

# Knowledge for Daily Living

Volume

1

March

2006

## Forced Migration & Forced Labour

---



## INTRODUCTION

On International Women's Day 1999, migrant and refugee women from different ethnic backgrounds came together in an informal setting to arrange time and space whereby they could meet, exchange, discuss and have fun together. They wanted to be able to understand the different issues affecting women, to know more about the situation of women in different circumstances and to explore women's position within their families, communities, society and the world. They agreed to meet once a month to do this and called the meetings Women exchange. Over the years, migrant and refugee women from Burma have set up Women Exchange groups along the Thai-Burma border and in India so that today there are eight Women Exchange groups taking place each month.

Each Women Exchange group runs itself according to the decision of the participants, some rotate the organizer, and some have small committees. Each Women exchange group is committed to the following principles in running a women exchange group:

- a) it is a women only forum
- b) participants will continually monitor themselves to ensure inclusivity (ethnicity, religion, disability, age etc)
- c) each Women exchange commits to exchanging information with other Women exchange groups
- d) Women exchange acknowledges the wealth of experience of all women and is a space for true exchange as equals
- e) Respect for each other (in actions, words, honesty and openness) the overarching principle of Women exchange meetings.

In 2001 migrant and refugee women from each of the Women Exchange groups came together over International Women's Day for the 1<sup>st</sup> Annual Women Exchange Get together. A time to increase understanding and to meet women from other parts of the country and from other countries. The Women Exchange Get together became a time when women, usually isolated,

could meet Thai women, and regional and international women's networks. Each year, the women explored one issue in depth during plenary sessions and also participated in skills building workshops, interest groups and rejuvenation sessions. Previous Get-togethers have focused on issues of violence against women and women organizing and networking.

In 2005, the Women Exchange Get together chose the topic of "*Forced Migration and Forced labour*" to explore in more depth. Many of the women participating in Women exchange have had personal experience of forced migration and forced labour and have an important part to play in advocacy against such human rights violations. At the same time, the global focus on trafficking in humans has brought a range of debates to the issue which have not always been communicated to women in the field. The 4th Women Exchange Get-together aimed to expose the participants to a range of approaches to the issue of forced migration and forced labour, to commence a dialogue on these issues and to provide a platform for each Women Exchange group to explore these issues in more depth throughout the coming year.

This paper is a report of the meeting sessions. A working paper on *Forced Migration and Forced Labour for Women exchange groups* to use as further basis for discussion is being prepared. The first part of this report presents the presentations from the morning plenary sessions and a brief outline of the workshops, skills building and other activities. The second part gives a brief outline of the Women exchange reports and evaluation.

We would like to thank the following organizations for their generous support for Women Exchange meetings and the Women exchange Get-together:

APWLD

CARAM-Asia

IWDA

n(o)vib

## CONTENTS

Part I : Plenary Get together Sessions: Forced Migration and Forced Labour	5
 Reasons for Flight	5
Presentation by Praparat Khachornboon, International Rescue Committee [IRC]	
 Forced Labour	11
Presentation by Anne Putman, Earth Rights International [ERI]	
 Forced labour, labour standards and the ILO	13
Presentation by Tim de Meyer, ILO, Thailand	
 UNIAP and Human Trafficking	21
Presentation by Daw Susu Thatun, UNIAP	
 Forced Migration, Forced Labour and Trafficking: Women's Issues	23
By Deepa Bharathi, Committee for Asian Women (CAW)	
 Who makes the policies?	26
Presentation by Jackie Pollock, MAP Foundation	



**MAP Foundation**  
For the Health and Knowledge of Ethnic Labour  
P.O. Box 7, Chiangmai University P.O. Chiangmai 50202  
Email: [map@mapfoundationcm.org](mailto:map@mapfoundationcm.org)

### Part I : Plenary Get together Sessions: Forced Migration and Forced Labour

#### Reasons for Flight

**Presentation by:** Praparat Khachornboon, International Rescue Committee [IRC]

#### What is Forced Migration?

“A general term that refers to the movements of refugees displaced persons and internally displaced people.”

#### What forced people to leave their countries?

- ◆ Conflict–Induced Displacement
- ◆ Development–Induced Displacement
- ◆ Disaster–Induced Displacement

#### 1. Conflict–Induced Displacement

When the state authorities are unable or unwilling to protect people:

- Armed conflict including civil war
- Generalized violence
- Persecution on the grounds of nationality, race, religion, political opinion or social group

#### 2. Development-Induced Displacement

- Dams
- Roads
- Ports
- Airports
- Urban Clearance Initiatives
- Mining and Deforestation
- And the introduction of conservation parks/reserves and biosphere projects

#### 3. Disaster–Induced Displacement

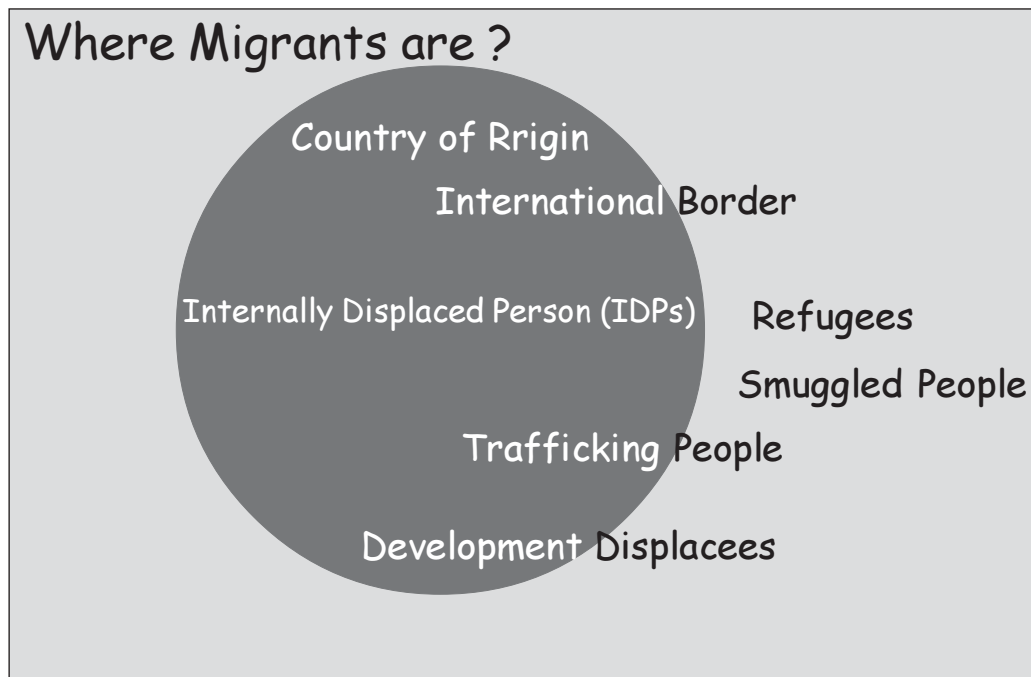
- Natural disasters (floods, volcanoes, landslides, earthquakes)
- Environmental change (deforestation, desertification, land degradation, global warming)
- Human-made disasters (industrial accidents, radioactivity)

#### Types of forced migrants:

1. Refugees – *Conflict Induced Displacement*
2. Asylum seekers – *Conflict Induced Displacement*
3. Internally Displaced Persons (IDPs) – *Conflict, Development, Disaster Induced Displacement*
4. Development displacees
5. Environmental and disaster displacees
6. Smuggled people
7. Trafficked people.



## Knowledge for Daily Living



1. Refugees from Rwanda arriving in Tanzania in April 1994. An estimated 250,000 Rwandans fleeing ethnic violence swept into Tanzania over a 24-hour period.

2. Refugees in Sudan. The refugees in Sudan were among hundreds of thousands who fled war and famine in Ethiopia in the mid-1980s.

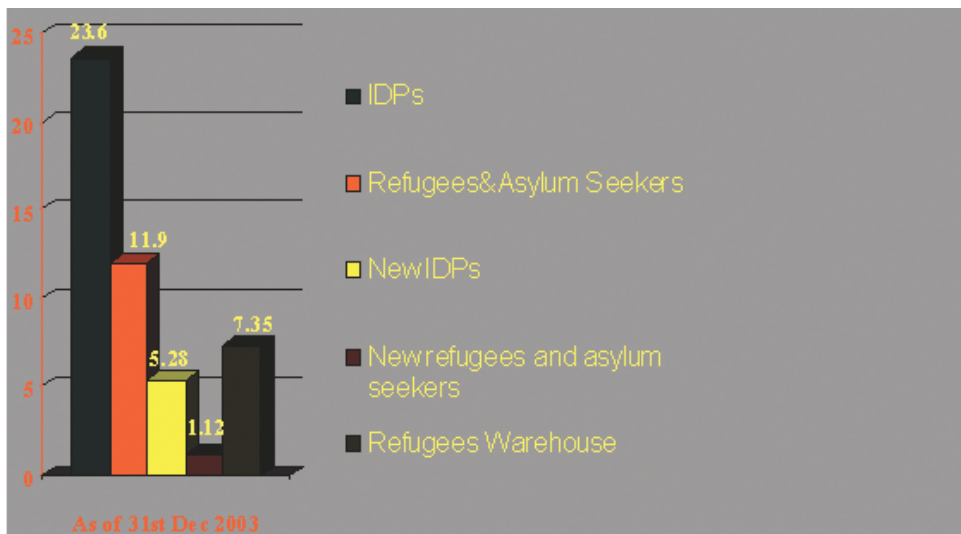
3. Vietnamese Refugees. A small boat containing 162 Vietnamese refugees fleeing arrived in Malaysia in 1978. There were more than half a million boat-people in total.

4. Bengali Refugees in India. Some 10 million Bengali refugees who fled to India in 1971 were accommodated in one of 800 camps, before most of them returned to Bangladesh within a year.



People forced to leave their homes after a village is burnt down

World Refugee Survey 2004



Source: <http://www.refugees.org/article.aspx?id=1157>

**Internally Displaced Persons (1)**

23.6 millions as of December 31, 2003

◆ Algeria	100,000- 200,000 *
◆ Zimbabwe	100,000 *
◆ Nepal	100,000- 200,000 *
◆ Ethiopia	90,000
◆ Eritrea	75,000
◆ Bangladesh	61,000
◆ Congo-Brazzaville	60,000
◆ Nigeria	57,000
◆ North Korea	50,000-250,000 *
◆ Central African Republic	200,000
◆ Syria	170,000 *
◆ Armenia	50,000
◆ Guinea	20,000
◆ Senegal	17,000
◆ Croatia	12,600
◆ Mexico	12,000
◆ Sudan	4,800,000 *
◆ Congo-Kinshasa	3,200,000 *
◆ Colombia	2,730,000 *
◆ Uganda	1,400,000 *
◆ Philippines	150,000 *

**Internally Displaced Persons (2)**

23.6 millions as of December 31, 2003

◆ Angola	1,000,000 *
◆ Iraq	800,000-1,000,000 *
◆ Jordan	800,000
◆ India	650,000
◆ Myanmar	600,000-1,000,000 *
◆ Indonesia	600,000-1,000,000 *
◆ Azerbaijan	571,000
◆ Liberia	500,000
◆ Sri Lanka	500,000
◆ Cote d'Ivoire	500,000 *
◆ Cote d'Ivoire	500,000 *
◆ Afghanistan	200,000-300,000 *
◆ Burundi	400,000 *
◆ Russia	368,000
◆ Somalia	350,000 *
◆ Turkey	350,000-1,000,000 *
◆ Bosnia and Herzegovina	327,200
◆ Lebanon	300,000
◆ Israel	276,000
◆ Cyprus	265,000
◆ Georgia	260,000
◆ Serbia and Montenegro	252,000
◆ Kenya	230,000 *

\* Sources vary significantly

## Knowledge for Daily Living

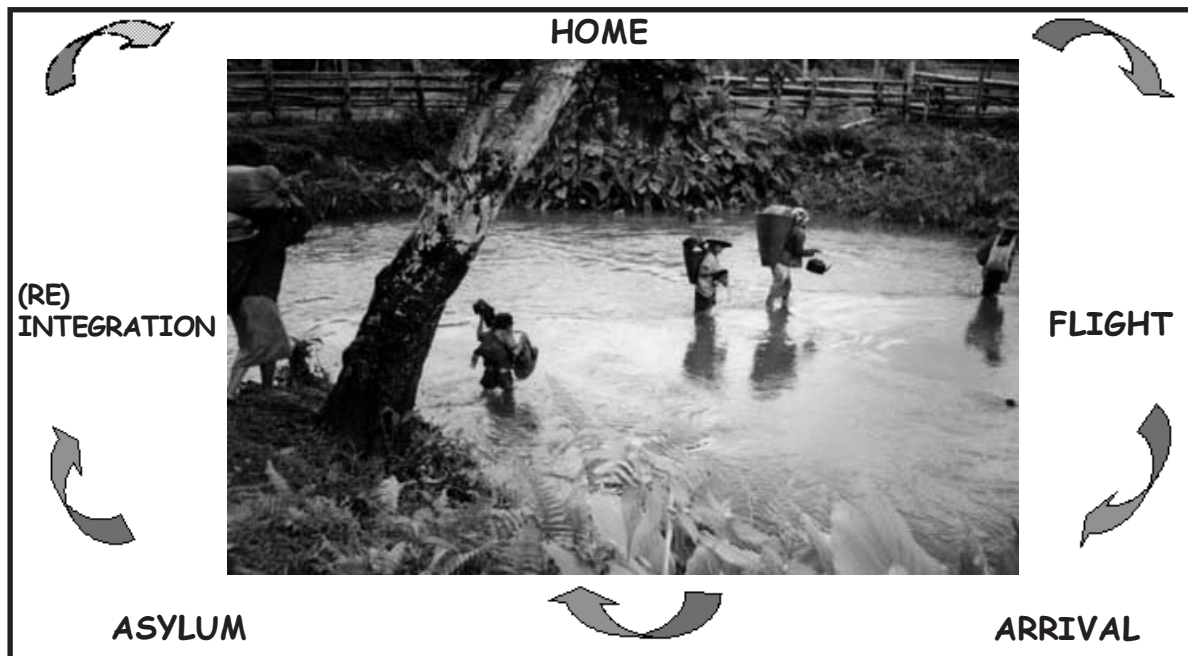
### Refugees and Asylum Seekers

11.9 million as of December 31, 2003	
◆ Africa	3,245,500
◆ Europe	884,500
◆ The Americas and the Caribbean	543,500
◆ East Asia and the Pacific	953,400
◆ Middle East	4,353,100
◆ South and Central Asia	1,872,900

### Main Host Countries

★ Iran	1,335,000
★ Pakistan	1,219,000
★ Gaza Strip	923,000
★ West Bank	665,000
★ Syria	497,000
★ Tanzania	480,000
★ Thailand	421,500
★ Serbia & Montenegro	291,100
★ Sudan	280,000
★ Lebanon	256,000
★ Uganda	231,500
★ United States	244,700
★ South Africa	104,000

### The Movement Experience



## Forced Migration and Forced Labour

### What is the legal situation of migrants and refugees?

- ↳ Laws of Host Countries i.e. Immigration Act
- ↳ Parties/Non-Parties to the Convention and Protocol Relating to the Status of Refugees

### Non-Parties: to the UN Convention and Protocol Relating to the Status of Refugees (44 countries)

Afghanistan	<b><u>India (E)</u></b>	Mauritius	Singapore
Andorra	Indonesia	Micronesia	Sri Lanka
Bahrain	Iraq	Mongolia	Syria
<b><u>Bangladesh</u></b>	Jordan	<b><u>Myanmar</u></b>	<b><u>Thailand</u></b>
Barbados	Korea (North)	Nepal	United Arab Emirates
Bhutan	Kuwait	Oman	Uzbekistan
Brunei	Laos	<b><u>Pakistan</u></b>	Vanuatu
Comoros	Lebanon	Palau	Vietnam
Cuba	Libya	Qatar	
Eritrea	<b><u>Malaysia</u></b>	St. Lucia	
Grenada	Maldives	San Marino	
Guyana	Marshall Islands	Saudi Arabia	

### Parties to the UN Convention and Protocol Relating to the Status of Refugees

Albania	China	Guatemala	Mauritania
Algeria	Colombia	Guinea	Mexico
Angola	Congo-Brazzaville	Guinea-Bissau	Moldova
Antigua and Barbuda	Congo-Kinshasa	Haiti	Monaco
Argentina	Costa Rica	Holy See	Morocco
Armenia	Côte d'Ivoire	Honduras	Mozambique
Australia	Croatia	Hungary	Namibia
Austria	Cyprus	Iceland	Netherlands
Azerbaijan	Czech Republic	Iran	New Zealand
Bahamas	Denmark	Ireland	Nicaragua
Belarus	Djibouti	Israel	Niger
Belgium	Dominica	Italy	Nigeria
Belize	Dominican Republic	Jamaica	Norway
Benin	East Timor	Japan	Panama
Bolivia	Ecuador	Kazakhstan	Papua New Guinea
Bosnia and Herzegovina	Egypt	Kenya	Paraguay
Botswana	El Salvador	Korea (South)	Peru
Brazil	Equatorial Guinea	Kyrgyzstan	Philippines
Bulgaria	Estonia	Latvia	Poland
Burkina Faso	Ethiopia	Lesotho	Portugal
Burundi	Fiji	Liberia	Romania
Cambodia	Finland	Liechtenstein	Russia
Cameroon	France	Lithuania	Rwanda
Canada	Gabon	Luxembourg	St. Kitts & Nevis
Cape Verde	Gambia	Macedonia	St. Vincent and the Grenadines
Central African Republic of Chad	Georgia	Madagascar	Samoa
Chile	Germany	Malawi	Sao Tome and Principe
	Ghana	Mali	
	Greece	Malta	



## Knowledge for Daily Living

Senegal  
Serbia and  
Montenegro  
Seychelles  
Sierra Leone  
Slovakia  
Slovenia  
Solomon Islands

Somalia  
South Africa  
Spain  
Sudan  
Suriname  
Swaziland  
Switzerland  
Sweden

Tajikistan  
Tanzania  
Togo  
Trinidad and Tobago  
Tunisia  
Turkey  
Turkmenistan  
Tuvalu

Uganda  
Ukraine  
United Kingdom  
United States  
Uruguay  
Venezuela  
Yemen  
Zambia  
Zimbabwe

Migration can be undergone by choice, for economic reasons, and the motion usually goes from rural areas to urban areas, poorer country to richer country. All persons have the right to migrate, but should not be forced to migrate and should always be able to go back home. Forced Migration is a movement of people who are forced to leave their home against their will for the above reasons. Migrants are identified in 7 types. It is important to note that these situations are not permanent. People can move through the different continuum, from a situation of forced labour one can become a migrant worker and vice versa.

In the host country, migrant workers should not be subjected to exploitation and workers rights should be applied regardless whether workers are migrants or not. Migrants should not be subjected to discriminative treatment, verbal or physical or psychological. All workers should be treated fairly and have decent working conditions.

In reality, many women migrate, for example, as domestic workers, their documents are often kept by their employers; they are misled about their work conditions. Women and child labour in sweat shops is common. Are these situations cases of violations of workers rights, forced labour or human trafficking?



Forced migration puts women and children at risk

## Forced Labour

*Presentation by: Anne Putman, Earth Rights International [ERI]*

### What is forced labor?

- ◆ Forced labor is a modern form of slavery
- ◆ A situation where any person is required to work that he/she has not voluntarily offered to carry out
- ◆ A situation where any person has reason to believe that he/she will suffer punishment for not following orders to work
- ◆ It does not matter whether the person receives money since the person cannot refuse to work
- ◆ Forced labor violates international law and labor rights law

### Types of Forced Labor in Burma

- ◆ Portering for the military (villagers pay a tax for the keep of porters)
- ◆ Guarding military camps and development projects
- ◆ Sweeping for land mines to protect the soldiers (villagers have to walk in front of the soldiers so if there is a land mine, the villagers will step on it first)
- ◆ Building and supporting military facilities (villagers often bring their own tools and food; cooks and cleaners at military bases are often women, hence many rapes and sexual harassment cases)
- ◆ Building development projects



The villagers are forced to collect straw for the SPDC to use to build their camps

### What is "Loy-Ah-Pay" (Burmese language)?

- ◆ Loy-Ah-Pay originally meant "volunteer work", but the SPDC has abused the term, confusing the meaning of forced labor
- ◆ SPDC say "paid labor" is not forced labor
- ◆ SPDC say "helping the military" is an act of patriotism
- ◆ SPDC say that forced labor is necessary for Burma to develop economically by building roads, bridges, large development projects

### Testimony

*"The work of building pagodas will never end because once we finish this one we will have to start another one... We don't get paid for the work... If you get injured, they don't help you, and if you don't have money, you can lose your life."*

— Karen villager, 2002

### Impacts of Forced Labor

- ◆ Loss of income, food, land, opportunity to go to school

## Knowledge for Daily Living

- ◆ Emotional and psychological damage causing depression
- ◆ Creates a climate of fear
- ◆ Physical exhaustion and illness from heavy workload, lack of time to rest, insufficient food
- ◆ Forced labor is connected to severe human rights abuses such as forced migration, beatings, torture, sexual violence, rape, restriction of movement, no freedom of expression

### What is the ILO?

- 🏛️ International Labor Organization (ILO) promotes human and labor rights around the world
- 🏛️ ILO structure: Workers, employers, governments cooperate together
- 🏛️ ILO sets basic labor rights standards, supports workers' right to organize, and aims to end forced labor
- 🏛️ ILO monitors and investigates labor situations in many countries
- 🏛️ ILO has representative in Burma

### International Law

- ① Systematic nature of forced labor is a violation of international law
- ① SPDC outlawed all forms of forced labor in Burma with "Order No. 1/99"
- ① ILO investigated labor situation in Burma and found that forced labor is still used (2001)
- ① ILO Convention No.29 (1930)
- ① ILO Convention No.105 (1957)

### Testimony

*"About 100 people came from seven villages. When all the villages got to the camp, we got orders of what each village had to do. Our village had to build a fence. We had to cut bamboo and posts, take them to the camp,*

*and cut them into pieces. We had to bring our own food and tools with us to work. No one got paid for the work. The villagers who had to build a building also had to bring their own nails and supplies for that. About one third of the people were women."* —Interview with Village Headman in Karen State 2003

### Findings

- 📁 Few people in Burma know about "Order No.1/99"
- 📁 Few people in Burma know that forced labor is illegal and wrong
- 📁 If villagers complain about forced labor or refuse to do forced labor, SPDC soldiers threaten to kill or torture them
- 📁 There is almost no safe way for villagers in Burma to make complaints about forced labor
- 📁 Large development projects have shown to contribute to forced labor, for example Yadana Pipeline



Even pregnant women become victims of forced labour

### Testimony

⚠️ *"We could not refuse to go to work. We could not complain about the work. Even if you don't complain, but you just don't go to work, the soldiers can come and kill you."*

—Shan villager, 2002

👤 *"Because we have to work for the military and give money to them, it is difficult for people to make a living in my village. The villagers want to leave that area."*

—Karen villager, 2002

### Forced labour, labour standards and the ILO

*Presentation by: Tim de Meyer, ILO, Thailand*

#### 1)1. Forced Labour and labour rights violations

##### Presentation:

For the ILO forced labour is one of its four fundamental principles so ILO is very happy that you are all interested in this issue.

Mr. Tim de Meyer works in the Bangkok office on issues of forced labour, child labour, freedom of association and discrimination.

##### What is the ILO ?

The International Labour Organisation is an organization which develops international standards; one of these is that there will be no forced labour. The ILO is a global organization, spanning the whole world, there are 177 member countries. It is different to other UN bodies in that it is not only governments but also employers and workers who make decisions together.

The ILO is a specialised agency associated with the UN; therefore the ILO contributes to peace and security in the world. States in the world where there is forced labour, especially on a systematic scale, are considered a danger to international peace and security. Wherever people are forced to work, instead of being in charge of their own decision of offering their work, is a form of suppression which is dangerous to peace and security.

To summarise, the ILO tries to convince people all over the world, that decent job opportunities for men and women is one of the most sustainable ways to keeping peace and security.

##### What is decent work?

In the first place, it is people having a job. But not just any job. A job that offers a degree of freedom, independence and choice. For example, the choices of: where to work, for whom to work, in return for what sort of compensation, how long. (In forced labour, all of these things are decided by somebody else.)

Second important aspect, decent work is a job that offers a certain degree of protection, both at work and against the vagaries that can happen in life, losing your job, becoming sick, losing the breadwinner in the family. Finally a job that allows you to participate in the wider processes in society, the political processes in society.

##### The ways in which the ILO promotes decent work

a) By setting and supervising the application of international labour standards  
These standards give indications, guidelines, to governments on what sort of things they need to do to create jobs, and what sort of interventions they need to make to make sure the jobs are decent. International labour standards will for example set out guidelines for labour inspection services, for what sort of things there should be national legislation, what sort of mechanisms should be in place to determine minimum wage.

The ILO has programs and projects to help countries set up occupational health and safety standards, human resource training and, to develop social security systems.

International labour standards are set out in two forms **Conventions and Recommendations**.

Conventions are there to be ratified. Recommendations contain standards but are not to be ratified, so can contain more details.

In the area of **forced labour**, the ILO has adopted two conventions and one recommendation. These are **Convention 29** and **Convention 105**.

## Knowledge for Daily Living

### Convention 29

was adopted a long time ago in 1930, when a lot of the world was still colonized and states thought it was necessary to provide a certain amount of protection for workers in colonies against slavery. Today the standards of Convention 29 are still applicable and can be applied to all sorts of economic exploitation.

### Convention 105

was adopted in 1957 in the Cold War and attempted to deal with forms of forced labour, not necessarily economic, but which were forcing people to think in a mainstream way which corresponded to the prevailing political ideology.

### In both cases 29 and 105

*the basic philosophy of the ILO is that people should be free in principle, be free to decide where they work, for whom they work, and to defend their interests at work and to freely associate and demonstrate, and hold assemblies, with respect to their work related interests.*

### Convention 29 and 105

are both the most widely ratified ILO conventions in the world. Only 13 countries out of 177 have not ratified Convention 29 and only 15 have not ratified Convention 105. Many of the countries that have NOT ratified them are in East Asia. Thailand has ratified both. Burma has ratified Convention 29 but not Convention 105.

**Malaysia and Singapore** had ratified both, and then denounced them because of security legislation which did not conform to the conventions. It was very unusual. And it says something about the way governments in this part of the world think. Malaysia and Singapore withdrew because they have an internal security act which allows them to arrest and detain people for a long period of time without going to court and to do forced labour in that time, this is completely against the convention, arbitrary detention combined with forced labour is certainly not allowed.

They both said they needed the draconian legislation to maintain ethnic harmony. The ILO said that you have ratified so cannot do this and that ethnic harmony is not brought about by draconian legislation but by making mechanisms whereby people of different ethnicities can participate in policy-making.

Interesting things are starting to happen in Malaysia. Traditionally the trade unions had been co-opted by the government, but the trade union has recently changed its leadership and maybe we will see something happening there. They make take a more distinct, separate position from the government.

### Applications of Conventions

The ILO has a system, called “a supervisory system” for supervising the application of ratified conventions. What is peculiar for the supervisory system is the ability of the workers association and employers, to send any information they have directly to the ILO. While that aspect should make it powerful, in East Asia it is very disappointing. The participation of the workers associations, trade unions and employers associations is very low.

### What qualifies an organization for participation in ILO?

Trade unions have to be organizations that are representative membership based and democratically organized; NGOs cannot participate in the system. Governments in this part of the world keep trade unions weak and divided with very restrictive legislation.

For NGOs this means that if you want to inform the ILO of a situation of forced labour you need to have a relationship with a trade union. Even though our office may know from your reports that forced labour exists, the ILO can do nothing until it is submitted formally to the ILO by a trade union. The ILO recently carried out an audit of the labour inspection system in

Thailand and met a number of migrant workers who told about us about wages which were irregularly paid, at about 50% of the minimum wage, and being paid in kind which was not the actual cost, and very long working hours. We were also told employers of regular migrant workers kept the original work permit to make sure the workers would not run away. That is a traditional, well-established forced labour practice. It would be possible to use the ILO to bring these matters officially to the government of Thailand but we would have to work with trade union to do that.

### On migrant workers

Each country has a set of labour standards more or less aligned on the ILO standards. In the eye of ILO is that the legislation of one country should apply to its own citizen and to migrant workers alike. On a national level, migrants usually have the right to work in the host country granted by a work permit and little else. One cause of this problem, illustrated by the situation of Migrants workers from Burma in Thailand, is that migrant workers are seen too much as a **security problem** rather than a labour market issue. In reality, migrant workers come for certain reasons but they also respond to a need of main d'oeuvre in Thailand. Because workers are perceived as illegal aliens, the employers have to pay a lot of money for the workers, so then they are more afraid that the workers will run away and that they would loose their investment.

Another cause of migrant workers lack of labour rights is **the lack of representation migrant workers have in trade unions**. For example, in the aftermath of the tsunami, the issue of compensations for construction workers was raised. In principle, every ILO member's state should have a system whereby an injury that takes place at work place is compensated in a way which permits the worker to receive medical treatment and compensate for the loss of income for a while. However, migrants are seen as people who cannot bargain for their rights. To know about

## Forced Migration and Forced Labour

compensation workers should be able to contact local trade unions but trade unions don't often include migrant workers issues in their claims because migrants are seen has taking the job of the local people. More than other nationalities, migrants from Burma face acute difficulties in having their rights respected because of the total **lack of protection** by the Burmese government of its people inside or outside Burma.

### ILO and Burma

Burma ratified Convention 29 in 1958. Since 1964 the ILO Committee of Experts has pointed out that there is a piece of legislation: "The village and towns act" which makes it possible for village elders and heads to requisition people for all forms of work, the act thus allows forced labour. For about 27 years, the ILO and the government of Burma has discussed the issue, with the government always saying they were just about to amend that piece of legislation. In 1991 the International Confederation of Free Trade Unions launched a representation with the ILO claiming that not only was their legislation not in conformity with the convention but also they had concrete evidence that the military in Burma was using villagers for portering, and building camps to wage war against the ethnic minorities in Burma. The government of course denied all of this, so the delegates of the labour conference lodged a complaint and asked the ILO to establish a Commission of Enquiry.

The Commission of Enquiry came out with a report in 1998 establishing widespread use of forced labour not only for military but also for infrastructure and even some use of child soldiers. Again the government denied this. The ILO then set up a very small office in Rangoon with one person.

The mandate of that person is exclusively restricted to forced labour. He is not allowed to look into anything else. The reason for that is so that there will be no argument for the government of Burma to say that they have normal relations with ILO. ILO is the only body which has laid down the law on forced labour and gives the ILO

## Knowledge for Daily Living

the mandate to continue to exert pressure on the government and keep the situation in the eyes of the world. It is not enough pressure to bring down the government overnight but it is enough to worry the government.

**Interactive Session** Participants were asked to give examples of what they considered forced labour?

*Working in the army, have to cook and wash for them, is that forced labour No wages on time is forced labour Forced to work on the road Have to work long hours when there are orders, but when no orders they get fired Forced to migrate from place to place because the army takes their land and have to build the roads, dams and railways Pregnant women has to work until the delivery*

*Going to toilet more than three times for more than two minutes have to pay a fine of 5 baht a time*

A civilian forced to cook and move with the military who has no choice to leave them, and without any compensation is a clear case of forced labour. However most of the other situations are violations of the labour standards under Thai law but are not forced labour. Unsafe working conditions are not in themselves forced labour.

### The key questions to determine forced labour are:

*Am I able to withdraw myself from this situation without any major penalty or punishment involved?*

#### Is this the work that I agreed to do?

Generally people are not going to agree to an unsafe situation but if they start work and then find it is unsafe, the question is can I withdraw now without penalty. It may still be that the employer is violating legal requirements, but if you can withdraw yourself it is not forced labour, it is violation of health and safety standards.

With respect to irregular payment of wages, sometimes it happens that the employer is in temporary financial difficulty and may not pay once and then immediately compensate, that is a particular situation and not forced labour. It is only when an employer is knowingly withholding payments which has been agreed upon and knows that you will have to continue to work in order to get the payment eventually that it is forced labour.

If it is established that you as a migrant worker do not have any other opportunity to change your work and that is combined with the fact that you are routinely required to work long hours, (beyond the original agreement) and you don't get paid according to the law or paid anything at all. If you add all of these situations together, then it can be called for forced labour.

It is important to realize that protection against forced labour is a human right, because it affects your ability as a human being to choose to do this or not to do that. But you must not equate every violation of the labour laws as a form of forced labour.

It shows how important it is to have a representative, to have a trade union to explain your rights in different situations

### Why have countries in East Asia not signed the Conventions on forced labour?

These countries have not signed many ILO conventions at all. The reasons for that depends on who you ask. I'll give a few examples of explanations:

1) The governments from this part of the world will claim that they will only ratify an ILO convention that the law already conforms to; they don't want to ratify something they can not live up to.

2) Technically, ILO conventions are more difficult to ratify than UN conventions. Because with UN conventions states can make reservations to certain articles, but cannot do this with ILO conventions.

3) Third argument that has been put forward relates to misperception regarding international labour standards. Many governments in the region perceive labour standards as welfare, and say that in these countries, people work for their living and they cannot afford to give them welfare. It is particularly in socialist countries that ratification is absent, because socialism relies on forced labour.

### **What are the details of convention 29 and 105 ?**

Convention 29 and 105 are short conventions. **Convention 29** contains the definition of forced labour

**Forced labour is technically speaking any sort of work, service which is carried out under the menace of a penalty and for which the person doing the work has not offered themselves voluntarily**

That practically means that in countries which have ratified that convention (as Thailand and Burma have done) the governments have a responsibility to the rest of the world that people who work in their country do so freely not because they are forced.

There are only five situations which are **exemptions** (where there is an element of force but it is not considered forced labour) these are:

1) Countries can have a system of compulsory military service (to train people for the event of war).

2) There are normal civic duties, small things that people are called up to do from time to time, i.e. trial juries

3) If somebody commits a crime, violates the law and is prosecuted and sent to prison and forced to work for public service it is not considered forced labour

4) If you are a community and you own fields which are irrigated by canals which need regular maintenance, the community can organize

### **Forced Migration and Forced Labour**

themselves for people to do this within the community without compensation, for their own interest. (This is different from the large scale, long-term forced labour of the SPDC on infrastructure projects which are not organized nor benefit the local communities)

5) In cases of unforeseen disaster or large-scale catastrophes where immediate action needs to be taken by a large number of people over a short period of time.

**Convention 105** complements convention 29 by outlining five situations where you can never use forced labour

I.e. as a punishment for people who hold certain political opinions, or who have organized to express a certain political expression. A country can never use forced labour to suppress freedom of thought or political expression.

### **If migrant women workers wanted to make an association which could be a member of ILO what would they have to do?**

*The essence is that it is an organization with a constitution, a structure, an accountability mechanism towards the members of the organization and with an address. If you want to have ideas on how to do that, we have our workers specialist, or our gender equality specialist who can give advice. In essence you have to have an organization that is membership based, which has some degree of permanency and a formal structure.*

It does not always have to be registered as a trade union for example the Malaysian Trade Union Congress is actually registered as an NGO, Because trade unions at that level are not allowed to exist. FTUB is not registered anywhere but is recognized as the ICFTU which has consultative status with the ILO as an associate.



## Knowledge for Daily Living

*Migrant workers in Thailand are not allowed to form unions, isn't that against the fundamental principles of the ILO?*

All workers should have the right to organize but we cannot weigh more heavily on the government because Thailand has not ratified Conventions 87 and 98 on freedom of association. ILO regularly promotes them but government is reluctant to ratify them. Maybe the best hope for workers in Thailand is that as the Free Trade Agreements with USA are being discussed there is some pressure from the US to promote more freedom of association.

The ICFTU every year publishes a survey of trade union rights around the world, this year it included a paragraph about migrant workers in Thailand, pointing out the migrant workers can join but not form unions. ,

Trade unions can bring issues forced labour to the ILO, ICFTU can do that because it is a consultative organization, any membership based organization can do that, it is not necessary that it is registered in the country, if you can find a trade union in Australia, Korea or wherever to bring the situation, you can do that. Finally FTUB can do it, but since its existence is already precarious (a trade union in exile) you need to consult with them.

### **What organizations does the ILO work with?**

With organizations of workers and employers (as well as governments) the fundamental principle of the ILO is that work is created and carried out by people.

The ILO works with organizations of workers and employers to the extent that these are democratically organized, representative organizations that have as their purpose defending and furthering the interests of their members.

An NGO is not a trade union because although an NGO may have an agenda and funds it does not necessarily have membership or accountability to its members.

The reality in Thailand is that the trade union movement is divided, there are now 9 national trade union congresses, any union belonging to each of those 9 congresses could in principle tell the ILO about situations of forced labour in Thailand .And the same is true for the 11 or so employers congresses.

In addition, the FTUB which is not recognized in Thailand but which is affiliated with the global union could also bring issues forward.



Mr. Tim De Meyer, ILO, Bangkok Thailand

Every sub-region of ILO has a specialist whose job is to facilitate with trade unions, they can link NGOs with trade unions. In many places NGOs do work with trade unions and this is to be encouraged.

### ***How can we work with the FTUB?***

One of the things the ILO could do the ILO could facilitate, the trade union liaison specialist. If there is a particular matter you would like to rely on the FTUB we could facilitate that

### ***What happens if countries do not ratify Conventions?***

If there is no ratification there is still the ILO constitution which was reconfirmed in 1998 when it adopted a declaration which recognized that four principles are part of the constitution which must be respected by member countries even if they have not signed certain conventions. These four principles are:

1. Freedom of Association and collective bargaining
2. No forced labour
3. No discrimination at work
4. No child labour

The idea is that without respect to these four fundamental principles it is almost impossible for a country to have decent work. In most countries of the world where there is decent work, it was the trade unions that moved it to that point (freedom of association). If you do not have trade unions you do not have organizations which will defend and fight for decent work and you do not have a communication mechanism to speak to certain categories of workers.

### ***How can migrant workers join in political processes that decide on migration policy?***

You need representative organizations which can speak on behalf of people affected.

## **Forced Migration and Forced Labour**

If you do not have such organizations, such as in Thailand that says migrant workers cannot set up organizations of their own choosing, that means the government has no effective way of speaking to these people whenever they are going to set up a migration policy.

Therefore the ILO when it supports the government in reviewing migrant policy it will always stress that the government needs to set up a mechanism where it consults on the one hand migrant workers and on the other employers of migrant workers.

### ***What happens if a country has ratified and there is still forced labour taking place?***

It depends to a great extent on the use that ILO constituents make of the ILO machinery, you have to know that the ILO is not an organization which can come in by itself, the ground rules of international relations in the UN and ILO is sovereignty. Countries are responsible for what happens in the country.

Organizations such as the ILO offer a number of mechanisms whereby sovereignty is balanced, whereby people can bring out into the open human rights violations in a sovereign country. The ILO has received a mandate from these sovereign states to look into those complaints and make recommendations to those states which can improve the situations.

### ***How does the ILO know about the situation of domestic workers in Singapore?***

To know about something is one thing, to be in a position to lobby a government is another thing. It depends on the constituents of the ILO to bring these issues to the attention of the ILO in regards to the conventions that that government has ratified. Singapore has ratified Convention 29 on forced labour but not any of the migrant worker conventions. The national trade union congress is now regularly speaking out on behalf of migrant workers, but for them to bring an observation to

## Knowledge for Daily Living

the ILO under Convention 29 is still quite a way away.

The space for trade unions to operate in these countries is very limited; often the attitude is that even when there is an issue, the countries say they will solve it among themselves. Even if the ILO knows about the situation from Human Rights Watch report we cannot do anything unless a trade union brings it to us formally.

### *Trafficking of children, why are most trafficked persons children?*

I do not know if most trafficking victims are children. There are no accurate statistics on trafficking victims. It is maybe that trafficked children get more attention than trafficked adults. Where we do see that children are trafficked it is because they are easier to manipulate, or they serve a particular demand. I think it is important to see trafficking not only as a crime, but to see trafficking as a sort of clandestine reaction to an otherwise legitimate need. If people are trafficked from Burma to Thailand it is because in the first place people need to leave because of poverty, they are persecuted etc and in the second place there is always someone on the other side of the border who can use a cheaper labour or for hazardous work and thirdly because there is no labour migration policy.

One of the first things ILOs migration for employment policy calls for that a free public service that everyone who is interested in a job in another country can get information.

### *Does the ILO recognize sex workers as workers?*

ILO is global organization that represents governments, workers and employers around the world. Not all agree about all issues. The matter of “sexwork is work” is to be considered by sovereign states and not by the ILO. The position of the ILO is that sex workers should be able at all times to argue that it is work, to defend their interests and call for safe working conditions.

### *What standards does the ILO set for maternity leave?*

The ILO has specific standards on maternity protection to begin with. These standards aim to offer women workers a degree of protection that on the one hand protects them and the fetus and offers better employment opportunities.

#### Maternity protection consists of four pillars:

1) Maternity leave. There has to be a period in national legislation in which women are allowed to stay away from work without loss of job to deliver and provide for the new-born baby. Originally it was 12 weeks, recently it has been increased to 14 weeks in the Convention which means ILO would like countries to put that in the national legislation but it does not mean you will automatically get it; you have to work for it. Quite a number of countries will have 90 days, Lao PDR a few days ago adopted new legislation aimed at the protection of women and it was 90 days. The transitional countries from socialism give better conditions. T

2) Maternity benefits. That means that in one way or another during the period on which the woman is on maternity leave and will not have an income, that she will have a source of income with which she will be able to sustain her health and her child's. (It is not a salary, although some countries give full salary, some give a proportion of the salary, but this is to ensure she gets some so it is from a social security institution)

3) Protection against dismissal Pregnancy, giving birth should not be permitted grounds for losing one's job. This is of course a fundamental right. Otherwise it would be considered discrimination based on sex which would be a violation of one of the fundamental principles of ILO.

4) Right to breastfeed (not part of the Convention, part of the Recommendation (so not so compelling and more recent) opportunities for working women to while being employed.

In addition there are standards which will call on states to lay down regulations which will protect pregnant women against regulations of night work. There are standards that call on countries to protect pregnant women against exposure to hazardous substances.

None of the conventions concerned have been ratified by Thailand and Burma. In the standards, there is no indication that it should not cover migrant workers. According to ILO Fundamental Principles on discrimination, States are allowed to discriminate on the basis of nationality. Countries can deny the right to enter or work to persons of different nationality but they cannot discriminate between men and women once they are working.

### *Does this law cover migrant workers?*

Yes in the standards existing there is no indication that it does not apply to migrant workers. According to ILO's fundamental convention on discrimination, states are allowed to discriminate on the basis of nationality, under the current. We point out that they should be able to organize themselves, but at the moment we are not allowed to pressure any more because Thailand has not ratified the two freedom of association conventions.

### *Do daily workers qualify for maternity rights?*

I cannot say the labour protection act in Thailand is the legislation that contains provisions about maternity leave. I do not know if it applies to daily workers.

If it does not, in the last convention that ILO has adopted the criteria to qualify to maternity protection should not be set so high

## **Forced Migration and Forced Labour**

that a significant number of workers in the informal economy would be excluded, for practical purposes the government should at least give some thought as to how it could make the system of maternity protection work for daily workers.

One thing that could be done by restricting the opportunity which

## **UNIAP and Human Trafficking**

*Presentation by: Daw Susu Thatun, UNIAP*

According to the UN 1949 Convention of Human Rights and Human Trafficking:

Human trafficking is defined when there is a **movement** of people and **exploitation**. In UN terms, when in a given situation forced migration is combined with forced labour it becomes trafficking, unless there is **informed consent**.

- 📄 **EXPLOITATION:** there are many grey areas in Human Trafficking, so have to analyze the degree of exploitation. If you loose your agency or right to self determination, it is exploitation.
- 📄 **MOVEMENT:** is measured by the loss of social safety nets. **Social safety net** is physical, mental security. Movement in Human Trafficking describes a person **being taken out** of their safety net into a totally unknown environment where this person is outside of the new environment safety net, as opposed to the same person deciding to go.
- 📄 Trafficking can happen at all levels, inside and cross borders. The **trend** of trafficking describes the itinerary that a trafficked person is made to take from the leaving point (i.e. Burma), through the transit point (i.e. BKK) to the final destination (i.e. Malaysia). Throughout this trend if at any point the person is being misled, deceived, threatened or promised a job that is not there on arrival, this constitutes exploitation.

## Knowledge for Daily Living

### Trafficking and work:

Women trafficked can be forced to work as house workers, factory workers and not automatically as sex workers. Therefore the kind of work does not define trafficking. If a woman over 18 agrees to do sex work it is not trafficking. Not all women in the service industry are forced to work, many women have a choice. The concern here is on women's working conditions and safety protection.

*It is important to see trafficking not only as a crime but also as clandestine reaction to an otherwise legitimate need. If adults are trafficked from Burma to Thailand it is because they need to leave, at the other side of the border there is a need for workers, and also because there is no migration policy to facilitate legal movement.*

Forced labour is one of the causes of forced migration. People flee from forced labour and find themselves abroad either as smuggled people, trafficked people, migrants or refugees. Human trafficking is forced labour added to forced migration.

For UNIAP, what differentiates Human Trafficking from cases of forced labour and labour rights violation is informed consent. However, the extent of consent is proportional to the amount of information given.

A person may agree to move because it is the only way to survive, but it doesn't mean the person agreed to be treated like a slave. Being treated like a slave without any right to self determination and being unable to leave the job is forced labour.



**Typical media representation of rescued/ arrested women**

### Trafficking of Children

The publicity around the trafficking of children could lead us to believe that children constitute the greatest number of trafficked victims. In reality, it is unsure that most of trafficking victims are children. There are no accurate figures of trafficked children or adults. Children are trafficked because they are easier to manipulate or serve a particular demand.

The trend with UN bodies and NGOs is to separate Trafficking from issues of Forced Labour and Forced Migration and to rename issues under narrower terms, such as "domestic workers". Separating trafficking from forced labour and forced migration makes it impossible to tackle. Trafficking is the intersection of forced migration and forced labour. In order to tackle trafficking, it must be addressed through the issues of forced labour and forced migration.

### *Forced Migration, Forced Labor and Trafficking: Women's Issues*

*By Deepa Bharathi, Committee for Asian Women (CAW)*

Forced migration refers to the coerced movement of a person or persons away from their home or home region. It often connotes violent coercion, and is used interchangeably with the terms “displacement” or “forced displacement”. A specific form of forced migration is population transfer, which is a coherent policy to move unwanted persons, perhaps as an attempt at ethnic cleansing.<sup>1</sup>

Forced migration simply put is when people are forced to move (migrate) from the place of their habitation.

Different groups of people forced to migrate are divided as refugees, asylum seekers, internally displaced persons (IDPs), development displaces, environment and disaster displaces and smuggled & trafficked people.

According to the UNHCR Statistical Yearbook of 2001, Asia hosted the largest overall refugee population of 5.8 million with Afghan refugees making up one third of the global refugee population. Women constitute 51 per cent of the population in refugee camps and in 90 per cent of the larger camps, the proportion of women of women varies between 45 to 55 percent. In 2001, 915000 asylum applications were submitted in 144 countries. In the year, asylum applications in industrialised countries rose eight percent.



*Mis. Deepa Bharathi (CAW)*

<sup>1</sup> Source: [http://encyclopedia.laborlawtalk.com/forced\\_migration](http://encyclopedia.laborlawtalk.com/forced_migration)

### *Forced migration is mainly of three kinds*

#### 1 ) Conflict Induced Migration

This is defined as, “When people are forced to flee their homes for one or more of the following reasons where the state is unable or unwilling to protect them, armed conflict including civil war, generalised violence, and persecution on the grounds of nationality, religion, political opinion or social group”.

Conflicts over the world affect women and men differently. The inherent principles of patriarchy and the resulting gender inequality, reflect also during conflict situations. Women are often treated like trophies (spoils of the war) by one warring faction over the other. The concept of honour and linking it to women’s chastity and hence loss of the so called honour is considered an easy way to humiliate the enemy from times immemorial. Women face violence, both sexual and non sexual and are at times even forced to become sexual slaves. This is true in Burma also.

When men die as a result of conflict, women are forced to become the heads of households. Even as they take on responsibilities and duties, they are still not accorded the respect they are due. Taking an example from Aceh, due to the long conflict with the Indonesian army, there are many women headed households in Aceh.

They are not recognised as the head of the family in decision making in the society but at the same time, during ceremonies like marriages, they are expected to contribute a pig or a traditional embroidered piece of cloth. This puts an additional burden on those women already struggling to earn a living for the family and also have the double burden of being the care giver.

## Knowledge for Daily Living

### 2) Disaster Induced Migration

Is defined as, “When people are forced to flee their homes due to a natural or man made disaster.” These would include floods, earthquakes, deforestation, global warming, land degradation, landslides, and industrial accidents. Disasters do not discriminate between men and women in their toll but again women are affected worse than men because of the existence of traditional structures like patriarchy which affect women’s response to the disaster as well as the way they are able to access aid.

The recent Tsunami proved this extensively where pregnant and lactating women were given rations as a single adult (not keeping in mind their special needs during this period), women did not have separate toilets and bathrooms in the IDP camps, women were not considered as heads of households and hence could not access aid.

They also did not have access to gynaecologists. Women and girls in IDP camps faced sexual violence and had to move in numbers in some places for safety. This included even using the bathroom.

### 3) Development Induced Migration

Is defined as, “When people are compelled to move as a result of policies and projects implemented to supposedly enhance ‘development’. Examples of this include large infrastructure projects such as dams, ports, airports, urban clearance unit, mining and deforestation”. Neo liberal globalisation processes hastened the rush towards development with states making way for special economic zones, dams, airports etc providing infrastructure to attract investment. All this caused people to move from their homes.

When women are displaced, whether due to conflict, disaster or development, whether they are refugees, asylum seekers or internally displaced persons (IDPs),

they are:

- ⇒ Vulnerable to violence (sexual, domestic). eg Burma, Sudan due to conflict, Thailand, Sri Lanka due to tsunami.
- ⇒ Women have an increased burden to take care of the family in limited resources, hence “keeping the family together”. Women we know then put their needs at the end after addressing the needs of the family.
- ⇒ lack of access to education (Young girls face this particularly)
- ⇒ lack of access to reproductive health care.

It is important to understand that not all migration is forced. Men and women leave their homes to move to another place (either within the country or across international borders) to earn a better living for themselves and their families. Such people are economic migrants and the move is wilful. Neo Liberal globalisation has caused a lack of income opportunities and has increased the existing inequality and disparity by enormous proportions. At the same time, it made movement of people across national and international borders easier.

Sometimes, these economic migrants can also be considered forced migrants but by and large they are not considered to be forced migrants. It should be noted that economic migrants can return back to their homes when they so desire, but most forced migrants may not be able to unless certain conditions prevail.

Forced labour simply put is when a person is made to work by threat to person and/or family, under debt bondage, psychological threat, retention of documents etc. Types of forced labour commonly are sex work, domestic

work, factory work, sweatshops, service industry. For women, forced labour is commonly in sex work<sup>2</sup>, service industry and domestic worker.

In Burma is common forms of forced labour are portering for the military junta, guarding military camps, being landmine detectors, in construction work etc. In other parts of Asia, men and women are forced to work under debt bondage in agricultural land as workers (e.g. India and Nepal where till abolished, the *Kamiya* system existed.

Trafficking in persons is defined as, “the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of threat or use of force or other forms of coercion, of fraud, of deception, of abuse of power, or of a position of vulnerability, or of giving and receipt of payments or benefits to achieve the consent of a person for the purpose of exploitation”.<sup>3</sup>

The legal definition (of trafficking) thus places emphasis on force, coercion, and deception as distinguishing features. This is what in International law sets trafficking apart from



## Forced Migration and Forced Labour

smuggling where (although money may change hands), the relationship between the smuggled person and the smuggling agent is seen as a voluntary one arguably mutually beneficial.<sup>4</sup>

Apart from being a highly profitable business (though it is difficult to gather accurate statistics), an estimate by EUROPOL puts this earning to be upto 12 million Euro every year.

Trafficking fulfils the need for ‘cheaper’ labour under inhumane conditions in various subsectors of the informal economy. Trafficking is a means of supply for demand for cheap and forced labour. “Documentation and Research shows that trafficking occurs for a myriad of exploitative purposes to which trafficking victims have not consented, including but not limited to forced and/or bonded labour, including within sex trade, forced marriage and other slavery-like practices”.<sup>5</sup>

All human beings irrespective of gender, race, class, ethnicity should be able to move to another location to earn a better livelihood, no person should be forced to relocate.

Even if such an occasion arises due to uncontrollable forces of nature, women’s specific needs should be kept in mind during the post disaster period. One way to ensure this is to have and recognise women in decision making processes. Migrants should not also be subjected to exploitation, discriminatory treatment and abuse of any kind. Forced labour is a human rights issue, it is a labour issue.

Any work should be done with dignity, with fairness and under decent working conditions. **(Footnotes)**

<sup>1</sup> Source: [http://encyclopedia.laborlawtalk.com/Forced\\_migration](http://encyclopedia.laborlawtalk.com/Forced_migration)

<sup>2</sup> Note: Not all sex work is coercive, many women choose to do sex work as well.

<sup>3</sup> The Palermo Protocols to the UN Convention against Transnational Organized Crime

<sup>4</sup> Forced labour, migration and trafficking, Roger Plant, ILO

<sup>5</sup> UNIFEM:

[www.unifemantitrafficking.org/def\\_traff.html](http://www.unifemantitrafficking.org/def_traff.html)



### *Who makes the policies?*

Presentation by: *Jackie Pollock, MAP Foundation*

#### **Who makes labour policies?**

**Labour policies** in a democratic country are made by trade unions, the Ministry of Labour, civil society, and federations of employers and the UN body ILO.

#### **Does this represent all the stakeholders?**

On paper it seems to represent everyone. However, if we look more closely we will see that there is not a true power balance. Trade unions have traditionally been a male domain, and are generally weak on promoting women to top positions where they could influence the policies on working conditions and rights.

**ILO holds a fairly influential position**, but its tripartite make up (employers, employees and governments) does not include civil society. Thus in countries where employees are highly controlled by government there is little space for the views of the general population in formulating international standards.

In a country where labour rights are not so good, the government has the upper hand in the decision power. If the government feels threatened when workers demonstrate to complain, the government can decide to turn the issue into a national security issue. If employers are powerful they can influence the laws on labour to their interest and can collude with the local authorities using economic bribery.

#### **Who makes the policies on migration?**

**Policies on migration** in some countries are considered to be outside of the realm of government to decide, they should be decided by the rule of law of the country to avoid incitement to racial hatred. However, more and more in the world today, migration is being used

as a political tool thus severely jeopardising the chance to fair and just treatment. Migration policies are being made by Ministries of Interior including National Security councils and Immigration and police.

The juxtaposition of migration and crime is influencing the type of policies being made. While most migration is for labour, the Ministry of Labour in many countries plays only a very small role in the formulation of the policies. The Ministry of Trade often has a greater role, thus placing the focus on the “goods” not people.

Compare this with policies regarding tourism, a different type of movement of people, but nonetheless, a movement of people across borders which could have similar national security risks if that is the risk factor.

The responses of the tourists themselves, who comes, how long they stay, where they go, will be taken into consideration for the policies. Tourist associations will represent the tourists at government policy level meetings. Local communities affected by tourism are also gaining more standing in being represented at such meetings and policy decisions.

We see therefore that in tourism and in labour, the people who are affected are included in the making of decisions. For migration, the people are represented to a much lesser degree by civil society groups and to some extent by the employers who need them, but when we look at trafficking it is very difficult to find any representation of the people affected by trafficking in the decision-making process.

It is, indeed, unclear who influences the responses and policies to prevent trafficking. Currently, most policies on trafficking are being influenced by the international community, on the one hand led by the UN and on the other by the US. The problem is that the decision makers don't involve anybody who has directly experienced trafficking.

There is no other representation at the moment of trafficked people other than as a victim. While individual trafficking victims have presented at national, regional and international forums on trafficking, they have not yet been included in the labour meetings, not yet been linked to the trade unions or workers associations.

Although many victims of trafficking actually manage to move themselves out of this highly exploitative situation into a less exploitative situation and sometimes to reasonable working conditions,



Jackie Pollock, MAP Foundation

few organisational interventions try to facilitate this process. Most interventions look only at sending the women back to the place of origin (obviously a highly vulnerable situation) and prosecuting the trafficker.

**For policies to be made which respond** to the needs of those affected, there must be true representation of those affected. Migrant workers themselves need to be in a position where they can defend their labour rights, not just in their own workplace but in the national and international forums where labour rights and standards are set.

Trafficked victims and those who have experienced trafficking sometime in their life need to be in a position where they can exchange with others with similar experiences, join with colleagues from similar work who were not trafficked, form and join associations and steer the way for interventions on trafficking.

Supported By:

**n(o)vib**  
OXFAM NETHERLANDS



MAP Foundation  
For the Health and Knowledge of Ethnic Labour  
P.O. Box 7. Chiangmai University, Chiangmai 50202  
Tel: +66 (0) 53 811 202. Email: [map@mapfoundationcm.org](mailto:map@mapfoundationcm.org)