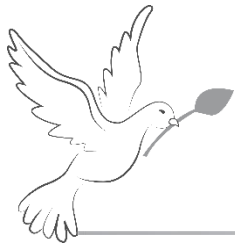


Sexual Violence against Women: A Study of Struggling and Negotiation of Raped Ethnic Women*



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Abstract

This research article has 2 objectives: 1) to find out conditions and contexts which facilitate sexual violence against marginalized ethnic women as well as the effects of rape occurring in marginalized ethnic women; and 2) to find out how raped ethnic women are able to overcome trauma and negotiate with the family and community. The research methodology consists of 3 methods; 1) the participatory observation by joining daily life activities with key informants; 2) in-depth interviews with key informants; and 3) interviews with representatives of NGOs and governmental officers. The units of analysis consist of narratives of the raped ethnic women to understand how structural conditions subjugate raped ethnic women as well as how these women have struggled or negotiated in their life.

From the research, it is found that: 1) the rape of the ethnic women is a form of sexual violence derived from multiple factors; politics, government, justice process, economics and culture that affected the victims' daily lives. The violence overlaid with ethnicity, gender, labor migration, and unequal power of negotiation that repeatedly jointly produced the violence as normal phenomenon, and 2) new identities of the raped women could be built up as survivors by use of the NGOs mechanism in struggling in the justice process, and use of various kinds of capitals such as being good mothers, grateful daughters, being wealthy status, etc., to negotiate with their family, community and others to overcome the trauma and survive worthily in the society.

Keywords: Raped Ethnic Women; Sexual Violence; Struggling; Negotiation

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Introduction

The two adjoining areas alongside the Thailand – Myanmar border is a significant area in terms of both international economics and culture. The relationship between the two dimensions leads to many problems including a problem which is the core of this research.

The border area has diversity of cultures since habitats and communities of ethnic groups, such as Karen, Kachin, Mon, Thai Yai, Kareni, Tai Lue, etc., sporadically settle along both sides of the border. This economic and cultural area, hence, has become the place for building up better lives of ethnic people as well as for existences of cultures and identities, adaptations and negotiation of the ethnic groups.

Myanmar people's labor migration across the border seeking jobs in Thailand is a favorite way for better lives of ethnic people in the country but it is also the way leading ethnic women to face sexual violence. It is found that amid the migration, ethnic women have had confronted with various kinds of violence; human trafficking, labor exploitation, rapes, etc. For rapes, in particular, some of them were violated both in the country of origin, before across the border. Some were done on the way or at workplaces, such as in garment factories, agricultural farms, restaurants, etc. These kinds of depressed events had repeatedly occurred to marginalized ethnic women within the context of labor migration that has caused suffering and oppression to them in terms of lack of social and financial security and lack of legal assistance, etc. (Karen Women Organization, 2016)

The afore-said oppressions pushed the women victims to unite themselves among the same ethnic groups and established non-governmental organizations (NGOs) with main objectives to resolve the sexual violence and develop the women's capacities to reach the level of self-reliance. Among other NGOs, Social Action for Women (SAW), Burmese Women Union (BWU), Shan Women's Action Network (KWO), Kachins Women Association Thailand (KWAT) and Mae Tao Clinic are the said organizations established to run activities for the purposes. From this movement, we can understand that the ethnic women victims, who have been marginalized people with poor protection by law, disadvantage status and lack of bargaining power, have attempted to find out and seek effective self-protection mechanism, to have bargaining power and build up their



own identities to protect themselves from sexual violence and human rights violation of marginalized ethnic women. (Mae Tao Clinic, 2016)

From the core fundamental objective of protecting the marginalized ethnic women from the sexual violence in the context of labor migration, these social movements of women proceeded by these social organizations have extended boundary of their activities wider both in terms of areas, issues and levels of implementation. In dimension of area, the movement has been found both in territories of Thailand and Myanmar; some are found in villages of both sides of the territories and in temporary shelters centers in Thailand's soil nearby the border. The movements include provisions of remedies and/or legal assistance to ethnic women victims, who had suffered from sexual violations in Thailand or Myanmar, provision of emergency homes and managing the return – home scheme for the victims and promotion of their knowledge on human rights and women's rights, implementations of campaign for ending violence against women by 6 ethnic women groups in Mae Sod district, Mae Hong Son province, and pushing the campaign with Thai government for changes in laws and policies concerning the send – back refugees, taking part in the political movement for social reform in Myanmar and in development of women's political roles in the same country, etc.

It is interesting that their activities have been undertaken at all levels: from the level of ethnic communities in both sides of the border, then, climb up to national level, as aforementioned involving their campaigns, and, finally, up to international level. The women's movement can push the sexual violence to be known and perceived at the international level. Furthermore, some campaigns of these movements were participated by their network, for example the campaign of the Rape License over ethnic women that reflected the relationship between the nation and body politics of women and how the nation state use sexual violence as power to control women. However, the Shan women's movement has shown the resistance to the state's power, has made changes political geography of ethnic conflicts, and has challenged the centralized power of the Myanmar's state (Luangaramsri, 2006).

Following the concept of sexual violence (Nagel, 2003), sexual violence is viewed as a form of women's oppression by patriarchy and rape is used as a weapon of destruction, genocide, ethnic cynical contempt by using the woman's body as “geography of gender and ethnicity”. Sexual violence is explained by myths and women bear the stigma of rape and



experience trauma and control. However, women try to create meaning and space for bargaining power. In this research, I will study how social structures cause sexual violence against marginalized ethnic women and how marginalized women seek strategies to overcome violence and bargain power.

In addition, following Burstow's concept of the trauma, Burstow (2013) suggests that the patriarchal discourses have the power to give meaning to rape that occurs to women and these discourses determine how women experience and cope with rape trauma because patriarchal discourse has defined their thoughts and daily lives as a daughter, a mother, a wife. This concept requires careful examination of the use of these discourses, including the role of the state and the law, to respond to the experience of rape and trauma of marginalized women. In this study, I will find out how patriarchal discourses shape ethnic women's experience of rape trauma and how they make resistance to the discourses.

Therefore, this research is focused on the rape as a form of sexual violence against ethnic women in the context of migration. It aims to study how the economic, social and cultural conditions cause sexual violence against ethnic women, who are marginalized and disadvantaged in the society and how those raped ethnic women, can overcome suffering and heal their traumatic wounds including any oppression by uses of some mechanisms, identity construction, various kinds of capital for their power struggle and negotiation.

Research Objectives

2.1 To find out conditions and context which facilitate sexual violence against marginalized ethnic women as well as the effects of rape occurring in ethnic women

2.2 To find out how raped ethnic women are able to overcome trauma and negotiate with the family and community

Research Methodology

This is a qualitative research. The researcher collected data from documentary research and field research. The data involving laws, state policies, assistance mechanisms, notifications, news, researches, publications, statistics, etc., were collected, some of them appeared in an ethnic language or Myanmar language. The filed research was adopted as the main tool to



understand realities of raped ethnic women involved. The researcher used the following 3 methods of the field research for collecting data for further analysis;

Step 1 Participatory observation is used to observe daily life activities of the targeted women and their context by joining in daily life activities with them in multiple roles such as joining in traditional ceremonies in Mon State and Mong Yawng in Myanmar and in Thailand, being a consultant for targeted women in term of personal problems, career opportunity promotion, social adaptation, and coordinating with the related state's or non-governmental organizations.

Step 2 In-depth interviews were conducted with 3 raped ethnic women: one Mon woman in Mon State, one Tai Lue Woman in Mong Yawng, both cases were interviewed in Myanmar, and one Karen Woman in Mae Hong Son Province in Thailand.

Step 3 Interviews were conducted with leaders of groups/networks of ethnic people, and with representatives of NGOs carrying out activities in Mon State, Myanmar and in Thailand.

The units of analysis consist of narratives of the raped ethnic women to understand how structural conditions subjugate raped ethnic women as well as how these women have struggled or negotiated with power in their life.

Research Results

Objective 1: The research has found that, in the scope of the study areas and study cases, marginalized women from different ethnic groups, that is, Mon, Tai Lue in Myanmar and Karen in Mae Hong Son province in Thailand were raped when they migrated to Thailand (in case of ethnic women from Myanmar), or big cities (in case of ethnic women in Thailand) in different situations. The result of the objective 1 is as follows:

Case 1: Un (pseudonym), she is a Tai Lue woman who traveled across the border from Mong Yawng, Myanmar to Mae Sai border of Chiang Rai province, Thailand heading to Nakhon Pathom province. She was deceived by the human trafficking process. Then she was abused sexually by being forced by the job broker to sell her virginity to an elder man and she kept this as a secret to her family because she feared that her family could not accept her. After that, with limited choice, she decided to be a "karaoke girl" to make more money for the family although she had fear and depression by selling sex to male clients. However, with her remittances, she was able to build acceptance from the family as filial piety or "strong daughter" and she becomes



strong. She thus builds a new value and meaning to herself. She has created a better life and she is an outstanding woman in karaoke in Nakhon Pathom.

Case 2: Aum (pseudonym), she is a Karen woman. She traveled from Mae Hong Son province to work as a housekeeper in Ladprao, Bangkok. She was raped by employers. She was sent back home and threatened by the employer not to tell anyone about the rape. However, she fought a lawsuit and agreed to receive compensation with support of an NGO in Chiang Mai. When she returned home to Mae Hong Son and told her mother about the rape, then, her mother forced her to marry a Karen man. She moved to live with her husband with depression, control, and rules. She attempted suicide twice but was immediately rescued. She received assistance from an NGO in Mae Sot and after that she created a new identity through being a weaving teacher, a Karen cloth vendor, and mother who does everything for her children; dedicate her life to her children "inspired mother". Her life also empowers other desperate and discouraged women, especially the Karen women in her community.

Case 3: Zin (pseudonym) is a Mon woman from Mon State, Myanmar. She was a victim of sexual violence by being "raped" by the elder village head for a period of time until she became pregnant. She moved to Mae Sot in order to escape from the rapist and live with her sister who is a wage laborer in Mae Sot and she had been assisted by Mae Tao Clinic and a Myanmar NGO network until she was treated, recovered and began a new future. Unfortunately, she then was raped by a migrant man in her sister's rented house in Mae Sot for twice. She fought the case but finally she chose not to fight to the end and returned home in the Mon state because it spent a lot of money to go to the court. She has been affected by posttraumatic stress disorder and she has avoided people, thoughts and situations that reminded her of the trauma. She becomes detached and isolated from other people. This is a kind of self-defense mechanism that keep her safe from the harsh reality of life.

To sum up, it appears that the marginalized ethnic women who are raped are ineligible to protect themselves and become stigmatized from rape in the context of labor migration or human trafficking. This shows that rape is a physical violence associated with structural violence supported by state power and law. Moreover, rape is also viewed as a form of cultural violence that suppresses women and reinforces post-rape trauma to ethnic women who feel that their sense of self and value as 'virgin woman' is destroyed. It is obvious that we cannot consider



sexual violence as an individual problem but we should acknowledge to analyze sexuality and historical context that linked to patriarchal power of the nation state. (Mookherjee, 2003)

Objective 2: The research shows that raped ethnic women have attempted to use NGOs' mechanism to protect women's human rights and strategies to overcome the trauma and stigma of rape as well as to create a new identity as a survivor. They chose the mechanism of Thai NGOs and international NGOs to support them and avoid confrontations with the state alone, such as the Mae Tao Clinic, the Myanmar NGO (CPPCR) for treatment, struggle, prosecuting, negotiating with the perpetrator, which sometimes cannot prosecute the perpetrator because the perpetrator escape across the border. These NGOs speak for them and induce cooperation from the authorities of Thailand and Myanmar government and bring their case to fight for justice. In reality, the fact that marginalized women just stood up and said: "I was raped by this man" is considered as their struggle because in the past, marginalized ethnic women feared to tell people in the family and community about the rape because people in the family and community might not believe them since they were far away from home. Therefore, when they decided to use the mechanism of NGO to bring their case to public space, they have had a cost by living with "shame", "stigma", and "blemish". Furthermore, to treat the internalized trauma of raped women, the trauma therapy process provided by NGOs is much needed to empower women and create new sense of self as well as desire to begin a new life. As such, they are able to create a new identity with the power, which was previously suppressed by the patriarchal structure and justice system in various forms, this is a struggle to live in everyday life under conditions of the social, legal and economic structures.

For these reasons, considering the structure of social power relations which take control of marginalized women, Ortner (1996) proposed that actions through the concept of "serious games" have the following dimensions: first, social life is composed of culture and the definition of the actors according to the rules and goals. Second, related to the life of an individual's social relationships, and interactions, the individual's life is composed of a diverse relations, position and alternatives. Third, there had no "act" of autonomous agents, who must be skilled, have ability and commitment to goals (Ortner, 1996). The struggle and negotiation of Un, a karaoke bar girl, is manifested by creating her identities as, the virgin, the rich, and "the grateful daughter".



Aum, Karen woman is identified herself as self-reliant, weaving vendor, weaving teachers and being a good mother and a good wife. As Zin, a girl from Mon state, presents herself as the religious: "I'm a religious person", and she protects herself from the outside world by avoiding people, forgetting the rape experience and keeping herself in her inner world.

Conclusions and Discussion

From the results of the objective 1 and the objective 2, it can be concluded that;

1. Social violence and cultural violence which cause gender inequality and women's subordination facilitate sexual violence against marginalized ethnic women such as rape in the context of labor mobility and this results in the normalization of sexual violence of migrant women and the violation of women's human rights by economic, legal and social structures. Therefore, rape cases of ethnic women have occurred repeatedly, especially along the Thai-Myanmar border and it becomes structural violence permeating to be daily life. The violence becomes a descriptive social norm that we called "social suffering" (Scheper-Hughes, 1992). The rape of marginalized causes a trauma, self-stigmatization to women because the women's body was devalued by the identity of raped woman in the family and community and the woman who was trafficked becomes a sex object. Rape of ethnic women is caused by the intersections of ethnicity, gender, class, sexuality, occupation and migrant status in the context of labor migration as Nagel (2003) pointed out that a culture of sexual violence is linked to intersections of gender, nationality and ethnicity, religion, migration, cross-border.

In addition, the raped ethnic women were suppressed by the justice system, as Mackinnon (1983) proposed that the law is the power of the state and it protects the power of male because the state established by the power of the male become institutionalized. As Mackinnon (1983) suggested that the state protects the power of male in dominant class and ethnicity/race, the structure of the justice system is also the power of male and this discriminates against raped women when they facing sexual violence come to justice process. As migrant ethnic women, who were victims of rape, have encountered various forms of discrimination, based on gender, ethnicity, migrant status, and class, by state agents in the justice system in both Thailand and Myanmar. For example, there is no gender sensitivity in the investigation process and this makes the raped women feel like they are raped again and again by a police officer and judge. This



point also resonates in Mackinnon's proposition. Mackinnon (1983) has pointed out that the state has maintained that violence. Women, victims of rape, are raped twice in court by the patriarchal system because the state is male power and what is wrong with rape is that women are inferior to men. From this point, the issue is not about what rape "is", but it is interpreted as a confrontation between women and male power (Mackinnon, 1983).

2. Raped ethnic women are positioned as inferior and subordinate in the power structure, they have attempted to overcome the trauma and struggle for better life. Due to the rape trauma, ethnic women have struggled with painful feelings, stress and fear to negotiate with responses of the family and the community related to rape. With the experience of rape, women have to face long term effects on being victims as called "double victim or second victim" by having symptoms of post-traumatic stress disorder; self-condemnation, self-stigmatization, and this also affects to relationships with their family and community (Killivayalli, 2010). On the other side, they have to overcome the trauma and stigma produced by the patriarchal culture that the family and community did to them. While NGOs and women's organizations are one of the mechanisms to support them through trauma therapy and empowerment process to encourage raped migrant women to overcome the trauma and protect themselves from sexual violence because after being raped most of ethnic women perceive themselves as 'dirty', 'unvirgin', 'devalued', 'humiliated' and they decide to conceal the rape from the family and other people. However, if they decide to tell other people about the rape event and traumatic feelings, this is a form of confession and resistance discourse which challenges the patriarchal discourse on femininity to reduce shame and trauma of women (Womersley & Maw, 2009).

Therefore, in this study I would like to argue raped ethnic women are not the only victims of sexual violence, they are also agents who try to fight for justice and negotiate with themselves, families, communities to overcome trauma and determine their life by creating challenging discourses on conditions to overcome trauma, pain and humiliation (Womersley & Maw, 2009), creating a new identity as a survivor by using cultural and social capitals as resource/power to building, defining and preserving opportunities (Yanyakasemsuk, 2013; Sangiamphaisansuk, 2005). As such, they have created a living space to fight for their right, to survive and build a better life.



Suggestions

1. For treatment and empowerment of marginalized ethnic women who face sexual violence, there should be an understanding of sexual violence linked to structural and cultural violence to build the capacity of women. Since sexual violence is not only physical violence, it is also structural violence which has oppressed ethnic women. The structural violence also supports cultural violence which produces fixed meaning of women's identity as a grateful daughter, a dutiful wife, a good mother. Therefore, trauma treatment and empowerment of marginalized women needs to respect the voice of women, participatory approach between practitioner and the women and consider economic, social and cultural conditions of women to provide further assistance so that women can protect themselves from sexual violence and build a better life.

2. Mechanism of marginalized women by NGOs in local and international with assistance processes can enable marginalized women to access human rights and judicial process. But in the judicial system, the justice system is discriminatory against stateless women and obstruct the women's access to justice for marginalized women might become victims of the justice system. Therefore, the judicial process should not discriminate against raped ethnic women but protect their rights instead. Without discrimination, established mechanisms can ensure the safety and the protection of marginalized women.

3. For further study on sexual violence against women, it is needed to account for the analysis of the narratives of post-rape experience and trauma and how they could overcome the trauma and stigma. Sexual violence derives from unequal relations between raped ethnic women and their family and community and causes emotional trauma and stigma to women. Through the narratives of women, we might see complexity of negotiating strategies of women. If raped ethnic women have access to social support such as an NGO's support, they might choose to reveal the trauma and rape case to the public and fight for their justice in the judicial process. On the other hands, keeping rape as secret can be a strategy used by the women to conceal the identity of rape victims because they fear that they might be stigmatized and devalued by the patriarchal culture. They thus negotiate with the patriarchal culture by the use of gender identity to strengthen the bargaining power as "grateful daughter", "motherhood" or building new sense of self as "self-reliant" to overcome trauma and structures that suppress her. Thus, analyzing



narrative discourse of raped ethnic women can reveal their actions of negotiating with themselves, families, and communities.

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