

Displacement and Exploitative Migration
Session I Discussion

Professor Kinhide Mushakoji:

“I would like to call upon Professor Supang to facilitate a discussion.”

Professor Supang Chantawanich:

“I’ll start the discussion and then there will be an open floor. Thank you Professor Mushakoji. The four papers from this morning – actually we expected to have five but one of our Vietnamese friends could not make it. You can see that all of the papers focused on human trafficking. I prepared a discussion to cover both the morning and afternoon sessions because originally both Professor Mushakoji and I understood we only had one session in the afternoon. We just realized after the break that there are, in fact, two sessions. Accordingly, I’ll split my PowerPoint presentation into two parts.

We can see that all the five papers under our panel focus on human trafficking. Most of the papers are now looking at the migration phenomenon at the place of origin rather than destination with the exception to Yumiko Tanaka and his paper on Japan – a country trying to address the trafficking problem. From bullet point number four, you can see that all the papers try to address various conceptual frameworks on human trafficking, looking at the gender aspect, looking at the economy and employment aspect, especially those who are trafficked to become domestic workers or other kinds of workers with the exception of sex work. We also look at children; we look at the public policy on how to cope with this problem and how to cooperate. The reintegration will be discussed in the afternoon session. We also look at the discourse analysis of human trafficking, especially in Indonesia. Now how can we link what we heard in the papers to human security? Here I would like to start from looking at pre-migration and human insecurity. Professor Mushakoji, our convener, always emphasized human insecurity, which is a fact that we have to look at as opposed to human security. What happens to those people who are trafficked? If we use the words of either the UN Human Rights Commission, the two conveners, our president, Madame Ogata, and [inaudible], they all mention freedom from want and freedom from fear. This was quoted in the paper from Nepal and Sri Lanka, if I’m correct. We can say that freedom from want and freedom from fear can lead to different types of displacement. People who are in bad conditions usually migrate for economic reasons – because of poverty, landlessness and unemployment. People who flee from fear, on the other hand, are mainly political migrants and they are categorized as refugees and asylum seekers or internally displaced people while economic migrants are labeled as migrant workers or seasonal workers of different types. And then we can see that most economic migrants are voluntary migrants – they are displaced based on their own will to do so. Political migrants are forced. They did not agree to go. For instance, there are asylum seekers on the Thai-Burmese border that Dr. Vitit mentioned this morning. They did not want to come but they were forced to come because their houses were burned and were forced to relocate or commit to forced labor work. For that reason, they cannot stay; they need to move. And so they become refugees in other countries. The problem of human trafficking is very problematic. It is a combination of voluntary and forced migration and that’s something that academics need to start looking at in a different discourses. Professor [inaudible] classify forced migration for refugees

but he doesn't mention trafficking because it was not an issue two or three decades ago. Other professors look more at voluntary economic migrants and try to also classify a clear link between those who are voluntary and those who are forced. More recently, we can see that there is a nexus between voluntary and forced migration within economic migrants and within refugees, is very clear in human trafficking. This is the case in Asia. You can see from our papers that there are people who migrate out of their own will. They decide to move. In many cases, they pay Thai women who are now in Japan. They paid a lot of money, between 200,000 and 300,000 baht, in order to be facilitated to go to Japan. So we cannot say that they are forced to go because they are not. However, once they are at the destination country, they are exploited and fall under the categorization of forced migration as they are forced to do sex or domestic work. From these examples, if we look at the definition of human trafficking according to the UN convention on transnational crimes and the protocol on human trafficking and human smuggling, we can see that the definition doesn't fit very well with Asian realities. I think most of us know the definition from the convention by heart. It has three elements. The first is that a person is forced, kidnapped or coerced to move. The second is that the person is transported, transferred, harbored or assisted by persons or agents who receive some kind of remuneration for that facilitation. And the last element is that that person finally falls into a situation where he or she is exploited in one way or another. These three elements make the definition of human trafficking. But what has happened to our knowledge – some people are not forced or kidnapped but rather have decided to go on their own but still end up in exploited situations. If we look at the definition according to the protocol, we find a problem because the UN has confirmed that there must be the three elements together. If you are not forced to leave, for instance, then you do not qualify as a trafficked person.

I would like to link migration and trafficking to insecurity. What are the kinds of insecurity that a person can be threatened by once they are displaced? This is a long list and by no means complete. You can see that a trafficked person can fall under abuse, exploitation, harassment, victimization, discrimination and illegality because they enter without any documents, or with false documents, and will thus become illegal immigrants, stateless, alienated, tortured, violated, vulnerable, and denied access. If we match this list to what we heard about what happened in Nepal or in Sri Lanka or in the case of Thai women in Japan and Indonesian women in the Middle East, we find that they can fall under some of those insecurities. For this, I didn't attribute any words but I think that these people are marginalized and become vulnerable to many things – to arbitrary arrest or torture, to communicable diseases like HIV/AIDS. We've had many studies indicating that trafficked persons are very vulnerable to HIV/AIDS because they do not have access to information and existing preventive measures. They are also far from home, far from the traditional family control or traditional norms that can keep them from practicing unsafe sex. From this you can see that we have to accept that trafficked persons are really insecure. I won't go into the next one but rather stop here in regards to the Powerpoint but I will now discuss mainstreaming human security for this trafficking session.

First, I heard a lot of concern about ranking and I get frustrated. I was once very concerned about being ranked. But now I think that I empowered myself – I liberated myself. This is a ranking from the US Department and we have to realize that they never

rank themselves, they only rank other people. And why I've liberated myself because the ranking of this trafficking watch list coincides with the ranking of economic development. All the developed countries, hence all the rich countries, fall under tier one. They have made very good efforts in order to eradicate or suppress human trafficking while semi-developed or peripherally economic countries fall under tier two. The least developed countries will fall under tier two watch list or tier three. There seems to be a core relationship between economic development and human trafficking but it is not the fault of the state to climb up onto tier one. You struggle between tier two and the tier two watch list, up and down, up and down. You can see the interplay among countries in Yumiko Tanaka's paper. That's why I don't care much for the ranking and as we have a policy maker from the Ministry of Social Welfare and Human Security you are nodding in agreement. It seems that this ranking is something we can look at but it shouldn't determine our whole effort on human trafficking. This is one thing I think we can mainstream. If we would like to rank the United States, how would we rank them? A lot of people get trafficked into that country.

Second, I think this can be part of the discourse analysis, not only in terms of gender but in terms of power relations between northern and southern countries. In regards to mainstreaming, I also want to talk about information and research. As of this morning, the Deputy Prime Minister and Mr. Vitit expect that our conference will give more examples, exemplify the Asian experiences and the Asian contributions to human security. I think that those studies that we have done have exemplified what happens in terms of human trafficking in Asia. We have examples from Southeast Asia and South Asia and we have found, for example, that the ethnic aspect accounts for human trafficking – if you are fair, if you have Mongolian color, you can be more attractive. This reminds me of the early sex trade of white women to South Africa. I think most of us know that the first international instrument on human trafficking was the first law concerning white women being trafficked to Africa. It was a result of the fact that white men working in Africa did not like black women – they only wanted white women for them, hence why white women were trafficked into Africa in order to entertain white men. I think that the paper about Nepal confirmed that this ethnic element in human trafficking continues. This is one example. Another example I would like to mention in the paper is about the role of the main male relatives who travel to collect the girls' earnings. This is something very extreme – male relatives allow women to go and earn money through sex work and then follow to collect the earnings. This is a very graceful role of the male in the human trafficking scenario. I would compare it to another scenario, the one of displaced people along the Thai-Burmese border. For the people in the region, virginity is very important. Men from the region won't allow their women to sleep with anybody. So when soldiers from this region encounter women of that region in brothels, they draw the women back to their families, to the villages. They cannot accept that those girls have done sex work. But this is opposite to the Nepalese male relatives who earn from income of their women. So that's another aspect that we can add to our knowledge of human trafficking.

In regards to the paper on Sri Lanka, being trafficked to become a maid in the Middle East is a trafficking example for work and not sex work. I don't know about the proportions, but we need to also pay attention to the people who are trafficked for work. For instance, fishermen in Thailand are trafficked for work that no one else wants to do.

In Indonesia, workers are trafficked to Saudi Arabia. This is an example of how we can mainstream human security from our body of knowledge.

The last thing I want to mention before I finish my discussion is on strengthening the role of civil society. And on this we can learn a lot from Tanaka's paper. We must examine the role of NGOs and civil society organizations trying to suppress human trafficking or assist the victims; you mentioned the case of Chang Mai and Thai women who returned home. There is also a network of Japanese NGOs who work to help trafficked persons. There are many more, for instance GAATW, Global Alliance Against Trafficked Women. The role of civil society must be strengthened and I think that states should not ignore this but instead welcome a partnership between the state and civil society in order to look at the human trafficking issue. I'd like to stop here. Thank you."

Professor Kinhide Mushakoji:

"Thank you very much for putting the papers into a larger context of migration and human security. Now I would like to have some questions or remarks from the floor and then have responses from those who presented papers. Before I would still like thirty seconds to comment on the commentators' comments in connection with the tiers. I agree with her but I would like to mention that I would be terribly happy if the American ratings become more objective so that Japan would be appropriately put in tier three and thus would be privy to economic sanctions from the United States. This would make me very happy. This is the point I'd like to make. Unfortunately Japan is not in tier three but Cambodia is. If you put Cambodia in tier three, and as a result, put economic sanctions on Cambodia, it does not solve the issue but rather encourage trafficking. It's a backwards system. Now I'd like to take comments or questions from the floor and then give the panelists a few minutes to make final comments."

Unidentified speaker:

"My name is Ahmed and I'm doing a Ph.D. in Human Rights and Peace Studies. The scenario in Asia is that 50% of human resources are women and children, especially female children. On the surface, we don't see that they're working, but they are working in household processes, in villages, in rural India specifically, in agriculture, etc. Somehow the economy and cost of living changes so somehow they get proposals to get a job as a housemaid or caretaker for children in the city. It could also be connected with manufacturing companies. Somehow they are encouraged to get jobs. Nowadays they can work in the Middle East as a housemaid too. These kinds of opportunities are loopholes – this is the scenario in Southeast Asia and around Asia. They get connected with proposals if a girl is young and fair. They don't get any paper contract or agreement. The most important loopholes are in countries like Bangladesh or Nepal where they don't have birth registration. They therefore don't have national ideas and the government doesn't have any data on how this economic migration is occurring. It could be better for agencies to look at these issues in a basic way, preliminary way. Thank you."

Unidentified speaker:

“I’m from the Asian Institute of Technology and I’m a Master degree student in Gender and Development. I don’t quite agree with the commentators on the economic and political reasons of migration. She divided them suggesting that political reasons are involuntary and economic migrations are voluntary. Here in Thailand we have a lot of Vietnamese migrant workers who come illegally to work as service workers here in Bangkok or in other provinces in Thailand. A lot of them come in a not-so-voluntary fashion. They are forced to come because in their home provinces they cannot find jobs or their incomes are too low and cannot afford to live. Thus they are forced to leave their hometowns and come to Thailand – their lives are not good of course, they are illegal migrant workers, afraid of the police and exploited in their work.”

Rasak:

“My name is Rasak and I am too from Sri Lanka. I want to ask a question on Sri Lanka because you mentioned in your paper that in Sri Lanka there are increasing human abductions. Actually I’m a little worried because Sri Lanka is one of the oldest democracies in Asia when compared to Pakistan, Nepal, or Bangladesh. I don’t know how fair it is to compare Sri Lanka with these other examples, specifically Iraq. I know that there have been abductions recently, but not necessarily; if you compare the data, I don’t think Sri Lanka can be compared to Iraq. We have to know whether it is from reliable sources that you got these or whether it is from a US assessment.”

Unidentified speaker:

“I am from Nepal and I’m studying Gender and Developmental Studies in AIT. I have a question for Ms. Chananie who presented the paper on Sri Lanka. Sri Lanka is suffering from armed conflict and natural disasters as well and there are so many internally displaced people. According to my knowledge, garment...”[Tape ends]

Unidentified speaker [Continued from previous tape]:

“In this situation, there is more suffering because they lose their livelihood patterns. My question is, how are the government and civil society members and human rights activists dealing with the problem of women in terms of protection of rights and fulfillment of their needs?”

Professor Kinhide Mushakohi:

“Now I would like to return to the paper presenters. I’m sorry to say that they’ll have only two or three minutes, but starting from Tanaka please.”

Yumiko Tanaka:

“Thank you for all your comments. Regarding this ranking, when I visited Myanmar in June of this year I found that all of the government officials were very much concerned with this ranking by the US Department of State. I thought this ranking was very effective seeing as many of them were very ashamed that they were ranked in tier three although they didn’t believe that they belonged there. At least somewhere in their minds this kept bothering them and so they decided to talk with us and develop some kind of project on anti-human trafficking. So I thought that was a very good sign. Also,

regarding the Japanese government, they too were ashamed when they were ranked in the tier two watch list in 2004 and that's why they have formed the inter-ministerial task force on human trafficking. They have since developed and adopted the National Action Plan on anti-trafficking. So we are quite doubtful about the criteria, how they made this ranking, but at least these rankings are having political impacts on certain countries. So it's not totally useless.

Regarding the one comment about the birth certificates I also agree that it is very important. Not having a birth certificate is a big problem not only in Asian countries but also in many African countries where I used to work. If they don't have IDs they cannot go to schools and get jobs or driving licenses. They face many problems from the perspective of civil rights. When we develop projects I'd like to take these aspects into consideration. I think in Thailand UNESCO has been working towards providing and getting the birth certificate for hill tribe people. I think it's a very important point. Thank you."

Professor Kinhide Mushakoji:

"Next is Ms. Watawala please."

W.K. Chananie Watawala:

"Thank you Professor. It's nice to hear that there's another Sri Lankan in the session. And also I would like to mention that Sri Lanka is behind Iraq on disappearances. This is not my assumption. This is quoted from a reliable study. This is according to that profile and the data in it. Accordingly, Sri Lanka is high in disappearances and extrajudicial killings not to mention torture and many other crimes. I can give other details and data, none of which are my personal assumptions.

I come back to the comment made by the AIT student. Yes, Sri Lanka is suffering from a number of problems. The first is the ethnic civil conflict dating back to 1983. We are also ratifying all the treaties which means we are under international law. But the actual implementation is very poor. In regards to trafficking laws, we have already ratified but have not implemented an act in Sri Lanka. Other laws such as one concerning torture we have ratified – we have passed a law called the Torture Act. Implementation again is very poor. Still we are suffering from many problems, not only trafficking. Here I'm talking exclusively about the human trafficking issue as a threat to human security."

Professor Kinhide Mushakoji:

"Thank you. Mr. Mahendra Chalise please."

Mahendra Chalise:

"Regarding the collection of income by relatives, it is not true. There is some confusion. Why are the girls trafficked? It is because agents come to families and try to convince them that they will provide the girls better lives in India or other African countries. Then parents or relatives agree to send their girls with agents who promise good jobs, not for prostitution or anything in the sex trade. After two or three years, the girls go to India to collect the girls' income. Still they don't know what kind of work they are doing."

Yuyun Wahyuningrum:

“I would like to comment on the tier system also. Personally, this is my revised paper, the paper that I just presented, and the paper in here should not be used. I have to protect my resources name. I remembered before 1999 or 2000 – it has been very difficult to raise the issue of trafficking regarding women or children. The government always denied this fact regarding it to be a myth. But after the development of the tier system created by the US government, the Indonesia government started to look at the issue very seriously. I remember also, because I was one of the members developing national plans of action for the government. When we discussed this, we started to talk about tiers and then the tier system, the government officers were very angry. They said it was unfair, people were critical, they protested, but had to do it because they depend on the US governments’ aid money. Indonesia suffered from lack of money for the military so when we had the new president we came back to agreeing on the tier system. From the point of view of civil society, we don’t like the tier system. But we use it to force our aim that this issue is important. It is a success. So it depends on how you see it. We know that these are artificial measures from the government. We don’t know if this system is gone or eliminated or what is happening to the victims. I agree that this system is not politically correct, but there should be something with which we can guard political commitments from the government. I’ve been meeting for analysis and I couldn’t feel that the government is really sincere in dealing with trafficking. It’s because someone, or other governments are pushing them to do it and so they do it. It’s not something that they think that they need to do, not something that we need to allocate efforts to find a solution for. For NGOs, we want to play around for the benefit of the victims. Regarding the comments on ethnic elements in the case of Indonesia, there are a lot of women with small eyes, lighters complexions who mostly go to Thailand and Hong Kong, often in the sex trade, for mail order brides although it is debatable whether we can categorize this as trafficking or not. But it does seem that there is a focus on physical features in relation to certain countries. Thank you.”

Professor Kinhide Mushakoji:

“Thank you very much. It’s time to close so I would like to thank all the paper presenters and their presentations and also the discussant, Dr. Supang. She made many important points that could not be covered this morning. But in the afternoon, we’d like to come back to several of the important points made by her. I would like to invite all the participants to come this afternoon’s session. We are going to have three papers – two from Myanmar-Burma, which will be very important considering the present situation, another paper on migration as a development strategy, and then another concerning the impacts of parents on cross-border migration. So hopefully these papers will complete the picture and then again we’ll have Dr. Supang’s comments and perhaps time for a good discussion so I’d encourage all of you to come back. I wish you all a good lunch and ask you to come back. I hope that we’ll have a very interesting continuation of our discussion.”