



Karen Human Rights Group

Documenting the voices of villagers in rural Burma

Report from the Field

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Abuse between borders: vulnerability for Burmese workers deported from Thailand

The Royal Thai Government appears poised to deport as many as 1.4 million workers that fail to complete “nationality verification” procedures by the end of February 2010. The majority of these workers are Burmese. Based upon extensive research conducted by KHRG and other organisations, it is likely that many of these workers came to Thailand not out of an apolitical desire for economic opportunity, but as a protection strategy initiated in response to the exploitative and violent abuse that drives poverty in their home areas. Moreover, even workers who do not face abuse upon return face abuse at the checkpoints to which Thai authorities transfer them during deportation procedures. These abuses include taxation, forced labour, beatings, killing and rape. Incidents documented in this report took place between November 2009 and February 2010.

At least 3.5 million individuals from Burma, approximately 7% of the country’s population, currently reside abroad. Most of these people have left to seek employment in neighbouring countries, and the overwhelming majority do not have status as refugees or forced migrants, which would entitle them to host-government or UN assistance. Many of these workers also do not have visas, work permits or other forms of legal permission to work in foreign countries, making them vulnerable to exploitative abuse by trafficking agents, unscrupulous employers, police and government officials.

While it is not the case that all of these workers left Burma to flee persecution, it is also not the case that they left apolitical poverty and sought financial opportunities abroad for the sake of personal convenience. In June 2009, KHRG released the report *Abuse, Poverty and Migration: Investigating migrants’ motivations to leave home in Burma*, which concluded that most people traditionally understood as ‘economic migrants’ flee Burma to avoid the life-threatening poverty that results from persistent exploitative abuse; roughly 78% of Burmese workers interviewed by KHRG cited exploitative abuse as a factor that negatively affected their own, and their communities’, economic situations in Burma.¹ This conclusion mirrors that of a study undertaken by the International Rescue Committee and Tufts University, which conducted more than 1,700 interviews among Burmese workers in Thailand during 2006. This study, which sought to assess the degree to which Burmese workers in Thailand merit international protection as refugees, concluded that “as many as fifty percent of Burmese working in Thailand merit further investigation as to their refugee status.”²

Thailand is home to between two and three million Burmese workers; in 2010 Human Rights Watch concluded that they remain “largely unprotected by Thai labour laws” and are “vulnerable

¹ See, *Abuse, Poverty and Migration: Investigating migrants’ motivations to leave home in Burma*, KHRG, June 2009.

² *Invisible in Thailand: Documenting the need for international protection for Burmese*, Tufts-International Rescue Committee Survey of Burmese Migrants in Thailand, April 2008.

to arrest, extortion, and other abuse.”³ Many Burmese working in Thailand are due to become even more vulnerable at the end of February 2010, when the Royal Thai Government (RTG) has announced it will begin deporting workers who have not completed “nationality verification” procedures. For Burmese workers, this process would entail returning to Burma to register biographical information. At risk of being deported are as many as 1.4 million workers in Thailand that have not yet registered, the overwhelming majority of whom are from Burma.⁴

This potential ‘mass deportation’ has drawn outcry from rights groups and experts both inside and outside of Thailand, who worry that deported workers will be subject to abuse upon their return to Burma.⁵ On February 18th 2010, United Nations Special Rapporteur on the human rights of migrants Jorge A. Bustamante urged the RTG to reconsider its plan to deport unregistered workers. “*Mass expulsion will result in unprecedented human suffering and will definitely breach fundamental human rights obligations,*” Bustamante said. “*Among the groups who may potentially be deported there may be some who may be in need of international protection and should not be returned to the country of origin.*”⁶

Underscoring the vulnerability of Burmese workers deported from Thailand, Bustamante’s statements came just two days after a 17-year-old Burmese worker was reportedly tortured and then executed by soldiers to whom he was handed over by RTG authorities. According to the *Irrawaddy*, RTG authorities deported the boy for working illegally, transferring him to the custody of the Democratic Karen Buddhist Army (DKBA) at the ‘Zero Gate’ checkpoint south of the Thailand-Burma Friendship Bridge, which links the border towns of Myawaddy and Mae Sot, in Burma and Thailand respectively. According to a witness quoted by the *Irrawaddy*, the boy attempted to escape after being told he would be made to do forced labour if he could not pay to secure his release from the checkpoint. “*The man was afraid because the DKBA told him that if he couldn't pay enough money, he would be sent to a force[d] labor camp,*” the *Irrawaddy* quoted their source as saying. “*The man tried to escape, but he was caught and torture[d] and finally he was shot by DKBA soldiers on the same day.*”⁷

While the *Irrawaddy*’s story could not be confirmed, Burmese workers in Thailand and KHRG field researchers have reported other incidents of violent and exploitative abuse following deportation of Burmese workers by RTG authorities, including taxation, forced labour, beatings and rape. Details of these abuses, which have all taken place following deportation to checkpoints controlled by the DKBA along the Moei River separating Myawaddy and Mae Sot, are in the section below.

Abuse of Burmese workers following deportation from Thailand

As of the end of 2009 there were a total of 11 gates along the Moei River in the immediate area of the Thailand-Burma Friendship Bridge between Myawaddy and Mae Sot; they stretch from DKBA Brigade #999 headquarters at Shwe Gko Gkoh, north of Mae Sot, to DKBA Gate 19, south of the bridge and opposite a trade gate operated by the RTG. These gates are largely ad

³ *World Report*, Human Rights Watch, January 2010. Amnesty International came to a similar conclusion in a report released in 2005, which urged the Thai government to “ensure that migrant workers are protected from harassment and extortion... and to ensure that the fundamental human rights of all migrant workers are respected.” See, *Thailand: The Plight of Burmese Migrant Workers*, Amnesty International, June 2005.

⁴ “Thailand Serious About Deporting Unregistered Migrant Workers,” *The Irrawaddy*, February 2010.

⁵ See, for instance, this statement from an international federation of Worker’s Unions: “Resistance Builds Against Thai Migrant Worker Expulsion,” International Federation of Chemical, Energy, Mine and General Workers’ Unions, February 2010.

⁶ “UN expert on migrants raises alarm on threat of massive deportations from Thailand,” *Thai News Agency*, February 2010.

⁷ “Returned Burmese Migrant Killed by DKBA,” *The Irrawaddy*, February 2010.

hoc, however, and their number, locations and the various prices charged for crossing as an individual or with goods to trade vary according to the local economic, military and political situation.⁸ Daily crossings for local people circumventing official immigration and trade procedures are cheap, facilitating cross-border traffic. These crossings are undoubtedly lucrative for State Peace and Development Council (SPDC) Army soldiers, civilian officials, police, *Na Sa Ka*,⁹ DKBA soldiers and Karen Peace Force¹⁰ soldiers that operate them, if more for the volume of traffic than the cost of each individual crossing.

At least three DKBA checkpoints, however, earn substantial income from deportation procedures facilitated by the RTG. Burmese workers deported by RTG officials are transferred to Burma via DKBA checkpoints, where they must make large payments before being released into Burma or simply returning to Thailand. KHRG researchers and Burmese workers in Thailand report that these payments vary from 1,000 to 2,000 baht (US \$30 to \$60). The payments differ for a variety of reasons, but it is likely that a crucial factor affecting pricing is the location from where a worker is being deported; workers deported from Bangkok, where they can be expected to have earned a higher income, are charged more than workers deported from Mae Sot. While KHRG could not confirm the number of workers deported through these checkpoints, a researcher who monitored them during January 2010 concluded that one checkpoint received 200 to 300 workers every week.

Even with the absolute lowest estimates for the payments charged, the number of trucks arriving per week, and their total occupants, just one of the confirmed three DKBA checkpoints receiving deported workers is likely earning at least 200,000 baht (US \$6,033) per week, or just under 10.5 million baht (US \$317,000) per year. RTG deportation procedures, then, appear to be directly providing a large amount of funds¹¹ for an armed group that KHRG has extensively documented committing human rights abuses including forced labour, forced conscription of children and adults as soldiers, arbitrary violence and summary execution, mining of civilian areas and the burning of villages.¹² Even more alarming are the RTG's plans to deport potentially more than 1 million unregistered Burmese workers at the end of February, which appear poised to exponentially increase the DKBA's earnings if even a fraction of these workers are returned via DKBA checkpoints.

The DKBA appears to have streamlined the method by which deported workers ordered to make payments can secure their release, even in situations in which deported workers have no cash on hand, either because they have no money or because it was taken by the RTG officials that arrested or detained them. Workers deported from the immediate Mae Sot area are given a phone with which they can call friends or family to come and pay for their release. Workers from farther inside Thailand, meanwhile, are told to contact friends or family and direct them to transfer funds via *hundi* brokers in Mae Sot, Bangkok or elsewhere.¹³

⁸ For more on unofficial trade and immigration checkpoints between Myawaddy and Mae Sot, as well as details of checkpoints further west along the Asian Highway, see "Tollgates upon tollgates: En route with extortion along the Asian Highway," KHRG, October 2009.

⁹ *Na Sa Ka*; the SPDC's 'Border Defense' force—not to be confused with the new Border Guard Forces into which ceasefire groups are to transform. For more on the DKBA's Border Guard Force transformation, see "Forced recruitment of child soldiers: An interview with two DKBA deserters," KHRG, August 2009.

¹⁰ Karen Peace Force, Nyein Chan Yay A'Pweh ("Peace Group") in Burmese; formed in 1997 by defected KNLA officer Thu Mu Heh and now allied with the SPDC.

¹¹ For other ways in which the DKBA uses cross-border trade to fund its activities, see *Protecting their rice pots: an economic profile of trade and corruption in Three Pagodas Pass*, the Human Rights Foundation of Monland "Mon Forum," December 2008.

¹² For examples of human rights abuses committed by the DKBA, see *Grave Violations: Assessing abuses of child rights in Karen areas during 2009*, KHRG, January 2010; "Exploitation and recruitment under the DKBA in Pa'an District," KHRG, June 2009.

¹³ For details of the way these informal transfer systems function, see Sean Turnell, Alison Vicary and Wylie Bradford. "Migrant Worker Remittances and Burma: An Economic Analysis of Survey Results," in *Dictatorship*,

Deported workers that cannot pay to secure their release, meanwhile, are made to serve as forced labourers until they have paid off the cost of their release. In January 2010, a worker deported from Mae Sot via DKBA Zero Gate told KHRG that he spoke with workers at the checkpoint who were being made to build a restaurant near the checkpoint. This interview is provided in full as Appendix 1. The KHRG researcher that monitored the checkpoints, meanwhile, said that workers are also sent to other locations to complete work. This researcher reported that workers earn just 50 baht (US \$1.50) per day for their labour, meaning that it could take more than three weeks of forced labour for a worker without any external financial support to secure his or her release. Indeed, the worker who spoke with KHRG in January said that he met a young man at Zero Gate who said he had already been there for 20 days.

In other cases where deported workers do not have the income or external support to secure their release, trafficking agents sometimes make payments on their behalf. Workers in this situation are then beholden to the agent, and must work to pay off their debt, often at interest. These circumstances can also lead to extreme exploitation, as workers are exchanged like commodities. In December 2009, for instance, 17-year-old Ma A--- described to KHRG how she was raped after she was purchased from the agent who paid to secure her release from a DKBA checkpoint. Ma A---, who had been working in Bangkok since April 2005, had been arrested after she had complained about not receiving wages and her employer turned her over to police. After spending time in immigration detention centres (IDCs) in Bangkok and Mae Sot, she was sent to a DKBA checkpoint where a trafficking agent paid 1,800 baht (US \$54) to take her back to Mae Sot. After 18 days in which the agent was apparently unable to return her to work in Bangkok, she was sold for 2,000 baht (US \$60) to a man that took her back to his home in ---. Ma A--- told KHRG that this man pressured her to marry a male friend, which she refused. Over the course of the next three days, before she was able to escape, she was raped twice. An audio recording and translated transcript of this interview is on file with KHRG, but it has been withheld for Ma A---'s security.

Conclusion

Burmese workers in Thailand are an intensely vulnerable population, subject to abuse by human traffickers, unscrupulous employers, police and government officials. Many of these workers, moreover, come to Thailand not out of an apolitical desire for economic opportunity, but as a protection strategy initiated in response to the exploitative and violent abuse that drives poverty in their home areas. Many will again be threatened by the very abuses they have sought to avoid if they are forced to return to these areas at the end of February. Highlighting the vulnerability of returned workers, even those who are not at significant risk of human rights abuse in their home areas face abuse at the checkpoints to which Thai authorities transfer them during deportation procedures.

Because of these risks, national governments, including the RTG, international agencies, and humanitarian organisations currently (or potentially) operating on Burma's borders should acknowledge the legitimate protection concerns of migrants living outside of officially-recognised refugee camps and lacking legal refugee status.¹⁴ The "nationality verification" process should be extended and modified to address these concerns, while protection assistance should be expanded to include vulnerable migrants.

disorder and decline in Myanmar, Monique Skidmore and Trevor Wilson, ed. Canberra, Australia: ANU E Press, p.63-86.

¹⁴ This recommendation is taken from *Abuse, Poverty and Migration*, KHRG, June 2009. For more details on this and other recommendations forwarded by the report, see Section 7, "Expanding Protection," pages 54-58.

Appendix 1

Interview | Saw K--- (Male, 30), Mae Sot, Thailand (January 2010)

How long have you been in Mae Sot?

It has been already over ten years.

When were you arrested by the Thai police?

I was arrested on Monday January 18th 2010. I was arrested at ---.

How were you treated after being arrested?

One of the police took 350 baht (US \$10.50) and the other one took 120 baht (US \$3.60) for transportation costs [for transporting him from where he was arrested to the police station]. First they kept me in one small jail for over an hour and then they took me to the two-story prison in Mae Sot and I had to sleep there one night. They didn't provide us any food to eat. Luckily there is one small shop selling rice and other food in the prison. I have to buy food for myself. I don't know the name of the prison.

Did you have to give your thumbprint?

The next day they sent us to the immigration office close to the border and we had to make ten finger prints and stay there for four hours. When evening came at six o'clock they sent me to the other side of the [Moei River] to the DKBA. I heard them call the gate "DKBA #999 Zero Gate." It is located above¹⁵ the Friendship Bridge. When we arrived there, they didn't provide us any rice.

Did they question you, when you arrived at the DKBA checkpoint?

They didn't ask me anything. They just fined me 1,000 baht (US \$30). They said, "You have to pay 1,000 baht for your freedom." If I didn't give them money, they wouldn't let me go. There were some people who were there ahead of me and those people were not provided any food. For me, when I arrived there, they took my hand phone and 500 baht (US \$15). As soon as I entered the gate, a man said in a strong and rude voice, "Take off your bag," and then they searched my bag and asked me, "Do you carry a knife?" I told him that I didn't have a knife and only carried my clothes. Then I had to sleep one night in a small hut with no blanket. It was very cold during the night.

How many people were sent back together with you?

Over 30 people were in the same truck as me. Almost all of the people were taken out that evening and only I and one other person were left [at the DKBA checkpoint] in addition to five or six other people who were there before we arrived. One young man about 20 or more years old had been there for 20 days already. Nobody came to take him out. He had to work from six o'clock in the morning to the late evening. He could only have food when he worked; if he didn't work they wouldn't give him any rice. People there scolded him and beat and punched him. An old lady was also there last night. She hadn't had any rice for five days so I bought some rice for her.

¹⁵ Note that DKBA #999's Zero Gate is located south of the Thai-Burma Friendship Bridge between Mae Sot and Myawaddy. The interviewee likely describes it as located 'above' the Friendship Bridge because the Moei River flows from south to north, making Zero Gate upstream of the Friendship Bridge.

What will happen to those who could not leave the checkpoint?

For those people who didn't have anyone to come and take them out, they have to stay there and work. This morning they'll build a new restaurant near the checkpoint. So, those people [still at the checkpoint] have to work on the construction.

What happened when the Thai police sent you back to Burma?

They sent us to the river bank and there were two or three motorbikes following after the truck carrying us. As soon as we arrived at the river bank, most of the people were taken away before the rest of us were sent to other side of the river. Those who were taken out were mostly women. After that we were asked to get on the boat and crossed the river to the other side.

When they took your belongings what did they say?

One of the women who took my belongings told me in Burmese, "Brother, give me your phone and 500 baht here and I'll note down your name. If you go and sleep there [at the DKBA checkpoint], the soldiers will take your things so I'll keep them for you here and give them back tomorrow morning." But the next morning I couldn't find the woman who kept my phone and 500 baht.

If someone wants to take a relative from that checkpoint, normally how much do they have to pay?

They said we had to pay 1,000 baht each. But the lady who stayed there said only I had to pay 1,000 baht. She said the lady who stayed there [already for 5 days without rice] would have to pay 1,600 baht (US \$48).

Were there any young boys or girls in your group?

Yes, before I left the place, there were still two Pwo Karen girls who came back from Bangkok. They hadn't contacted anyone yet. They were not provided any food and they were crying a lot.

What do you want to say concerning the Thai police and DKBA that detained you?

I don't feel good. I don't have very much money and they shouldn't treat us like this. We are Karen and have no country. We have to go somewhere. We have to secretly seek work. When we get there, they shouldn't treat us like this.

If you compare the prisons on the Thai side and on the DKBA checkpoint side, because you spent one night at each place, which do you think is better?

They are the same because on both sides they didn't provide any food for us. We had to buy it for ourselves. We had to sleep with no blanket the whole night. It was very cold during the night.

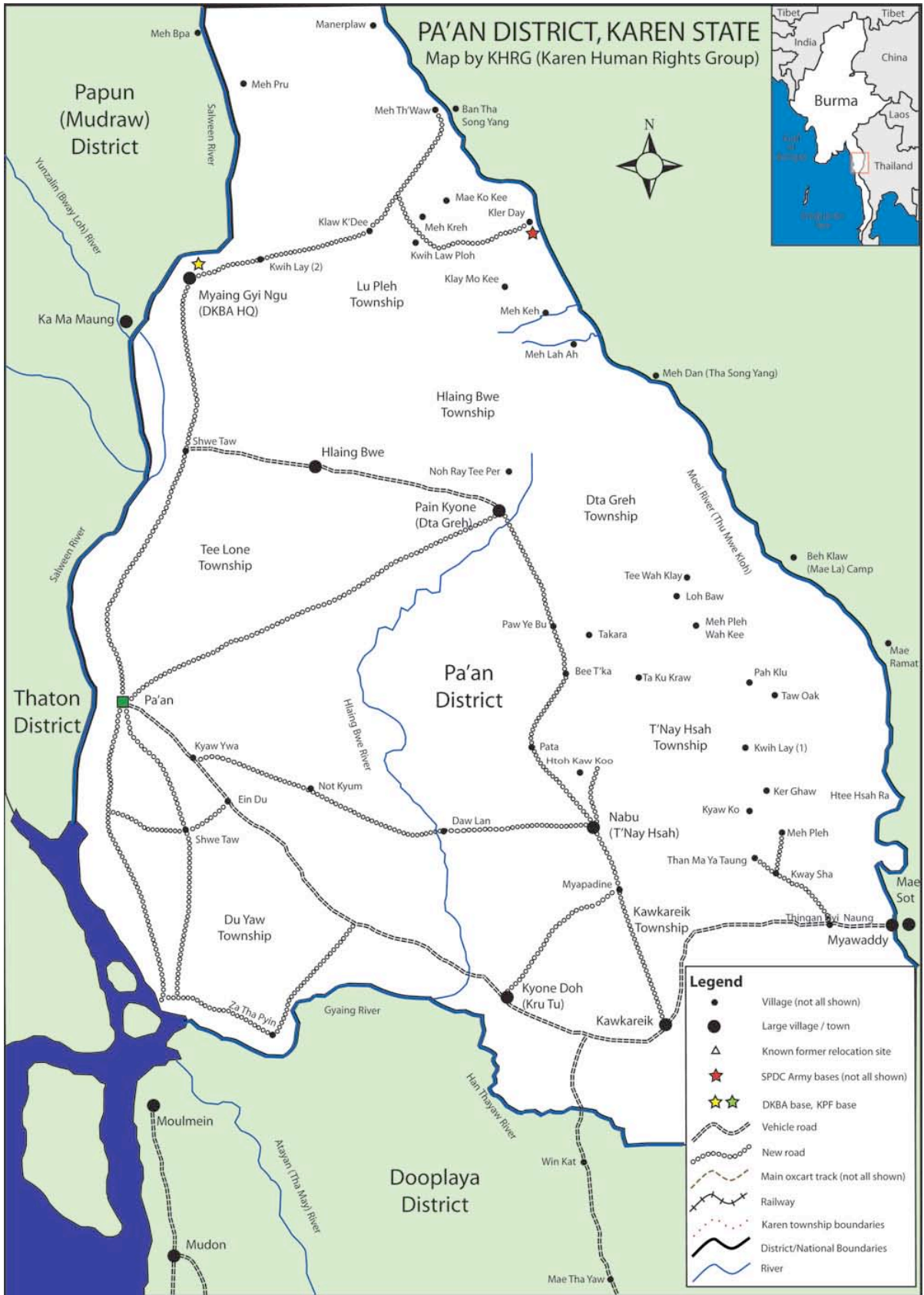
Were there any SPDC soldiers at the place you were kept on the Burma side?

There were no SPDC soldiers at that checkpoint. They were all DKBA soldiers.

For more information on vulnerability of Burmese workers and refugees in Thailand, see the following previously published KHRG reports:

- *Tollgates upon tollgates: En route with extortion along the Asian Highway* (October 2009)

- *Abuse, Poverty and Migration: Investigating migrants' motivations to leave home in Burma* (June 2009)
- *Refoulement Deferred: Still no durable solution for hosting refugees in Tha Song Yang District* (February 2010)
- *Threatening refoulement: harassment and pressure on refugees in Tha Song Yang District* (February 2010)



Karen Districts



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Scale: 1 cm to 22 km
1 in. to 35 miles