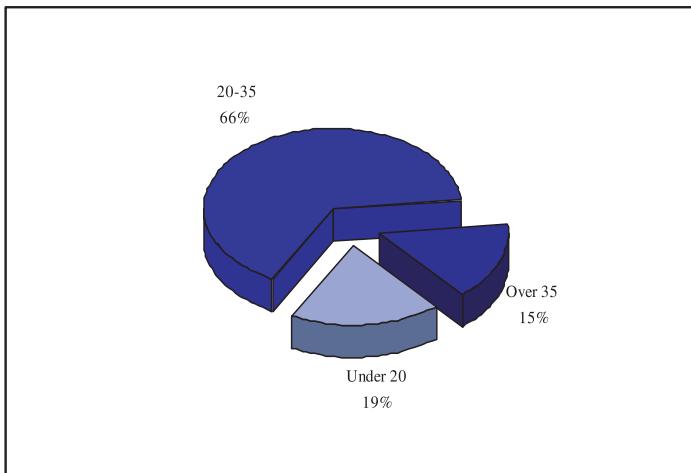
Figure 1.4: Migrant Workers Ethnicity & Place of Origin.

Table 1.4: Migrant Workers Age Distribution.

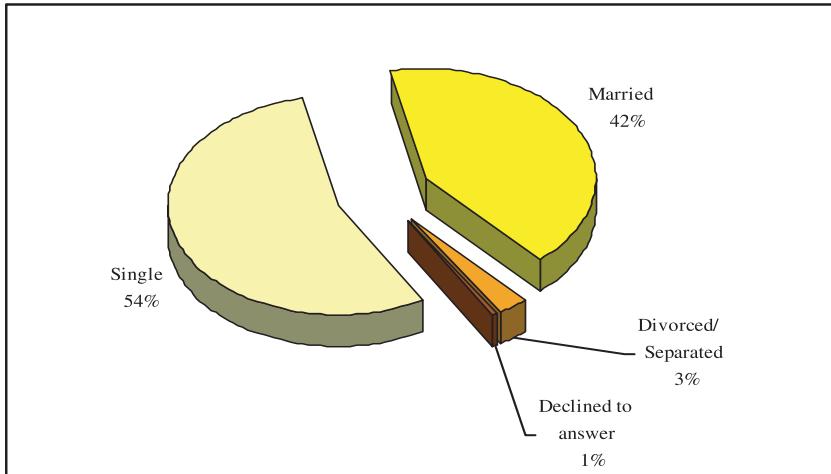
Age	N	Percentage (%) (rounded to the nearest number)
Under 20	28	19
20-35	98	66
Over 35	23	15
Total	149	100

Figure 1.5: Migrant Workers Age Distribution.**Migrant Worker Age Statistics:**

Average Age	26
Median	25
Mode	22
Range	36
Minimum Age	13
Maximum Age	49
Count (N)	149

Table 1.5: Migrant Worker Marital Status Distribution.

Marital Status	N	Percentage (%) (rounded to the nearest number)
Single	82	54
Married	62	42
Divorced/ Separated	4	3
Declined to answer	1	1
Total	149	100

Figure 1.6: Migrant Worker Marital Status Distribution.

The interviews were conducted in a semi-structured manner that encouraged the participants to discuss their pasts (inside Burma), their present work and their future aspirations.

The following chapters will present the main themes that emerged from the research interviews and the common experiences revealed by the migrant women and girl workers across their varied fields of work is that:

- § Migrant women and girl workers from Burma have very limited work opportunities in their host countries due to their irregular status and are often relegated to working in the 3Ds jobs that are dirty, dangerous and demeaning with little or no labor rights.
- § Migrant women and girl workers are doubly marginalized and highly vulnerable to abuses of their human rights due to both their lack of legal status and gender.
- § Security concerns for migrant women and girl workers are grave as they regularly experience threats of sexual harassment and violence while working in host countries.

Chapter 2 discusses migrant women's journeys and the factors leading to their migration. Domestic work and the tribulations of migrant workers in the service industry will be examined in Chapter 3. The fourth chapter is dedicated to migrant workers employed in labor-intensive work sectors such as factory, construction and agriculture work. Chapter 5 explores the experiences of migrant sex workers from Burma. Occupational hazards will be presented in Chapter 6 along with the interviewees' needs for a brighter future. This will be followed by a discussion of International Conventions and the necessity of

protecting the human rights of migrant workers and the BWU's recommendations on promoting migrant workers' rights.

It is the BWU's hope that by writing about these brave migrant women and girl workers' sacrifices, hardships, perseverance, and their future hopes, their voices will be heard by others and advocates will work to ensure that migrant workers' human rights will be protected. However, before these themes can be presented, the factors that drive women and girl workers from their home country must first be explored.

Chapter 2

Leaving ‘Home’

*She packs her few belongings and says words of goodbye,
To the loved ones she’s known all her life and
Good friends that have been the bedrock of her life.*

*Tears are hidden behind her brown eyes and
With one last glance, she leaves everything she has known behind.
She wonders when she will see them again,
But she can’t afford to have sorrow ruin her plans.
Over there, it must be better than here and my sacrifice will give
Them a brighter future and a better life for all.*

*The journey is perilous and with each passing hour,
She grows afraid at the talks of checkpoints, officials and
The uncertainty of it all in the foreign land.*

*But she puts on her brave face and
Dreams of all the things she might do
Once she is over there and when life is no longer bleak.
The money she would save to send home and
The looks of joy on her loved ones’ faces.
Just a little bit farther and soon hope shall wash over.¹⁸*

Poverty, ‘No Future’ and the Need to Provide: Why Migrant Women Leave

Based on the research findings, the migration process is best categorized as occurring in three phases: the decision process, traveling to place of work and the work itself. The purpose of the chapter is to examine the first two stages of the migration process as discussed by migrant women who participated in this research: the decision to leave and the risks of traveling to places of employment. In doing so, this chapter commences analysis of the factors that make female migrants from Burma vulnerable in their places of work.

Women and girl migrants interviewed for this research report stated that their decision to leave Burma were prompted by both the need to flee a perilous situation inside Burma and by the promise of a better life in the host countries. The decision for migration is reached only when other options have been exhausted and their situation and that of their family’s becomes dire. However, as conditions inside Burma deteriorate and human security is

¹⁸ Y. Htun (BWU), *Caught Between Two Hells* (2007).

threatened by the SPDC regime, migration has become culturally a predominant means for survival for the majority of the people in Burma.

The three most common reasons guiding migrant workers' decision to leave their homes in Burma according to the interviewees are: extreme poverty, lack of a future inside Burma under the SPDC and familial obligation. The research findings show that there is usually no clear-cut distinction between the aforementioned reasons and in fact, the three factors interlink and compel women and girls to leave their country and maintain Burma's *culture of migration*. The following sections will explore each of the reasons for leaving Burma, the migrant's arduous journey to host countries and factors that make migrant women worker's vulnerable to exploitation and abuse in their host countries.

Extreme Poverty and Living a Day-to-Day existence

"As you know life is hard here but then again it is worse back home. I spent most of my time waiting to hear about things getting better at home but as time goes on, things get worse more with each day. I think that it even worse now than when I left. The living standards continue to deteriorate to the point that I can't imagine it getting better any time soon...I left because it was almost impossible to make a living. We barely had enough to eat. The difficulties at home made me think life would be better abroad...My mother was a widower and she could not support us all so I thought I would help support her by working in Thailand. It was impossible to support her by working inside as the pay was very little so I had to leave."

(Anonymous: 38 years old, construction worker)

The theme of economic hardship and instability was expressed by nearly all the women interviewed demonstrating that extreme poverty is a widespread problem that cuts across different ethnicity and socio-economic backgrounds. Furthermore, migrant women and girl workers stated that many had tried to cope with the extreme poverty in Burma by working in numerous jobs prior to their departure. However, inflation and the cost of living is simply far too high and wages collected from long hours of work were unable to cover even basic necessities such as rice.

"I don't think I know anyone from my village who did not have a difficult time surviving because of the dire poverty. Everyday was a struggle...My family couldn't survive on a single income alone so I thought I would work in rice paddy fields to help support my family. I worked over 12 hours straight, each day from 6 am to 6 pm and only got 500 Kyats

a day. It was nowhere near enough because the price of rice is between 8,000- 10, 000 Kyats per bag of rice¹⁹, so I knew that my life in Burma couldn't possibly get better and if I wanted to help my family, I needed to leave. That's when I decided to leave home." (Ma Moe Moe: 30 years old, live-in domestic worker)

Interviewees explained that in Burma, wages from each day's hard work would only be enough for the next day and this cyclical existence of working for day-to-day proved to be futile for many. Thus the desire to be able to better provide for their family amidst extreme poverty coupled with the necessity to save money, compelled women to make the decision to leave Burma.

"Each day everything we earn is gone. All my wages and my family's wages are gone due to the high prices and inflation. We had no such thing savings or being financially stress-free. It dawned upon me then that there was no chance of my life getting better in Burma so I told myself I will come to Thailand and do whatever I must to work in Thailand. I heard from others who had left, that working in Thailand was the only way of improving your life, so I made up my mind and came here." (Ma Molly: 29 years old, construction worker).

Future, What Future?" - Leaving a Life of Instability under the SPDC

When asked as to why they left, a common response from the migrant women and girl workers was at times simply two words, "no future". According to the interviewees, a "future" for many meant being able live safe and secure with their families, but more than four decade of oppressive military rule and serious, grave, systematic, and widespread human rights abuses by the SPDC and protracted fighting between the SPDC and various ethnic groups has made this impossible.

Since 1996, more than 2,700 villages have been destroyed by the SPDC in its military campaigns against ethnic groups and massive forced relocations, rape of ethnic minority women by SPDC soldiers, and widespread forced labor has created a state of uncertainty for many migrant women and girls.²⁰ The interviewees explained that their future and their families were inexplicably linked to that of the country and that unless conditions improved and the climate of instability and uncertainty under the SPDC disparate in Burma, they couldn't foresee their lives improving. Thus for some migrant workers, leaving Burma is the only way of escaping SPDC's oppression and turmoil.

¹⁹ A common unit of measurement for rice in Burma, which is roughly about 20 kilos. A bag of rice (depending on the size of a family) lasts only a few days.

²⁰ P. Rudnick et. all, *Threat to Peace: A Call for the UN Security Council to Act in Burma*, DLA Piper Rudnick Gray Cary (2005), p. 8.

"I was a university student, but I had to leave Burma because there were no security inside Burma. There were soldiers everywhere and these Burmese soldiers, they do whatever they wanted. They would come and steal things from the villagers and hurt them. I remember one night I was asleep and was woken up round midnight because the SPDC forces had come into our yard and were taking our livestock away. Those animals were our family's livelihood but what could we do? We dare not say anything to them because if anyone spoke up, they would hurt or kill us. If they wanted anything, they just took it and no one could do anything about it. Because of incidents like that I dared not stay close to home. I suppose in a way I wanted to leave, I was so sick and tired of constantly having to be afraid of them and what they might do to me and my family." (Ma Mway: 25, live-in domestic worker).

An interviewee wishing to remain anonymous²¹ stated that her decision to leave Burma was directly because of the SPDC's systemic human rights violations. She explained that being an ethnic minority woman, she was always fearful for her security because the regime regularly employs rape as a weapon of war in their oppressive military campaigns against the ethnic minorities of Burma. At the age of fifteen, she came across a military squad came on the outskirts of her village and was raped by one of the ranking officers. Her father demanded justice from the military officials and their response was to arrange for her to get married to her rapist.

The young woman spent the next year being abused by the SPDC officer and her injuries included several broken fingers and permanent hearing loss in one ear (from being hit in the head on numerous occasions). The aforementioned injuries were still visible at the time of her interview and despite her traumatic past, the interviewee was insistent that her story be made known to reveal the human right abuses that women suffer under the SPDC so that others might not have to suffer similar fates. She stated that she was one of the lucky ones as she finally managed to escape from her abuser and fled to Thailand to work as a migrant worker but she warned that there are thousands more women like her who suffered similar tribulations without ever experiencing freedom or even living to tell about the Burmese military regime's war crimes.

"I want the people out there to know that our country is suffering. Everyday more people come across the borders to seek refuge, be it refugees or migrant workers. With each year that passes, the more strife there is in Burma and they

²¹ See note in methodology regarding ethical concerns for interviewees' confidentiality.

(the SPDC) know about this very fact, but they just don't seem to care about us. They should try and understand, we are all from the same place and from the same country. The job of a government is to take care of us and work for the people instead the Burmese regime uses its power to terrorize its civilians and create more problems each day rather than solving them.” (Anonymous: 28 years old, factory worker)

Being a “Good Mother, Daughter and Sister” Means Leaving Burma

In addition to extreme poverty and lack of a future inside Burma under the SPDC, familial obligation is the third most common reason given by migrant workers when asked as to why they left. Women's obligation as providers for their parents and younger siblings within the Burmese culture often require that they sacrifice themselves by leaving 'home' and migrating to their host countries to work in order to support their family. Almost all the interviewees stated that they are working outside Burma for the sake of their family and are sending remittances back home. In fact, it is because of their familial obligation that many migrant women and girls choose to remain working in their exploitative work and endure abuses at the hands of their employers. The following quote is typical of many women interviewed in this study:

“As the oldest, my sole purpose for working has been for my parents. The prices are so expensive in Burma so all my earnings go towards my family and help them in their time of need in Burma. I heard from friends who had left to work across the border that there was plenty of work here so I decided that I should leave to better support my family. In retrospect, I don't think that I was fully prepared for reality. I just left thinking things would be better. I realize now that I was so very wrong... I have had quite a bit of trouble here and I know I get frustrated when I get victimized but I also know that wanting to go home is not an option. If I packed up and go then I would no longer be able to support my family and I have start all over again inside Burma and I can't do that. Working in Burma is very hard for very little money. So yes, I am unhappy but I must bear it for what other choice is there.” (Ma Aye Ni Thein: 33 years old, live-in domestic worker)

Once the decision to leave Burma has been reached, the migrant women worker must undertake the next stage of the migrant worker experience and undertake the journey of migrating to a host country.

The Journey

The participants explained that leaving 'home' is grueling, as it requires an arduous journey that is both dangerous and expensive. The SPDC's travel restrictions and high costs of identity cards leave women and girls with no choice but to take risks by traveling without the necessary documents and become irregular migrant workers in their host countries. Thus, the fear of being hassled, arrested and/or sexually assaulted by authorities and civilians on both sides of the border looms over the entire journey. Based on the BWU's interviewees and discussion with the migrant community, this experience of fearing for one's safety and body is unique to migrant women and girl workers because of their gender and this threat is often not extended to their male counterparts.

The interviewees revealed that a migrant women's journey from Burma to their destination is also a costly process, as they must often bribe their way across the different military checkpoints²² due to the SPDC's laws which prohibit women's movement within and out of Burma. Migrant women and girl workers must therefore, either resort to traveling in a group with friends or pay "carriers" (or incur a debt for these costs) to smuggle them across the border and (in most cases) help find employment in their host countries.

"Carriers" is a term used by migrant women and girl workers to refer to individuals whose main employment is to travel back and forth between Burma and various host countries transporting migrant workers. "Carriers" unlike their clients are more knowledgeable about the host countries and usually have a legal status of some sort, which allow them to travel fluidly across the border. The migrant workers often must pay for their services and the "carriers" sometimes get a fee from employers as well for bringing prospective employees. In essence, these "carriers" are traffickers of migrant workers and because the fate of a migrant worker is at times wholly dependent upon them, they often have a great deal of power over the workers. The interviewees who have acquired the services of "carriers" have revealed that often the price is not negotiated before leaving Burma and the working conditions at potential places of employment are either greatly distorted or changed at the last minute upon the migrant worker's arrival in their host countries. Incidents of debt bondage were quite common among those who had been swindled by their "carriers" and these migrant workers that were sold to their employers stated that they had work off their "sale" value by working for the employer without pay for extended periods of time (often without clear understanding of the amount and terms of repayment).

²² An interviewee explained that between Karenni state and the Thai-Burma border alone, there are nearly ten checkpoints and if you are a woman, you must pay the authorities at each checkpoint around 500 Kyats in order to arrive safely at the border.

"I left Burma from Shan State with a man who told me that he would help get me a job at his friend's ceramic factory in Chiang Mai. I was delighted and I agreed pay him 5,000 Baht for his 'help'. There were six of us altogether and we all arrived hoping to get good work. Instead when we arrived, it wasn't a ceramic factory but a fabric dying facility. What was worse is that the boss locked us all up and made us work for more than twelve hours each day dying fabric. It was so tiring and my hands were irritated by all the unhealthy dye... I knew that my 'carrier' lied to me but I did it anyway because I thought that at least at the end of the month I would get some money. Instead when the end of the month came and went, I was told by the boss that he bought us for 10,000 Baht²³ from our 'carrier' so we needed to work for a year without pay before we can get paid for our labor." (Ma Wii: 24 years old, sex worker)

In summary, the research finding reveal that the SPDC's anti-trafficking laws in reality serve to place women and girls at greater risk of being trafficked than protecting them from traffickers. Therefore, it is directly because of the regime's travel restrictions that women and girls are left with no choice but to become migrants working in irregular situations and because of this suffer a greater risk of being exploited by officials, traffickers, and employers in their host countries. Details of migrant workers' human rights abuses and exploitation in the different types of work will be explored over the next few chapters' discussion of the migrant workers' work experiences.

*The new land is different from her dreams.
Life is not better and hope did not wash over all.
It is just as dark as the country she left behind.
It is just another hell, just as bleak and cruel.
She is not wanted in this land and
Is treated as if she were dirt below others' feet
She toils for hours that creep sleep slow towards infinity.
The dank crowded work place is packed with
Women such as her, and the lines on their face
Tell tales of sorrow, hopelessness, and weariness.*

*Razor sharp abuses from employers, threats of being deported
Have driven her soul and soon the youthful flair she had is gone.
She can't remember happiness or imagine*

²³ Approximately about \$ 300 US.

What it had felt like when it streamed into her life.

It is gone like the sun in her midnight sky.

She tries hard to be strong and remembers the need to be brave

"Their survival depends on me", she tells herself and,

"It will just be a little while" but until that bright shiny future arrive,

She remains an invisible woman caught between two hells.²⁴

²⁴ Y. Htun (BWU), *Caught Between Two Hells* (2007).

Chapter 3

Domestic Work and The Service Industry

Migrant Workers and “Women’s Work”

FOLLOWING THE migrant worker’s decision to leave Burma and the journey to their host countries, the third and final stage of the migration process starts: working. This chapter is dedicated to discussing the research findings about this stage of the migration process and what different types of “women’s work” entail for migrant workers. The term “women’s work” refers to the limited and at times gender-stereotyped fields of work, which migrant women and girl workers must contend with outside of Burma. Examples of these jobs are prominently service orientated such as domestic work and service industry work, albeit no work consists exclusively of one gender only. The different types of work discussed in this report do not provide an exhaustive account of all work female migrant workers participate in but they are work sectors in Thailand and China that are overrepresented by migrant women and girl workers.

This chapter and the two subsequent chapters’ discussion of the different types of “women’s work” aims to demonstrate the differences in responsibilities and work settings, the following underlying theme that emerged from this study:

- Migrant women and girl workers from Burma have very limited work opportunities in their host countries due to their irregular status and are often relegated to working in the 3Ds jobs that are dirty, dangerous and demeaning with little or no labor rights.
- Migrant women and girl workers are doubly marginalized and highly vulnerable to abuses of their human rights due to both their lack of legal status and gender.
- Security concerns for migrant women and girl workers are grave as they regularly experience threats of sexual harassment and violence while working in host countries.

This chapter focuses specifically on female migrant workers’ experiences in the sectors of domestic work and the service industry,²⁵ however, before these themes can be presented it is important to understand who the

²⁵ The service industry refers to migrant interviewees working as cooks, waiters, and retail salespersons. To simplify the categorization, they will henceforth be referred to as service industry employee/personnel.

migrant women and girl interviewees were and examine their daily experiences of working as domestic workers and service industry employees.

Cooking, Cleaning, Selling and Serving Others

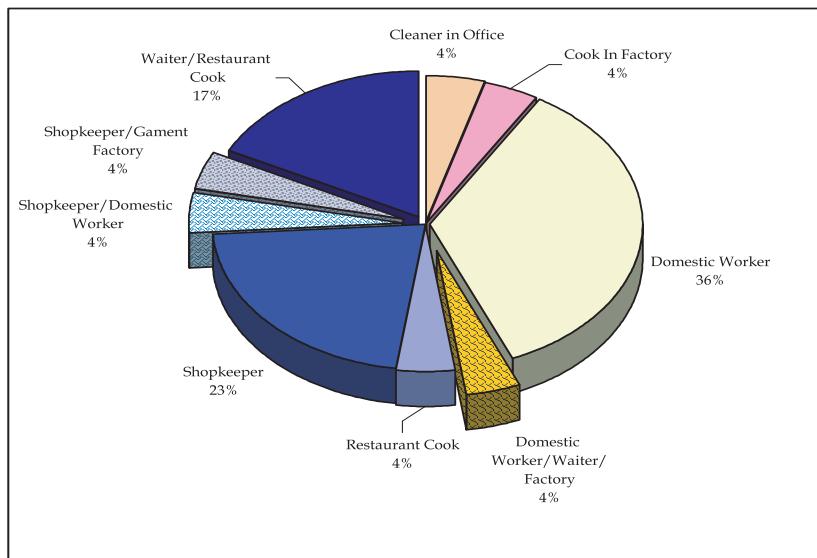
The Women of Domestic Work and the Service Industry

The migrant workers interviewed for this category included: live-in domestic workers, domestic workers, cleaners, cooks, servers, and retail employees/salespersons. The age range of the women and girls employed in this field of work was between 18- 33 years old and the interviewees were working in Chiang Mai, Mae Sod and Ranong (Thailand) at the time of the interviews. Domestic workers and service industry employees made up approximately 15 % of the research sample.

Table 2.1: Domestic & Service Industry – Occupational Distribution.

Occupation	N	Percentage (%) (rounded to the nearest number)
Cleaner in Office	1	4
Cook In Factory	1	4
Domestic Worker	8	36
Domestic Worker/Waiter/Factory	1	4
Restaurant Cook	1	4
Shopkeeper	5	23
Shopkeeper/Domestic Worker	1	4
Shopkeeper/Garment Factory	1	4
Waiter/Restaurant Cook	4	17
Total	23	100

Figure 2.1: Domestic & Service Industry – Occupational Distribution.



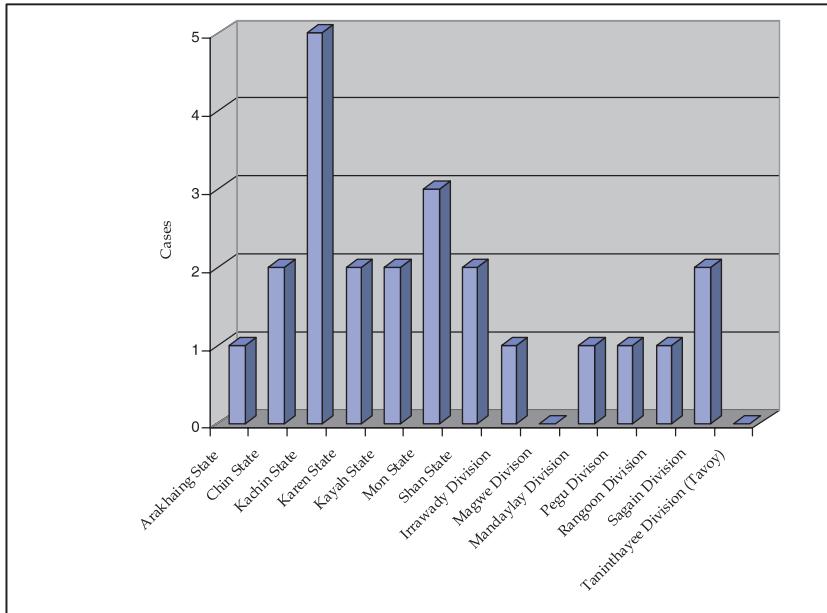
Domestic Workers (solid Beige tones) –	44%
Service Industry Workers (solid Blue tones) –	44%
Both (Textured) -	12%

The number of interviewees from this category was significantly lower than the other types of work examined in this report due to the nature of their work. It was particularly challenging for the BWU's researchers to interview live-in domestic workers as most interviewees were unable to leave their places of work and certain employers prohibited interviews from taking place at their homes. Furthermore, it was difficult to schedule interviews with several service industry employees as they worked seven days a week so interviews had to be conducted while they were working when there was a "slow period" with few or no customers. Therefore, the final number of interviewees in this category were lower than the initial estimation as some interviewees who had expressed interest in participating in the research had to withdraw due to reasons including: disapproval from their employers and their refusal to allow those working for them in participating, lack of time-off work and/or inability to schedule the interview while working, and inability to leave their places of employment for the interview. It may also affect the findings of the report. Since we were only able to interview domestic workers whose employers were compliant and who had time off, our findings cannot represent the thousands of domestic workers who are not allowed any time off and cannot speak to researchers like ourselves, and for whom, presumably the pay and conditions of work are much worse than those interviewed.

The migrant workers who were able to participate in the interviews came from Arakhaing, Chin, Kachin, Karen, Karenni, Mon, and Shan States in Burma.

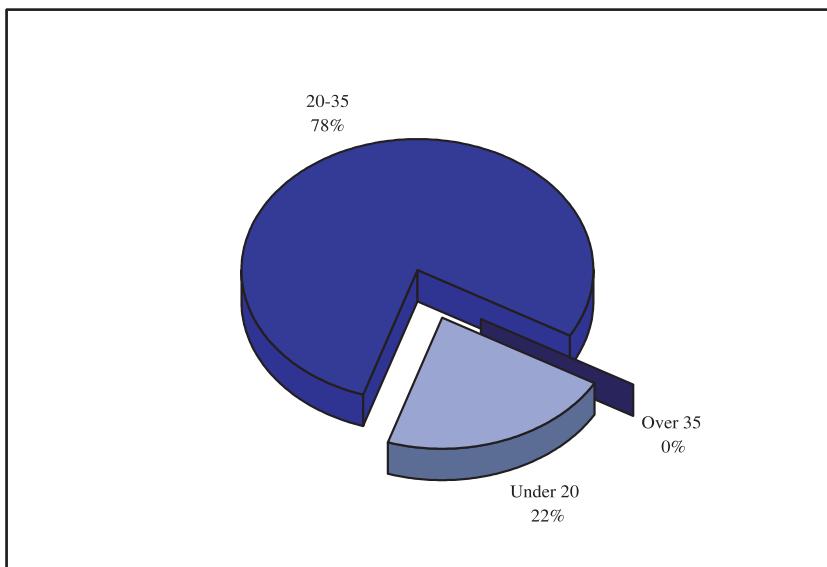
Table 2.2: Domestic & Service Industry Workers – Ethnicity & Place of Origin.

Place of Origin	N	Percentage (%) (rounded to the nearest number)
Arakhaing State	1	4
Chin State	2	9
Kachin State	5	22
Karen State	2	9
Kayah State	2	9
Mon State	3	13
Shan State	2	9
Irrawaddy Division	1	4
Magwe Division	0	0
Mandalay Division	1	4
Pegu Division	1	4
Rangoon Division	1	4
Sagam Division	2	9
Taninthayee Division (Tavoy)	0	0
Total	23	100

Figure 2.2: Domestic & Service Industry Workers – Ethnicity & Place of Origin.**Table 2.3: Domestic & Service Industry Workers – Age Distribution.**

Age	N	Percentage (%) (rounded to the nearest number)
Under 20	5	22
20-35	18	78
Over 35	0	0
Total	23	100

Figure 2.3: Domestic & Service Industry Workers – Age Distribution.



Domestic & Service Industry Worker Age Statistics:

Average Age	24
Median	24
Mode	19
Minimum Age	18
Maximum Age	34
Count (N)	23

Some women had worked as irregular migrant workers for more than fifteen years while others were only in their first year of work but on average most interviewees had been in their host countries for over five years. The majority of the women workers (70% of the interviewees) were unmarried but every one had dependents as they were sending remittances to support 2-6 family members inside Burma. The education levels between the different migrant women and girl workers ranged from having no formal education to completing post-secondary degrees.²⁶ It is worth noting that the university graduates tended to express more ambivalence and frustration towards their work than the other interviewees, as they were unable to work in their fields of study. Migrant women and girls who completed high school also voiced similar

²⁶ There were 3 interviewees who obtained a Bachelor of Law (2) and Bachelor of Science (1). However, the majority of the women usually did not complete high school.

disappointments as they had hoped that an education would afford them more work opportunities to support their families in Burma but were unable to do so.

"These days in Burma an education no longer gets you a job, it's more important how you are connected to the SPDC and how much you can bribe... I used to be so idealistic thinking that I can work for change using the law but the reality is, it is foolish to think about things like that. Just look at me! I have a law degree but my family has no future unless I work as a waitress in my host country.

What was the point about learning about all those legal doctrines and principles when all I do each day is serve food, clean tables, dishes and smile to the customers and my boss as if there is nothing wrong with my life and that I am happy to work as a waitress. If I had known that this would be my life, I would not have bothered studying hard or spent all that money on my education, I would have instead left Burma sooner." (Ma Ah Naan: 23 years old, waitress)

Working Hard for Her "Migrant" Money

Domestic workers were usually paid a monthly wage while service industry personnel (depending on their employer) received either a daily wage or a monthly wage. The pay for the domestic workers ranged from 800-7000 Baht (\$ 25- \$ 215 US) a month.

Domestic workers in Mae Sod made the least amount money compared to workers in Chiang Mai and Ranong as it is a popular port of entry for migrants traveling to Thailand and there is large pool of potential employees vying for the limited positions so employers are able to pay wages that are significantly lower than the national minimum standards.²⁷ The average wage for domestic workers in Mae Sod were around 2000 Baht/month, whereas in Chiang Mai a domestic workers usually earned around 4000-5000 Baht/month

Service industry employees made between 3500-5000 Baht (\$ 108-\$ 154 US) a month or 60-150 Baht (\$ 2- \$ 5 US) a day. While it is clear that on average domestic workers made more than service industry employees, they also had to work longer hours.²⁸ In fact, there were several service industry interviewees revealed that they used to work as domestic workers but left due to the hard work, lengthy hours, abhorrent working conditions and incidents of

²⁷ The minimum wage per day under Thai national law is between 143-191 Baht a day depending on the worker's province. In the case of migrant workers, a day's wage can be as low as 26 Baht a day due to their irregular status.

²⁸ Most live-in domestic workers described their average day as ranging from 12-14 hours and their work week: 84-98 hours/week whereas service industry employees reported somewhere between 56-84 hours/week.

physical/verbal abuse. Another difference between domestic work and the service industry is that while domestic work is almost exclusively open to migrant women and girl workers, the service industry employs both female and male migrant workers from Burma.

Themes of Double Marginalization, Threats and Limited Work Opportunities

Although female migrants working in irregular situations like their male counterparts must work in dirty, demeaning and dangerous jobs (3Ds) for long hours at low wages that are far below the host countries' standards, they experience further discrimination and threats to their security in their host countries as a result of their gender.

Female migrant workers reported being discriminated by their employers and wage disparities existing between men and women workers across numerous work sectors. Migrant women and girl workers in the agricultural, construction, factory and service industry workers reported of making less than their male counterparts even though their responsibilities were identical. Women consistently described gender discrimination as noted below:

"Do I get frustrated at times about being a woman? Yeah, I do! I sometimes I ask myself why did I have to be a woman? It only makes life harder and more complicated. I have to work both for my family in Burma and my husband here. On top of it all, my workday does not end when his does. I have to get up earlier and sleep later than him to cook, clean and take care of things around the house. And then at work, I have to work just as hard as the men doing the same strenuous tasks but at the end of the day I still make less than them. It is so unfair but what can I say? It is just the ways things are done here and my women co-workers don't say anything about it, we just accept it. I seriously think that if I have a child now, I don't want it to be a daughter. I wouldn't want her to have suffer the fate of being born a woman."

(Ma Thin Thin Aye: 31 years old, cook at a restaurant)

Threats of Sexual Violence and Harassment

In addition to the pay differential, migrant women and girl workers' work experience is different from men migrant workers in that while irregular male migrants risks being exploited by employers (as they are often unable or

unwilling to assert their labor²⁹ and human rights) because of their lack of legal status, female migrant workers are discouraged from demanding such rights not only due to fear of deportation and arrest by authorities but also by threats against their sexual and bodily integrity.

“Even though I wasn’t physically abused, I felt constantly scared for my safety living with the male employer because he liked to say inappropriate and sexually suggestive things when his wife wasn’t around. This made me scared to speak up but I finally told my boss one day that I would like getting some time off. They refused so I left...well it wasn’t easy as just leaving and I actually had to sneak out at night when they were sleeping. They tried to prevent me from leaving by constantly watching me during the day and the employer threatened that he could do anything he wanted to me should I try to leave and no one would even know. Because I was an irregular migrant worker, I was reminded constantly that if I left, I would get arrested and deported because no one else would want to employ me and then what would I do?” (Ma Ka Yin Mah: 28 years old, live-in domestic worker)

Despite employers’ threats, poor wages and deplorable working conditions, many migrant women and girls are often unable to escape their exploitative work situations as they have no access to the judicial system in their host countries. In addition, the threat of deportation, violence, and migrant workers’ lack of understanding of the laws in their host countries leave many with no choice but to remain in their exploitative work situation. Furthermore, without access to an empowered and protective community, most migrant workers remain isolated and vulnerable to employers’ abuses.

The interviewees revealed that threats of sexual violence and sexual harassment from employers and male migrant co-workers while working is a huge concern for migrant women and girl workers and it is an issue that was expressed by interviewees across the different types of “women’s work”.³⁰

²⁹ Almost all the interviewees stated that they do not have overtime pay and employment benefits from their employers. On average most interviewees had to work seven days a week without a day off. The responses reveal that obtaining a day off depends on the type of work the migrant worker did. Women employed in fields such as domestic work, service industry, sex work usually had no days off while factory workers had about one day off in a month. On the other hand, agriculture workers and construction workers’ days off depended on the season or the demands of the job. For example, a worker involved with agricultural work would have no time off during harvest and construction workers had to work continuously until the completion of their project but would have some time off in their low season.

³⁰ The physical and psychological impact of the threats to migrant women and girl workers’ security and the effects of working the 3D jobs will be explored further in Chapter 7’s discussion of occupational hazards.

Migrant women and girl workers revealed that most limited their mobility and visibility in their host countries, as they were fearful about similar threats by both the local community and the authorities. It was made clear that threats to migrant women and girl workers' security is different and more extensive from the male migrant workers' experience in that threats extend not only to employers and authorities in their host countries but also to male migrant workers from Burma themselves. Migrant women and girl workers spoke extensively about being harassed by their male migrant workers and being unable to stop them as they had no access to mechanisms of justice. Most explained that the only solution in these instances was to simply ignore the harasser and hope that they will eventually lose interest and stop pursuing them or flee to an unknown place.

Limited Work Opportunities

The interviewees were asked as to why they chose to do domestic or service work. The most common answer was that they chose their work not based on its merits but rather because they had been placed there by "carriers" or because the work paid them enough money to send back to Burma to support family members. Many explained that it was not so much as "choosing" where to work but rather working in whatever sector that they would employ them and most often these were 3Ds jobs that had a high demand for low paid migrants working in irregular situations. The research findings reinforce the theme that migrant workers from Burma are often unable to seek other forms of employment other than manual labor and service oriented work in their host countries because of their lack of legal status.

A Day in the Life

The descriptions that follow are emulated upon the interviewees' description of their average day³¹ of female migrant workers in the hopes that by hearing about the migrant women's work and adversities in their own words and through their eyes, a greater appreciation for the migrant workers' lack of labor and human rights and the need to demand for migrant workers' rights may be realized by advocates and stakeholders.

Domestic Work: From dawn until whenever they need me

A typical day for the live-in domestic workers begins around 6 a.m. in order to prepare breakfast for the employers. Once breakfast is completed, the morning is often spent doing domestic chores such as cleaning the house and doing laundry. Following the morning duties, domestic workers often had to prepare lunch and clean up after meals. The interviewees mentioned that they

³¹ However, there may be minor differences between individuals in terms of working hours and depending on their employers, the hours could be slightly shorter or longer.

are not allowed to eat before the employers or with the employers or at the same time. Furthermore, there is often no time set aside for the domestic workers' meals, breaks and work hours are almost always never standardized. If there are children or elderly family members, additional responsibilities such as caring for the children, preparing them for school and picking them up from school and/or serving as a personal nurse to the elderly must be undertaken as well.

The afternoons are usually spent continuing the workers' domestic responsibilities such as ironing clothes, picking up children and/or preparing for dinner. Once dinner has been served and the kitchen has been cleaned, it is usually evening. If the employers have children, evening tasks include showering them and preparing them for bed. It is only when the employers no longer require their services that domestic workers are allowed to end her work day³². Usually it is around 8 p.m. but if there are different circumstances such as additional house guests or parties, the interviewees reveal that their work day can go on to midnight.

However, because the majority of domestic workers interviewed are live-in domestic workers³³, there is no privacy, as the majority of the interviewees do not even have a room of their own or separation between their professional and personal life. Most are on-call all the time with no official time off from their work and are dependent on the whims of their employers. Domestic workers interviewed stated that work was usually seven days a week and the employer's expectations were so high that migrant workers are denied even basic labor rights such as day offs, sick leave and overtime pay.

Restaurant Business: Living to Serve

A typical workday for waiters, cooks and migrants working in the restaurant business, vary depending on the operating hours of the business. If the restaurant is open from morning until late afternoon, their workday begins around 5 a.m. and ends around 6 p.m. However, if the restaurant is opened only in the evening their day begins around 7-9 a.m. to assist with shopping and work in the kitchen. The staff usually has some time off between 9 a.m.- 1 p.m. but by the afternoon, they must report back to the restaurant to prepare for the restaurant's evening operating hours. Most restaurant employees end their workday around 11 p.m. or midnight.

Responsibilities of those in the restaurant business are not entirely set as migrant women and girls employed as cooks are sometimes required to serve as waiters as well if the restaurant is short staffed, and vice versa waiters must sometimes help out in the kitchen if there are too many customers. Interviewees explained that a positive work atmosphere hinged upon how well the employers'

³² (Usually around 8 p.m. but if there are different circumstances such as additional house guests or parties, the interviewees reveal that their work day can go on to midnight).

³³ The domestic worker interviewees were predominantly found in Chiang Mai and Mae Sot, Thailand.

business does financially. If the restaurant business is booming then migrant workers report of better treatment by their employers than when the business is performing poorly. Although there are migrant workers in the restaurant business who live with their employers in their place of work (similar to live-in domestic workers), there was none within our research sample from the three sites in Thailand.

Retail Work: Selling for a Better Life

Migrant workers who work in retail work as salespersons were found in all three research sites in Thailand with the greatest concentration of migrant retail worker interviewees in Chiang Mai. The retail work hours differed depending on the location and the migrant's place of work. Migrant retail workers working in places as fresh markets, supermarkets, clothing stores usually worked shifts between 5 a.m. and 9 p.m. depending on the stores' operating hours. Migrant women and girls working at places such as Chiang Mai's Night Bazaar and evening markets usually worked shorter hours than their peer retailers as their shift begin later in the afternoon (around 4 p.m.) and end around midnight. Retail work is considered to be the least strenuous work by migrant workers as their work hours of 8-10 hours are the shortest and closest to standard working hours in their host countries. Thus retail work is often described by many interviewees as being one of the most desirable forms of work.

Responsibilities of retailers/salesperson usually involve selling items on behalf of their employer, stocking the store and cleaning the store prior to opening and following its closing. Migrants working in retail explained that like migrants working in restaurants, their livelihood was dependent on how well the retail business was performing. Some workers were provided with the incentives to sell more on behalf of their employers, with certain employers awarding them monetary bonuses. However, the majority reported of being paid only a monthly wage. Those who received bonuses explained that the incentive worked as it motivated them to strive harder for the sake of both their employers and family members in Burma.

"The more I sold, the more my boss was pleased with me. I knew I needed to please her because when her business does well, she rewards me with a little extra money. That money means a lot to me because it could be the difference between my family eating rice or porridge in Burma³⁴. So now I just treat my boss' business as if it were my own for in a way the more money I bring to her, the better life that I can provide for my family." (Ma Kay Kay: 24 years old, salesperson)

³⁴ Porridge made of boiled rice is increasingly being consumed in Burma for those who are unable to eat rice due to its high price. The dish requires very little rice and is mostly liquid so that a pyee of rice can be conserved longer.

Trials and Tribulations of Working

Physical, Sexual and Verbal Abuse

The analysis of the domestic workers and service industry employees' responses revealed that despite differences in responsibilities and work settings, there were several difficulties that were commonly experienced by the interviewees. For example, women and girls in both domestic work and the service industry reported incidents of verbal and sexual abuse.

"The boss treats us based on their moods. If it's a good day at work and they get a lot of money then I get through the day without being yelled at. These days were often rare and then there are days where things are slow so you are swore at, insulted and called names and everything you do is criticized and deemed as being wrong. On those days if you do anything wrong, their usual answer and form of punishment is to deduct money from my wages. It makes me so frustrated because I barely make enough as it is. It is days like that that I wish I were anywhere else but at my work." (Ma Thami Nge: 26 years old, cook at a restaurant)

"I was showering but then my employer asked me to stop showering and get him water so I had to stop and comply. I couldn't refuse him and regardless of the state of undress I was in, I was told to report to him immediately. So I came out in my sarong and fetched him water. When I placed the glass before him, he grabbed my hand and wouldn't let go and kept stroking it. I didn't dare say anything, because I was so scared. I didn't know how to react, and when I finally pried myself free from his grip, I ran to my room shocked and so very scared." (Ma Ah Kwat: 32 years old, live-in domestic worker).

"One night, my boss was working at night with another man in the kitchen and I had to wait on them. All of a sudden he turned to me and as the other guy watched, took my hand and pressed it to the lower area of his stomach. Then he got up and placed his whole body against me and pinned me against the wall. He just acted as if nothing was wrong and smiled. He remained firmly in place as I pleaded to go and I can't recall what exactly happened but he finally moved after what felt like forever. That night after I got home, I couldn't sleep at all and felt so dirty! I didn't know whether I could go back to the restaurant the next day and face him. I wanted to

tell someone but there was no one to help me. I just spent the next few months constantly feeling scared anytime he was around me.” (Ma Moe Ni: 19 years old, waiter)

“Each night as I slept, I said to myself, this might be the night I get raped. I guess my employer wanted me to feel scared of him because when he passed my room, he’d signal that he was there by pretending to cough or pace excessively in front of my room as if he could come in anytime. Certain nights when he did this ‘routine’, I would be so afraid that I ended up staying awake the whole night. I was usually so exhausted that the next day that I could barely function. In fact, this one time after staying up all night, I was so dizzy that I passed out while bathing and was discovered by my employers. I didn’t remember anything but I hit myself in the head quite hard.” (Ma Eh Paw: 18 years old, live-in domestic worker).

Of the migrant workers interviewed, only domestic workers, and not service industry workers reported of incidents of physical abuse by employers. However, the actual incidents could be higher among service industry employees but were simply not reported by the migrant workers as the interviews were held at their work place. The worst incident of physical abuse reported was by a former live-in domestic worker. She stated that she was grabbed by the hair by her employer as she was eating and had hot soup thrown at her face and neck because she had decided to rest and eat dinner before the employer and her family. Ma N.G. stated that she suffered severe burns on her face and neck because of this incident but her employer were never held accountable and no legal action was taken against her abuser. The interviewee has vowed never to work as a domestic worker again because of this traumatizing incident.

Discrimination and Marginalization

Interviewees in both domestic work and the service industry reported to experiencing discrimination and marginalization in their work and living places. Many felt that their poor treatment and exploitation/abuse by employers can be attributed to their irregular status in their host countries and the resulting lack of power. The women and girls explained that they were aware that employers exploit them through poor wages/substandard pay and physical/verbal abuses but there is little recourse or mechanism of justice available for them because of their irregular status. In fact, the interviewees stated that if they tried to report their employers, the most likely outcome was their own arrest and deportation by the authorities in their host countries rather than

accountability held against their abuser. It was clear, this lack of accountability and the migrant workers inability to report to authorities perpetuated migrant workers' marginalization and maintain unequal power structures between employees and employers.

The interviewees reported they feared arrests due to the risk of deportation as many did not want to return to Burma as their families' survival depended on them working abroad. The interviewees explained that since returning to Burma was the least desirable option, deported migrants usually ended up coming back to their host countries. This process of returning to their host countries unofficially was so costly that each time a migrant worker was arrested, they run the risk of depleting their entire year's savings trying to bribe authorities in their travel to their host countries. Thus this perpetual fear of authorities, arrests and deportation compelled migrant women and girl workers to limit their mobility and visibility in their host countries.

“During my very first stay in Thailand, I was not so afraid of authorities and didn’t limit my personal activities outside of the factory. I would go to the market on my monthly day off enjoy myself but then one Sunday I was caught by the police. The ensuing ordeal was so traumatic that I don’t really want to talk about it but one of the things I will never forget is that I had all my hair cut off by the authorities while waiting for deportation. They didn’t give me any reason and just did it. Because of the trauma of the detainment, I actually debated never coming back but then things inside Burma are so bad and my family needed me so I completely exhausted all my hard earned money coming back across the border irregularly. Since then I am more careful and have learnt to be very scared of the authorities. In fact, I never go anywhere anymore just to be safe.” (Ma X: 24 years old, garment factory worker).

In conclusion, migrant workers in domestic work and service industry reveal being exploited and relegated to working long hours in poor working conditions with little or no labor rights. Furthermore, migrant workers in their fields of work reported incidents of physical, sexual and verbal abuses with no accountability held against their abusers. It is the BWU’s assertion that migrant workers' marginalization can be attributed to both their lack of legal status and to gender issues including the women’s work being given less recognition and protection as work, the fact that the workers are women, and the fact that women are regularly paid less than men. The next chapter examines how these unjust power relations are played out for of migrant women and girls employed in labor-intensive manual labor such as factory work, construction work and agricultural work.

Chapter 4

Factory, Construction and Agricultural Work

Everyday is a Hard Day's Work

THE STUDY INTERVIEWED women working in labor-intensive sectors such as factories, construction sites and agricultural settings. Female workers from this category formed the single largest group of research participants in all sites of Thailand (Chiang Mai, Ranong and Mae Sod).

Although factory, construction and agriculture might appear on the surface to be different from one another, the interviewees' responses revealed that they were quite similar to one another in terms of the impact that the work had on the workers. All three forms of work were reported to be incredibly labor-intensive and physically strenuous. The different types of work explored in this sector were perhaps the most physically taxing of all the fields examined in this research and the long hours coupled with poor working conditions tended to negatively affect migrant workers' health and well-being.

Themes of double marginalization and threats against women's bodily and sexual integrity (as expressed by women in other work sectors) also emerged from migrant factory, construction and agricultural workers. However, compared to workers in the other two categories (domestic/service industry and sex work), the women workers from this category were more vocal about their work's strenuous settings and the impact that the work had on their health than the aforementioned threats.

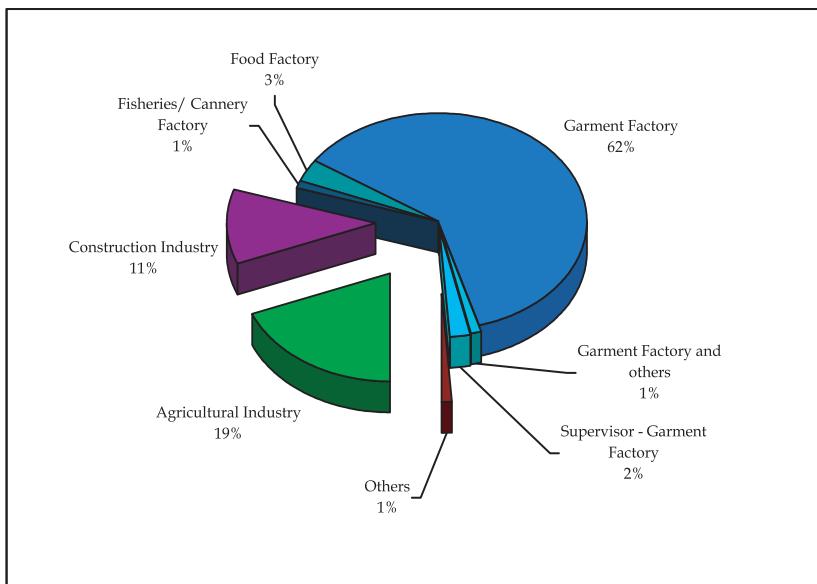
Sweat Shops, Construction Zones and Growing Misery

The Women and Girls of Factory, Construction and Agricultural Work

The women and girls from the three aforementioned fields of work when grouped together formed the single largest category within the research sample and made up 61% of the total number of interviewees (see Table 1.2/ Figure 1.3).

Table 4.1: Migrant Workers Occupational Distribution by Industry.

Occupation	N	Percentage (%) (rounded to the nearest number)
Agricultural Industry	17	19
Construction Industry	10	11
Fisheries/ Cannery Factory	1	1
Food Factory	3	3
Garment Factory	55	61
Garment Factory + others	1	1
Supervisor - Garment Factory	2	2
Others	1	1
Total	90	100

Figure 4.1: Migrant Workers Occupational Distribution by Industry.

Agricultural Industry – 19%
 Construction Industry – 11%
 Factory Based Industry – 69%
 Others – 1%

The age of the migrant factory, construction and agricultural workers ranged from 13-49 years old. There were more underage migrant workers employed in this work sector than any of the other migrant work sectors of this report. The seven 13 year old interviewees who participated in the research had been working in their host countries for more than three years indicating that the extreme poverty and conditions under the SPDC are so bad that children as

young as ten years old are leaving Burma and becoming migrant workers to help support their family.

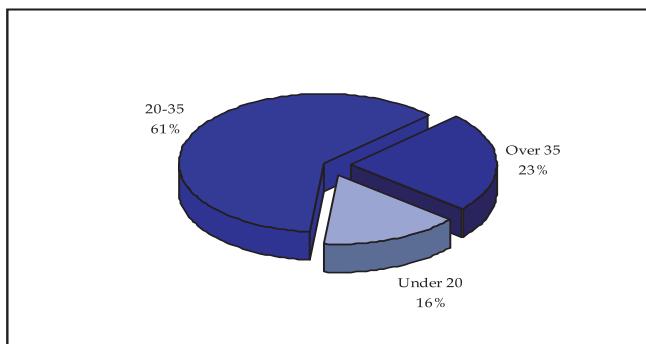
The number of underage migrant workers employed in the field is quite overwhelming when one takes into account that there were numerous interviewees in their early teens that had been working on average of over five years. The migrant girls' accounts indicate that the international legal working age range 14-16 years is regularly ignored both by employers wanting cheap labor and by migrants as their desperation to support their families forces many to work at a young age. Thailand's labour laws have special conditions for young workers who are 15 – 18 years old. They include restrictions on dangerous work, restrictions on the hours and time of work, and opportunities for young workers to attend educational or training courses, but these regulations have been largely ignored in the cases of the women and girl migrant workers we spoke to.

What is particularly disconcerting about this development is that these underage migrant girls run the risks of not only being exploited by their employers and having their human rights and labor rights infringed but many are also denied of basic child rights such as security and education.

Table 4.2: Labor Intensive Industry – Worker - Age Distribution.

Age	N	Percentage (%) (rounded to the nearest number)
Under 20	14	16
20-35	55	61
Over 35	21	23
Total	90	100

Figure 4.2: Labour Intensive Industry – Worker - Age Distribution.



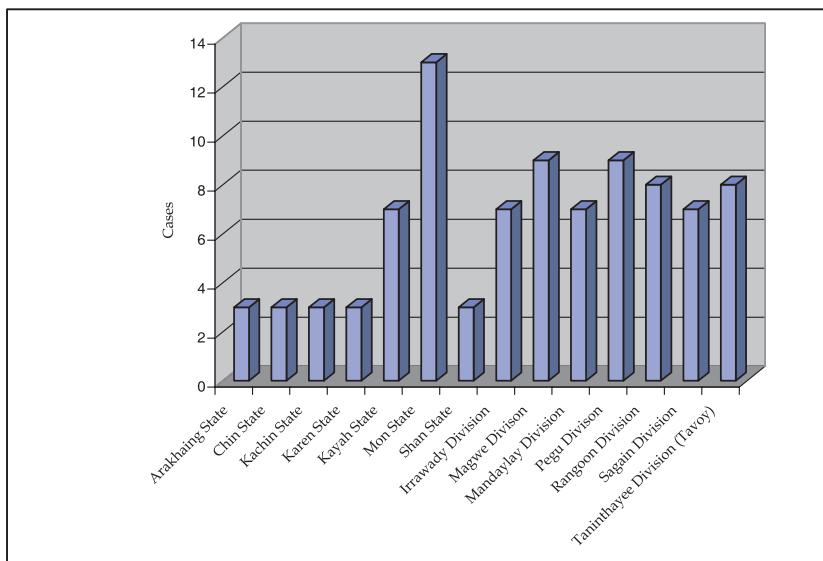
Average Age	28
Median	27
Mode	29
Minimum Age	13
Maximum Age	49
Count (N)	90

The interviewees came from Chin, Kachin, Karen, Karen, Mon, Shan states and Bago, Mandalay, Irrawaddy and Yangon divisions in Burma.³⁵ The average number of working years in their host countries for the workers was around six years but the overall length varied from 2-22 years.

Table 4.2 : Labour Intensive Industry - Worker – Ethnicity & Place of Origin:

Place of Origin	N	Percentage (%) (rounded to the nearest number)
Arakhaing State	3	3
Chin State	3	3
Kachin State	3	3
Karen State	3	3
Kayah State	7	8
Mon State	13	14
Shan State	3	3
Irrawaddy Division	7	8
Magwe Division	9	10
Mandalay Division	7	8
Pegu Division	9	10
Rangoon Division	8	9
Sagaing Division	7	8
Taninthayee Division (Tavoy)	8	9
Total	90	100

Figure 4.2: Labour Intensive Industry - Worker – Ethnicity & Place of Origin:



³⁵ Burma is organized into 7 states and 7 divisions. The divisions are :Ayeawaddy Division, Bago Division, Magway Division, Mandalay Division, Sagaing Division, Tanintharyi Division and Yangon Division. The states are Chin State, Kachin State, Kayin (Karen) State, Kayah (Karen) State, Mon State, Rakhine (Arakan) State and Shan State

More than 57% of the migrant women were married with at least one child. Workers with children of their own explained that it was harder for them to send their remittances “home” to their families unlike women without children and girls, as they had to provide for their own children as well.

It was also common for some of the migrants with children we spoke to, to send their children to live with their families inside Burma as working and child care duties proved to be too much. Others stated that they sent their children to live with their families (rather than remain with them in their host counties) because they didn’t want their child to grow up in their work settings with no future, except to become a migrant working in an irregular situation themselves. They hoped that by letting their child grow up in Burma, he/she would be able to obtain an education and a chance to have a childhood. For these women workers, being separated from their children was extremely hard and despite the emotional toll, many remained in their host countries out of the necessity to provide for their family.

Like the migrant workers of the previous chapter, the education levels of the migrant women and girl workers ranged substantively from having attended elementary school to completing university degrees.³⁶ However, the majority of the interviewees were near high school completion with most workers having completed grade 7.³⁷ A lot of the women interviewed unable to complete high school stated they left school partly due to familial obligations and their realization that a high school diploma would no longer provide them with better work opportunities inside Burma.

“I left before I finished high school because everyone in the village under the age of 40 was leaving from married couples to students. Because I loved school, I didn’t want to leave it and it was very hard for me when my mother pulled me aside one day and said that our family was in desperate need and that they could no longer afford to keep me in school. She told me to face reality because even if I obtained a high school diploma, I would most likely just end up leaving to work in Thailand like all the others in my village so why not do it sooner rather than later? At first I was so upset with her for not putting a priority on my education but I now realize that she was right, after all some of my co-workers have university degrees and they are even working here like me. Now that I am sending money back home, I hope that at least my little brother and sister might have a better chance in their life.”

(Ma Pyint Phyo: 22 years old, factory worker)

³⁶ There were approximately ten interviewees who had university degrees. Their areas of study included: Burmese Studies, Geography, Law, Physics, and Zoology.

³⁷ In order to graduate from high school in Burma, students had to pass Grade 10 examinations.

A Day in the Life

Factory Life and Working in Factory Workers' Shoes

The factories where the migrant workers worked were found at all three research sites in Thailand but out of all the locations, Mae Sod had the highest concentration of factory workers followed by Ranong and finally Chiang Mai. This difference in factory workers population is attributable to the fact that factory work is not common in Chiang Mai, where the main demand for migrant labor is in domestic work, the service industry, agricultural and sex work. The factory workers interviewed in this study worked primarily in garment, food and seafood processing factories.

The interviewees from Mae Sod worked primarily in garment factories, as the town is one of the main textile producing sites in Thailand and an important mass producer of garments for export to international clothing companies. Similarly, the factories in Ranong were main processors of food and seafood so migrants working in irregular situations were overrepresented in those factories. Due to the nature of production work, the more the factory owners can produce at low costs for export and/or consumption, the better their profit margin. Hence, employing the cheap labor of migrant workers from Burma is extremely beneficial to the various factories and corporations in Thailand.

Furthermore, the migrant workers' lack of rights in their host countries makes them extremely desirable factory workers³⁸ as they can be easily exploited to work long hours in abhorrent working conditions and at substandard wages without fear of repercussions. There is a particularly high demand for migrant women and girls as their wages are even lower than their male counterparts and their lack of legal status ensures they are unable to assert their labor and human rights with very little power to combat employers' abuses. Interviewees from different factories reveal that all attempts by workers demanding their rights have been unsuccessful as employers respond using excessive physical force and/or report to authorities to deport the "trouble" makers.

To ensure that production levels are high, most factories in Mae Sod and Ranong operate daily with no day offs.³⁹ Factory employers also usually demand migrant factory workers live on-site to ensure that their workers work the longest hours possible each day and can be called into work should there be an influx of raw goods, contracts and/or export deadlines. The migrant women and girls stated that "home" in the factories was usually a barrack or shared living quarters with other workers. Often the room has little amenities except for bedding on the floor. According to interviewees' descriptions, these cramped

³⁸ The women workers stated that factories in Thailand were employing so many irregular migrant workers from Burma that the sometimes the entire factory (with the exception of some top level management) had no Thai workers. Part of the reason for this is that Thai workers usually would not work for the abysmally low wages.

³⁹ The interviewees reported of one day off a month and it is usually the first Sunday of the Month.

living quarters were organized into three categories: single female, single male or married couples/family quarters.

Each barrack's size varied according to the factory but the general description from the women was that there were usually 10-12 women in a small room of approximately twenty square feet. According to the interviewees, the living areas were so cramped workers literally slept next to one another. Workers also share a communal bathroom and dining area with very little privacy or personal space. Some factories go even as far as to prohibit their workers from cooking and consuming their food of choices within the confines of the factory. The workers in such cases were forced to purchase food from the factory owner's cafeteria and general store.

Almost all the Interviewees reported the factories being extremely restrictive of their freedom. As one interviewee described, "the numerous restrictions enforced are so strict the work setting is closer to a prison than a place of work. We are treated as if we are prisoners serving time under a warden, rather than earning one's rightful wages for services rendered."⁴⁰ The interviewees described factories as gated places with high walls (to ensure that no outsiders can look in and workers unable to look out). Factories employed armed guards at all times to watch and control the workers on the work floor and in the factory's public places.

Workers were often prohibited from socializing with outsiders and are forbidden to leave their factory on a workday. In addition, outsiders were strictly prohibited from entering the factories. After hearing numerous interviewees' reports on the horrendous working and living conditions, several of the BWU researchers attempted to enter the various factories using clandestine efforts to document the abuses but these plans had to be abandoned due to the factories' extremely strict security measures and risks involved to the interviewees and other migrant workers.

The main form of work for the migrant women and girls in the garment factories varied depending on their responsibilities, ranging from sewing, weaving, cutting cloth, sequencing and buttoning manually, ironing and packaging finished product. As for the migrant factory workers in seafood processing, their tasks included cleaning seafood, cutting/peeling and packaging. Food production workers interviewed in this study were mostly involved with packaging and shipping. Despite the differences in roles and responsibilities, the working hours of factory workers were quite consistent. A typical day for the factory worker began by reporting to their workstation around 8 a.m. and working without breaks until noon.⁴¹ The migrant workers explained the only

⁴⁰ Ma Aye Moe Khaing: 28 years old, garment factory worker.

⁴¹ For those doing piece work, the work day can start as early as 5 a.m. as they are paid according to what they produce. So the earlier the worker gets up, the better their chances of producing more items. In addition to piece workers, other factory workers sometimes have to report early to work as well if the employer has a huge contract or approaching deadline.

break they were allowed to take was to use the washroom. When the work got to be too tiring, many interviewees used their visit to the washroom as an opportunity to get a bit of rest but washroom breaks usually had to be kept to a minimum so as to not arouse suspicions from supervisors and foremen. If the manager feel that a worker has been in the washroom “too long” (usually 5 minutes), 50 baht will be deducted from the workers wage. Lunch break was typically reported to be from noon until one and workers returned to the afternoon work session, which ended at 5 p.m. Dinner and personal time was allotted between 5-6 p.m. After dinner, in the high production seasons, the workers are expected to work the evening shifts from 6 p.m. until 10 p.m. There was often no overtime pay for the migrant workers’ evening sessions or weekend work. The migrant women explained when the evening session is completed, they were too exhausted to do anything and often went straight to bed in order to cope with their next day’s work.

The majority of factory workers described their work as being both extremely monotonous and tiring as the workers were expected to do the same tasks all day every day. They were also expected to be expedient while working with heavy machinery to produce the highest amount of goods. Despite the hard work and numerous restrictions, factory workers were paid extremely low wages disproportionate to their work hours and arduous labor. Their wage was either a daily wage, a monthly wage or through piecework. Daily wages and piecework for migrant workers ranged from 20-120 Baht a day (\$0.61-\$4 US). The pay for piecework tended to be on average lower than a day worker’s wage as it is dependent on how much a worker is able to produce. The monthly wage of factory workers ranged from 500-4,000 Baht (\$15-\$122 US) with the average migrant factory workers getting about 2,000 Baht (\$61 US), before deductions. Often the employer deduct money from the workers’ salaries for items such as accommodation, water, and food.

Construction Workers and the Hardship of Building

More than 50% of the construction workers interviewed were primarily from Chiang Mai with some interviewees from Mae Sod and Ranong. The work setting of the construction worker was different from the factory workers in that they were not required to live on site in their place of work. Aside from this main difference, which led to increased privacy, the construction workers experiences were quite similar to the factor workers as it also involved arduous working conditions, lack of workers’ rights and pay disproportionate to the services rendered. Most of the construction workers reported of belonging to a crew that was contracted by their employer to move from one building site to another.

Like factory work, the employers using migrant labor stood to profit more due to their low labor costs. According to the interviewees, the profit of

construction work lay in the number of contracts/projects their employers were able to complete. Therefore, migrant workers were pressured to work speedily over extensive hours with little rest. During peak construction season, the workers report working the entire week with no day off and despite the high demand for migrant construction workers, there was not a lot of job security in this field of work as it is quite common for workers to be laid off without any notice in the low season. Many interviewees explained that the low season is an extremely stressful time and as it approaches, many must begin to look for alternative work or have contingency plans for working, as there is a good likelihood that they would get laid off. Some interviewees claimed workers failing to find new employment during the low season, ran the risk of depleting their entire earned wages.

Migrant women and girl construction workers' responsibilities included tiling work, mixing cement, carrying building materials such as bricks, laying foundation, and carrying equipment. The construction workers interviewed unanimously described their work as tiring due to both the high-pressure demands of the job and the undesirable environment of working outdoors in the sweltering heat. The work schedules of the construction workers were standardized and nearly identical to factory work in that it begins at 8 a.m. until noon followed by the afternoon work session from 1 p.m. until evening. The only exception was that construction workers' workday ended between 6-8 p.m. as opposed to factory workers who usually had to work late into the evening.

All the construction workers interviewed stated that they were paid a daily wage, which ranged from 70-120 Baht a day (\$2- \$4 US). The main grievance expressed by the migrant women and girl construction workers was pay discrimination/disparity between female and male construction workers. Many stated that even though they worked just as hard as their male co-workers and had almost identical duties, on average they were paid almost 50 per cent less (around 40-50 Baht or a little over \$1 US). However, according to the Labour laws of Thailand all workers must receive minimum wage.

Migrant Agricultural Work

The agricultural workers were interviewed at two sites in Thailand (Chiang Mai and Mae Sod). Most of the interviewees were employed in orchards and farms producing a variety of products ranging from edible produce such as fruits and vegetables to flowers. Some of the interviewees lived with their employers in their place of work while others lived outside at a nearby location. For the migrants working with producing fruits and vegetable, their responsibilities changed depending on the season. Prior to harvest, they were in charge of planting, watering, and caring for the produce and once harvest arrived, the workers were responsible for reaping the product and packaging it for retail. The workers in the flower orchards were entrusted with similar

responsibilities with the only main difference being the final finished product.

Agricultural work was also reported as physically demanding like factory and construction work but agricultural workers reported a slightly less workload . In addition, exposure to chemicals is a real threat against the health of the agricultural workers. Agricultural workers' hours were also just as long and a typical workday for agricultural workers was approximately 12 or more hours (beginning around 5-6 a.m.). Migrants described their work as “non-stop” with an hour break midday. A significant difference between agricultural work and the other two types of work was that most interviewees reported working six days a week with one day off. However, because most of the agricultural workers were day workers paid a low daily wage of 60-80 Baht (less than \$2-\$2.50 US), the day off, because it is an unpaid day off, was not viewed as a positive aspect in that it deprived them of their much needed wages. Several interviewees noted if their wages were raised then the day off would be welcomed for it would provided a much needed relief to their physical well-being. However, because their wages were so low, many workers expressed that they would rather mar their bodies with physically taxing work if it meant that they would have more money for remittances and make ends meet.

The Trials and Tribulation of Working

Double Marginalization

Research findings indicated again the theme of double marginalization was found within manual labor work sector with the most prominent form of discrimination (against female workers) being the pay disparity that existed between women and men migrant workers. Women and girl workers were regularly discriminated by employers and relegated to substandard wages due to both their irregular status and gender. The common practice by employers was found across factory, construction and agricultural work. Most interviewees felt the practice was unfair and frequently stated it as one of their major workplace grievances. Unfortunately, their lack of legal status and systemic gender discrimination prevents migrant women and girls from obtaining equal pay and negotiation power with their employers.

Aside from pay disparity, migrant women and girls were often denied positions of power within their fields of work. Of all the interviewees within this work sector, only 3 women out of 76 held supervising positions as these usually went to males, either local Thai or migrant workers from Burma. Numerous interviewees expressed frustration regarding these blatant forms of gender discriminations and stated that unless such practices are changed, migrant women and girls would remain subordinate. For others, the concern surrounding these practices (including pay disparity) was that they were becoming quite entrenched norms in the eyes of both the employers and certain female employees themselves. The quote below is indicative of this attitude:

"I realize that us women get paid less and don't really get to be the 'big boss' but that's just how it is right? I mean I have been working in this very factory for more than eight years and it has always been this way so I don't really see it as a huge problem like some of the other women do. For me little has changed in my time here and I think it is better not to create problems and let the way things continue as it has always been." (Ma Pa Pa: 44 years old, garment factory worker)

Gender discrimination exists for migrant women and girl workers outside their professional work and within their familial lives as well. Feminist theory of women's double day of work was regularly found amongst the interviewees' experiences. Most of the married interviewees explained that their workday was not limited only to employment at the factory, construction and agricultural sites, but rather another "workday" began when they returned home. As a result of unequal distribution of domestic work and cultural stereotypes, housework and child rearing duties in Burmese culture were reported solely as a 'women's work'. Thus migrant women and girl workers' reported being more tired than their male counterparts as they suffer the double day of work.

"I must admit there are days when I get extremely sick of the routine hustle and flow and wish that my husband can contribute a little around the house. I realize that he is tired but so am I! I too wish I can come home and just not move but I can't do that because unless I work and physically put food on the table, there would be no breakfast, lunch and dinner." (Ma Win Yu Maw: 25 years old, agricultural worker)

"Womanly" Threats

Numerous migrant women and girl workers coined the term in the title of this section, to describe the underlying concerns that plague women workers across the different work sectors. It refers to the unique threats experienced only by migrant women and girl workers. These threats were often described by the participants as degrading and serve to compromise their sexual and bodily integrity. What was unique about these threats (as it was discussed in the preceding chapter) are not coming only from exploitative employers and scrupulous authorities but also from their male migrant co-workers⁴².

Examples of "womanly" threats reported by study participants in the labor-intensive manual labor work sector included sexual harassment, sexual

⁴² Male migrant workers' irregular status normally serve to hamper their full enjoyment of rights to security in their host countries and make them victims of being exploited but in the cases of "womanly" threat, male migrant workers' themselves become the aggressors.

assault, sexual favors and physical abuse⁴³. Interviewees from all three types of work reported sexual harassment by both their employers and male co-workers. Sexual harassment incidents (ranging from sexually inappropriate conversations to verbal taunts) were so commonly reported by the migrant workers interviewed as to consider these actions employers and co-workers as part of their day-to-day occupational hazards. Furthermore, because sexual harassment is treated culturally as not being a serious violation, female workers often have little support network, power, and/or access to mechanisms that will ensure cessation of these practices. Thus, for interviewees who have been victimized the most common means of dealing with sexual harassment is to simply ignore it and try to avoid getting into a situation in which they might be at risk from suffering from abuse.

"There is not a day that goes by when I don't get some sort of comment or verbal assault from my male co-workers at the construction site. They call it harmless 'joking' and say it is all in the name of fun but when you are on the receiving end, it definitely is not fun. But I know I am not the only woman to experience them and when you work with all these men, I suppose you have to be stronger and it comes with the territory so all I do to deal with it is to try and not entice them and just ignore them all together." (Ma Naan Mo Kham: 37 years old, construction worker)

According to the migrant interviewees, sexual assault or threats of sexual assault is the most serious form "womanly" threat. Of the interviewees, only factory workers reported having been sexually assaulted. Several interviewees reported being victims of sexual assault reported the lack of access to justice and support in their host countries were the worst part of being victimized. They believed their powerlessness and inability to hold their abusers accountable made the act of being assaulted even more painful.

The women interviewees stated that the cultural mores and social views on sexual assault also added to their victimization and feelings of helplessness. If an incident of sexual assault was reported, the response from the migrant community was either pity or labeling them as "tainted" women.

"When I told my friends in the factory that I had been assaulted by the factory supervisor, they were definitely angry and felt sorry for me. But it never went beyond such sentiments for what could they do and what could I do? I couldn't very well go and tell the boss for he was my boss. So I did the only thing I could do: leave. I went and stayed with my aunt and

⁴³ The term women beating will be used instead of the commonly used term of "domestic violence" as it highlights the gendered nature of the act and the disproportion of women victims.

looked for another job. If I had stayed at the factory, I would have just been another gossip topic for people to go, ‘Look at that poor girl whose chastity has been tarnished!’ My aunt and I pray that this past of mine is not publicized for it could ruin my chances for future marriage, work and life in general.” (Anonymous: 24 years old, garment factory)

Sexual favors were the third type of threats experienced by migrant women and girl workers. The interviewees explained how migrant women and girl workers chose to perform sexual favors for their superiors in order to get more privileges at work. These privileges ranged from getting wage increased, better job security and/or having more protection in the workplace. The interviewees were quite polarized in their reaction regarding this matter as some understood and believed it was a necessary practice.

“I know all the other women must think that I am some sort of an ‘undesirable’ woman and I know they speak about it behind my back. But the way I look at is, it is harmless and if letting my supervisor do certain things with me is what it takes to ensure that I get a little more protection and better work experience then I have to say it is a fair tradeoff.”

(Anonymous: 28 years old, agricultural worker)

On the other hand, there were those who viewed the women and girls who performed sexual favors with disdain. The latter group’s reaction is often shaped by the cultural expectations/dichotomization between “good” versus “bad” women, viewing those who offered sexual favors as “no better than sex workers”⁴⁴

“I feel nothing but shame for those women who pimp themselves. I see them all the time flirting with the supervisors and sweet-talking them! I mean we are all in the same position but you don’t see me going out and selling my body just so I can get more piecework or money...I realize that whatever they are doing works because they are able to influence the boss and probably get more job opportunities than people like me. Oh and if they don’t like you, all they have to do is just tell the supervisor and you could get into trouble. So yeah I hate them but I can’t make it well known for I don’t want to get into trouble right?” (Ma Thida Aye: 43 years old, garment factory worker)

⁴⁴ Ma Thida Aye: 43 years old, garment factory worker. In Burmese culture, sex workers are placed along the lowest rung of society and viewed as the exemplification of “bad” women.

Women from both groups attributed these practices to an individual level rather than understand the context in which it occurs and the unequal macro power distribution between women and men.

The final type of ‘womanly’ threat for the interviewees was physical abuse. Based on the workers’ responses, it appeared to be quite common within the migrant community and although none of the interviewees reported of being beaten, a significant portion of the workers admitted to knowing at least one case of woman beating amongst their friends and co-workers. When asked as to why this pattern of violence was so common between migrant women and men, the interviewees’ felt it could be attributed to stress of working as an irregular migrant.

“Working here is not easy and to a certain extent you have to learn how to cope with the daily hardship, abuses, financial stress and threats against security. Some are able to deal with it fine but I know a lot of people who vent this frustration onto others. I see people fighting over the smallest things so maybe when couples fight, things get a bit out of hand because of all the stress people have from working... Maybe they beat their wives because they are frustrated with the way their lives are going. I wonder about this issue all the time, why is it so common? I try to think that maybe if he takes his anger and frustration out on someone less powerful than him, he won’t feel so powerless and maybe he can feel like a man again in his host country rather than him being scared all the time of his employers and authorities.”(Ma Margaret: 41 years old, former construction worker)

According to certain interviewees such as Ma Margaret, physical abuse was viewed a form of coping with stress for male migrants. It is hypothesized as a means of restoring male migrant workers’ dominant status in the face of threats against their security, and exploitation at the hands of employers serving to diminish their masculine role. Certain interviewees believed that male migrant workers perhaps felt victimized because of their irregular status so by passing this victimization on to another individual (in most cases their wives), then they wouldn’t feel so weak.

Health Concerns

When compared to migrant workers of other work sectors, factory, construction and agricultural workers more frequently espoused concerns regarding their health. More work-related injuries were reported by the interviewees in this category than any other and the work were often some of the most dangerous of all the forms of labor sectors with high chances for work

related injuries. According to the workers, it was an important theme because the labor-intensive nature of their work often took a physical toll on them. Most of the interviewees' reported accidents resulted from poorly maintained equipment and employers' disregard for their workers and unwillingness to spend more money on safety measures. Although most of the employers could be held responsible under various international labor guidelines, migrant workers were denied their labor rights to compensation/ assistance. Under Thai law, it is a matter of contention of whether migrant workers can access the Workmen's Compensation Fund through the Social Security Office. Since all workers are considered workers under the Labour Laws it is argued that migrant workers must therefore be eligible to all work related benefits and compensations. However, the Social Security office argues that the compensation fund is only available for Thai nationals.

In fact, migrant workers were often penalized from work-related accidents, as any time-off resulting from such injuries were almost always the migrant workers' responsibility. Thus being injured or ill becomes a major threat and burden for migrant women and girl in this field, due to the additional financial burdens and loss of income.

"There are a lot of times when I pray, 'Please god, don't let me get sick or worse get injured permanently by the machines at work. Because going to the hospital is expensive. Each trip's cost for medicine and doctor's fee could be at the minimum 300 Baht and then if I am away for 1-2 days, that's about 200 Baht more gone for not being at work! And on top of that the police could arrest me on the way there or back and then I would be in big trouble. It is not like the boss will come after me and save me. If that happens then I will have to pay and bribe the authorities so all in all a trip to the hospital with complications can be somewhere around 500-1000 Baht. That's a lot of days work gone down the drain...'"

(Ma Than Htay: 41 years old, construction worker)

In summary, research findings of migrant women and girl workers in the labor-intensive manual labor work sectors (like migrant women and girl workers in other fields) reinforces the themes of migrant women and girl workers' double marginalization, and the perils of "womanly" threats against their sexual and bodily integrity. Furthermore, interviewees revealed occupational health hazards were a huge concern for migrant women due to the associated financial burden and disruption of their work life. The next chapter is dedicated to analyzing migrant sex workers' unique impact that working in an irregular setting has on them.

Chapter 5

The Red Light of Exploitation

Stigmatized and Ostracized –Migrant Sex Work and Brides

THE CURRENT CHAPTER is dedicated to exploring the third and final type of migrant work in irregular settings: sex work, as well as women becoming brides to men in China. Sex work was found at all four research sites in both Thailand and China. Migrant sex workers were often in high demand as their services cost less to procure than local sex workers. In fact, in Rulli, China, migrant sex workers working in irregular settings earned about half of Chinese sex workers.

The interviewees in this work sector included karaoke club workers, “bar” workers, streetwalkers and “brides”.⁴⁵ Karaoke club workers and “bar” workers were commonly found in Thailand while streetwalkers and “brides” were found prominently in China. Migrant sex work in China and Thailand is presented separately to highlight the similarities and differences of women workers’ experience. Women as brides to men in China will also be presented separately as these women’s experiences do not fit under the heading of sex work. However, before this comparison can occur, it is imperative to know about these women workers’ background and how they came to work as sex workers in their host countries.

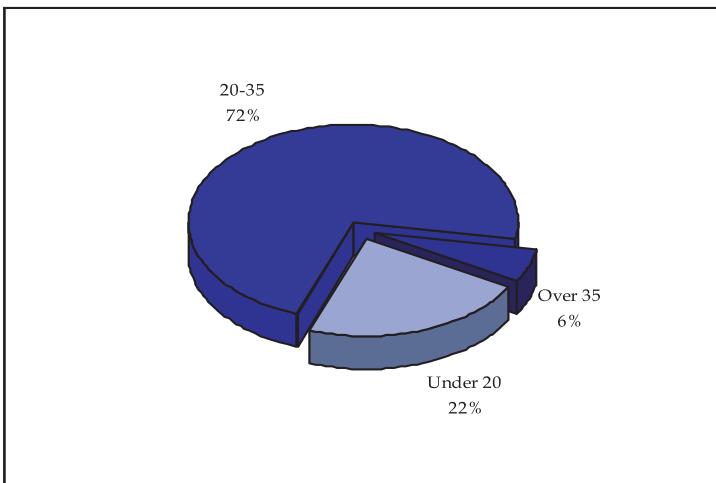
The Women of Migrant Sex Work: Who They Are

Most of the interviewees working in this work sector were single although there were a few women who were married. The migrant sex workers made up approximately 24% of the total number of interviewees (see figure 1.2). The age range of the interviewees was between 14-37 years old.

Table 5.1: Migrant Sex Trade Workers - Age Distribution.

Age	N	Percentage (%) (rounded to the nearest number)
Under 20	8	22
20-35	26	72
Over 35	2	6
Total	36	100

⁴⁵ These terms refer to the titles that the migrant sex workers gave for themselves in Burmese, which were directly translated.

Figure 5.1: Migrant Sex Trade Workers - Age Distribution.

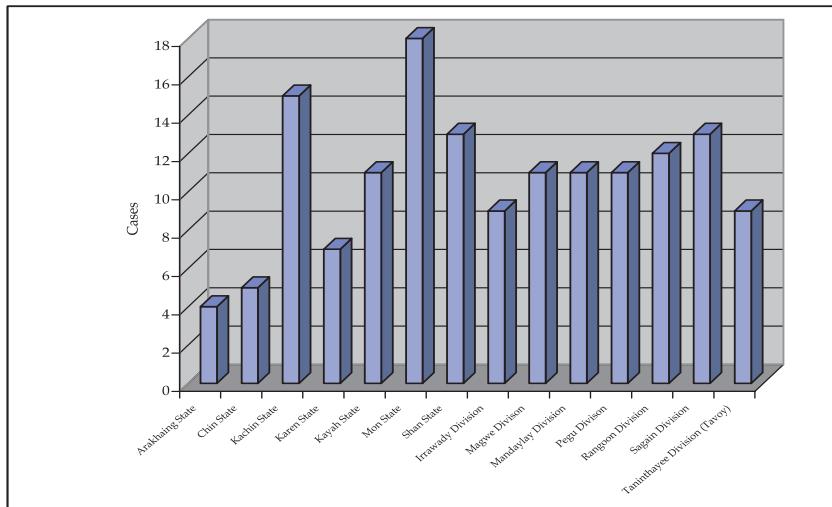
Sex Trade Worker Age Statistics

Average Age	24
Median	23
Mode	32
Minimum Age	14
Maximum Age	37
Count (N)	36

The sex workers came mostly from Kachin, Karen, and Shan state and Bago, Mandalay and Irrawaddy Division in Burma. Some of the interviewees had been working for only 6 months while other women and grills had worked in their host countries for more than ten years.

Table 5.2: Migrant Sex Trade Workers - Ethnicity & Place of Origin.

Place of Origin	N	Percentage (%) (rounded to the nearest number)
Arakhaing State	4	3
Chin State	5	3
Kachin State	15	10
Karen State	7	5
Kayah State	11	7
Mon State	18	13
Shan State	13	9
Irrawaddy Division	9	6
Magwe Division	11	7
Mandalay Division	11	7
Pegu Division	11	7
Rangoon Division	12	8
Sagain Division	13	9
Taninthayer Division (Tavoy)	9	6
Total	149	100

Figure 5.2: Migrant Sex Trade Workers - Ethnicity & Place of Origin.

The education level of the workers varied greatly as some had never attended school while others had completed high school. There were several migrant sex workers who came to work in their host countries as a means of earning money for university in Burma. For migrant sex workers such as J (22 years old, sex worker), the economic hardships of her family meant that she would not be able to attend university or help pay for her ailing mother's hospital bill unless she worked abroad. Therefore, she came to Rulli with the hope of finding work to support herself and her family. J initially thought she would return to Burma after she saved enough money to attend university. Unfortunately, some people from her village discovered that she was working as a sex worker and spread this news within J's community back home compromising her chance of being able to return home to her family.

"I am used to my community's reaction. It is always about smearing the work we women workers do. These so-called 'good' people have called me a lot of names! It is easy for them to go home and talk about how I have sold my body and how I am no longer pure but did they ever think about the fact that without my earnings, my family will not be able to eat or my mom's health will not improve? Of course not, they just sit on their moral high horse and point fingers as us 'bad' women and our line of work." (Ma J: 22 years old, sex worker). The theme of stigmatization and ostracizing of sex workers was brought up extensively by the interviewees. According to them, they reported being discriminated against

not only by their business managers and clients in their host countries but by their own communities in Burma. They described harmful discriminatory practices of labeling sex workers as “bad” women have yet to cease in Burma. The marginalization of sex workers within Burmese society was reported to be so severe as to be one of the reasons why migrant sex workers were unwilling to return home. If a migrant sex worker’s occupation was made known, then she had little chance for other work opportunities, improving her social standing, getting married or even pursuing an education. It is worth noting that almost all the migrant women and girl workers across different work sectors talk of their main aspiration of saving enough money to go home one day except for migrant sex workers. For migrant sex workers, going home was often not feasible because they knew that they would be unable to return home without being shunned by their community and bringing shame to their families. Thus, many had already decided to remain in their host countries indefinitely.

Getting Involved with Sex Work

Responses of migrant sex workers’ were quite diverse when asked to how they came to work in their field of work. Some stated they had been trafficked into doing sex work by “carriers” who told them they would get good work abroad only to discover they had been sold to a business managers or brothel for sex work. For these women, sex work was forced upon them and they had no choice but to do it. Debt bondage situations were almost always the norm for the women workers in this category and many were unable to leave their business managers until their debt was paid. These trafficked women’s ordeals tended to be traumatic for the workers as they were given no choice in the matter and was brought into sex work under false pretense.

“I was 17 years old and had never left my village before. One day this lady came and told us of how there was so much work in factories in Thailand and that the salvation to our family’s financial woes would be solved by me working in Thailand. So with my parents blessing, I left. When I arrived here, I found out that the ‘work’ was not at a factory but at a brothel in Chiang Mai. I told them I didn’t want to do it and tried to fight my way out of the house but they were stronger. I was locked in my room for a substantively long period of time. I spent days and days crying thinking my life was over. One night the ‘big mother’ came in and said its time to ‘break

me' into my work. She sent a strange man into my room. He raped me. This breaking period went on for about a week until I finally agreed to take my first client. She told me that if I resisted the client, she would have to extend my breaking period so I stopped resisting." (Ma Air: 20 years old, sex worker)

The second way migrant sex workers became employed was after having done other types of migrant work. These interviewees had worked previously as domestics, factory workers, construction and agricultural work. Some left due to physical abuses at the hands of employers and others because of the abhorrent/physically draining working conditions and need to obtain better pay.

"Well if I have to think back on why I left my last job, it was probably because I was being worked to death. As a domestic, I was yelled at, constantly on call and at the end of it all, the employers barely gave me any money so I thought there must be a better (less tiring) way of making money. I had a friend who worked at a karaoke club so she introduced me to the employer and I began working." (Ma Mot: 25 years old, sex worker)

Migrant sex workers also pursued this field of work in their host countries because they had worked as sex workers in Burma. According to these interviewees, usually a "carrier" comes to the sex workers work place and asked whether they wanted to "transfer" and work abroad. Most of these women jumped at the chance of earning better wages.

"Back home I do the same work and I get paid as low as 3000 Kyats per client. So in order to feed my family for a few days I needed to average at least 3 clients per night. In China I make about 20 Yuan (\$2.60 US) per client, which is easily ten times the amount I made in Burma so I happy I came to China." (Ma Nicha: 32 years old, sex worker)

Work Structure & A Day in the High Heeled Shoes⁴⁶ of Migrant Sex Workers

Based on the interviewees' responses, the working conditions and wages varied tremendously between China and Thailand. Furthermore, migrant sex workers' freedom to work and avenues of sex work available to women workers were dependent on the legality of sex work in their host countries.

⁴⁶ This terms was inspired by one of our interviewees who stated that unless people walked in her high heeled shoes each night, they would not be able to appreciate the trials and tribulations of working.

Thus, the illegal nature of sex work in China often limits migrant sex workers' ability to pursue diverse forms and sex work settings unlike Thailand, where although sex work is still illegal under the law, the penalties for adult sex workers are very small and so rarely enforced.

However, there are several factors that migrant sex workers in China and Thailand had in common despite differences in work structures. The most important theme was the irregular status of all migrant workers. For migrant sex workers, working in irregular settings, the lack of legal status serve to diminish their ability to demand labor rights and negotiate with their business managers and clients. According to the interviewees, the aforementioned reason was exactly why business managers preferred managing migrant sex workers than local ones for they bring in clientele just like local women but were often easier to control.

Another common factor among migrant sex workers was their financial arrangement with the business managers. Migrant sex workers were paid based on the number of clients that they brought in for their business managers. The net amount from each client was distributed between the business managers and the workers. The percentages for the business managers varied depending of the individual but most workers reported deductions ranging between 40-60% with 50% on average. Deductions were often taken from the wages for the lease of the workroom, clothes and beautification products. Due to the numerous deductions, migrant sex workers in both countries often ended up with only about 1/3 of their net income with as much as 2/3 going towards their debts to business managers.

The last common factor found was the dependency of migrant sex workers on the treatment of business managers and clients as they can make a worker's life extremely difficult and can physically harm them. Threats of sexual assault and violence by abusive business managers and clients were the single largest concern among migrant sex workers interviewed in this study.

"There are some good clients who allow you to do your work without incident and then there are those who are so brutal, violent and frightening. Likewise there are those business managers who really do look out for you, making sure that you don't get harmed but I know a lot of friends who upset their business managers and their business managers were so bad that they would purposely send them to violent clients as a way of teaching them a lesson." (Ma Neelah: 23 years old, sex worker)

China's prohibition against sex work requires migrant sex workers operate out of their business mangers' apartment rooms and at the sides of roads.⁴⁷ Furthermore, they have to discreetly engage their clients along the

roadside and bring them back to their rooms for work. However, in Thailand, sex workers reported being provided with public spaces/work sites and were able to work with more security. The security in this case, refers to sex work itself and not to the migrant sex workers' irregular status as their lack of legal status can still get them arrested and/or deported. In order to help gain better understanding of the migrant sex workers experience, a typical day for the sex workers in each of the four previously listed types of sex work will be described below.

The Streetwalkers of China

A typical day for the streetwalker reportedly begin by waking up in the afternoon and starting work around 6-7 p.m. Depending on the flow of clients, their work night can go until 5 a.m. the next day. The women often had time to themselves in the afternoon before their shifts began. One of the most important parts of their work was preparation and beautification. According to the women, they often had to present themselves in a manner that would entice their clients so special attention was paid to their clothing, hair and make up.

Once they were ready, the women must go to the side of a busy road in China popular for soliciting sex workers. There they must walk and approach customers as they pass. Some interviewees claimed it was often one of the most embarrassing parts of their work as they must advertise themselves and remain as discreet as possible in case the police should arrive. For certain women workers, the public open road in Rulli on the China-Burma border was the most dreaded. It was common for migrant women to run into former friends, neighbors and acquaintance any of whom could compromise their ability to return home without stigma and shame.

Once they have a client and an agreement was reached, the women either return to their business manager's room to work or follow their clients elsewhere. The going rate for the "short" session with a migrant sex worker is around 20 Yuan (\$2.60 US) while an all night engagement referred to as "order" starts at 100 Yuan (\$13 US). These aforementioned rates were reportedly less than half of the earnings of the local sex workers. As a result of the pay discrimination, a huge income disparity exists between irregular migrant and local sex workers.

The women workers stated that if they were arrested in the course of their work, they were often taken to detention and interrogated by police officers (demanding to know the name of their business manager), and the women workers remain detained until the business managers' associates arranged for the workers' bail or free the workers through bribes. The cost of getting out of detention was between 300-500 Yuan (\$39- \$65 US) so if a worker was bailed

⁴⁷ Because the migrant sex workers must walk the street seeking clients, they interviewees call their type of sex work as streetwalkers.

out by her employer, these costs were then added to the migrant sex workers' tab with interest that must be worked off by the women before they were able to earn money again.

The Brides for China

The "brides" were reportedly often girls who were trafficked or migrated from Burma into China and sold to men in order to become providers of sex for their purchasers and to assist their purchasers in their various fields of work. The women interviewees stated that they were referred to as "brides" and not an explicit name connoting sex work because their work arrangements were similar to a "wifely" duty.

Most of the former "brides" who participated in the interviews were trafficked under false pretense and forced to participate in sex work. However, there was one main difference in that once they reach their place of sale, the women were not forced upon bidders and purchasers but rather it was up to her to choose her "groom". The purchasers of migrant "brides" were reported as being poor Chinese rice farmers, livestock herder, and agricultural workers. The women were extremely desired by the men as their average price of 90,000 Kyat was a bargain for they provided not only sex but assisted their purchasers with their business and domestic work. "Brides" from Burma were so common according to an interviewee, her village in China was no different from Burma because it had about 200-300 "brides" from all regions of Burma.

According to the former brides, where and with whom you ended up was simply the luck of the draw. There were kind "grooms" who treated their "brides" nicely with many ending up getting married legitimately. But, there were also "grooms" who tormented and abused their "brides" often never letting them out of their caged house and/or starving them. The women migrants stated it was quite common for "grooms" who were unhappy with their purchase, to re-sell the migrant women to brothels and business managers in an effort to get some money back. A former "bride" Ma C (18 years old) claimed that once a "bride" is sold, it was very difficult for her to escape.

Ma C was sold at the age of 14 to her purchaser and he was extremely abusive to her so she wanted to escape. But, it was not easy, and she had to take her time planning how to get away. It took Ma C over 2 years to leave her purchaser. Each month she saved about 1-2 Yuan and when she went to work with her purchaser, she learned to memorize the roads to the police station. After biding her time, Ma C. managed to escape her purchaser. She went to the police station and because she didn't speak Chinese, she simply pointed to the Burmese flag. The authorities sent her to the border and arranged for her transportation back to Burma.

Another former bride was interviewed when she came to the Burmese Women's Union Rulli branch's social service centre. She had managed to escape

using similar methods as Ma C. The young interviewee (Ma XX) was extremely distraught from suffering severe beatings at the hands of her purchaser. In addition, she was about 6 months pregnant with her purchaser's child. She had desperately wanted to go home to her parents before the baby was born but she had no money. BWU researchers arranged for her travel arrangements and Ma XX was reunited with her family in Northeast Burma.

Karaoke Club Workers and Bar Workers of Thailand

Although there were migrant sex workers who engage clients at brothels, among the interviewees from Thailand, most worked at karaoke clubs or bars. These places were where the women workers go to find their clients and take them often to rooms in the vicinity if not within the same buildings.

A typical day for karaoke club workers and bar workers began later in the afternoon. They went to their places of work following their "dressing up" routine. The work hours for the migrant sex workers in Thailand tended to start later than their peers in China. Most women and girls began their shifts around 8-9 p.m. and ended it depending on the flow of the clientele (most of the time its reported as being around 2 a.m.). Their responsibilities at the club were to sit outside and wait for clients. Once the workers had been chosen by a client, they would sit with them in the lounge area. At the lounge area, the migrant workers must entertain them by singing, dancing and talking with the clients. They must also mix and serve alcohol along with food to the clients. If the client then decides that he would like sexual services, then they move from the lounge area to private rooms.

Unlike China, there were often no fixed rates for migrant sex workers in Thailand. The interviewees from Chiang Mai reported on average the net income for a month was 4000 Baht (\$122 US). After the 50% deductions and costs of clothes and make up, the total income received by the migrant worker was around 1600 Baht (\$49 US).

Trials and Tribulations of Working

A Life of Exploitation, Violence and Risk of STDs

According to the interviewees, most business managers, through unfair deductions, exploit migrant sex workers. However, despite the abusive power-relations between business managers and sex workers, the irregular status of women workers require they use the services of business managers as a means of protecting themselves from clients. A few interviewees said they had tried to do free lance work but were often taken advantaged by their clients due to their lack of power and not having a business managers' protection. An interviewee explained her client paid for only one person but then his four friends showed up and the five men ended up brutally assaulting her. Thus, even though business

managers exploit migrant sex workers, many women had no choice but to accept such practices.

Similarly, the purchasers exploit the “brides” in China by buying the brides for a lump sum and denying the brides income for the work they undertake. In addition, brides are expected to serve their purchasers as if they are mere object of the purchasers’ investment, otherwise the brides runs the risk of being recycled and re-sold by the purchasers into sex work.

Another common theme shared by all the migrant sex workers was the threat of sexual assault and violence. The women and girls’ experiences and fears of these threats could perhaps be attributed to their irregular status and gender. The interviewees’ accounts revealed societal non-reaction to violence against sex workers in general increased the vulnerability of migrant sex workers. Interviewees who had been assaulted state the reasons for being beaten by business managers, clients and authorities ranged from not bringing in enough clients to resisting arrest. Sadly, many do not report violence as societal attitudes have made violence a norm or legitimate “occupational hazard” in sex work. In addition to these physical acts of violence and discrimination, migrant sex workers must also endure verbal assaults and social ostracizing at the hands of conservative communities who label them as “bad” women.

The last tribulation of working for the migrant sex workers was the threat of sexually transmitted infections (with special concern for HIV/AIDS). Migrant sex workers explained that although they want to take safety precautions, it was always up to the client as to whether a condom is used. Unfortunately, most migrant sex workers were unable to demand their clients wear condoms for fear of angering them and loosing their patronage. Thus for certain interviewees, taking risks to retain clients was preferable to loosing their livelihood.

“I realize that working without condoms is dangerous and I know all the risks involved. But I can’t very well put what I want before what the client wants can I? After all, if he says he doesn’t want a condom then there is nothing that I can do. I mean if I push for it then he will simply go somewhere else or worse spread bad news about my services. Then I am left with one less client, one less transaction for my income and a reputation of being difficult, which can really affect the amount of clients I entertain in the long run...So of course its dangerous work but the alternative of not earning is far worse in my opinion! ” (Ma Shwe: 24 years old, sex worker)

In summary, sex workers experiences of working in China and Thailand were at time different and yet quite similar due to their underlying irregular status within their host countries and societal attitudes towards sex workers.

Chapter 6

The Price of Working in Hell

The Occupational Hazards and Harms of Working as a Migrant

ONE OF THE AIMS of this report was to highlight the atrocious day-to-day working conditions and human rights abuses encountered by migrant women and girls working in irregular situations. This report provides insight into the occupational hazards and harms migrants from Burma face in Thailand and China. The interviews were designed to provide women workers with a much-needed opportunity to speak their mind and assert their own “voice” regarding their work, a power that was often denied in their host countries. Thus the interviews were designed specifically in a semi-structured manner to yield insight on the toll of working and how migrant women and girl workers felt about their life and work on a personal level.

This theme concerning the impact of working irregularly has already been explored in Burmese Women’s Union’s (BWU) *Cycle of Suffering* (2000). Seven years on from that report, BWU researchers can conclude that workers who are in exploitative working conditions still have great difficulty negotiating for better conditions or access legal recourse. Furthermore, arrests and deportations are still carried out in unsafe conditions with no protection for the safety of women. In addition, many women and girl migrant workers suffer occupational health hazards. This causes migrant workers both physically and psychologically harm. It is the BWU’s hope that by learning about the physical and psychological toll of migrant work, activists, stakeholders and concerned persons will rally to the cause of the irregular migrant workers realizing the particular risks faced by women and girls and work to rectify the exploitive labor practices harming them.

The Physical Harms of Migrant Work

Exhaustion and Malnutrition

Exhaustion was most commonly expressed across the different work sectors as migrant workers’ long work hours, physically tiring work, lack of time offs/breaks and sleep deprivation affected almost everyone interviewed. The interviewees used words such “drained” and “worn out” to describe how they felt physically about their daily work life. Although detractors may imply physical exhaustion was associated with working, the exhaustion as experienced

by migrant workers was attributed to being overworked under inhumane working conditions that fail to meet international labor guidelines. Unless employers begin treating migrant workers as human beings deserving of basic rights, the abuses migrants face is bound to remain the same. Thus, it is imperative that employers allow migrant workers to enjoy basic universal labor rights such as time off and regulated work hours to help alleviate their suffering and exhaustion.

Malnutrition was another physical effect of working as the stresses of associated with working irregularly, long work hours and loss of sleep severely affected workers' appetite and nutrition. Malnutrition was found especially amongst workers with financial stress, whose urgent need to send remittances for their family in Burma often kept the worker from purchasing and consuming the much-needed nutrition. Other factors behind migrant workers' malnutrition included being provided food with poor nutrition in their work settings⁴⁸ and/or employers not giving them enough food.

The BWU believes the physical impact of malnourishment and physical exhaustion must be addressed. Furthermore, these conditions are dangerous because they affect migrant workers' health and immunity, thereby making them vulnerable to more serious diseases.

Diseases: From Respiratory to HIV

In order to better determine the negative impact of work on migrant workers' health, BWU researchers interviewed health care workers from Dr. Cynthia Maung's Mae Tao Clinic⁴⁹ in Mae Sod, Thailand. Mae Tao Clinic is uniquely qualified in terms of offering insight on migrant workers' health, as it is the only clinic of its kind in Thailand that offers free universal health care to migrant working in irregular situations (who are otherwise unable to access the health care system of their host country).

The health care workers interviewed revealed that irregular migrant workers often ran the risks of contracting a myriad of diseases due to the poor working conditions. According to the interviewees, respiratory diseases and skin infections were most often found among patients who were factory workers due to the overcrowded and poorly ventilated factories. Furthermore, long hours

⁴⁸ Certain factories deducted food costs from the migrant workers' wages and provided them with meals but in order to save cost, these factories' foods were often not nutritious. However, because employees are often prohibited from cooking in the factories, the workers were unable to supplement their meals or find alternatives to the food provided.

⁴⁹ The Mae Tao Clinic (MTC), directed by Dr. Cynthia Maung, for more than 13 years has provided free health care for refugees, migrant workers, and other individuals who cross the border from Burma to Thailand. Because of her commitment and hard-working endeavors to refugees and Burmese immigrant workers, five international awards have been awarded to Dr. Cynthia Maung including Ramon Magsaysay (Asia's Nobel's Prize), Jonathan Mann Award from the United States for Health and Human Rights and the John Humphery Freedom Award from Canada.

of working and living in cramped living quarters often led to faster spread and contraction of diseases.

The Mae Tao Clinic interviewees also said the living conditions in certain factories were so horrendous migrant workers even lacked access to basic necessity such as running water and drainage, which adversely affected migrant workers' physical health. Several migrant factory workers confirmed their factories did not have enough water for the women to both shower and wash their dirty clothes so many had to decide which was a more pressing priority.

In addition to respiratory diseases, skin and water-related diseases, migrant women and girl workers also were also at risk of contracting sexually transmitted infections such as HIV/AIDS as workers were not able to access health care and education. The restrictive nature of the factories and employer's household coupled with the constraint on migrant worker's movement prevented many from receiving reproductive health information and care. An interviewee from the Mae Tao Clinic's Reproductive Health Department explained employers denied migrant women and girl workers access to reproductive health could have severe ramifications ranging from dangerous abortions to HIV/AIDS infection.

The aforementioned concern for HIV/AIDS was also found in fields such as sex work where the danger of contracting sexually transmitted diseases was a pressing occupational hazard/concern. Many migrant sex workers claimed that their ability to demand safe sex and safe working conditions were wholly dependent on their business managers and clients. When these parties refused to take the sex workers health into consideration, the sex workers had no chance but accept the risks as part of their work.

Tragically, employers and clients disregard for the health of migrant workers has negatively affected the health of Burmese migrant sex workers. For instance, the HIV/AIDS rate among the migrant sex worker interviewees in China (that utilizes the BWU outreach resource centre for migrant sex workers in China) was as high as 30%⁵⁰. Alarmingly, this figure could be significantly greater as migrant sex workers were not regularly tested for HIV/AIDS and even if they have contracted the disease, many did not reveal it for fear of compromising their livelihood.

⁵⁰ This figure is an estimation that is derived from the fact that approximately 3 out of every 10 women who have utilized the BWU resource centre for migrant sex workers have HIV/AIDS. The BWU regularly works to assist these women workers in getting medical treatment. The outreach resource is also used to provide peer education and condoms so that sex work can be made safer for the migrant women and girl workers but ultimately, it is dependent on the business managers and clients.

Work Related Accidents and Injuries

The third form of physical harms was work accidents and injuries. They were mentioned in Chapter 4's discussion of labor-intensive manual labor work sectors. According to the victims, most of the work related accidents and injuries were the result of poorly maintained work equipment and/or lack of safety equipment in the workplace. Because migrant workers were denied labor rights such as compensation, time off and access to health care, work related injuries were extremely harmful. A worker's injury may cause temporary loss of earnings or it permanently maims her, ending her livelihood altogether, or it may kill her, ending the livelihood for her whole family. The physical injuries reported by interviewees ranged from cuts and burns to more serious ones such as broken bones and loss of limbs, nearly all of which could have been prevented had their employers placed the interest of their workers before profits.

Injuries from Violence against Women

The last type of physical harm experienced by irregular migrant women and girl workers while working is injuries resulting from violence against women. These injuries are the result of sexual harassment, sexual assault and domestic violence and are inflicted upon women migrants by their employers, co-workers, clients, authorities, and spouses. Incidents of violence against women were widespread amongst the migrant women and girl population and occurred in their places of work and host countries.

From the research findings, it was apparent the violence against migrant women and girls is quite extensive as almost everyone interviewed stated that they had known someone or had themselves experienced injuries from violence in one form or another. However, despite the high occurrences, most female victims were unable to seek justice or redress for their injuries. It is the BWU's belief these injuries are the gravest testament of migrant women's double marginalization. For not only are migrant women targeted and their bodily integrity violated by the gendered violence, they are further marginalized and preyed upon because of their irregular status. The BWU believes protection must be offered to migrant women and girl workers and legal guidelines and mechanism of justice in their host countries must hold the perpetrators accountable. After all no person, regardless of their status, should have to contend with these violations.

The Psychological Harms of Migrant Work

Isolation, Depression and Anxiety

Although the physical effects of migrant work are extremely disconcerting and harmful to the worker, it is also crucial to highlight the psychological toll of working irregularly. The conversations with female migrant workers revealed this latter form of violence though not as readily detected,

can be just as serious, stifling and damaging to the individual worker. However, because of the psychological nature, isolation, depression and anxiety problems were often overlooked, depriving many workers of the necessary help needed for restoring their mental well-being.

Almost everyone interviewed was asked as to whether they were “happy” with their life and work. Not a single respondent stated that they were. For many “happiness” was a luxury migrant work did not afford. Instead, the interviewees unanimously expressed feelings of isolation, depression and anxiety. These three forms of psychological stress should perhaps be seen in a progressive linear manner as prolonged sense of isolation/loneliness in the host countries often lead migrant workers to depression while threats of deportation and state of uncertainty surrounding their irregular status increased their anxiety. Isolation was commonly found among the migrant community as the process of migration often removed women from their support networks and homes. The result was often traumatic as the individual was forced to survive in a different culture and language often discriminatory against them.

Furthermore, the workers’ inability to communicate added to their feelings of loneliness and isolation. Assimilation and/or acceptance into the host countries might help towards decreasing migrants’ sense of isolation but racism, xenophobia and discrimination against migrants working in a irregular situations often made this an unavailable option. According to the interviewees, discrimination in their host countries was a fact of life as they were seen as “illegal” lawbreakers and “criminals” responsible for spreading social ills. This left migrant workers with no choice but to segregate themselves from the mainstream community and remain isolated as a way of surviving in their host countries.

“Never did I imagine that one day, my identity and my homeland would be held against me. Belonging to a country or one’s nationality is supposed to be a source of pride but here I am so scared that the people here will discover it... I keep to myself, I have no personal life outside the factory and no local friends. I just stay in the factory most of the time and it does get very lonely! But then I go out and it’s even lonelier because the locals hate us and the danger of being arrested is so great. When I do go out I must pretend that I am mute so that they won’t know who I am and where I come from.” (Ma Myo Myo: 29 years old, factory worker)

Depression was another common form of psychological distress migrant women and girl workers experienced. While it was not possible to list down all the possible causes of migrant women worker’s depression, several common causes were found amongst the interviewees. The most common

reasons for depression included: being compelled to work under horrendous conditions for their family's survival and thus being forced to tolerate abuse and exploitation in their host countries. For others, depression was the emotional toll of being isolated and an "invisible"/"nobody" in their host countries (because of their lack of legal status) and/or the stress of being their family's means of survival.

According to the interviewees, the SPDC's oppression, lack of human security and turmoil inside Burma have forced more than three generations of migrant workers into the neighboring countries. For these workers both young and old, disappointment grows with passing years of being a worker in irregular situations and not being able to return home. Young workers most often reported being depressed by the inability to realize their full potential and being forced to work in the so-called 3D jobs, while older workers' (who have remained in their host countries for more than ten years) depression was often due to their resignation and acceptance of their situation.

"I suppose I am not always depressed but most of the time, I can't seem to escape it. After all, each day of work is evidence of my position in life. I know I will never get to go to school again or make something of myself...and facing this realization is very hard for this is not how I wanted my life to be. I can't honestly say that my living here cleaning tables and washing dishes is what I dreamed off! No my dream was to be a teacher living in a modest house, taking care of my family but now it feels like that will never happen...When I think about it, there are days when I just don't want to get out of bed and cry and cry until I can't cry anymore but then I'd probably loose my job at the restaurant and then get into real trouble because I have no money..(laughs with teary eyes)." (Ma Thami Nge: 26 years old, restaurant worker)

In addition to isolation and depression, migrant workers reported anxiety as a source of distress. Unlike isolation and depression, feelings of anxiety were not linked to the ambivalence of not being able to go home but was rather caused by the uncertainty and threats associated with working in irregular situations. This meant that these women and girl migrants lacked the security, protection and access afforded by citizenship. Instead their status resulted in threats of marginalization, arrest, and deportation leaving many anxiety-ridden about their freedom and safety.

"Am I scared? I think most of the time I am. I mean wouldn't you be scared if at any time you go out there, you could be arrested and sent back? The authorities and the people here could do anything to me and I still wouldn't be able to do a

single thing because I am a ‘nobody’ and I don’t matter or count as a person in this country.” (Ma Kay Kay: 24 years old, retail worker)

“Sometimes I feel like I am loosing my mind because of my fear! I wasn’t always scared and fearful like this back home but here...here you change. I have witnessed friends and co-workers get bullied by the bosses and you learn that thing like justice don’t matter if you are living in another person’s country because even if you are right, you can’t win. So you learn to keep quiet, to not attract attention and fear everyone because fear is how you survive in this country.” (Ma New: 28 years old, domestic worker)

The Necessity of Social Support

It was only through BWU’s extensive social work with the migrant community, that the organization realized the vital nature of promoting migrant workers’ mental health. As a result, the BWU has intensified and focused its counseling efforts and support networks on migrant workers’ mental well-being. One of the BWU responses was establishing the Migrant Women Empowerment and Resource Centre in Mae Sod, Thailand and Rulli, China.

The centres were established as places where migrant women can escape the confines of their work places and if needed serve as emergency shelters. Services include: counseling, reproductive health education, medical referrals and library but more importantly migrant workers are offered a space of their own with social support. The centres’ mental health support services are in great demand, however, the BWU realizes this alone is not enough to combat the working conditions in their host countries or the realities inside Burma.

“What We Need: The Two-Fold Approach”

A large number of interviewees believed that the horrendous working conditions in their host countries alone were not responsible for their physical and psychological suffering but also emphasized the oppressive conditions under SPDC forcing people to leave Burma and suffer in their host countries. Therefore for the migrant workers, a two-fold approach is needed to restore their physical and psychological distress as they would remain caught between two hells, at home and abroad.

Migrants felt the violations of their labor and human rights in their host countries needed to cease and their working conditions improved to alleviate their suffering in their host countries. However, this alone was viewed as not enough to end their psychological distress and restore their human rights back

home. For an overwhelming number of interviewees⁵¹, the only means of restoring “happiness” and escape their fate as irregular migrant workers was to return home to their families in Burma. In fact, returning home under democratic conditions and being able to live in peace in Burma was the main dream/aspiration women workers had. As long as there is tyranny under the SPDC regime, the mass exodus of migrants and Burma’s culture of migration would remain, leaving more generations of migrant workers with the unattainable dream of living peacefully at home.

⁵¹ The number was overwhelming in that nearly everyone (except for migrant sex workers) stated that going home is what was ultimately needed to be “happy”.

Chapter 7

Offences Against Migrants and Solutions

International Conventions and The Infringement of Migrant Rights

IN THE PRECEDING chapter, migrant workers stated that a two-fold approach was needed in both their host countries and Burma to end their suffering and bring forth change. It is the BWU's belief that nothing short of the migrant workers' aforementioned demand is acceptable as the human rights abuses against migrant workers has gone on too long. The BWU strongly urges the SPDC and governments of the host countries to consider migrant workers' needs and basic human rights. BWU insists that international human rights law be upheld and states work to protect migrants working in irregular settings, by protecting their human and labour rights, and provide channels for redress when they are abused. The proceeding section will outline the manner in which the rights of migrants have been violated under international law.

The international conventions included in this section were chosen due to both their universal nature and because Burma and the host countries China and Thailand have signed them. They are: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

It is the BWU's hope that by highlighting the human rights offences against migrants and the states' obligations, meaningful reforms based on the report's recommendation can be established to assist migrant workers' humanitarian crisis.

The Prohibited nature of Migrant Abuse

Migrant workers' human rights are consistently denied through discrimination and exploitation in their host countries. The principle of non-discrimination is a principle that is featured in all of the key international human rights instruments and is one of the central elements required in protecting the human rights of all migrants. From the migrant women and girl workers' accounts it is clear that marginalization based on their gender and irregular status is a norm even though migrants' rights to freedom from discrimination is protected under:

- the International Covenant on Civil and Political Rights (ICCPR), Article 2(1), which guarantees the rights recognized in the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; and Article 26, which guarantees equal protection of the law without any discrimination;
- the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 2(3), which guarantees the rights in the Covenant without discrimination of any kind;
- the Convention on the Rights of the Child (CRC), Article 2(1), which guarantees the rights in the Convention without discrimination of any kind;
- the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 1(1), which prohibits discrimination based on race, colour, descent, or national or ethnic origin;
- the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 1, which prohibits discrimination on the basis of sex;

A 2003 statement by the UN Special Rapporteur on Non-Citizens states that, “although legitimate distinctions can sometimes be made between citizens and non-nationals, and between groups of migrants...states and other actors, in their treatment of all migrants, must not breach the fundamental principle of human rights.”⁵² Under the instruments of international human rights law, all migrants without exception of any kind have the right to life (ICCPR Article 6), freedom from torture and from cruel, inhuman or degrading treatment (ICCPR Article 7), freedom from slavery and servitude (ICCPR Article 8 [1-2]), recognition as a person before the law (ICCPR Article 16).

Similarly, migrants’ right to labor rights and rights at work are enshrined under ICESCR Articles 6 to 8 and 11, ICERD Article 5(e)(i), CEDAW Articles 11 and 14 while migrant workers’ right to health, adequate food and water is assured under ICESCR Article 12, CERD Article 5(e)(iv), CEDAW Articles 12 and 14(b), CRC Articles 24 and 25. Thus from the documented evidence and testimonies, it is clear that the denial of migrants labor rights, inadequate wages/ abusive work practices, arbitrary arrest and detention, and lack of equal access to health services qualify as severe human rights infringement under international law. Therefore, it is imperative that states rectify the offences that have been committed against migrant workers and uphold their obligation under international convention. The following section is dedicated to recommendations and actions required by states to promote migrant workers’ rights.

⁵² UN Doc. E/CN.4/Sub.2/2003/23.

Recommendations⁵³

The BWU calls upon the International Community to:

- Hold the State Peace and Development Council (SPDC) accountable for their oppressive action that create a lack of human security inside Burma and is responsible for the mass exodus of refugees and migrant workers.
- Ensure that stability and peace in Burma will be created through democratic changes and ceasefires. Furthermore, the SPDC must be compelled to implement measures safeguarding the human rights and welfare of all Burmese citizens. For without stability and peace, the infrastructural problems resulting in extreme poverty will remain and compel migration as a means for survival.
- Call for Burma and the host countries to ratify, implement and uphold the 7 core human rights⁵⁴ and the International Labour Organization's 4 fundamental rights and the 8 fundamental conventions ensuring the international protection of the rights of all migrants⁵⁵.
- States employing and benefiting from migrant labor must be urged to ratify and implement the Migrant Workers' Convention⁵⁶ as it sets out the core human rights and fundamental freedoms of migrant workers and is a vital part in combating exploitation of migrant workers.

The BWU calls upon the Host Countries of China and Thailand to:

- Comply with its obligations under the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and work to protect migrant workers rights.
- Ratify, implement and uphold the 7 core human rights and the International Labour Organization's 4 fundamental rights and the 8 fundamental conventions as well as the Migrants Worker's Convention ensuring the international protection of the rights of all migrants
- Ensure all policies and laws pertaining to migrants are scrutinized to comply with international human rights standards and legislation.
- Mass public awareness campaigns should be carried out to promote any existing legislation or policies which protect the rights of migrants (i.e. in Thailand, the registration policies, the Labour Protection Laws, the education policy, the health policy)

⁵³ The following recommendations were designed to reflect the two-fold approach suggested by the migrant workers. They are aimed creating changes both inside Burma and host countries of China and Thailand.

- All such policies should be monitored and fully implemented. Incentives should be offered for full compliance and sanctions for non-compliance.
- To facilitate access to services for women who have been victims of sexual abuse through employing migrant women counselors and interpreters at existing services and by promoting migrant community support groups to provide services on the ground
- Existing legislation including migration policies should be reviewed to ensure that it adequately protects migrants.
- Measures must be taken to ensure arrests and deportations by the police and immigration officials are conducted with due respect to basic human rights.
- Migrant workers must not be arbitrarily extorted, arrested detained and deported by local police.
- Ensure that a system of reporting migrant rights violation is established and accountability against infringement of migrant workers rights are in place so workers whose rights have been infringed and abused are given access to mechanisms of justices.
- Establish monitoring bodies and organizations to determine employers' compliance with safe and healthy working conditions ensuring migrant workers' rest, leisure and reasonable working hours and to ensure that migrants have equal access to medical treatment and compensation funds in cases of occupational health and safety
- Fair wages and equal remuneration for work of equal value must be established to eliminate the wage disparity resulting from migrant workers' irregular status and gender.

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