

Roles and Challenges for Muslim Women in the Restive Southern Border Provinces of Thailand

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Preface

The report “Rules and Challenges for Malay Muslim Women in the Restive Southern Border Provinces of Thailand” was first presented at the Conference on Religious Activism & Women’s Development in Southeast Asia: Highlighting Impediments, Exploring Opportunities, organized by Centre for Research on Islamic and Malay Affairs (RIMA), Singapore National University, on 20 November 2009. This report focuses on the roles of Malay Muslim women in the Southern Border Provinces of Thailand who have to face life amidst problems, obstacles and difficulties in bringing up their families in a time when violence forces them to stand forward as leaders.

Angkhana Neelapaijit has written this report with the objective to draw a picture of the problems of women in various dimensions, including women affected by violence from governmental officials or by unidentified armed groups, women in families that have experienced enforced disappearance, and women who are in groups who use violence. She also demonstrates the problems that Malay Muslim women must face as daughters, wives or mothers, the obstacles in accessing protective mechanisms from the use of Islamic law, the economic problems that women must face, and the problems of trafficking and domestic violence.

In more than 5 years of human rights work in the Southern border provinces, WGJP has met amazing loving, sacrifice and forgiveness, as well as forbearance and hope in the restoration peace of among women in the midst of the violence. WGJP sincerely hopes that this small report will act to bolster the foundation of a new self-understanding and way of life of Malay Muslim women who are living on the remotest provinces. WGJP strongly believes that loving and faith in the goodness in every human heart will restore back peace.

Working Group on Justice for Peace (WGJP)
May 2010





Roles and Challenges for Malay Muslim Women in the Restive Southern Border Provinces of Thailand¹

Angkhana Neelapaijit²

Introduction

Conflicts and violence in Thailand's Southern border provinces have caused much concern for the government, community leaders, religious leaders and general Thai people. Solutions have been proposed, but none has suggested the inclusion of Malay Muslim women to solve their own problems, though women constitute a half of the population.

Many women's groups have long worked to promote status of Malay Muslim women in the Southern border provinces, but their voices have hardly been heard among the policy makers. It looks as if women had done nothing to deal with their own predicament. They also face persecution and are discredited when they come out to defend

¹ This report had presented at the **'Conference on Religious Activism & Women's Development in Southeast Asia: Highlighting Impediments, Exploring Opportunities'**, Friday, 20th & Saturday, 21st November 2009. Organised by; Centre for Research on Islamic and Malay Affairs (RIMA) In collaboration with; Konrad Adenauer Stiftung (KAS) and the Malay Studies Department, NUS. Singapore.

² Chairperson of Working Group on Justice for Peace (WGJP): Justice for Peace Foundation, a human rights NGO in Thailand

their rights which are compromised by the conservative interpretation of religious code. Thus, they are made to look as “sinful women” or “vicious women” for having their ordeals exposed in public.

In Southern border provinces of Thailand, a number of Malay Muslim women have the chance to study *Shariah* or Muslim moral code in Pondok School and university, inside or outside the country, and have commanded the title of *A’leemat*. Yet, it has not been known that any of them have formed as a group to interpret the moral code, to educate and to defend the rights of Malay Muslim women in the Southern border provinces.

Another major concern is the under-representation of Malay Muslim women from the Southern border provinces in democratic system to make the policy for women’s causes whether in the legislative, judiciary or administrative branches. Though a Muslim woman was included in members of the Constitutional Drafting Council during 2006-2007, but she was not representative of Malay Muslim women from the Southern border provinces.

Among solutions proposed to address the conflicts and violence, be it the establishment of special autonomous region, the use of Muslim moral code especially Family Law or the demand for establishment of Shariah Court, none has been developed with women’s participation. Even for solving domestic and heritage dispute by the Datoh Justice in the South, the matter of which affects directly women, women who are knowledgeable in the religious code have not been given the chance to participate, even to give any advice in the decision making process of the justice system.

The “inexistence” of Malay Muslim women has led to a question if the women themselves are satisfied with not having any role in solving their own problems, or in fact, they have been intentionally excluded by the elite or certain religious leaders who stick to the conservative interpretation. Criticisms abound that women have not been accepted and have been made incredible. This has happened despite women in other regions of Thailand enjoy ample spaces and have active roles in raising their issues, and participate in the solutions through the amendments of law and policy that affect children, women and the families. But Malay Muslim women in the Southern border provinces have received insufficient support from either the general public or the government as far as attempts to educate and empower women or to open up spaces to embrace their participation at all levels.

This research is an attempt to review the roles, tasks and challenges Malay Muslim women in the Southern border provinces have to face at present. The author attempts to be objective in writing the report and respects the Islamic principles which uphold rights and liberties and protect women, as they are regarded an essential part of family and society. It draws on the author’s direct experience to witness and feel the ordeals many Malay Muslim women in the Southern border provinces have to go through over the past five years. Experiencing how the women have to live in suffering, but offer their bravery, sacrifices, love, patience, despite their fear and insecurity, has made us realize that women are in fact the direct target of violence and damage. Despite the losses, they are supposed to steer their families ahead. It is not uncommon that Malay Muslim women are spotted to walk about in and out the military barracks, police stations



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or the Courts. They are there to demand justice for their families which have been treated unfairly. They have to work hard to ensure survival of their families, while it is unsafe for their men to venture outside home. In addition, a number of women have to suffer domestic violence, or have been left to take care of the family, if their husbands have many wives. These women can be found everywhere in traditional Muslim society and they are simply poor Muslim women with low education, and have no participation and are not treated equally.

Sustainable solutions to violence in the South shall not prevail if women are still left to endure their suffering, trauma and bitterness by themselves and as long as the women's tragedies are viewed as their personal trauma which warrants no attention from society. Though women have the potential to become a half of efforts to solve the problems, they are simply left to face the suffering and the violation of their due rights by themselves. In this predicament, it is difficult for women to take a bold step and to face the problems upfront. And with that condition, the chance for peace to be restored is slim since women who can potentially and effectively solve the problems are regarded as feeble and weak and their voices are unheard.

Background

Violence in Thailand's Southern border provinces which has escalated since 2004 has incessantly affected the livelihood of local Muslim population. Women, in particular, have to suffer a great deal from the turbulence, injustice and various kinds of structural violence including domestic violence, drug abuse, income disparity, impoverishment, food security, etc. The problems are a challenge as far as the roles of women in taking charge of their families

and raising children are concerned. It is particularly true for women who have lost their breadwinners and have to take on the roles themselves.

The unrest has peaked during events happening on 28 April 2004 and the suppression of demonstration in front of the Takbai Police Station in Takbai district, Narathiwat on 25 October the same year. The latter incidence claimed 78 deaths. In the past six years, violence has been occurring successively and seems to have developed into various forms including bomb planting, use of weapons, enforced disappearances, ambushing, etc., and the victims include state officials, community leaders, spiritual leaders as well as women and children.

Muslim women and violence in the Southern border provinces of Thailand

The violence renders acute impact on women as victims and perpetrators of violence. A number of women have to change their roles from being wives or daughters to leaders and breadwinners of the families. They take efforts in studying various special laws applicable in the local area including Martial Law, Emergency Decree on Government Administration in States of Emergency B.E. 2548 (2005), or civil and criminal laws. It is hard considering their existing low education and weak literacy in Thai language and their having to take on the economic burden of the families as family leaders and the lack of available means and resources to do so. Traditionally, the Malay Muslim women have been instilled with religious teaching enough for them to perform the roles of good wives and daughters. In this report, the women affected by violence in the Southern border provinces

are categorized by the types of violence inflicted on them as follows;

Women affected by violence abetted by governmental officials

They include women who have lost their family breadwinners as a result of the treatment by state officials including those killed during 28 April 2004,³ Takbai massacre,⁴ massive enforced disappearances, the overreaction of state officials in various cases, husbands who have been arrested on insurgency related charges, etc. As a result, the families have been living with the stigma and biases inflicted by state officials and general society outside their communities. They are looked upon as part of the insurgency movement and are deprived of the entitlement to remedies from the state⁵ save for the families of those who died during the Takbai massacre who have received some compensation from the government. The Malay Muslim families generally adhere to the principles of Islam. Justice Datoh is tasked with making judgment on family and inheritance matters. The Islamic principles have been incorporated into the Act on the Application of

Islamic Laws in the Provinces of Pattani, Narathiwat, Yala and Satun B.E. 2489 (1946) making the treatment of family matters in the area different from those applied to Thai citizens in other provinces. For example, it is legal there for a man to marry four wives, or the rules concerning the division of inheritances. Though the Islamic laws are theoretically applicable to family and inheritance matters, but the actual enforcement is difficult. For example, according to the Islamic laws, after divorce, men have to look after children who are still minors. Or concerning the division of inheritances, husbands are supposed to look after their ex-wives for life. Though the laws exist, but the enforcement is not there causing impact on women widows and children who are left unattended. And there is no other recourse of justice, since the decision made by Justice Datoh is final.⁶

A case in point is the amount of government's compensation for the families of those who died during the Takbai massacre. The Justice Datoh decided that around 300,000 baht should be given to each family. As a result, the surviving wives often get very little portion. If the affected families are also in

³ On 28 April 2004, it was reported that a group of villagers arming themselves with knives or woods were staging the insurrection against the state. They were accused of simultaneously attacking 11 governmental offices including police station in Pattani, Kruese Mosque and Sabayoi district Songkla Province. As the government decided to retaliate with brute force, 108 people have died as a result.

⁴ The Takbai massacre took place on 25 October 2004 during the fasting month of the Muslims. People in Takbai district, Narathiwat staged a demonstration as the officials had earlier put under arrest the Village Defence Volunteers accusing them of supplying arms to insurgents, whereas all the suspects claimed the arms had been stolen by the insurgents. At the order of Prime Minister Thaksin Shinawatra, the suppression of the demonstration took place claiming 85 deaths.

⁵ The report by the National Reconciliation Committee (NRC) officially appointed in 2005 mentions that children who were made orphans by the event on 28 April 2004 were put into a list separate from other orphans since they are considered children of insurgents. As a result, they were entitled to just one-year scholarship and no monthly allowances.

⁶ The Shariah Court has yet to be established in Thailand and there are no mechanisms to enforce the Islamic laws efficiently. For example, in divorce cases, if the husbands fail to support their ex-wives and children, there is no way to seek justice for that.



debt, the surviving women have to take a lot of burden of raising the children.

Another example is the dead person had been raised by his mother alone, since the father had divorced and remarried. Before his death, the son helped to raise income for his mother. When the government allocated compensation, it shall fully go to the father, and his mother will not be entitled to any of the compensation, though she was the one who raised the slain son.⁷

The issues have been raised for discussion to seek solutions by the Standing Committee on the Inquiry of the Unrest in the Southern Border Provinces, the National Legislative Assembly (NLA). A seminar was called among knowledgeable persons in Islam in Thailand on the theme “Islam and the Paths toward Unity and Harmony” held during 25-26 March 2007. A conclusion from the meeting was “compensation for the families which lost their family members as a result of unrest in Southern border provinces shall not be regarded as an inheritance.”⁸

Until August 2009, 548 families have seen their family members detained while awaiting the trials.⁹ These families have received no support from the government and are viewed by people as being part of the insurgent movement opposing the state. While having



to struggle to live by without leaders and breadwinners, the surviving wives and other family members have to try to prove the innocence of their family members and husbands.¹⁰ It is estimated that more than 2,000 youth have been left with no caretakers.

In one family four siblings and one cousin have been arrested in security related charges at the same time, including being

⁷ In Southern border provinces of Thailand, the Islamic laws exist in theory, but reality. Women cannot invoke normal justice process to appeal the decisions made by the Justice Datoh. As a result, they have found it difficult to survive without the supporters. Detail shall be spelled out in the next chapter.

⁸ Please see the report by the Standing Committee on the Inquiry of the Unrest in the Southern Border Provinces, the National Legislative Assembly (NLA), pp. 64

⁹ http://www.isranews.org/cms/index.php?option=com_content&task=view&id=4890&Itemid=86

¹⁰ At present, in Southern border provinces, 518 security-related cases are pending in the Courts, and 175 cases decided. Of 284 defendants, the Court of Lower Instance convicted 184 defendants in 114 cases (65% of all cases). 61 cases have been dismissed and 100 defendants acquitted (35%). Some of them remain incarcerated awaiting the consideration of higher courts. (Source: Royal Thai Police Operations Center as of the end of May 2009) http://www.isranews.org/cms/index.php?option=com_content&task=view&id=4890&Itemid=86

accused on setting fire on tires, spraying color on the street. The five detainees have in total 19 children and five wives, plus an old mother. These 24 children and woman have to suffer from the incidence as well.¹¹

Families of the enforced disappearances

There is a lack of clear policy by the Thai government concerning remedies for the families of enforced disappearances. In 2006, the government set up the National Reconciliation Committee (NRC) which found 23 cases of enforced disappearance in Southern border provinces. The Special Subcommittee under the Committee on the Remedy Policy for Those Affected by Situations in Southern border provinces has provided help to 17 families. As the Subcommittee became dysfunctional in the new government, support for the families has been discontinued. Also, enforced disappearances are not yet criminalized in Thailand. There is no legal possibility for the families of enforced disappearances to have the official recognition of the disappearance, particularly if they were caused by state officials or the state apparatus. Without the official recognition of the disappearances, families of the disappeared are not entitled to justice process, compensation or remedies different from other right violation cases. Meanwhile, human rights organizations have filed complaints of cases of the enforced disappearances among the Malay Muslims in Southern border provinces to the UN Working Group on Enforced or Involuntary

Disappearance (UN WGEID). 18 cases have been received by the UN WGEID so far,¹² and efforts should be made to urge the Thai government to track down the disappeared and to provide remedies to the families.

None of the religious scholars in Thailand has made attempts to interpret the issues concerning enforced disappearances using Islamic law such as the rights of the surviving wives to the management of matrimonial assets, the rights to lead the family's matters, child rearing or livelihood, or even the rights to remarrying. Thus, Malay Muslim women in Southern border provinces whose husbands have disappeared find it difficult to live their life.

Women in families who are affected by unidentified forces or women who are affected by daily violent incidences.

The women have to bear with the family burden after the loss of their husbands. Similarly, wives who saw their husbands injured or made disabled have to take care of the families. Though receiving support from the state, it is barely enough since they often have many children. With low education, the women find it almost impossible to earn enough to feed their families, particularly to support their children's education. If they venture to work outside, the chance is they may be subject to criticisms and despise by local religious leaders.

¹¹ Ibid

¹² Cited in WGJP's report



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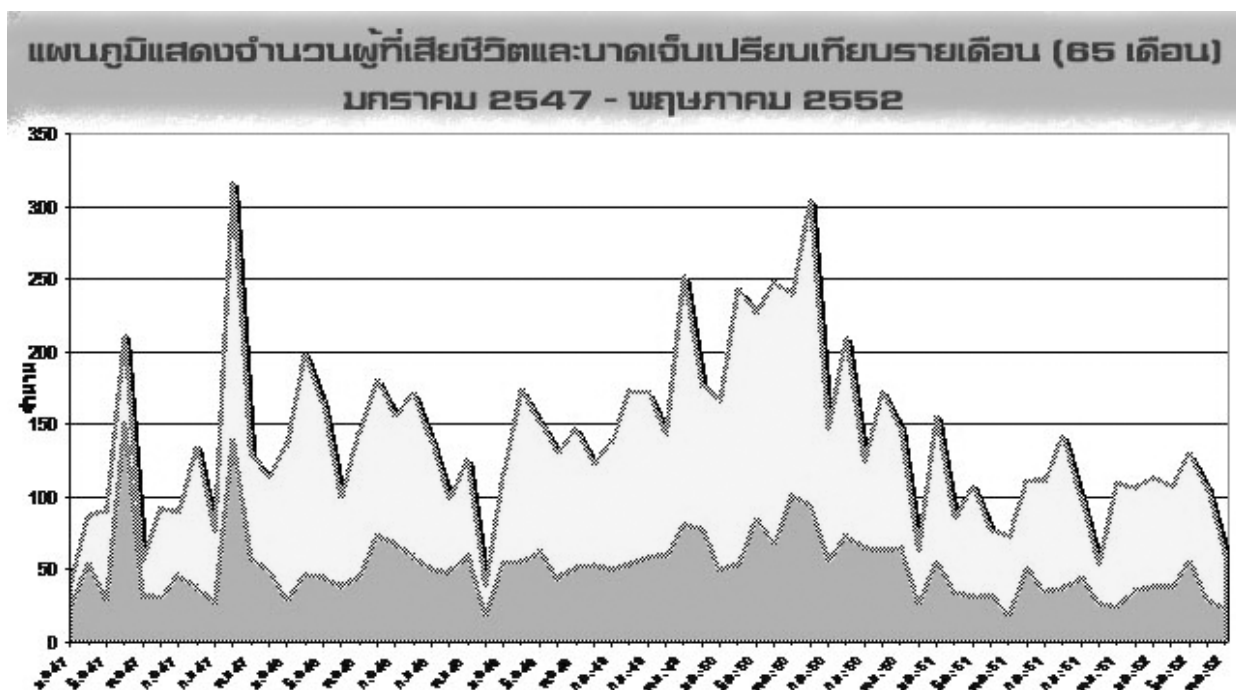


Diagram showing the number of casualties by month (65 months) January 2004 - May 2009

	Injuries				Deaths				Surviving spouses		
	Men	Women	Children	Total	Men	Women	Children	Total	Men	Women	Total
Pattani	951	143	47	1141	665	49	11	725	9	397	406
Yala	1103	314	108	1525	620	65	17	702	11	278	289
Narathiwat	1919	364	94	2377	994	80	22	1096	12	209	221
Songkhla	174	101	12	287	150	16	7	173	4	41	45

Number of injuries, deaths and surviving spouse as a result of unrest in the Southern border provinces during 2004-2007 , By the Coordinating Center for the Relief of Those Affected by Unrest in the Southern border provinces and Deep South Coordination Center (DSCC)

Families of state officials which are affected

The families receive the best remedies available by the state. For family members who got injured or died and were state officials, they shall be entitled to compensation, honorary as the ones who sacrifice, having their children receive education and having their surviving wives or children serve in the government. It is not popular for local Muslims in Southern border

provinces to apply for governmental jobs believing that the Thai state is not sincere in hiring them, particularly in security forces such as police, army, etc. Now the government is more open to recruit local people. That makes the insurgents feel the villages started to sympathize with the state. The Malay Muslims who are either police or other state officials become more vulnerable as targets of the insurgents.



The demonstration at the Isla Huddin Pondok School, Sabayoy district, Songkhla, after two students were shot dead by armed forces believed by the villagers to be state officials on 19 March 2007

Women who are part of the violence perpetrators or are being used as a tool against the state

- Women in the insurgency movement or are hailed as symbol of the insurrection** The women have hardly been mentioned and no reports have been made to explain their roles succinctly. They are related as wives, or children who are supposed to stay loyal to their husbands or fathers. They may not agree with the act by their husbands or fathers, but are incapable of stopping it or resisting. Many of the women have been

abandoned as their husbands, brothers or fathers have to run. They stay under close watch of the officials and are subject to inquiries and other pressure to make them leak information concerning the location of their husbands, brothers or fathers. In some cases, they are taken to and held in custody at the military barrack being forced to disclose the location or information concerning other family members who are suspected by the officials. Many of the women have with



them very young children, and when being held in the military barracks, they have to bring their children along.¹³ Reportedly, some women were subject to detention since they appeared to be owners of the vehicles used by their husbands to commit the violence, though they are unable to drive. In some instances, they were rounded up while being forced by the insurgents to tend to the wounded persons after clashes with the state officials.¹⁴



Malay Muslim women blocking the road

The identity of Malay Muslim women has often been used as a symbol of protest and in relation to the insurgency. For example, it may be reported that the suspects in shooting or bomb planting incidences were clad like masked Malay Muslim women.¹⁵ It should be noted that in various demonstrations in Southern border provinces including the Takbai protest which saw many deaths and other events held to demand justice, those standing in the front line are often women. They do so believing that the officials shall act in leniency with women in the front.

It has been reported that in the demonstrations, some participating men disguised themselves as women. Meanwhile state officials and media are inclined to believe the women have been lured or forced to demonstrate and are being used as a tool of the perpetrators. They often report that the women are not from local villagers, but somewhere else and are there to instigate

the people. But the women often state concertedly that they have to cover their faces since the officials like to take picture and as a result, they may end up being included in the watch list and being investigated by the state officials, which may compromise their safety.

In the interviews with women of the families that have caused the violence, the author find these women constantly live in fear and are unable to chart the course of their lives. They are forced to marry the perpetrators as their second or third wives. The marriage is used to keep their mouth shut. Some women who have shown resistance or rejection were often subject to domestic violence. They are taught to follow the word of their fathers or husbands so that they are regarded as good ladies who conduct a noble way of life according to the religion and tradition.

Women who happen to be part of the insurrection movement are often opposed to the use of violence. Many of them had not

¹³ According to WGJP, a child as young as one year old has been detained along with his mother in a taskforce in Pattani (please see the letter by WGJP to the Commander of Joint Civilian-Police-Military Command)

¹⁴ http://www.isranews.org/cms/index.php?option=com_content&task=view&id=4896&Itemid=47

¹⁵ http://www.prachatai.com/05web/th/home/page2.php?mod=mod_ptcms&ID=2572&Key=HillightNews (2 July 2008)

been aware that their fathers or husbands were part of the movement, and only knew when they were arrested and charged. The author got to talk to some women whose husbands were part of the movement and were killed. They believed that their husbands were killed in vengeance by armed forces with support from state officials. It helps them to justify the use of violence in retaliation to the state officials.

Among women being part of the movement against the Thai state, there has not been any report that there are any armed Malay Muslim women.

• **Armed women forces as paramilitary**

A number of women have lost their family members. They are forced to stand out to protect themselves and their families. Pledging not let the loss happen again, they apply as volunteer rangers and the state supports them fully taking it as a way to provide remedy to the affected families. The women of course become a target of the insurgents as they stand in their way to struggle for the independence of Pattani. To the insurgents, the armed women are treated as the infidels and deserve to be killed. For instance, Ranger Amiyah Jeha, 23 year, was shot dead in front of her mother and her house in Tambon Banga Sato, Rangae district, Narathiwat, on 4 July 2007. She just went there two days to visit her family. Before, she had been constantly put under intimidation.¹⁶ Similarly, Ranger Aminoh Ma, 26 year, of the Ranger Force 43, suffered from serious gun wounds. The incidence took place in front of her residence in Moo 1,

Tambon Talubom, Muang district, Pattani on 19 August 2008.¹⁷

Status and roles of Malay Muslim women in family

In this report, the author intends to describe the status and roles of ordinary Malay Muslim women who are the majority of women in the Southern border provinces. These women are often poor, have low education, have to work hard and are commonly found in rural area, in farmland, or rubber plantations. Meanwhile, women from the middle class or elitist class who have good education, come from well to do families and have religious education are not subject to the injustices or other rights violation.

From discussing with a number of Malay Muslim women, it was found that they take very important roles in caring for their families and adhere strictly to their religion and tradition. Given the eruption of violence and other developments in local area, the social structure in the Southern border provinces has changed. Women who face injustice find they are incapable of protecting their own rights and entitlement to pursue their way of life and practice their religion. For example, they may have to face domestic violence, being abandoned by their husbands, or are unable to refuse to have sexual intercourse with their husbands knowing that their husbands have HIV/AIDS.

¹⁶ http://www.isranews.org/cms/index.php?option=com_content&task=view&id=2315&Itemid=58

¹⁷ <http://www.boybdream.com/manager-news-content.php?newid=88749>



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In addition, the mother-child relations have become more strained given the social structure that pushes the families to have to struggle for survival.¹⁸ The families that have lost breadwinners due to the unrest have to reach out for need from outside institutions such as school, Pondok or Tidika schools, to support child rearing.¹⁹ Meanwhile, the state has no policy to support these religious

schools²⁰ which function as a daycare center for the children. It affects the care to deliver to children and youth, and as a result, many of the children and youth have been abandoned, neglected and may get involved in drug abuse. Despite an increasing number of protect to address the children and youth, many of them still have no chance to good education and quality of life.

¹⁸ It is noted by the author that normally member of the Malay Muslim families in the Southern border provinces do not have many changes to live together and shared their activities such as eating together, etc. They can be together only on certain important religious days.

¹⁹ Tadika is a religious school that teaches Malay language. Founded by the community, the school is tasked to provide education to local youth using the venue at the mosque during weekends. The parents like to send their children to attend the Tadika school, since apart from learning Malay language, their children are also subject to monitoring and discipline to prevent them from getting involved with improper activities such as drug abuse.

²⁰ The state may look at the religious schools founded by the community including the Pondok and Tadika schools as the breeding ground of separatist ideology and violence. Children educated in the institutions are also regarded as having something to do with the unrest. As a result, the Thai state has refused to support this kind of education, or if they do, it is barely enough for them to operate. Most of the income for the religious schools including the Pondok and Tadika is derived from donation.

(Please see the report by the Standing Committee on the Inquiry of the Unrest in the Southern Border Provinces, the National Legislative Assembly (NLA), Ibid)

There are differences between educated and uneducated Muslim women in families. The former have good education and come from well to do families and are able to describe their needs and are more aware of their rights and duties than the uneducated women. It also depends on how much importance men and society place on the voices of these ordinary women.

Muslim families in Southern border provinces under the unrest

As violence in the Southern border provinces has flared up, the government has changed their approaches. From relying chiefly on operation cordon and search which has led to widespread human rights abuse, the government has changed to dispatching their security officials to 217 villagers believed to be associated with the insurgents. Each unit of 25 officials from the army, police and Territorial Defence Volunteers is supposed to establish the role of the state and to encourage local people to have confidence in the state officials as a well as to conduct development projects. They are there to live their lives with the villagers under the “Peaceful Village” project.²¹ The officials from the army, police and Territorial Defence Volunteers often set up their camps in school, rubber plantation, or fruit orchard belonging to the villagers. The local Malay Muslims look at this as an attempt to destroy their traditional culture since many of the

officials dispatched there are not Muslim and do not understand the way of life of the Muslims. Their presence is viewed as a threat to the endeared values, traditions, and religion. It has thus led to opposition such as the demonstration of more than 100 men and women to oppose the setup of army camp in Ban Lanchang, Saiburi district, Pattani on 24 December 2008. The reason of their opposition was fear among the local villagers and children.

The villagers have no trust and confidence in the rangers. They fear that the presence of the officials shall affect their livelihood. According to them “80% of the villagers here earn their living from rubber plantation. They have to wake up early to tap the rubber. With the presence of the rangers, we won’t go tapping the rubber. There has been misconduct of the rangers reported in adjacent villagers, particularly about their having an affair with local villagers. Thus, local people fear this might happen with their children and are opposed to having them near. Most importantly, our village has never had any violent incidence before and there is thus no need for the rangers to be here.”²²

According to a human rights NGO, three persons subject to human rights violation from April - September 2009 agreed to describe their ordeals.²³ Rapes of Muslim women are common cases that have caused great embarrassment among the victims and their families. Religiously and traditionally, women who are raped before marriage are considered “sinful” and the sin shall remain

²¹ http://www.bangkokbiznews.com/2009/03/09/news_28343969.php?news_id=28343969

²² <http://www.pinonlines.com/news/view.php?newsno=0052820>

²³ Please see the letter by WGJP to the Commander of Joint Civilian-Police-Military Command dated 24 July 2009



with them for life. The “good and noble women” discourse which forces women to keep their virginity has made it difficult for Malay Muslim women in the Southern border provinces to reveal the truth. The hope to get justice done is slim since in most cases, the accused officials are subject to disciplinary action including being transferred from the local area or being sacked. Some compensation may be offered to the aggrieved families and the officials often claim it was not rape, but mutual consent and thus it is not actionable.



WGJP²⁴ has been informed that a group of Malay Muslim women became pregnant through out-of-wedlock-affairs with the officials dispatched to work in the Southern border provinces. The families had to allow their daughters to marry the military officials despite their being neither Muslims nor locals. After their terms are due, they are supposed to move back to their home places. Many of them come from the North or Northeast which has different cultures, traditions and beliefs from the Southern Muslims. The Muslim women find it difficult to adjust themselves in the new environment and eventually may choose to divorce and bring their children back home.

From the interviews made by the We Peace Group with women in the Southern border provinces, it was found that there has been an increase of out-of-wedlock-pregnancy in

the past one or two years. Most women facing the predicament feel ashamed and fear the sin. The “good and noble women” discourse simply puts them under much pressure, and as a result, some may decide to have illegal abortions since they can no longer tolerate the gossiping and foul word of their friends and society. And in Muslim society, an out-of-wedlock-child (Sina child) has not equal right to the child born from legal marriage. For example, according to the Islamic law, an out-of-wedlock-child shall not be allowed to eat “Kurban” meat²⁵, not to share meal with others, have no right to inheritance, etc. All of these heaps pressure on Malay Muslim women with unwanted pregnancy. Should they decide against abortion, after delivery, they often leave their newborns with some families or some humanitarian organizations.²⁶

²⁴ WGJP is a human right NGO working for justice and human rights in Southern border provinces and other regions of the country.

²⁵ “Kurban” is meat cut properly according to the religious principle. It is often given away and eaten after the end of the Hajj. Among certain Muslim groups, it is believed that the sacred meat cannot be given to a non-Islamic person. But some scholars in Thailand argue against the belief.

²⁶ Interview with Chairperson of We Peace Group, Yala

WGJP once was asked for advice by a Muslim man in Yala. After having been away from home to earn income for his family and leaving his wife to tend to their children, he found his 46 year old wife had an affair with a local military official. She later decided to divorce from him.

Premarital sex and rape are totally unacceptable by the Islamic values, traditions and cultures. The sexual relationships between the rangers and local women have thus created a lack of trust among local people toward the state. From a lack of cooperation, the situation might have developed into resistance. And from the circumstances explained above, it is clear that Malay Muslim women subject to sexual violence have no access to justice process. They have not been informed and supported to explore choices to solve the problem and are simply not aware of their legal rights. The most important case is rape which makes it not possible for them to reveal it publicly in the Muslim society. The alleged rape of women by state officials has once prompted students from the Prince of Songkhla University in Pattani Campus to take to the street and lay siege to a mosque in 2007.²⁷

State agencies should therefore be concerned and take responsibility to protect women and pay special attention to the inflicting of sexual violence by the officials against local women. Those who are proved

wrong should face decisive sanctions and the process should be conducted indiscriminately.²⁸

Malay Muslim women as mother, wife or daughter

Typically, Malay Muslim women are expected to look after members in the family including their husbands and children. They are supposed to satisfy the needs of their husbands and to teach their children to behave or even to keep their houses clean. Ideally, Muslim women are expected to behave nicely, politely, be ready to forgive, and most importantly be patient and tolerant. But given the change and pressure, many women should take other roles as well. They should keep society informed of their problems and other issues and come out more openly.

That they come out in the open may irritate some religious leaders. But the women's voices can make people to pause and ponder about their problems ranging from seeing their husbands have many wives and not being able to support all their wives and children equally. As a result, many women with a number of children have to look after their families by themselves causing the children to receive insufficient care. A divorce initiated by men can be easily done. They can simply say the term three times and that is enough to certify the divorce in the Muslim community in the Southern border provinces.

²⁷ As for the latest demonstration, Mr. Tuwaedaniya Tuwaemangae, Chairperson of the Network of Students for People's Protection, a leader of the protest stated that the reason the demonstration was being held was related to the killing of four villagers in Tambon Patae, Yaha district, Yala. It was believed that one of the deaths was a 21 year old lady who was raped and murdered. The incidence has prompted the students to come out to demand justice for the villagers.

²⁸ WGJP found that the youngest among women who were raped and killed by state officials was just 10 years.



A young Malay Muslim woman was given a chance to speak in the panel to discuss issues concerning racial discrimination. She was one among a few women given the chance to speak in the male-dominant panel. She raised the issue of men having many wives and the women's difficulty to continue their life after the divorce and the discontinuation of support. After ending her speech, she was strongly criticized by some men sitting there. She was accused of renouncing the Islamic principle. Her action was considered a "sin" and shall deprive her of the Islamic status. But some men did support her comment, but said that the issue should be treated internally within the Muslim society and not be revealed in public.

That women have come out to raise the issue of being abandoned, husband not tending to their children, or even the violence inflicted on them by family members, has drawn out outcries and made them accused of being "bad" women. The orthodox religious observers shall not tolerate criticisms made by women. But the criticisms should be thrown back to the religious leaders and male activists since it is not justified that women alone are left to bear the burden.

A perspective on the application of Islamic law in family and inheritance matters

Muslim society has to adhere to the way of Islam which permeates all milieus of people's daily life. According to women, in the religious hearings, the decision making is left entirely to men. Women have no role in giving the advice or suggestion even on some matters that exclusively concern them. Therefore, it has been suggested by a women's group that on conflicts between men and women in a family, or where a



decision is to be made on family and inheritance issues or others that may affect women's rights, women should be allowed to be present during the hearings, and to give suggestions as stakeholders in the matters. Women should be part of the process from the community justice to the Justice Dato judiciary process.

From exchange with participants in a focus group interview with women's group as part of the process to draft Second Thailand Report to be submitted as per the International Covenant on Civil and Political Rights (ICCPR) Vol. 2 at Hatyai district Songkhla province in July 2008 concerning the acceptance of input from women, the participants are aware of the importance to help women be aware of their rights in a way appropriate to the cultural, religious context and local way of living. Open spaces for discussion on women's matters should be

made available as well as efforts to empower women economically and to help them to practice the right religious principle within their family and community and to understand the perspective of Islam on family and inheritance issues. They should be supported by local women's networks so that they become part of the consultation process. And women's networks should pick up certain issues for discussion to identify the participatory solutions.

Economic problems in family

As a result of many problems, women have to bear with the burden to lead the family. An increasing number of Malay Muslim women in Southern border provinces have embarked on finding jobs outside their home. But due to their low education, they end up working so hard to make their ends meet and for their families to survive. In most cases, local women have no bargaining power as far as the employment is concerned. Though certain work requires their skills and time, the remuneration they receive can be very meager.

A number of Malay Muslim women including children and older persons are forced to go out and work to earn income for their families. Amidst the unrest, men feel too concerned about their safety and decide against working outside. Thus, women have to take on the roles to lead the families. Many women do not have many choices to make, though they would prefer lighter jobs with good earnings.

For example, Malay Muslim women working in the fishing piers in Pattani have to wake up at 2.00 in the morning to ride a factory's bus to work. They are supposed to screen the fish for at least 12 hours straight in exchange with very little income. What makes them feel it worth it is their employers allow them to bring home some fish to cook for their families.²⁹ These young women have no chance to go to school since they have to take care of their families including their parents, and several other younger siblings.

Romilah Saeyae, a student from Pattani, recalled in the book **"Fon Klang Fai (Rain in the Fire): The Life Force, Moral Force, the Fifty Voices from the Southern Border"** that she has ten siblings. As the eldest, she was sent to live with her uncle and aunt to lessen her parents' burden. Despite her ongoing education and without any permanent employment, she has to earn income to support the education of the younger siblings. "During vacation, I saw people went back home, but I had to stay and work. I always yearned for days off. The very first salaries I received were used to support my younger siblings. Somehow, I felt peevish with my father. He is the family's breadwinner, but why he did not plan enough. Why did he allow the children to be born and fail to care for them? Why do I have to take this responsibility instead of him?"³⁰

Human trafficking

Although Malay Muslim society are very concerned about sexual relationship before marriage but the author got the chance to interview two Malay Muslim women aged 15

²⁹ Interview with a women worker at a fishing pier in Pattani

³⁰ Fon Klang Fai: The Life Force, Moral Force, the Fifty Voices from the Southern Border , Social Research Institute, Chulalongkorn University, August 2009





and 16 years from Su-ngai Padi district, Narathiwat. Both of them had been sent by their own father to work in a neighboring country through arrangement with a local agent. A Muslim woman in the neighboring country came to pick them up and her father received some compensation. They were brought to work in an entertainment parlor and were forced to sell sex. Later, they contacted her father asking him to bring them back since they could no longer bear with the pressure.

Domestic violence

According to the study by Dr. Metta Kuning ³¹, a researcher from the Coordinating Center for

the Relief of Those Affected by Unrest in the Southern border provinces and Deep South Coordination Center (DSCC), who has surveyed 611 pregnant women applying for prenatal care at the Pattani Hospital during 1 July - 21 November 2002, there have been indications of domestic violence suffered by the women. According to the study, 51% of the pregnant women in the interview suffered from spousal violence. 5.2% of them were subject to exclusively sexual violence, 20% by both mental and sexual violence, and 29.6% by physical violence including light punishment (17.5%) and corporal punishment (12.1%).

³¹ Lecturer at Department of Mathematics and Computer Science, Prince of Songkhla University, Pattani Campus

Similarly, according to We Peace which has been working to provide counseling and care for women affected by domestic violence, in 2009, most women who have to suffer domestic violence have never reported their cases to the police out of fear, stress, shame, and not wanting anyone to know this. Seeking advice from respectable persons, they were told to be patient. It is believed, also, that good women shall not leak information regarding the vicious deeds committed by their husbands to other. They are supposed to bear with the suffering. Interviewing battered women in families, We Peace has found that most of them have

been beaten up, if they shared their ordeal with anyone else, or ventured to report their cases. Such actions simply led to even more brute forces inflicted against them by their husbands. They are threatened that if they leak the story to other, no one will believe it and they will simply look down on the women. Reporting the case to the police simple makes them more vulnerable to more violent abuse and other threats including being opposed to or condemned by the community. As a result of the pressure, many women suffer severe mental trauma and they have no access to effective, comprehensive and equal remedies.

Table showing counseling for women classified by different causes ³²
During July - September 2009

Province	Situation related violence	Domestic violence	Other kinds of violence	Total
1. Yala	63	47	31	141
2. Pattani	47	23	16	86
3. Narathiwat	42	27	24	93
4. Satun	3	7	16	26
5. Songkhla	29	9	9	47
6. Pattalung	-	-	3	3
Total	184	113	99	396

³² Report "Violence against Women", We Peace

Note definition of the kinds of violence;

1. Situation related violence means having lost husband, women having to raise children along, not being able to rely on themselves, not receiving remedies from the state, fearing of the recurrence, etc.
2. Domestic violence means having been physically abused by husband, or have been forced to have sex by husband, having been left unattended by husband, husband having minor wives, having been asked to divorce, etc.
3. Other kinds of violence mean unwanted pregnancy and fearing that it will not be accepted by family, being raped but was too scarred to report the case, having been abused by immediate family member



Similarly, according to the psychiatrists of the Psychological Health Center Region 15, there have been cases of people asking for help as a result of spousal violence.

Domestic violence among Malay Muslim families is common, particularly among those with low education and impoverishment. The issues have been raised many a time in various meetings and seminars, yet there have been no serious efforts to tackle them. In many instances, Malay Muslim women who speak out about the problems are accused of breaching religious principle.³³ The “good women” discourse simply discourages them from speaking about their husbands’ misdemeanor. Thus, the women have no space to expose their torment to public. For these women, home which should be a safe haven for them has become a place where women have to live in fear and insecurities.

In the book **“Fon Klang Fai”**³⁴, Charunee Chedaoh reminisced her life;

“It is as violent as in other society. But for Muslims, after marriage, husbands shall have exclusive power over us. The chance for our

women to demand justice is therefore slimmer.”

Sharing with us her experience giving counseling to many women facing the same fate, she and her friends would like to see the improvement of certain laws and regulations to provide for more equal rights between men and women.

“After all, the laws have been like that for a long time, and I have no idea how to have them changed. Not up to 90 or 100 women shall come out to demand their rights. Very few will do so including those who can rely on themselves....My husband beat me up in front of my children. And the more my children get exposed to the violence scene, the more they become depressed and unhappy.”

The study of problems in the three Southern border provinces, under the research project on three Southern border provinces by the Faculty of Humanities and Social Science, Prince of Songkhla University, aim to explore factors that give rise to aggressive behavior among Thai Muslim youth in the three Southern border provinces and solutions to

³³ Though under the Islamic law, husbands may smack their wives to discipline them, but it can be done so only when it shall not cause any wound, deep cut, or broken bone. No slapping on face and on vulnerable areas is allowed. The permission for a husband to cane his wife is given only if there is the likeliness that such a sanction may help his wife to behave. Should the husband know the caning shall not help his wife to behave, and instead shall make her resist the power more, then caning shall not be allowed (Quran: Al-Nisaa: 33).

Should the conflicts not be solved, the two-men arbitration committee shall be set up composed of one from each of the men’s and women’s relatives to make the decision.

Should the mistake stem from the husband, the wife shall warn her husband about her due rights. The wife shall make him fear of punishment from infringing on his wife’s rights. Should the husband refuse to improve, the wife may bring up the matter to the hearings of “Koti” to demand justice done.

Should the husband continue to treat his wife badly including attacking her, scolding her with no good reason, the wife may raise the issue with “Koti” and asked for the punishment of the husbands.

Please see (Alfiqh (Islamic law), Arun Boonchom, vol 4 pp. 95-97)

³⁴ Ibid.,



the problem. It was found that Thai Muslim youth develop varying degrees of aggressive behaviors at different ages. Those older than 19 years tend to behave more aggressively than those younger than 18 years. The violent behavior chiefly stems from their being exposed to domestic violence and their being distant from the religion. Other factors include the upbringing, religious education and games. Those exposed to the fight of parents regularly have about 1.25 chances to become more aggressive than those never getting to see the violence ³⁵.

Problem from STIs

HIV/AIDS is one of the most common and severe Sexual Transmission Infections (STIs)

in Muslim society in the Southern border provinces. According to Islam which disallows sexual misconduct, those having HIV/AIDS are not accepted by anyone and are simply neglected. Nevertheless, the prevalence of the infection has been on an increase and fearing rejection, those having HIV/AIDS decide not to come out. It thus impedes their access to medical services including antiretroviral treatment (ART) and other essential treatment. It hampers efforts to prevent the spread of the infection to other family members as well. Religious scholars in Thailand share different views on the issue;

“No Muslim can get infected with HIV/AIDS. Though there are, it is fewer than other

³⁵ Matichon Newspaper, 22 August 2009, yr. 32 ,volume 11487, p.5



religions. We hardly have people who have HIV/AIDS. It is a curse from God, a sanction for those who are polygamous and sexually perverted.”³⁶

“Muslims ought to hold on to more empathetic and understanding views toward those having HIV/AIDS. Should we reject it outright, we shall miss out on the chance to learn important knowledge and to dissuade our children and family members to avoid having the behaviors that may bring them HIV/AIDS. It is necessary to have available the treatment, kindness, sympathy with the patients, the arrangement of funeral, body bathing, and other issues to wrap up after someone passes away, etc.”³⁷

The spread of HIV/AIDS in Southern border provinces has become more severe. According to surveys, it spreads among drug users older than 18 years. It is related to the infection of Malay Muslim women as well, including the mother-to-child-infection. There are in average not less than 20 Muslims treated for HIV/AIDS in each hospital in Southern border provinces every year. It should be noted that many of those having HIV/AIDS had it from their spouses and they were unaware of the HIV status of their spouses. Reportedly, many good women have HIV/AIDS after their marriage and pregnancies. Another case in point is a religious leader who adopted a widow as his second wife without knowing that she had HIV/AIDS. It infected his first wife, too. According to Dr. Anantchai Thairathan, a medical doctor at Yala Hospital and an



advisor to the Young Muslim Association of Thailand (YMAT) “Regarding the access to the ART treatment in Yala, there are 149 persons receiving the treatment including 68 Muslims (52 males and 16 females). Of this number, eight of them are boys and 12 girls. It was also found that 95% of those having HIV/AIDS had it from drug abuse, and 5% from STIs.”³⁸

³⁶ http://www.isranews.org/cms/index.php?option=com_content&task=view&id=4071&Itemid=88

³⁷ <http://www.muslimthai.com/main/1428/printable.php?category=20&id=3228>

³⁸ http://www.ymat.org/local/index2.php?option=com_content&do_pdf=1&id=64



As Malay Muslim women are supposed to follow their husbands' word, they cannot refuse to have sex with them though being aware that they have HIV/AIDS and that they may get infected, or see the increase of their viral load. Most of these Malay Muslim women are only aware of their HIV status when they seek the prenatal care services through which they have to have blood test. Meanwhile, it is common for Muslim men in Southern border provinces to have more than one wife. The spread of HIV/AIDS in Muslim community is thus beyond the control now.

HIV/AIDS has spread more and more among women and children, though no one can come up with any exact figures. It simply impedes access to the treatment. Prevention campaign is available among the minority since Muslim society cannot come to terms with the prevalence and tend to take it as a punishment from God to condemn the "sinful persons". With the prejudice, people having

HIV/AIDS are not treated as patients in need of the treatment and moral support and understanding. As a result, there can be no way so far to stop the spread of the infection. It is a big challenge for scholars and religious leaders alike. As long as Muslims refuse to accept the existence of HIV/AIDS and hold on to their discriminating attitude, the chance is slim for them to learn new knowledge which is essential for prevention among the children and family members. And there is much work lying ahead including how to look after people living with HIV/AIDS, how to properly perform the body bathing rite to prevent the spread of the virus, and how to provide ongoing care for children born of parents who have died from AIDS.

Conclusion

Given the change in Thai society and Malay Muslim community, women can be exploited as a tool to abet the changes. Nowadays, Malay Muslim women are standing at the crossroads and are urged to take some roles in society and be part of efforts to stem the unrest and forge peace. Meanwhile, the religious leaders and nationalist Malay movement tend to force women to accept their status quo of being housewives and good mothers. It is believed that following the word of their husbands is the only thing to bring them to heaven. The life of Malay Muslim women in Southern border provinces is juxtaposed by the encouragement of the Thai state for them to stand for their rights and freedom and attempts of the religious scholars to interpret the religion so strictly and the rules that circumvent women's rights as mothers or daughters. Most importantly, it is necessary to challenge the "good women" discourse to make Islam more appropriate to the new roles of women and the changing environment.





Nowadays, she has to choose between being a good woman as advised by scholars or being a stubborn woman, a sinful woman, who dare to come out to protect and bring her family forward since her husband is no more to take such roles.

Recommendations

- The state, religious institutes and religious leaders should encourage A'leemat (women knowledgeable in religion) to work to advice the interpretation of Islamic law concerning women and to forge mutual understanding and raise the awareness on women's rights and duties which are suitable to local livelihood and Islamic code of conduct.
- In adjudicating family and heritage dispute, or interpretation of religious teaching, respectable women should be involved and allowed to make suggestion to the Datoh Justice or the judiciary committee.
- The state, religious institutes and religious leaders should ensure better chances for women to have access to basic education and extended education that suits the needs of women. Also, access to public health services should be made convenient for women, particularly during their fertility age.
- All sectors should join forth to ensure women be free from all forms of violence, particularly domestic violence. Services should be established for women to take refuge or seek help from when facing domestic violence including a halfway home where women can stay safely and agencies to give them counseling when having any family problem.
- The state, religious institutes and religious leaders should support civil society organizations to work more to empower women especially Women Human Rights Defenders

About the researcher

Angkhana Neelapaijit was born and bred in a middle class family in Bangkok and has completed elementary education and secondary education at Santa Cruz Convent School, Dhonburi. She finished her university education at the Faculty of Nursing, Mahidol University and used to serve as professional nurse at Siriraj Hospital. She is working with the Working Group on Justice for Peace, an NGO working on human rights.

Among the awards given to her include Outstanding Personality by Komol Keemthong Foundation; Outstanding Women Human Rights Defender by National Human Rights Commission; Gwangju Prize for Human Rights Award by the 18 May Foundation, South Korea ; Women Human Rights Defender by European Union ; “Independent Woman” Award given by the HRH Princess Somsawali ; Prominent Women Award on a branch of Human Rights, Bangkok Metropolitan Office for the International Day of Women, March 2007

Previous accomplishment: Member of the 2007 Constitutional Drafting Council ; Member of the Drafting Committee in 2007 ; National Legislative Council’s Special Committee to Investigate Unrest in the Southern border provinces during 2006-2007 ; State Reporter on International Covenant on Civil and Political Rights (ICCPR) in 2010(Civil and Political Rights in Southern of Thailand) ; Member of the House of Senate’s Special Committee to Monitor, Accelerate and Review the Solving of Problems and Development of the Southern border provinces from 2008 until present .



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Roles and Challenges for Malay Muslim Women
in the Restive Southern Border Provinces of Thailand