



SWAN

Shan Women's Action Network Newsletter

September 2004 # 5

Behind the regime's anti-trafficking facade

On August 10, 2004, twenty young women from Burma were handed over to the SPDC authorities across the Friendship Bridge at Tachilek in Eastern Shan State as part of a joint anti-trafficking program between Thai and Burmese authorities and the UN Inter-Agency Project on Trafficking (UNIAP).

The SPDC media claimed that the women had been "rescued" from difficult work conditions in Thailand. Taking the credit for returning the women to their homes was the Myanmar Women's Affairs Federation (MwAF), the national women's organization founded in 1996 by the SPDC (originally named the Myanmar National Committee for Women's Affairs).

The MwAF's role as effective crusaders against trafficking is repeatedly mentioned in the SPDC press, as well as numbers of trafficking "victims" assisted to return to their homes. Burma continues to be ranked tier three by the US for its failure to address the trafficking problem, and the SPDC clearly hopes that improving its image on this issue may help gain international legitimacy and funding.

Yet a closer look at the actual workings of the MwAF on the ground reveals their insincerity in dealing with this issue.

After the recent return of the 20 women to Tachilek, they were kept in confinement and ordered by the MwAF to tell others that they had been trafficked or tricked into going to Thailand, even if they had gone to Thailand willingly. The women were

Just as the MwAF's treatment of "victims" leaves much to be desired, so too does its selective action against "traffickers." Young women returning from Thailand have been forced to reveal how they traveled to the Thai border, and identify the drivers who drove them. One car driver who regularly drove passengers to Tachilek



given 2,000 kyats each and new clothes, and then sent to their respective homes.

SWAN has received information from local sources about one returnee from this group. After her return, she was forced to take part in a ceremony organized by local SPDC authorities and the MwAF, during which she was given a sewing machine to enable her to earn a living. Such public posturing shows a complete lack of regard for the woman's dignity and privacy.

was recently sentenced in this way to five years imprisonment in Kengtung for "trafficking" of women under the age of 25. Yet the various military officials at checkpoints along the route

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who he had to bribe to bring the woman through, were neither identified nor punished.

Since 1997, restrictions have been imposed by the Eastern Shan State Regional Commander forbidding unaccompanied young women between 16 and 25 from traveling to the Thai border. Because of the strong economic and political push factors, this has been completely ineffective in stemming the flow of young women coming to Thailand to work. Instead, it has simply forced them to pay more to bribe officials to reach the border.

Currently the cost is 130,000–150,000 kyat per head to travel from Kengtung to Tachilek. About 30,000 kyat is paid at each of three checkpoints: Ye-Bu, Mung Phyak, and Tachilek. SPDC authorities from nine different groups share in the profits: Immigration, Military Police, Military Intelligence, Police Special Branch, Customs, Narcotics Control, Army, Township Peace and Development Council and municipal officials.

Not only has the MAAF failed to expose the ineffectiveness of the travel restriction and the extra burden it is placing on young women, but it is now directly profiting from the restriction. Recent reports have revealed that women under 25 are being allowed to travel to the border if they have a recommendation letter from the local MAAF. In exchange, the women must pay 150,000 kyat (about \$150) to the MAAF to travel from Kengtung to Tachilek, a distance of 160 km.

The MAAF's indifference to the interests of local women is evident in the way it recruits members: by force. Since early this year, every woman of 18 and over in eastern Shan State has been made to join. The local SPDC simply come to the house, look at the house registration list and force the women on them to become MAAF members. They then tax each household 300 kyat as a membership fee.

In each village, members have to pay money for the MAAF's yellow uniforms for selected members to wear for special meetings. The uniforms cost about 7,000-10,000 kyat each. The Myanmar Maternal and Child Welfare Association, an organisation under the MAAF, also forces members to do the same for their purple uniforms.

Leaders of the MAAF at all levels are wives of SPDC officials, and thus have a direct stake in perpetuating the status quo. It is not surprising that they are making no efforts to expose any of the political root causes of problems such as trafficking. Nor are they interested to expose the systematic military sexual violence against women nationwide.

Yet, in collaboration with the UNIAP, the MAAF is preparing the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) meeting which will be held in the last week of October 2004 in Rangoon.

Instead of lending credibility to the regime's posturing against trafficking, it is urgently needed for UN agencies and other donors to make concerted efforts to put pressure on the regime for political reform. Only in this way can the trafficking problem in Burma be seriously addressed. □

MESSAGE FROM SWAN



The European Union recently announced their decision to attend the Asia-Europe Meeting (ASEM) in Vietnam in October 2004, dashing the hopes of Burma's democracy movement that they would refuse to attend the meeting if the SPDC was invited. Their only condition was that the SPDC should send a low-level delegation.

This disappointing decision by the EU has forfeited a great opportunity to pressure SPDC's regional allies to push for political reform in Burma.

ASEAN members and Burma's neighbouring countries have been promoting economic and diplomatic ties with the regime, welcoming it into various regional groupings, which have lent it a cloak of respectability on the world stage. The region has thus provided life support to the regime, enabling it to survive without the need for political reform.

In 2006 Burma will take the chair of ASEAN. If the regime takes this position, it will bring shame on the entire region.

We urge our friends in countries in the region to conduct campaigns to pressure their governments not to put a dictatorship at their helm. □

The “Underground” School

Over three years ago, one of the SWAN members helped found a school for Shan State youth in Thailand. Against all odds, the school continues to flourish and fulfill a critical need for education.

Many of us take education for granted. It is something that we have to go through, and some of us cannot wait to get out of having to go to school. Can you imagine quietly leaving your family and friends, maybe never to see them again, traveling hundreds of kilometers inconspicuously to the border on some innocent pretext, illegally crossing it, and risking arrest, abuse in jail and deportation every day to attend a “school” that is not accredited by any educational authority to learn the English language and how to use something called a “computer”, a machine no one in your home village has ever seen? Yet this is exactly what some twenty young men and women in their 20’s have done. To them it does not matter that the “school” is actually only an ordinary house in a quiet suburb where the smaller rooms have been converted into dorms and the larger rooms into classrooms. They

sleep on the floor – six to a room. To them the ‘school’ is the opportunity of a lifetime, a door into a strange modern world. And they come from every region of the Shan State of Burma – the north, the east, the west, and the south – a remarkable cross-section of Shan society.

Currently, there are estimated to be several hundred thousand Shan refugees in Thailand, who are forced to become migrant workers. A large proportion of the refugees are youth and children, who have no opportunity to access Thai or any other educational facilities. Unlike other ethnic groups such as Karen and Karenni, there are no official refugee camps for the Shan, no recognition from UNHCR, and therefore no official support for the basic needs such as housing, food, medicine or education. As a result, many of them end up doing manual labour jobs like their parents; many girls end up in the sex trade. This was what led a group of young Shan refugees to address the

need for education by creating a training program, later called the School for Shan State Nationalities Youth (SSSNY).

It was extremely difficult to raise funds to start the program. Many shared the vision, but the “school” seemed not to fit the traditional form of projects that could be funded by donor agencies. It took a year before the program was finally started in May 2001.

The SSSNY training provides opportunities to organize activities which can empower and build the capacity of youth. It creates space for young people to discuss freely about political issues. Since most young Shans in Thailand are “illegal” migrant workers, afraid of being arrested by the Thai police and sent back to Burma, there is no forum



or safe place where people or youth can gather together for trainings, workshops, discussions or exchanges among each other. The program is therefore facilitating youth participation in the human rights and democratic movement in Shan State and Burma.

The school involves different ethnic groups in Shan State such as Palaung, Pa-O, Wa, Lahu, Shan and Kachin in the training. The various ethnic groups in Shan State all face the same oppression under the regime in Shan State, and lack educational opportunities. By studying and staying together in the training, young people from Shan State learn about differences, tolerance and respect for each other’s culture, religion and identity. This also provides a good chance for trust building, as the regime is practicing divide and rule among different ethnic groups. The school is therefore a building block towards the process of national reconciliation in Burma.

The SSSNY has tried to achieve gender balance in the training. This is to empower women, as well as indirectly solve some problems facing young women, such as vulnerability to various forms of trafficking.

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Nationwide military sexual violence: Ongoing war against women and girls in Burma

It has been more than two years since *Licence to Rape* was released, exposing the use of rape as a military strategy in Burma and triggering an international outcry. For the first time, the world started to take notice of the fact that women and girls in Burma, particularly in the ethnic states, have been suffering sexual violence committed by the regime's troops and authorities for decades.

Has there been any improvement in the lives of women and girls since then?

Sadly, the answer is NO. The regime's use of sexual violence has been ongoing, and recent reports from inside Burma have highlighted the continuing culture of impunity for military rapists.

Last April, our sister organization, the Karen Women's Organization (KWO) released a new report, *Shattering Silences*. It documents 125 cases of sexual violence committed by the Burmese military troops in Karen State from 1988 until 2004, of which half of the rapes were committed by military officers. Furthermore, 40% of the cases documented were gang-rape and in 28% of the cases, the women were killed after being raped.

Predictably, two days after the release of *Shattering Silences*, the SPDC issued a statement calling the contents of the report "absurd", and claiming it was part of a "black propaganda campaign" aimed at derailing the regime's peace talks with the Karen National Union.

In the meantime, there have continued to be reports of sexual violence by the regime's troops from other ethnic areas such as Chin, Kachin, Karenni, Mon and Rakhaing States.

At the beginning of September 2004, the Women's League of Burma (WLB), an umbrella women's organisation co-founded by SWAN, released its latest report entitled *System of Impunity*. It details 26 cases of sexual violence including gang rape, rape and murder, and sexual

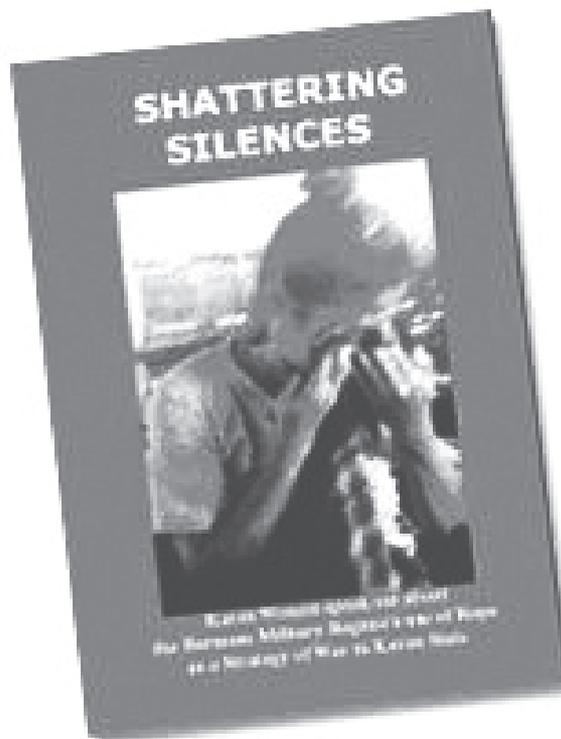
commit rape regardless of status. From the point of view of tradition and culture as well as religion rape is totally unpardonable."

It also said that the report was written to cause disunity among the national races and to create mistrust and disunity between the armed forces and the people and to "defame" the honour of Myanmar ethnic women and the Armed Forces.

The regime as usual avoided addressing the key argument of the WLB report: that widespread sexual violence is an inevitable result of military rule, and that women and girls in Burma will remain at risk until there is democratic reform and restoration of the rule of law.

The regime has also continued to cite the presence of international NGOs and UN agencies in Shan State as evidence that no human rights abuses, including sexual violence, have taken place there. In particular, they point to the fact that the International Committee of the Red Cross (ICRC) has been allowed access to conflict areas in Central Shan State since December 2002.

Yet, not only are human rights abuses continuing in the areas where ICRC is operating, but the military are continuing to threaten and intimidate villagers who meet ICRC. A recent report by a Shan relief team which traveled inside Shan State in mid 2004, cites recent cases of gang-rape, torture and extrajudicial killing by SPDC troops in the township of Laikha, the main area of operation of ICRC in Central Shan State.



slavery against women in ethnic states and central areas of Burma. Most of the women and girls attacked were under 18, and 17 of them were raped by senior officers. Almost all of the incidents took place during 2003 and 2004.

The regime officially denounced the WLB report as "baseless" on September 10 in their state media, insisting that "In Myanmar effective action is taken against those who

Unfortunately, the international agencies operating inside Burma continue to be reluctant to publicly bear witness to the ongoing abuses committed by the regime. This is enabling the regime and its apologists overseas to propagate the myth that the situation is improving inside Burma, and to solicit more aid from the international community.

The recent report by the Brussels-based International Crisis Group *Myanmar: Aid to the Border Areas*, which calls for more foreign aid through Rangoon to Burma's border areas, mentions a "decrease in the most severe types of human rights abuses" in the ethnic areas, completely downplaying the ongoing sexual violence by the military. Such reports are extremely irresponsible, as they fuel the regime's confidence in their ability to gain international legitimacy without the need for political reform, and thereby prolong the culture of impunity for military rape in Burma.

SWAN would like to appeal to the international community, especially donor countries, regional bodies such as ASEAN, and Burma's immediate neighboring countries, not to be tricked by the regime. Nothing has changed in Burma. Rapes and violence are not committed by rogue elements within the military but are central to the modus operandi of this regime.

On the 5th of September, another shocking incident of sexual assault occurred in Karen State. It was exactly one night after *System of Impunity* was released. Troops from SPDC IB 51, on a military operation in southern Karen State, entered a monastery and tore off the robes of six young girl nuns, aged between 8 and 14, attempting to rape them. Fortunately the girls were able to struggle free and escape.

That the troops dared commit such a crime against young nuns in the sacred

grounds of a Buddhist monastery, validates conclusively the assertion in the reports, *Licence to Rape*, *Shattering Silences* and the WLB's recent report *System of Impunity* that a climate of impunity exists for military rape in Burma.

This shocking incident highlights again that no women or girls in Burma are safe under the military system.

SWAN would like to ask how many more women and girls will have to bear this torment, before the world wakes up and starts taking collective action against the regime.

SWAN also demands that ASEAN hold SPDC accountable to its commitment to implement the "Declaration on the Elimination of Violence Against Women in the ASEAN Region," signed in June 2004. □

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Apart from English and computer skills, the students at the SSSNY also learn different human rights related issues every weekend. Different guest speakers from Shan State community organizations such as the Shan Human Rights Foundation, Shan Herald Agency for News, Shan Women's Action Network, Lahu National Development Organization, and the Constitution Drafting Commission of Shan State, are invited to give workshops and trainings on topics such as human rights, media, constitution, documentation, environment, gender and diversity, basic health, HIV/AIDS and drug rehabilitation. The opportunity to have direct input from experienced local

resource persons has made the school a unique place of learning.

Most of the graduates from past years (about 60 youth) are now working with various organisations on programs for communities either inside Shan State or in Thailand. Therefore the school is building capacity of young people to be active in promoting the rights of their people.

The most significant achievement is that the school was founded by Shan refugee youth themselves. The commitment and determination of this group of young people has enabled them, with the support of the community and donors, to run the

school for nearly four years, in spite of all the obstacles.

Each year, the SSSNY has received more than 120 applicants, indicating the strong need of Shan refugee youth for education, and many more are waiting to be educated. By providing training for these disadvantaged refugee youth, the school is not only fulfilling their educational needs but also promoting their basic right to education.

The school is in need of support to continue assisting these young people and to contribute to the future of Shan State, as written on one of the slogans posted in their small classroom: "Only Education can provide a Nation." □

Recognise us as refugees first

Shan refugees and repatriation

As ceasefire talks have continued during 2004 between the Burmese military regime and the Karen National Union, contingency plans have been drawn up by international agencies for repatriation of the over 140,000 Karen and Karenni refugees in camps along the Thai-Burma border.

As usual, scant attention has been paid to the Shan refugees in this process.

Many Karen and Karenni refugees are concerned that repatriation may take place straight after a ceasefire agreement, before genuine peace has been established in their homelands and their security can be ensured. They fear that if they are forced to return to Burma while military rule prevails, they will inevitably be subjected to the same abuses from which they fled, but will no longer have recourse to refuge in Thailand.

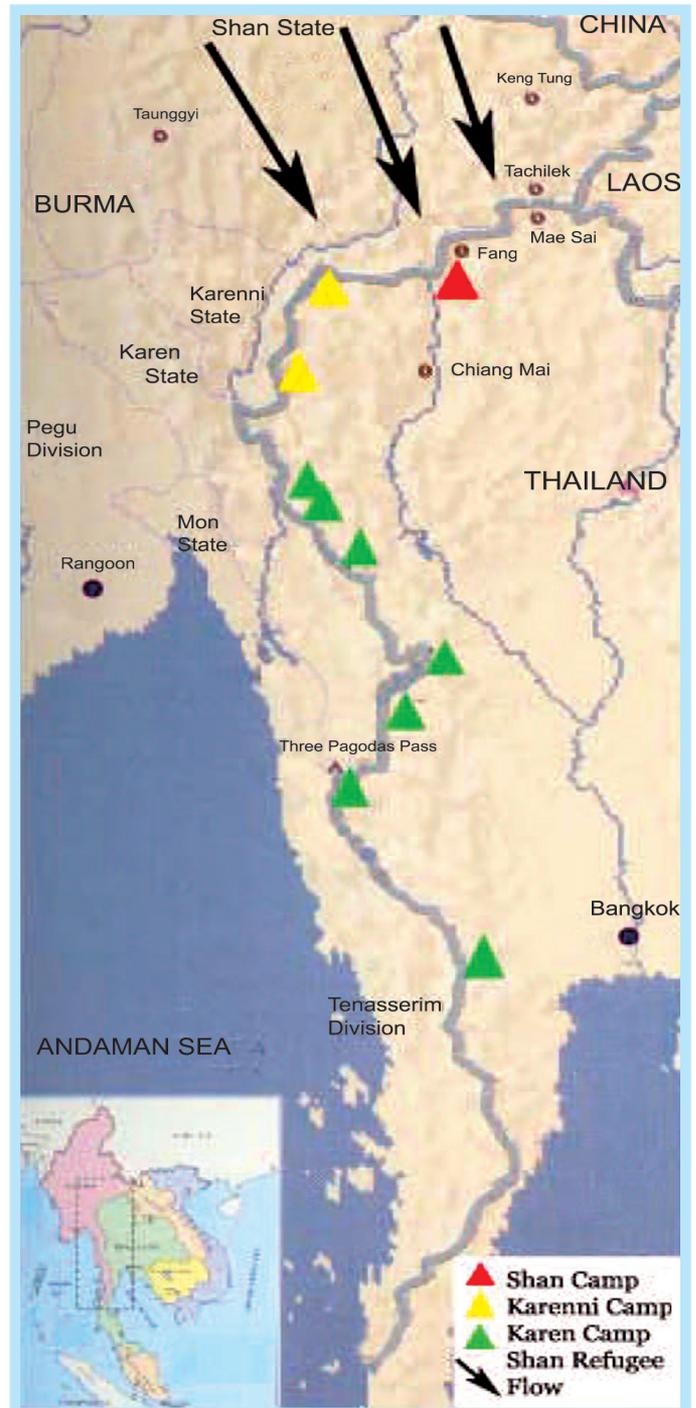
The fears of the Karen and Karenni refugees are well-founded, but they have an enormous advantage over the Shan refugees in that they are already a recognized refugee population. They thus have much more chance to negotiate the terms of their return to Burma than the Shans, who are not yet recognized as refugees.

Shan refugees in Thailand currently fall into three main categories. The vast majority, estimated to number in the hundreds of thousands, who have mostly arrived during the past eight years following the mass forced relocation in Central Shan State in 1996-8, are living as migrant workers throughout Thailand. Although the recent migrant registration process carried out in July 2004 has enabled many of these refugees to work legally in Thailand, there still remain many

refugees who have not managed to gain legal status and must live in constant fear of arrest and deportation.

There are also about 4,000 Shan refugees living in de facto camps set up along the Shan-Thai border during the past four years. Most of these camps were originally in Thailand, but were pushed back across the border by Thai authorities. These refugees are living in small pockets of territory protected by Shan resistance forces and are vulnerable to attack by the regime's troops at any time. In early August 2004, SPDC troops rained heavy shells close to one of these camps.

Finally there are the few Shan refugees, numbering only in the hundreds, who have been granted permission to stay in camps in Thailand. There are the approximately 250 refugees from southern Shan State staying in one of the Karenni refugee camps; and there are the 450 refugees who have been allowed to set up a camp at Wiang Haeng on the northern Chiang Mai



border since fleeing fighting in mid-2002.

These Shan refugees are concerned that once all the Karen and Karenni refugees are repatriated, they too will be forced to return, even though civil war is continuing in Shan State.

In particular, the Shan refugees at Wiang Haeng are in an awkward legal limbo, being allowed to stay in

Thailand, but denied access to UNHCR and official registration as refugees.

The area from which these refugees have fled has now been occupied by Wa settlers from northern Shan State, who have seized their land and houses. The border region has become highly militarized with both Burma Army and Wa troops, and is littered with land mines. The refugees are terrified of returning to a situation where they will be constantly vulnerable to use as porters and human minesweepers, and other abuses by local army units.

“We want to be recognized as refugees by the UN first, before there is any discussion about our future,” said a spokesperson from the camp at Wiang Haeng.

The refugees are adamant that they will not return until there is genuine peace in their homeland, and a system of government that brings the army under the rule of law.

“We don’t trust any of the SPDC’s promises,” said one refugee. “When the Mong Tai Army surrendered in

1995, the Burmese authorities promised the Shans that if they returned to this area there would no forced labour or other abuses, but they broke their word straight away.”

However, so far the demands of these refugees for official recognition have fallen unheeded. Like the hundreds of thousands of other Shans driven from their homes in Shan State, and now labouring in farms, factories, houses, construction sites, restaurants and brothels throughout Thailand, their plight continues to be ignored. □

SWAN Program Update

Crisis Support Centre on the border

SWAN’s Women’s Crisis Support Program has opened a second community-based crisis support centre on the Shan-Thai border since December 2003. The centre provides shelter and emergency assistance (access to health services, clothing and food) for women and girls in the area who are survivors of violence and sexual assault. There are two staff and one house-keeper. The centre also works closely with the Thai government hospital in the area. During the first six months, the centre helped 30 women and 8 children, and accepted 11 women and 5 children at the house. Opening the centre has been enabling Shan women in local communities to respond directly to the issue of violence against women, including sexual assault.

Women’s Empowerment Program

SWAN has been providing skills training for women’s human rights activists, and gender training for both men and women. From 2003,



SWAN at XV International Aids Conference parade in Bangkok

SWAN has been conducting workshops on constitutions and federalism for SWAN members and Shan youth.

Internship Program

Since 2003, SWAN has expanded its internship program into a one-year course. The program equips Shan

women with the skills needed to be a community-based social worker. Six women graduated from the 2003 program, and now three have been working full-time at SWAN’s existing programs. The 2004 program was started in June. □

Young women taking the lead

An interview with Ying Lao, aged 20, a member of SWAN's training team. She has been conducting workshops for young Shan men and women on constitutions and federalism.

What inspired you to become interested in constitutional issues?

I've been interested in law since I was at high school in Burma. Growing up in Burma, I could see what the junta was doing to the people. They have been closing the eyes, ears and mouths of people to maintain their power, by not providing a good education system, no freedom of expression and no access to information from outside the country. To escape their oppression, I came to Thailand and joined SWAN, hoping I could get knowledge and more education to help improve the lives of my Shan people and other ethnic people in Burma.

Since joining SWAN, I've had the opportunity to study many issues, especially about gender, law and constitutions. I realize that the most important thing for a country facing transition is to draft a constitution to protect people's rights in the future. I

want to learn as much as I can so that I can take part in the constitution drafting process. And I want to raise awareness about these issues among the Shan community so that they can take part in the process too. A high percentage of the Shan people are uneducated.

What has been the feedback from your workshops been so far?

It's been very positive. Before the workshops, participants said they thought constitutional issues did not concern them, but were just for political leaders. Afterwards, everyone said: "The constitution is for all of us. So it must be from all of us and by all of us." They said they wanted to take part in the constitution drafting process. They asked SWAN to organize more workshops so they could learn more, and to give more people a chance to learn about these issues.

Have you met any resistance from the community, as a young woman holding workshops like this?

Yes, it was clear that many Shan youth didn't think a young woman was capable of teaching them

anything. But then after the workshops, they said they were proud that a woman from their community was taking the lead in this.

Few women are involved in the political movement, or in the constitutional drafting process. But I believe that if women are given the opportunity, there will be many more women in the struggle for political change. To draft a fair and equal constitution, we need women and men to be involved equally in the process.

I've had the chance to attend many seminars and meetings, but they are dominated by the experienced men in the movement. It's very difficult to participate as a young woman without much political experience and without a degree.

What is your dream for the future?

I want to go to law school and also study political science. I want to be a lawyer and a politician.



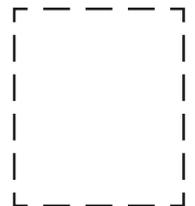
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