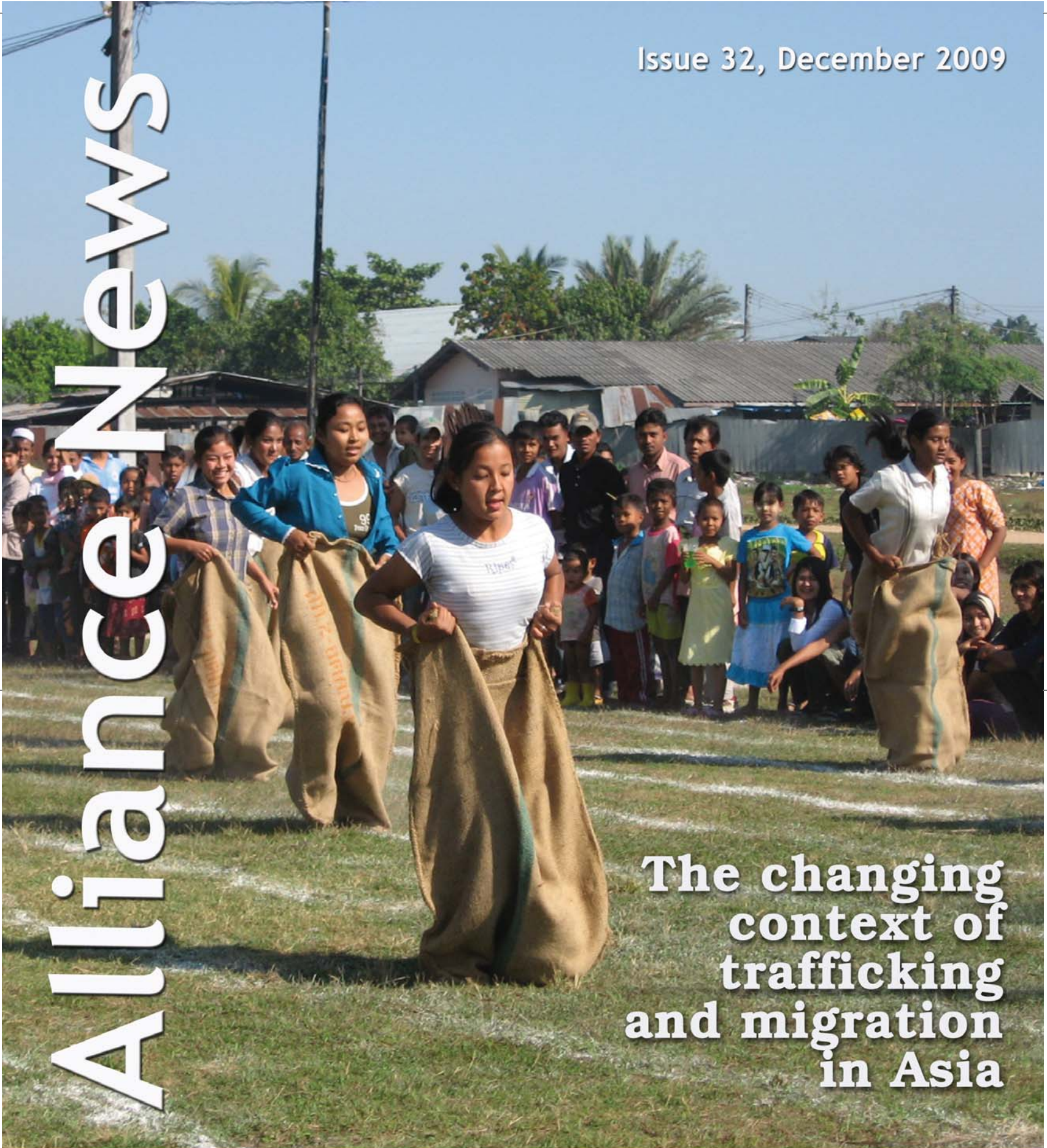




Issue 32, December 2009

Alliance News

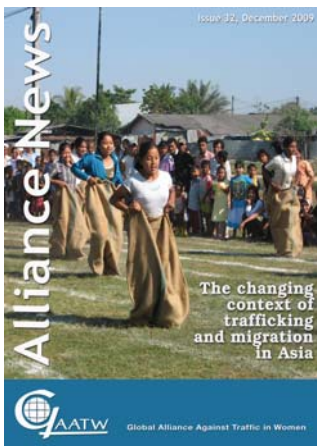


The changing context of trafficking and migration in Asia



Global Alliance Against Traffic in Women





Editor's Note

Articles contained in this issue of the GAATW newsletters represent the views of the respective authors and not necessarily those of the entire GAATW network. The editorial team has edited all articles much as possible with the author's approval before publication. However, the authenticity of the author's voices is maintained and the author's rights are respected in cases where the author feels strongly about keeping certain texts and/or style considerations intact.

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ASIA: The Changing Context of Trafficking and Migration

Editorial	3
An Overview of Asia by Fleur Dewar	4
GAATW's work in Asia by Michelle Taguinod & Bandana Pattanaik	8
GAATW's Member Organisations in Asia	14
Briefs	
National Human Rights Institutions in Asia and their Role in Preventing Anti-trafficking 'Collateral Damage' by Caroline Hames	21
Alternative Strategies to Healing compiled by Alfie Gordo	23
The time when I met you, this was what I thought poem by Sha Najak	25
The Impact of Anti-Trafficking: Cambodia-Malaysia by Vathany Say	26
Articles	
Blurry Cases: Trafficking, Smuggling or Coerced or not - When does it matter? by Rebecca Napier-Moore	28
Update on Burma: State sponsored Forced Migration causing Extreme Vulnerability to Trafficking by Shan Women's Association Network (SWAN)	32
Regressive Politics? The Erosion of Human Rights of Female Migrants through Anti-Trafficking Interventions by Ratna Kapur	34
The Gendered Effects of Anti-Trafficking Discourses for Temporary Migrants in Southeast Asia by Lenore Lyons and Michele Ford	39
Asian Married Immigrant Women's Situation in Korea in Human Rights Aspect by Lee In Kyoung	44
Sex Work and Trafficking in Persons in Hong Kong by Zi Teng	48
The Changing Context of Trafficking and Legislation in Indonesia by Rotua Valentina Sagala	51
Interviews	
Effecting Change using Community Participatory Theater and Self-Representation, Interview with Amarin Plengrumsmee by Alfie Gordo	54
Changes and new hopes in Mongolia, Interview with members from Mongolia by Zoë Bake-Paterson	56
Creating Change through Direct Participation, Interview with JJJ Association by Alfie Gordo translated by Elaine from Zi Teng	60
Updates from the Secretariat	63
Resources	67



ALLIANCE NEWS - EDITORIAL

Dear Friends

Welcome to the 32nd issue of the Alliance News, the last of the Regional Spotlight Series, which has featured Africa, Europe and Latin America. This issue follows the recently concluded Asia regional consultation. It was an event for reflections, sharing of insights on the situations of migrant women workers and trafficked persons, and to look at the linkages between trafficking, migration, gender and labour. The completion of the Asia regional consultation resulted in several recommendations and the optimism to continue working together with a human rights centred approach. It was also a moment for the IS to interview some members about trafficking in Mongolia (p.56) and on different empowerment strategies/approach used by grassroots and self-organised group members (p.54 and 60, Gabfai and JJJ).

This issue focuses on the theme 'The changing context of trafficking and migration in Asia'. As we know, anti-trafficking activism gathered momentum in Asia in the mid 1990s and currently there are numerous government and non-government projects and programmes to address the problem of human trafficking. So what has changed in the intervening years? Currently almost every Asian country has or is in the process of formulating anti-trafficking legislation. Several colleagues in the government and non-government sector provide direct assistance to trafficked persons. The last few years have also seen the growth of a strong migrant rights activism in Asia, especially in the Southeast Asian region. Still our combined efforts fall well short of the need. Assistance measures are barely adequate and worse still, they do not do anything to address the root causes of trafficking. Young women and men from disadvantaged social backgrounds do not receive necessary skills trainings and many have no other option but to migrate within and across borders for low skilled, underpaid jobs. More and more jobs are short term and have no protection measures. Governments often enter into agreements with transnational corporations which create jobs in the short term but have long term negative impacts on the environment or on human security. In this complex and fast changing context it is imperative that people working on various social issues exchange observations and ideas and come up with well coordinated strategies.

We have an interesting array of articles in this issue. Colleagues discuss anti-trafficking legislation in Indonesia (p.51), the impact of anti-trafficking interventions and regulations on the human rights of

women migrant workers (p.34 and 39, Ratna and Lenore's articles). Ziteng's article explores how trafficking initiatives and policies can work best for sex workers groups (p.48). The article on Blurry Cases (p.28) highlights the ambiguity that still remains when we speak of trafficking, smuggling and coercion. Other articles look at women's migration for marriage and temporary work. Overall the contributions reflect the diversity of the region.

We hope you enjoy reading this newsletter. As always feedbacks are most welcome.

Sincerely,

Bandana Pattanaik
for the GAATW Team



An Overview of Asia

Fleur Dewar

Asia is the world's largest continent covering 30 percent of the world's landmass and containing 60 percent of the world's population, including two of the world's most populous nations - China and India. It is a continent extremely diverse in language, culture, environment, historical ties and government systems.¹

This overview explores what constitutes Asia and provides 'snapshots' of history, economies, conflict and human rights issues in the region. This is a modest attempt at an overview, as the scale and diversity of the continent prohibits a more in-depth exploration in this context. It is by no means an exhaustive introduction.

What constitutes Asia?

There is some contention over exactly what landmass constitutes Asia. In its broadest definition, however, Asia

consists of Western, Northern, Central, South-Eastern, Eastern and Southern Asia (see box A for details). Some definitions, however, exclude Turkey, Russia, the Middle East (West Asia) and/or Central Asia.²

Historically, Armenia and Azerbaijan have been associated with the Middle East, however, more recently, they have become aligned with Europe, based on their modern economic and political trends. Turkey is officially, politically and geographically considered part of both Asia and Europe, with the small north-western portion of Turkey, a recognised part of Europe, while the largest part is located within the Middle East.³

Asia is also sometimes used in reference to the Asia-Pacific region, and in this case does not include the Middle East or Russia, but does include islands in the Oceanic region of the Pacific Ocean.⁴

West Asia

Armenia
Azerbaijan
Bahrain
Cyprus
Georgia
Iran
Iraq
Israel
Jordan
Kuwait
Lebanon
Oman
Qatar
Palestinian Territories (West Bank and Gaza Strip)
Saudi Arabia
Syria
Turkey
United Arab Emirates
Yemen

Central Asia

Kazakhstan
Kyrgyzstan
Tajikistan
Turmenistan
Uzbekistan

Northern Asia

Russia

South East Asia

Brunei
Burma (Myanmar)
Cambodia
Timor-Leste
Indonesia
Laos
Malaysia
The Philippines
Singapore
Thailand
Vietnam

East Asia

The People's Republic of China
Hong Kong
Macau
Japan
Taiwan
The Democratic People's Republic of Korea (North Korea)
The Republic of Korea (South Korea)
Mongolia

South Asia

Afghanistan
Bangladesh
Bhutan
British Indian Ocean Territory
India
Maldives
Nepal
Pakistan
Sri Lanka
Tibet

Through the Years

Historically, the Asian continent has hosted perhaps the most important concentrations of political and economic power in the international system since the fall of Rome, including the Ming dynasty in China, the Mughal empire in India, the Persian empire in the Near East⁵, as well as being the home of Mesopotamia, often said to be the 'first civilisation'. Through the rise and fall of empires, dynasties and civilisations over thousands of years, Asian cultures have had great influence on each other and the world.

For most of the modern era, however, the power concentration shifted to Europe. For much of this period a large portion of Asia came under the rule of Western colonial forces⁶ and by the end of the 19th century only Japan, Thailand, Iran and Afghanistan had no European occupier.⁷ Western colonial rule in Asia more or less persisted until the end of the Second World War, with lasting and at times devastating impacts on cultural, social, economic and political factors.⁸ Colonial forces also came within Asia and these also had lasting impacts: Japan who invaded much of Asia, including most of the former western colonies, during the Second World War; China in Tibet; and Indonesia in Timor-Leste, among others.

Conflicts within the Asian region have been many, and range from civil war to acts of terrorism or guerrilla warfare to war between countries within and outside the region. A number of these events have involved colonial powers (directly or indirectly). Significant recent conflicts include the Korean War (1950-1953); the Vietnam War (1954-1975); Indo-Pakistan conflicts (1947; 1965; 2001); the Bangladesh

Liberation War (1971); the Cambodia genocide⁹ (1975-1979); the Persian Gulf War in Iraq and Kuwait (1990-1991); the invasion and occupation of Timor Leste by Indonesia (1975-1999); the Indian-Bangladeshi border conflict (2001); the War in Afghanistan (2001-present); the Iraq War (2003-present); the occupation of Tibet by China (1950-present); and the Israel-Palestine conflict (ongoing since late 19th century). Countries in recent civil conflict include Nepal (1996-2006), Sri Lanka (1983-2009) and Burma (1948-present).

Industries and Economic Growth

Recently, many countries in Asia have experienced rapid economic growth with some even establishing themselves as economic powerhouses¹⁰; the Gross Domestic Product (GDP) of Japan and China rank 2nd and 3th in the world.¹¹ Amidst this fast economic development, however, are growing inequalities and a continent home to half of the world's poorest people.¹² Not all countries are developing at an equally fast rate, with the GDP of Bhutan and Timor-Leste ranking 157th and 174th out of 182 countries measured¹³.

As for industries, agriculture, particularly the production of rice and wheat, is well established in Asia. High productivity in agriculture, especially of rice, supports the high population density of many countries such as Bangladesh, Pakistan, southern China, Cambodia, India, and Vietnam. Forestry is also extensive throughout most of Asia, with the exception of Southwest and Central Asia, supporting the production of much of the furniture sold in developed countries.



The fishing industry plays a significant role throughout many countries in Asia including: Vietnam; Thailand; Japan; India; Malaysia; Indonesia and China. A large amount of people are employed in the industry, in sectors such as fishing and processing, and in numerous related industries such as cooling, freezing, packaging, ice making and shipping.

The export manufacturing sector is also a major industry in Asia, it has been especially strong in China, Taiwan, Japan, South Korea and Singapore. One of the major employers in manufacturing in Asia is the textile industry. Much of the world's supply of clothing and footwear now originates in Southeast Asia and South Asia, particularly in Vietnam, China, India, Thailand, Bangladesh, Pakistan, and Indonesia. Many companies / multi-national companies in Europe, North America, Japan and South Korea have significant operations in Asia, taking advantage of the abundant supply of cheap labour.

Oil is the most important natural resource in South West Asia and a major source of revenue particularly in Saudi Arabia, Iraq, and Kuwait who are rich in oil reserves.

The 1997 Asian Financial Crisis had a massive impact on many countries in Asia, which erupted in Thailand when the Thai Baht collapsed. The effects were painfully felt across the region affecting Indonesia, South Korea, Hong Kong, Malaysia, Laos, the Philippines, the People's Republic of China, India, Taiwan, Singapore, Brunei, Vietnam and more. The collapse led to high unemployment and increased poverty, impacting particularly on marginal groups such as those already in poverty, those less-educated, women, and young workers.¹⁴



The 2008 Global Financial Crisis is also affecting countries in Asia. Economies in West Asia have been hurt by tumbling prices for financial assets, real estate, and oil. The export manufacturing industry, a key industry in many parts of Asia, particularly the South-East has been hit hard, as the crisis has led to a fall in demand in developing countries, leading to high levels of unemployment in the region.¹⁵

Regional Institutions

The Association of Southeast Asian Nations (ASEAN)

ASEAN, was established in 1967. Member states include Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), the Philippines, Singapore, Thailand, Vietnam. The aim of ASEAN is to accelerate the economic growth, social progress and cultural development in the region; promote regional peace and stability; and promote active collaboration among members.¹⁶

South Asian Association For Regional Cooperation (SAARC)

SAARC was established in 1985. Member states include Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. It aims to accelerate the process of economic and social development in Member States.¹⁷

Human Rights in Asia¹⁸

Human rights issues in Asia are as diverse as the countries which make up this large continent. This diversity makes it difficult to talk about human rights issues at the continental level. It is clear, that in spite of some advances, such as the commencement of the prosecution of crimes of the 1975-1979 Khmer Rouge regime, human rights violations in Asia, as in many parts of the world, are widespread. This is despite being home to some of the world's most notable peace and human rights activists including Mohandas Ghandi, the Dali Lama and Ang Sang Su Chi.

Continued action to improve the lives of those living in the region remains absolutely critical. What follows is a snapshot of some of the key human rights abuses occurring in a number of countries from across the continent.

Government oppression and infringement on freedom of speech, media, assembly, association, religion; the restriction of movement and worker's rights; and the suppression of dissent (often through violent means) is common in a number of countries, including Burma, China, Iran, North Korea, Syria, and Vietnam. Extra-judicial killings, torture, disappearances, arbitrary arrests, intimidation, executions, and/or forced labour are also occurring in Burma, China and Iran.

The exploitation of migrant workers is common across the region, including in Malaysia, Indonesia, Sri Lanka and the United Arab Emirates (UAE). Prior to



departure, poorly monitored labour recruiters often deceive workers about their jobs abroad and impose excessive fees, placing the migrants at risk of trafficking and forced labour. National labour laws in many countries do not protect migrant workers.

Common abuses by employees and recruiters/brokers include: long hours; no rest days; forced confinement; low and unpaid wages; destruction of residency papers; physical and sexual abuse; unsafe working environments leading to deaths or illness; and conditions that amount to forced labour. In October 2008, two Filipina domestic workers working in the UAE tried to leave their employers' house, complaining of physical abuse and non-payment of wages. Their employers returned them to their recruitment agency, which then detained them in a small kitchen "for days" before they escaped.

There are many challenges and threats to the fulfilment of human rights in Asia, despite this there remain numerous individuals and organisations committed to the vision of human rights for all people and continue to work tirelessly to that end.

Fact Box

In Asia: Iran is the only country that has refused to ratify the Convention Against the Elimination of Discrimination Against Women (CEDAW).¹⁹

Comparative to the number of countries in the region, not many countries in Asia have signed or ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons. Here are the ones that have: Armenia, Azerbaijan, Bahrain, Cambodia, Cyprus, Georgia, India, Indonesia, Iraq, Israel, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malaysia, Mongolia, Myanmar, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Tajikistan, Thailand, Timor Leste, Turkey, Turkmenistan, United Arab Emirates and Uzbekistan.²⁰

Of the 42 countries who have signed or ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 12 are from Asia: Azerbaijan, Bangladesh, Cambodia, Indonesia, Kyrgyzstan, the Philippines, Sri Lanka, Syrian Arab Republic, Tajikistan, Turkey, Timor Leste and Turkey.²¹

Country with the highest life expectancy: Japan 82.12 years
Country with the lowest life expectancy: Afghanistan 44.64 years²²

Largest population in Asia: China 1,334,470,000
Smallest population in Asia: Brunei 400,000²³

Asia includes the world's tallest mountain, Mt Everest in Nepal (and China), rising to 29,035 ft (8,850m). It also includes the world's lowest point, found in the Dead Sea, Israel/Jordan, at 1,286 ft (392m) below sea level.²⁴

Endnotes

- ¹ <http://www.worldatlas.com/webimage/countrys/as.htm>
- ² <http://www.worldatlas.com/webimage/countrys/as.htm>
- ³ <http://www.worldatlas.com/webimage/countrys/as.htm>
- ⁴ https://www.cia.gov/library/publications/the-world-factbook/region/region_mde.html
<http://www.worldatlas.com/aatlas/infopage/contnent.htm>
- ⁵ http://www.rand.org/pubs/monograph_reports/MR897/MR897.chap3.pdf
- ⁶ http://www.rand.org/pubs/monograph_reports/MR897/MR897.chap3.pdf
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- ⁸ http://www.rand.org/pubs/monograph_reports/MR897/MR897.chap3.pdf
- ⁹ United Nations Assistance to the Khmer Rouge Trials in Cambodia, http://www.unakrt-online.org/01_home.htm
- ¹⁰ http://www.rand.org/pubs/monograph_reports/MR897/MR897.chap3.pdf
- ¹¹ ^"The World Bank: World Development Indicators database, 1 July 2009. Gross domestic product (2008).
- ¹² <http://www.undp.org/asia/>
- ¹³ "The World Bank: World Development Indicators database, 1 July 2009. Gross domestic product (2008).
- ¹⁴ http://hdr.undp.org/docs/publications/ocational_papers/oc33a.htm
- ¹⁵ <http://www.unctad.org/templates/Webflyer.asp?docID=11874&intItemID=1528&lang=1>
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- ²² <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2102rank.html>
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GAATW's work in Asia

Michelle Taguinod & Bandana Pattanaik

The first decade - 1994-2004

The Global Alliance Against Traffic in Women (GAATW) was launched in 1994 following an International Workshop on Migration and Traffic in Women held in Chiangmai, Thailand. The International Secretariat of GAATW is based in Bangkok, Thailand. The secretariat's location and the cost effectiveness of holding events in Thailand have meant that many of the global consultations organised by GAATW has Bangkok as its venue. Some of our early projects are also exclusively Asia focussed.

One of the first actions undertaken by GAATW, was an international press conference, held in Thailand, to coincide with the Asia-Europe Meeting (ASEM)¹, to raise concerns about previously ignored issues around migrant labour and trafficking. Here, GAATW called on national leaders attending ASEM to ratify and implement the UN Convention on the Rights of Migrant Workers and the Members of their

GAATW and STV organised an Asia/Pacific Regional meeting on *Traffic in Women, Forced Labour and Slavery-like Practices* to publicise the *International Report on Traffic in Women*. The meeting was preceded by a two-day Asia and Pacific Regional Consultation on Prostitution, 17-18 February 1997, where participants drew up a statement expressing solidarity with prostitutes, supporting their demand for recognition as 'sex workers'. The book "Moving the Whore Stigma" was an outcome of this Consultation.

In 1996, GAATW organised a series of trainings on human rights for anti-trafficking activists. A handbook entitled *Human Rights Action in the Context of Trafficking in Women* was produced after the first training. After two more trainings, participants met in Geneva, June 1999, to develop the handbook *Human Rights and Trafficking in Persons*, which was later published in 2001.

From 1996-1998, GAATW coordinated training workshops on human rights principles and mechanisms for non-governmental organisations (NGOs) working with trafficked persons in Burma, Cambodia, Indonesia, Malaysia, the Philippines, Thailand and Vietnam.² The training enabled the participants to adopt a human rights framework while providing practical support to trafficked women and children. The *Assistance Handbook* was produced in response to participants expressed need for a comprehensive yet practical guide for activists.

In 1997, GAATW produced the *Regional Report on Trafficking in Women in the Asia-Pacific Region*, based on visits by GAATW staff to India, Nepal, Hong Kong, Japan, and Taiwan, as well as existing information.

From 1997-2000, the *Research and Action (RA) Project on Traffic in Women* was implemented in partnership with the Cambodia Women's Development Agency, the Youth Research Institute and the Women's Union (WU). This was in response to growing concerns about the increasing commercialisation of sexual exploitation of women and children in the region, particularly Vietnam and Cambodia.

Central to this project was the use of Feminist Participatory Action Research (FPAR) methodology³. The project saw some successful results, including: the formation of the



Families; to adopt and implement the Minimum Standard Rules for the Treatment of Trafficked Persons; and to fulfil pledges made by the governments at the 1995 Beijing Platform for Action in stepping up cooperation and concerted action to dismantle networks in trafficking.

Also in 1996, GAATW and STV (The Foundation Against Trafficking in Women, The Netherlands) coordinated a research project to provide the UN Special Rapporteur on Violence against Women information on trafficking patterns and conditions in the region as well as anti-trafficking strategies. The report was called an *International Report on Traffic in Women*.





Cambodian Prostitutes Union (CPU), which has become an active ally in the fight against trafficking in women and the promotion of the rights of women in prostitution. It also brought about a change in perception, to some degree, of local authorities in Cambodia and North Vietnam who no longer saw trafficked women as lawbreakers, but as women who needed support and should be actively reintegrated in the community.

Further workshops on Feminist Participatory Action Research (FPAR) methodology were conducted during 1999 and 2000, from which ten participants carried out their own research.

The Migrating Woman's Handbook (1999), was another GAATW publication. It was designed to inform migrant workers of their rights and how to best protect their rights. It drew on experiences from the Asian regional context to provide information for people migrating abroad for work or marriage.

The Trafficking and Prostitution; Understanding Hidden Realities Workshop was a joint initiative with the Asian Women's Human Rights Council (AWHRC), GAATW, and Sangram (a local Indian NGO working with sex workers) in March 1999 in Kolhapur, India. The Workshop provided a platform for former sex workers to educate activists on the realities of the sex industry in Asia.

2000-2003

GAATW formally registered as a foundation in Thailand in 2000 and an official board was set in place.⁴ The initial phase of GAATW's work focused on international advocacy, while activities from 2000-3 were primarily directed at the national and local level.

The Asian Sex Workers Meeting in Siem Reap, Cambodia, 21-23 March, 2000, was co-organised by GAATW, the Cambodia Women's Development Association, and the Cambodia Women's Crisis Center, bringing together sex workers from Bangladesh, Cambodia, India, Thailand and Nepal. Participants issued a joint statement detailing the group's position on sex work and sex workers' rights.

Following the UN adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children in 2000⁵, the GAATW Working Group on Human Rights (one of GAATW's main advisory bodies) decided to broaden its advocacy to target states parties to the Protocol. A three-year National Advocacy Project (NAP) began. Partner organisations in Indonesia and Nepal lobbied their governments to implement the international standards at the national level. In the end, the project ran for less than 2 years, with few tangible outcomes. Whilst the project presented many challenges, it successfully highlighted issues around trafficking, provided training to people at various levels (including law enforcement agencies), supported victims of trafficking, and built networks for future work.

2001-4

In May, 2001 GAATW began a new training project, *Documenting Our Lives: A Videography Project with Sex Workers*. The project



- From Top to Bottom:
- 1997 Orientation Workshop on the *Research and Action (RA) Project on Traffic in Women* held in Bangkok, Thailand
 - *The Asian Sex Workers Meeting* in Siem Reap, Cambodia
 - *Documenting Our Lives: A Videography Project with Sex Workers* organised in Bangkok, Thailand

was a continuation of GAATW's commitment to and solidarity with the sex workers' struggle for social, political and legal rights, and further demonstrated GAATW's commitment to grassroots women's self-representation.

The *Partners in Change* Conference, November 2002, highlighted self-organising as a useful strategy for rebuilding lives, countering exploitation and articulating human rights demands. Participants were from South and Southeast Asia, and included representatives from community-based women's groups, sex workers' collectives, as well as GAATW network members. A highlight of this event was the screening of the films made by groups participating in the videography project trainings. Another major outcome of the event was the development of a two-year campaign on *Police Brutality Against Sex Workers*, an issue highlighted by three of the films.

The *Partners in Change: Stories of Women's Collectives* booklet served as a companion to the Partners in Change Conference. The booklet is a collection of essays based on interviews with various groups from India, Bangladesh, Cambodia, Vietnam, Thailand and Indonesia conducted by local activists or GAATW staff.

In 2003, GAATW started a research project funded by the European Commission, studying the health needs of migrant workers in the informal sector in Thailand. In the spirit of promoting self-organisation among affected women, in 2005, GAATW secured funding to set up a drop-in centre in Maesot, Thailand, near the Thai-Burma Border. The *Women, Mobility and Reproductive Health: The Assessment of the Circumstances of Mobility and Reproductive Health Needs among Women Migrant Workers in Thailand* report was later published in 2007.

2004 marked the end of a decade of GAATW's work. A well-attended International Members Congress (IMC) was convened in December 2004, where planning for the next

programme cycle (2005-7) was undertaken.

2005-2007

During 2005-7 programme three consultations on: Prevention, Direct Assistance, and Access to Justice were conducted. In 2006, GAATW IS programme staff moved from coordinating with members on a thematic basis to a regional focus.

GAATW facilitated an exchange programme between member organisations. In Asia, two members from Women's Rehabilitation Centre Nepal (WOREC) took a training with EMPOWER, a Thailand based group which works extensively with sex workers. Gania Unnayan Committee (GUC) a large community based organisation in Orissa, India spent time with various GAATW members, talking about their direct assistance programme for returnee trafficked women.

In 14-17 February 2006, South Asian members from Bangladesh, Nepal and India, met in India to discuss the regional situation and its impact on their activism. While there had been a proliferation of anti-trafficking initiatives in the region, over the years, almost all groups focused exclusively on prostitution. The South Asian groups formed a regional Working Group to find new ways forward.

Also in 2006, GAATW was granted Special Consultative Status with the Economic and Social Council of the United Nations, strengthening GAATW's position in the international arena.

In 2007, the 2nd Triennial International Members Congress was held. In September *Collateral Damage: the impact of anti-trafficking initiatives around the world* was launched. Ratna Kapur the Director of Centre for Feminist Legal Research (CFLR) in New Delhi researched India; and Jackie Pollock one of the founding members of Migrant Assistance Program (MAP)⁶, wrote on Thailand.

GAATW set up two regional Working Groups in Asia to strengthen our voice and build advocacy networks: the Working Group on Migration and Labor - which strategized for the Global Forum on Migration and Development (GFMD) and was coordinated by Migrant Forum in Asia - and the Working Group on UN Human Rights - coordinated by Forum Asia.

In August 2007, GAATW IS made a trip to meet with old friends, members and new contacts in Malaysia and Indonesia.

In 2007, GAATW through its Realising Rights programme worked with some of the self-organised group (SOG) members, and looked at how to best offer support. In response to this, a four-day orientation meeting on adolescent girls' health rights was held with 18 members of the Navatara network in Nepal in coordination with Shakti Samuha. The second workshop on health rights brought together 12 representatives of the Bangladesh Sex Workers Network. This three-day workshop provided a safe space





for the women to talk about their health concerns and to look at how they could address some of their problems. A one-day meeting was also held with support workers from various shelter homes in Orissa and 10 trafficked women.

In December 2007, GAATW together with member organisation the Institute for Social Development coordinated the *3rd Annual Consultation with Self Organised Groups* in Bhubaneswar, Orissa, India. This occasion brought together some of GAATW's self-organised and community-based organisations to strengthen solidarity links between members, provide an opportunity for members to learn from the work of other member organisations, and to celebrate the strength and resilience of these groups. The SOG's are a growing and important section of GAATW's membership. The IS has supported the work of self-organised groups for a number of years and in 2007 completed research into the benefits of self-organising and how best to support their work.

2008-2010

At the IMC in 2007 and its preparatory meetings, the Board and the membership decided that strengthening the Alliance should be a priority of GAATW in its three-year programme for 2008-10. This meant building stronger linkages among members, between the membership and the IS, and with other non-member organisations. In Asia, we started using a regional GAATW members mailing list to engage in

regular communication and were inspired by the wealth of responses from the membership in the region.

The 2008-10 GAATW working cycle gave specific attention to thinking through what it means to 'link' anti-trafficking today to other areas, such as migration, labour, gender, security, trade and globalisation. The IS work on linkages began with a *Roundtable on the Linkages between Trafficking, Migration, Labour and Gender* in August 2008 in Bangkok. The second roundtable in March 2009 was on *Linkages between Trafficking, Security, Trade and the Financial Crisis*. In between the second and third roundtable, GAATW-IS organised a *Feminist Participatory Action Research Methods and Learning Workshop* in May 2009, Chiangmai, Thailand. Linkages were also discussed at the 2009 members' Regional Consultation in Asia and provided input into the GAATW Feminist Participatory Action Research project for 2008-10.

Throughout the first two years of this working cycle, GAATW has engaged in advocacy based on linkages principles. This has included co-organising with Coordination of Action Research on AIDS and Mobility in Asia in Asia (Caram-Asia), and Asia-Pacific Forum on Women, Law and Development (APWLD), a *Joint Regional Consultation on Demanding Greater Protection for Foreign Domestic Workers* with the UN Special Rapporteurs on the Human Rights of Migrants (Jorge Bustamante), and Contemporary Forms of Slavery, its causes and consequences (Gulnara Shahanian) in Manila, Philippines.

GAATW IS's visit to Lebanon was a first step in responding to members' interest in getting to know more about regions where we have limited to no contact, but which are common destinations for migrant workers in Asia, such as the Middle East. GAATW met organisations such as Pastoral Care of Afro Asian Migrants (PCAAM), Caritas Lebanon Migrant Center, ILO, Human Rights Watch, Indian and Philippine Embassies, and individuals working with migrant workers. This was an opportunity to learn more about the situation of migrant workers in Lebanon, especially female migrant workers. Kafa (enough) Violence and Exploitation, a Lebanese women's right organisation facilitated the IS staff visit.

GAATW IS was involved in several parallel activities in October 2008 during the Global Forum on Migration and Development Meeting held in Manila, Philippines. A 'Lantern Action' highlighted GAATW's Recognise Rights campaign which called for the immediate recognition of trafficked and migrant persons. Another well-attended event was the GAATW International Forum on *Collateral Damage* which discussed the human rights impact of anti-trafficking policies and legislation on migrant and trafficked women. This was the first time that GAATW held an event in the Philippines and was co-organised by a member organisation, Buhay Foundation for Women and the Girl Child, headed by Nelia Sancho, a GAATW Board member.

GAATW IS, in cooperation with the Association of Indonesian Migrant Workers, launched a 20-minute video on overcharging practices that are affecting many Indonesian migrant workers. The video was launched in Jakarta on 13th November 2008, prior to the GAATW Asia sub-regional meeting. The meeting on November 14-16 in Jakarta, Indonesia gathered together member organisations from Indonesia, Philippines and Singapore.

Two Working Groups were formed in 2008 to review the decision making process within the Alliance, and to review terms and conditions of GAATW membership to make the Alliance qualitatively stronger. The Working Group representatives gathered in Bangkok, Thailand on 9-10 February 2009 and key issues were identified. The IS is now compiling all views from different regions and a final set of agreed recommendations will be sent to the Alliance before the July 2010 IMC.

2009 marked an important milestone for GAATW as it celebrated its 15 year anniversary. Two staff from Thailand and Indonesia were recruited to strengthen GAATW's regional work in Asia.

GAATW completed the third and final phase of the Women Centred Health Care Training in Orissa, India, from 17-27 February 2009. The outcome of this project was the formation of Manjuati (the word for Henna in the local language - the plant not only signifies colour and celebration, it also has medicinal qualities). Manjuati are a group of marginalised women, including Dalit women, those displaced, trafficked and abused women from shelters and women workers from the informal economy. The group built a small housing structure where they can facilitate support to new and existing group members.

In 2009, GAATW collaborated with the International Women's Rights Action Watch-Asia Pacific (IWRAP-AP) and the Coordination of Action and Research on Aids and Mobility (CARAM-Asia) on *Using the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) to Protect the Rights of Women Migrant Workers and Trafficked Women in South and Southeast Asia*. GAATW Member Organisations: Transient Workers Count Too (TWC2), National Domestic Workers Movement (NDWM), Legal Services for Children and Women (LSCW), the Alliance Against Trafficking in Women and Children Nepal (AATWIN) and Shakti Samuha also attended.

The 14th Annual Asia Pacific Forum (APF) Conference in Amman, Jordan was an opportunity for GAATW IS to present findings of a recently concluded GAATW research on steps taken by National Human Rights Institutions (NHRIs) in the ASEAN sub-region to evaluate and monitor State anti-trafficking responses. GAATW also visited and met with a number of organisations in a bid to learn more about migration and human trafficking trends in Jordan and the rest of the Middle East region.

To further strengthen the Alliance in Asia, GAATW concluded its fourth Regional Consultation with GAATW member organisations and allies in Asia. This meeting was held at Godavari Village Resort in Lalitpur, Nepal in early September to create a space for mutual sharing among members in the Asian region and ensure that all members in the Asian region have adequate conceptual understanding on human trafficking, other related issues and the human rights approach.

The five-day consultation started with an analysis of the socio-political situation in a number of countries in Asia and its impact on human rights with specific reference to trafficking, migration and labour. This was followed by two interactive discussions on the rights of domestic workers and another session on the impact of anti-trafficking legislation on the rights of sex workers. There were thematic workshops on Advocacy, Linking Migration, Gender, Labour and Trafficking, and Psycho Social care.

One of GAATW's last events in Asia for 2009 was the Dance Movement Therapy (DMT) Workshop in Nepal as part of its Realising Rights programme. GAATW organised the DMT workshop for Shakti Samuha to help them deal with the demands of caretaking work.

2010 is going to be an exciting year for GAATW, as it is the year we begin planning for the next programme cycle (2011-13) and the year of the Triennial International Members Congress and Conference (IMCC), to be held in July. The 3rd Roundtable meeting in March to review the Feminist Participatory Action Research (FPAR) reports and the GAATW Thematic working papers which will be presented at the IMCC will also be held. GAATW will also intensify its advocacy programmes including the Stop, Look, Listen campaign to urge state parties that have ratified or signed UNTOC to support a transparent and inclusive review mechanism to the Convention.

Future Directions

GAATW is once again coming to the close of a very fruitful 3 year programme - highlighted by three regional consultations, SOG trainings, roundtable meetings and FPAR workshops and research.

Efforts to strengthen linkages in the Asia region have been constant although this has been challenging. GAATW's Asian membership comprises over 40 non-government organisations, the most of any region. The membership in Asia is also the most diverse, some are very large national organisations, some work at the local level, some work specifically on trafficking while others work more broadly on women's rights, development, sex worker's rights, or labour rights. There is diversity in cultures and in language as well. Efforts to strengthen the Asian region will continue in addition to having more collaboration among members and stronger linkages with other movements and with people from outside the Alliance. We also hope that our members in Asia will have more clarity about linkages and concepts and that take a rights affirming approach to their work.

Endnotes

¹ ASEM is a forum for dialogue between Europe and Asia. Asia-Europe Meeting (ASEM) is the main multilateral channel for communication and dialogue between Asia and Europe since 1996. This meeting was held in March 1-2, 1996 http://ec.europa.eu/external_relations/asem/index_en.htm

² A pilot training in Indonesia was co-organised by Yogyakarta Joint Secretariat for Gender Issues (SBPY). The Cambodia training was organised with Cambodia Women's Crisis Centre. The intensive training in Kuala Lumpur was co-organised with TENAGITA, while the Philippines training was organised by the Batis Centre for Women.

³ FPAR is a research methodology that integrates feminist research with participatory action research methods. Feminist research believes that women can steer social change, and listens to and values women's lived experiences. Participatory action research methods, sees the researcher as a catalyst and a participant observer who can highlight issues and trigger a process of change, led by the group itself.

⁴ The board replaced the International Collective of Active Members (CAM), who until that point had been the decision making body for the Alliance.

⁵ <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>

⁶ MAP is Thai NGO working on the labor rights, women's rights and health issues among Burmese migrant workers in Chiangmai, Maesot and Phang Nga



Bandana Pattanaik
is the GAATW International Coordinator



Michelle Taguinod
is the Communications Officer at the
GAATW International Secretariat



GAATW Member Organisations in Asia

CAMBODIA

THE CAMBODIAN WOMEN'S CRISIS CENTER (CWCC)



Founded in early 1997, the Cambodian Women's Crisis Center (CWCC) is a local, non-governmental, not for profit and non-political organisation based in Phnom Penh, Cambodia. Its mission is to eliminate all forms of violence against women whilst providing services to victims of gender-based abuse and their children. Soon after, CWCC open in two additional

locations in Banteay Meanchey and Siem Reap provinces.

CWCC works to empower vulnerable women and girls through three strategic objectives: Protection, Prevention and Advocacy to promote a peaceful and gender-equitable society.

Contact Details

E-mail: cwccpnp@cwcc.org.kh

CAMBODIAN WOMEN'S DEVELOPMENT AGENCY (CWDA)



The Cambodian Women's Development Agency (CWDA) is an indigenous, non-profit, non-governmental organisation with a strong feminist agenda. It grew out of the dissolved Phnom Penh Municipality Women's Association in May 1993 after accreditation by the Supreme National Council.

CWDA is dedicated to promoting the self-reliant development of disadvantaged Cambodian communities and to the advancement of women's and children's rights. CWDA seeks to empower women through collective organisation, personal development, skills training, access to resources and advocacy on their behalf. CWDA facilitates the active participation of grassroots women in awareness-raising activities on women's issues, creating favourable local environments for women's forums and activities.

Research and advocacy projects are also undertaken in support of specific objectives regarding the protection of women and

children's rights. For example CWDA has conducted research together with the Cambodian Prostitutes' Union on Human Rights abuses of prostitutes in Toul Kork. The survey was significant because it was done by the women themselves. It was a rare study that was done by, not about, sex workers and their lives, working conditions, suffering in the hands of police and clients. The women themselves made recommendations to the government and to society about what should be done to improve their situation.

Contact Details

Address: No. 19, Street 242, Boeung Prohit, Khan 7 Makara, Phnom Penh Cambodia
Telephone: +855 23 210 449 Fax: +855 23 210 487
Email: cwda@online.com.kh

CAMBODIA PROSTITUTES UNION (CPU)

The Cambodia Prostitutes Union was borne out of a HIV prevention project implemented by the Cambodian Women's Development Agency (CWDA). In 1998, 14 peer educators created the Cambodia Prostitutes Union. CPU's work focuses on the empowerment of women working in the sex industry; reducing violence through research, collective action and advocacy; improving women's health, particularly in regards to HIV/AIDS infection.

CPU implements three main programmes:

(1) Education (health, law, women's rights, training for peer educators, life skills training, literacy classes for children) and services (counselling, HIV testing and treatment, HIV support group) to women working in the sex industry, brothel owners and the police;

(2) Research, documentation and public awareness materials (videos, T-shirts, photos); and

(3) Advocacy on women's right to health and right to work (through public forums, statements to the mayor and the government, campaigns, TV and radio talk shows, liaising with the Minister of Women's Affairs).

Contact Details

Address: CPU Women's Room, # 545, St. Railway, Toul Sangke Village, Sangkat Toul Sangke, Khan Russey Keo, Phnom Penh, Cambodia
Telephone: (+855) 23 210 449/ (+855) 92 714 140
Fax: (+855) 23 210 487
Email: cwda@online.com.kh

LEGAL SUPPORT FOR CHILDREN AND WOMEN (LSCW)



Legal Support for Children and Women (LSCW) was founded following a year of research and analysis on particular conditions afflicting children and women in Cambodian society. LSCW works to promote gender equality and towards the elimination of trafficking in persons and the exploitation of migrants. LSCW also extends its work to Cambodian men, women and children trafficked during labour migration. LSCW offers legal advice, assistance and representation through trained Cambodian lawyers to victims. They also provide pre-departure training on safe migration and develop support networks in migrant communities.

Contact Details

Address: No 132E-F, Street 135, Phsar Doeum Thkov, Chamkarmorn, Phnom Penh, Cambodia
 Telephone: +855 23 220 626
 Email: info@lscw.org
 Website: www.lscw.org

HONG KONG, SAR

ACTION FOR REACH OUT (AFRO)



Action for REACH OUT (AFRO) was formed in 1993 to foster the self-representation of sex-workers and to provide necessary services and support to women working within the commercial sex industry in Hong Kong as well as women coming to Hong Kong from other countries. AFRO's main goal is to form a support network for women working within the commercial sex industry in Hong Kong. Services provided by AFRO include skills training, drug rehabilitation, a drop-in centre, hotline, referrals for support services, health screening, newsletter preparation and peer education on issues such as legal rights, life skills and health. Outreach workers visit nightclubs, karaoke bars, hair salons and the women working on the streets. Workers accompany women to the doctor, through the legal system, and make prison visitations. AFRO also works to increase public awareness of sex workers rights.

Contact Details

Address: P.O. Box 98108, T.S.T. Post Office, Tsim Sha Tsui, Kowloon, Hong Kong
 Telephone: +852 2770-1065
 Fax: +852 2770-1201
 Email: afro@afro.org.hk
 Links: <http://hkaid.med.cuhk.edu.hk/reachout/>

ASSOCIATION OF INDONESIAN MIGRANT WORKERS IN HONG KONG OR ASOSIASI TENAGA KERJA INDONESIA (ATKIHK)



Following its inception in October 2000, ATKI has worked to build up a mass movement of progressive Indonesian migrant workers based in Hong Kong. ATKI's main objective is to assert and defend the rights and welfare of Indonesian migrant workers in Hong Kong. ATKI has organised a series of advocacy initiatives against the anti-migrant policies of the Indonesian and Hong Kong governments (e.g. press conferences, forums with the Indonesian Labour Ministry and the Immigration and Labour Department of Hong Kong SAR, campaign against a wage cut together with the Asian Migrants Coordinating Body (AMCB), held congress in Indonesia for returned migrants and their families). Workers also provide on-site welfare assistance, mobile counselling in Victoria Park (a main congregation point for Indonesian migrant workers on Sunday), education (on workers' legal entitlements), and socialisation activities (e.g. dance, art and music classes). ATKI is an active member of the Asian Migrants Coordinating Body (AMCB) and has collaborated with Solidaritas Perempuan in Jakarta to educate people on migrant issues in Hong Kong SAR.

Contact Details

Address: c/o Asia Pacific Mission for Migrants (APMM) G/F, No. 2 Jordan Road, Kowloon, Hong Kong SAR
 Tel: +852 2314-7316
 Fax: +852 2735-4559
 Email: atkih_2000@yahoo.com

In Indonesia:

ATKI-Indonesia
 Jl. Mampang Prapatan XIII RT 03/03 No. 03 Mampang Prapatan, South Jakarta
 Indonesia
 Telephone/Fax: +621-7986468
 Email: atki.indonesia@gmail.com

INDIA

CENTER FOR FEMINIST LEGAL RESEARCH (CFLR)



The Centre for Feminist Legal Research (CFLR) New Delhi works on issues of feminist legal theory, postcolonial theory, human rights and law. CFLR focuses on four broad categories of rights on Postcolonial Approaches to International and Human Rights Law, the right to freedom of speech, the right to freedom of religion/secularism, the right to equality, and the right to sexual autonomy/bodily integrity.

Contact Details

Address: Flat No. 5, 45, Friends Colony (East) New Delhi - 110 065, India
 Tel: +91 11 41628118
 Tel / Fax: +91 11 41629569
 Email: cflr_45@yahoo.com
 Website: <http://www.cflr.org>

DURBAR MAHILA SAMANWAYA COMMITTEE (DMSC)



Durbar Mahila Samanwaya Committee is a forum of over 65,000 sex workers based in West Bengal, India. The basic approach of Durbar's programme is based on the principle of "3 R's" - Respect, Reliance and Recognition: Respect towards sex workers, Reliance on the knowledge and wisdom of the community of sex workers and Recognition of sex work as an occupation, for the protection of their occupational and human rights. Durbar was created by sex workers involved in the STD/HIV Intervention Programme or the Sonagachi Project. In 1999, Durbar took over the management of the Sonagachi Project and currently runs STD/HIV intervention programmes in 49 sex work sites in West Bengal. Durbar provides testing, counselling and care for people with HIV/AIDS. DMSC's anti-trafficking work is done through Self-Regulatory Boards comprised of both sex workers and community supporters. Self-Regulatory Boards monitor brothels in co-operation with brothel owners in order to identify women and children who have been trafficked and to arrange for care. DMSC has also created a hostel for sex workers' children, worked to decrease violence and abuse by law enforcement agencies, implemented an initiative to admit children in schools, organised loan programs, provided vocational training for the children of sex workers (as electricians and beauticians), created the Usha Multi-Purpose Cooperative Society (the largest cooperative society for sex workers in Asia), provided literacy training for adults, organised annual conferences for sex workers, established Komol Gandhar (sex workers performance troupe) and the Binodini Srameek Union or the Binodini Labour Union.

Contact Details

Email: sonagachi@sify.com
Website: www.durbar.org

INSTITUTE FOR SOCIAL DEVELOPMENT (ISD)



ISD is an organisation based in Orissa, India. Their main objective is to organise and mobilise the civil society on violence against women. ISD has undertaken a study on trafficking of adolescent girls and women in the state of Orissa in collaboration with the Taskforce on Women & Violence. They handle cases of trafficked victims who are staying in shelter homes and provide consultation with the victims' parents for their re-integration in the community.

Contact Details

Address: S-10, Phase-II, Maitree Vihar, P.O. Chandrasekhar Pur, Bhubaneshwar - 751023
Tel: +91 (0)674-6451141/ 2302756
Email: isd_bbsr@rediffmail.com

JAJNASANI

The Jajnaseni anti-trafficking network in the eastern Indian state of Orissa is combating the growing problem of women being trafficked for forced or bogus marriages, urging official action and assisting women who have returned to their parental homes following abuse and exploitation. Members of the network include AAINA, FRIENDS ASSOCIATION FOR RURAL RECONSTRUCTION (FARR), GANIA UNNAYAN COMMITTEE (GUC), PRAGATI and PROJECT SWARAJYA.

Contact Details

Address: c/o National Alliance of Women Orissa Chapter, N6/ 474, Jaydev Vihar
Bhubaneswar - 751015 Orissa, India
Tel: +91 (0)674-2553094
Email: jajnaseni_orissa@yahoo.co.in

NATIONAL DOMESTIC WORKERS MOVEMENT (NDWM)



The National Domestic Workers' Movement (NDWM) is a Movement and a NGO working with domestic workers, child domestic workers and migrant workers. They are active in 23 states of India and work towards achieving dignity for domestic work and workers, at both a national and international level.

NDWM encourages participation and leadership in the hands of domestic workers. Together we stand for the rights of domestic workers, seeking justice and legislation for them. We create a strong public awareness to enable domestic workers to achieve a healthy recognition in society. The NDWM has proven to be a strong networking source. They strive to establish a just society for domestic workers so that they can have a respectable life in the community. They provide assistance to rescued girls, provide trauma counselling, legal aid, medical assistance and run schools for children involved in labour.

Contact Details

Address: 104/A St. Mary's Apts, Mumbai, Maharashtra, India, 400010
Tel: +91 022-3780903 , 022-3771131
Email: jeanne@bom8.vsnl.net.in
Website: www.ndwm.org

MANAV SEVA SANSTHAN "SEVA"



SEVA is a development organisation whose mission is to ensure socio-economic development of the poor and disadvantaged through a community based development approach. They focus on gender quality, human rights, promotion of sustainable livelihoods, and health issues of people in the communities they work. In terms of anti-trafficking, their activities include awareness raising & mobilisation, networking &



coordination, advocacy & lobbying, augmenting informed mobility, and rights-based repatriation, among others.

Contact Details

Address: Vikas Nagar Colony, P.O., Fertilizer, Gorakhpur-273001, U.P., India
Tel / Fax: +91 551-226-1369
Email: manavseva@vsnl.com
Website: www.manavsevaindia.org

INDONESIA

CENTER FOR STUDY AND CHILD PROTECTION (PKPA)



Pusat Kajian dan Perlindungan Anak (PKPA) is an independent organisation that tightly holds the principles of public responsibility, prioritises child participation, as well as respects and protects the rights of the child. Established in 1996, PKPA is working on issues facing children and women in North Sumatra. PKPA helps to strengthen the position of children and females through research activities, outreach projects to women and children as a process of group strengthening.

Contact Details

Address: Protection Jl. Abdul Hakim No 5A Pasar 1 Setia Budi, Medan 20132
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Email: pkpamdn@indosat.net.id
Website : www.pkpa-indonesia.org

SOLIDARITAS PEREMPAUN



Solidaritas Perempuan (SP-Women's Solidarity for Human Rights) was established on 10 December 1990. Its vision is to bring into reality a democratic social order based on the principle of justice, ecological awareness, with respect to pluralisms and non-violence by holding onto equal relations between women and men as well as the ability to share access and control to natural, social, cultural, political and economic resources justly.

Contact Details

Address: Jl. Siaga 2 No. 36, Pejaten Barat, South Jakarta Indonesia
Phone number: +6221-7826008 Fax number: +6221-7802529
Email: soliper@centrin.net.id
Website: www.solidaritasperempuan.org

YASANTI

The main purpose of the foundation is the empowerment of women, which means increasing the quality of the life of women economically, socially and politically. Activities like study, research, publication, seminar, workshop and discussion are the foundation's supporting activities. YASANTI has carried out various activities of facilitating and defending female labourers and also has implemented programs for the development of print media.

Yasanti's main areas of work include protecting the labour rights of women workers particularly the women in the informal sector in Jogja and in Ungaran working with factory workers. To the extent that Yasanti works on trafficking, it is through training about internal trafficking to industries in Central Java.

Contact Details

Address: Kuncen Tegalsari WB I / 270 Wirobrajan, Yogyakarta, 55253, Indonesia.
Phone / Fax. : +62-274-558545.
E-mail: yasanti_yogya@yahoo.com, muftiyannah@yahoo.com

LEGAL RESOURCES CENTER- UNTUK KEADILAN JENDER DAN HAK ASASI MANUSIA - (LRC-KJHAM) SEMARANG

LRC-KJHAM works in Central Java to promote understanding and campaign for values of gender equity and human rights. LRC-KJHAM activities include:

- Legal aid for victims of gender-based violence;
- Counselling for victims of gender-based violence;
- Monitoring and campaigning in cases of gender-based violence; and
- Community organising and critical education for grassroots communities: such as female migrant workers and sex workers.

Contact Details

Address: Jl. Panda Barat III No. 1 Semarang, Central Java, Indonesia
Tel: + 62-(024) 672 3083
Email: lrc_kjham2004@yahoo.com

INSTITUTE PEREMPUAN (IP)



IP was founded in 2000 in Bandung, West Java, with a "feminist legal perspective". Its goal is to strengthen women's rights through advocacy, community education, capacity building of stakeholders, information and documentation. They focus on trafficking because it is a major issue for women in West Java. They

ALLIANCE NEWS - DEC 2009

have also completed some direct services for victims. As an NGO, they base their advocacy on "women's experience" not as 'feminist scholars.'

Contact Details

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Telephone/Fax.: +62.22.2516378
Email: institut_perempuan@yahoo.com
Website: www.institutperempuan.or.id
Blog: www.institutperempuan.blogspot.com

WEDORO

The WEDORO Group was formed by LRC-KHJAM as a result of the participatory feminist action research project that GAATW implemented in 2002. Activities of the Group include sharing of information and experiences with each other and also noting down cases of violations, as well as two co-operatives - a saving and lending group and a trading group. LRC-KHJAM still visits regularly and provides training and information to the group, including on their rights, direct assistance, and basic paralegal training so they can gather information on cases of exploitation.

MONGOLIA

CENTER FOR HUMAN RIGHTS AND DEVELOPMENT (CHRD)



CHRD's mission is to contribute to the protection and promotion of human rights in Mongolia through legislative

and policy advocacy legal assistance, public awareness and capacity building of disadvantaged people.

Contact Details

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Fax: +976-11-325721
Email: chrd@mongolnet.mn, urantsooj@mongolnet.mn
Website: www.chrd.org.mn

HUMAN SECURITY POLICY STUDIES CENTRE (HSPSC)



HSPSC has carried out activities towards the implementation of Human Trafficking Projects. Their beneficiaries include migrant women and children and vulnerable communities. HSPSC works together with local government officials, NGOs and communities to address the issue of human trafficking in a comprehensive and integrated manner.

Contact Details

Address: ESC Centre - 2B, fl.2, Sukhbaatar District, Sub district 6, Youth Avenue, Ulaanbaatar, Mongolia
Telephone: +976 70110215
Website: <http://www.humantrafficking.mn/>
Email: hspc@mongol.net

MONGOLIAN GENDER EQUALITY CENTER (MGEC)



Mongolian Gender Equality Center is a non-profit NGO that works for the people on different issues concerning human rights.

MGEC's aim is to protect women and children's rights, as well as promote gender equality. The MGEC is working towards developing a democratic society.

Contact Details

Address: #2-1/101, 102, Square Erkh chuluu, Khoroo 6, Chingeltei District Gender Equality Center Ulaanbaatar city, Mongolia
Tel: +976-11-311512 / Hotline: 1903
Email: gendereqcen@magicnet.mn
Website: www.stoptrafficking.mn

NEPAL

ALLIANCE AGAINST TRAFFICKING IN WOMEN AND CHILDREN (AATWIN)



AATWIN is an active advocacy, lobbying and campaigning organisation against the trafficking of women and children in Nepal. The alliance's major focus is to move the trafficking issue from just the local level and to make it a major international issue.

Contact Details

Address: AATWIN Secretariat, 2000 P.O. Box: 4374 Rabi Bhawan, Kathmandu, Nepal
Tel: +977-1-270361 / +977-1 -27801
Email: aatwin@wlink.com

AATWIN's membership includes:

CHILD WORKERS IN NEPAL CONCERNED CENTRE (CWIN), CHILDREN-WOMEN IN SOCIAL SERVICE AND HUMAN RIGHTS (CWISH), GRAMIN MAHILA SRIJAN SEEL PARIWAR (GMSP), HIMALAYAN HUMAN RIGHTS MONITORS (HimRights), INTERNATIONAL INSTITUTE FOR HUMAN RIGHTS, ENVIRONMENT AND DEVELOPMENT, MAHILA ATMA NIRVARTTA KENDRA (MANK), MAKWANPUR MAHILA SAMUHA (MMS), NAVAJYOTI CENTRE, SHAKTI SAMUHA, TEKA SAMUHA, WOMEN ACTING TOGETHER FOR CHANGE (WATCH), and WOMEN'S REHABILITATION CENTER (WOREC)

PAKISTAN

PAKISTAN RURAL WORKERS SOCIAL WELFARE ORGANISATION (PRWSWO)



PRWSWO is involved in socio-economic development activities on a self-help and participatory basis, particularly in the areas of education, health (sanitation and drinking water), drug prevention, rural & agriculture development, combating desertification and others with emphasis on child welfare, women development, human rights, environment and community mobilisation. To support, manage and implement its activities, the PRWSWO, has an active force of Social Workers engaged in community mobilisation and community development activities.

Contact Details

Address: P.O. Box No.2 (31-Gulistan Colony, Near STN Tower), Bahawalpur, Punjab, Pakistan.
Tel: +92-62-228244
Fax: +92-62-2282442
E-mail: prwswo@prwswo.org, prwswo@hotmail.com

PHILIPPINES

THE BUHAY FOUNDATION FOR WOMEN AND GIRL CHILD



The Buhay Foundation was established in February 2000. Its mission is to be a women-led organization that provides a focal point and stimulus for the social, political and economic empowerment of women and the advocacy and defense of the human rights and full development of the Filipino people particularly women and the girl child. The foundation aims to examine and address socio-political economic realities from the perspectives of women's life experiences, and contribute towards socio cultural transformation processes leading to a positive environment for the recognition, protection and realisation of the rights of Filipino women and the girl child nationally and internationally.

Contact Details

E-mail: buhay.foundation@gmail.com

SINGAPORE

TRANSIENT WORKERS COUNT TOO (TWC2)



TWC2 was established in 2004 to work towards the improvement of conditions for both female and male workers. They aim to promote respect for domestic workers through education and to secure better treatment of

domestic workers through legislation and other means. Their primary focus is on migration and labour issues; and their activities include counselling, educational campaigns, research, advocacy and promotion of self-organisation.

Contact Details

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Tel: +65-524-77001
Fax: +65-639 0759
Email: info@twc2.org.sg
Website: www.twc2.org.sg

THAILAND

COMMUNITY THEATRE PROJECT (GABFAI)



GABFAI works in communities with schools, youths, adults, district and provincial leaders and NGOs mainly in two Northern provinces. The group uses a two-prong strategy of community outreach and mobile theatre to penetrate target communities. GABFAI provides workshops, performance and skills training to educate and empower villagers about the issues related to trafficking, HIV/AIDS, domestic violence and other human rights issues.

Contact Details

Address: 30/1 Rajapuek Rd., Changpuak, Muang, ChiangMai 50300 Thailand
Tel: +66 53 404582
Email: gabfai1996@gmail.com

FOUNDATION FOR WOMEN (FFW)



Foundation for Women (FFW) is an NGO working on the issue of violence against women and other development/social issues as they relate to women in Thailand.

FFW provides information, support, referral and emergency financial assistance to women who have been victims of exploitation, violence and trafficking. FFW works with villagers in the North and Northeast to oppose coerced prostitution and domestic violence. FFW offers small-scale credit schemes for alternative economic projects and conducts research on international migration and trafficking, adolescent sexuality, and domestic violence.

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SANAYAR-THI-PAN WOMEN'S CENTER



Sanayar-Thi-Pan Women's Centre was formed in 2004 by Burmese migrant women in Thailand after participating in a self-help health care training coordinated by GAATW. Sanayar-Thi-Pan Women's Centre addresses an important gap in healthcare services as most migrant women workers are excluded from mainstream healthcare services in Thailand due to lack of documentation, income insecurity and language barriers. The Women's Centre is staffed by Burmese migrant women and has become a trusted community resource and refuge for the Burmese migrant community along the Thai-Burmese border. The women run a drop-in centre, provide health care and treatment (herbal remedies), provide counselling, offer refuge for women in need and also run an outreach programme offering mobile health care in factories and brothels. The Women's Centre also provides direct assistance to women who have been abused or suffer serious health problems, and produces information on women's health, migration and labour issues. Workers also teach women how to plant herbs for health treatments, assist women in locating employment, provide accompaniment to the police when necessary and assist women with returning to Burma if desired.

Contact Details

Address: 13/5 Bua Khoon Road, Mae Sot District, Tak, Thailand, 63110
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SELF-EMPOWERMENT PROGRAM FOR MIGRANT WOMEN (SEPOM)



SEPOM was formed in 2001 by Thai women migrant workers who had returned from Japan and a Japanese volunteer. SEPOM's main objective is to empower and provide support for Thai women returnees from Japan. Many, but not all, of returning women from Japan have been trafficked. SEPOM outreaches to community members to identify returnee migrant workers and trafficked women, offers direct assistance (through home visits, self-help groups, counselling and legal aid, and an HIV/AIDS fund), coordinates care and treatment with the hospital and provides skill development training. SEPOM has also completed extensive work in seeking citizenship for the Thai-Japanese children of returnee women and in supporting the well-being and development of Thai-Japanese children through scholarships, educational and

recreation activities. They have also developed income generation opportunities for women through seed funds, a cattle bank, a savings group and employment through the organisation.

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WOMEN'S RIGHTS DEVELOPMENT CENTRE (WORD)

WORD promotes the establishment of grassroots women's groups and ensures that women have understanding and knowledge of the socio-economic and political challenges. The group provides skills development and raises awareness on gender equality.

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National Human Rights Institutions in Asia and their role in preventing anti-trafficking 'collateral damage'

Caroline Hames

National Human Rights Institutions (NHRIs) are administrative bodies set up to protect, promote, and/or monitor human rights. Their status, function and responsibilities are guided by the 'Paris Principles'¹. The Principles outline the structure and role of an NHRI, clearly stating the minimum standards that must be met in terms of independence and operating procedures.

In GAATW's 2007 publication, *Collateral Damage, the impact of anti-trafficking measures on human rights around the world* we made a number of recommendations to governments and civil society in order to prevent human rights abuses from occurring in the name of trafficking. One of these recommendations focused on the role NHRIs could play in preventing such abuses from taking place, noting that they:

should collect information in a proactive way about the impact of anti-trafficking measures and assess whether they conform to the principle of proportionality. Alongside their role in monitoring respect for human rights by law enforcement agencies and other public officials, they should also assess whether specific guidelines are required to reduce the harmful effects of anti-trafficking measures on specific groups of people, such as the sex workers who are affected by raids on brothels carried out ostensibly to find people who have been forced into prostitution.²

Within the Association of South East Asian Nations (ASEAN) four countries -Indonesia, Malaysia, Thailand and the Philippines - have established NHRIs, they are: Komision Nasional Hak Asasi Manusia (Komnas HAM); Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM); Khana Khammakarn Sithi Manusayachon Hang Chart (Khamakarn Sit or the National Human Rights Commission of Thailand); and Komisyon ng Karapatang Pantao ng Pilipinas (the Commission on Human Rights of the Philippines or CHRP) respectively. On 28 June 2007, these four NHRIs signed a Declaration of Cooperation, in which they agreed to work together on five areas of shared concern:

- ◆ Suppression of terrorism while respecting human rights;
- ◆ People trafficking;

- ◆ Protection of the human rights of migrants and migrant workers;
- ◆ Implementing economic, social and cultural rights and the right to development; and
- ◆ Human rights education.

Linking the *Collateral Damage* recommendation cited above and the NHRIs own joint commitment to tackle 'people trafficking' and the 'protection of the human rights of migrants and migrant workers', GAATW recently conducted research into the degree to which ASEAN NHRIs evaluate, monitor and respond to states' actions in response to trafficking. The research was carried out for the purposes of specific advocacy at the Asia Pacific Forum of National Human Rights Institutions (APF) where GAATW called for greater attention to be paid by all Asia Pacific NHRIs to the plight of migrants. The final research publication, entitled *Rights in Practice* highlighted the huge benefit derived from the ASEAN NHRIs' continued commitment to combating trafficking, as well as areas for improvement if migrant rights are to be protected, respected and fulfilled, as they must, in the region. Through this research we identified common trends in the NHRIs' approaches to human trafficking and migration from which we drew some key recommendations. Following GAATW advocacy based on this report at the APF, one positive outcome was the establishment of a working group on migration made up of NHRIs from the Asia Pacific, the steering group for which will meet in April 2010.

A key area where we identified obstacles to NHRIs work on trafficking was within 'institutional competencies' to address trafficking as a complex issue, inextricably linked to migration and labour exploitation. When conducting our research, we found some problems with the way in which trafficking was being conceptualised by the NHRIs and felt that this was partly due to limited human and financial resources including at times a lack of capacity or desire on the part of the Commissioners' or relevant officials' to tackle this hugely complex and controversial issue. We therefore recommended that at least one Commissioner per NHRI possess a high level of expertise in the areas of migration and labour exploitation and that each NHRI dedicate human and financial resources to this area in order that they might conduct their work to the highest standards. Furthermore, we called for this expertise to be mainstreamed throughout the NHRI as we found that



ALLIANCE NEWS - DEC 2009

trafficking, migration, labour and gender issues often span many different departments at an NHRI.

Along with identifying some knowledge gaps within the NHRIs, we also found a general lack of formalisation of procedures and relationships established to address trafficking. While many States have now created anti-trafficking policies, including legislation and national action plans; however, they have yet to enter into formal partnerships with their NHRI in order to jointly address anti-trafficking responses. Furthermore, we felt that NHRIs' efforts to research and analyse states' responses to trafficking in policy and practice should be more systematic. Ongoing review by NHRIs of state actions in this area could lead to positive policy recommendations being made and used to facilitate dialogue between the state and diverse civil society actors.

In our research, we also noted the role for NHRIs in direct human rights promotion with law enforcement officers, government officials and civil society, crucially raising the need to protect migrants' rights. NHRIs also have a key role to play in ensuring that protection measures offered by the state to trafficked persons and migrants are monitored for their adherence to human rights standards and are often in the position to conduct regular visits to shelters or detention establishments whereas some civil society organisations may not. Similarly, we found that where NHRIs do engage in judicial processes they have a strong role to play in raising obstructions to access to justice on behalf of trafficked persons.

The backbone of NHRIs' work lies in their independent statements of opinion, recommendations and reports, which draw on their expertise in human rights and migrant rights. It is clear that these were most useful when appropriate follow-up mechanisms were put in place by NHRIs. Strong research and opinion pieces not only provide NHRIs with effective national advocacy tools, but also are used by civil society groups in that country for their own advocacy nationally, regionally and internationally.

NHRIs are a crucial partner in the advancement of migrant and trafficked persons rights, we have yet to tap their full potential for preventing the human rights abuses of migrating persons in the implementation of anti-trafficking responses. All too often NHRIs seem somewhat removed from civil society either through lack of information about their activities or their failure to fulfil their role as outlined in the Paris Principles. At a time when the struggle for the rights of migrants to be respected, protected, promoted and upheld is intensifying, our recent research shows that not only are NHRIs key partners, but that there is also much more that we as civil society can do to ensure that these institutions fulfil their functions.



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Endnotes

¹ The Paris Principles were defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights in Paris on 7-9 October 1991, and adopted by the General Assembly in 1993. They list a number of responsibilities related to the promotion and protection of human rights by NHRIs, including:

Making recommendations, proposals and reports available to decision makers on legislative provisions, violations of human rights and as monitoring tools;

To ensure the harmonisation of national legislation with international standards;

To encourage ratification of international treaties and contribute to treaty body reporting;

To cooperate with other bodies working to uphold human rights; and

To conduct education, awareness raising and outreach on human rights.

² GAATW, 2007, *Collateral Damage, the Impact of anti-trafficking measures on human rights around the world*, p. 21, GAATW, Bangkok, Thailand.



Alternative Strategies to Healing

Compiled by Alfie Gordo



During GAATW's Asia Regional Consultation (ARC)¹ in September 2009, a workshop was held on psycho-social care. It explored two alternative methods of healing: dance movement and creative arts therapy.

At present, a significant number of GAATW member organisations work directly with survivors of trafficking, survivors of domestic violence, and exploited migrant workers. Members have raised with GAATW the importance of recognising the potential fatigue, trauma and burn-out of care-givers working with survivors of trauma and trafficking. Recognising these potential impacts is critical for the well-being of care-givers. It is also important to address as it may affect the quality and effectiveness of the care-givers' work with survivors.

These issues have been raised in a number of exchanges between the GAATW International Secretariat and member organisations. In Asia, this sharing led to the ARC workshop, which explored different strategies of 'caring for care-givers' and psycho-social care.

Who cares? Caring for caretakers of trafficked survivors

Creative arts therapy focuses on healing emotional pain and psychological trauma. It explores the

importance of self-care and the needs of caretakers to sustain themselves while caring for others who are dealing with trauma. During the ARC workshop on art therapy, Lydia Tan from the Art2Healing project² discussed different issues that caretakers face - such as compassion fatigue, vicarious trauma and burn-out.

Lydia stressed that care-taking is a demanding profession as care-takers interact face-to-face with people who are distressed and/or in crisis. Clients discuss their traumatic experiences and their difficulties, often in detail which, in the absence of a supportive environment, can sometimes lead to the secondary trauma of caretakers. To help reduce the impact of stress and to help prevent burnout, caretakers need to be aware of self-care strategies (especially when professional or organisational structures are lacking). Finding strategies of self-care, including finding a supportive environment and peer support, is a way to help ensure personal health and balance. Using art as therapy, Lydia led participants through some activities that can help address the self-care needs of caretakers and build a nurturing and healthy approach to work.



ALLIANCE NEWS - DEC 2009

Using dance movement therapy to care for women we work with and for ourselves

The Dance Movement Therapy (DMT) workshop, introduces exercises that aim to help release trauma. These activities help participants shift to a more positive self image through movement and expression, and help to transform unhealthy behaviours into healthier expressions.

Psycho-physical techniques can provide new hope and possibilities for people who suffer from psychological and social problems. Sohini Chakraborty from Kolkata Sanved³ led the introduction to basic dance movements to participants at the ARC. This included using voice, physical movement and dance in partner work, group exercises and solo movements.

Dance movement therapy can be used for individuals who have never addressed their traumatic experiences before, for those in the process of healing or for caregivers seeking self-care. This therapy supports psychological recovery and well-being by understanding the importance of creating a 'safe space' in their own lives.

Endnotes

¹ The Asia Regional Consultation (ARC) is GAATW's fourth regional consultation with member organisations during 2008-2009. This consultation brought together member and ally organisations from Asia working on trafficking and migration in Asia to share information, learn from each other and participate in three workshops: Advocacy; the exploration of linkages between Trafficking, Migration, Labour and Gender; and Psycho-social Care.

² The Art2Healing Project is a non-profit, creative arts therapy organization dedicated to serving individuals at risk, particularly women and children who are victims of trauma. We are committed to the healing of emotional pain and psychological damage to those we serve. The project provides psychological support, education and empowerment through the creative art therapies, awareness-based practices such as yoga and meditation, and women's health.

³ Kolkata Sanved is a registered society based in Kolkata, West Bengal, India. It uses Dance Movement Therapy (DMT) as an alternative approach to counseling, psychosocial rehabilitation, expression, and empowerment. Kolkata Sanved's primary mission is to promote dance movement as a therapeutic tool for those who are most vulnerable and underprivileged.



Photos from the Dance Movement Therapy and Art2Healing workshops at the Asia Regional Consultation, Nepal



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The time when I met you, this was what I thought

Sha Najak

*A conundrum of human emotions
To love is to lure is to lunacy
Giving and taking ends in one way traffic
Crucified martyrs come alive to inspire
As young as you want me to be
Back alley minions take front stage
Love them the way they thought love is
Born into land doomed for judgment
Who would care to hear about your moral story?
Love me then kill me quick*

*Not anymore no more please
Peace treaties float onto seas
Boundaries is all we see
What about you, me and community.*

Notes about the poem:

This poem is written in the voice of the survivor. She is seen here airing her views, addressing her experience and showing resiliency at the same time by drawing inspiration from martyrs.

The fact that young women are trafficked for sexual exploitation disgusts me. I cannot imagine how someone could manipulate them; I cannot imagine what they went through. Some thought they would be going overseas to work as domestic workers only to realise they had been duped.

TWC2 saw one such case of trafficking. She was brought to Singapore to work as a domestic worker but she later found herself in a bar and was asked to tend to customers. She felt that she had been taken advantage of. Later she was given a fake plane ticket to return home, only to be stopped by immigration and jailed for having produced false flight details. She had no one to turn to and no way to buy her ticket home until an international NGO contacted TWC2 for help. In the end, she made it safely home, but it will be a long road to recovery.



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The impact of anti-trafficking: Cambodia - Malaysia

Vathany Say

On our flight back to Cambodia, Chanthy was sitting next to me. Staring down at her airline meal, she touched the square aluminum container and murmured, "They gave me a container of rice like this after I slept with five men. I ate every three days." Despite the passage of time, her jaw clenched and her eyes welled up. At that moment, the past was alive in her eyes, words, and tears.

Chanthy was trafficked in 2003 when she was promised factory work in Malaysia. She never made it to a factory. Her first stop, instead, was a brothel in Malaysia where they told her to strip off her clothes. Initially she refused to receive customers, so she was sent to various brothels; she was only given food when she serviced a "customer". Many months later the police raided the brothel she was in; all the women in the brothel were imprisoned. Although she was identified as a trafficked person, Chanthy remained in prison for seven months.

Chanthy explained, "I was sent to court several times in Malaysia where the interpreter told me to nod or shake my head. I couldn't understand what the judge was asking me. The guards looked through my wallet and took the money that was visible. The money I had was what I had saved from customers who tipped me for my services." She continued, "Finally they told me I would return home to Cambodia. At the airport, I was in handcuffs and put in a holding cell as I waited for the flight to Phnom Penh."

Through the collaborative efforts of embassies, authorities and organisations in both Malaysia and Cambodia, Chanthy was repatriated. A caseworker from our organization, the Cambodian Women's Crisis Center (CWCC) received Chanthy at the airport in August 2004. She spent several months in our safe

shelter where she received medical check-ups, psychological counselling and financial support to attend vocational school. Chanthy currently owns a small beauty salon with a loan from CWCC and is supporting her two nephews from provinces who are living with her while attending school in city.

The greatest challenge, acknowledged by organisations working to combat trafficking in persons, is the strong emphasis on the 'crime prevention' component of anti-human trafficking legislation and the limited emphasis on 'victim' protection. This is the case in Cambodia, Malaysia and other countries. The lack of protection measures can lead to continued criminalisation of trafficked



A trafficking survivor being embraced by her mother at the international airport in Phnom Penh on her return from Taiwan. CWCC staff who worked with her mother to bring her home are happy to see the reunion.

persons, causing continued suffering and abuse. The shortcomings within the existing systems, policies and legislations are exemplified in Chanthy's case by her seven-month imprisonment, the prison guards' behaviour and the lack of competent interpretation services when she was in court.

Another shortcoming in anti-human trafficking legislation in Cambodia is the lack of a proper mechanism to identify 'victims', which can lead to the misclassification

of trafficked persons as "illegal" migrants. In such cases, trafficked persons are unable to access proper assistance and in many cases are penalised or imprisoned as illegal migrants.

Additionally, the anti-trafficking legislation prohibits solicitation for the purpose of prostitution. The implementation of this provision saw an increase in raids and arrests of assumed sex workers driving women and children in need of assistance underground, out of the reach of aid workers. Women living and working in areas subjected to such raids



ALLIANCE NEWS - BRIEFS

grew afraid of being arrested when walking around at certain times or for dressing a certain way. These incidences indicate the necessity of providing adequate training to law enforcement agencies; police officers should be trained not only on the legislation, but also on the proper guidelines for screening and making arrests.

Issues involving long term social stigmatisation and shame continue to present challenges for survivors of trafficking and their families. Although an increase in empathy toward trafficked persons can be seen, resistance to their acceptance into mainstream society continues. For example, one survivor tells how she married a man who knew of her experience as a trafficked person; he asked her not to tell his family about her past. While there is an overall sympathy towards trafficked persons, to have a woman with "such a past" marry into the family is unacceptable.

After her ordeal, Chanthy returned to Cambodia with painful memories and HIV. Having contracted the disease while in a Malaysian brothel, she now takes daily medication, a continual reminder of her past. Despite this, her story remains hidden from her family leaving her feeling isolated and alone.

Tragically, Chanthy's case is not exceptional: These types of cases involve thousands of women and children around the world. An effort to effectively combat trafficking in persons requires highly sensitive and well-coordinated efforts that go beyond the boundaries of nations. Such a universal effort would raise the standard of protection for trafficked persons and prosecution resulting in a strong sense of deterrence at the international and national levels.



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Blurry Cases: Trafficking, smuggling, coerced or not - When does it matter?

Rebecca Napier-Moore

Trafficking happens in the context of migration. The Global Alliance Against Traffic in Women (GAATW) has never questioned that. GAATW's mission, for instance, is "to ensure that the human rights of all migrating women are respected and protected." Since the beginning, we recognised that human rights in migration was a key step in addressing trafficking in persons.

During the 1980s and 1990s momentum built towards the creation of a special definition for trafficked persons. The aim was to gain clarity of the trafficking definition at an international level, as well as within legal frameworks that would hold up in criminal court cases. We lobbied to emphasise the special human rights violations in a trafficking situation and to get special status for trafficked persons, wanting them to not be seen as criminals and violators of the law but as victims.

The UN Convention on Transnational Organised Crime, and the supplementary Human Trafficking Protocol were adopted by the UN General Assembly in 2000. The Human Trafficking Protocol has the first international definition of trafficking in persons and is now widely used as an international standard. It includes three elements that together make up the UN trafficking definition:

1. *Actions involving recruiting or moving someone ("recruitment, transportation, transfer," etc.)*
2. *Means by which the actions take place ("threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power", etc.)*
3. *Purpose; the form of exploitation for which people were recruited or moved.*

Ten years after this Protocol has been created - and implemented by dozens of countries - it is time to look at how it is playing out. We need to look at whose rights are being protected with this Protocol and the national laws that have subsequently been put in place. In GAATW's 2007 Collateral Damage report (available

at www.gaatw.org), we looked at some cases where anti-trafficking laws have led to violations of people's rights. While looking at some of the impacts and outcomes the Protocol is having, we are realising that by making a special case for a few people who fit the above three 'trafficking' criteria, many in similar situations are being left out. The question in front of us as human rights advocates (in anti-trafficking, labour, migrant and women's rights) is: How do we ensure human rights violations in the name of protection (i.e. anti-trafficking efforts aimed at 'protecting' people) are not happening?

This article explores the fact that although the attempt was made in the UN Trafficking Protocol to gain clarity about trafficking, ambiguity is still there. The questions remain for us as legal and social professionals/activists as to what steps need to be taken given this ambiguity. When the trafficking definition is applied - who is included and who is excluded? Is the definition helping? Legal professionals, for instance, say that it is challenging to meet certain requirements, such as documentation or proving elements of the definition, in order to take a successful trafficking case to court. This is clearly stated in the 'Annotated Guide to the Complete Trafficking Protocol'¹ by the organisation Global Rights:

"The UN definition of trafficking in persons in section 3(a) below describes in some detail the nature of the crime. However, this international definition is not appropriate for use in domestic criminal codes. It has too many elements that would have to be proven by prosecutors, thus making prosecutions more difficult. Also, some of the language is ambiguous, which could also lead legal challenges by defendants. It is important first to read and understand the new international definition of trafficking in persons in the Protocol but then to incorporate the essence of that definition into national legislation using simple and clear language."



ALLIANCE NEWS - ARTICLES

Many migrants experience one or two, of the three parts in the trafficking definition. Maybe they experience coercion and forced labour, but they are not moved by a third party. Maybe they are moved and exploited but they do not think they have been coerced. People in these situations are often called 'illegal immigrants' and deported. Even though someone might have experienced something that is *nearly* trafficking, the abuses against them are said to have been acceptable; and the state typically says that they are the ones who have broken the law.

In the example below, abuses occurred in the migration process before the migrants started working. They were moved and coerced, but had not found themselves in a situation of exploitation in Thailand. Are they trafficked? Does it matter?

Box 1:

Blurry Case: Burmese en route to Thailand April 2008

54 Burmese migrants died in the back of a 20-foot container truck with 121 people inside while on route to Thailand. Many of the surviving women were counted as trafficked and given assistance. Even though they were stopped in transit and had not been exploited at the destination in Thailand, the women were counted in the trafficking definition.*

Critical Questions: Did the women see it as beneficial to be defined as trafficked?

Some people see the trafficking definition as a way to stay in a destination country. BUT, many in Thailand who are defined as trafficked do not want to be called that - it can mean being detained in a shelter for six months to two years. Is it worth being called trafficked? Many people opt to get deported as 'illegal migrants' so they can go home and get on with their lives.

**Among the survivors all the men were defined as 'illegal aliens', fined up to \$62, and deported.² The law has now changed and would more likely also count them as trafficked if this happened today.*

In the case above what is most important is the women's perspectives. Did they think that more of their rights were met because they were called 'trafficked'?

If we put women at the centre of our work, we start to shift from caring about whether the trafficking definition in a country covers all the migrants and women we work with, and start to think about what is best for them. They might not think it is in their interest to be called trafficked. In many countries' systems women might experience more pain from the anti-trafficking system than the immigration system - they might experience the 'collateral damage' of being detained in a shelter for trafficked persons for extended periods, of being re-traumatized in a court process, of being denied visits from family or friends, of being coerced into testifying, and so on. In this case, the immigration system may provide better opportunities to address their situation and/or exploitation. On the other hand, it is vital for us to work to make migration experiences better for all migrants - so that there is less need to travel hidden in large groups in the back of trucks, where suffocation, bad sanitation, as well as exposure by authorities at check points are threats. We must also ensure there are real opportunities for undocumented migrants to access justice in order to address abuse and exploitation, if they choose, instead of being automatically deported.

More Confusion

Some academics and NGO trainers draw continuums in workshops, putting exploitation/trafficking at one end and non-exploitative migration at the other.

exploitation/trafficking ←————→ non-exploitative migration

This gets messy when we as practitioners start talking about cases. Take for instance the case of Selina. (Box2) During the story, her placement on the continuum probably changed several times, and probably at no time was she at either end of it (completely exploited or completely non-exploited). We can question several things about this case: Was there coercion? Was there exploitation? And, what is the best way forward?

As we look to see if this case was a 'trafficking case', we see, as in most real life cases, that things are blurry. Coercion, for instance, is hard to prove. When does something become a lie or misleading information? It depends on what perspective we look at the situation from. Was Selina's friend misleading her? On the one hand, not necessarily, as she told Selina she did not *have* to sell sex, and technically this was true. But her friend did not tell Selina how the debt would affect her and how hard it would be to pay off. Did the situation of indebtedness convince Selina to sell sex?

Box 2:

Blurry Case: Selina and the Entertainment Sector

Selina was seventeen years old. She lived at home, where her main responsibility was caring for her failing grandmother - whom she disliked intensely. One day an old school friend, Maya, visiting from her stay in a neighbouring country, told Selina about the possibilities of making money by working in a bar there and offered to help her find work. Selina had heard about the suffering endured by some young women in brothels, and knew that "entertainment" and bars could be a euphemism for prostitution. However, Maya promised that while indeed some girls did sell sex, there was no compulsion. Enticed by the exciting picture her friend painted, eager to strike out on her own and get away from home, Selina agreed to travel back with Maya.

Maya helped Selina arrange her travel documents and paid for the travel across the border. When she arrived at the bar where Maya worked it was clear that some of the young women, including her friend, were selling sex. Selina did not feel particularly at home there, but the woman who ran the place seemed nice enough and gave her a job sweeping the floor and collecting glasses. It soon became clear that it was the boss, rather than Maya, who had lent Selina the money for her travel. While this wasn't much, she was also relying on her boss for accommodation, and because rent was deducted from her pay, it was going to take her up to a year to repay this debt. If she were willing to sell sex, she would be able to repay it far more quickly, particularly if she agreed to market herself as a "virgin". The boss said that it was up to Selina, but that she would be silly not to. Selina decided that she was right, and under these circumstances somewhat reluctantly asked the boss to find a suitable first client.

(Case from B. Anderson, Jan 09, 'Case Studies: Who counts as a victim of 'trafficking'?', Compass.)

In looking at this case, we have to consider Selina's own views beyond what is written here in the case: Did she think she had been tricked? Did she think she was being exploited? Did she want to get out of the situation? We don't know. If she did seek help to get out, would she have wanted to take a trafficking case, or maybe a civil case contesting the extent of the debt? Maybe taking a case would not have been the best way forward for her, but instead, she would ask

us as advocates to help increase livelihood opportunities in her country, or to make conditions in the entertainment or other sectors more transparent and fair.

How this impacts our work

In the cases above we have seen that migrants might experience one or two, but not all three of the defined trafficking elements in their migration process. We have seen that some of the elements of trafficking are dependent on interpretation. Many situations are unclear and do not fit the international definition neatly. Also, that in legal cases elements like coercion and force may be very difficult or impossible to prove.

What is important to keep in mind is that the categories of *trafficked, smuggled, forced labourer, person in debt bondage, undocumented migrant*, are categories that are used by NGOs, activists, lawyers, migrating people, and government bodies for different reasons. We must assess when we want to USE those categories and for what purpose. This leads us to the conclusion that one framework alone might not work or be useful in every circumstance.

Some advocates caution against selling ourselves short by adopting government language, and government categories, rather than independently using language that makes sense to women. For instance, advocates have been arguing for years against the use of the term 'illegal' migrant. Others question using 'undocumented' or 'irregular' migrants and choose 'unauthorised' instead. We could also question using the term trafficking in our work (especially when we are not needing to use it in interactions with government such as taking legal cases or advocacy to change a law), as it creates a kind of hierarchy between people who are trafficked and not. For instance, a trafficked person might be seen as better or more deserving of assistance than a non-trafficked person, despite that they may have experienced the same form of exploitation. On the social or direct services side of our work, many NGOs, activists and women themselves might choose to talk about 'women' or to choose a label people feel most comfortable with such as a nationality or job description or family relation rather than using the label 'trafficked person'. It is important for us to see how certain categories affect other groups of people.

Globally, we have now had roughly 15 years of specialised focus on trafficking in legislation in many parts of the world and on the international stage. These 15 or so years have also seen a large increase in NGOs working against trafficking.

For legal purposes we need to have a specific knowledge - to know in the law whether a case can be made in court for forced labour, debt bondage, trafficking, other labour or civil violations. We also have to know the laws well enough to understand



where to take those cases we have identified and what will be best for the person we are working with.

Box 3:

Trafficked Persons Taking Labour Cases

Some trafficked persons feel it is more in their interests to take a labour case rather than a criminal trafficking case.

Experience from the Migrant Assistance Program in Thailand shows that trafficking cases take longer than labour ones, but more importantly than the length of time, "in labour cases, the migrant makes the decisions of how far to take the case, which they cannot do in trafficking. In trafficking cases, it is often no longer a migrant's decision. Someone else takes decisions for the trafficked person. The Migrant Assistance Program makes sure that for every trafficking case, a labour case is also filed."

- Jackie Pollock, Locating Migrant Women's Voices, GAATW Roundtable Linking Gender-Migration-Labour-Trafficking 6 Aug 2008

Other than the legal side of our work, there are a whole range of other things we do as activists that require us to take women's wider lives into perspective such as: run shelters, assist with needs like food and clothing, provide psychosocial assistance, help people find jobs, support applications for documentation and/or asylum, encourage people to organise and advocate for themselves.

We are able to see the complications in women's stories - to see women as mothers and workers, as women with passion and pains, rather than only seeing women as 'trafficking victims'. Further, many in our networks are using labour or civil cases to help women (regardless of whether they have been 'trafficked', exploited, abused, coerced, etc.) , rather than automatically filing trafficking cases as the only remedy. Sometimes trafficking cases can indeed help people get compensation or access justice in a way that they feel is safe and remedies their situation. Sometimes, like in the first case above, a trafficking label can result in few helpful outcomes and mean being taken to a shelter without freedom of movement or living with stigma when a person arrives back home.

Surprisingly, as we are seeing more and more how 'trafficking' can be restrictive with its limited definition, we are also seeing how the term 'trafficking' is becoming increasingly used and applied

to broader situations. As Lyons and Ford note in their article (see page 39 in this edition of Alliance News) some of the migrant rights groups are increasingly using the 'trafficking' label. Some groups say "Migration and trafficking are the same thing." Given how easy it is to expand the notion of trafficking to cover many people and situations, we must be careful not to overuse the term 'trafficking', if the current trend of rights restrictions and 'collateral damage' continues in anti-trafficking mechanisms in many parts of the world. On a wider political activism scale, we need to be careful to promote anti-trafficking laws and measures only in contexts where we can be fairly sure that the measures we promote will be rights enhancing, and in the best interest of the women we are working with.

At the same time, because we acknowledge the blurry-ness and fuzzy-ness of women's migration realities, we must continue to better our advocacy of migrant working women's rights generally. If people's abilities to find jobs with good labour standards and their bargaining power in the migration process are enhanced, then the parts of their stories that have elements of trafficking will decrease. We must continue our work on systemic levels - lobbying governments about their immigration policies and about their policies towards working women, especially in informal or unrecognised labour sectors.

Endnotes

¹ See Global Rights website: http://www.globalrights.org/site/DocServer/Annotated_Protocol.pdf?docID=2723

² See www.msnbc.msn.com/id/24051419/



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Update on Burma: State-sponsored forced migration causing extreme vulnerability to trafficking

Shan Women's Action Network (SWAN)

People from other countries leave their homeland to get a better life, a good education, a higher income, or for exotic experiences and adventure. People from Burma, however, have been forced to leave their home because of the political situation. They have been fleeing armed conflict, state persecution and violence that directly affects their daily lives. Many flee unprepared for their survival.

An overview

Civil war has been ongoing in Burma for decades. The country has been ruled by a series of military dictatorships since the army seized power in a coup in 1962. Failed state policies, including gross economic mismanagement, rampant corruption and prioritisation of military expenditure, have caused Burma - once called 'the rice bowl of Asia' - to become one of the poorest countries in the world. The regime spends over 40 percent of the country's Gross Domestic Product (GDP) on defence, while neglecting social services for the people. It spends about 1 percent of the national budget on health and education.

Since 1988, the regime has been expanding its army, and today has nearly half a million soldiers. The Burmese army has carried out repeated military offensives and anti-insurgency programs against civilians in ethnic areas, committing all kinds of systematic human rights violations. As part of its anti-insurgency strategy, the regime has been carrying out a massive forced relocation campaign in eastern Burma. Between 1996-1998, in Central Shan State alone, 1,400 villages were forcibly relocated and approximately 300,000 people were forced at gunpoint from their lands where they had been living for generations. These areas became "free fire zones" where anyone found was shot on sight. Most of the villagers refused to move to the army-controlled relocation sites and hid in the jungle as internally displaced persons or fled to Thailand.

The build-up of the army and military infrastructure, particularly in ethnic states¹, is massively contributing to this forced relocation and the confiscation of farmland. Under the guise of so-called state "development policies" roads and bridges have

been built in remote areas to provide the army with access to areas, which in the past were difficult to reach. This has had a great impact on local communities who are not consulted about the new infrastructures, and has also led to forced labour and extreme human rights abuses.

The regime's record on human rights violations has been well-documented by the UN and international human rights organisations including Amnesty International and Human Rights Watch. Resolutions passed each year by the UN General Assembly since 1991 and by the UNCHR since 1992 have expressed grave concerns at the regime's "ongoing systematic violations of human rights".

Pushed into movement; denied recognition

In 1989, the regime also began its so-called 'open door' trade policy and the large scale exploitation of natural resources, most of which are in the ethnic areas. Large scale oil and gas projects, hydropower developments, mining operations, and mono-crop plantations are being implemented across Burma by foreign companies, especially from China and Southeast Asia. These investments have primarily benefited only the military and its cronies. Again, these projects have been accompanied by an increase in militarisation.

This continued increase in militarisation over the years, accompanied by systematic human rights violations, has increased forced migration, large-scale internal displacement and refugee flows to neighbouring countries, particularly to Thailand. During this displacement and upheaval, women and children have faced immense hardship.

There are now over 140,000 refugees from Burma in camps in Thailand. Unfortunately, many refugees, particularly from Shan State, who have crossed the Thai border are not recognised as refugees, and as a result, do not have access to refugee camps where basic needs are provided by international aid agencies. These refugees have been forced to survive as migrant workers doing "3D" jobs (3D - dirty, difficult and dangerous), often illegally and with insufficient pay to support their family members. They often work in very exploitative conditions and are highly vulnerable to abuse.



ALLIANCE NEWS - ARTICLES

Contributing factors to the increase in trafficking of women from Burma

Policies targeting women

While the majority of the population is suffering, women are particularly impacted, especially in the ethnic areas. The regime has been using rape as a weapon of war in Burma to flaunt their power over and subjugate the ethnic populations. There has been mounting evidence of this systematic use of rape by women's organisations from different ethnic areas of Burma, including Shan State, Karen State, Chin State and Mon State. Women have been fleeing to escape sexual violence, as well as other systematic human rights violations.

Poverty and lack of employment opportunities

The regime's failed economic policies are driving women and girls to leave home to find ways to earn money for their own and their family's survival. In the course of fleeing from home or migrating to urban areas or other countries they are vulnerable to trafficking and exploitation because they lack information about the laws, customs or working conditions in other countries.

State restrictions on movement

To combat trafficking, in 1997, the regime enacted travel restrictions prohibiting women under 25 years old from travelling in border regions or crossing the national border without a guardian. This has limited the rights of young women and placed them further under the control of others. It has also led to increased extortion and unjust arrests by local authorities. Young women forced to leave home to work in Thailand to support themselves and their families have simply ended up paying more to bribe officials to reach the border. The situation worsened after the enactment of the 2005 Anti-Trafficking Law. Since then, there have been repeated reports of innocent people being arrested on false trafficking charges by law enforcement officials. Older women travelling with younger women are particularly vulnerable to such accusations.

Lack of ID cards or travel documents

In Burma, it is forbidden to travel without carrying identification. However, it is difficult and expensive to get a legal ID card or passport, accordingly, women or girls are forced to rely on brokers to facilitate travel. This increases their vulnerability to being tricked or trafficked on the way. Ethnic women and girls in Burma are even more vulnerable, as there are no state infrastructures to access ID cards, due to decades of armed conflict between the regime and the ethnic groups in the areas where they live.

Lack of information

In Burma, because the availability of relevant information is very limited, often women and girls do not have knowledge about their destinations or certain survival skills, including language skills. This has made them rely on other people who have travel experience. Sometimes the people who accompany them turn out to be traffickers, cheating and tricking women and girls into exploitative

work situations, including forced labour and forced prostitution. Lack of educational opportunities in remote ethnic areas and lack of access to information about the outside world increases the risks of trafficking of women and girls from ethnic areas.

Holistic strategies to deal with trafficking issues

As mentioned earlier, several factors have caused increasing numbers of women to flee Burma, become internally displaced people or refugees and undocumented migrant workers in neighbouring countries. Despite the limited resources and the limitations of living as refugees or in stateless situations in neighbouring countries, women have been organising themselves to respond to the needs of fellow women and girls within and around their communities. Some have formed women's groups along Burma's borders to address the needs of others more effectively and have developed strategies to survive and resist.



Shan Women's Action Network (SWAN) is one of these organisations. It was founded on 28 March 1999 by a group of Shan women active on various issues in Thailand and areas bordering Shan State in Burma. SWAN aims to address the needs of people who have been forced to leave Burma, and at the same time advocate for social and political change in Burma.

We see trafficking in Burma occurring as a direct result of the regime itself due to the critical political and economic problems it is causing, which are the main push factors driving women out of the country and into vulnerable situations. As such, we see it as our job to monitor the regime's cosmetic anti-trafficking measures and expose its abuses of power using these measures.

SWAN approaches the trafficking issue from a human rights framework. When assisting survivors, we at SWAN prioritise their safety and that of their family members, their community and the organisations assisting the victims. We commit to respecting the women, listening to them, and acting on what the women want.

Empowerment, capacity building, and practical assistance Empowerment is the key to prevent trafficking in women and children. While providing practical services, we are building the capacity of women, girls and our communities. We understand that trafficking is not one separate issue, but related to economic, political and social structures and deep-rooted cultural and traditional norms which have caused gender inequality and contributed to women's vulnerability, including to trafficking. As such, part of our work is also about changing attitudes towards women and children.



ALLIANCE NEWS - DEC 2009

Some of our practical services include operating 16 schools, through which over 1,000 girls are provided with basic education, as well as running two centres to provide emergency assistance to women in crisis including trafficked women. Through our Women's Empowerment Program, we conduct training on leadership, gender and women's human rights. We also offer a year-long internship programme for young women from Shan communities to build their capacity levels to run community-based programs.

Advocacy and networking

Apart from providing services, capacity building and empowering the community, SWAN together with other women's networks and community based organisations - has been networking with different ethnic communities from Burma at the local, regional and international levels. Our aim in doing this is to highlight the root causes of forced migration and trafficking in Burma and to lobby the international community to pressure Burma for political change.

In collaboration with local and regional networks working on migration and trafficking issues, we advocate for the rights and protection of migrants. We also advocate for the dignity of trafficked women to be respected and for them to get access to adequate services in host countries. We highlight our work in this area as we are concerned at the way some of these groups carry out programs which directly violate the rights of vulnerable women from Burma - the very people who they are supposed to be helping. As a result, SWAN has been raising concerns about so-called 'rescue operations' by some anti-trafficking groups, which have been carried out without respecting women's dignity and their basic rights.

We have also been monitoring the Burmese regime's showcase of international cooperation on the trafficking issue. For example, in 2008, SWAN, together with other women's groups from Burma, compiled data on the regime's implementation of CEDAW obligations on trafficking and presented this in the shadow report for the CEDAW Committee. The concluding observations include the data provided in the shadow report.

State-sponsored forced migration is causing increasing vulnerability to trafficking in Burma. Women generally but in particular young women (those under 25) and ethnic women are at the greatest risk of this exploitation. Many organisations are working to support trafficked women and are working tirelessly to develop strategies which address the root causes of trafficking in Burma.

Endnotes

¹ The ethnic states in Burma include Kachin State, Chin State, Karen State, Karenni State, Mon State, Arakan State and Shan State.

Shan Women's Action Network (SWAN)

SWAN is a network of Shan women active in Shan State and Thailand dedicated to gender equality and justice for women in Burma. It is a founding member of the Women's League of Burma (WLB), an umbrella women's organisation comprising thirteen women's groups from Burma.

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Regressive Politics? The Erosion of Human Rights of Female Migrants through Anti-Trafficking Interventions

Ratna Kapur

Over the years it has become increasingly evident that the issue of trafficking in persons can only be effectively addressed if there is a sensible and effective mechanism at the national, regional and international level to address the issue of migration. While there is plenty of support for the crossing of highly skilled and educated professionals, it is the subaltern migrant, the one who resorts to irregular and dangerous alternatives when safe legal routes are not available that needs to be brought to the centre of anti-trafficking agendas. Without this shift in thinking at the conceptual, as well as policy and legal levels, clandestine migration and unsafe mobility practices will continue to intensify. The major casualty of such neglect will invariably be the most vulnerable - the subaltern female migrant subject.

Of the current number of migrants worldwide, approximately half are women¹; a majority migrating not as family associates but as independent migrants in their own right. Female migration into private sector employment, especially domestic work and other care-provision sectors is also a function of the demographic conditions in different parts of the world. A multiplicity of factors explains the reasons for the increase in migration of women as maids or workers in the reproductive sphere, that is, in the home or private arena. Throughout the developed world, the labour market participation of women has increased phenomenally since the 1970s. At the same time, there has not been any exponential increase in support services for working mothers; instead governments have slashed social services and clipped away at the security net, making families more reliant on seeking personalised services in the market.² Women migrating from poorer countries in search of better opportunities are filling the demand for services in the reproductive sphere.

Despite the fact that women are moving in their capacity as economic actors, a review of some of the national, regional, and international laws and policies that have been adopted to deal with what is often presented as the 'migration dilemma', reveals that they regard the primary identity of the female migrant as passive, dependent and lacking agency. There are numerous countries that base their migration policies on the assumption that women are mere dependants and not themselves economic actors. Men are perceived as the

central characters in the migration scenario and women remain invisible except as refugees, dependents or victims. In a number of countries international female migrants admitted under family reunification schemes are legally banned from exercising any economic activity.³ The United Nations has specifically stated that while migration policies "tended not to be explicitly discriminatory on the basis of sex, their implementation was often influenced by stereotypical images of the roles men and women played in the societies of origin or destination, images that reinforced gender inequality and resulted in differential migration outcomes by sex."⁴

In the context of trafficking, statistics of the number of persons who are moved are unavailable primarily because of the clandestine nature of the activity. Nevertheless, cross-border movements have triggered a flurry of activity on behalf of Western governments, South Asian governments, and many human rights groups. Statistics are continuously cited about the ever-growing spectre of trafficking and the urgent need to eliminate this activity. The source of these statistics remains unclear and, frequently, unreliable.⁵ There has been no systematic research on this subject, nor is it possible to determine the accuracy of available statistics because of the imprecise nature of the definition of the term 'trafficking in women', its conflation with sex work, and the fact that so much of this activity has been pushed underground as a result of the illegal or criminal nature of both sex work and trafficking. Statistics are sometimes arbitrarily cited without any back-up research to substantiate these findings.⁶ The US State Department, in 2002 estimated that 700,000 to 4 million persons who were trafficked were "mostly women and children".⁷ It has subsequently revised its estimates to between 600,000 - 800,000 people—mostly women and children—being trafficked annually across national borders. The Department has not published its methodology for collecting these statistics nor explained why these figures were so substantially revised.

Gender stereotypes also emerge in policies and laws enacted ostensibly for the *benefit* of women who seek to cross borders. For example, in the early 1990s, Bangladesh, India, and Indonesia imposed minimum age limits for women workers going abroad for employment. In 1998, Bangladesh banned women from going abroad

as domestic workers. In 2003, the government of Bangladesh eased the restrictions, partly when it emerged that many women continued to migrate abroad through irregular means, including through the use of smugglers and human traffickers. In 2003, the Indonesian government similarly announced the imposition of a temporary ban on female migrant workers.⁸ The reasons given by the government are to enable them to facilitate a review and to enhance the skills of the potential women workers before departure.⁹ In the same vein, although not entirely prohibiting the migration of women, the *Nepal Foreign Employment Act, 1985* prohibited the issuance to women of an employment license to work overseas without the consent of the woman's guardian. Such 'protective' focus within state laws effectively prevent women from engaging in labour migration and, consequently, inhibits woman's mobility and independence, and potentially subjects her to increased abuse and victimisation. These controls have had little effect on clandestine outflows by female migrants.¹⁰

Anti-trafficking laws have played a significant role in pushing women into situations of increased vulnerability and exploitation reinforcing their victim image.¹¹ These laws are being exposed as inadequate, at times harming the very people they are intended to help and revealing agendas that have little to do with protecting women's rights.¹² Trafficking is often used as a facade to deter the entry of certain categories of migrants or to clean-up establishments within the sex industry, one example being the 1999 Swedish law (and more recently the similar 2009 Norwegian anti-trafficking law) which are against the purchasing of sexual services in the name of combating trafficking.¹³ The anti-trafficking framework has not succeeded in detaching itself from hidden agendas, consequently proving to be of little benefit for the trafficked person while doing greater harm to migrants and women in the sex industry.

These laws construct women's subjectivity in terms of their victimisation and abjectness. Consensual movement is conflated with coerced movement resulting in the treatment of all movement of women as coerced, reinforcing assumptions about women as victims, infantile and incapable of decision-making. They also tend to criminalise women's families, regarding such families, especially from the 'third world', as part of the trafficking chain. The construction of women who move as 'victims of a web of criminal networks' sits in tension with the counter narrative that regards the movement of labour as part of the globalisation process, and the emergence of trafficking in persons and smuggling networks as the parallel response to the migration phenomenon that (first world) states refuse to address other than as an issue of immigration or criminality.

A further problem with the failure to draw clear conceptual distinctions between migration and

trafficking is that the migration of women becomes equated with trafficking. Consequently, the number of trafficked persons becomes equal to the number of those who have migrated voluntarily. It is a logic that has resulted in the viewing of all consensual migrant females as trafficked and thus rendering women's cross border movement as illegitimate. Perhaps the most problematic and persistent problem with the anti-trafficking approach is that women's cross-border movements continue to be conflated with sex work or prostitution by anti-trafficking players. Taking an abolitionist stand on sex work has become a key component of some anti-trafficking players in the field and cast as a human rights concern. Taking an abolitionist stand is also one way in which states and world leaders, especially male leaders, are able to polish and shine their rather tarnished feminist/women's rights credentials. For example, it is a stand which justified the extensive remarks made by George Bush on sex trafficking in 2003 and 2004 at the UN General Assembly meetings.¹⁴ It has also facilitated the emergence of a type of 'evangelical feminism' amongst liberals pursuing their crusade against trafficking in and through the discourse of human rights. For example, Janice Raymond, a member of the Coalition Against Trafficking in Women (CATW), wrote, "Opposing sex trafficking, the system of prostitution and the sex industry doesn't make you a conservative, a moralist, or an apologist for some political party or group. It helps make you a feminist and a human rights advocate."¹⁵ Similarly, Jessica Neuwirth, director of the New York Office of the United Nations Office of the Commissioner for Human Rights (UNOCHR) in New York, is firmly of the view that an abolitionist stand on sex work is critical to combating trafficking.¹⁶ The views of Neuwirth, and others of her ilk, have come to overwhelmingly inform the position of faith-based organisations, orthodox groups, US policy, and legal interventions on issues of trafficking around the world.¹⁷ Such assumptions produce at least two contradictory representations of women. By collapsing the process with the purpose, the abuse and violence that a woman may experience in the course of transport is equated with the purpose of her journey. As such, many anti-trafficking measures are invariably anti-prostitution/sex work measures and women are cast as victims not only of criminality but also of immorality. Secondly, there is an increasing scepticism, unease, and at times, even rejection of the anti-trafficking framework by both migrant workers' groups and sex workers' organisations due to this framework's inability to emerge clean and unencumbered over the period that it has been operational. The anti-trafficking framework has not succeeded in detaching itself from hidden agendas and consequently it has proven to do little good for the trafficked person and great harm to migrants and women in the sex industry.¹⁸ As a result, such interventions end up alienating the very people who could be important allies in the struggle against trafficking.



ALLIANCE NEWS - ARTICLES

Anti-trafficking initiatives are infantilising women, especially 'third world' women (and many third-world feminist activists and advocates are contributing to this representation through their paternalistic and conceptually flawed responses). Women are regarded as lacking the capacity to reason or choose, exclusively as victims who are "lured" or "duped" by the "false promises" ostensibly made by traffickers for a better, more prosperous life elsewhere. These initiatives also tend to criminalise women and their families, regarding such families as part of the trafficking chain, and do not recognise that women move and are moved partly to seek out economic opportunities. The conflation has had a particularly adverse affect on women who migrate. It views her as a victim in need of rescue and rehabilitation, which underscores the anti-trafficking initiatives. It simultaneously reinforces cultural assumptions about the 'Other' as particularly backward and uncivilised in their treatment of women. The scholarship on trafficking and prostitution on the whole continues to evoke such imagery. These images are also reproduced in feminist agendas,¹⁹ as well as in the agendas of the religious or conservative right.²⁰ This representation fails to address how border controls, immigration policy, and new forms of cultural nationalism affect the rights of the trafficked women and can actually encourage the development of a clandestine migrant mobility regime that encourages trafficking in persons and smuggling.

The representation of the subaltern female migrant in the postcolonial world as being in a state of perpetual victimisation is partly produced through a forced versus voluntary nexus. One way in which force is understood is through its association with poverty. The idea that women in the third world have no options available to them given their grinding experiences of poverty and hence are 'forced' to go into sex work is a pervasive one. By equating choice with wealth, and coercion with poverty, no space remains to recognise and validate the choices that women make when confronted with limited economic opportunities.

At the same time, stricter immigration and border controls that aim at suppressing 'illegal' migration and trafficking actually create opportunities for smugglers and traffickers to operate. The clandestine-migrant mobility regime that emerges consists of providing a host of 'services' to those who cross borders, including the facilitation of smuggling, illegal migration and underground travel, and the provision of false passports, visa permits and identity papers. It is a regime that becomes a supplementary migration system or an alternative to the established regulatory system. It is a regime that is produced in part by a normative and legal structure that fails to recognise the need for marginalised groups to migrate on the one hand and the demand for cheap, exploitable labour, on the other.

The cross-border movement of the trans-national migrant female subject is inadequately addressed in

law and policy. This inadequacy owes in part to two confluences: the tendency not to address women as economic actors and to view their cross border movements either within the context of familial ideology or within the framework of trafficking, and as already discussed, the conflation of trafficking with prostitution. In order to make migration policies (both international and national) conducive to women's rights, there needs to be consideration of the nuances in the relationship between trafficking and migration and a de-linking of trafficking from prostitution. Laws to combat trafficking are thus increasingly being exposed as more concerned with combating migration or abolishing prostitution than with protecting the abuse, harm and exploitation that a woman may experience in the course of movement.

States, well-intentioned social justice groups and human rights advocates need to wake up to the fact that trafficking cannot be fought through the lens of criminality, border controls, moral righteousness and the denial of women's agency and right to mobility. Anti-trafficking interventions have been in operation for more than two decades and billions of dollars of aid money have been poured into this issue; however, the problem of clandestine migration and vulnerability to abuse and exploitation remains, and has grown even more acute. The legal systems put into place to ostensibly protect women from further abuse and exploitation has in fact had the paradoxical effect of driving them into the hands of traffickers and smugglers primarily because their human rights have not been centred in anti-trafficking agendas. Rather, their rights remain contingent on the nature of the work they do, their sexual status, and their subversion of dominant sexual, cultural and family norms that inform anti-trafficking intervention strategies of both state and non-state actors. Feminists have historically recognised that rights are critical to fight exploitation and abuse in the home and in the public arena. Rights cannot be denied simply because some groups do not approve of the nature of a woman's work, her sexual status, orientation, practices or conduct. This logic needs to be incorporated into the struggle to fight trafficking in persons.

Migration is a reality in this period of economic globalisation and people will move, using irregular and clandestine routes, if safe legal routes are not made available. The issue of sex work should not be used to derail the much larger issue here, which is about the fact that migration is a part of our global reality. By centring the female migrant subject, and a migration agenda based on a human rights approach, the issue of trafficking will not only be put into perspective, but also eradicated.

Endnotes

¹ United Nations, World Economic and Social Survey 2004, International Migration, E/2004/75/Rev.1/Add.1 ST/ESA/291/Add.1 (2004), at 27

² G. Chang, *Disposable Domestic: Immigrant Women Workers in the Global Economy* (2000); Organisation for Economic Cooperation and Development, *Trends in International Migration, Annual Report 2004* (2004)

³ H. Zlotnik, 'Migration and The Family: The Female Perspective', in K. Willis, B. Yeoh (eds.) *Gender and Migration* (2000); SOPEMI, *Trends In International Migration: Annual Report 2000* (OECD 2000).

⁴ United Nations, International Migration Policies and the Status of Female Migrants, Proceedings of the United Nations Expert Group Meeting on International Migration Policies and the Status of Female Migrants. San Miniato, Italy, 28-31 March 1990.

⁵ M. Wijers and L. Lap-Chew, *Trafficking in Women, Forced Labour and Slavery-Like Practices in Marriage, Domestic Labour and Prostitution* (1997)

⁶ The UNESCO Trafficking Statistics projects summarises the problem:

When it comes to statistics, trafficking of girls and women is one of several highly emotive issues which seem to overwhelm critical faculties. Numbers take on a life of their own, gaining acceptance through repetition, often with little inquiry into their derivations. Journalists, bowing to the pressures of editors, demand numbers, any number. Organisations feel compelled to supply them, lending false precisions and spurious authority to many reports (UNESCO Trafficking Statistics Project. Online. Available HTTP www.unescobkk.org/index.php?id=1022 (last accessed 28 October, 2009).

See also Data Comparison Sheet #1. Online. Available HTTP www.unescobkk.org/fileadmin/user_upload/culture/Trafficking/project/Graph_Worldwide_Sept_2004.pdf (last accessed 28 October, 2009).

⁷ Taking Action Against Human Trafficking: A Resource Guide. United States Agency for International Development (USAID) and Creative Associates International (online) at http://pdf.usaid.gov/pdf_docs/PNACX604.pdf

⁸ I. Fernandez, "Ban on Female Workers by Indonesia is not the Solution," March 3, 2003 (online) at <http://www.december18.net/web/papers/view.php?paperID=672&menuID=41&lang=EN>

⁹ *Ibid.*

¹⁰ *Supra* note 34.

¹¹ R. Kapur, *Erotic Justice: Law and the New Politics of Postcolonialism* (2005), at Chapter 4.

¹² K. Kempadoo, "Women of Color and the Global Sex Trade: Transnational Feminist Perspectives" (2001) *Meridians: Feminism, Race, Transnationalism* 28 and K. Kempadoo, "Introduction: Globalising Sex Workers' Rights", in K. Kempadoo, and J. Doezema, (eds), *Global Sex Workers' Rights* (1998), at 11-12.

¹³ Evidence collected by the Norwegian Working Group suggests that after the introduction of the law, the vulnerability of those selling sexual services to violence increased:

Those prostitutes who are still working in street prostitution experience a tougher existence. This is partly caused by the increased flow of heroin, but also by the decreasing number of clients. This tougher competition means that the prostitutes lower their prices, are prepared to take more clients and are prepared to give the service without protection. The health authorities express a fear of dramatic development in a negative direction for the health of the prostitutes and the spread of venereal diseases.

Purchasing Sexual Services in Sweden and the Netherlands: Legal Regulation and Experiences, a report by a Working Group on the Legal Regulation of the Purchase of Sexual Services, Norway (2004), at 13.

¹⁴ On March 12, 2004, International Women's Day, George Bush spoke about 'sex slavery'. He extolled the work of Sharon Cohn, director of Anti-Trafficking Operations for the International Justice Mission (IJM), a Christian organisation. Bush, went on to state that the IJM was 'working to end sex slavery' and that the U.S. government would stand with them. 'We abhor—we abhor—the practice of sex slavery, and we will do all we can to help you. Support for human rights is the cornerstone of American foreign policy' (Block, 2004; Nathan, 2005). See the Recommendations for the conference on 'Pathbreaking Strategies in the Global Fight Against Sex-Trafficking,' from Feb.23-26, 2003, organised by the Department of State in alliance with non-governmental 'War Against Trafficking Alliance.' Online. Available <http://www.state.gov/g/tip/rIs/rpt/20834.htm> (last accessed 18 September, 2009).

¹⁵ Raymond, J. (2005) 'Sex Trafficking is not "Sex Work"', *Conscience* 26:1. Available at <http://action.web.ca/home/catw/readingroom.shtml?x=74355>

¹⁶ Farely, M. and Neuwirth, J. (2008) 'The New Abolitionists' *Ms. Magazine* 1 April at 24.

¹⁷ Hertzke, A (2006) *Freeing God's Children: The Unlikely Alliance for Global Human Rights*, Maryland:Rowland and Littlefields Publishers Inc., pp. 316-335.

¹⁸ An assessment of anti-trafficking programmes in Southeastern Europe reveal that despite the considerable resources spent on such programmes very little has been done to prevent migrants from falling into the hands of traffickers. This is partly because of the overwhelming focus on 'sex trafficking' and the relatively little attention paid to the fact that trafficking is partly an outcome of weakly managed migration processes. See B. Limanowska, *Trafficking in Human Beings in Southeastern Europe: 2004 update* (UNICEF, UNOHCHR, OSCE-ODIHR).

¹⁹ See for example Kathleen Barry, *Female Sexual Slavery* (1990); Also P. Chesler and D. Hughes, 'Feminism in the 21st Century', *The Washington Post*, 22 February 2004, B07, where they argue that Islamic fundamentalism is the biggest threat to women all over the world, while at the same time arguing the (Christian) faith based groups are leading the international war against 'sex trafficking'. The fact the religious fundamentalists can also be Christian remains unaddressed and the Christian effort is portrayed as an effort that can only be for good for women, especially in the context of 'sex trafficking'.

²⁰ Shapiro, *supra* note 58.



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The Gendered Effects of Anti-Trafficking Discourse for Temporary Labour Migrants in Southeast Asia

Lenore Lyons and Michele Ford

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Anti-trafficking policies and initiatives have grown in number at the international level at an extraordinary rate since the UN Protocol to Prevent, Suppress, Punish Trafficking in Persons, Especially Women and Children (hereafter the Trafficking Protocol) was finalised in 2000. Despite this, as GAATW stated in its 2007 report, *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World*, there are relatively few detailed assessments of the impact of different anti-trafficking interventions and policy responses. One area that has received little attention is the impact of anti-trafficking programs on temporary labour migrants, particularly women. Our work shows that the discourse linking 'victim of trafficking' and 'temporary labour migrant' has potentially serious consequences for working-class women's mobility and access to their labour rights.

Trafficking and Labour Migration

Both the Trafficking Protocol and the UN Protocol against the Smuggling of Migrants by Land, Sea and Air (hereafter the Migrant Smuggling Protocol) are situated within the UN Convention Against Transnational Organised Crime. Locating the Protocols within a Convention aimed at addressing transnational crime has meant that people smuggling and trafficking in persons have been understood, along with the illegal movement of weapons and drugs, to constitute a form of international criminal activity that transcends national borders. Consequently, many states have responded to the Trafficking Protocol by establishing legal frameworks aimed at restricting immigration and prosecuting those who enter illegally. For example, in Indonesia, the governments of borderland provinces and provinces of origin are passing trafficking in persons regulations and local police departments have established counter-trafficking units.¹ International agencies, such as the International Organisation for Migration, provide support for these efforts in Indonesia (and efforts in other countries), which have led to increasing arrests of 'traffickers' and the identification of significant numbers of 'victims', the majority of whom are migrant workers².

One of the key problems with government responses to

trafficking is the way in which the similarities and differences between trafficking and labour migration are imagined and described. The primary difference between the Trafficking and the Smuggling Protocols appears to lie in the purpose for which an individual is trafficked as smuggling is deemed not to involve exploitation of the individual at the point of departure. This presents us with two problems. First, the boundaries between smuggling and trafficking are blurred in ways that are not recognised by these definitions, since the groups that manage the recruitment and smuggling of migrants are frequently the same groups involved in trafficking, and individuals who pay for the services of a smuggler may easily find themselves the victims of exploitation. Second, gender stereotypes are inherent in the way the Protocols are operationalised through policy responses to trafficking, in which men are portrayed as agents who facilitate their migration via smuggling, while women (and children) are considered to be victims of trafficking³.

In practice, however, a potentially more sinister change has occurred. The inclusion of migrant workers in the statistics on trafficked persons points to a subtle change in the ways in which international development agencies, NGOs and some states have started to deal with unskilled and semi-skilled temporary labour migrants. For example, a major report by the International Catholic Migration Commission (ICMC) and the American Center for International Labor Solidarity (ACILS) into the conditions of work of *documented* labour migrants from Indonesia states that:

If recruitment is made through misrepresentation about earnings, and conditions of work; if there exists no clear definition of work, working hours, weekly holidays and leave; if there are unexplained pay deductions, or withholding payment of wages, confinement through confiscation of travel documents or otherwise, and/or sexual abuse ... then a domestic worker employed abroad can be categorised as a trafficked person.⁴

In these accounts, deception at the point of departure and exploitation in the host country are the key determinants of whether a migrant is considered to be a trafficked



ALLIANCE NEWS - DEC 2009

person. Common examples of deception include misinformation about hours of work, wage levels, or the presence of infants, children or elderly in the household; and common instances of exploitation include physical violence, withholding of wages or restricted mobility. These practices are so widespread in the domestic worker industry that, as one NGO worker reported to us, some are now convinced that "trafficking and labour migration are the same thing". For example, in November 2006 the Director of a migrant labour NGO in the Riau Islands of Indonesia said:

They [documented foreign domestic workers] are exploited. For example they can't pray and they are forced to wash the dog and they don't get their wages - that's exploitation. If that's made worse by the fact that they were tricked or enticed to become a domestic worker, then we have a process and an objective and that makes it trafficking.

One reason why the anti-trafficking framework is being used in this way is that it is difficult to make clear analytic distinctions between people smuggling, trafficking in persons and temporary labour migration. Labour migrants who pass through legal channels often confront a range of exploitative practices that blur the distinction between legal and illegal recruitment and deployment. These practices may include confinement and restricted freedom of movement; falsified and fake documents; bonded labour and debt bondage; deception; violence and abuse; poor working conditions; and non-payment of wages. The widespread nature of these problems, and the ease with which documented migrant workers can become undocumented, means that the vast majority of low-skilled migrant workers in Southeast Asia are easily characterised as trafficked persons under the Trafficking Protocol⁵.

However, the use of a trafficking framework can also be attributed to the massive investment in anti-trafficking initiatives by international agencies and donors since 2000. Countries of origin and destination alike faced increasing pressure to ratify the Trafficking Protocol and to demonstrate that they comply with minimum standards outlined in the annual Trafficking in Persons Report prepared by the US State Department⁶. Trafficking and smuggling, as core elements of the UN Convention Against Transnational Crime, are also linked with measures to address "global terrorism" in the heightened security environment post 9/11⁷. To combat terrorism, governments are being encouraged to manage migration by strengthening or establishing immigration regimes to deal with 'documented' migrant workers; dealing with 'sex trafficking' under dedicated anti-trafficking legislation; and taking a tough stance on irregular migration through tighter border controls.

This shift from the 'migration management' approach to 'temporary labour migration as trafficking approach' is having a substantial influence on policy-making and

migrant labour activism in Southeast Asia. Although NGOs in the major receiving states in the region were slower to adopt the anti-trafficking framework, an increasing number are attracted to it as a means of achieving positive outcomes for migrant workers in the absence of effective national labour laws. Malaysia passed its Anti-Trafficking Act in 2007. To date, the Act has not been used to prosecute labour rights violations or what is described by some as 'labour trafficking'. Instead, it has been used to address the more conventional issue of trafficking for sexual exploitation. Malaysian NGOs working with a range of migrant workers are now attempting to harness the anti-trafficking legislation in high-profile shaming campaigns designed to force the government to amend national legislation affecting migrant domestic workers and construction workers. Women's Aid Organisation (WAO), a feminist NGO working to eradicate violence against women - both Malaysian nationals and foreigners residing in Malaysia - is eager to use the anti-trafficking legislation to address violence perpetrated against migrant women employed as domestic workers:

"We are looking forward to the prospect of using the new national Anti-trafficking Bill as a mechanism to prosecute employers. Documented workers who are not paid or whose personal documents are withheld are victims of trafficking because they are engaged in forced labour," said a Policy Officer from WAO.⁸

Leading Malaysian migrants' rights organisation, Tenaganita, is also hopeful that the Act will be used to address instances of trafficking for labour exploitation, but believes there is little political will to do so.⁹ In discussions with a number of Diplomatic Missions in 2007, Tenaganita advised that if sending countries really wanted to use the Act to address 'labour trafficking' issues in Malaysia, in its view over 60 percent of employment agents would end up behind bars for trafficking. According to Tenaganita, large numbers of foreign domestic workers would fall under the definition of a 'victim of trafficking' because they have no labour rights in Malaysia. Tenaganita would like to see a test case on 'labour trafficking' brought before the courts, but has thus far been unsuccessful in convincing the Bar Council of the relevance of the existing Anti-Trafficking Act for labour rights violations of documented workers.

Both WAO and Tenaganita believe that pursuing labour rights issues under the Anti-Trafficking Act could prove to be a more productive pathway than using existing labour laws. In their assessment, while the framework provided by the existing labour laws is "okay" these regulations are rarely enforced in relation to migrant workers in the informal section (especially domestic workers and sex workers) and undocumented workers. They point to systemic corruption and weak political will as other key factors that reduce the effectiveness of existing labour laws.



ALLIANCE NEWS - ARTICLES

While Singapore has yet to implement an anti-trafficking law, a number of NGOs routinely use the language of 'trafficking' in their campaigns to address labour rights violations. For example, HOME (Humanitarian Organisation for Migration Economics), an NGO involved in running helpline services and shelters for both male and female migrant workers, believes that the language of trafficking can be effectively deployed to address the conditions of work facing many migrant workers. For example, HOME Director, Bridget Lew argues that foreign workers facing repatriation upon the termination of their contracts are victims of trafficking if they return home with a debt:

When we talk about human trafficking, we should not just talk about women. We have [male] foreign workers who paid up front \$8,000-\$9,000 SD to come to Singapore to work and barely three months down the road they lose their jobs [and go home with a debt].¹⁰

These accounts remain vague, however, about how such instances of trafficking are to be addressed, with the result that policy recommendations are overwhelmingly oriented towards overcoming trafficking for sexual exploitation. Where specific recommendations are made in relation to 'other forms of exploitation', these accounts fall back into the migration management model identified above.

Gender, Mobility and Rights

The potential for international and local pressure to affect the ways governments respond to temporary labour migration raises serious questions about the implications of the anti-trafficking discourse for labour and mobility. The International Labour Organisation (ILO) notes that the introduction of the UN Trafficking Protocol poses challenges to policy-makers because it requires states to deal with forced labour as a criminal offence rather than a labour violation.¹¹ Domestic law-makers are left with a dilemma: do they use the offence of 'forced labour' or 'trafficking' when dealing with serious cases of exploitation involving migrant workers? These decisions in turn determine how authorities deal with situations of coercion, punish offenders, and address structural factors that encourage these practices.

When all forms of exploitation involving temporary labour migrants are classified as trafficking, the gender and class biases inherent in the definitions of who can be trafficked (and under what conditions) are brought into stark relief. By framing labour migration as trafficking, almost *all* female labour migrants come to be described as trafficked persons. Meanwhile, evidence clearly shows that using a 'one size fits all' model often contributes to the further abuse of the very people it sets out to assist.

There is already evidence to suggest that anti-trafficking laws restrict women's freedom of mobility within their home countries, and their opportunities to travel abroad for work¹². For example, in Indonesia, concerns about the physical and sexual abuse of women migrants working as domestic workers led to a tightening of controls on the age at which women may migrate abroad for work, effectively raising the age limit to 23 years old. While arguments may be made for raising the age limit on the basis of women's greater maturity and ability to cope with the demands of working overseas, similar calls have not been made to increase the age at which men may migrate abroad, thus perpetuating stereotypes about women's vulnerability. Age barriers restrict women's freedom of mobility without addressing the structural issues that make women particularly vulnerable to abuse in the workplace. Restricting women's mobility in this way may also encourage them to take greater risks in their attempts to migrate. Under-age women may turn to smugglers or use a variety of fake documents to migrate.

Policies designed to control irregular forms of migration can further encourage, permit or exacerbate violations of women's human rights in the receiving country where they can be used as an excuse to round up undocumented workers.¹³ In the case of receiving countries such as Malaysia, it remains to be seen whether the new Anti-Trafficking Law will be used in this way. The Malaysian government has already demonstrated an aggressive stance with regards to undocumented workers¹⁴, and Indonesian women migrants (both documented and undocumented) have responded to this by changing their behaviour and appearance. Research shows that male migrants from Indonesia have not responded in the same way. We need to have a better understanding of how women in receiving countries are responding to the threat of arrest and deportation, and what impact this has on their physical mobility and labour rights in the receiving country.

This process of framing migration as trafficking ignores women's agency in migration processes and fails to acknowledge that many women knowingly cross borders without papers and many women choose to undertake jobs deemed illegal or illicit by both sending and host societies.¹⁵ Such an approach also leads to a perpetuation of the image of migrant women as naïve and uninformed victims of unscrupulous recruiters and exploitative employers. This image is common in much of the literature on foreign domestic workers in East and Southeast Asia and is adopted by many migrant worker advocacy organisations.¹⁶ The language of victim-hood, implicit in the anti-trafficking discourse, reinforces these existing stereotypes. It may also stigmatise and alienate migrant workers because the public typically associate the label 'trafficking victim' with women working in the sex industry. There is evidence to show that anti-trafficking initiatives may also stigmatise and alienate sex workers and sex worker organisations.¹⁷ This can discourage the building of coalitions between

advocates and undermine the use of rights-protection programs. The impact of these decisions on the lives of other migrant workers remains to be seen, but the potential impact on labour migrants and labour rights activism could be just as profound.

A further problem with the 'labour migration as trafficking' approach is that it fails to address what it is that women migrants themselves want. Research shows that attempts to 'rescue' and repatriate trafficked persons place migrant workers in even more vulnerable positions. Anti-trafficking laws and regulations not only establish a person's status as a 'victim', but also determine the way in which a 'victim' will be treated. Typically, this involves removal from the situation of exploitation (i.e. the workplace); a period of residence in the receiving country during which evidence is collected and statements are recorded (this may involve placement in a shelter or a detention centre); and repatriation to the home country. In many cases, migrant women may not want any of these things to occur - they may want to continue working for their employer, but with wages paid and/or decent working hours, or they may want to leave the workplace in order to find new work. Repatriation, particularly in situations where wages have not been paid and/or where significant debts remain unpaid, is very often not their goal. However, anti-trafficking laws rarely provide opportunities for women to remain in the country of destination once they have been designated as 'victims'.

Anti-trafficking laws thus individualise the problem - they focus on specific cases of deception and exploitation against individual persons, rather than the structural factors that support the continuing exploitation of migrant workers. This has important implications for the ways in which labour rights violations are addressed. In particular, it undermines attempts at integrating foreign workers within local industrial or employment relations systems and creates further divisions between local and foreign workers. This problem is exacerbated in the case of workers in the informal sector because of the problems that surround attempts to recognise informal sector employment as work, a particularly important issue for domestic workers, and problems associated with attempts to organise workers who do not have a recognised workplace and/or work on a casual or piece-rate basis, for example. home-based workers.

Conclusion

We argue that neither the 'migration management' approach nor the 'labour migration as trafficking' approach provides a satisfactory framework from which to examine temporary labour flows in Southeast Asia because they both rely on the simplistic application of a model that uses 'force/deception and exploitation' to measure whether trafficking has occurred. These approaches leave us with few analytic

or policy tools for understanding the experiences of labour migrants. We support the argument made by some scholars who have called for the distinction between trafficking and smuggling to be abandoned on the grounds that it leads to unnecessary confusion and focuses attention on the intentions of the migrant (a difficult issue to determine) rather than on the conditions of recruitment and deployment. As a replacement, however, the term 'trafficking' is less than ideal, as it is overly value-laden and politically-invested. From the perspective of migrant worker rights activism, use of the term 'trafficking' creates considerable confusion about the nature and causes of labour abuses.

What is needed is an approach that focuses on addressing human rights violations and abuses perpetrated against all migrants, without equating all forms of exploitation with trafficking. We argue for a movement away from the formal-legal definition of a female migrant worker's status (i.e. whether or not she is documented), to an approach that examines the interaction of formal political authority (whether something is legal or illegal) and non-formal social authority (whether it is licit or illicit). For example, in her study of the Indonesian women who migrate to Malaysia as domestic workers, Diana Wong argues that while the receiving state may view their arrival as a problem of human smuggling (i.e. an illegal activity), the majority of international migrants see it as a natural response to Malaysia's demand for cheap, low-skilled labour (i.e. a licit activity).¹⁸ This framework allows us to examine how 'licitness' - not just legality - shapes the experiences of migrant women at all stages of the migration process. Such an approach may provide alternative opportunities from which to promote migrant workers' social and labour rights.

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¹ Lyons and Ford. 2007.

² IOM. 2007.

³ O'Connell Davidson and Anderson 2006.

⁴ Sugiarti, Davis, and Dasgupta 2006, 29, emphasis added.

⁵ Skeldon 2000.

⁶ McSherry and Cullen 2007.

⁷ Kaur and Metcalfe 2006.

⁸ Interview with Policy officer, Women's Aid Organisation, Kuala Lumpur, Malaysia, 2007.

⁹ Interview with Aigel Fernandez, 11 June 2008.

¹⁰ Interview with Director, HOME, Singapore, 2007.

¹¹ Andrees and van der Linden 2005.

¹² Frederick 2005

¹³ O'Connell Davidson and Anderson 2006.

¹⁴ Ford 2006.

¹⁵ cf. Idrus 2008.

¹⁶ cf. Lyons 2005.

¹⁷ McMahon 2005.

¹⁸ Wong 2005.



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Asian Married Immigrant Women's Situation in Korea in Human Rights Aspect

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There is a growing trend in Korea that will possibly re-shape and challenge its strong ethnicity and homogeneous national ideology; the marriage of Koreans to foreign nationals is significantly increasing. According to Korea's National Statistical Office, since 2004, every year more than one in ten Koreans are marrying foreign nationals. Of these marriages, 70 percent were between Korean men and migrant Asian women. If this trend continues, second generation of immigrants will make up an estimated 20 percent (1,670,000) of the total population by 2020.

As a counsellor at Eulim - Migrant Women & Multi-Cultural Families Centre (Eulim) in Korea - I have met many migrant women from Asia married to Korean men - Married Immigrant Women (MIW) - who are suffering from mistreatment, isolation and physical abuse. While we cannot generalise about the situation of all 'married immigrant women' in Korea, we know that they often face human rights abuses and suffer dual discrimination both by nationality and gender. As such, our work focuses on protecting their human rights.

Statistics of marriages between Koreans and foreign spouses in Korea

In 2008, 11 out of 100 marriages were between Koreans and foreign nationals - 78 percent of which were between Korean men and migrant Asian women. This is extremely different to statistics in 1990, which show fewer marriages involving foreign spouses and that 86 percent of these marriages were between Korean women and foreign men.¹ In the 1990s, Korean women were typically migrating abroad through marriage to 'developed' countries such as the USA, Japan, United Kingdom, Canada and Australia. According to Korea's National Statistics Office, since 2000, foreign spouses are more commonly women from Asian 'developing' countries such as China, Vietnam, the Philippines, Cambodia, Thailand, Mongolia and Uzbekistan. In some cases, foreign spouses are also men from Pakistan, Bangladesh and Nepal² and our work with clients suggest many of these men have migrated to Korea to work and then overstay on their visa.

The table below shows the rapid increase in marriages with foreign nationals. We believe this increase is largely due to the commencement of international marriage brokers in Korea.³

Year	Total marriage	International Marriage	Foreign wives	Foreign husbands
1990	399,312	4,710 (1.2)	619 (0.2)	4,091 (1.0)
1995	398,494	13,494 (3.4)	10,365 (2.6)	3,129 (0.8)
2000	334,030	12,319 (3.7)	7,304 (2.2)	5,015 (1.5)
2003	304,932	25,658 (8.4)	19,214 (6.3)	6,444 (2.1)
2004	310,944	35,447(11.4)	25,594 (8.2)	9,853 (3.2)
2005	316,375	43,121(13.6)	31,180 (9.9)	11,941 (3.8)
2006	330,643	38,759(11.7)	29,665(8.9)	9,094(2.8)
2007	343,559	37,560(10.9)	28,580(8.3)	8,980(2.6)
2008	327,715	36,204(11.0)	28,163(8.6)	8,041(2.4)

<Table 1> Case and Rate of International Marriage (National Statistics Office Case, %)

Understanding the situation of 'marriage immigrants' and the condition of their human rights

Eulim is part of the migrant workers' movement and (어울림 in Korean) means "harmony" in Korean. We work to improve the protection of human rights for migrant women who have married Korean men and to empower multi-cultural families in Korea through counselling and nation-wide education programs on issues such as marriage, divorce, naturalisation, domestic violence, and giving birth.

Prior to 2003, most Eulim clients were undocumented migrant workers who overstayed after coming to Korea on tourist or industrial trainee visas in the 1990s, and then married Korean women. They used Eulim to access information about, and/or advocate for their rights. Since 2003, many of the clients are MIWs from Vietnam, China and the Philippines reporting domestic violence by husbands and mistreatment or abuse by in-laws. Our clients are usually from Busan and South Kyeongsang provinces, home to about 10 percent of the total migrant population in Korea.

1. Human rights violations against migrant women seeking international marriage

Marriages between Korean men and foreign women rose from 619 cases in 1990, to 28,163 in 2008. Recently, many marriages have been facilitated by marriage brokers, who essentially



ALLIANCE NEWS - ARTICLES

commodify marriage. Prior to 2008, there was no management or registration of these brokers and we received many reports of human rights abuses from migrant women involved with brokers. Many migrant women's support groups and NGOs campaigned against international marriage brokerage, and in 2008 the Korean government finally adopted the "International Marriage Brokerage Management Law". According to the law, international marriage brokers must be registered with the Korean government (national or local): 1,157 marriage brokers have registered with the government, 198 in Seoul and 91 in Busan. Despite this, at Eulim, we continue to see many human rights violations against migrant women connected with brokers.

A) The commodity of Asian Women

<<Marry Vietnamese virgin! No charge for marriage interview. Deferred payment allowed. Don't hesitate to call. First marriage, second marriage, handicapped okay. Don't worry about age, academic record, property. Vietnam International Marriage Broker. Call 011-8**-**** anytime.>>

— Advertisement of an International marriage broker

Until 2007, such advertisements could be seen on every street corner in Korea. International marriage brokers receive around \$10,000-\$15,000 USD for arranging an international marriage. Consequently, many Korean husbands, and their families, consider migrant women who marry Korean nationals a bought commodity. This attitude often leads to the husband, or their families, controlling the foreign spouse - such as confining them to the house or forbidding them to communicate with friends or family in their own language. When quarrels between husbands and wives occur, it is common for the Korean husband to say things like: "How much did I pay to buy you?" "Expensive bitch!" Marriage brokers often advertise that if a foreign wife runs away within six months, the broker will replace them.

The following dialogue was with one of my client's husband and reveals how some Korean husbands think about their foreign wives:

Counsellor: Your wife wants divorce. What do you think about it?

Korean Husband : I don't want divorce. I have paid \$16,000 USD for her; I have lived with her for only two months. If she returns all the money, then I will think about it.

A few days later he came to my office again and said:

Korean Husband: I want divorce as soon as possible. If I divorce within two months without my fault, the broker promises to rearrange a Cambodian girl for me.

Again some days later he came again:

Korean Husband: I don't want to divorce. The broker said I have to pay \$4000 USD extra charge for a Cambodian girl. If I have to spend more money for a new girl, I'd better live with my wife.

Finally the girl got divorced, but her husband did not pay for her return airfare or for any compensation. She had to work in a factory in Korea for one month to save enough money to buy her airfare home.

B) Lack of Information about husband or wife

Marriage brokers make money through matching up couples. The more they succeed in matching couples, the greater their profit. To increase the likelihood of matchmaking, brokers often conceal information from potential couples - for example they don't provide interpreters, preventing proper communication and/or they limit information given to prospective husbands/wives.

As it is the men who pay the brokerage fee the brokers will only provide information to Korean men. Korean men select their partner, usually through meetings or interviews arranged by the broker. Once a woman is selected, she is given a little information about her would-be husband. Although a woman has the right to accept or decline the proposal, the reality is they rarely decline because they build up debt for their lodgings arranged by the broker while waiting for their marriage.

I have met many migrant women who report being deceived by their husbands or brokers. The most frequent deception is about the economic status of Korean husbands - most were told by interpreters (provided by the broker) that their husband would send remittances of around \$100-300 USD to their family back home each month. They are also told that their husbands are rich, with an apartment and a secure job. Most of these claims are false; the men are poor with little or no secure income and never promised to send money to their wife's family.

We hear of many other deceptions. One woman was told by the broker that her husband was 12 years older than her, but on registering her marriage, she found out he was in fact 25 years older than her. She did not have the courage to stop the marriage. Another woman was told by a broker, through an interpreter, that her husband was "...too shy to speak in front of any women!" It turned out that her husband was mentally disabled. In a third situation, six Cambodian women were told that if a woman divorces in Korea, the husband must pay \$10,000 USD in compensation and the woman will be granted Korean nationality; this is not true.

On the other hand, brokers also advertise young, sexy, virgin Asian girls, to Korean men and use stereotypes of Asian girls such as "innocent" and "obeying" as selling points. We often meet Korean families at Eulim Centre who are disappointed, saying: "She is not traditional. She doesn't obey me, but very stubborn!" "She is very lazy". One man wanted a divorce because he found out that his wife had a baby in her home country.

2. Changing laws and the legal status of foreign spouses

Before 1998, foreign women who married Korean men acquired Korean nationality immediately, but foreign men



ALLIANCE NEWS - DEC 2009

who married Korean women did not. If the foreign men wanted Korean nationality they had to live in Korea for more than five years with the proper legal status and had to pass a written test. Many undocumented migrant workers from Asian countries such as Bangladesh, Pakistan, Nepal, India, had married Korean women, but these men could not gain nationality because they did not have the correct legal status. Korean women had to fight for their husbands' right to stay.

In 1998, the law was amended and now both foreign men and women who marry Korean nationals can apply for Korean nationality after living together as a married couple for two or three years at least one year of which must be in Korea. Before acquiring Korean nationality, all foreign spouses are given a F2 Visa. This visa is cancelled if the marriage is broken. Many Korean men use this policy to control their foreign wives, sometimes threatening to have the foreign spouse deported if they do not obey. This two-year period required for Korean nationality increases the vulnerability of married immigrant women as they are not recognised as citizens.

In 2003, Eulim met with many MIWs who reported domestic violence or mistreatment by in-laws. If they divorced or the marriage broke up, they were forced to leave Korea. There was little we could do but advise them, "Divorce and leave Korea" or "Have a little more tolerance till attaining Korean Nationality." We could not help them. Married immigrant women who did not have Korean nationality had no right to stay, even if their husband had died, was missing, or they were being physically abused by their husband.

In 2004, the Korean government introduced a 'relief policy' for migrants of international marriage whose husbands had died or were missing, who had been domestically abused by the husband, or who were rearing a Korean child. In these situations, the women can apply for Korean nationality. In cases of divorce due to domestic violence or adultery, they have to prove the husband's guilt in order to gain nationality.

The introduction of Permanent Visa in 2005 was welcomed by foreign spouses who were from developed countries such as Japan as an alternative to nationality. Foreign wives from the developed countries often did not like to give up their original nationality, which they would have to do in order to get Korean nationality. Most of Asian married migrant, however, do want to get Korean nationality. Even though it can be a sad thing to give up their original nationality, having a Korean nationality is more secure than a permanent visa. Permanent visas have the same requirements as Korean nationality, such as two years marriage, Korean spouse's guarantee and an around \$30,000 USD bank certificate. Some Asian MIWs apply for the Permanent Visa because their husbands prefer it to Korean nationality, however, immigrant women can select Korean nationality or permanent visa.

CASE:

I have been in Korea for 15 years. I got my Korean nationality as soon as I married my Korean husband. The government did not even ask me if I wanted to keep my Vietnamese nationality. It was a sorrowful feeling when I had to give up my Vietnamese nationality to marry a Korean man, but I could not help it. It was Korean policy. These days MIWs have to wait for two years to apply for Korean nationality. Some husbands never help the wife to apply for it. They worry she might run away from him if she gets it. I saw many Vietnamese women who suffer from their husbands' mistreatment, but they could not run away because they do not want to be illegal.

For the last 12 years, the Korean government has not done anything for MIWs. I had to learn the Korean language by myself watching TV, and had to go to the hospital all alone. I have done everything by myself for 12 years.

Now, the Korean government is involved in everything about the MIWs' life. Korean women also became busy because of us. They teach Korean language and Korean culture to MIWs. These programs are overwhelming. We don't need all the programs. My Vietnamese friends visit two or three centres to learn Korean language and two or three Korean teachers visit their house to teach how to take care of their children, etc. Even when we go to the market, the Korean women take care of our children. The Korean government provides many services to MIWs, but we are uncomfortable. We don't know why the Korean government is suddenly so kind to us.

I would like to say to the Korean government, "If the government wants to do something good for MIWs, please give them permanent visa." If they are secure in staying in Korea they can work and they can learn Korean without fear of deportation.

- A Vietnamese woman's story

3. The economic situation of multi-cultural families

According to a survey conducted by the Ministry of Health and Welfare in 2006, more than half of multi-cultural families in Korea were in the low-income bracket (52.9 percent).

This is a significant problem for foreign spouses wishing to be naturalised in Korea. To apply for Korean nationality or a permanent visa, the Korean government requests applicants to prove the economic power of the foreign spouse, such as: an employment certificate; bank certification that the spouse holds more than 30 million won (\$30,000 USD); a real estate registration certificate;



ALLIANCE NEWS - ARTICLES

or a contract to rent a house with deposit money. Many Korean husbands work in small scale enterprises - the bosses do not issue job certificates and the men do not have \$30,000 USD. Many husbands have debts from arranging the marriage. This requirement by the Korean government can be a strong deterrent for husbands to help their wives apply and can prevent foreign spouses from gaining nationality.

CASE:

My husband works 2-3 months and then he does not work for 2-3 months. When I am sick, I cannot go to the hospital as we don't have medical insurance cards. These days I and my husband have many quarrels on the application of Korean nationality. We don't have money so I can not apply for it. My children are growing and he is getting older. He does not have a secure job or money. I am worried about our future. I am ignored in Korea as a foreigner. When I was in China, people think that to marry a Korean man was something special. My neighbours complimented my mother a lot for having a Korean son-in-law. When I delivered my first son in China, my son had a severe problem. But eight doctors helped me in the delivery room, because someone told the hospital my husband is a Korean. But here nobody respects us.

The economic situation can have a big impact on the family, because in a number of cases, married migrant women have a huge responsibility to their family in their home country just like migrant workers. The migrant women hope, or sometimes are promised by brokers, that they will be able to send money home. Unfortunately, most Korean men are too poor to send money to the wives' family.

CASE:

There are many girls married to Taiwanese and to Koreans in my hometown [in Vietnam]. The mothers never said that their son-in-law has a physical handicap or how old he is. They only said how much money the son-in-law sent to them. They bragged about the rich son-in-law. I saw many of them had lands or a new house, a motorbike, etc. from the rich sons-in-law. I also envied them a lot. My mother prepared all documents for me to marry a Korean. But when I came to Korea, I could realize everything was different from what I had heard. My husband is not rich. I had to fight to send money to my mother. I threatened my husband that I would work outside. He worried [that I would run away] and sent \$500 USD to my mother. I did not feel good thinking that he sent money to my mother not because he loves me but because he was worried that I might run away.

- A Vietnamese woman, 22 years old

There are many programs conducted by governmental organizations or NGOs for married migrant women in Korea to help them settle into Korean life; most of the programs are elementary Korean language classes and Korean culture programs. There are no programs supporting these women in getting a better job. They are allowed to work in restaurants or in factories just like other migrant workers in Korea. At Eulim, we think married immigrant women need to improve their economic situation to help them integrate and empower themselves.

The Big Picture

Many foreign spouses expected a better life in Korea, instead, they are in poverty and suffering from discrimination both by their new families and Korean society. We believe that commercial brokers and married immigrant women's insecure legal status are critical factors in the human rights abuses many of these women experience. Married immigrant women should be granted permanent visas as soon as they enter Korea and commercial marriage brokers should be banned. The government must provide more secure jobs. NGOs should give foreign spouses the chance to participate in programs not merely as benefactors, but as partners. There are many improvements in married migrant women's conditions in Korea, however, they still need to be empowered to adapt and settle in Korea. These days there are many married migrants who work in NGOs as counsellors or as multi-culture lecturers. This change is a good sign that empowerment is slowly, but steadily improving.

Endnotes

¹ See Table 1 for specific numbers relating to these statistics from 2008 and 1990, information from Korea's National Statistics Office.

² Information from Korea National Statistics Office.

³ According to a survey conducted by the Ministry of Health and Welfare in 2005, there are four main types in which Koreans meet their foreign spouses:

1. Introduction by acquaintance (49.3% - usually brokers)
2. Direct meeting (16.1%)
3. Introduction by religious groups (15.6%)
4. By international marriage agency (13.4%)

While numbers 1, 3, and 4 seem to be different methods, they are the same in the respect that they deal with money and other goods in exchange for arranging the marriage.

Lee In Kyung

is the Director of Eulim (Migrant Women & Multi-Cultured Families Center) has opened since March 2005 as a sub-organisation of the Association for Foreign Workers' Human Rights in Busan (FWR). Eulim means harmony in Korean language. Eulim's activities include counseling and empowerment programs for migrant women workers.



Sex Work and Trafficking in Persons in Hong Kong

Zi Teng

The growing trend of migration among sex workers

Migration is part and parcel of the sex work industry, but recently we are seeing the movement of sex workers around the Asia Pacific region become more active, with Hong Kong being a migration hub. This is because there are growing numbers of women entering into the sex industry to earn better income due to the recent economic crisis. We are seeing this more and more in our daily work. On the one hand, this increase leads to intense competition among sex workers over clients causing women to lower prices and/or accept unprotected sex to ensure their income. On the other hand, when the government sees the sex industry growing by leaps and bounds, fierce police raids and crackdowns are carried out to “clean up” the local sex industry in order to “maintain the status quo”. This is happening in China, Hong Kong and Macao, as well as in many other parts of the world.

Tense competition and frequent crackdowns in the sex industry can push many sex workers to choose migration (either legal or illegal) in order to search for a better working environment overseas. For many local Hong Kong sex workers who are able to pay more capital, rich and developed countries like Japan, United Kingdom, Canada, Australia, and other European countries are popular destinations. Equally, Hong Kong itself is a hot spot for sex workers who are migrating from Mainland China, Mongolia, the Philippines, Singapore, Thailand, Malaysia and Indonesia, because it provides a cheaper and easier destination for the sex workers to visit and earn a living.

Sex work and the risk of human trafficking

Regardless of the destination, many sex workers find themselves in exploitative and abusive working environments.

Trafficking tends to occur in industries where labour violations are frequent and labour protections are limited. As such, the sex industry has long been the target of trafficking

because sex work is not viewed as an acceptable occupation, and in many countries is a criminal offence. The rights and properties of sex workers are outside the protection of any labour laws in Hong Kong, and this is similar in many other countries.

The problem intensifies as more and more countries try to “clean up” their local sex industry (as we have mentioned above), and large numbers of sex workers are forced to go overseas to search for better living and working conditions.



Due to sex workers’ “non-labour” identity, there are no legitimate channels of migration for employment available to them. On top of this, unlike many other occupations for which you can get tons of information by simply searching on the internet, the “criminal” nature of sex work makes finding information about work opportunities and conditions difficult. It is too sensitive or risky for anyone to share, spread, or discuss openly.

Sex workers have no choice but to rely on third parties – usually their relatives, neighbours or “sisters” who have experience working overseas –

to help them migrate to a new country. “Sisters” is a Chinese term that can be used to describe women who know each other and work together in the sex industry. However, some of these third parties or “sisters” cheat and exploit the girls/women by charging very high introduction fees or exaggerating the “ideal” working conditions in the destination countries.

The most common occurrence of this happening in Hong Kong is the exploitation and deception of many girls/women coming from poor farming villages in Mainland China. Many of these girls/women have low levels of education and are lacking information about the sex work industry in Hong Kong. In these cases, their neighbour or “sister” informs the girls/women that they can earn very high salaries if they work as a sex worker in Hong Kong – \$20,000 HK per month, sometimes more! Many girls believe this glossy picture, but once arriving in Hong Kong they realised they can only earn \$300-380 HK per client, plus an additional \$50-100 HK if they agree not to use a condom. They also live in the fear of police crackdowns everyday. Unfortunately, many



of these migrant sex workers have no choice but to continue to work because they fall into huge debts when arranging their migration with third parties. This debt, which is often called the "middle-man fee" comes from the girls/women relying on their agent or third party to pay for their accommodation, visa and travel fees.

Due to the situation mentioned above, it is not difficult to understand why abusive working environments and trafficking can exist when people choose to go overseas to engage in sex work.

The government attitude

Hong Kong does not have any specific laws to address human trafficking as the government authority says that human trafficking does not exist in Hong Kong. Instead they view that people are coming to Hong Kong to practice "vice activities" (which includes sex work), take up illegal employment, and aim to make quick money on their own volition. The major problem of Hong Kong's current anti-trafficking policy is that it only has laws for the prosecution of trafficking in persons. There is no specific legislation to provide protection or special assistance to trafficked persons.

This means that whenever a trafficking in persons case is reported to the police or discovered by the authorities, the police do not have any obligation to take up an investigation or to identify the person as 'trafficked' as there is no law for this. In cases of trafficked sex workers, the authority needs only to charge the person for practicing "vice activities" and with breaching the conditions of stay (immigration laws) and then send her back to her home country. What makes things worse in these situations is that it is not the trafficker who will likely be penalised - the trafficked persons will be penalised for unlawful acts committed as a direct result of their being trafficked.

This is shown in a very recent case that took place in September 2009: A total of nine Filipina women were 'caught' during an undercover operation by the police in a private night club located in Wan Chai. Four women were arrested on suspicion of trafficking people to Hong Kong for prostitution and managing a vice establishment. The remaining five women, who had originally come to Hong Kong with work visas allowing them to do domestic work and ended up being trafficked into sexual exploitation, were all arrested for breaching their conditions of stay. This is because the Hong Kong authorities saw them as engaging in sex work, which violated their work visa conditions, rather than as trafficked persons who needed assistance. We have also heard of other cases where sex workers who have been trafficked try to explain their situation to the police, but the law enforcers ignore them because they think the girls/women were telling lies to avoid being arrested or prosecuted for engaging in sex work.

The mentality behind this prosecution-centred anti-trafficking approach is that the Hong Kong authorities do not seem to believe (or acknowledge) that trafficking for

forced labour or sexual exploitation is actually happening in Hong Kong. Instead, they believe Hong Kong ONLY has a problem with people coming here from overseas to practice "vice activities". In practice and in policy the government does not seem to care whether or not sex workers are trafficked to Hong Kong or if they are exploited, forced or suffer from abusive working conditions. The authorities simply want to arrest all foreigners who come to Hong Kong to engage in the sex industry, put them in jail and have them deported.

Anti-trafficking in Hong Kong is used as another excuse for the government to have more crackdowns on the sex industry and deport all "unwanted" people out of Hong Kong. Anti-trafficking efforts here do not aim to seek out and support the people who are suffering from exploitative situations.

The Attitude of NGOs

As a result of the above circumstances, most trafficked persons - especially sex workers who are trafficked - feel reluctant to seek help from the authorities as the only thing they are likely to get is imprisonment. However, the Hong Kong government is not alone in its problematic policies towards trafficked persons that negatively impact on sex workers. Some service providers fail to keep a non-judgmental attitude towards sex workers and refuse to provide assistance to the trafficked person if they came to Hong Kong voluntarily and work in the sex industry.

We met a Mongolian girl who had been trafficked to Hong Kong by her aunt. Initially, the two of them planned to take a trip together to Hong Kong; her aunt suggested that she could earn a lot if she tried to be a sex worker there. When they arrived, the Mongolian girl was forced by her aunt to become a sex worker in order to return all the travel expenses that her aunt had paid for. All the income earned by the Mongolian girl was kept by her aunt and there was no way for the girl to get any money to buy a return ticket home. We tried to contact a renowned NGO in Hong Kong which specialises in dealing with trafficking in persons cases; however, the response was very negative. The organisation refused to provide any support because the girl voluntarily came to Hong Kong and worked in the sex industry.

Many service providers fail to understand that because of the "nature" of sex work - that it is recognised as a crime, not a job - even if people choose to go overseas to engage in sex work, abusive working environments and trafficking can still exist. Very often, the trafficked person only feels they are a "victim" in the very moment that they are put in the oppressive condition. The girls/women might feel very happy when they are flying overseas with the trafficker because they believe a new job and a new life is waiting for them. Regardless of whether the girl or women travels overseas to engage in sex work voluntarily or not, this should not be a reason to deny them access to assistance and support.



ALLIANCE NEWS - DEC 2009

Some recommendations

Hong Kong needs a comprehensive anti-trafficking policy

The Hong Kong government should recognise that its anti-trafficking policy can never be an effective one because it only focuses on the prosecution of "vice" and there are no laws to recognise trafficking or to provide protection and assistance to trafficked persons.

In our experience, many trafficking in persons' cases are discovered not because of raids or police undercover operations, but by the self-identification of the trafficked person. This means that in many cases the trafficked person is actually the key for law enforcers to get access to trafficking in person cases. Unless the trafficked person is identified rather than persecuted - and feels safe and is being protected - they will never be willing to cooperate with the authorities and to provide crucial knowledge and information about the trafficking case. Therefore, trafficked persons should be shielded from the threat of arrest or punishment for immigration violations or sex work-related crimes.

More funds and support should be allocated to NGOs that work with sex workers, migrants and on women's rights. NGOs are often a "safer" choice for a trafficked person or exploited sex worker who is seeking help compared to the authorities or the police force, as they do not have to be afraid of being arrested or punished by the NGOs. NGOs also typically have a better network and relationship with people who have unique knowledge of trafficking situations (for example, pimps, agents, sex workers, migrants etc.). It is also essential for the government to ensure that even if the trafficked person feels reluctant to seek help from the authorities, there should be alternatives (NGOs or other human rights or charity groups) for the trafficked person to access assistance.

Maintain a non-judgmental attitude

It is deeply wrong for any service provider to set up any rigid requirements in order to "judge" whether a trafficked person "deserves" to be helped. Guidelines and requirements are only the tools that can help us to better identify people in need; they should not be used as a weapon to block more people from assistance. The need to maintain a non-judgmental attitude is particularly important because it is the foundation for any trafficked person to build up their trust and confidence in the service provider.



Maintain a high degree of flexibility

The experience, background and needs of every trafficked person is different and in order to achieve the best outcome and to attend to the diverse needs of every trafficked person, all services should be carried out on a case-by-case basis. Service providers also need to prepare themselves with a high degree of flexibility because multiple identities are common in trafficked persons - for example many domestic workers in Hong Kong and Macao are also part-time sex workers. This sometimes requires the support services of different NGOs or services providers. Whether or not a service provider is able to cooperate with groups or NGOs which have totally different values and service targets will greatly affect the support that the trafficked person can receive.

Sex work is work

It is most important to acknowledge sex work as a true occupation and restore legitimate labour rights and legal status to sex workers. The risk of being trafficked would be much lower if sex workers were able to gain a lawful channel for migration and were able to apply for valid overseas work visas.



Zi Teng

Zi Teng, formed in 1996, is a sex workers rights organisation in Hong Kong. We have been providing support and services to local and migrant sex workers for more than 10 years. We believe all people, regardless of their professions, social class, religion, sex and sexual orientation should have basic human rights, be treated fairly and be free from oppression and violence.

Introduction to Migrant Support Network

We are a migrant rights group formed in 2008 under the support of Zi Teng. We aim to provide support to migrant workers, especially migrant sex workers. We believe that migrant workers are entitled to respect and basic human rights, regardless of their job nature and legal status.

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The Changing Context of Trafficking and Legislation in Indonesia

Rotua Valentina Sagala

Changing Context of Legislation in Indonesia

Following the dramatic 1998 overthrow of Suharto's regime, in a relatively short period of time, Indonesia has gone through two remarkable transitions: first, from autocracy to democracy, and second, from a highly centralised to a much more decentralised state. These changes have presented major challenges to the functioning of the Indonesian nation-state. For example, as of 2008 as part of the decentralisation process, there has been a proliferation of new local government units established, bringing the number of districts/cities close to 500. These districts/cities have inherited responsibility for the delivery of most public services, however, many lack the capacity and resources to effectively manage these services. The reform has created enormous opportunities for local initiatives in tackling local problems, but has also led to uncertainty and confusion among various levels of government over responsibilities for some key functions.

Politically, Indonesia is in a state of 'transition'. During the change process fundamentalism, conflicts, and neoliberalism have all flourished. This has various consequences for the fulfilment of women's rights.

This is most evident in the growing number of areas implementing *sharia* law in a way that discriminates against women. For example, in the 'spirit of Islam', several provinces and districts/cities have introduced regulations that control women's dress and sexuality, and criminalise women who do not conform. The *sharia* law allows the "*sharia* police" - religious vigilantes who enforce the rules - to detain women who do not, for example, wear specific traditional headscarves (*jilbab*) or those found walking out at night unaccompanied by their male spouses. This reflects the growing trend in Indonesia known as *shari'ahisation*.

At the same time, neoliberalism is flourishing - evident in the central government's lack of attention to welfare and public services and their development of "anti-poor people" regulations, such as the

privatisation of public sectors like health and education. These regulations are having a direct impact on people and causing impoverishment in families.

The process of decentralisation has increased difficulties in protecting women's rights and has allowed *sharia* law to be applied in a way that discriminates against women. At least 800 local by-laws have been rescinded since decentralisation, and the central government has not taken any stringent action to prevent local government from enacting local legislation that might be in violation of women's rights. From recent monitoring by the Indonesian National Commission on Anti-Violence against Women in 16 districts/cities in seven provinces, at least 154 local regulations are discriminatory against women and inconsistent with the fulfilment of women's rights. Of these, 64 are direct discriminations against women, such as regulating how women dress, eradicating prostitution, and neglecting women migrant workers' rights.¹

In relation to trafficking, before the national law was passed, many provinces and districts/cities issued local regulations on human trafficking: North Sumatra Provincial Regulation Number 6, 2004 on the Elimination of Women and Child Trafficking; Indramayu District Regulation Number 14, 2005 on the Prevention and Prohibition on Trafficking for Commercial Sexual Exploitation on Children in Indramayu. These local regulations mandate the establishment of service centres for trafficked persons in each district/municipality, however, the implementation of local regulations was not significantly monitored since there had been no national level law on trafficking.

On 19 April 2007, the national Law on the Eradication of the Criminal Act of Trafficking in Persons (the Law on Trafficking) was issued and entered into effect.

A year later (October 2008), amidst mass controversy and resistance from a large part of Indonesian society - in particular from women activists - the Indonesian



ALLIANCE NEWS - DEC 2009

government and the House of Representative passed the Pornography Law. The Pornography Law, initially drafted as Bill of Anti Pornography and Pornography Acts, regulates “sexual exploitation”, but does not explain in detail the form of this exploitation, nor does it include any reference to the potential impact this sexual exploitation might cause on those who have been exploited. As well, the “pornography acts” terminology lacks clarity as to what is considered ‘pornographic’. It seems to be pushing for the elimination of every behaviour that relates to sex, not just ones carried out in the mass media. This lack of clarity of what is categorised as “pornography acts” in the Bill potentially criminalises women and may even be used to control and abuse women’s sexuality.²

The Law on Trafficking: Implementation and Challenges

The Indonesian Government considers passing the Law on Trafficking to be a significant achievement. On 27 July 2007, when meeting with the Committee on the Elimination of Discrimination against Women (which monitors the implementation of CEDAW - Convention on the Elimination of Discrimination against Women) to consider Indonesia’s combined fourth and fifth periodic report, the Indonesian State Minister for Women reported that significant achievements had been made in regards to the combating of trafficking in persons, by the issuance of the Law on Trafficking which affords protection to trafficked persons of all ages³.

In response to the Government’s CEDAW report, the international Committee experts noted that trafficking in women and children was an emerging issue in Indonesia. The Committee also referred to an independent report that said there existed a culture of selling daughters into prostitution, and that female children were considered property. They said that the Indonesian Government was making huge efforts, but these seemed insufficient. Alternative sources said that the implementation of rules and policies was still discriminatory, and that prostitutes were arrested by civil servants and punished by the courts, whereas the men who used those services were not arrested or punished.⁴

The Committee also pressed Indonesia’s CEDAW delegation to decouple the issues of migration and trafficking. They noted that Indonesia was conflating the issues of migration and trafficking and said that migration and trafficking were separate issues, emphasising that migration must be managed with standards and statistics, and a plan for managing remittances.

There are several issues with Indonesia’s Law on Trafficking. First, the law defines sexual exploitation as any use of sexual organs or other organs of the victim for the purpose of obtaining profit, including but not limited to all acts of prostitution and sexually

indecent acts (article 1, point 8). This is the first and only definition of sexual exploitation in Indonesian Law. This law directly links trafficking with prostitution and sex work and criminalises all forms of sex work, including those who freely choose to engage in sex work.

Second, there is a problem with the operational policies and regulations that relate to the implementation of the Law on Trafficking. At present, there are only general measures in place for the implementation of prevention and treatment (providing medical and social rehabilitation, return assistance, and social rehabilitation). These provisions must be elaborated under operational regulations, including under Governmental Regulations, Regulation of the Chief of the Indonesian National Police, Presidential Regulations, Presidential Decree, Ministerial Regulations, and finally, local regulation.⁵

This point is very critical because the implementation of the anti-trafficking measures is based on these regulations. For example, as mandated by the Law on Trafficking (article 46, point 1 and 2), the Indonesian government issued *Government Regulation Number 9, 2008 on the Procedures and Mechanisms of the Integrated Service Centre* (which may be established in each district/municipality for witnesses or survivors of a criminal act of trafficking in persons). The Government Regulation then mandated the development and issue of the Ministerial Regulation on the Minimum Services Standard⁶ and the Standard Operational Procedure⁷ on return and reintegration. While Government Regulation Number 9 sounds beneficial, these vague regulations have led to serious problems. For example, detaining people leaving the country because they are considered vulnerable to trafficking; detaining people in ‘shelters and trauma centres’ or ‘integrated service centres’ without consent, in order for them to provide testimonies in criminal justice procedures; or detaining trafficked persons for months in the name of protection and rehabilitation. These are critical issues which need to be addressed and regulated in the more detailed “operational regulations” at both national and local level.

The other significant problems are in relation to decentralisation. As mentioned above, in the context of decentralisation, the main implementation of the eradication of trafficking relates to the Regional Government. This is explained in the Law on Trafficking, Chapter VI on Prevention and Treatment, “where (the Government) and Regional Governments have the obligation to formulate policies, programs, actions and to allocate budgets to prevent and address trafficking in persons” (article 57, point 2).

As mandated by article 52, for the purpose of providing medical and social rehabilitation, return assistance, and social reintegration, the National and



ALLIANCE NEWS - ARTICLES

Provincial Government are required to establish shelter and trauma centres. For the provision of services, community or social organisations may also establish shelter or trauma centres. The elucidation of the Law on Trafficking explains that in this clause, the establishment of social shelters or trauma centres should be conducted in accordance with the needs of each of the regions, with due consideration of priority. In the event of a particular region already having a social shelter or trauma centre established, its use should be optimised.

Critical questions are needed to address these articles: What is the purpose of the shelter or trauma centre for the witnesses and/or trafficked persons?; Who will decide the "needs of each of the regions"?; Whose "priority" is it? These questions are critical because trafficked persons are potentially being re-victimised, or worse, having their human rights violated in the name of anti-trafficking.

Since decentralisation has come into force, there has been "back-stepping" from ensuring women's rights. Serious attention must be paid to the development and issuing of local regulations (and operational regulations) that come out of the Law on Trafficking, as they are being developed in a context of individual mindsets of national and local officials rather than through national government. Furthermore, in many places these regulations are increasingly influenced by *sharia* law. This must be addressed if we are to continue to protect and improve women's rights. It also needs to be considered carefully in relation to trafficking in persons, because trafficking is increasingly being viewed in the "moral" or "religious" perspective by *sharia* law, and in many cases further violates women's rights instead of protecting them.

Endnotes

¹ Kompas Daily News, 24 March 2009

² See Rotua Valentina Sagala, "Campaign and Advocacy Efforts in Bill of the Anti Pornography and Pornography Acts: Confronting Fundamentalism, Conflict, & Neoliberalism in Indonesia", Paper presented during the 2nd Conference Kartini Network on "The Future of Asian Feminism Confronting Fundamentalism, Conflict and Neoliberalism" in Bali, Indonesia, 2-5 November 2008.

³ UN General Assembly, WOM/1643, 27 July 2007, Committee on Elimination of Discrimination against Women Chamber A, 799th & 800th Meetings, "Human trafficking, migration, discriminatory stereotypes among women's anti-discrimination committee takes up Indonesia's Report", State Minister for Women Empowerment describes significant achievements, although initiatives aimed at gender equality represent "work in progress". In the report, Indonesia call the Law "the Act on the Elimination of People Trafficking", but according to the Department of Justice and Human Rights the Law is on "the Eradication of the Criminal Act of Trafficking in Persons".

⁴ Ibid.

⁵ See the Law of the Republic of Indonesia Number 21 Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons

⁶ Currently the Ministry of Women's Empowerment has issued the Ministerial Regulation Number 1 Year 2009 on Minimum Services Standard of Integrated Services Centre for Witnesses and/or Victims of Trafficking in Persons in district/municipality.

⁷ The Ministry of Women's Empowerment is currently in the process of developing the Ministerial Regulation on Standard Operational Procedures of Integrated Services Centre for Witnesses and/or Victims of Trafficking in Persons.



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Effecting change using Community Participatory Theatre and Self-Representation

*An interview with Amarin Plengrusmee from Gabfai
by Alfie Gordo, GAATW-IS*

At the GAATW Asia Regional Consultation in Nepal, Alfie Gordo from the GAATW International Secretariat had a chance to interview Amarin Plengrusmee from Gabfai, a GAATW member organisation to talk about Gabfai's creative work with communities in Northern Thailand.

What are the challenges that you face in your work in GABFAI?

As we work on the prevention of trafficking in persons we face different challenges, particularly the lack of policies in Thailand to protect the rights of stateless people from neighboring countries.

In our work at Gabfai, we try to access and work with marginalised groups located along the Thai border - many who are stateless or refugees. We work with the leaders in the community because we hope they will be active in the role of protecting their people, especially the women and children. We try to equip the leaders in communities with an understanding of the issues that are relevant to their communities and that are directly affecting them. We do group discussions, workshops and we provide skill-building so that they can run their own workshops, thereby helping us to spread awareness on trafficking in persons. We think that the leaders better understand the situation of the people in their communities.

These workshops become the medium to raise awareness around trafficking, and the leaders travel to different areas along the border to promote the information about trafficking to their people.

Unfortunately, because most of the leaders - and their communities - are stateless, the Thai government officials try to control them in the area. Due to the high mobility rate amongst the people because of their need to find employment, these government efforts are not very successful. People move, but often come back to the area. We have been working closely with some people for five years and they have come up with a plan to help protect themselves.

The government does not want to support these kinds of groups/communities so we have to find resources from international communities and donors. We also work with local networks particularly with Child Trafficking Watch Thailand.

How do you use the tools of theatre and art to help empower and bring change and awareness to your community?

Gabfai uses a two-prong strategy of community outreach and mobile theatre to penetrate target communities.²

This is a very sensitive area because we find that the people we work with, they want to say what they want to say, but they are never given a chance to speak out. When GABFAI came to their area they were happy because we supported them to speak out through arts and culture. They shared a lot of their own problems and stories, such as the armed conflict situation between Burmese military and Shan military. Sometimes when we conduct mobile theatre shows in





ALLIANCE NEWS - INTERVIEWS

different communities we invite people from communities in the border area to participate. For example, some students talk about their own life stories, experiences as children or as child soldiers during these shows. Students and youth participate in theatre performances which focuses on social issues, including trafficking, and we take these shows around Thailand to present to the general public. In some cases, the artists in the community can not travel with us due to the lack of identification cards and limited resources. To bring their messages beyond their boundaries they try to record their music and even create their own songs based from their own stories. We use this kind of music to our plays so we can convey their messages to a wider audience. This helps us raise awareness and understanding of their situation.

Sometimes we see change happening when young participants join our mobile theatre group. We received information that one of the parents of our students wanted to sell her daughter to the sex industry, but after joining GABFAI and learning about trafficking in persons, this young girl's parents were able to change their minds. The girl now has a job in Chiang Mai and has an opportunity to help her family. We can definitely protect children and youth through awareness-raising and performances. Now we have community theatre networks in Northern Thailand, Laos, and Burma. Every year we bring these networks together to present their own stories.

What kind of responses do you get from the audience?

The general public often do not know about the issues we perform because the mainstream media does not tell the stories of the people living in border areas. So when GABFAI presents theatre performances to different audiences (Thai, Burmese, Western, and minority groups) they feel happy and emotional because they find out it is also their stories. The audience is generally affected, especially the Shan community, because they can relate to the stories in the play.

In the play we have many kinds of participants, we have Thais, westerners, and people from different ethnic backgrounds. We also receive positive responses and support from tourists.

How does theatre work effect change in the community that you are working with?

In the Thai region a lot of students feel very shy. Through theatre processes, we try to empower them to make them happy and to express themselves, to have fun, to be open, and slowly they share their stories. It is a participatory process towards self-expression. Sometimes we stay in the village for a long time. In a number of places, they form their own theatre group in the village. Establishing their own

group builds their confidence, and some of the students become leaders in their groups. Some of the students have been invited to share their stories and perform in schools.

We also have a very strong women's group in the community. GABFAI facilitated a Training-Of-Trainers (TOT) workshop with adults and leaders, mostly women participants. We organised an exercise program on how to stop trafficking and to understand the issues of trafficking. After the workshop, some of the women went on their motorbikes to find other villages to train other women to understand trafficking better.

Now we have also started working with teachers so that we can add the prevention of trafficking to their curriculum. In the future, we are thinking of working more closely with teachers to be able to expand our work in raising awareness on trafficking in persons. Currently GABFAI works in many areas in Northern Thailand with 6 pilot areas for its projects. However, we never work closely with the people in urban communities and we see this as a big gap. With the mobile theatre project we try to reduce the gap between the social issues affecting the rural and urban communities.

We find a lot of interest from children in the communities in doing theatre performances, which is why we try to use participatory community theatre as a medium to share how our students can protect themselves from abuse and from being trafficked. Right now there are new ways to traffic people (even by facebook, hi5, etc.) - it is best to equip them with knowledge and skills.

Endnotes

¹ GABFAI is a community theatre group based in Chiang Mai, Thailand. The group works at the community level to empower and educate young and old on social issues, including on how to prevent trafficking in persons.

² 'Single flame can light a thousand candles', GAATW Alliance News Issue 21, July 2004, p 34



Amarin Plengrusmee
is the director of Gabfai, Thailand



Changes and new hopes in Mongolia

Zoë Bake-Paterson

During the GAATW Asia Regional Consultation, Zoë Bake-Paterson from the GAATW International Secretariat sat down with three GAATW member organisations from Mongolia to talk about trafficking in Mongolia; changes following the amendment on the human trafficking law in 2008; and their hopes for the future.

The three representatives from Mongolia are:

Tumenbayar from the Centre for Human Rights and Development (CHRD)

Batzaya (Zaya) Jamsrandorj from the Human Security Policy Studies Centre (HSPSC)

Ganbayasgabh Geleg from the Mongolian Gender Equality Centre (MGECC)

All three organisations are engaged in anti-trafficking in Mongolia through: service provision to trafficked persons; advocacy; public education and awareness raising; and/or drafting laws on trafficking.

Zoë Bake-Paterson: Can you tell me about trafficking in Mongolia?

Ganbayasgabh Geleg: In Mongolia, human trafficking is becoming more organised. In 2007, my organisation, the Mongolian Gender Equality Centre, received 115 cases of trafficking and in 2008, we received 70 cases. This year, in the first six months, we have received 60 or 65 cases.

Every year it is changing. Before, Mongolia was always a transition country and an origin country for trafficking, now it is also a destination country. In Mongolia, it is usually women and girls being trafficked to China; 78 percent of trafficked persons are women. Men are also trafficked for labour exploitation to Kazakhstan, Turkey and China.

There are three main kinds of trafficking occurring. First there is sexual exploitation, which is happening internally and externally. Second, there is "mail-order marriage" - many Mongolian girls and women are marrying foreign men, about 85 percent of total women marrying foreigners; every year they say 700 Mongolian women marry Korean men. The recruiters [who arrange these marriages] give the

women some money for marrying a foreign husband, these husbands pay from \$300 - \$40,000 US to the recruiters, none of it is provided to the wife or her family. After they are married, these women move to Korea. Some of the women's living situations are very difficult and are equal to slavery: they are forced to be constantly cleaning and cooking, are locked in a room for extended hours, have no freedom of movement, are not able to contact family or other people. It is a very difficult situation, like labour exploitation. The third kind of trafficking is labour exploitation, mainly into factory jobs and construction.

Zoë: Where does Mongolia's anti-trafficking law fit into this picture?

Batzaya (Zaya) Jamsrandorj: In 2002, an article pertaining to the trafficking in persons was included in our Criminal Code. This article was inadequate and it was amended in early 2008 (article 113 of the Criminal Code) according to the basic principles of the Palermo Protocol on Trafficking, even though at that time the Mongolian government had not acceded to the Protocol. Mongolia ratified this Protocol in May 2008. However, this newly amended human trafficking article mainly focuses on punishing the trafficker, including 5-15 years imprisonment for those convicted.

In response to this, my organisation, the Human Security Policy Studies Centre (HSPSC), began drafting a stand-alone law on human trafficking, which will address trafficking in a separate law outside of the Criminal Code.

Now that Mongolia has acceded to the Palermo Protocol, we need to update the Criminal law and go beyond prosecution to also include prevention and protection. The current article - 113 - is not sufficient to solve human trafficking because victims' protection and victims' rights must also be included in the legal framework. Our draft stand-alone law is quite comprehensive and includes measures to protect victims.

Once HSPSC had a first draft of this stand alone law for Mongolia, we sent it to relevant agencies, lawyers, officials and NGOs for their comments and feedback. After that, we revised the law and made a second draft. With this draft we organised four consultative workshops in Mongolia to again seek feedback.



ALLIANCE NEWS - INTERVIEWS

The first workshop, held in May 2009, was organised with judges, prosecutors and defence attorneys. They generally felt that a stand-alone law was very important and necessary, but they had questions about the duplication between the law on human trafficking and the criminal procedures law. The second workshop we organised was with police, intelligence and immigration officers, court personnel and border officers. They also felt that the stand-alone law was important.

The third workshop we organised, held in June 2009, was with officials of the State Great Khurai and government ministries; this feedback was partly positive, but there were comments from the Ministry of Home Affairs and Justice and the Ministry of Social Welfare and Labour that were not positive because they think the current criminal code article is sufficient in addressing human trafficking. The fourth workshop was with NGOs and health workers; here the main feedback was that 'yes, the stand-alone law is very important, but that it would be better if the law focused more on child trafficking.'

We carefully considered these comments and suggestions when drafting the new law. At the moment, we are on the sixth draft of this stand-alone law.

Within this framework of adopting the stand-alone law, we have worked with the Mongolian Human Rights Commission - every year the Commission publishes a report on human rights issues and in 2009 it included human trafficking. This report has been submitted to the parliamentary sub-committee on human rights and will be discussed by Parliament during the coming year. This will be very helpful for raising the profile of the issue and emphasising the need for a stand-alone law.

This stand-alone law has five sections:

- 1st section deals with the purpose and scope of the law and some basic definitions and principles to combat trafficking
- 2nd section deals with the protection of the rights of the victim, which is the core of this law
- 3rd section deals with collecting information from citizens in proceedings, victim protection, and possible remuneration
- 4th section deals with the organisational structure and the functions that will be responsible for implementing efforts to combat trafficking
- 5th section deals with punitive measures taken against citizens or organisations who violate the regulations protecting the privacy and confidentiality of the crime and/or on providing social services

Zoë : At present you have the law from the Criminal Code in place, which you said focuses only on the punishment of traffickers. Can you tell me about the impact of this law in Mongolia?

Batzaya: In my opinion, the amendment of the Criminal Code (article 113 on trafficking) showed that trafficking is a very serious crime and the change was an important step in the right direction. Before this amendment, trafficking cases were prosecuted according to the 2002 law prohibiting the sale of persons or article 124, which criminalises prostitution. Under article 124, traffickers who were convicted received very lenient sentences. After article 113 was amended, prosecutions increased and traffickers received longer sentences, however, victims still did not receive the legal protections and support they needed.

Ganbayasgab: Maybe I can explain a bit more. In the past, trafficking was seen as a new phenomenon - people did not understand if it was really happening or if it was simply sensationalised news. Since 1990, there have been trafficking cases where no action was taken by law enforcement or police. The amendment to the Criminal Code meant that there was now a requirement of how this crime should be dealt with before the law.

Over the last few years, the number of trafficking cases have increased, based on data from MGEC and respective law enforcements, including police. From 2002 to 2007, only two cases of trafficking were settled by the law. This was revealed through five independent national-level surveys by MGEC to learn more about the reality of trafficking, its tendency and how it was being addressed. Since the amendment in 2008, 4-5 cases have already been settled and three of them were settled by respective courts by MGEC advocates.

Before the amendment, trafficking was only considered to 'exist' if both a purchaser and a seller were identified. This separation was made so that both could be identified as traffickers and so that criminals inside the border could be punished as well.

Tumenbayar: For the first article of the criminal code of Mongolia, as Ganbayasgab explained, there needs to be a 'seller' and a 'buyer' in order to prosecute a human trafficking case. But the buyer is typically unknown - in or even outside of Mongolia - so the judge and prosecutor always say there is not enough evidence to prosecute as we need evidence about this 'buyer'. It is extremely difficult to find this information out. The amendment - based on the Palermo Protocol's definition of recruitment, movement, force, exploitation - was to help get these cases punished at different stages. So if someone just recruits a woman for trafficking, that recruiter can now be punished by the amended criminal code.

Zoë : How is this impacting on trafficked persons, because you say there is no protection for trafficked persons in the law?

Tumenbayar: Usually, trafficked persons don't want to file a complaint to police because they are afraid that if they complain, their dignity and that of their family's will be destroyed because there is no security or safety measures during the legal procedure. Mongolia has a small population, which means most people know each other, and therefore, information about trafficked persons is able to spread easily. At present, there is no victim protection, no guarantee of confidentiality and no privacy for the victim. Our criminal procedural code does not yet contain a set of comprehensive protections and assistance for trafficked persons that would meet the proposed protections in the Palermo Protocol. Article 113 is particularly designed to enable ease of pursuit, prosecution and conviction of suspected persons or traffickers by the police. Furthermore, it is not clear whether protection in general can be extended to a victim or witness when they give testimony, or whether protection is available to anyone who simply possesses information that could threaten his or her safety.

Ganbayasgab: Between March 2007 and September 2009, MGEC repatriated 140 trafficked persons from eight foreign countries cooperating with various organisations including IOM, Mongolian Embassies and Consulates, Criminal Police Department of Mongolia, Zamiin-Uud Police Department in Dorno-Gobi Province, the General Police Department, etc. In the old Criminal Code, the trafficked persons did not want to go to police because there is no real punishment for traffickers, as well as the fact that it is male police asking questions and the victims are shy and often experiencing trauma. It is very difficult.

Batzaya: Usually trafficked persons in Mongolia have been sexually exploited so it is very difficult to talk about their history with the police. It is very sensitive because it relates to personal and traumatic sexual experiences.

Ganbayasgab: Last year it started to get better as a 'victim interview room' was opened for questioning and taking testimony from trafficked persons at the State Investigation Department of Mongolia. This measure was undertaken based on an MGEC initiative in cooperation with the State Investigation Department of Mongolia. This will help in the prosecution of trafficking cases because trafficked persons will likely be more open to responding to the questions and in discussing the criminal case with law enforcements.

Previously in Mongolia, trafficked persons were interviewed or questioned in the same room with other victims or criminals of other crimes. This situation was harmful to the confidentiality and security of trafficked persons.

In Mongolia there are now a lot of NGOs who work on trafficking and who help to provide protection or assistance services - I don't like this big 'network' because sometimes it is very difficult to do the work - but now, unofficially,

there are four or five NGOs who come together to cooperate. One NGO is helping to do assistance services, one NGO is helping with advocacy, and one NGO is helping with medical care etc.

Zoë : You mentioned the inclusion of compensation in the stand-alone law on trafficking. Can you talk a bit more about this?

Batzaya: The current law, as I said, only deals with criminalising and punishing the trafficker. The most important thing is that the trafficked person is protected and may seek compensation from the trafficker, but of course the traffickers always say they don't have any money or they find ways to avoid paying this compensation.

Tumenbayar: The traffickers often say to the victim, 'If you stop your formal complaint, I can give you some money; if you don't, I can't give you any money as I will get punished.' Since many of the trafficked persons are from vulnerable and poor households and they need money, they often choose to take this money instead of filing the complaint. This is why we need a victim protection law, to stop this manipulation of trafficked persons and to help ensure that compensation is available from a fund that doesn't depend on the trafficker.

Ganbayasgab: In one case, we repatriated two women from China last May, they were 22 year old students. Our advocate was working on this case and the trafficker received a sentence of 12 years in prison. The amount of 157,000 Tugriks, which is about \$110 US, was paid to the two women as compensation. The compensation was estimated on the real damage to the women; this was how the case was settled. What I am trying to illustrate is that first, compensation is not paid properly; second, we don't know how to really estimate compensation; and third, psychological damage is never included in the compensation.

Zoë : What do you want to see happen next, and what do you hope will come from this stand-alone law?

Batzaya: We hope that this new law will include victim protection and trafficking prevention measures and perhaps partnership among government organisations to deal with trafficking cases. This is our aim. This is why we are drafting this law.

Protection of trafficked persons is the main focus of why we are drafting this stand-alone law. As part of this, compensation should be paid to the victim properly according to international standards and it should take into consideration psychological damages. During participation in GAATW's Asia Regional Consultation I talked to member organisations in Indonesia and our Indonesian friends said they have adopted a stand-alone law in 2007 which is a good law, but the implementation of it is still very poor. Even law enforcement officials, including judges and prosecutors, still don't know how to use this law properly or really understand what human trafficking is.



ALLIANCE NEWS - INTERVIEWS

So while adopting this new law is one hope, and hopefully we can pass it after lobbying the government, the proper implementation of the law is also very important. After passing the law, we will need to have further training for law enforcement officials. This is my hope for effective implementation of this new law.

Tumenbayar: Also, funding is an important issue, because we can add lots of new laws, but without the money to implement this law then it is just law on paper.

Zoë : Did you have anything else you would like to share?

Batzaya: In my opinion, it is very important to organise some regional consultations the way GAATW has. Human trafficking is multi-national, is highly organised and requires special financial resources. One organisation or one country alone cannot solve this problem. Internally, NGOs and government agencies must cooperate and work in partnership. It's also important to create Memorandum of Understandings (MOU) between countries of origin and destination. For example, last year our organisation tried to create an MOU with the People's Republic of China through our Ministry of Foreign Affairs in Mongolia, but it failed because the Chinese representatives believe that the existing legal framework is broad enough to deal with trafficking. We also tried to do this with the government of the Republic of Korea, but we are still waiting for their response.

Tumenbayar: I would like to focus our activities on eradicating the root causes of trafficking, because unless we address the root causes, trafficking will still be there. We need to analyse and research government policy on migration - the import and export of migration - and we have to pressure the government into increasing job opportunities and job placement here. Before, there was a government policy to send people to work overseas to get some remittances from overseas countries. Now most people who migrated overseas are men and the women stay in the home country, this has had all kinds of negative impacts on families. So we would like migration for family members to be allowed or increased job opportunities in Mongolia so people can work in their own country with enough salary instead of migrating. In my opinion, the main cause of trafficking and migration in Mongolia is poverty.

Ganbayasgabh: I hope that in Mongolia this stand-alone law will be a really good law and that it will be well implemented and of course, that there is good protection and assistance for trafficked persons. But, all of these may happen only with good cooperation amongst respective organisations. Law is not enough. There should be cooperation and strategic planning amongst organisations to avoid the overlap of similar measures or gaps, and so on.

For more information about these organisations, please see GAATW member profiles on page 14 of this Alliance News.



Left to Right: Tumenbayar, Ganbayasgabh Geleg and Batzaya (Zaya) Jamsrandorj

Tumenbayar
Centre for Human Rights and Development (CHRD)

Batzaya (Zaya) Jamsrandorj
Human Security Policy Studies Centre (HSPSC)

Ganbayasgabh Geleg
Mongolian Gender Equality Centre (MGEC)

Zoë Bake-Paterson
Campaigns and Communications Officer, GAATW-IS



Creating change through direct participation: An Interview with JJJ Association

Translated by Elaine from Ziteng, Hong Kong

GAATW strongly recognises the voices of self-organised groups in the region. Their diversity, passion and commitment to address pressing issues on migration, labour, gender and trafficking has been vital in bringing changes to women's lives. GAATW believes that self-organising can be a powerful tool for empowerment and social change but at the same time can be very challenging and complex.¹ Alfie Gordo of the GAATW International Secretariat contacted JJJ Association through Elaine from Ziteng in Hong Kong to talk about the group's experience in self-organising.

What are the challenges that you see in your work with your community/women's group?

The longer we are set up and run our own group, the more challenges we see. There are two biggest challenges. The first is that sex workers are marginalised and discriminated against, and they are reluctant to speak or show themselves to the public. Some of them are even reluctant to speak to other fellow sex workers. This discourages sex workers from coming for meetings or taking part in advocacy.

The second big challenge is that sex workers really have diverse needs and face tons of problems. Providing good support takes a lot of time and effort as there has been a culture among sex workers to deal with our own problems and often times to refuse others' help. This has been an obstacle in creating and maintaining solidarity among sex workers.

In working as a self-organised group, how do you see that your collective action is creating change? Can you give us an example and share some factors that led to change?

Sex workers are often discriminated and marginalised; they seldom receive much attention, let alone protection from the police and the public. Thus they often become the target of robbers and other criminals. In some cases, police officers also look down on them, with some of them abusing their power against sex workers. We try to address these dilemmas by making 'police abuse' and 'sex workers'

safety' a common concern among sex workers, the issue that everyone in the sex industry has to safeguard and fight for. After years of advocacy and negotiation, we have noticed a change of attitude among police officers and their regulation towards sex workers. For example, they set up a special taskforce to help sex workers, they produce television programs and posters deterring criminal behaviour toward sex workers, and many police officers no longer discriminate against sex workers.

The campaign on police abuse and safety resulted in solidarity among sex workers. It further pushed sex workers to take action. Now, for instance, we are more enthusiastic in building up a better network and taking care of each other. We are supportive of the installation of the panic alarm system.

Through joint actions, sex workers feel empowered and are more willing to voice their demands and discontent. Many of them no longer fear speaking to the media and telling their stories to the public. We are also more actively joining public forums and seminars, and some are even publishing their stories. Through these efforts, the public is gradually understanding and supporting sex workers more.

In 2008 and 2009, nine sex workers were killed. This led to a rapid increase in public concern and sympathy toward sex workers. This gave us a good opportunity to lobby the law-making body and the police for better protection for sex workers.

We never stop doing advocacy work to 'remind' the public of sex workers' human rights and basic protection. We continue to send our messages through protests, exhibitions, and petitions. These actions make sex workers unite more. Our sense of belonging increases, as well as our solidarity. Many more of us also started to believe that we can use direct participation to lead to changes.

In voicing your cause, how do you make sure that the voices of women in your group are heard? How do you include their voices in your collective actions/activities?

All board members and members in JJJ Association are from the sex industry. We always take an active



ALLIANCE NEWS - INTERVIEWS

role in the planning and implementation of the activities. Some sex workers also join as volunteers. Though we still receive training and assistance from Zi Teng, an NGO that supports sex workers in Hong Kong, our organisation really understand the needs and difficulties of sex workers. This helps us to develop tailor-made activities for the members, and ensure that the demands and voices of sex workers are truly heard and responded to.

What kind of actions/strategies do you use to bring about change? (eg. advocacy work, publications, information awareness campaign, social movement)

To bring about change, the participation of sex workers as stakeholders is necessary. As we showed earlier when talking about our actions that lead to change, it is also important to first identify a common issue. After finding the common issue or common problem, we have to further discuss what we should do to continue the action. For instance, in our experience, we encourage sex workers to install CCTV (cameras) and develop better support networks. It is not enough to discuss just a few times, but to keep on discussing and making changes if necessary. We discuss in detail with other members and even non-members how we can improve the CCTV system. To a certain extent, you can call this our awareness campaign.

We also try to gather information and document cases on crimes and abuses from sex workers, and discuss among ourselves possible solutions to improve the situation. The latter is important in the sense that this may become a 'feasible recommendation' to the police. For example, we listed out the cases in which police officers insulted or refused to handle sex workers' cases and publicised sex workers' private information. We also clearly listed possible solutions of how to improve the police's enforcement of law, e.g. setting up a special hotline or ad hoc meetings with police management. By having evidence-based documentation, we can then better negotiate with the police management, describe to them in detail how the situation can be improved, and further develop mechanisms for better rights protection. Apart from negotiating with the police management, we also lobby for law and policy reform. Though it is often a very long process to change laws and policies, we need to arouse the attention of legislators and remind them of sex workers' safety and rights. In particular, we need them understand the difference between forced prostitution and voluntary sex work.

We have to keep on increasing public awareness on the rights violations of sex workers. To do this, sex workers tell and publicise their stories in different ways. We also organise different events such as releasing the findings of various surveys on sex workers' situation, the march on the International Day to End Violence Against Sex Workers, and outdoor activities on World AIDS Day. Through these actions we can gain more public attention. At the same time, we work closely with other social groups. For example, JJJ Association has supported different social movement and actions, like Labour Day and International Women's Day. This helps us to gain support from other social groups on our campaign and actions. We have to keep building momentum.

Endnotes

¹ Respect and Relevance: Supporting Self-Organising as a Strategy for Empowerment and Social Change, GAATW 2007

JJJ Association, Hong Kong is a self-support group formed and run by local sex workers. The group mainly works at one-woman-apartment, saunas and massage parlors. They conduct annual meetings with the members to understand better the structure and future plan of JJJ Association. For more information, contact Ziteng.

GAATW Asia Regional Consultation



UPDATES FROM THE SECRETARIAT

At the start of May 2009 GAATW-IS convened a roundtable in Kuala Lumpur, Malaysia with International Women's Rights Action Watch - Asia Pacific (IWRAP-AP) and Coordination of Action Research on Aids and Mobility-Asia (CARAM Asia) on Using CEDAW to Protect the Rights of Women Migrant Workers and Trafficked Women in South and Southeast Asia. GAATW-IS felt that this roundtable would be a good way to start exploring possibilities for migrant rights, trafficked persons rights and for women's rights advocates and practitioners to work together using the new CEDAW Committee General Recommendation 26 on Women Migrant Workers.

The aim was to explore how CEDAW could be used by GAATW Member Organisations to advance their organisational advocacy objectives and whether, as an international legal instrument, with a large number of States Parties, it could strengthen existing advocacy action.

The roundtable provided a useful forum for discussion on some of the obstacles to collaboration between and within women's rights, migrant rights and trafficked persons rights movements. We also discussed the possibility of engaging with the CEDAW Committee on trafficking and its linkages to migration and labour exploitation in order to further the understanding of this complex issue. For more information, please contact: Caroline Hames from GAATW-IS, caroline@gaatw.org

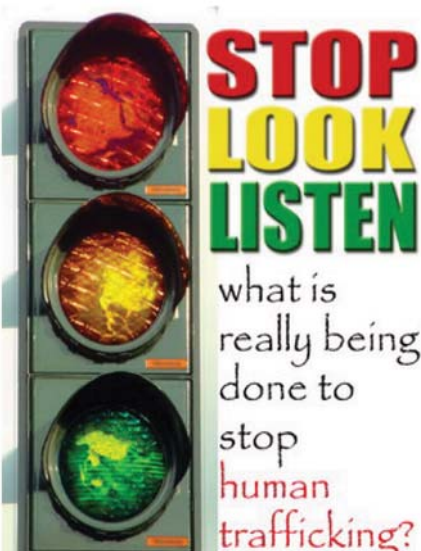
OHCHR Coordination Workshop between the Special Rapporteur (SR) on the Sale of Children, Child Prostitution and Child Pornography (Najat M'Jid Maala); the Special Rapporteur on Trafficking, Especially Women and Children (Joy Ngozi Ezeilo); and the Special Rapporteur on Contemporary Forms of Slavery (Gulnara Shahinian)

The coordination workshop, held from 24-26 June in Geneva, Switzerland, consisted of closed sessions among the three Special Rapporteurs and open plenary sessions that included UN agencies and NGOs. The main objectives were to: map out the areas and scope of work of each mandate; identify commonalities and areas of duplication amongst the three mandates; improve/tailor methods of work amongst the three mandates; and develop practical tools to collaborate with partners - UN agencies, NGOs, civil society organizations, treaty bodies, and national human rights institutions.

GAATW-IS attended this workshop and recommended the SR on Trafficking to look at the human rights impact of crime

control approaches to trafficking, including practices such as conditional assistance; the SR on Slavery to focus on 'new' forced labour practices that are adding to old bonded labour or slave labour practices or in some cases emerging as a result of the country's development initiatives; and the SR on Children to look at young adults as a specific sub-group among children.

In late June 2009, GAATW launched an urgent action - Stop, Look and Listen - to advocate States to support the establishment of an inclusive and transparent review mechanism.



The United Nations Convention against Transnational Organised Crime and the protocols thereto (UNTOC) was adopted by States in 2000, and while UNTOC has helped make significant gains in the prevention of human trafficking, for example in raising awareness about trafficking in persons with 130 States now Parties to the UN Trafficking Protocol, these efforts have not

always led to greater protections for trafficked persons. The 2007 Global Alliance against Traffic in Women (GAATW) report *Collateral Damage* identified a worrying trend of human rights abuse of trafficked persons as a result of states' national anti-trafficking policies. Many of these policies have been implemented based on legal interpretations of UNTOC and specifically the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Human Trafficking Protocol).

As a result, we are calling on States Parties who have signed or ratified UNTOC to Stop, Look and Listen:

1. **Stop:** *Reflect* on both the progress made to date on human trafficking and the gaps which remain in ensuring UNTOCs objectives are met;

2. **Look:** *Review* legislation, policy and practice which has been implemented or used to combat human trafficking; and
3. **Listen:** *Evidence based approaches* must guide anti-trafficking responses. A mechanism for consultation with both trafficked persons and civil society service providers and advocates must be developed in order to ensure their views inform States Parties' responses.

A review mechanism could offer a unique and important opportunity for NGOs to raise the impact of states anti-trafficking measures on trafficked persons at an international level, as well as opportunity to call for better protection of human rights.

For more information, check out our website and SIGN the PETITION (and encourage friends, colleagues and networks to sign as well!)

GAATW-IS Staff Participate in Asia Pacific Forum Conference in Amman, Jordan

GAATW-IS staff, Nkirote Laiboni and Caroline Hames, attended the 14th Asia Pacific Forum (APF) conference in Amman, Jordan. At a parallel meeting of NGOs from the Asia-Pacific region that was held prior to the Annual Conference, GAATW IS Staff had the opportunity to make presentations and facilitate discussions on the role of National Human Rights Institutes (NHRI) in addressing migration and human trafficking. It was also an opportunity to present findings of a recently concluded research by GAATW on steps taken by NHRIs in the Association of South-East Asian Nations (ASEAN) sub-region to evaluate and monitor state anti-trafficking responses. For more information on the 14th APF Annual Meeting please go to their website: <http://www.asiapacificforum.net/about/annual-meetings/14th-jordan-2009>

While in Jordan, GAATW-IS staff also visited and met with a number of organisations to learn more about migration and human trafficking in Jordan and the rest of the Middle East region. For more information, please contact Nkirote Laiboni at: nkirote@gaatw.org

The first ever **South East Asia Court of Women on HIV and Human Trafficking: From Vulnerability to Free, Just and Safe Movement** was held in Bali, Indonesia on 6 August 2009. The court brought together more than 500 participants including UN staff, ministers, government officials,

academics, NGOs, and communities that are working towards empowering women and reducing their vulnerability to trafficking and HIV. The main purpose of the court was to give women from South East Asia with direct experience of these issues (women living with HIV, domestic and factory workers, sex workers, migrant women, trafficked women, etc.) an opportunity to speak out by giving them space to share their testimonies with a broader audience which included leaders and decision-makers.

Aatcharaporn Chaowahem, GAATW's Asia Regional Program Officer, was invited to be an expert witness and present a statement during the "Recognising the rights of vulnerable communities, including migrants, domestic workers, sex workers and people living with HIV" session. GAATW members Vichuta LY from Legal Support for Children and Women (LSCW) and Eni Lestari from the Association of Indonesian Migrant Workers in Hong Kong (ATKI-HK) were also there as expert witnesses. Vathany from Cambodian Women's Crisis Center (CWCC) attended the conference.

GAATW Asia Regional Consultation (ARC)

31 August-4 September 2009 Kathmandu, Nepal
GAATW organized its final regional consultation with member organisations and allies in Asia. The five-day consultation started with the socio-political situation in a number of countries in Asia and its impact on women's human rights with specific reference to trafficking, migration and labour. This was followed by two interactive discussions on the rights of domestic workers and another session on the impact of anti-trafficking legislation on the rights of sex workers. This was followed by thematic workshops, and then a day of discussion on the way forward and possible future plans. Results and recommendations from the three workshops and two interactive sessions will be available early next year (2010).

The three thematic workshops were on:

Advocacy

The workshop included discussions on national, regional and international advocacy. Highlights include the discussions on regional bodies: ASEAN and how different ASEAN bodies could be used to advocate for migrant women and trafficked persons'





ALLIANCE NEWS - UPDATES

rights; and the South Asian Association for Regional Cooperation (SAARC) Convention on Combating the Crime of Trafficking in Women and Children for Prostitution and some critique of its narrow definition of trafficking and discussion of alternative SAARC advocacy avenues such as the SAARC Social Charter. Two mini-workshops were held on the Universal Periodic Review and Human Rights mechanisms which offer useful advocacy opportunities and on working with the media for advocacy. Participants also engaged in a discussion on international advocacy looking at the UNTOC review mechanism discussions and 'STOP, LOOK, LISTEN' as well as the US Government Trafficking in Persons annual report.

Linking Migration, Gender, Labour and Trafficking

This workshop looked at how trafficking, migration, labour and gender are closely connected, and discussed the need to avoid conflating the terms. Jyoti Sanghera from the GAATW board, GAATW-IS staff members Xenia Commandeur, Rebecca Napier-Moore and Bandana Pattanaik, Mr. Samar Thapa of trade union GEFONT, and Dr. Renu Rajbhandari of WOREC all presented on various areas.

Workshop on Psycho-Social Care

This workshop aimed to explore the importance of caring for the self, and what caretakers need in order to sustain themselves while providing assistance and support to others in need. The workshop started with a dance movement therapy session, facilitated by Kolkota Sanved group. This was followed by the "Art to Healing" session led by Lydia Tan.

Dance Movement Therapy Workshop, 21-29 October 2009, Nepal

Providing care to trafficking survivors is a demanding task - caretakers interact with people who are in crisis and often absorb client's traumatic experiences and difficulties. Caretakers need to be cognizant of their own



self-care to prevent stress and burnout. Recognising the demands of caretaking work, GAATW organised a Dance Movement Therapy Workshop for Shakti Samuha in Nepal, an organisation created and led by trafficking survivors to meet the needs of other survivors of trafficking. Alfie Gordo, from GAATW-IS, attended the training in Nepal as part of GAATW's Realising Rights Programme. The trainers, Sohini Chakraborty and Sreeja from Kolkata Sanved, led the dance movement therapy workshop for 23 participants. Several recommendations were identified during the feedback and planning session. The training session ended with a bonfire where participants shared their experiences and learning with the group.

GAATW launched the international visual art competition and campaign: **Rights! Art! Action!**



Almost without exception anti-human trafficking campaigns have used words and images of violence, distress and horror to draw people's attention and provoke them into taking action. We think it is time to move beyond images of victimhood and vulnerability. We invite you

to draw on visual imagination and rights affirming politics, to create empowering images with strong messages. *Take up the challenge, think creatively to show the strength and agency of women.*

The deadline has been extended until end of May. The prize is a roundtrip ticket to Bangkok and entry into GAATW's international members' congress in July 2010. Selected submissions will be displayed at the congress

Email us the photograph of your entry. Please be sure to fill in a submission form (found on our website) and send it to info@gaatw.org.

The Global Forum on Migration and Development (GFMD) 2009

The third GFMD took place in Athens from 2-5 November 2009, under the theme: *Integrating Migration Policies into Development Strategies for the Benefit of All*. The GFMD was divided into two separate meetings: the Civil Society Days (2-3 November) and the Government Days (4-5 November). There was one common session on the afternoon of 3rd November in which reports and recommendations from the Civil Society Days were shared with the government representatives.

As at previous GFMD events, the term "Civil Society" was used broadly and included development and migrants rights NGOs, academia, private corporations and trade unions. Civil Society Day discussions were channelled through 4 roundtables that looked at: How to make the migration-development nexus work for the achievement of the Millennium Development Goals (MDGs); migrant

integration, reintegration and circulation for development; Policy and institutional coherence; and Partnerships and building alliances: Business, and the future of the forum.

Roundtable discussions took place with the aim of identifying specific recommendations to be addressed to governments. A report outlining the main outcomes from each roundtable can be downloaded here: http://www.gfmd2009.org/UserFiles/file/REPORT_CSD_ATHENS2009_7NOV2009_EN.pdf

Two Civil Society Organisation (CSO) initiatives took place in parallel to the GFMD: the 2nd International Assembly of Migrants and Refugees - IAMR2 (<http://iamr2athens.blogspot.com>) and the People's Global Action - PGA (<http://www.mfasia.org/peoplesglobalaction/index.html>). Both gathered grassroots migrant rights' organisations and networks and used the GFMD as an opportunity to share information and strategise on issues such as the impact of the economic crisis on migrants, the right to asylum, the destabilisation of the labour market and the criminalisation of undocumented migrant workers.

A rights-based approach to migration and development is still very far from the Global Forum on Migration and Development discussions, however it is the focus of the parallel CSOs' initiatives. There remains a large gap between the two events and it is important to try and bridge it for next year's GFMD. Hopes for a stronger Civil Society voice at GFMD 2010 have been raised as GFMD 2010 will be hosted in Puerto Vallarta, Mexico - a government open to more progressive discussions. The Mexican ambassador also participated in this year's PGA closing ceremony. CSOs need to strengthen our advocacy toward GFMD so that it does not become a self-serving forum for governments to justify their migration policies, without hearing what migrants have to say. For more information about GFMD and GAATW's involvement, please contact: Nerea Bilbatua, GAATW-ISnerea@gaatw.org

Update on UNTOC and the Review Mechanism advocacy - Stop, Look, listen!!!

Advocacy at the first working group and news of the second working group in January

On the 30 September 2009, the first meeting of the **Open-ended intergovernmental meeting of experts on possible mechanisms to review implementation of UNTOC and the Protocols thereto (hereafter the Working Group on UNTOC)** took place. While NGO participation in these meetings is forbidden, GAATW-IS was present in Vienna to speak to states around the meeting. Due to much concern about discussions surrounding a review mechanism for the other crime convention, the UN Convention against Corruption (UNCAC), states did not wish to engage heavily in new discussions on UNTOC, therefore discussion on this matter was very limited at this stage.

However, the UNODC (UN Office on Drugs and Crime) did prepare a background note for the first Working Group on UNTOC based on comments provided by State Parties on their positions on a review mechanism. This note is available here:

http://www.unodc.org/documents/treaties/organized_crime/CTOC_COP_WG1_2009_2_E.pdf

The second Working Group on UNTOC will meet on the 25-26 January 2010 and will be immediately followed by a meeting of the Working Group on Trafficking in Persons from 27-29 January 2010. GAATW-IS staff and representatives from at least six different member organisations will be present in Vienna in order to conduct advocacy for a review mechanism at this time.

For more information, please contact Caroline Hames, GAATW-IScaroline@gaatw.org

The 12th International Crime Congress and Planned UNTOC advocacy

The International Crime Congress (ICC) will take place from 13-19 April 2010 in Salvador, Brazil bringing together those working on crime control around the world. The issues for discussion at this Congress include: Criminal justice responses to the smuggling of migrants and trafficking in persons; links to transnational organised crime; and crime prevention and criminal justice responses to violence against migrants, migrant workers and their families.

GAATW-IS plans to hold a side event during the Congress with the objective to call for a review mechanism to UNTOC. This event aims to promote the GAATW position on a review mechanism, placing a strong emphasis on civil society involvement in this mechanism.

For more information, please contact Caroline Hames, GAATW-IS or see:

<http://www.unodc.org/unodc/en/crime-congress/12th-crime-congress.html>

Results of the United Nations Convention against Corruption (UNCAC) advocacy for a review mechanism

A peer review mechanism was established at the 3rd Conference of Parties (CoP) to UNCAC in Doha from 9-13 November 2009.

This means that there will now be an ongoing review process which all States Parties will have to undergo. GAATW-IS participated in activities with the UNCAC Civil Society Coalition which prioritised advocacy for civil society; the publication of reports; and country visits to be included in the terms of a review mechanism.

Unfortunately, the final resolution - based on a compromise among state opinions - leaves a mechanism which barely permits civil society interaction, with country visits on a voluntary basis and strict guidelines governing any such visits.

When completing its self-assessment checklist, states are asked to consult with relevant stakeholders including the public and private sector. Shockingly, the country review report will be confidential with only the possibility of a summary of the report being made available to the Implementation Review Group which is meant to be the overarching review body. Documents relating to the 3rd Session of the UNCAC CoP can be found here:

<http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session3.html>

Resources Focusing on Asia

Trafficking

Foreign Women Trafficked to United States Military Areas in South Korea : Trafficking Processes and Victim Profiles in a Different Context

Sallie Yea. *Asian and Pacific Migration Journal*, 2006, vol.15, n. 4, pp. 495-523 [29 pages]

This paper details the specific circumstances of foreign women trafficked for sexual exploitation to American military base areas (camp towns) in South Korea, focusing particularly on Filipinas. Yea suggests that the processes and patterns of trafficking to Korea, including the profiles of trafficked women and their migration trajectories, differ in several important respects from those put forward under prevailing stereotypes of trafficked persons, which is based largely on selected findings about trafficking in South Asia and the Greater Mekong Sub-Region (GMS). The departures presented by the Korean context point to the need to recognize differences as well as commonalities in the characteristics of trafficking for sexual exploitation throughout the region and the need to draw more fully on a range of trafficking sites beyond the more often discussed South Asia and GMS to broaden our understanding of trafficking. This document can be downloaded for a fee at:

<http://cat.inist.fr/?aModele=afficheN&cpsidt=18539804>

Treading Along a Treacherous Trail: Research on Trafficking in Persons in South Asia

Ali, A.K.M. Masud. 2005. In *Data and Research on Human Trafficking: A Global Survey*, ed. F. Laczko and E. Gozdzia, 141-164. International Organization for Migration, Geneva.

This paper presents an overview of research on trafficking in persons in South Asia. The trend of trafficking is on the rise, but the existing knowledge base is inadequate for a full understanding of the phenomenon at the regional level. The paper is based on secondary data and analysis of existing literature on trafficking in South Asia. The paper can be downloaded at:

http://www.humantrafficking.neu.edu/news_reports/government_reports/documents/IOMGLOBALTRAFFICK.pdf

Stateless and Vulnerable to Human Trafficking in Thailand

Vital Voices Global Partnership, July 2007

This report examines the legal obstacles to obtaining citizenship for tribal people in northern Thailand and their subsequent vulnerability to trafficking in persons. It argues that improving access to citizenship would eliminate a significant factor contributing to trafficking in Thailand. The report recommends that the Government of Thailand should implement measures such as: registering the birth of all children; improving the transparency of the citizenship application process; training local officials and people on the elements of the law; eliminating fees associated with the application process; and eliminating restrictions on travel, education, health care and employment for non-citizens during the application process. This report can be downloaded at:

http://www.humantrafficking.org/uploads/publications/Vital_Voices_Stateless_and_Vulnerable_to_Human_Trafficking_in_Thailand.pdf

Trafficking in Women, Forced Labour and Domestic Work: In the Context of the Middle East and Gulf Region
Norma Kang Muico, Anti-Slavery International, 2006

Migrant female domestic workers around the world are often vulnerable to serious human rights abuses because of such factors as their invisibility, lack of labour protection, and limited or no access to public services. The report investigates the experiences of migrant domestic workers in the Middle East region, the dynamics of the migration process, how migration may contribute to trafficking, and looks at some of the key inter-connecting dynamics between slavery, trafficking, migration and forced labour. It focuses particularly on several sending, receiving and transit countries including Egypt and Lebanon. This document can be downloaded at:

http://www.antislavery.org/includes/documents/cm_docs/2009/n/1_nk_2007.pdf

Synthesis Report on Cross Border Trafficking in Vietnam, Taiwan, Cambodia, and China

Action Aid International: Vietnam, 2005

A study carried out in Southern Vietnam, China, Cambodia, and Taiwan (China) found that trafficking often occurs within the context of migration. Many



ALLIANCE NEWS - DEC 2009

women knowingly weigh the risks of migration and still decide to go, but are vulnerable and can be trafficked. "It is important to understand that many women are exercising agency when they decide to migrate and interventions should be developed to support them before their departure and at their destination points so they can assert their rights," said Phan Van Ngoc, AAV Country Director.

Research in the different countries found that the conditions women face within each country vary greatly. The type of experience they have and the amount of money they are able to earn and remit to their families, greatly determines how they feel about their situation. This document can be downloaded at: http://www.humantrafficking.org/uploads/publications/AT_Synthesis_report_EN_080906.pdf

The Mekong Challenge: Underpaid, Overworked and Overlooked: The Realities of Young Migrants in Thailand (Volume 1)
Elaine Pearson, Sureeporn Punpuing, Aree Jampaklay, Sirinan Kittisuksathit, Aree Prohmmo
International Labour Organization and the Institute for Population and Social Research at Mahidol University, Thailand, 2006

Many migrants from Thailand's neighbouring countries leave home in search of better opportunities - often crossing borders into Thailand in search of new horizons in this new and economically expanding frontier. But as this study discovers, rather than leading to a brighter future, the journey for cross-border migrants often leads down a one-way road to misadventure at a destination where deceit and exploitation await. The report has studied and found evidence of both trafficking in persons and labour exploitation of migrants in Thailand. It is one of the first of its kind to examine the exploitation in terms of the demand created in four employment sectors for "exploitable" labour (agriculture, fishing boats and fish processing, manufacturing and domestic work) and how in many cases that exploitation is also definable in terms of forced labour. This document can be downloaded at: http://www.ilo.org/wcmsp5/groups/public/-asia/-ro-bangkok/documents/publication/wcms_bk_pb_67_en.pdf

Caught Between the Tiger and the Crocodile : The Campaign to Suppress Human Trafficking and Sexual Exploitation in Cambodia. (DRAFT)
Cheryl Overs for the APNSW, Phnom Penh, March 2009
Asia Pacific Network of Sex Workers

In July 2007, the Cambodian Ministry of Interior announced a campaign to "combat human trafficking, smuggling, exploitation, and sexual exploitation of women and children". By March 2008, the Cambodian government passed the "Law on Suppression of Human Trafficking and Sexual Exploitation". In the name of anti-trafficking, the law criminalises soliciting for

prostitution and various other types of sexual behaviour for reward, erotically stimulating images, procuring, training, transporting and almost all social and financial transactions connected to sex work, whether they are abusive or consensual, fair or unfair.

This document describes the law, the policy around it, the events of 2008 and makes some observations about the impact of the law. It also looks at some of the responses by civil society, government, police, the UN, and international agencies and suggests these responses have been fractured and contradictory. The document also suggests that rights based policies and programs to address both public health and trafficking in Cambodia are possible and could be more effective than the current heavy handed law enforcement that scatters poorer sex workers and herds them into detention centres. To download this document, go to: www.aids2031.org

Mongolia: Resource on Human Trafficking
Centre for Human Rights and Development, 2007

This research report—one of the first studies of the problem in Mongolia—documents cases of trafficking and highlights key issues that must be addressed to prevent trafficking in persons, protect trafficked persons, and bring traffickers to justice. This study was designed to provide a more detailed and comprehensive understanding of the nature of the country's trafficking problem and to develop practical recommendations for combating this grave violation of human rights. To download this document, go to: http://www.chrd.org.mn/index.php?ff=book_more&more=3

Perceptions of Grassroots People about Human Trafficking, Migration and HIV/AIDS
WOREC, 2001

This report is a reflection of grassroots people's perceptions and knowledge about migration, trafficking and HIV/AIDS in Nepal. The study revealed that migration is a necessity for many individuals in rural areas for a sustainable livelihood, particularly because of the few options for employment and income that exist for many. While there was significant awareness about trafficking, not all respondents were aware of HIV/AIDS or STDs, and nor do they fully understand the modes of transmission of such diseases. Underlying all issues was the finding that gender discrimination is prevalent at the household and community levels, a factor which has repercussions for nutrition, health, education, and risk for trafficking. For a copy of this report, or for more information, contact WOREC at info@worecnepal.org.

Domestic Work

Exported and Exposed Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates
Human Rights Watch, 2007 Volume 19, No. 16



ALLIANCE NEWS - RESOURCES

Over 125,000 Sri Lankan women migrate to the Middle East as domestic workers each year. Their earnings have made a significant contribution to the Sri Lankan economy, yet many migrant women take up this work at profound personal cost. Human Rights Watch conducted research for this report in Sri Lanka in October and November 2006, and in Saudi Arabia in November and December 2006, and was in contact with numerous sources since that time. This document can be downloaded at:

<http://www.hrw.org/reports/2007/srilanka1107/index.htm>

“As If I Am Not Human”: Abuses against Asian Domestic Workers in Saudi Arabia
Human Rights Watch, July 2008

This 133-page report concludes two years of research and is based on 142 interviews with domestic workers, senior government officials, and labour recruiters in Saudi Arabia and labour-sending countries. Saudi households employ an estimated 1.5 million domestic workers, primarily from Indonesia, Sri Lanka, the Philippines and Nepal. Smaller numbers come from other countries in Africa and Asia. While no reliable statistics exist on the exact number of abuse cases, the Saudi Ministry of Social Affairs and the embassies of labor-sending countries shelter thousands of domestic workers with complaints against their employers or recruiters each year. This document can be downloaded at: http://www.hrw.org/sites/default/files/reports/saudiArabia0708_1.pdf

“One Year of My Blood” Exploitation of Migrant Construction Workers in Beijing
Human Rights Watch, March 2008

This 61-page report documents the Chinese government’s failure to fulfil long-repeated promises to protect the rights of migrant construction workers, as well as to end deprivations caused by the discriminatory nature of China’s household registration (hukou) system. An estimated one million migrant construction workers, hailing from other parts of China, make up nearly 90 percent of Beijing’s construction workforce. These workers were the muscle behind completion of the 2008 Olympic Games-related infrastructure and sporting venues. This report highlights one of the links between human rights abuses, labour exploitation and international sporting events. This document can be downloaded at:

<http://www.hrw.org/sites/default/files/reports/china0308webwcover.pdf>

Dignity Overdue

Edited by John Gee and Elaine Ho, Transient Workers Count Two (TWC2), 2006

‘Dignity Overdue’ is a record of the experiences of the one civil society organisation in Singapore that

set out to help change attitudes and practices governing the relationship between employers, agencies and domestic workers. 150 000 women from neighbouring countries are employed in Singapore as domestic workers. ‘Dignity Overdue’ begins by examining their status and experiences and also considers the impact their employment is having on the host society’s values and outlook. It goes on to tell the story of TWC2’s formation, its activities and the challenges it faced. This book can be purchased from: <http://www.twc2.org.sg/site/our-publications/dignity-overdue.html>

The Hidden Pillars: A Study on the Contribution of Indonesian Domestic Workers to the Quality of Life of Hong Kong and Malaysian Employers

Asia Pacific Forum on Women, Law and Development (APWLD), 2008

There are many reports published that raise the voices of foreign domestic workers, highlighting in detail a variety of problems, exploitation and abuses encountered by these workers during the recruitment, training, employment and re-integration processes. As such, these reports provide a useful reference in understanding the problems encountered by foreign domestic workers and in identifying loopholes in existing systems that leave this group of workers vulnerable to exploitation and abuse in each phase of the migration process. This report gauges the valuable contributions of Indonesian domestic workers to the quality of life of employers and their families in Malaysia and Hong Kong, and the need for protection for these workers. It also aims to analyse recent developments of measures and initiatives undertaken by state institutions in rendering better protection to Indonesian migrant domestic workers. This document can be downloaded at: http://www.apwld.org/pdf/DW%20research_13-8-2009.pdf

Migration

The Truth Behind Illegal Salary Deductions to Indonesian Migrant Workers in Hong Kong

Asosiasi Tenaga Kerja Indonesia di Hong Kong (ATKI - Association of Indonesian Migrant Workers), 2007

This paper explores the issues surrounding the persistent phenomenon of illegal salary deductions experienced by all Indonesian migrant workers coming to Hong Kong. It explains that what is commonly referred to as underpayment is actually a result of deeper and more systemic problems of overcharging by recruitment agencies, otherwise known as PJTKI in Indonesia. In addition, this paper explains the role that the Indonesian government plays in the perpetuation of exploitative practices in the labour export program of Indonesia. It also suggests reasons why the Indonesian government allows and, in fact, provides the framework for the exploitation of

migrant labor to take place. *This document can be downloaded at:*
http://www.apmigrants.org/publications/other_pub/ATKI-primer%20english.pdf

'The Island of Happiness': Exploitation of Migrant Workers on Saadiyat Island, Abu Dhabi

Human Rights Watch, 2009

Thousands of men from India, Pakistan, Bangladesh, Sri Lanka, Nepal, and Thailand have migrated to Saadiyat Island 500 meters off the coast of Abu Dhabi, in United Arab Emirates (UAE) on the promise of high wages and good working conditions. The government of Abu Dhabi is developing Saadiyat Island - "the Island of Happiness" - to be an exclusive international tourist attraction. Many of the migrant workers currently building Saadiyat Island, however, face exploitation and other rights violations: visas are controlled by employers; they receive very low wages, often far below what was promised workers in their home countries; and they have no real access to legal remedies.

This document can be downloaded at:
http://www.hrw.org/sites/default/files/reports/uae0509webwcover_4.pdf

The Asian and Pacific Migration Journal (APMJ)

Scalabrini Migration Center

The Asian and Pacific Migration Journal (APMJ) is published quarterly by the Scalabrini Migration Center (SMC), a non-profit research institute to encourage and facilitate the study of socio-demographic, economic, political, psychological, historical, legislative and religious aspects of human migration and refugee movements from and within Asia. The quarterly journal provides a regional perspective of migration in the Asia Pacific region. To purchase/subscribe, submit a manuscript or view the collection, visit www.smc.org.ph

The Philippines Culture of Migration

Maruja Asis - Migration Information Source, 2006
Scalabrini Migration Center, the Philippines

In the last 30 years, a "culture of migration" has emerged, with millions of Filipinos eager to work abroad, despite the risks and vulnerabilities they are likely to face. A nationwide survey of 1,200 adult respondents in 2002 found one in five Filipinos expressing a desire to migrate. More recent surveys carried out by Pulse Asia in 2005 found an increasing percentage of adult respondents - 26 percent in July and 33 percent in October - agreeing with the statement, "If it were only possible, I would migrate to another country and live there." This article explores factors which contribute to this trend. This document can be downloaded at:
<http://www.migrationinformation.org/Profiles/display.cfm?ID=364>

Critical Times: Migrants and the Economy in Chiang Mai and Mae Sot

By Khun Aung and Soe Lin Aung
Migrant Assistance Programme (MAP) Foundation, August 2009

This report examines the impact of the current economic downturn on migrants in Chiang Mai and Mae Sot in order to expose the current and future situation of migrants and to be better able to respond and provide recommendations for appropriate interventions. Based on a combination of interviews, focus group discussions, and survey results from a total of 441 migrants from Burma in Chiang Mai and Mae Sot, this study's major research findings are, in some ways, anything but surprising. This document can be downloaded at:

http://www.mapfoundationcm.org/eng/PDF/eng/critical_times_MAP.pdf

Forced Labour in North Korean Prison Camps

Norma Kang Muico, Anti-Slavery International, 2007

This report focuses on returned North Korean migrants who are subjected to forced labour in North Korean prison camps following their deportation from China. The findings of the report are based on interviews carried out with North Koreans who were subjected to forced labour while in detention. The report includes photographs and 30 cases. Most of those interviewed were subjected to forced labour before being prosecuted, which violates international standards as well as North Korea's domestic law. The report also outlines what measures need to be taken to address this situation. This document can be downloaded at:

http://www.antislavery.org/includes/documents/cm_docs/2009/n/1_nk_2007.pdf

Political Participation and Empowerment of Foreign Workers - Gendered Advocacy and Migrant Labour Organising in Southeast and East Asia

By Nicole Piper in: Piper, N. (ed), *New Perspectives on Gender and Migration - Rights, Entitlements and Livelihoods*, London: Routledge, 2007 pp. 249-275

By drawing on the specific situation in East and Southeast Asia, this paper aims to illustrate that the incorporation of migrant workers, labour relations, and advocacy on behalf of migrant workers by trade unions and grassroots organizations are all gendered processes. The objective is to contribute to the specific issue of political participation and the political organizing of, and by, migrant workers to seek equal treatment for all workers regardless of citizenship or legal status and the gender dynamics involved in this.



ALLIANCE NEWS - RESOURCES

Bonded labour

Poverty, Discrimination and Slavery: The reality of bonded labour in India, Nepal and Pakistan

Krishna Prasad Upadhyaya, Anti-Slavery International, 2008

This report is a study of the reasons why bonded labour, a contemporary form of slavery, persists in India, Nepal and Pakistan. In particular, it examines the effectiveness of state interventions against bonded labour. This report reflects the main findings of research carried out by CEC, GEFONT and PILER between 2004-2006. It details some of the obstacles to eradicating bonded labour, the reasons why bonded labour persists, and the interventions that have been made since anti-bonded legislation came into force in South Asia. It includes a number of recommendations, which if fully implemented would lead to the eradication of bonded labour in South Asia. This document can be downloaded at:
http://www.antislavery.org/includes/documents/cm_docs/2009/p/povertydiscriminationslaveryfinal.pdf

Sex Work

Making the Best of What You've Got: Sex Work and Class Mobility in the Riau Islands

Michele Ford and Lenore T. Lyons, 2007

The islands of Batam, Bintan and Karimun on the Indonesian border with Singapore and Malaysia have an extensive sex industry which caters predominantly to foreign visitors. This paper explores the place of 'sex as work' for women involved in the industry and the opportunities for class mobility that sex work may present to them. We argue that these opportunities are the product of the Riau Islands' particular spatiality, including a geographical proximity to Singapore and Malaysia, and a pattern of migration which has seen large numbers of temporary and long-term migrants from throughout the archipelago moving in and out of the islands in search of work. In this paper we explore these issues through the stories of two women, Lia and Ani, who - as a result of their marriages to foreign men - have moved out of the sex industry and into the lower middle class.

This document can be downloaded at:
http://www.arts.usyd.edu.au/departs/indonesian/docs/USYD-IS_FordLyons_SexWorkinKarimun.pdf

Two-way Secrets: Life Stories of Twelve Sex Workers from Mainland China

Zi Teng, 2006

Two Way Secrets provides twelve stories of Mainland sex workers. Apart from telling why they came to Hong Kong, these stories also describe what they experienced in Hong Kong and how they overcame the problems. Through this book, Zi Teng hopes that the public will better understand the unknown side of

Mainland sex workers, changing their discriminatory attitudes towards these women. To purchase this book, go to: http://www.ziteng.org.hk/pub/pub_e.html

Refugee Issues

The Fleeing People of South Asia: Selections from Refugee Watch

Sibaji Pratim Basu (Ed.), Anthem Press, 2009, ISBN: 8190583573

Refugee Watch, in its decade-long 30-volume journey, has sought to capture the agony, tension and struggle of the refugees and internally displaced in South Asia in its different dimensions. This definitive collection of essays from *Refugee Watch* is a comprehensive study of human displacement, covering many regions, addressing differing causes of refugee crises, and providing analysis on guiding principles, human rights and women's rights. The present "selections" are an attempt to grasp the multi-dimensionality of the journal over the years.



HUMAN RIGHTS at home, abroad and on the way



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