



# NEWSLETTER

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DAY OFF  
FOR ALL

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## Editorial

The Employment of Foreign Manpower Act (EFMA) is being amended. EFMA is the main Singapore law that covers the employment of migrant workers. It contains some provisions that concern the rights and status of migrant workers in Singapore. It is also the act under which work permit conditions are issued: although they will be amended separately, changes to EFMA will also influence the terms of work permits. This is clearly of interest to all migrant workers here, to those Singaporeans concerned with the rights and protections of migrant workers, but also, broadly, to all concerned about what sort of society is developing in Singapore.

We have now posted on our website the text of the amendments to EFMA and the work permit conditions that we proposed and submitted to the Ministry of Manpower (MOM) in 2011. In the May-June issue of this newsletter, we presented the text of our response to the draft amendments.

Of direct relevance to the amendment of EFMA was the research that we undertook last year and at the beginning of 2012 on the costs of migration for Bangladeshi construction workers. We prepared an initial report and submitted it to MOM in May. Among issues highlighted in that report were the large sums that workers have to pay out to get a job in the first place, and the illegal charging of fees for the renewal of their contracts by many employers. There are clauses in the proposed amendments that are aimed at tackling these abuses.

In this newsletter, we present a summary of our comments after the First Reading of the amendments in Parliament, which took place on 14<sup>th</sup> August; more detail can be found on our website. The Second Reading should take place in September.

Passing changes to the law is one thing, and getting laws enforced is another. Government should clearly take the main responsibility for enforcing laws to guarantee workers' rights and give workers protection, but the public has a vital role to play. By showing that they do not want migrant workers to be badly treated, or made to pay unreasonable charges just to be employed, for example, citizens can form a social consensus for better conditions for migrant workers that would underpin and reinforce legal changes.

Everyone who sympathises in any way with what we stand for can play a part in working towards this goal: by talking with friends and family about the issues, raising it online and writing to the media and MPs, volunteering with TWC2 and joining the society. On 9<sup>th</sup> March 2013, it will be ten years since our forerunner organization, The Working Committee Two, was launched. Could you help us to renew and expand the society in our anniversary year?

## Helping TWC2 to Continue its Work

We're pleased that TWC2 is seeing a growing number of volunteers coming forward. We're very keen to have your help, but because our core group of activists and staff is quite small and over-worked, that makes it hard to respond to offers as promptly and efficiently as we'd like. We need to get more people to pitch in to help on the organisational side of TWC2's work, which should ease that problem.

This would include volunteering to join our sub-committees that deal with direct services, research, publications and fund-raising. We will be having elections for our Executive Committee at our next Annual General Meeting in March and hope to have new candidates coming forward to join it then. If you might consider taking part in any of these bodies, please let us know.

Thank you to those who have already volunteered!

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## Events

**26<sup>th</sup> June:** 'Covering Trafficking'- TWC2 held a briefing on the media and trafficking on the morning of 26<sup>th</sup> June. It dealt with some of the pitfalls of reporting on trafficking and with how the issue can be covered in an ethical way that respects the rights of trafficked people. 31 people attended, including six journalists and five media students and four staff of ministries that deal with trafficking-related issues. Most of the other attendees were people who deal with the media as part of their work with non-governmental organisations.

**29<sup>th</sup> July:** Fundraising Dinner for TWC2-Over a hundred people came to a fundraising and volunteer appreciation dinner for TWC2 held on the rooftop of Zsofi Tapas Bar. We'd expected to have to put a lot of effort into selling tickets, but they sold so well that we had to stop sales over a week before the event. Our apologies to people who wanted to be there but couldn't get in!

Donors, well-wishers, volunteers, staff and migrant workers who have assisted our work came – some arrived even before the official starting time of 7pm. Everyone got on well right from the start. TWC2 president Russell Heng made a brief welcome speech and then everyone tucked into dinner- a Spanish-Indian fusion buffet. There was an enthusiastic response to a belly dancing and Bollywood performance by Desert Roses.

TWC2 thanks our ticket-donors for their support, which helps us to continue assisting low-wage migrant workers in Singapore. We also wish to thank Zsofi Tapas Bar and Desert Roses for their contributions, our staff and volunteers for their hard work despite the pressure of time and the discomfort, and all our guests for being there and making the evening a huge success.

**5<sup>th</sup> August:** Chinese Workers Free Public Talk-A free talk on Employment Act, Work Injury Compensation Act and Work Pass conditions for the Chinese workers was held at the Herald Assembly of God Church located at Guillemard Road. TWC2 Senior Social Worker Kenneth Soh shared with the participants on their rights working here in Singapore. The talk received positive feedback from the participants and the Chinese Workers Outreach Team will organise more talks in the future.



**13<sup>th</sup> August:** The initial version of '*Worse Off for Working*', an 18-page report based on research on the costs of labour migration for Bangladeshi construction workers, was released. Care was taken to obtain a sample of workers from different employment conditions and the research team deliberately did not interview workers at the Cuff Road Project for that reason: they are all in the worst of situations. The research showed that the workers typically paid out so much money for their placement that they had to work for over 17 months before they had made back the money they spent to get jobs. It revealed a high level of illegal charging for contract renewal: workers were normally taken on for a one year contract and two thirds reported having to pay for their contracts to be renewed – 'kickbacks' that are illegal under Singapore law, but evidently widespread.



**'Worse Off for Working'** was shared with the Ministry of Manpower in May. Its findings featured prominently in a full page of articles in the Sunday Times on August 12<sup>th</sup>. It was placed on the TWC2 website the following day. The final version, with recommendations, will appear later this year. You can view the initial report at:

[http://twc2.org.sg/wp-content/uploads/2012/08/Worse-off-for-working\\_initial-report\\_v2.pdf](http://twc2.org.sg/wp-content/uploads/2012/08/Worse-off-for-working_initial-report_v2.pdf)

**16<sup>th</sup> August:** Heartbeat Draws More Volunteers – 17 new volunteers came to the latest session of Heartbeat, TWC2's monthly gathering for people interested in volunteering with the society.



## Thanks to Indian Women's Association

The Indian Women's Association donated the proceedings of a charity fund raising event to TWC2 on Monday 25th June. Subina Kaneja, Ruchira Gupta and Devika Misra, three association members, came to the TWC2 office and handed over a cheque for \$5000. This is very much appreciated. The donation will go to the CARE Fund, which is used to meet urgent needs and emergencies of migrant workers.



- Winner of the National Volunteer and Philanthropy Centre's New Non-Profit Initiative Award 2005 •
- Winner of the American Women's Association Woman of the Year Award 2011 •
- Winner of the Rotary Club of Singapore Good Samaritan 2011 Award •

## A Thought-Provoking Video

Nanyang Technological University students Avril Hong and Zhu Yanling approached TWC2 in July 2011 with ideas about a video on Bangladeshi workers. They were certainly busy with it: the research team working on our own Bangladeshi worker project saw them on a number of occasions after that.

Then in April, it came out. [The Migrant Trap](#) is a 20-minute interactive video that does a great job of presenting to the viewer the experiences and choices of Bangladeshi workers in Singapore. Avril and Yanling focus on a worker called Akash, who is in a fairly typical position: they didn't make the mistake of turning to a worker in the most desperate situation. Through him and his friends, they bring out the realities of the workers' lives here. It's well worth looking at and trying out.

the  
migrant trap



### In Brief

#### How Many Domestic Workers, From Which Countries?

It is quite difficult to get reliable figures for the number of migrant workers here by nationality, but sometimes figures do come up. There are 4,500 Sri Lankan domestic workers in Singapore at present, the Sri Lankan High Commission told 'Straits Times' journalist, Amelia Tan (Maid agents looking to Sri Lanka, ST, 25/6/2012). The High Commission expects the number to rise to 6,000 by the middle of 2013 because of increased interest in recruiting them from agencies.

The article refers to the Association of Employment Agencies (Singapore) and says that domestic worker employment agencies said that 'Sri Lanka is the fifth biggest source of maids here after Indonesia (103,000), the Philippines (70,000), India (15,000) and Myanmar (10,000).

When our forerunner group, The Working Committee 2, was launched in 2003, the number of domestic workers here was 140,000, and Filipina workers slightly outnumbered Indonesians. The third largest group was Sri Lankans. We never encountered domestic workers from Myanmar then, but they seem to be the most rapidly growing group at present, from a tiny base level.

#### Anti-Trafficking Protocol Signatories

117 countries have signed the United Nations' 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime'. For details, see <http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html>

#### Freedom to Communicate – A Basic Right

Buried away in a report on the discharge of the murder case against Bangladeshi cleaner, Repon Mustafa, is this comment on the deceased domestic worker, Ruliyawati:

'It is understood her employer of 10 months was upset to find she still had a mobile phone, despite being told not to have one.' (K. C. Vijayan, 'Maid's death: Man is Discharged', *Straits Times*, 11<sup>th</sup> July 2012)

In many professions, employees are told not to use a 'phone during working time: are there any other professions where employers assume a right to stop their employees from having a 'phone?

Freedom to communicate is a very basic right, but many employers of domestic workers feel entitled to prevent them from using telephones to talk to other people – even if the 'phones are their own. TWC2 also hears of employers who insist on reading letters to and from their domestic workers before handing incoming letters to them or allowing them to post letters out.

The right to communicate ideas and views is recognised in the Universal Declaration of Human Rights (UDHR). Article 19 says:

*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference*



and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The UDHR was adopted by the United Nations General Assembly in 1948.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) says:

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Singapore is one of only 18 countries that have not signed the ICCPR, but the right to communicate freely is evidently widely accepted as an international standard. Such qualifications as exist concern issues such as incitement to violence or activities that are illegal under states' domestic laws; they do not provide for employers to exercise blanket control over employees' communications. There are good grounds for regarding that as an extraordinary and unjustified interference with the right of human beings to communicate freely and a violation of their right to privacy.

## Amendment of EFMA

Acting Manpower Minister Tan Chuan-jin tabled amendments to the Employment of Foreign Manpower Act (EFMA) before Parliament on Monday, 13 August 2012. It is likely that debate and passage will take place in September.

TWC2 welcomes most of the proposed amendments; they represent important steps in the right direction to better empower the Ministry of Manpower in dealing with problems commonly faced by low-wage migrant workers in Singapore.

However, TWC2 is conscious of the fact that having broad powers in place does not by itself solve the problems. Legislated powers need to be operationalized through equally exhaustive by-laws (Regulations) and a demonstrated commitment to enforcement.

We believe the ministry will be updating its Regulations consequent to the amendments to EFMA, though at this point in time, we do not know what the intended changes to the Regulations will be. We also urge the ministry to strengthen its commitment to enforcement, for in the past even when powers were in place, many workers' problems were left unattended to for lack of enforcement.

The changes that strike TWC2 as significant to our area of work relate to:

(a) Powers to attach conditions to in-principle approvals and work passes that relate to duties of employers both during employment and post-cancellation, revocation or expiry of the work passes;

(b) The creation of a new set of 'prescribed infringements' with financial penalties that can be imposed by the Controller of Work Passes.

(c) New proposed Section 20 that extends the liability of businesses for wrongdoing to individuals who make the decisions.

(d) Broader net cast as to who might be considered "associates" of a debarred person engaged in a business substantially similar to that of the debarred person;

(e) More explicit language banning employers from demanding or receiving payments as consideration for giving new or continuing employment;

However, there are a few areas of concern:

(f) Heavy penalties and presumption of guilt with submission of fake documents by employees, who may not be the primary actors in such offences;

(g) Heavy penalties on workers for being employed without a valid work pass, which can be a tool for traffickers to keep control over their victims;

(h) Illegal to bring in workers when there is no work and fail to employ them.

(i) Lack of a simple mechanism for workers to recover their owed monies and compensation even when so ordered by MOM.

*These comments are taken from TWC2's website: the full text, including more detailed analysis, can be found at:*

<http://twc2.org.sg/2012/08/17/on-the-proposed-amendments-to-the-employment-of-foreign-manpower-act-august-2012/>

## Recent Letters to the Media

*(By John Gee to Straits Times, on 7<sup>th</sup> August 2012 – unpublished)*

On August 6th, you featured a photograph accompanied by a caption showing 11 of the 12 women reported to have been taken in 'for both vice activities and immigration-related offences'. Some of the women have plastic cuffs on their wrists.

Is it right to use such photographs? These were women who were detained, but have not been tried or convicted of offences against Singapore's laws so far. Readers might well assume the worst of them simply because they have been detained and cuffed in this way. They might have taken a very carefully considered decision to come here and do the work that the caption implies; they might have done it out of hardship because they felt they had little choice; they might even have been trafficked.

The point is, who knows for sure at this time? The use of such humiliating pictures that would clearly influence negatively the opinions of readers about the women portrayed, particularly when their exact circumstances are unknown, is unjust.

*(By Alex Au, TWC2 Treasurer, to Straits Times, on 20<sup>th</sup> August 2012 – published on 22<sup>nd</sup> August)*

Radha Basu was spot on when she wrote that enhanced laws on migrant labour will mean little without enforcement (*Sunday Times, 19 August 2012, Mind the gap between principle and practice*).

In this connection, among the worst failings has been where employers have not bought insurance for work injury compensation. After an industrial accident, a worker suffers a permanent incapacity that diminishes his future ability to support himself and his family. Yet the employer does not pay compensation even when so ordered, citing its own cash flow problems and lack of insurance. Typically, workers report to us at Transient Workers Count Too that they've been advised by the Ministry of Manpower (MOM) to sue the employer, but such a process requires a lawyer and court fees which low-wage workers, already destitute, cannot afford.

The problem should have been nipped in the bud with vigorous enforcement of the existing law requiring work injury insurance, yet going by the number of heartbreaking cases our group sees, the problem persists.

MOM should disclose how many cases of permanent incapacity occurred in each of the last five years, how many cases didn't have work injury insurance and how many successful prosecutions there have been in the same period.

## A Helping Hand

When workers suffer injuries at work, their employers are under a legal obligation to see that they have proper medical treatment. Sometimes, that doesn't happen, because their employers have not insured them, or they wish to avoid any responsibility for their care and claim that the injuries were suffered elsewhere. There are also cases where employers pay for a worker to be treated up to the limit of their insurance, but refuse to pay any more.

TWC2 helps workers in these situations, when it is clear that they will not get the care they need. By coincidence, three workers who had had part of their skulls removed following accidents came to us for help.

Majibar Hakim's employers had paid for treating him up to and over the limit of their insurance, but would not pay for further surgery to make good the hole in his skull. TWC2 dipped into its CAREFund to pay for an operation for him at the beginning of August. The New Paper reported on Majibar and journalist Benson Ang made enquiries about the other two workers who needed treatment. He was told that the two employers concerned had agreed to pay for their operations. We're keeping the situation under review.

In July, two Chinese workers were killed when temporary scaffolding collapsed at the Downtown Line site at Bugis, covering them in concrete. Bloggers Benjamin Lee, aka Mr Miyagi, Adrianna Tan, aka Popagandhi, Mr Lee Kin Mun, aka MrBrown and others issued an appeal for donations to support the families of the men and linked up with TWC2 to collect the money and make sure it got to the families.

By the time the appeal closed at the end of July, at least 440 members of the public had contributed sums that totalled \$66,332. We were able to hand over first instalments of the money to family members who were briefly in Singapore and the rest was sent over after the families had set up bank accounts to receive it.

TWC2 thanks all those who contributed both to the fund for the families of Dou Chunjie and Meng Huaiyou and to our CAREFund that allowed us to see that Majibar got the treatment he needed.



## Covering Trafficking

*(This is an abbreviated version of a talk at the TWC2 briefing on the media and trafficking, held on 26<sup>th</sup> June)*

I should start by saying something about TWC2's own work on trafficking. We started out in 2003 as a group that worked for the rights and wellbeing of domestic workers. In 2004, when we became a society, the scope of our work expanded to cover all low paid migrant workers, male or female, but it was only in 2006 that we started to take up the issue of trafficking. That year, we helped the Global Alliance Against Trafficking in Women with its research, attended a workshop with visiting anti-trafficking activists from Thailand, arranged by UNIFEM-Singapore, and our first suspected trafficking case came in the day we launched our helpline, on International Migrants Day.

While we have handled a few cases of people we considered to have been trafficked, our main emphasis was on advocacy. We believed that the problem went far beyond the cases that our own and other NGOs were handling; the number of women fleeing to the Philippines Embassy for help alone indicated that.

Clearly, we could do something practical to assist trafficked individuals, but what was most needed was a far broader anti-trafficking effort. We believed that the most urgent problem was that Singapore's official understanding of trafficking was very narrow: to all intents and purposes, it was limited to recognizing trafficking in which coercion was very obviously used, and also set in a punitive mould, where stress was laid on punishing the act of trafficking rather than on assisting trafficked people.

Our information indicated that most trafficked people entered Singapore legally, through passport control; they were recruited by means of deception or non-physical coercion, and then put to work in conditions of severe exploitation. The official approach had to change if the arsenal of anti-trafficking means potentially available to the state was to be fully mobilized: only then could police, border control personnel, and appropriate social services be thoroughly activated to tackle the issue and to handle it on a victim-centred basis.

We were therefore pleased when the Inter-Agency Task Force on Trafficking in Persons was established in 2010 and a new approach began to emerge – a process that continues.

The second most important requirement for combating trafficking effectively was a society that grasped what trafficking is, is opposed to it, supportive of measures to counter trafficking and anxious not to be complicit in trafficking through members taking part in the exploitation of trafficked people.

This should be, in our view, the other powerful arm of an anti-trafficking effort. While NGOs such as ours can have an educative impact, we think that the outreach and therefore the potential of the media is greater. We're not asking that the media should cease to report and analyse news about trafficking and assume the role of a teacher – far from it. What we hope is that, by objective and well considered coverage, it can help to produce, when it comes to trafficking, a better informed, more thoughtful society.

### Recognising Trafficking

When the word 'trafficking' is mentioned, what springs to mind most readily is foreign sex workers. We've seen images and reports about them, and have read distressing accounts of women who were trapped into undertaking sex work against their will. Worldwide, there are also cases of child trafficking, sometimes for sexual exploitation, often for use as workers. When it happens here, the most typical forms would involve the use of under-18s as sex workers or domestic workers. Globally, most trafficked people are not trafficked into sexual exploitation, but into labour exploitation. In any case, there is an argument for seeing trafficking into sexual exploitation as a form of labour exploitation, rather than as a separate phenomenon, even though it is essential to recognize its specifics and the distinctive needs of people who have been put through it when it comes to protection and recovery.

The UN anti-trafficking protocol does not talk about 'sex trafficking'. It talks about 'the exploitation of the prostitution of others or other forms of sexual exploitation', which would therefore include not only commercial sexual exploitation but also other forms of sexual exploitation. These would include forced or brokered marriages in which a woman might find herself both sexually exploited and working as an unpaid domestic labourer.

When I talked with Sallie Yea, a leading researcher in this area, about so-called 'sex trafficking', she said that for many of the people considered to be victims, the primary form of exploitation is not having sexual intercourse under compulsion, but other forms of work with a sexual content, including erotic dancing and being touched in the process of 'pleasing customers' in the establishments where they work. They also complain about having to clean the bars and toilets where they work (especially as a form of punishment), often around 3-4 am, when other people are stumbling into bed or already asleep.

So, in brief, not only should we be careful not to reduce trafficking to trafficking for sexual exploitation, but we should also not take a blinkered view on what that term means. If we listen to the voices of those most affected, often as reflected in specialist research, we'll have a clearer perspective and not slide into over-simplifying assumptions.

We think that it is important to remain open minded to the possibility of trafficking for labour exploitation in Singapore and not fix solely on trafficking into sexual exploitation. Indeed, from some cases we've seen, we'd argue that it does exist – perhaps the most obvious cases in our experience are those of men recruited in developing countries such as Cambodia, Vietnam and

the Philippines and confined on fishing vessels where they were forced to work as fishermen. They came to our attention when their boats docked in Singapore.

The most widely used definition of trafficking is that contained in the United Nations' 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime', often called the Anti-Trafficking Protocol or the Palermo Protocol:

Article 3 says:

*(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;*

*(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;*

*(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;*

*(d) "Child" shall mean any person under eighteen years of age.*

The crucial defining elements here are that human trafficking involves:

Movement (transportation, inside or between countries) through the use of threats, deception, abuse of power or other coercive means, for the purpose of exploitation.

So you can see that in this definition, trafficking for the purpose of sexual exploitation is not singled out.

Note the other elements of Article 3: Clause (b) anticipates the argument that the trafficked person agreed to what happened to them, and in effect, recognizes the power imbalance between traffickers and exploiters on the one hand and trafficked people on the other, as well as the capacity of the former to intimidate trafficked people. It means that, even when a trafficked person professes to be acting freely if, for example, detained by law enforcement authorities, those authorities should consider the overall context, including the points mentioned in 3(a). The same, I would suggest, should go for those in the media who find themselves working with migrant people in situations of exploitation.

Articles (c) and (d) essentially affirm a wider protection for children: they cannot give consent, as minors, to being transported and exploited.

There is clearly a responsibility placed on those in authority to seek to recognize trafficked people, but media workers and NGOs concerned with the issue also have to be prepared to weigh up the evidence and assess facts carefully. Coming from an NGO background, I can say that we do not encounter people who say they have been trafficked and want help; they usually come to our attention through an issue such as not being paid, or objecting to sexual exploitation, and it is only later that it becomes clear that they have been trafficked: they may not even know the word for what happened to them.

Anyone familiar with the conditions under which many migrant workers are employed may look at Article 3 of the Palermo Protocol and say, 'This could apply to a lot of migrant workers: typically, they are misled about the conditions of their employment, their placement costs trap them in debt so it is hard to back out once committed, they do travel away from their homes to work and they are exploited.'

All this is true, and yet, I would argue, it remains important to distinguish between migration under disadvantageous and exploitative conditions and trafficking. There is a matter of degree, for one thing, and also of access to redress and protection. Deficient as destination country protections for migrant workers frequently are, there is a distinction to be made between workers in a domain of the rule of law, where they can seek help without undue fear of themselves being penalized, and those trapped in conditions beset by illegality (for example, through overstaying or working in violation of the law) whose status exposes them to harsh exploitation and abuse, with little recourse available.

Having said that, I recognize that there are differences over this issue, and we must acknowledge that there will remain grey areas on which a consensus may not be reached. However, I'm sure that it would be agreed, that wherever we encounter any of the conditions described in the protocol that deny the basic rights and dignity of human beings, they are objectionable, unacceptable and should be countered, regardless of the migratory context in which we see them.

We can certainly reduce the grey areas. As noted earlier, there's not much argument about the position of children. This does raise the question of the position of domestic workers who are under the age of 18 and who have presented false documents to evade Singapore's provision that domestic workers should be at least 23; also that of sex workers who are under 18. In both cases, Singapore law is clear in treating their employment as an offence against minors, and media coverage generally reflects this, but the fact that foreigners under 18 should very likely be seen as trafficked people under these circumstances does not seem to have registered to any great extent at a public level.



So far, the Singapore media have been pretty good at recognizing that people smuggling and trafficking are not the same thing; people may wish to enter Singapore to work without a permit and pay to be smuggled in and that is quite distinct from people who may be brought in under coercion and be exploited. There is perhaps less consistency in recognizing that foreign sex workers may be trafficked or they may be pretty much in control of their own employment conditions. It needs to be affirmed: a migrant sex worker is not necessarily a trafficked person, and a trafficked person is not usually a sex worker.

## Talking about Trafficking

If you are a media worker or a person whose work involves contact with the media, how do you deal with the issue of trafficking in an ethical way? Trafficking stories often involve such appalling conditions and events that they are real attention grabbers. They can appeal to those working with trafficked people as a way to dramatise the issue and raise public concern. Media workers know that they draw readers and viewers, but at the same time, most would be cautious about doing anything that would endanger interviewees.

It is at least worth asking some very basic questions about how this issue is approached. Is it necessary to find a trafficked person or people to produce a good story in the first place? The personal narrative feels more immediate, and might seem more engaging to readers, but there are other circumstances where a deliberate choice is made not to interview a person, such as when someone suffers a bereavement. Generally, media workers hold back from questioning a grieving parent or partner about what they are going through, in recognition that it is traumatic, and in cases where the traumatic nature of a trafficked person's experiences can be imagined from the known facts, it would seem to be both sensible and humane to hold back from pressing for an interview. Sometimes, going to experienced NGOs that work with trafficked people or academics who conduct research with them may be the best option. And if the impetus for writing a piece in the first place came from an NGO or academic report, isn't that often a good enough basis for an article without supplementary material?

It might be that there is nevertheless a good case for doing an interview and the potential interviewee is fully willing to provide one, but then the media worker concerned should really have a set of ethical guidelines to work to: not only general guidelines that a conscientious media worker follows, but ones specifically concerning trafficking. There is a handbook of the United Nations Inter-Agency Project on Human Trafficking – The UNIAP Guide to Ethics and Human Rights in Counter-Trafficking – that offers good advice, and so do the WHO Ethical and Safety Recommendations For Interviewing Trafficked Women, which sets out the issues but also gives a convenient 10 point summary of its guiding principles.

The starting point should always be a victim-centred approach. Trafficked, or possibly trafficked, people should not be pictured or identified in such a way that it might bring harm upon themselves or their families. Furthermore, care must be taken not to traumatize further a person who has undergone terrible experiences; this issue is especially important with those who have been sexually exploited. An interviewer has to be sensitive enough to back off when an interviewee is plainly resistant to responding to a line of questioning. Even more than in other areas of media work, you're going to have to accept an interviewee's wish not to be quoted, or to withhold information that seems very telling, and very significant to you, but that the interviewee does not want to publicise.

This much may seem fairly obvious, but there are further responsibilities, I'd argue. It is in the area of sexual exploitation that particular care needs to be taken.

The Singapore media usually avoids the worst pitfalls, such as commenting on a woman interviewee who has been sexually exploited as being 'dressed sexily', but sometimes drops into others. For example, if it is said that a woman was a virgin when she was trafficked into sexual exploitation, it might be seen as a straight statement of fact, but it begs questions: is sexual exploitation less traumatic, or less objectionable, if the woman concerned was not a virgin? A statement such as this takes on a different tone depending upon whether it is presented as a media worker's own statement of the facts or is the direct or quoted speech of a trafficked woman who is presenting her own views and feelings about what happened to her. Overall, we have to be wary of setting up a distinction between 'good' and 'bad' women and workers: violations of their rights are violations regardless of the values or appearance of the individuals concerned. No-one deserves to be trafficked or abused.

There are indeed women who came to Singapore in the full expectation that they will have paid sex with clients, but who do not realize the circumstances in which they will work – such as the woman in the forest brothel, reported in the local media a couple of years ago, who was told that she had to have sex with 160 men to pay off the men who controlled her on arrival in Singapore. She could not refuse anyone, or say that she would not work in the conditions where she was kept. Her testimony should not be devalued or her status as a trafficked person judged on the basis of the initial work choice she made, or of the fact that she knowingly broke Singapore law by working illegally.

When sections of the media show images from police raids on KTV lounges or in red light areas, the public's impression of the women rounded up is undoubtedly negative: they are often judged to be immoral women who exploit men – quite leaving out of the picture men who may exploit them. Well, the broader issue could be discussed at length, but just consider it from the angle of tackling trafficking. Don't such images and the commentaries upon them help establish a presumption of guilt and a tendency to discount the honesty of those women collectively, whatever their circumstances?

One global peculiarity of reports and comments on women in sex work is the tendency to call them 'girls', even if they are in their twenties or thirties. It sometimes happens here, and should be avoided except in direct quotations. It can be belittling

and suggests that their appropriate status is indeed one of being under someone else's guardianship, rather than adults able to represent themselves as such.

A term that is sometimes applied to women trafficked into sexual exploitation is 'sex slaves'. Certainly, that's attention grabbing, but does it risk sensationalizing what happens to those women at the expense of serious consideration of their circumstances? The people who benefit most directly from their exploitation are using them to make money, and sex is just a means to that end.

It is difficult to lay down hard and fast rules about the kind of language we should use if we want to deal with trafficking responsibility, but we should at least try to use words with care, to avoid demeaning people or portraying them simply as objects of pity. To feel a sense of pity seems to be a very understandable human reaction to some of the situations we see, but to describe trafficked people as objects of pity, who have 'fallen prey' to traffickers, whose 'plight' we should feel sorry for, can make them seem like totally passive, helpless and two dimensional beings, rather than equals, with hopes not unlike our own, who happen to have grown up or been placed in conditions that made them more likely to end up being trafficked. It is, in any case, a mistake to think that an appeal to pity is the most effective motivator of a sympathetic response: other people often feel more empathy with adults when they see them as resilient, as trying to stand up for themselves rather than being crushed into passivity and misery.

The biggest drivers of all forms of migration in unfavourable circumstances, including that of trafficked people, are home country poverty and lack of earning opportunities. Trafficked people, like other migrants, are not the passive toys of fate, but most typically left their homes with the ambition and drive to secure something better for themselves and their loved ones.

In this connection, what can be done about editing which crowns a perfectly good article with a bad headline, at variance with the content of the article? I remember a reporter on an Indonesian paper a couple of years back who wrote a well researched and balanced article on sex workers and how they had got into their work, only to have it headlined 'Jakarta girls are up for it'. You get my point, even if this isn't quite the Singapore media style.

I'm not arguing for micro-management of language, but if a start is made with an awareness of problem areas and a victim-centred approach, a media worker shouldn't go far wrong.

## Conclusion

What TWC2 hopes is that in the next couple of years, there will develop a media scene in which there is more awareness of the deeper background and issues in trafficking, as well as a greater sensitivity concerning trafficked people. The media can have an influence on public perceptions and attitudes.

Balanced and sensitive coverage can be a significant factor in encouraging a climate of opinion in which those who might, thoughtfully or unthoughtfully, take advantage of trafficked people, will be encouraged to say 'no', and trafficked people themselves may feel more confident that there are people they can turn to, and a society that will treat them with consideration and respect.

John Gee: 26/6/'12

## Contracts and Migrant Workers

*'Signing on the dotted line: examining operational indicators of trafficking'* is a two part article written by TWC2's immediate past president, John Gee, for the website of The Trafficking Research Project (TTRP). The first part of the article is on contract abuse, where companies have tried to impose terms on workers through contracts that are in violation of host country law; the second part, which will go up on the site on Friday, is on contract substitution, which is used by some employers and agents in Singapore to frustrate efforts by the Philippines government to obtain improved conditions by means of contracts. The articles discuss whether these abuses necessarily constitute trafficking and consider how they might be ended.

*TTRP describes itself as a collaborative initiative currently exploring and analysing the issue of human trafficking in Singapore. Utilising human rights and social policy perspectives, TTRP aims to make a positive and pragmatic contribution to the current policy and research developments on this issue. Our website/blog address is: <http://thetraffickingresearchproject.wordpress.com/>*

*'Two heavily-tattooed Chinese men walked into a company dormitory and demanded that Md Mustakim Khan pack his belongings right away.*

*"They say to me, 'Today your flight go home'," recalled the worker from Bangladesh.*

*He protested that he had only just been given a 19-day medical certificate for sick leave by his doctor at Khoo Teck Puat Hospital with a follow-up appointment. The twelve other workers sharing the same dorm also spoke up. Said Mustakim: "They say to gangster, 'this man have MC.'" Foreign workers use the word 'gangster' to refer to repatriation agents who use tough tactics.*

*To that chorus of protest, the Chinese men told the other workers that Mustakim was a "problem worker" and that "he come [to Singapore] five month, and one month MC."*

So begins **'Seven to Seven'**, an article that describes the experience of one worker at the hands of a repatriation company. These companies, in the best of circumstances, house workers who are about to go home and make sure that they catch their 'plane. Migrant workers would have no quarrel with them if that was all that they did. However, over the years, TWC2 has known of many cases where employers hired a repatriation company to deport a worker against his or her will. Sometimes the worker had complained about work place conditions; there were cases where a worker had suffered an injury and wanted compensation, which the company did not want to pay, or where an employer had not paid a worker and wished to prevent the worker from claiming the money that was due to her or him.

These experiences raise a number of question marks about the standards applied to migrant workers compared to locals. The use of force against a local worker with a grievance against an employer would be regarded as unacceptable and illegal, but repatriation companies often use force or the threat of force to detain and expel migrant workers at the bidding of their employers, even when they have outstanding complaints. Under Article 110 of the Employment Act (which covers most workers except domestic workers), it is an offence for an employer or anyone else to prevent a worker from appearing before the competent authority to pursue complaints under the act. Under Articles 339-347 of the Penal Code, various acts involving 'wrongful constraint' and 'wrongful confinement' are set out that are illegal but are clearly committed by repatriation companies in the course of their operations. It seems to TWC2 that repatriation companies should either be abolished or their operations radically overhauled to stamp out all efforts to confine or deport workers against their will, under threat of force.

See 'Seven to Seven' at: <http://twc2.org.sg/2012/08/01/seven-to-seven/>

**'Boomi's African Odyssey'** is about the travels of a worker who was assisted by TWC2 to obtain compensation for a serious workplace injury. After returning home to India, he paid an agent who told him he could help him to obtain a good job in Canada. That was the beginning of his travels about Africa, during which he was systematically cheated of all the money that could be taken from him. His experience shows the need for home countries to publicise the risks of taking such agents at their word and to provide realistic information about job prospects overseas. Perhaps others can learn from Boomi's experiences. His story appears in six parts on the TWC2 website, beginning with <http://twc2.org.sg/2012/07/16/boomis-african-odyssey-part-1/>

*'(Kusmayati), 39, who spoke to a TWC2 volunteer over coffee at a fast food restaurant near Farrer Park, alleges that her boss was running a domestic worker placement agency out of her home in Pasir Ris. According to her, she was repeatedly asked to go to the airport to meet newly arrived domestic workers and take them to a doctor for their medical check-ups. Singapore law stipulates that a domestic worker can only cook, clean and care for the family who employs her. Running errands for a family business violates the code. In November 2011, the Ministry of Manpower (MOM) caught up with Yati and her employer.*

*MOM sent Yati a letter asking her to testify as to what went on at the employer's home. Yati dutifully reported to MOM, bringing only her handbag with her. Little did she know that she would not be returning to the house, leaving behind all of her clothes, photos and keepsakes.'*

Kusmayati waited for a year and a half to be a witness and was not allowed to work and earn money during that time. After that, she had to leave Singapore and was blacklisted from working here again. She says that she didn't know that she was breaking the law by running errands for her boss, and thinks that it is wrong that she should be punished in this way.

TWC2 believes that the imbalance in power between an employer and a migrant worker needs to be borne in mind in circumstances such as this. Not knowing that an activity is illegal is generally not accepted as a defence in law, but if it is recognized that migrant workers are often not in a position to say 'no' to their employers, whatever they ask, then allowance ought to be made so that the workers are not unfairly penalized. In Kusmayati's case, she suffered a loss of income and restriction on her movement for a year and a half, followed by a ban on her seeking employment in Singapore in the future. Isn't this excessive?

Kusmayati's story can be found at : <http://twc2.org.sg/2012/08/06/blacklisted-from-singapore-for-her-boss-mistakes/>