



SWAN

Shan Women's Action Network Newsletter

September 2005 # 6

Shan refugee pushback raises high-level Thai concerns

For five years, the high mountain ridges of Loi Tai Laeng on the northern Thai border had been the precarious refuge of hundreds of families fleeing the civil war in Shan State. With limited access to food, health care and education, these Shan refugees had managed to survive between the frontlines of Thai, Burmese, Wa and Shan troops.

However, in April 2005, a fierce military offensive by the Wa against the Shan shattered the fragile security of these refugees. Thousands of shells rained near their homes, causing them to flee for shelter to the Thai side of the border.

Fighting ceased at the end of April, but the armies remained poised for battle, leaving the over 1,800 refugees at Loi Tai Laeng in a state of heightened fear and insecurity.

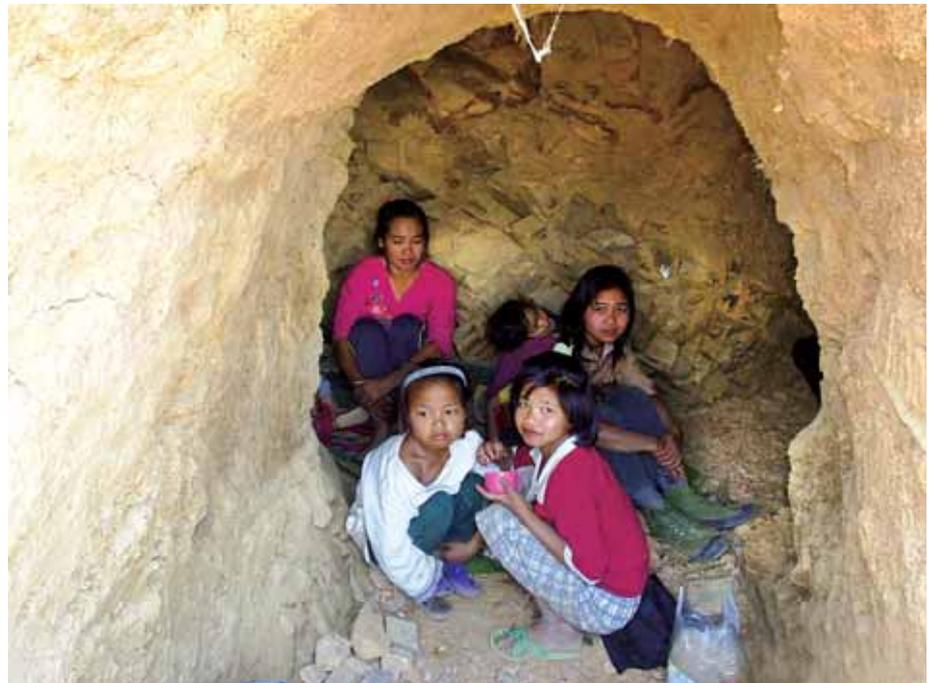
Then, on May 18, a new bombshell struck. Thai Third Army Deputy Commander Maj-Gen. Manas Paorik, issued an order to the refugees to relocate back across the Thai borderline. Over 400 refugees, including 208 orphans, were ordered to move, precisely to the site which had been shelled the month before.

Immediately, urgent appeals were sent out from Shan civil society groups, as well as international human rights groups, urging the Royal Thai Government to reconsider the push-back order.

However, in spite of the appeals, and the onset of the rainy season, in early

June, sixty-eight refugee families were forced back across the border, where they erected cramped makeshift huts on the little remaining space on the narrow ridge top.

calling for clear disclosure of information to the public about the situation of the Shan repatriation in Loi Tai Laeng, and a halt to the pushing of Shan refugees into a war zone, in



Shan refugees at Loi Tai Laeng sheltering in a bunker during shelling

The severity of this action was not condoned by all sectors of the Thai public. On 17 June 2005, a seminar entitled "Shan Refugees: The Case of Loi Tai Laeng, Mae Hong Son province" was organized by The Asian Studies Centre of Chulalongkorn University. This led in late June to a joint appeal to the Thai government by representatives of the Ministry of Education, Ministry of Interior, local and international NGOs, the Thai National Commission of Human Rights, the Senate Committee on Foreign Affairs, and other individuals,

accordance with the non-refoulement principle of UDHR article 14, the Convention on the Rights of the Child Article 22, and the Convention on the Elimination of All Forms of

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MESSAGE FROM SWAN

2005 has been a year of both achievements and challenges for SWAN. On the one hand, our work has been recognised internationally through various awards, won both collectively and individually by our members. This would not have happened without the great support and solidarity of our allies in the Burma democracy movement, and all our friends in local and international networks, including women's networks. Your support gives us renewed strength to continue our struggle for political reform and gender equality in Burma.

Yet, on the other hand, the situation in Shan State has deteriorated significantly. The war is spreading, and political repression is worsening. The regime has continued to build up its military presence in Shan State and commit widespread human rights abuses. In February, Shan political leaders who had been peacefully advocating for political reform were arrested and remain imprisoned till today. Among them was Hkun Htun Oo, the leader of the Shan Nationalities League for Democracy, which won the second highest number of seats during the 1990 election.

As the situation continues to deteriorate inside Shan State, it is certain that more refugees will be fleeing to Thailand. However, the recent pushback at Loi Tai Laeng indicates increased intolerance on the part of the Thai authorities towards Shan refugees. Crackdowns and deportations of undocumented migrant workers have also escalated since the beginning of September 2005, following the deadline for registration of migrant labourers in Thailand. We therefore urgently appeal for a review of the Thai policy towards Shan refugees. □

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Discrimination Against Women (CEDAW)'s Article 16. They also called on the Thai government to review their policy regarding the promotion and protection of the rights of Shan refugees.

Several weeks later, on July 4, 2005, an unusual scene took place on the northern border of Mae Hong Son province. In pouring rain, Shan refugees of all ages, men, women and children dressed in traditional Shan costumes, waited eagerly for the first official Thai government guests to the Loi Tai Laeng refugee camp.

Before long, 13 Thai military trucks appeared driving up the steep muddy jungle road, and stopped at the border. Stepping out of the trucks were a team from the Thai Senate Foreign Affairs Committee, led by Senator Kraissak Choonhawan, Sen. Tuenjai Deetes, and Ms. Sunee Chaiyarose of the National Human Rights Commission of Thailand. The Team was accompanied by Deputy Commander Maj-Gen. Manas Paorik of the Thai Third Army, who also briefed the Senate Team members on the border situation and the pushback order at the beginning of the trip.

The team was greeted by boys performing the Shan sword dance, followed by the Shan kenneri (half-human and half bird) dance by the girls. After this, the team was taken to see different parts of the camp, including the areas from which the refugees had been pushed back. Refugees recounted how they had fled to the temple on the Thai side of the border during the recent fighting. They also recounted the human rights violations they had suffered at the hands of the Burmese regime's troops inside Shan State.

"When I talked to the children, some said their parents had been killed," wrote Sen. Tuenjai Deetes in a feature article on her trip for the Thai language daily Matichon newspaper in July.

The article also listed the recommendations given by the Senate

Foreign Affairs Committee to the Third Army and Mae Hong Son provincial governor during the visit:

- To immediately help the orphans and students by allowing the temple, school and orphanage buildings to remain on the Thai side of the border, as they are the only safe places for the refugees;

- To allow the refugee children to access humanitarian assistance, including rehabilitation, as many of them have seen their parents killed in front of their eyes, and remain traumatized;

- To recognise the Loi Tai Laeng refugees as displaced persons, as they are fleeing from war and persecution and to allow international NGOs and UN agencies to provide support and protection;

- The areas to which the refugees have been pushed back are a war zone, and protection for safety and life security is needed;

- While recognizing that the Thai Third Army has acted in accordance with existing Thai-Burma policies, these policies should also be based on humanitarian principles and international humanitarian law;

- And we urge the Thai Third Army to cooperate with and accompany members of the Senate Committee on Foreign Affairs in visiting Shan refugees at other areas along the Thai-Shan border, in order to come up with a proper policy towards Shan refugees in Thailand.

Senator Tuenjai's article ended by describing how on her return journey, the sun came out, and a magnificent rainbow emerged, as if signaling hope for the Shan refugees at Loi Tai Laeng and elsewhere.

This high-level Thai support for the rights of Shan refugees does indeed provide hope that the refugees might one day be recognized in Thailand, a first step towards our ultimate dream: a real political solution to the turmoil in Shan State so that we can all return and live peacefully in our homeland. □

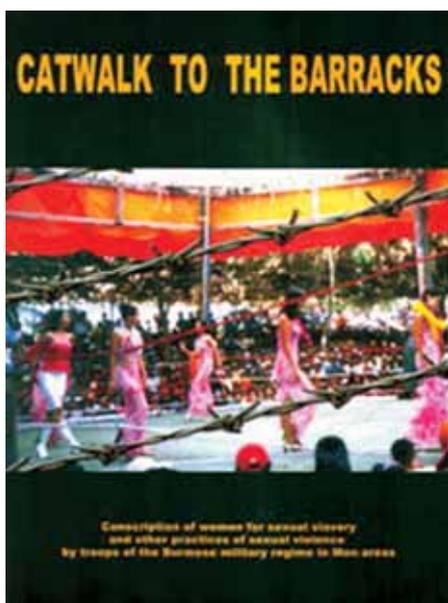
SPDC manipulating women in Burma using MAAF

Although sexual violence has been an issue at all recent UN forums relating to Burma, with the UN Special Rapporteur on Human Rights in Burma raising the issue in each of his special reports to the UNGA since 2002, the practice of systematic rape by the regime's troops has been continuing in Burma

In Shan State alone, during the past three years there have been well over 100 incidents of rape by soldiers of the Burmese military regime. These involved troops from at least 43 battalions in 21 townships, mostly in the central and southern areas of Shan State where armed conflict is continuing. Of these women,

- 65% were gang-raped
- 58% were raped by ranking officers
- 26% were detained as sex slaves
- 18% were killed after rape, some brutally tortured
- at least 30% were under 18;

In no cases were the perpetrators prosecuted.



On 18 July, 2005, the Woman and Child Rights Project - Southern Burma and the Human Rights Foundation of Monland released a new report *Catwalk to the Barracks* exposing official conscription of "comfort women" by Burma Army troops and other evidence of

systemic sexual violence in Mon areas of Burma despite the ceasefire between the New Mon State Party and the military regime since 1995. The report documents sexual violence by troops of the Burmese military regime against 50 women and girls aged between 14 and 50. Half of the incidents took place recently, since 2002. Abuses included the forced recruitment of schoolgirls to parade on a catwalk for the entertainment of military officers at their barracks.

Ironically, the report came out soon after speakers at a ceremony held by the Myanmar Women's Affairs Federation (MMAF) to mark "Myanmar Women's Day" in Moulmein were reported as stating emphatically "There is no sexual crime in Mon State." (7 July, 2005, the New Light of Myanmar)

At similar events staged by MMAF in other states and divisions of Burma, and given widespread publicity by the regime's media, women were reported as publicly denouncing SWAN, the Women's League of Burma (WLB) and all opposition groups. They also denounced the US-based Peter Gruber Foundation which had selected SWAN and WLB for their 2005 Women's Rights Prize.

Such denunciations are hardly surprising coming from the MMAF, whose leadership is made up of the wives of the SPDC's generals, and which is described as "upholding the guidance of Head of State Senior General Than Shwe as a work guideline." (7 July, 2005, the New Light of Myanmar)

However, it is saddening to witness how women inside Burma, who are forced to be the members of MMAF, are now being manipulated to parrot the propaganda of the regime. It is evident that these women's lives are at the mercy of SPDC, which is holding absolute power, and that they risk facing grave penalties if they refuse to obey orders.

The constraints on MMAF members were illustrated by a recent case of sexual violence in Murg Hsat, southern Shan State. In July 2005, local MMAF members had tried to press charges against an SPDC soldier who had sexually molested a four-year-old girl, but whose superiors had tried to hush up the case. However, the military authorities had responded by threatening to arrest the MMAF members and lay trumped-up charges against them. This shows clearly the lack of rule of law under the current military system, which is preventing women from promoting and protecting their rights.

SWAN has long reiterated that in Burma, rapes and other forms of sexual violence are not committed by rogue elements within the military but are central to the modus operandi of the SPDC. The sexual violence is structuralized and systemic, resulting from the regime's policies of military expansion and consolidation of control by all possible means over a disenfranchised civilian population.

Disturbing evidence of the extent to which "licence to rape" by the regime's troops has become systemic emerged earlier this year. On April 29, 2005, the 6-year-old daughter of an SPDC sergeant based at Light Infantry Battalion 524 in Kunhing in Central Shan State, was raped and killed by an SPDC corporal from the same base. This shows how no women, even the wives and daughters of SPDC soldiers themselves, are safe under the current system.

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“Ready for Action” at a SWAN school

The Danish Foreign Ministry is supporting a project of the Danish Burma Committee (DBC) to raise funds for SWAN's education program during the 2005 Christmas and New Year holiday season in Denmark. The project involved the production of a docudrama about the situation of children of Shan refugees surviving as migrant workers in northern Thailand.

During March-April 2005 a Danish TV production team came to Thailand to start filming. One of the SWAN members who assisted with production describes a day of filming.

Dawn was just breaking as we drove out to “K” orchard. Early morning mist shrouded the valley, but already people were out buying vegetables at the roadside markets.

We entered the orchard along a dirt road and parked near the living quarters of the orchard workers. After unloading the equipment, the crew set up their camera next to a long bamboo hut where several families lived, and began filming the scene as one of the families prepared for work.

“Have you had your breakfast?” A woman called out to her young sons. “Your father’s off to work soon.” She was busy washing a blanket under a tap, which her husband helped her wring out and hang up to dry. One of the sons was hurrying to find his school bags. When he saw his friends looking on and our camera rolling, he became even more flustered. We had to assure him that we were just there to film his parents, and that we would be filming him later at the school.

The school in the orchard was indeed our main location for the day’s shooting, but we wanted to get some footage of the children’s families before they went to school.

There are over 40 children and two teachers at the school in “K” orchard. All the children’s parents are refugees who have fled the civil war

in Shan State and are working in “K” orchard or nearby orchards. None of their children are able to attend the local Thai government school because it is 10 kms away, and their wages are too low for them to afford the fees. SWAN therefore opened a school in the orchard at the end of 2002.

The school had been chosen by SWAN as the main focus of the docudrama for raising awareness among Danish children about the plight of Shan refugees. The director and the scriptwriter also liked the surrounding area of the school and agreed to film there. The scriptwriter had chosen a few children as lead characters, and the film revolved around their daily life at school and at home.

Today we were not shooting any main characters, but just filming some general footage of the school and the way of life of the children’s families.

We moved the camera to a wider space, to be able to film the whole scene of the community getting ready to work. Some people were changing into their work clothes. Some men who had already changed were playing “takraw” (a game in which a wicker ball is kicked into the air). After 7 am, the men and women started dividing up to go and wait at different

areas. When it was almost 7.30, the foreman arranged two trucks, one for the men and one for the women. The men’s truck left first, because they were working further away. We filmed this early morning scene only once, because we didn’t want to disturb the daily routine of the families as they prepared for work. We then packed up our equipment and drove through the orchard to the school about a kilometer away.

The school building was a former warehouse. We filmed the children as they arrived at the school. After hanging up their bags and putting down their lunch boxes, they divided up according to their duties. Some swept in or outside the school rooms; some picked up litter; some cleaned the toilets. This took about half an hour.

Then the children played in the playground. Some boys played marbles. Some girls jumped over “ropes” made of rubber bands, and a large group of children played the “hen and eggs” game. This involved putting all their shoes in a pile, and letting one child be the “hen” preventing the others from stealing the shoes or “eggs.” If the hen could touch anyone stealing a shoe, that person would become the hen.





The crew filmed the game from many angles, and had to ask the children to reenact the game many times. This was tiring, especially for the “hen”, but they didn’t seem to mind, and even helped to make sure that they were in the right places for a retake.

We then filmed the morning roll call. A whistle was blown to call all the children to line up in front of the flagpole. The children rushed to wash their hands and feet before lining up according to their classes. Then one of the children hoisted the flag to the top of the pole and led the children in singing the Thai national anthem, followed by the Shan national anthem. A teacher then gave a speech.

Once in the school, the head of each class led the children in a Buddhist chant. Then the teachers checked the names and gave the children work to do. The teachers had to take it in turns to teach the classes, because there were four classes, but only two teachers.

Classes lasted till midday, with a short mid-morning break. Just before 12 am, some of the older children helped the teachers prepare lunch. The teachers made the children stand in line to collect food to eat with the rice they had brought from home. The older children had to stand by and help the younger children carry their plates. Some helped feed the very young ones. After everyone had eaten, they all washed their own plates and put them away. During the lunch break,

the children were again able to play. Some sang with a teacher under the trees. At 1 pm, classes started again. The children studied various subjects including Thai, Shan, English and Maths.

While filming the class, the director told all the children not to look at the camera, so that the scene would look as natural as possible. The filming was quite difficult, because the classrooms were quite small and the filming had to be from different angles. Sometimes the teachers and children stumbled over their words during a retake. This made everyone else laugh. The little children also kept looking at the camera, so that we kept having to film again. By the end all the children knew by heart the director’s phrases: “Ready for action” and “Thank you.” The children clearly enjoyed being actors even though it took a long time to film each scene.

At 3 pm, the children lined up before going home. Before they left, we told them what we would be filming the next day, and who would be filmed.

The day did not end after the filming. After returning to our hotel in town, the director and cameraman had to check all the footage to see if anything had to be re-shot, and to plan the script for the next day. I had to plan the logistics and make sure the film crew had everything they needed. By the end of the day, like everyone else, I was completely exhausted. □

While it is clearly urgently needed to address the root causes of military sexual violence, the regime has continuously denied the culpability of its troops, and has used all means of manipulation to maintain its grip on power. First, when the report “Licence to Rape” was released in 2002, they cited the presence of international NGOs and UN agencies in Shan State as evidence that no such crimes had taken place. They also span propaganda around the visits to Burma of Mr. Pinheiro, the UN Special Rapporteur on human rights in Burma, and Amnesty International, to make it seem as if they were sincere about cooperation with international human rights bodies.

Now again, using their absolute power, they are manipulating women inside Burma to be their mouthpiece while continuing to take credit for their collaboration with UN agencies and the International Committee of the Red Cross (ICRC).

SWAN calls on all women from Burma to struggle for political change. We must all support each other no matter whether we are inside or outside Burma. We all know that we are suffering in different ways in different places, and that the root cause is military rule and the regime’s desire to hold on to power at all costs. We must not let the military regime go on controlling and manipulating our lives. We must resist.

At the same time, SWAN wants to reiterate the calls of all Burma campaign groups and the Women’s League of Burma, since the attack on Daw Aung San Suu Kyi in May 2003, for the UN Security Council to include Burma in their agenda. □

Poisoned refuge

Tens of thousands of Shan refugees have ended up working as migrant labourers in tangerine orchards in northern Thailand. The tangerine industry has boomed in the past ten years, now spreading over 125,000 acres of land in northern Chiang Mai province alone. Concerns have increasingly been raised about the environmental impacts of these orchards, particularly the overuse of highly toxic chemical pesticides, many of which are banned in other countries. However, most data has focussed on the impacts on the Thai villagers living around the orchards, who have suffered health problems mainly from chemical pollution of water sources. There have been no studies of the impacts of the chemicals on the Shan workers actually living in the orchards.

SWAN interviewed a Shan refugee woman from Fang district of Chiang Mai about her experience working in a tangerine orchard.

Q: Why did you choose to work in a tangerine orchard?

A: If you work in an orchard, you can get a steady income throughout the year. If you work on rice farms, it is seasonal, and there are months where you cannot earn any income. If you work in a large “company” orchard, women can earn about 70 baht a day; men earn 80 baht a day. (Note: The official minimum wage in Thailand is 181 baht.)



Q: Did you live in the orchard?

A: Yes, all the workers lived in the orchard. We lived in long corrugated iron shacks, divided into sections for each family, including children. There were about 100 people, but it was not a big orchard. Some orchards have over a thousand workers. We were not allowed out of the orchard, because we were illegal migrants, but we were able to sneak out sometimes. If the employer caught us sneaking out, we would have our wages cut, or even lose our job.

Q: What was your job in the orchard and what were the working conditions?

A: I had to do lots of different tasks: clearing weeds, pruning and watering the trees, putting down fertilizer, picking tangerines and carrying them to the road for collection. We worked from 7.30 am till 5 pm, with a break for lunch. At lunch we weren't allowed to go back to our living quarters, so we had to bring our own food, which we had cooked in the morning. This meant getting up really early in the morning.

Q: Did you have to spray pesticides on the tangerine trees?

A: This is always done by men or sometimes boys. They can earn a daily wage of between 100 to 300 baht, so it is good income for them. Even though the pay is good, no Thai people want to do this work because they know the chemicals are dangerous. Only Shans do this work.

Sometimes women help by holding the hose-pipe leading from the container of pesticide, while the men spray the trees.

Q: How often are pesticides sprayed?

A: In the orchard where I worked, they sprayed about once a week. On that day, the men would get up early to spray, from about 5 am till 11 am, and the rest of the workers would have the day off. But of course we all lived there, so we could smell the fumes in our living quarters. In some bigger orchards, they spray almost every day in rotation, so while one section of the orchard is sprayed, workers are still working in other sections.

Q: Do workers usually wear protective clothing?

A: People spraying usually wear simple foam or cloth masks and rubber gloves and boots, but this is not enough protection, because the pesticide can blow back all over you as you spray. Even then, there are some people who don't wear any protection at all when they are spraying. They find it too hot and uncomfortable. People from Shan State are not used to wearing this kind of thing.

Q: Do the employers enforce any rules to ensure the workers are protected?

A: In the orchard where I worked, the foremen would even try and persuade people that the chemicals were not dangerous, saying: "Look at me, I used to spray pesticides myself, and I'm still alive," or "You've got dark skin, so you'll be fine." They don't buy any protective clothing for the workers. The workers have to buy the masks and gloves themselves. I know some workers who tried wearing dark glasses to protect their eyes while spraying, but they were ordered to take them off. They were

told that dark glasses were not "appropriate" for workers, and would slow them down.

Q: Do you know of any cases of men who sprayed pesticides becoming sick?

A: Yes. I know one man who was mixing the chemicals in a big container. He dropped a tool in the mixture, and he was afraid of being scolded by the foreman, so he reached in to pick it up. It was at the bottom of the container, so he even submerged his head as he fished it out. Within just a short time, he began shaking and sweating and then fainted. His skin began to blacken. He was rushed to hospital, and died soon afterwards. I also visited another 18-year-old boy in hospital, who had been spraying chemicals without any protective clothing. He was covered in red spots all over his body and he was half paralyzed. He was twitching and couldn't speak. When I spoke to him, tears rolled down his cheeks.

Q: How about the other workers who do not directly spray the pesticides? Do they suffer any health problems from the pesticides?

A: Because of the hard work and the poor living conditions, workers face a lot of health problems, so it is hard to know which health problems are caused by the pesticides. Many people working in orchards complain of headaches and dizziness, and suffer from respiratory illnesses. I myself was quite healthy before I worked in an orchard, but when I started working there I began feeling very dizzy and weak. I ended up only working one week out of two. A lot of people had skin inflammation and rashes. We would all use the water from a pond in the orchard for bathing

and washing clothes. The run-off from the orchard would flow into the pond. We drank water from a well in the orchard too, which was probably also contaminated, but we didn't have any choice.

Q: Do people think that their health problems are linked to the pesticides?

A: Not usually. They don't understand that the effects of the pesticides might not show immediately. A lot of Shan are still influenced by traditional superstitious beliefs about health. For example, one woman who had been living in an orchard for over 10 years had terrible migraines, but she thought it was because she had upset the spirits ("phit phii"), so she simply went to a local spirit-doctor for help. He put needles in her head to make her bleed, saying it would scare the spirits away.

Q: Do the employers take responsibility for the health costs of the workers?

A: No. The workers must pay for everything themselves.

Q: What can be done to deal with this problem?

A: There have been some Shan language brochures produced by NGOs about the dangers of pesticides and how to protect yourself. This is useful for those that can read, but it is not enough. Actually, the employers should ensure that their workers are healthy and protected. But they are not interested. Even when local Thai villagers protest to the authorities about the orchards, nothing happens. So who is going to care about the Shans? □

News Briefs

Four women from Burma among nominees for Nobel Peace Prize

On 29 June 2005, 1,000 women from more than 150 countries were nominated jointly for this year's Nobel Peace Prize by a Swiss-based group known as "1,000 Women for the Nobel Peace Prize 2005."

Among them were four women from Burma living in exile: Dr. Cynthia Maung, a renowned Karen medical doctor; Naw Zipporah Sein of the Karen Women's Organization (KWO); Naw Paw Lu Lu, who runs a "safe house" on the Thai-Burma border in Kanchanaburi province; and Charm Tong from SWAN. □

Concerns raised over expansion of WFP programs

Shan State groups including SWAN raised concerns about the expansion of the World Food Program's emergency program in Shan State in a joint press release on August 6, 2005.

The WFP has doubled to US\$8 million its program to provide emergency food program to ex-poppy growers. The Shan State groups are concerned that WFP is increasingly subsidizing and legitimizing the Burmese military regime's insincere and unsustainable "War on Drugs." □

China urged to reveal Salween dam impact studies

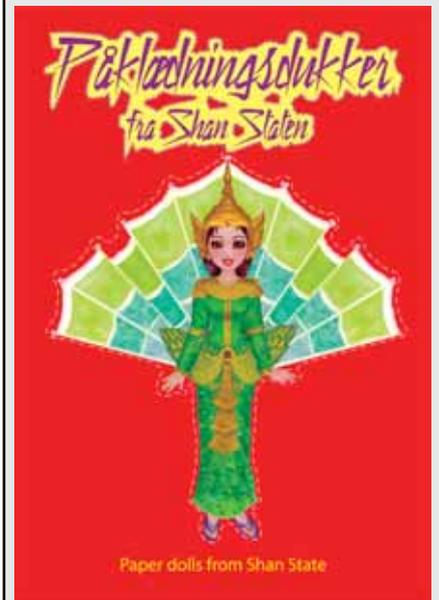
SWAN joined over 90 civil society organisations from Thailand and Burma in sending an open letter on September 29, 2005, to Chinese President Hu Jintao urging his government to disclose the environmental impact assessment studies of their hydropower development plans on the Nu/Salween River in China.

The groups reiterated the demands made in a previous open letter by a broad coalition of Chinese organisations to their government in August.

The groups expressed concern about the negative environmental and social impacts that would be suffered downstream if the Chinese proceeded with their proposed hydropower plans. China had initially planned to build 13 hydro-electric dams on the Nu River. □

SWAN bridges cultures with paper dolls

In collaboration with DANIDA and the Danish Burma Committee, SWAN has produced a book of cut-out dolls for children showing the costumes of the different ethnic groups in Shan State. The book will be sold internationally to raise funds for the SWAN education program.



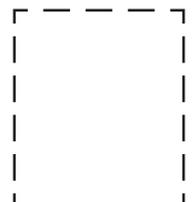
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