

What's in a label?

Jackie Pollock

The profiling of people who move is being increasingly institutionalised. They may be labelled the 'migrant worker', the 'refugee' or the 'trafficked person' but people's life experiences resist being so neatly categorised.

Demarcations between a trafficked person, a smuggled person, a refugee, a documented migrant and an undocumented migrant are spelled out ever more painstakingly in international conventions and in domestic laws and policies but the reality of people's lives is far more complex than one label can encompass.

A migrant worker from Burma in Thailand will nearly always explain the cause of their migration as economic but probe a little deeper and the repressive nature of the military dictatorship quickly emerges as the root cause of poverty and migration. They could return home but they would find it difficult to survive if they did.

These economic migrants use brokers to reach the Thai-Burma border in order to avoid the landmines and the check-points, and then they use brokers in Thailand to find employment, because without documents they cannot travel within the country. They are found jobs working for 10 hours a day in garment factories, as domestic workers, and in other manual jobs, paid US\$2-4 a day (the legal minimum wage is \$5-7 a day), and threatened with deportation if they make any demands for their rights. Have these migrants committed the crime of being smuggled and are thus deserving of punishment and deportation or are they victims of trafficking and therefore deserving of protection and compensation? Or should they be respected as

people taking responsibility for their own survival and for the survival of their communities?

International law will never be able to respond effectively to the infinite combinations of experiences of migrants when the root causes are not addressed and when some of the responses themselves create new categories of people. Those who arrive on rickety boats in unsafe waters do so because they have been excluded from the normal routes and legal means to travel.

Resisting categorisation

Because of the different legal protection regimes for refugees and trafficked persons and the general lack of one for migrants, the three groups are also treated as if they keep themselves apart. There are indeed situations and policies which do separate them. In Thailand, the 140,000 recognised refugees from Burma housed in camps along the Thai-Burma border are not allowed to leave the camps and so have no interaction with either migrant workers from Burma or the local Thai population. The estimated two million migrant workers from Burma currently living and working in Thailand are encouraged to live on their work sites. Factory workers live in dormitories where hundreds of workers claim a space the size of a mat, and where the gates are firmly shut with a security guard keeping a watchful check that no outsiders enter the compound. Construction workers live in shacks in the shadow of the mansions they are building.

Trafficked persons are confined in isolated private houses cleaning, cooking and on call 24 hours a day for abusive employers, or in atrocious conditions on fishing boats. The different categories of migrants are both isolated from each other and segregated from the local population.

However, despite these segregations, migrant workers, refugees, trafficked and smuggled persons do sometimes move together and they do sometimes work together. A raid by anti-trafficking officials of a seafood processing factory in Thailand exposed sleeping quarters in the roof rafters for trafficked persons while other workers in the factory lived in another area. Brothels may have sex workers who come to work and leave to go home and a group who are kept there permanently even if they want to leave. Migrant workers know if there are trafficked victims among them; if migrants were given protection and assurances that they themselves will not lose their own legal status or be deported, migrant workers could be the key players in addressing trafficking.¹ To cite a recent example, on 24 January 2011, the *Bangkok Post* carried a story of how Burmese migrant workers had reported the fate of a Ukrainian man who, it appears, had been detained in a state of servitude in a factory in Bangkok for 14 years. The migrant workers who were also working in the factory looked after him; when they left the factory they wrote to his family and later led embassy officials to the factory to free the man.

Eliminating the culture of tolerance of exploitation of all migrant workers would help ensure that working conditions for all workers were

decent and dignified – and would also free trafficked persons from exploitation. If a migrant worker could report any instances of exploitation or abuse without fear of repercussions, employers would find it much harder to traffic or abuse migrants, and working conditions would be improved. Migrant workers would have more bargaining power to improve their conditions knowing that employers could not replace them with forced labour. If migrant workers are to be recognised as important agents in the fight against trafficking, they must be recognised and supported by anti-trafficking groups as well as by migrant rights groups.

Migrant rights groups

In Thailand, a network of women called Women Exchange² brings together women migrants from diverse backgrounds, ethnicities and occupations – including manual workers, labour activists, political exiles, sex workers, refugees and human rights activists. They meet monthly, in various locations along the border, in order to break down the barriers created between the different categorisations, to develop unity and to strategise collectively for ways to promote their rights.

Today there is pressure on rights groups to define and demarcate their territory. Anti-trafficking groups, refugee groups and migrants groups each define their own messages, services and advocacy. Governments and local populations react differently to each of these groups. Migrant groups are at best tolerated and at worst are banned by countries of origin. Failed states do not want their failures broadcast; migration is a direct response to social and economic failures and they prefer to keep it hidden.

Migrants rights groups based in Thailand cannot set up sister organisations in the country of

origin to inform migrants of their rights prior to departure because the migration of millions of Burmese citizens over the last 20 years has been ignored by the regime, and all migrants have had to migrate without any documents. Only since early 2009 has the regime agreed to issue documents (in the form of a temporary passport valid only for crossing into Thailand) to some migrants but this has been a purely administrative procedure and there have been no corresponding



measures to educate and empower the migrants. Refugees also expose political and civil failures and thus suffer a similar response from the governments of the countries of origin. Anti-trafficking groups, on the other hand, receive public acknowledgement and recognition of their work although on the ground they often face a complete lack of cooperation by local authorities who may be involved in trafficking.

One anomaly, however, is that the Burmese military regime seems to welcome discussions and diversions about a handful of unscrupulous traffickers or about the exploitation of their citizens in another country. The regime which has long used forced porters, child soldiers and other forms of forced labour entered enthusiastically into the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT), hosting many of the meetings and pledging to combat trafficking through prevention measures, prosecution and protection. The anti-trafficking framework, unlike forced labour,

allows them to lay the blame on someone else. It also rewards what authoritarian governments do best: enforcing the law, arresting, detaining. In addition, such regimes can earn some praise in the international arena by addressing a gross human rights violation such as trafficking, where generally the rights agenda is far from their priority.

Anti-trafficking, refugee and migrant rights groups need to face this hypocrisy head on. They need to join forces to expose the conditions which result in people having to leave their countries of origin, whether for violations of economic, political or civil rights. They have to unite in challenging the restrictive migration regimes which increase migrants' and refugees' risks of death, abuse and trafficking. They need to come together

to confront the policies which use categorisation to segregate people and which make insecurity and impermanence a part of so many people's lives. They must join with unions and local workers to protest against the exploitation of manual and service workers. Migrant workers, refugees and trafficked persons and their support groups must start to question the labels that are assigned to people but which reflect only a small portion and time of a person's life.

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1. See 'Beyond Trafficking Jams: Creating a Space for Trafficked Women', Jackie Pollock, *The Irrawaddy Magazine*, Feb 2001, Vol 9, No 2 http://www.irrawaddy.org/article.php?art_id=2140.

2. Supported by MAP Foundation.