

11 Migrant Women and Their Vulnerability in the Trafficking-Migration Continuum: Evidence from Asia

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11.1 Introduction

A spate of recent studies on women engaged in cross-border migration underscored how such movements have come to form part of the regional and global service economy characterized by gender-based labour market niches (Agustín 2003). Parreñas (2000) and Hochschild (2002) for instance, analysed how global care chains are structured by differences in class and ethno-racial power hierarchy involving female labour (Hochschild 2000). Other studies offer historical and structural accounts of the expansion of sex industry in industrialized countries, materialized through the constant supply of foreign migrant labour that satisfies particular sexualized images (Macklin 2003; Tyner 1996). Limoncelli (2009) emphasizes the gender-based structure in international political economics responsible for gender-based niches of labour markets. To date, the debate on trafficking largely disregards this point by either ignoring women's economic rights or defining the scope of such rights in a limited way. Taking all these views into consideration, there is a need to reorient the debates on women's migration towards the intersecting inequalities that reinforce their vulnerability.

This chapter addresses the complexities in the migration-trafficking continuum in two gender-based employment niches – *private care services* (PCS) and *commercial sexual services* (CSS)¹ in Asia to show how intersecting inequalities can arise from a policy framework that treats trafficking and migration as

two fixed and distinct categories. This framework distinguishes undocumented migrant women either as victims of trafficking or criminals of illegal migration and it does not always reflect the reality of migration involving women (Pearson 2002). The 2006 Report of the United Nations Office on Drugs and Crime acknowledges that human trafficking is an ongoing process rather than a single offence, and exploitative relations in this mode of migration are bound to be more complex, while migrant smuggling by definition ends upon arrival at the destination and hence is less exploitative (UNODC 2006: 57). The main attempt here is to bring to the fore how a legal demarcation between the categories of victim and criminal underplays the fact that smuggled migrants and trafficked persons undergo similar duress and equally exploitative conditions during migration.

A major point to register is the fact that since the 1990's, forms of recruitment and modes of cross-border migration have diversified, and the conceptual difference between practices of human trafficking and migrant smuggling has nearly vanished,² posing a practical difficulty for sustaining these distinctive legal categories (Aronowitz 2001; Musto 2009). The inability of the victim-criminal framework to curb human trafficking effectively is partly explained by the scope of present legal measures, which do not fully reflect the complex process and context of migration in which women are involved. There is a dire need to reinvigorate the debate on trafficking in women to go

1 Care work involving migrants who are predominantly women could be categorized into two groups, namely, 1) managing care for nursing homes and homes for the elderly operating under state regulations; and 2) private care within individual households mediated through private agents. Care work in this category often involves various types of housework, including care of pets, livestock and shop-keeping jobs.

2 Migrant smuggling features a historically different conceptual background from human trafficking. While trafficking of human beings has been predominantly market driven throughout time, the notion of smuggling people has been associated with action out of compassion or duty, as witnessed during the Holocaust of WWII. Some studies show how migrant smuggling evolved as a business venture in different parts of the world (Koser 2008).

beyond the victim-agency dichotomy, which had shaped the policy framework, and to give greater significance to intersecting aspects of inequality and vulnerability.

The structure of this chapter is as follows. First, the main analytical approaches to female migration and trafficking in women under globalization and structural changes in the domain of care and sex services in specific regions are reviewed. A key concern is how this debate conceptualizes structure and agency and how to delimit its contextual relevance. Drawing from the narratives of women and youth³ who experienced the trafficking-migration continuum, the chapter will reveal the key aspects of intersectional discrimination they undergo. An understanding of structural vulnerability experienced by female migrants requires an inductive approach that begins with their location and its affiliated relations of subordination, which may shift at different stages of their migration process. Such an approach is compatible with intersectionality as a normative and empirical research paradigm (Hancock 2007). This approach seeks to discern forms of vulnerability both at the level of institution and at the level of the subjectivity of individuals who hold particular intersectional traits. This chapter concludes by showing how acknowledging the importance of intersected processes of discrimination against migrant women and youth will have significant implications for policy.

11.2 Female Migration and Trafficking in Women: Analytical Approaches

Studies of migration adopt a variety of disciplinary approaches ranging from demographics, economics, history, law, political science, sociology and anthropology. One way to understand these diverse approaches is to pay attention to the levels/units of analysis. Macro approaches focus on immigration policies or on market forces and socio-economic structure. Micro approaches relate to the migratory experiences of an individual migrant or ethnic group, both in emigra-

tion and immigration processes (Brettell/Hollifield 2000: 3). Dominant economic migration paradigms known as neoclassical macro-economic theories and dependency theories have been criticized for their primary focus on economic disparities and their exclusion of different migration experiences across gender and ethnic groups (Urzúa 2002). In addition, they deny the aspect of agency of individual migrants as agents in migration. These weaknesses are particularly apparent in theorizing on international migration processes involving women in care and sex work, where economic factors alone do not mobilize them to move across borders.

Analytical approaches for studying the causes and effects of female migration and trafficking in women evolved in response to changing realities of migration. With the rise of more complex and transient forms of migration involving women in the early 1980's, feminist anthropology began to play a key role in the study of female migration. In her analysis on the historical trajectories of migration study from a gender perspective, Brettell (2000: 111) highlights that the initial focus was concentrated on the women's changing power and status in domestic and public spheres - a perspective inspired by Marxist feminism.⁴ Analyses of women's decision-making in migration in developing countries that focussed on the domestic sphere have shed light on diverse experiences of those who migrate as part of household strategies (Chant 1992; Sweetman 1998).

The scope of analytical approaches has further expanded as the anthropological theory of female migration evolved with new insights drawn from post-modern feminism and political economic theory. The post-modernist approach has attempted to explain the complexity of identities that female migrants uphold in connection with intertwined social positions of women as a result of interaction between state policies, class, gender, race and ethnicity (Brettell 2000: 111). Drawing on examples in the United States, Asia, Southern Europe and Latin America, theories on gender and migration offer deep insights on the dynamics involved in changing gender roles in the household and women's agency, and in shaping their identity in relation to the family, kinship relations and social networking in the migration process (Floya/Lazaridis 2000; Curran/Saguy 2001; Houdagneu-Sotelo /Avila 2001; Suzuki 2003).

3 The author acknowledges the legal definition of a child in the context of development is highly disputed. In this respect, the author adopts the UN definition of youth (age between 14-24) (www.unicef.org) so as to reflect the age range of interviewees in this article. The term youth in the discussion henceforth signifies young women between ages 14-24.

4 See Moore (1988) for a fuller discussion of the domestic and public spheres from an anthropological perspective.

Emerging theories of gender in migration depict the way in which gender relations are understood in specific contexts. This is well demonstrated in the victim-agency debates⁵ derived from an analysis of vulnerability of migrant women particularly in prostitution. Whereas, abolitionists consider the flow of migrant women into the sex industry from the *Violence Against Women (VAW)* perspective (Barry 1995; Hughes/Roche 1999; Jeffreys 2004) and emphasize that these women are victims of abuse and misuse of power for men's sexual gratification, scholars in favour of a sex-work approach underscore the idea of prostitution as work and that women's autonomous rights in relation to the sale of sex should be recognized at the policy level (Bindman 1997; Kemapadoo 1998; Doezema 2002).

From the labour migration perspective recent work stresses that neither the victim nor agency visions fully represent the reality of migrant women. Agustín (2005) draws on the voices of undocumented migrant women engaged in sex and domestic work to show that women's visions on migration intertwine a 'pragmatic, future-oriented focus' and a sense of self-reproving derived from the stigma attached to prostitution that cannot be simply addressed through an abolitionist or sex workers rights strategy. Instead, she argues that theorizing agency of migrant women in prostitution should go beyond this dichotomous and ethically engineered framework and geared towards effective future policy direction in line with migrant women's interest: migrant women's prime concern is their illegal status, not prostitution.⁶ Given the complex power dynamics involved in prostitution, recent works are also critical of simplified use of binary la-

bellings against women in prostitution. They argue for understanding women's status in relation to their material experience, so as to recognize that in striving to fulfil their interests and survival needs of their own and their families women could be both victims and agents (Roces 2009).

In pursuit of a more effective response to changing realities of migration involving women, some feminist scholars began to urge for a feminist political economy approach in the analysis on female migration and associated vulnerability of migrant women in the global service economy. Limoncelli (2009: 262) argues that this approach is useful in analysing the vulnerable position of women's labour in the international sex trade facilitated by intersecting inequalities under global capitalism. This would help to reposition the victim-agency trafficking debates in a more constructive way by focusing on the material dimensions and practices that have evolved around global prostitution. Jeffreys (2009: 317) fundamentally agrees that it is necessary to develop a feminist political economy approach. However, she stresses that critical inquiry into economic processes would not change conditions of women in prostitution in reality unless we dare to identify male domination as the root cause of commodification of women's bodies under neo-liberalism.

Turning to the global organization of care services involving migrant women, the demand for female labour has been analyzed in the context of restructuring of the care domain in both industrialized and developing countries (Razavi 2007; Parreñas 2002). These authors point out how the vulnerable status of migrant women as care workers has been reinforced partly by social policy on care labour. The provision of care has shifted from the family to the state and to the market in response to socio-economic changes. Demographic changes (Bettio/Simonazzi/Villa 2006; Escrivá/Skinner 2008) and lifestyle changes (Enhrenreich/Hochschild 2002; Anderson 2001; Esim/Smith 2004) play an important role. State promotion of paid care work without a real attempt to revalue care labour as part of regulated work categories has repressive consequences on migrant women and women from the lower social strata employed in the care sector.

In sum, existing theories contributed greatly to advance our understanding of the life of female migrants. Yet conventional theoretical explanations of the vulnerability of migrant women in PCS and CSS are limited to analyses that address issues related to working conditions, legal status and occupational stigma independently. Theories that weigh on the

5 Contemporary feminist thought views women in prostitution in conflicting ways—as an outcome of woman's autonomous choice, as a woman's survival strategy and as victimization (Truong 1998). The emergence of a prostitution lobby attempted to de-stigmatize women in prostitution through legal recognition of the industry in order to protect them from abuse and exploitation. The mainstream however, continues to uphold a patronizing moral judgment against women in prostitution, as victims.

6 Outshoorn (2004) for instance urges that feminist solidarity concerned for situations of migrant women in prostitution should reflect the changing political landscape in which trafficking in women for prostitution is framed at the individual state policy level. For instance, migrant women in the sex industry increasingly face punishment based on their illegal status as the result of shifting state policies in European countries to legalize prostitution with some conditions.

structural aspect of causal complexity show weakness in downplaying the dynamics of individuals' vulnerabilities arising from their diverse responses to situations they encounter during migration. Theoretical propositions which intend to counter the simplified understanding of victimhood, by posing migrant women as an autonomous social agent, provide powerful insights. Nevertheless, such explanations are inevitably bound with given institutional contexts in which structural discrimination against migrant women occurs.⁷ More recently, scholars began emphasising a need for more pragmatic interpretations of the complexity of women's agency in migration in line with their interests and given the changing political economy of women's labour under globalization (Agustin 2007; Outshoorn 2004).

11.3 Research Sites and Methodology

The data presented in this section are part of a broader research project conducted during the period of April 2003 to November 2005. A multi-site approach was adopted to compare experiences of migration and trafficking among women. The primary site was Thailand (Bangkok, Chiang Mai, Chiang Rai) as a sending as well as receiving country. Secondary sites were Sri Lanka (Colombo), Cambodia (Phnom Penh) and Laos (Vientiane) as primarily sending countries, although Cambodia has also emerged as a receiving country of trafficked persons for prostitution.

To gain a complete picture of current patterns of female migration for PCS and CSS, four categories of migrant women and youth were included: 1) women and youth recorded as trafficked cases and detained in shelters;⁸ 2) undocumented migrants in an International Detention Centre (IDC) in Bangkok with trafficking/exploitative migration experiences but not registered themselves as trafficked;⁹ 3) undocumented migrants who were not under police custody (still

working); 4) returned documented and undocumented migrants.

In total, interviews were conducted with 63 individuals of nine nationalities and two ethnic minority groups¹⁰ from IDC-Bangkok, government offices, NGO shelters, and private homes in the countries visited. A semi-structured interview was used for individual migrants while successive group discussions were conducted to identify concerns and needs of specific groups. The timeline method¹¹ was adopted to gain insights on their migratory experience as an unfolding process to capture the essential forces shaping a given turning point (entry into, exit from, and re-entry into an occupation). This method recognizes the importance of tracing the migration trajectory of a person because it enables us to obtain insights on the conditions under which certain decisions are made and the consequential actions. It also assists us in identifying the forces behind a turning point and how, at a given point, the migrant may experience an overlap of status, such as having a legal status but doing illegal work, or having a legal status that is conditional on being 'bonded' to the employer.

In addition, exploratory interviews were also carried out with migrant women and youth engaged in other types of work (water factory, drug trafficking, rubber plantation, small vendor clerk, and hairdresser).¹² It is common for undocumented migrant women and youth to move from one job category to another for survival. Exposure to the wider scope of the group was useful to capture a holistic picture of the socio-economic environment in which migrant

7 Recurring challenges against pro-prostitution movements in developing countries reflect this tension given that moral autonomy in the sale of sex is highly contextual. The women's autonomy and freedom of expression considered self-evident for women in western countries are not necessarily guaranteed for women in developing countries. Lack of such autonomy often reinforces the vulnerability of those engaged in the sex industry. See Seshu and Bandhopadhyay (2009).

8 For details on the Thai government's repatriation and reintegration programme, see Jayagupta (2009).

9 IDC-Bangkok detains undocumented migrant women who are classified as criminal for breaching the Thai immigration law, whereas persons who could prove themselves victims of trafficking are qualified to enter shelters. In principle, any person under 18 years old with a foreign nationality should be kept under custody of government-run shelters (Government of Thailand 2003).

10 Women and youth interviewed hold nationality from Burma (including ethnic minority group Taiyai); Cambodia; China (including ethnic minority group Taiyai); Laos; North Korea; Sri Lanka; Thailand (including ethnic minority group Kao tribe); Uzbekistan and Vietnam. In addition, a handful of African nationals (from Liberia and Zaire-Congo) detained in IDC-Bangkok were interviewed.

11 The study by Davies (1996) on women's life course provides inspiring insights on this research method.

12 Some of these interviewees were suspected of being involved in prostitution, but this aspect was not revealed clearly in the interview sessions.

women and youth find themselves. This helps to place the character of their work in PCS and CSS in context.

The concept of intersectional discrimination was used to discern particular forms of discrimination based on more than one status. Discrimination against a person or group can take place in the form of structural exclusion (outcome of a historical process), or single events in individual lives that can be sequential or compounded (Crenshaw 2000). In all forms it is reinforced by institutional norms and social practices targeted at particular marginalized social groups (Makkonen 2002). Both Crenshaw and Makkonen emphasize the benefits of intersectional discrimination as a promising legal paradigm in addressing problems faced by marginalized social members and groups. This is because the present international human rights framework operates on the basis of ground-specific contexts (gender, race, age) and is equipped only to address each particular form of discrimination separately, not in intersected forms. An explanation of vulnerability derived from intersectional discrimination experienced by migrant women would be beneficial to the search for legal and social remedies.

Following this line of thinking data on discrimination against migrant women in PCS and CSS were organized along a combination of two sub-sets of power relations: 1) the historically formed ethno-racial hierarchy in which a particular marginalized group is placed; 2) the exclusion of PCS and CSS from regulated work categories, buttressed by dominant gender norms. A third dimension is the fact that during migration, the social locations occupied by the migrants are both spatially circumscribed as well as shifting. Thus the position of each migrant is constantly redefined as they shift to a different position within the same occupation, or shift to another occupation, or shift from one country to another. A fourth dimension results from the legal ambiguity regarding PCS and CSS: discriminatory practices against the migrants engaged in such activities frequently occur while female migration for PCS and CSS work has become more institutionalized. Discerning the positions of the migrants and interpreting their agency thus requires moving beyond conventional class or gender analyses.

11.4 The Vulnerability of Women and Youth in the Migration-Trafficking Continuum

11.4.1 The Migration Process: a Series of Decisions

In the Asian context of regional labour migration, trafficking is increasingly featured as part of an overall movement rather than an independent process. Those who have migrated through a combination of official and unofficial channels generally shared this account (Kojima 2007). Our research has revealed nine stages as the major components of the migratory trajectory. Information drawn from interviews and existing studies suggest that these stages are evident in both regular migration and trafficking cases. They are: 1) Pre-migratory (life before migration); 2) Recruitment (periods of decision to migrate and risk assessment); 3) Travel (obtainment of travel documents and the travel process itself); 4) Pre-job placement;¹³ 5) Job placement; 6) Post-employment (as result of rescue, arrest, escape, termination or completion of contract); 7) Investigation and action for legal remedies;¹⁴ 8) Returning home, or deportation; 9) Post-migration and reintegration.

13 According to our research findings, most in the sex industry experience a pre-job placement period, while domestic workers tend to find work right away. Women are kept for an average of a week before they start work. This period is often used to get women and youth prepared by taking them shopping to purchase necessary clothes and cosmetics and in some cases they even undergo cosmetic surgery and health examinations. Women also learn basic communication skills to entertain clients during this period by engaging a waitress (individual interviews 2003–2004).

14 Women's experience of investigation and action for legal redress is conditional. For instance, there is a tendency for both Thai and foreign women and youth in trafficking/exploitative migration not to seek legal remedies unless they obtain financial and technical support of local rights advocates (Field interviews 2003 & 2009). In the case of Sri Lanka sending legal domestic workers to the Middle East, female migrants are likely to have very limited chances for successful investigation or compensation of their losses once they leave the country of destination (Interview with SLBFE 2004). Overall, the prosecution process is time-consuming and often overlaps with the reintegration/post-migration stage (stage 9).

A comparison of the narratives of women and youth shows a common feature: the migration process is composed of a series of decisions. When they plan to work overseas, all have a dream of successful migration. They also are aware that some price will have to be paid, and each has her own individual tolerance level. Some are prepared to settle at any cost, while others are not.

The threshold of tolerance may be understood as a turning point in the individual's decision to leave or remain in a situation. This level of tolerance may differ at each migratory stage, affecting the way they perceive themselves and the migration experience as a whole. Different forces define the threshold of tolerance. Cultural elements related to family and educational background and social exposure before migration are significant. Material factors, such as the presence or absence of options, certainly also determine each person's standards as to what is morally acceptable.

The migrants undergo critical situations that may challenge their threshold of tolerance during migration processes. These points are identified in three stages: 1) recruitment, 2) job placement I, and 3) job placement II (the work after the initial debt is paid off). Women's and youth's decision to stay or leave in a given situation at each stage is not as straightforward as it appears at first. As women and youth enter the job-placement stage, they are exposed to a number of incidents and moments that cause them to reconsider their involvement in the work. A decision to stay or leave the job is not always one's own choice but is also dependent on circumstances, such as the work arrangement, which can involve the reselling and rotating of workers.

Careful attention to the narratives helps to understand how the particular decision women make at each stage defines their vulnerability that may not always be connected with the use of force (considered a significant component of human trafficking in legal terms). The present forms of trafficking are not necessarily characterized by constant physical and psychological coercion.¹⁵ Such characteristics appear and disappear throughout the different stages of the migration process. Depending on the scope of individual

tolerance, women and youth develop different types of coping strategies alongside their own unique understanding of their position and status in the migration process.

11.4.2 Intersectional Discrimination: How Structural and Subjective Variables Operate

The following six case studies¹⁶ bring to the fore the main features of vulnerability in the migration-trafficking continuum. Women and youth's vulnerability may be understood as the intersection of three types of discriminatory practices: 1) flaws in the legal system which (a) exclude PCS and CSS as economic activities from regulatory frameworks and (b) legal distinction between trafficking and smuggling which offers protection to the former and penalizes the latter; 2) ability of broker, trafficker and employer to exploit these flaws with impunity; 3) stigmatization of the migrant's ethnic and work identities which prevents her from gaining access to social support. The case studies show the need to understand the contextual significance of intersectional discrimination and corresponding responses by those affected.

Case 1: Mon, a 16-year-old Lao domestic worker

When her mother asked whether she was interested in going to Thailand, Mon accepted an offer from a Thai female stranger to work as a maid for the period of one year. Mon took the job in the hope of supporting her mother, who was in great debt. She travelled with five other people from her village by car. Along the way, everyone was dropped off at different employers and Mon happened to witness a broker receiving money from one of the employers. That was when she realized that she had been tricked and would be sold to her employer. For the next four years, Mon worked in three different households and had no wages for the first two and one-half years. The initial promise that she could go home after a year was broken. The work intensity and conditions were extremely tough. She was abused and left pregnant with her employer's baby. Eventually, she was kicked out of her employer's house. Looking back, Mon confessed that she never intended to leave her employers. She explained, "In the first two families, I was told that I was in debt so I had

15 Discussions with rights advocacy groups in the field repeatedly suggested that classic cases characterized by constant physical and psychological coercion and exploitation still exist but cases bordering on exploitative migration have become more visible in recent years (Field interviews 2003 & 2009).

16 Cases presented here are reconstructions of narratives gathered in the field. Names are changed to protect identity of interviewees.

no choice but to stay and pay back the money. When I moved to the third family, I was paid Thai Bht 2,000 (US\$ 60) every month. I wanted to save some and take the money back home since I was the only one in the family who had left to work in Thailand.” With no place to go, Mon was arrested by the police while she was roaming the streets and jailed for more than a week before being brought to the shelter.

Case 2: Rat, 21-year-old, Tai-Yai hill tribe, China; in Thai sex industry and household

Rat was not keen to join the trip to Thailand when a Tai-Yai man from a different village came to her community and asked whether anyone was interested in working as a domestic worker in the country. Rat was aware of the risks involved in such an offer, since she had heard about the cross-border migration experiences of many people in neighbouring villages. However, she was convinced by the recruiter that it was a well paying job. Her friend also wanted Rat to accompany her daughter who was excited at the prospect of going to Thailand. Rat travelled from her village in China to Bangkok through Mae Sai. During her travel, she met five brokers at different places who guided Rat’s group and a dozen other men and women of different nationalities along the way. During her stay at a female broker’s place in Mae Sai, Rat witnessed a Thai man paying money to this broker. This Thai man eventually took Rat and her group to Bangkok. In Bangkok, Rat spent the next two weeks learning how to read and write Thai from the Thai man. The man then informed her that she had been sold by the female broker in Mae Sai and she had to work for him in prostitution to clear her debt. Rat worked for the next three months until the police raided the brothel. However, she managed to hide and was not caught by the police. Then Rat was resold by the Thai man to another employer as a maid. The second employer forced Rat to carry out domestic chores in his house, including working at a chicken farm and washing for the women who worked in his brothel. Several months later, another police raid took place and Rat managed to escape to Korat (northeastern town of Nakorn Ratchasima province), this time on her own. She worked for a karaoke shop for one week and was later arrested by the police while shopping at the market. Rat refused to share in our interview how she felt about the job and how her clients treated her. She simply answered, “I did whatever they [cli-

ents] asked me to do since I was afraid that they might report it to my employer. I was afraid of the police and could not plan to escape. I did not know the language well and had no place to go”. When Rat was interrogated at the IDC, she refused to inform the police that she had been trafficked. As the result, Rat was jailed at the IDC.

Case 3: Yuri, a 17-year-old Thai youth in Japanese sex industry

Yuri¹⁷ was attracted to a waitress job offer in Japan, brought by her aunt. She anticipated seeing the country and earning a good sum of money. Since her aunt had worked as a waitress in Japan as well, Yuri trusted the offer. She also wanted to help her aged father who was in great debt, according to her. Yuri did not suspect that she was being tricked into prostitution until she saw the shop on her first day on the job. Yuri wanted to escape but was afraid she would never be able to return home if she left her *mama-san*’s¹⁸ place. She decided to stay and work hard to clear her debt, which amounted to almost five million yen (US \$53,000).¹⁹ She roughly calculated her debts and found that she could repay them in two to three months if she worked very hard. To her surprise, however, Yuri soon realized that the debts would never disappear. This is because Yuri was charged for accommodation, food and clothing, which were deducted from her wages. Out of disappointment and frustration, Yuri decided to accept her fate. Yuri explained, “It [the work at the brothel] was better than being sold on the black market²⁰ where Yakuza (members of Japanese organized crime syndicates) told me that suffering is unimaginable and they would sell me if I don’t earn enough”. She carefully observed the situation around her and realized that she could make her life easier by working hard to earn *mama-san* and Yakuza’s trust and becoming popular among clients. “Obedience was the key”, Yuri explained.

17 Japanese name given by her *mama-san*. Name was changed to protect the identity of individual.

18 This word originates in Japanese language. It literally means ‘mother’, a term specifically used in brothel establishments. *Mama-san* plays a managerial role in the establishment.

19 Exchange rate as of May 2010.

20 A couple of informants confirmed that exchanges taking place on the black market were known as being associated with the worst forms of prostitution business in Japan.

Soon, Yuri found herself being given some privileges, such as being allowed to go out alone shopping and the ability to reject clients who refused to use a condom. Moreover, the trust she earned from *mama-san* eventually enabled her to escape from the brothel with help from one sympathetic client who arranged her safe return with the Thai Embassy and a local NGO.

Case 4: Sert and Jiw, Lao nationals in Thai households and sex industry

Sert, 19 years old, made friends with Jiw, 16 years old, in a house where they worked as maids. Sert had been recruited by a Thai man who told her the job was to work in a noodle shop in Thailand. Jiw took up her aunt's offer for work in the north, which she thought was in Laos. Neither of them had consulted anyone. Sert said, "I was afraid and knew it was risky but I wanted to give it a try so I did not want to talk to anybody about the job. If I had, they [the family] would have stopped me from going". On weekdays, they helped to prepare food and cleaned dishes in the noodle shop. On weekends, they worked as domestic servants. The employers treated them badly, imposing heavy workloads, paying no wages and they were abused. Two months later, a neighbouring couple with another job offer in the restaurant approached Jiw. "It [the work] sounded like better conditions and good money. But I did not want to be cheated again so I decided to go home and discuss the offer with Sert". Following night, Sert and Jiw decided to sneak out of the house and went to see the couple who took them to the restaurant. For several days, they worked as waitresses. They were then forced to engage in prostitution for more than a year. Jiw recalled, "After three days, they put me to work [in prostitution]. I gave in to protect myself. But I still had some reservations about making money this way". At one time, Sert and Jiw managed to sneak out of the brothel with the help of a client. However, the brothel owner found and brought them back to the brothel soon after. After this incident, the owner and his family regularly imposed severe physical punishment on them in front of the other employees. The brothel owner also ordered all his employees to keep their eyes on Jiw and Sert as they may run away from the shop again. Jiw and Sert decided to join with their Cambodian and Lao colleagues who were planning to run away. One night, after the owner went to sleep, one of them managed to sneak out of the brothel and hopped on a motorcycle and

rushed to the nearby police station to report the situation. A brothel raid by the police took place soon after. Jailed for illegal entry, it took several weeks for Jiw and Sert to be transferred to a government shelter.

Case 5: Kamala, a 36-year-old documented Sri Lankan housemaid in Kuwait

After two years in Saudi Arabia, Kamala decided to continue to work as a maid in Kuwait since she was told that salaries were better there. Her first employer was tough and abusive. Kamala decided to run away from the family and went to the Sri Lankan Embassy for help. Kamala stayed at a safe house at the embassy for a couple months. Ashamed to return home empty-handed like many others, Kamala chose to stay and sought relocation to another family through an agent. This was against the rules and regulations set by the government. The second house was worse. She was paid no wages, had to work almost 19 hours a day and slept in the kitchen since she was not given a private room. The verbal and physical abuse by her employer was also severe. Kamala said, "They [employers and their families] treated me badly because I think they were in the relocation business".²¹ In desperation, she returned home without completing her two-year contract, hoping for some official compensation. Only upon her return home, Kamala learned that she had to have registered an official complaint when she was sheltered at the embassy to qualify for compensation. As a consequence, Kamala realized that her chances of getting compensation for her loss were nil.

Case 6: Mira, a 24-year-old Uzbek sex worker in Thailand

Mira had migrated to Thailand to work in prostitution. She was a college student in Uzbekistan but could not complete her last six months of study because of the economic crisis in the country. Mira shared, "I knew that I had to work in prostitution before I came to Thailand. But I felt tricked because I had to stand on the street and solicit clients. I was told by the agent that clients would find their way to meet me in the establishment". Because of the great demand in Uzbekistan for overseas migration, Mira complained that the

21 Relocation business is carried out through reselling domestic workers to different families repeatedly while incurred profits are shared by agents and employers (Field interviews 2004).

service charge for job procurement rose too high after 2000. The first time Mira migrated, she had a female agent to whom she owed about US \$300. It took her a month to settle the debt. Then she was resold to another place and had to work for another six months. The second time Mira migrated, she had an agent in Uzbekistan and had to pay her US \$1,500 for the service.²² She first entered Bangkok on a legitimate visa²³ and then was resold to a Thai female sponsor in Pataya and worked there for four months. "It [the working conditions in the second period] was tougher than I thought. I was under tighter control than the previous time". With the visa fee and all other expenses, Mira was US \$5,000 in debt, which she managed to reduce to \$1,000 with the help of her former client from Kuwait. Then she moved back to Bangkok and worked there for another two months until she was arrested by the police and jailed for immigration violations.

These six cases illustrate variations of the context in the migration-trafficking continuum women and youth often experience. They demonstrate how different social traits interact to create a specific predicament that left migrant women or youth vulnerable to exploitation in the hands of their employer, client, family and law enforcement authority. The traits include: gender (female identity); a stigmatized sexual identity; nationality and/or ethnicity; immigration status (undocumented/documentated); class (income). These traits interact with additional contextual variables (such as family obligations) and may rein-

force the vulnerable positions of migrant women and youth.

A striking common feature is high mobility in job placement. The first reason for this mobility relates to business management. To help with business promotion and prevent workers from establishing regular contact with clients who might help them escape, constant workplace rotation is common in the sex industry (Case 3). Shifting jobs also occurs voluntarily as women and youth aim for better wages and conditions (Case 4). Shifting jobs to the extent of drifting between specific countries is common among Uzbek women engaged in CSS (Case 6). Many women overstay their visa in one country to continue to work off the debt, and move on to other countries to freelance. Some Uzbek women reported that they also drifted between popular destinations in Bahrain, Dubai, Japan, Hong Kong and Malaysia before ending up in Thailand.

The lack of legal recognition of PCS and CSS occupational categories is found to have enhanced the vulnerability of migrant women and youth regardless of their legal status.²⁴ As demonstrated in Cases 3 and 6, for instance, the government's failure to admit that entertainer visas cater to the supply of foreign labour as 'unskilled' sex workers,²⁵ condoned severe abuse and exploitation of female migrants in Japan for decades.²⁶ In response to the stricter immigration control policy, other types of visas for marriage, tourism and study are reportedly being used to enter Japan, Thailand and other popular destinations for migrant labour engaged in CSS.

PCS can be a regulated work category with minimal protection when it comes to labour export schemes. Case 5 show that this protection is mere window dressing. The legal protection for migrant workers in PCS in the destination country is strictly tied to the employer who issues the initial contract

22 Recruiting agencies in Uzbekistan have different services for their clients, ranging from travel, job procurement and even financial assistance. For instance, the air ticket between Thailand and Uzbekistan costs about US\$ 500 but often the agency overcharges. It was also reported that as much as US \$900 was requested from the agency as commission to facilitate women's entry into prostitution. Lastly, most of those who wish to work in Thailand need some financial service from an agency to start off. Consequently, individual debts range from US \$ 500-2,000 (Field interviews 2003).

23 At the time research was conducted, Uzbekistan was covered by visa exemption agreements, allowing Uzbek nationals to apply for a tourist visa on arrival. As of September 2003, a two-week tourist visa for Uzbek nationals cost about US \$300. Many Uzbek women used this visa to enter the country to work in prostitution. However, in response to the growing visibility of Uzbek women in prostitution, the Thai government decided to exclude Uzbekistan from visa exemption agreements.

24 For a detailed legal analysis, see Ramirez-Machado (2000) for domestic work and Bindman (1997) for prostitution.

25 Similar misuse of entertainment visas has been reported in South Korea (Yea 2004).

26 In response to increased incidents of sex trafficking involving women from the Philippines, the Government of Japan amended in 2005 the Immigration Control and Refugee Recognition Act No. 16. With the new revision, it is no longer possible for sending countries to certify the quality of entertainer skills. This is to reflect the fact that many women who entered Japan with entertainer certificates issued by the Philippines authority do not have such skills.

and provides legitimacy for permission of official entry. Owing to the ordeals PCS workers have to go through, particularly in the Middle East, Sri Lankan female domestic workers who migrate through authorized channels are shifting employers (Field interviews 2003). When they do so they no longer have the eligibility to claim compensation. This raises questions about the claim that migration for domestic service is considered 'safe' and can be promoted.

In Thailand, by convention, domestic work is considered 'an informal work' routinely performed by female members of the family or women from the lower social strata or ethnic groups (Burmese or Lao-tian). Work conditions and job expectations are shaped by feudalistic relationships, thus forging a link between submission in domestic work and ethnicity. A study conducted in Hong Kong with domestic workers from Thailand, Indonesia, and Philippines suggests that nationality also defines types of abuse to which one is exposed (AMC 2001).

Paitoonpong, Jailin and Weerawan (2002) show how social norms that locate migrant women in a marginalized position in the society along the lines of prevalent ethno-racial and gender orders reinforces the gendered and racialized maltreatment of migrant women and youth. Treatment of female migrant workers based on their ethnicity rather than skills has become the norm in both sectors of PCS and CSS in other countries in the region. This is particularly evident in working conditions. Yeoh and Huang (1998) and Wong (1996) shows that in Singapore, wages and off-days differ for Filipinas (\$300-350/2 days off), Sri Lankans (\$180-240/1 day off), and Indonesian (\$220-250/ no day off). Filipina maids have the best working conditions due to bilateral agreements.

As illustrated in cases 1, 3 and 6, migrant women and youth make certain decisions hoping to satisfy their moral obligations as daughter and mother, which put them in vulnerable situations at the consequent stage in the migration process. The oppressive nature of family virtue is poignant. In this respect, several empirical studies stressed the vital role played throughout history by daughters as economic actors in Thai households (Phongpaichit 1983; Whittaker 1999). Support for their natal families is a critical virtue for daughters, and obedience to parents is another moral obligation. The narrative of a girl who was sex trafficked to Japan with the consent of her parents confirms this aspect. At the time of the interview, her parents were pressuring the girl to drop criminal charges against a trafficker since they already received and spent the compensation money.

I feel pity for my parents. They are too poor. I will ask them why they sold me if there is a chance to in the future. But I know they really did not mean to hurt me (Field interview at shelter 2003).

Whatever happened in the past, it is over. I suffered and did not like what happened to me but I want to move on. Why should I make a problem out of it and feel sorry for nothing. (Field interview with a detainee from Mekong sub-region at IDC 2003).

As with case 2, it is common for women detained at the immigration prison to refuse to report their trafficking experiences to authorities, partly because of the limited trust they have in authorities and the justice system. In addition, they are aware that exposing such experiences in public often results in repressive consequences. There is apparently very limited social space available for women and youth who fail in the post-migration phase. In contrast, financial power imparted by savings brought back from overseas migration offers female migrants a sense of reward visible in the form of appreciation from immediate family or recognition as a popular marriage candidate. Women and youth have further impetus to migration in such communities where migration is established as an acceptable livelihood option.

11.5 Agency and Coping Strategies

As evident in the six cases above, economic incentive combined with strong personal aspirations and in some cases family violence, plays a significant role in women's decision to migrate. A closer look at each case shows that the social location of women and youth in migration for PCS and CSS (which defines the relations of subordination) shifts as they proceed through the migration process. This is because the vulnerability of women and youth changes according to the negotiation skills and social space they acquire or lose along the way. Their level of vulnerability also fluctuates depending on their relationship with employers and colleagues, conditions of employment and forms of resistance.

Resistance documented in this chapter can be either covert or overt. Covert resistance is that done in secret or disguised manner on an individual basis and overt resistance takes the form of visible resistance against the 'rules' or negotiations conducted in the open through the system already in place. Escaping or refusing to satisfy the quota imposed by brothel owners are examples of overt resistance. Women's agency can be understood in terms of the shifting positions of vulnerability among women and youth in the mi-

gration process and how a particular coping strategy is formed and influences their self-perception of status in the migratory experience.

Patterns of fluctuation of vulnerability are diverse across the six cases. The social and physical locations and entailed vulnerability of Mira (case 6) fluctuated dramatically as she transferred from the position of debt bondage to freelancer in the sex industry. Yuri's story (case 3) is another case regarding how covert coping strategies can enhance one's welfare and security in a constrained environment. Yuri built her bargaining power within the brothel not only by totally complying with the 'house rules', but also by manipulating them to secure a privileged position in the establishment.

While some women are successful in making the most of what little they are given, others are caught in changes that worsen their position, and their vulnerabilities increase as they move along. Cases 4 and 5 describe how other women and youth react when caught in unfavourable conditions. The narratives of both Jiw and Sert (case 4) and Kamala (case 5) illustrate how a small attempt to improve one's working conditions can lead to a worse nightmare, as they ended up in the wrong people's hands. A documented migrant domestic worker such as Kamala (case 5) can suffer a deterioration of her legal position. Despite her choice of the most open form of resistance of all six types described above, Kamala slowly lost her bargaining power when she decided to stay on and work for the second family, thus breaching regulations. Her situation suggests that her conditional legal status confirms other structural disadvantages, enhancing her vulnerability to discrimination rather than protecting her.

These cases exemplify how external factors in combination with an individual's agency shape the various coping strategies. For instance, complete confinement in a private space leaves maids most vulnerable to abuse and exploitation as demonstrated in case 1; there is limited space for resistance apart from escape. Prostitution, on the other hand, allows some social exchange to take place with clients, colleagues and employers, depending on the working environment. It is therefore possible to resort to a coping strategy that does not challenge the entire authority in the house, but manoeuvres internal rules and relations to improve one's position and well-being.

These narratives suggest the mechanism of tolerance, by which the borderline of what is acceptable, is composed of layers. There is variety within the unacceptable frame by which some issues could be negoti-

able, depending on the conditions and what the women expect from the migration experience. Threshold of tolerance may also change in the migration process and be drawn in a consultative manner. By shifting the borderline of tolerance, women and youth cope with unexpected situations and attempt to make sense of the gap arising between their expectations and the challenging reality. The way Uzbek sex workers understand debt bondage reaffirms this point; they foresaw that unfavourable conditions would be imposed until they cleared their debt. They recognize such conditions as part of the package that comes with the particular work arrangement (Group discussion and personal interview 2003).

11.6 Shifting Self-Image

The previous section maps out the structural and subjective variables that shape shifting social locations of women and youth in migration processes and defines their vulnerability. How do these variables then shape ideas of selfhood of individuals? Evidently, their self-image is reflected in the choices they make in their migration processes. The narratives that we recorded suggest that their perceptions are not as clear-cut as 'victims' or 'illegal migrants', as some authorities and rights advocates conclude. This is partly because their self-image fluctuates along with shifts in their social locations and entailed vulnerabilities.

In this connection, the majority of those who are in the grey zone may admit that they failed in their dream of successful migration but may not necessarily consider themselves 'victims'. For instance, Nok, a woman in her twenties from Laos, expressed her strong determination to return to Thailand despite her experience of debt bondage in three different occupations. "Now I have learned all the steps [I need to know to go to Thailand]. I can travel without being cheated, if there is a second chance" (Field interview 2003).

On a similar note, another Uzbek migrant sex worker refused to be seen as a victim and dared not seek assistance from the Thai women's group to get compensation for her losses. Rather, she expressed a wish to return home as quickly as possible to make a fresh start. Having worked in Dubai and Pakistan as a sex worker, her life in Thailand was a combination of classic sex trafficking and freelance work.

It was stupid of me to come to Thailand. I curse myself sometimes that I made a bad decision and am stuck in prison wasting my time. My savings and things I col-

lected at my apartment are all gone! So next time, you know, I will go back to the Middle East to work, no more Thailand. I think that is what I'll do when I return home (Field interview at IDC 2003).

Additionally, understanding of complexity of the migration experience and self-image is well demonstrated through remarks made by Yuri (Case 3) and Mira (Case 6) who articulated the benefit they gained from sex trafficking experience as follows.

The experience [that I was being trafficked] really made me an adult, and I got to know the real world.... It was negative and bad. But because I was tricked, I was able to go overseas and saw and have done things in Japan, the kind of experiences that my family could not afford for me to have because they are poor and things that my friends at home would not be exposed to (Field interview with Yuri 2003).

I like the work because I can get to know new interesting people from all over the world.... But I do not want my family to find out what I was doing for a living in Thailand (Field interview with Mira 2003).

From these voices, we can extrapolate a social function of migration as part of women and youth's resistance to the conventional life course, the oppressive nature of which has begun to be revealed. Undeniably networks of trafficking/smuggling of migrants do facilitate opportunities for some individuals to gain a sense of elevated lifestyle; but such 'advancement' tends to be of limited duration and have particular constraints. Moreover, migration through these channels does not equip women and youth to challenge the extant discriminatory systems to the extent of reconfiguring the material and symbolic conditions in order to enhance respect for their human dignity.

11.7 Conclusion

This chapter discusses the complex and dynamic nature of the material and subjective conditions associated with the migration-trafficking continuum and how intersectional discrimination as an approach can be useful in meeting challenges this continuum has posed to policy. Two main aspects should be noted in this regard. First, patterns of intersection between migration and trafficking, involving women and youth are increasingly becoming visible. Migration for PCS and CSS may well have become an integral part of the general female migration process in Asia for reasons related to changes in regional political economies and changing lifestyles. Second, the vulnerability of women and youth in the migration process is an outcome of intersecting forces, which points to the signif-

icance of the 'intersectional vulnerability' created by a combination of structural (law and policy) and subjective (identity) social forces. Coping strategies are embedded in the specific context of 'intersectional vulnerability' in which changing self-image and the threshold of tolerance of the individual play an important role.

An assessment of the nature of individual's participation in migration based on information on the mode of recruitment and job description available at a pre-migration stage may be ineffective particularly when high mobility in job placement is a common feature of migration experience for women in PCS and CSS. In addition, policy solutions that rely on the establishment of migrant labour law that does not necessarily question the associated cultural valuing mechanism, are considered only tentative measures. This is because international migration for PCS and CSS involving women and youth has its foundation on the structure and value that is both gendered and racial. Insights into vulnerability of women and youth suggest that policy strategies should recognize the critical role of associated cultural valuing mechanisms that reinforce the institutional practice of disrespect and demeaning treatment of migrant women in PCS and CSS. Future policy strategies for rights protection of female migrant workers for PCS and CSS could thus benefit from an inclusive approach that embraces more rigorous understanding of the process of marginalization and subordination of women and youth in migration.