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จุฬาลงกรณ์มหาวิทยาลัย  
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**International Migration of Labor:  
The Case of Thailand**

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วารสารวิจัยสังคม มีวัตถุประสงค์เพื่อเผยแพร่ผลงานวิจัยของสถาบันฯ วิทยานิพนธ์ งานวิจัย หรือบทความที่เกี่ยวข้องกับสาขาวิชาด้านสังคมศาสตร์ และรายงานข่าวจากสถาบันฯ ทั้งนี้เพื่อเป็นการเผยแพร่ความรู้แก่คณาจารย์ หรือผู้ที่มีความสนใจเกี่ยวกับการวิจัย

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## Introduction

This volume is a collection of seven articles on international migrant workers, be they domestic workers, prostitutes or male construction workers. The articles are presented not by the contents, theoretical frameworks, nor policy recommendations, but by the time the articles were written or published. This is due to the editor's belief that they are responses to the actual migration phenomena at or prior to the time of writing.

The first article on the Thai and Filipino female domestic workers in Italy portrays the life and work of the migrants during the late 1980s when the migrant flows from Southeast Asia to Italy just begun.

The second article on the Thai migrant workers in Singapore is based on a research carried out in 1993. The research methodology was varied and the research aims are invaluable to the practical alleviation of the migrants' problems, being written by an NGOs researcher.

The third and fourth articles were written by a Japanese women in 1994 and a Thai monk in 1996, respectively. Muroi's article focuses on Thai prostitutes from the insider's viewpoint, whereas that of Than Paisan Visalo Bhikku gives an overview of Thai migrant workers, both male and female, their situational and psychological problems and suggested solutions.

The fifth article also written in 1996 on international migration and traffic of women focuses on the trafficking of Thai women and considers women trafficking as a form of human right violation. Appendix 1 is of particular interest and should be taken seriously. It concerns the standard minimum rules for the treatment of victims of trafficking in persons, forced labour and slavery-like practices, drafted by the Global Alliance against Traffic in Women (GAATW) and the Foundation for Women.



The last two articles demonstrate that Thailand is at the stage of migration transition. While emigration still continues, immigration of foreign professionals and, in particular, unskilled migrant workers is increasing on a large scale. Both articles give us a development of the international migration where Thailand is both a sending and receiving country and provide us with issues and future research recommendations.

On behalf of CUSRI, the editor really appreciates and thankful for the contribution provided by all the writers.

***Angkarb Korsieporn***

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# **International Labour Migration of South-East Asian Women: Filipino and Thai Domestic Workers in Italy**

**A. Korsieporn, Ph.D\***

This article sets forth the findings of a study on the primary causes of Thai and Filipino female migration. The research centred around Italy's need for female immigrants, and on how they fare in Italy. While the causes of migration are complex, they can be summed up as limited resources, few opportunities in their home countries and personal dissatisfaction. By means of these findings, it is hoped to further governments' understanding of the international migration patterns of unskilled workers, both male and female, and to offer suggestions concerning national migration policies.

## **INTRODUCTION**

The study was conducted in three stages: first, 115 Filipino and 100 Thai female domestic worker immigrants were interviewed in Rome, Italy; second, relatively unstructured interviews were held in Filipino and Thai rural communities with five Filipino and four Thai mothers, traced through their daughters in Rome, and with an equal number of mothers of non-emigrant families; and third, an examination was made of Italian data and statistics on the demand for female immigrant labour and of current research on labour migration from Asia and Africa into Italy.

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The interviews in Rome revealed that the Filipino and Thai immigrants differ significantly: the former are usually better educated; many have previously held white-collar positions in the Philippines; they maintain extensive social and kinship networks which foster chain migration; and their reasons for emigrating have to do with hopes of prosperity and economic survival. On the other hand, the Thai immigrants appear to be relatively uneducated; they have worked as household domestic workers in Thailand; and their reasons for emigrating were the economic and social opportunities promised by friends and/or prospective employers. From the ethnic standpoint, the Filipino immigrants are clearly more cohesive and they have less difficulty in integrating into Italian life than their Thai counterparts, who tend to mix only with members of their own community.

The interviews in the Philippines and Thailand revealed that the respective villages were at different stages of social, economic and demographic transition, and they confirmed that it is the socio-economic status of the families which determines migration patterns.

Finally, the analysis of Italian census data revealed that, over the past two to three decades, Italy has undergone a combination of economic and socio-economic change which, during the 1980s, led to increased demand for foreign female domestic workers.

Two conceptual frameworks have been elaborated to demonstrate the internal and international flows of female labour migration and of migrant labour in general.

## **MAJOR FINDINGS**

The major findings of the study are as follows:

1. The majority of Filipino and Thai domestic workers in Rome had already migrated within their countries of origin.



2. Whereas women from the urban areas were less likely to have migrated, almost all the Philippine and Thai respondents from rural backgrounds had migrated to urban centres at approximately 18 years of age, before marriage. This suggests that international labour migration is a stepwise process which starts from the rural areas, leads to the urban centres or capitals, and culminates in urban centres in the more developed countries.
3. The motives of the two ethnic groups differed significantly (for instance, education or otherwise) in terms of their first migration after the age of ten; and it was their level of education which was the determining factor in their decision to migrate (internally and/or internationally) and their ability to integrate themselves in the host country.
4. The characteristics of the Filipino women's migration pattern showed: (a) an initial move out of the rural areas to urban centres in search of better education; (b) further moves prompted by transfers within white-collar occupations usually pursued by women; (c) blue-collar service positions being taken up in developed countries to escape financial hardship; and (d) that their migration largely involved self-recruitment, entailing sharp downward occupational mobility but with a marked increase in income.
5. The pattern of Thai women's migration was that: (a) young, relatively uneducated, single women first moved from rural areas to the regional centres and/or the capital to work in low-skilled jobs, including live-in domestic work; (b) this often led to their securing employment in foreigners' households; and (c) they emigrated either for the purpose of accompanying their employers or were persuaded to do so by the accounts of friends who were on home leave from domestic service abroad.

6. The interviews with the mothers of female emigrants and non-emigrants in Thailand and the Philippines demonstrated that there was a clear relationship between female migration over two generations (first the mothers' and then the daughters') and the demographic, social and economic conditions of both the households and the communities as a whole. During the mothers' generation, Thai and Filipino migration patterns were different because they occurred at different stages of socio-demographic and economic transition.
- (i) (a) in Thailand, women did not emigrate during the time of the mothers' generation, when the country was at the pre-industrial stage, society was characterized by minimal urbanization and high fertility and mortality rates, and the rural sector was based on a subsistence economy;
  - (b) during the same generation, the Philippines was characterized by limited urbanization, high rates of population growth, and a partial linkage between the semi-subsistence rural economy and the urban economy. Notwithstanding strong cultural pressure against female migration, with the help of social or family/kinship networks, women from poor rural families moved to the capital to work as live-in domestics;
  - (ii) (a) the latter pattern was repeated in Thailand during the time of the daughters' generation, when society was at an intermediate stage of transition and the rural economy, which was characterized by impoverishment and high fertility rates, provided very few employment alternatives;

- (b) in the Philippines, cultural pressure against female migration during the second generation was overcome by the importance accorded to tertiary education, available only in the urban centres. Thus, while young women from poor rural families continued to move to the urban areas in search of greater financial rewards, those from middle-class families left in search of further education and often ended up emigrating.

These findings demonstrate that the patterns of female migration are closely related to the type of society from which the women come and that they vary according to their countries' levels of social, demographic and economic development.

7. The statistical analysis of the Italian society and economy confirmed that significant changes have taken place over the past two decades: Italy has become a post-industrial, highly-urbanized society; greater opportunities are available to women; more married (or divorced, widowed) women are taking up gainful employment; and household composition patterns have changed as a result of longer life-expectancy, lower fertility, fewer marriages and higher divorce rates, and reduced concern for the welfare of the extended family. There has been an increase in the number of households consisting of one or two elderly individuals and in those comprising single parents and children. Inadequate social welfare services for young children and the aged, the increased incidence of women working in commercial or industrial concerns, and a constant number of Italian women employed in domestic service occupations, led to an ever-increasing demand for foreign women as live-in domestics.

From these findings, it can be seen that three structural factors - economic, social and demographic - have contributed greatly to inducing both internal and

international flows of female migration, and that any one of these factors may be more important than the others at each stage of societal transition. For example, at the early stage of transition, poor farming folk experienced an imbalance between their large families and limited land resources. At the next stage, the growing demand for female domestic workers on the part of white-collar families which had migrated to the towns and cities (relayed through social and family/kinship networks), led to a flow of mainly female workers from the rural to the urban areas. At the third stage, the demographic factor of the emigrants growing old in the countries where they had settled has led to increased demand for female migrant workers. During all three stages, however, both urbanization and economic growth were the most important factors in creating the demand for male and female migrant labour.

## **THEORETICAL DISCUSSION**

The distinct theoretical advantage of focusing on female migrant domestic workers in Italy was that it directed attention to households in the host country and to the changing role of Italian women in the reproductive and productive spheres. Since households constitute a middle-level unit of analysis in which the dependent and independent variables are more directly linked as opposed to those relating to macro-level analytical units (such as economy and society), this review has made it possible to theorize on causation with more confidence. The examination of households in the host country (Italy) provided empirical support to the factual statements of Tan and Devasahayam (1987, Arena (1983) and Ricca (1984) regarding changes in family and household composition. Used in combination, census data and the results of family and household surveys were found to be particularly instructive, while the former proved to be the most appropriate source for detecting long-term social, demographic and economic changes at the structural level.



The findings reached with regard to the households and communities of origin of the Filipino and Thai domestic workers were based on an individual interpretation of qualitative historical information - often a dangerous combination in terms of accuracy and validity. Nonetheless, it was thus possible to gain valuable insights which would not have been forthcoming solely from an examination of statistics. In future, it would be useful to approach research on migration from the quantitative, historical and qualitative standpoints at one and the same time.

Finally, in attempting to bridge the gap between individual and structural factors, interesting results were obtained by examining circumstances at household-level, particularly in terms of the behaviour of other members of households with and without migrant family members. However, these results contributed little towards theory-building, because the emphasis of the research was not on successive units of analysis. Thus, in any future research on migration, it may be more useful to concentrate on successive levels of analysis, e.g., individual and household, household and community, community and nation.

## **A REASSESSMENT OF THEORIES REGARDING FEMALE LABOUR MIGRATION**

It is social, demographic and economic conditions which have the greatest bearing on an individual's decision to migrate: for example, urban demand for specific types of labour prompts migration from the rural areas. While the research findings provide no basis for assessing which factor is most important, in the final analysis, an individual's decision to migrate is based on individual motives and social/kinship networks. Thus, within each stage of socio-demographic and economic transition, factors at the individual and household level play a greater role in accounting for labour migration than considerations of a macro-structural nature. This contention is dealt with in more detail in the next section.

It is difficult to assess the political economy and economic development theories on labour migration in the light of the overall findings set forth in this article. The reason is that, by virtue of their very terminology, these theories describe structural causes of labour migration which are essentially similar to the those already identified in this research. While both schools of thought over-emphasize the importance of economic factors, the present research suggests that social and demographic factors also have a degree of importance. The following section proposes a conceptual framework which relates labour migration flows to socio-demographic and economic transitions.

Political economy theorists consider economic changes as inevitable and exploitative, whereas economic development theorists see them as manipulative and developmental. Without assessing which of the two judgements is the most valid in conceptualizing the question of labour migration, it must be said that the development-oriented school appears to have more theoretical potential because of its greater flexibility to incorporate the theories of others and its ability to include both individual and structural determinants.

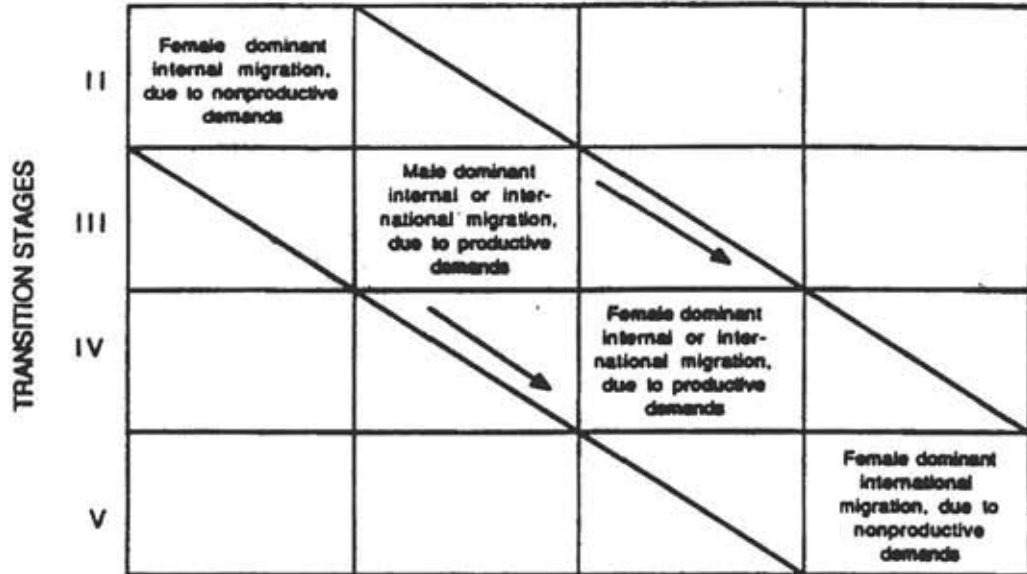
## **CONCEPTUALIZING FEMALE LABOUR MIGRATION**

As mentioned above, two conceptual frameworks are proposed in this section. However, terms which are too closely associated with either the political economy school or the economic development school have been avoided, and the term "development" is used interchangeably with "change" and "transition".

Any comprehensive theory on female labour migration should see it as part and parcel of the overall migration flow and, ultimately, consider it as being based on individual decisions. Figures 1.1 and 1.2 attempt to conceptualize the flows of migrant labour within the context of socio-demographic and economic transition.

The conceptual framework set forth in Figure 1.1 - which is basically a historical structural framework that considers labour migration within different temporal and structural contexts- shows the various stages of socio-demographic and economic transition and corresponding types of migrant labour flows. Moreover, it assumes that changes are linear and that they occur at different rates among the various sectors and countries through the process of urbanization, industrialization and socio-demographic transition. The framework suggested in Figure 1.2 illustrates the relationships between the economic, social, and demographic factors which determine the proportion of women involved in the overall flow of migrant labour.

TYPES OF LABOR MIGRATION FLOWS

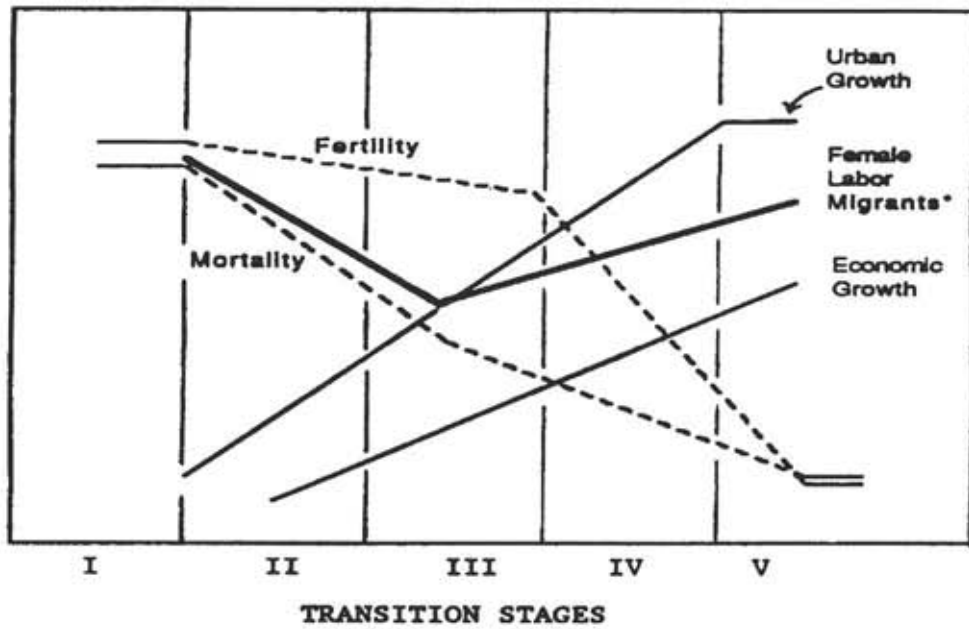


- Stage I Pre-industrial (no labor migration)
- Stage II Early Industrial
- Stage III Intermediate Industrial
- Stage IV Late Industrial
- Stage V Post-Industrial

Figure 1.1

Types of labor migration flows in relation to socio-demographic and economic transitions.





\* As proportion of total labor flow

Figure 1.2.

The relation of female labor migration to socio-demographic and economic transition.

## **THEORETICAL PROPOSITIONS IMPLIED BY FIGURE 1.1**

1. A society progresses from the pre- to the post-industrial level by stages as a result of changing economic, social and demographic conditions. Five stages of transition and types of society have been identified, as follows: pre-industrial, early industrial, intermediate industrial, late industrial and post-industrial.
2. There is no labour migration during the pre-industrial stage, but each of the remaining four stages are associated with certain types of labour demand and resultant migrant labour flows.
3. Since demands for labour are of two major types - non-productive (household) and productive - they influence the ratio of female/male migrant labour flows and, to a lesser extent, determine whether such migration is internal or international.
4. The profiles of causation for migrant labour and migration flows vary at each stage of transition. In the early industrial and post-industrial stages, the most important determinants of labour migration are social and demographic factors, whereas, in the intermediate and late industrial stages, it is economic factors which are most important.
5. Since development is linear, it can be said that the countries from which the migrants originate will, in turn, receive migrant labour at certain stages of their development.
6. Over time, the process of social, demographic and economic transition becomes less spontaneous and more subjected to economic and social development planning at the national level.

The national plans of countries in south-east Asia have a propensity to give high priority to overall economic growth and international trade and to neglect the rural sector. This intensifies rural-urban disparities and increases the rate of internal and international migration.

## **INTERVENING FACTORS**

There are two intervening factors between the stages of socio-demographic and economic transition and actual migration. One is a desire to migrate, prompted by the possibility of increased personal and family incomes, by the nature of role relationships within the family, by family role socialization and by general value socialization. The other intervening factor has to do with social and kinship networks, which provide information on migration and employment opportunities and on the availability of funding needed to migrate. The extent of the networks, which depend on the societal value concerning individualism and the family, influences the level of chain migration.

## **RECENT TRENDS IN FEMALE LABOUR MIGRATION**

### **Italy**

Three trends were discernible in early 1989, when the Filipino and Thai respondents were interviewed. First, the number of Filipino immigrants in Rome appeared to be increasing rapidly; they were younger; and the proportion of young male immigrants was growing, leading to a more balanced sex ratio. Second, the Filipino immigrants were tending to marry among themselves and to work on an hourly or daily basis, rather than as live-in domestics, thus enabling them to set up their own families and households. The number of Thai immigrants was also rising, albeit much more slowly, and the few who did become

engaged or married were more likely to have kept to their own community rather than becoming involved with Italians. Finally, there appeared to be few possibilities for upward occupational mobility and, even now, the immigrants tend to continue working as domestics.

By early 1991, when the above-mentioned trends had become more definite, several new developments were observed. These related to flows of immigrants from other parts of Asia and from Africa, to public and official reaction, and to race relations.

A large number of male immigrants (mostly illegal) arrived in Italy from North Africa, mainly Morocco and Tunisia, and from other parts of southern Asia - especially Sri Lanka, India, Pakistan and Bangladesh (**La Repubblica**, 18 February 1991). For the most part, the North Africans became street vendors while the immigrants from Southern Asia worked as drivers, office cleaners and waiters, or even as household domestic workers. However, many of the most recent arrivals were unable to find or remain in employment, and resorted to eking out an existence by selling trinkets on the street, peddling cigarette lighters and paper tissues at traffic lights or cleaning car windscreens in return for small tips. Furthermore, as a result of serious accommodation problems, approximately 2,000 immigrants occupied an abandoned factory on the outskirts of Rome, which in turn led to serious sanitary problems and public outcry (**The Nation**, 8 November 1990:30; **Il Messaggero**, 29 January 1991:31). The squatters were evicted by force on 31 January 1991 and relocated to a number of satellite towns in the area of Rome (Nettuno, Anzio, Lavinio, Tivoli, Cisterna, Ostia), much to the dismay of the inhabitants (**La Repubblica**, 9 November 1990:19; 1-7 February 1991; 19 February 1991; **Il Messaggero**, 4 February 1991:23).

Another related trend has been the increasing concern on the part of the general public and various government agencies with regard to the "immigrant problem" (**Il Messaggero**, 4



June 1991:8).<sup>LJ</sup> Moreover, there have been negative reactions from certain sectors of the public, the most violent of which were attacks by masked Italian youths on North African street vendors in Florence, on Pakistanis in Lavinio and on two Tunisians in Como (**La Repubblica**, 2 November 1990:18; 13 February 1991:3). The rapid increase in Third World immigrants has given rise to widespread and ongoing public debates as to whether Italy must be considered a racist society (see Paresce, 1989; **La Repubblica**, 13 February 1991:3). On the positive side, however, these incidents triggered off a flow of assistance to immigrants from church-based non-governmental organizations (NGOs) and trade unions (**Il Messaggero**, 31 January 1991:34) and, at the suggestion of the International Labour Office (ILO), plans were made by a number of Italian trade unions to initiate a workers' education programme for the benefit of Asian workers (**Migration Today**, Special Issue, May 1990, page 19).

The Italian Government renewed its efforts to curb the influx of labour migrants from countries outside the EEC and, by means of the "**Legge Martelli**", took steps to regularize the situation of many illegal immigrants by offering amnesty to all those who had entered the country before 1 December 1989 (see the **Gazzetta Ufficiale delle Repubblica Italiana**, 30 December 1989:28).

Thanks also to the efforts of the mass media, there is a new social conscience about old people and their problems of social isolation, health and housing. Concerted efforts have been made to ease these problems by accommodating old persons in church-run nursing homes and encouraging unrelated elderly people to share accommodation.

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<sup>LJ</sup> In June 1991, in collaboration with the Fondazione ENI Enrico Mattei, the Center for American Studies organized an internal conference on migration, considered to be "one of the more serious problems facing Europe".

### **Southeast Asian countries of origin**

1. Filipino men are still emigrating to the Middle East, albeit at a reduced rate. However, the proportion of out-migrating women is on the rise - now accounting for almost half of all emigrants (**Abrrera-Mangahas**, August 1989:10). Women continue to emigrate to Hong Kong, Singapore, Malaysia, Italy and Spain in search of domestic work (French and Lam, 1988; Mananzan, 1984), as well as to Japan, Germany and Scandinavia where they are often absorbed into the various sex industries (Iyori, 1989:5-6). Furthermore, there is now a traffic in Filipino women migrating to Australia and Japan as mail-order brides (**Migration Today**, 1988: 11, 15, Tapales, 1989). The exact size and rate of this traffic is not known, but it is believed to be large and on the increase.

Having become increasingly aware of the plight of its workers overseas, the Government of the Philippines has now started to take positive action to protect them and to ensure that they benefit from social welfare. To this end, a bilateral agreement was drawn up between the Governments of Italy and the Philippines for the purpose of reducing the hours of work expected of the Filipino immigrants and to ensure their right to the Italian public health care and pension schemes (see ARCS and CISM <sup>2/</sup>1990:232).

2. The number of men emigrating from Thailand to the Middle East in search of work is decreasing (**Than Setthakit**, 2-18 November 1990:35); **The Nation**, 19 May 1991:A3). On the other hand, both men and women (the latter in limited numbers, however) move to Singapore, where the men are employed in the construction and

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<sup>2/</sup> Arci Cultura e Sviluppo; Coordinamento Immigrati Sud del Mondo.

shipbuilding industries and the women become factory workers (**Syamrat Sapda Wichan**, 1-7 April 1990: 64). An increasing number of Thai women are emigrating to Hongkok and Singapore in response to newspaper advertisements placed by private recruiting agencies (**Syamrat Sapda Wichan**, 1-7 April 1990:64), and recently, Thai and Laotian women were even found sewing clothes at piecerates in small factories owned by Chinese or Laotian refugees in the Paris suburbs (**Matichon Sut Sapda**, 9 September 1990:55). These steadily increasing flows of women leaving in search of employment as domestic workers overseas coexist with an unsatisfied demand for live-in domestic workers in the urban areas of the country, particularly Bangkok. It is interesting to note that young women are now being recruited from such marginal ethnic groups as the hill tribes and the Thai Yai in the north of the country.

Although the exact numbers are not known, many Thai women emigrate, willingly or by force, to Japan and Germany to become singers, entertainers, hostesses, strippers and/or prostitutes (**Syamrat Sapda Wichan**, 1990:23-24). Moreover, there is a small, but increasing, flow of Thai women emigrating to Germany, the Netherlands, Sweden and Australia as mail-order brides (**Matichon Sut Sapda**, 16 December 1990:41; **The Nation**, 30 April 1991:A3).

In March 1989, following the passage of a new immigration law in Singapore which decreed that illegal immigrants would be subjected to severe corporal punishment in addition to at least three months' imprisonment and subsequent deportation, the Government of Thailand initiated action to protect the basic human rights of its male migrant labour (**Matichon Sut Sapda**, 13 January 1990:14; 2 April 1990:4). Moreover, greater attention was directed to the health of its emigrants due to the high death rate from unknown causes among male Thais working in the Middle East, Singapore and Brunei (**Siyamrat Supdawichan**, 1-7

April 1990:13-15). However, despite government action to protect men from exploitation by recruiting agencies, employers and host governments, the Government of Thailand has paid scant attention to the plight of its female migrants (**Matchion Sut Sapda**, 2 September 1990:56).

Towards the end of the 1980s, Thailand began to experience its own problems of illegal immigration and a chronic refugee situation (**Matichon Subsabda**, 19 February 1989:64). This situation had been brought about by large - but unspecified - numbers of illegal labour immigrants entering Thailand from neighbouring countries (hill tribe people from along the northern border (Burma and Laos)) as well as from Pakistan, Bangladesh and India.

3. **Indonesia**, which has the largest population in South-east Asia, has a number of emigrant workers in Brunei and Malaysia (Stahl, 1984). The large influx of clandestine migrant workers into Malaysia from Indonesia during the 1980s came about when Malaysia was suffering serious shortages of plantation workers (**Far Eastern Economic Review**, January 1990). These immigrants are now employed as plantation workers in Jahor and Pahang or as construction workers in Kuala Lumpur. Since the mid-1980s, both male and female Indonesian emigrants are to be found working in the Middle East as drivers and domestic workers (Cremer, 1988).
4. **Singapore**, the main receiver of migrant labour in the South-east Asia region, employs both male and female immigrant workers from Thailand, the Philippines and other parts of Southern Asia. Despite its desperate need for migrant workers in the country's rapidly-expanding construction programmes, measures have been taken to tighten immigration controls. Thus, in March 1989, some 9,800 illegal Thai male immigrants were deported - only to be readmitted immediately after they had

legalized their civil and work status (**Matichon**, 30 April 1990:4; **The Strait Times**, 19 May 1990:28).

5. With a population of less than 250,000, Brunei has an estimated immigrant worker population of 35,000, or 14% of the native-born population (**Far Eastern Economic Review**, 5 April 1990:63). Most of the immigrants are men from Malaysia and the Philippines.

According to the ILO, labour migration within the South-east Asian region will continue to create problems, and the labour shortages already encountered by Malaysia can be expected to affect Thailand in the near future. The ILO also claims that the number of illegal immigrants from South Asia (particularly Bangladesh and Pakistan) in Thailand has increased (**Far Eastern Economic Review**, 5 April 1990:63) and that the flow of migrant workers from the Philippines, Thailand and Indonesia to Japan, Hong Kong and Taiwan is on the rise. It has been estimated that there are about 40,000 illegal immigrant workers in Taiwan, mainly from the Philippines, Thailand, Malaysia and mainland China; that most of them are employed in construction industries and small factories; and that they are exploited by their employers who confiscate their passports and return tickets. The Filipino and Malaysian workers account for the majority of South-eastern Asian immigrants in Japan (**Matichon Sut Sapda**, 15 July 1990:23).<sup>3/</sup>

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<sup>3/</sup> The Foundation for Promoting the Welfare of Independent Intrepeneurs (Japan) found that 13.9% of 2,218 companies interviewed had been hiring foreign workers for more than two years. Fifty percent of these workers had student visas, 24% had tourist visas, 18% had short-term business visas, and 11% gave no response. Most of the foreign workers were unskilled labourers working in factories, construction and cleaning jobs (**Matichon Sut Supda**, 15 July 1990:24).

## AN EXPLANATION OF THE TRENDS

The trends described above can be explained by using the conceptual framework proposed in Figure 1.1. In reviewing the massive 1990 unemployment rates among male African and Asian immigrants in Italy from the standpoint of the proposed framework, it is clear that this situation was to have been expected since Italy had reached the final stage of socio-demographic and economic transition, during which the demand was mostly for female migrant labour.

Italy's increased social conscience with regard to its population of old people can be expected to reduce, to a certain extent, future demands for female immigrants as household domestic workers. However, on the basis of the above-mentioned conceptual framework, it can be expected also that there will be new demands for female immigrants to work as cleaners, laundry workers and nursing auxiliaries in health institutions catering to the aged.

The immediate readmittance of Thai male construction workers in Singapore, once they had legalized their civil and work status, was also to be expected in view of the country's urgent need for workers in large construction projects. It is also understandable that there is an almost equal proportion of male and female Thai immigrants in Singapore, since it is likely that the industrial and services sectors will grow at the same pace rather than following the Western model in which employment in the service sector increases while that in the industrial sector declines proportionately.

The occupational components of current outflows of Filipino and Thai women are seen to correspond to the social, demographic and economic transition stages of the countries to which they emigrate. The demand for male migrants as industrial workers in Western Europe-previously met by the "guest worker" programmes-was saturated by the early 1970s. At the present time, the growth of sex industries in Western and Northern Europe

and in Japan is creating a demand that can not be completely-or cheaply-met by European and Japanese women. This has led to increased flows of female migrants from South-east Asia who, immediately upon arrival, become hostesses, entertainers, strippers and prostitutes (**Matichon Sut Supda**, 22 July 1990:24-25).

## **POLICY IMPLICATIONS**

On the basis of the proposed conceptual frameworks, a number of policy implications can be identified, both for Italy and for the countries of South-east Asia in which many of the immigrants originate:

1. As a result of population ageing and the greater participation of women in the labour force, the future demand for foreign domestic workers can be expected to rise unless the Italian Government is able to provide functional substitutes.
2. Given the demand for female immigrants as domestic workers and their lack of opportunity for upward occupational mobility, in the long run, these workers will be considered - and on a permanent basis - as the lowest strata of Italy's working class. Thus, the Italian Government would do well to take steps to avoid potentially explosive problems relating to race and class relations by relaxing the regulations governing the employment of non-EEC workers and providing training for foreign domestic workers to assure them of a degree of upward occupational mobility.
3. The continuing flow of male immigrants from Asia and Africa into Italy will need to be curbed because, on the basis of the proposed conceptual framework, the new arrivals will face unemployment unless they can find domestic work. Since the influx suggests that there is a lag between information on the availability of employment and the actual opportunities existing in Italy, the Government should



perhaps devise a method of informing potential immigrants of the current demand for foreign labour, and in a timely and effective manner. Learning from the past experience of its neighbours in Western Europe, Italy could devise its own version of direct bilateral recruitment programmes which are tailored to the demand for labour.

4. The demand for foreign domestic workers in Italy coexists with lax border controls and the frequent amnesties of illegal immigrants. Without functional substitutes for female migrant labour, illegal entries and undocumented employment will continue. For the Government of Italy to be able to implement an effective immigration policy-whether in favour of labour immigration from Asia and Africa or otherwise - it must have access to reliable information on the numbers, origins and likely flows of immigrants, both by occupation and by sex. This calls for measures to strengthen border controls and the setting up of an effective monitoring system for immigrants.
5. International migration from South-east Asia will continue to increase as a result of the national social and economic development planning policies of countries in the region. Since these countries' data on male and female labour emigration are underestimated and are not closely monitored, it would be advisable to create an intra-regional data bank and migrant monitoring system, ideally by ASEAN.

It should be possible to create a system of this type with the assistance of organizations such as ILO. In this way, the governments of south-east Asian countries would have ready access to up-to-date information regarding migrant labour out-flows from their countries, which is one of the prerequisites for sound policy-making. It goes without saying that the aforementioned data should be classified by sex.

6. Perhaps with the exception of the Philippines, most South-east Asian countries pay scant attention to the rights and welfare of their women who have emigrated. For example, the Thai Government has been inclined to ignore the existence of Thai prostitutes abroad rather than attempting to do something constructive about remedying the situation. This phenomenon will continue because - in the same sense as Filipino and Thai female domestic workers satisfy the demand for non-productive household-based workers in more developed countries - prostitutes from those countries are presently meeting the demands of the sex industries in the service sector.

What is needed, then, is for South-east Asian governments to do away with their unjustified bias in favour of male emigrants. Furthermore, they should recognize the fact that female emigrants need and deserve equal, if not more, attention and protection than men because it is they who are most likely to be exploited.

## **FUTURE RESEARCH PRIORITIES**

Household domestic work is only one of the many occupations to which South-east Asian women immigrants resort. Since as far back as the mid-1980s, an increasing number of South-east Asian women - particularly from the Philippines and Thailand - have been employed in sex industries and in the mail-order bride racket in Germany, Sweden, Japan and Australia (see Naoko, 1987; **Migration Today**, 40(1988):11 and 41(1989):5-6; Cruz and Paganoni, 1989; Tapales, 1989).

Immigrant women working in various, often disguised, forms of prostitution would be classified as service sector workers. However, the mail-order brides are indeed in a category all of their own since, in practical terms, they function as unpaid prostitutes and household domestic workers. Despite this difference, it is known that many - if not most -

of the prostitutes and mail-order brides are subjected to various forms of economic and sexual pressure, not least physical violence. Therefore, for reasons of both a moral and academic nature, such women should be included in future research on the international labour migration of South-east Asian women.

Based on a retrospective assessment of this study, it is suggested that future research should adopt a "fourfold two-group comparative design", which would involve studying migrants from two South-east Asian countries working in the same occupations in two host countries. This is considered a superior design inasmuch as it affords four inter-group comparisons. By selecting pairs of countries which are at different stages of socio-demographic and economic transitions, it would be possible to make time-series comparisons. In this context, Figure 1.1 proposes four sets of country combinations.

The focus on South-east Asian women within the context of international labour migration, research aims, and priorities in the 1990s, should be:

1. To study various types of female labour migrants:
  - further comparative studies of migrants as domestic workers;
  - comparative studies of migrants in the sex industries; and
  - comparative studies of migrants as mail-order brides.

Priorities should be set according to the type which comprises the majority of female migrants from given countries of origin.

2. To provide holistic explanations regarding South-east Asian women within the context of international labour migration.

Priority should first be given to theorizing about each type of female labour migration and then to the overall phenomenon of South-east Asian women within the context of international labour migration.

3. To provide relevant information to the governments of both the countries of origin and the host countries, and to NGOs involved in the welfare of international migrants, especially women migrants.

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# Thai Male Migrant Workers in Singapore\*

Junya Prompam\*\*

## 1. Introduction

Lack of labor has been a problem for Singapore since the early 1960s. In the next three decades, Singapore statistic shows that there were 300,000 legal migrant workers (1992). The main nationalities and economic activities were;

- 180,000 Malaysians, mainly in factories and shipping industries ;
- 50,000<sup>+</sup> Thais, (20,000 of whom were illegal) in construction industries;
- 40,000 Filipinos, mainly in domestic work.
- 20,000 Bangladeshi and other South Asian nationals, in construction
- 10,000 Professionals and businessmen of various nationalities.

## 2. Statement of The Problem

The demand for unskilled workers had been increasing since 1984 when there were various large construction projects, for example electric trains, air port and housing complexes. As legal workers were insufficient to respond to this rapid demand, a large number of illegal workers from Thailand as well as from other countries were hired.

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\* Summarized and translated from the researcher's Report on the Problems of Thai Migrant Workers in Singapore (1993) by A. Korsieporn.

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After the notorious Saudi Arabia episode (robbery of jewellery from the Sultan's Palace by a Thai worker), the Saudi Government stopped granting work visas to migrant workers from Thailand. Saudi Arabia used to be the largest labor market for Thai workers, but after this diplomatic retaliation, Thai migrant workers had to turn to the job markets in Southeast Asia (Singapore, Malaysia, Brunei) and East Asia (Japan, Taiwan, South Korea, and Hong Kong).

Thai migrant workers in Singapore have to face a number of varied problems: their status as undocumented aliens, language barriers and work-related problems, such as, in 1993, mysterious deaths occurred among Thai male migrant workers called "unexplained nocturnal death syndrome", which caused more than 200 workers died from 1984-1991 and at present there are average seven to eight workers died every month.

Realizing the extent and seriousness of the problems faced by the Thai migrant workers, research team was brought together at the end of 1991 comprising a Thai, a Singaporean and a German.

### **3. Research Purpose**

- 3.1 To study the situations of Thai migrant workers in Singapore so as to obtain information for making recommendations to various parties concerned, and upon which ways and means could be devised to offer assistance to workers who need it;
- 3.2 To publish a handbook that would help the Thai migrant workers already working in Singapore and those interested in working in Singapore. The handbook will comprise (a) laws pertaining to employment of foreign migrant workers; (b) rights of migrant workers; and (c) the NGOs that could offer recommendation when problems occur;
- 3.3 To establish networks for communication and support among Thai migrant workers;

- 3.4 To build a data base for the use of interested NGOs;
- 3.5 To build up networks for long-term projects to assist Thai migrant workers in Singapore, with the collaboration of labor unions and/ or Thai NGOs.

#### 4. Research methodologies <sup>1./</sup>

- 4.1 Review of secondary data, mainly daily newspapers;
- 4.2 Observation at the workers' meeting places (Golden Mine Complex, etc.);
- 4.3 Interview with relevant persons, eg., officials, monks;
- 4.4 In-depth interview with four main groups of workers at the following sites:
  - 4.4.1 Gey Lang (building complex construction)
  - 4.4.2 Bukit Batok (housing construction)
  - 4.4.3 Hougang (multi-level roads)
  - 4.4.4 Jalan Gayu (horticulture)

(Other groups met outside working hours, both legal and illegal workers were also talked to for further information).

The in-depth interviews used the following procedure: selection of 3-4 workers from each site and interview them during the 3-10 approaches/ interviews.

The major contents of these in-depth interviews included

- (i) Socio-economic and demographic backgrounds,
- (ii) The process and procedure of migration,
- (iii) Working conditions,
- (iv) The problems related to life and work of the migrants

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<sup>1./</sup> For detailed information, c.f. The Report on the Problems of Thai Migrant Workers in Singapore. (op.cit) pp.10-12



## 5. Summary of findings from in-depth study

As can be seen in Table 1, roughly one-third of the interviewed workers were 90% were between the ages of 26 and 40, more than half engaged in rice farming before emigrating to Singapore and all came from the Northeastern provinces of Thailand..

**Table 1.** Age, place of birth and previous employment

Characteristics	Number	%
<b>1). Age</b>		
20-25	1	5
26-30	7	35
31-35	4	20
36.40	7	35
Over 40	1	5
Total	20	100
<b>2). Place of Birth</b>		
Nakon Ratchasima	7	35
Nakon Phanom	3	15
Nong Khai	3	15
Udonthani	2	10
Buriram	2	10
Khon Kaen	1	5
Ubon Ratchathani	1	5
Total	20	100
<b>3). Previous employment</b>		
Rice farming	11	55
Emigrant workers	4	20
Laborers	4	20
Banking	1	5
Total	20	100

Table 2 shows that the majority of interviewed workers went to work in Singapore through legal work placement agencies, which they knew of through their neighbours. The minority went through illegal placement agencies which recruited them. The Table also shows that the cost is higher if one uses legal placement agencies as compared to illegal agencies (40,000-47,000 Baht as against 15,000-19,000 Baht).<sup>2/</sup>

**Table 2.** Means and cost of emigration and access to placement agencies.

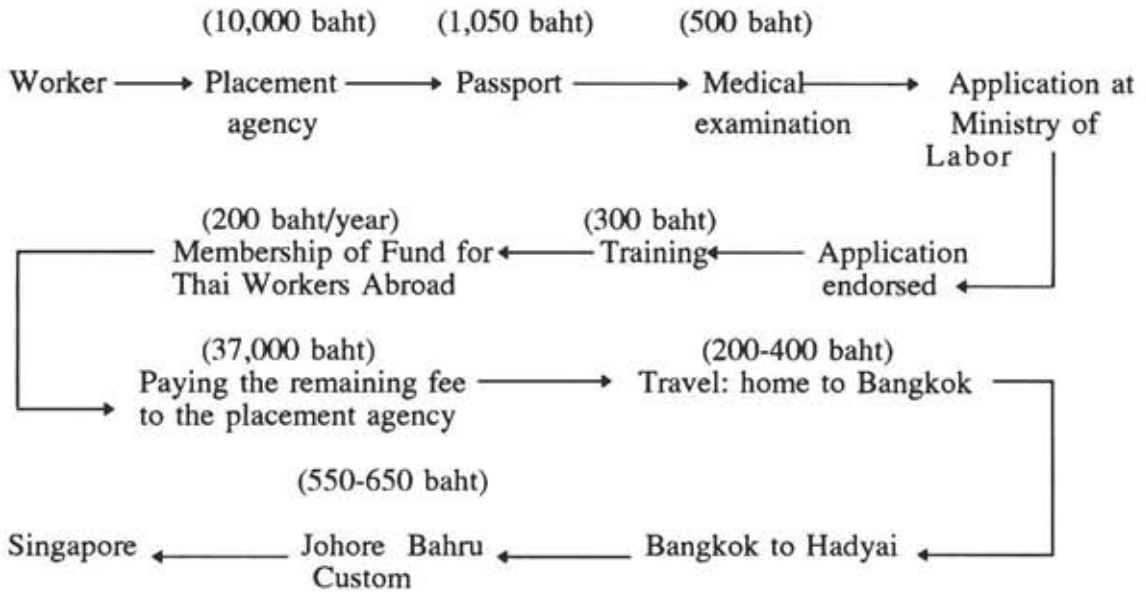
Characteristics	Number	%
<b>1). Means and cost emigration</b>		
(a) legal placement agencies,	14	70
Costing 25,000-29,000 baht	1	5
30,000-34,000 baht	0	0
35,000-39,000 baht	1	5
40,000-44,000 baht	6	30
45,000-47,000 baht	6	30
(b) illegal placement agencies,	6	30
Costing 15,000-19,000 baht	4	20
20,000-24,000 baht	0	0
25,000-29,000 baht	2	10
Total	20	100
<b>2). How did you know of the placement agency?</b>		
(a) legal placement agencies, knowing	14	70
from - neighbors	10	50
- the agencies themselves	2	10
- father or brothers	2	10
(b) illegal placement agencies, knowing	6	30
from - neighbors	4	5
- the agencies themselves	1	20
- father or brothers	0	0
- go to the agency by himself	1	5
Total	20	100

<sup>2/</sup> Approx. US\$ 1 = 25 baht.

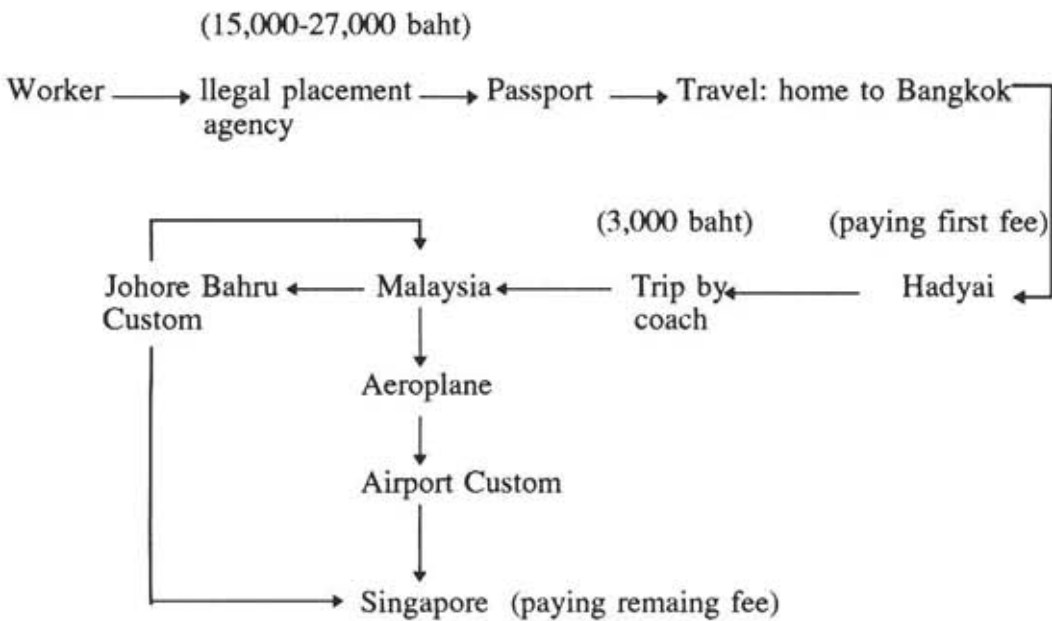
From the in-depth interviews, the process of immigration to Singapore can be shown as follows:

**Figure 1** Steps of immigration to Singapore

**Legal**



**Illegal**



It takes about 2-3 months to go through the migration procedure if the workers use legal placement agencies, while it takes no more than one month should they use illegal placement agencies. Nonetheless both types of workers travel from their homes to Hadyai by tour bus/coach, which takes at least one day. From Hadyai to Singapore takes another 20 hours.

The reason for using illegal placement agencies is that the procedure is quicker and that the workers are made to believe, incorrectly, that after three months the agencies will help legalize their work status. Thus, while they remain illegal workers, they face additional hardships; they have to live and work in secret, are subjected to their employers who tend to exploit them and if caught, are also subjected to caning and imprisonment if they overstayed more than 3 months.

Thai migrant works are allowed to stay and work in Singapore for a maximum of four years( two employment contract). Therefore, those who want to stay longer will usually return home, change their name and passport and return to Singapore on another contract. This strategy is also used by Thai workers in Japan.

The majority Thai male migrant workers are engaged in manual labor, such as constructing housing complexes, offices, roads, airport, or horticultural work and gardeners in public parks. The working hours are usually 7.30-19.00.

The wage they get is lower than their Singaporean and Malaysian counterparts. That is, the daily wage of Singaporean construction workers would get S\$ 40-50<sup>3./</sup> and the Malaysian workers S\$ 17-30. The Thai and the Bangladeshi, on the other hand, get the lowest wages of S\$ 15-20 and S\$ 15-17, respectively. The over-time pay is also lowest among the Thai and Bangladeshi, being S\$ 2-3 and no more than S\$ 2 per hour, respectively. Of the 20 workers interviewed in depth, eight get the wage of S\$ 15 per day, five get S\$ 17, three get S\$ 18, and only two receive a wage of over S\$ 20 per day.

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<sup>3./</sup> S\$ 1 = 15.50 baht.

The wage per month is very low, about S\$ 450-600 or about 6,900-9,300 baht. This low wage, coupled with the migrants' desire to save more money, makes the Thai migrant workers eager to work over-time. As they have to compete with the Bangladeshi who accept lower pay, the Thai migrant workers need to accept equally low pay of S\$ 2 per hour, not the S\$ 3.

Expenses, on average, come to about S\$ 150 (2,300 baht) per month for daily maintenance, such as food and necessary goods and services. This amount does not include remittances to the home country, nor luxury goods and services such as alcohol, entertainment and women.

## **6. The major problems of Thai migrant workers.**

The problems of Thai male migrant workers in Singapore are various. The major ones are:

- health problems, including actual health and hygienes, lack of proper diet, deaths from and fear of nocturnal death syndrome, mental stress and strain,
- homesickness;
- money-related problems, including debts incurred in Thailand in the process of emigration and misuse of income on gambling and women.
- problems related to labor law and the status of illegal workers, including strict laws that limit the bargaining power of the foreign workers, failure of the law to stipulate social welfare benefits for the foreign workers, and the Levy law's requirement that employer who employed foreign migrant workers have to pay S\$ 400 (now S\$450) for a worker per month to the Singaporean government as the premium for hiring foreign workers.
- problems related to civil and criminal laws and law enforcement, including illegal entry, illegal stay and illegal employment in Singapore, fights resulting from drinking and women, murders, drug trafficking and

robberies. The laws are severe and uncompromising, resulting in many Thai nationals being subjected to corporal punishment by hanging;

- problems related to verbal communication and socio-cultural adaptation, including lack of language skills leading to limited chance of being promoted, and to being isolated from and feared by other ethnic groups and the Singaporeans.

## 7. Conclusion and recommendations

The problems of Thai male migrant workers in Singapore are severe and deserve more attention from the government and NGOs of both Thailand and Singapore. The Thai government, in particular, should pressure the Singaporean government to pay more attention to the welfare of the Thai migrant workers.

More specifically, it is here recommended that:

1. There should be a change at the policy level. The Thai government, particularly the Ministry of Labor and Social Welfare, should play a key role in pressing The Singaporean government to revise its labor law such that the Thai migrant workers are more fairly treated and receive higher wages and more social benefits than they do at present;
2. There should be an increase in the number of labor attaches so that the number is proportional to the number of Thai migrant workers which was estimated to be around 50,000;
3. Relevant information should be made available to concerned parties including NGOs in Thailand and in Singapore. The NGOs in Thailand in particular should provide factual information and counselling to would-be migrants;
4. The Thai public, especially families of Thai migrant workers, should be made aware of the multitude of problems faced by the workers. Hopefully, the families should become more appreciative of the remittances sent to them

and to use them more sparingly or save more of them. The workers could thus return to the families sooner;

5. There should be a serious attempt to create jobs in the rural area and/or promote alternate/integrated agriculture, so that rural people could be more self-sufficient and have less need or desire to go to work abroad;
6. There should be an organization to assist the Thai workers in Singapore, the organization should be culture-oriented because it would reduce loneliness, homesickness and isolation. More importantly, the setting up of such organization is not against the Singaporean law, while organizing among workers is.

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# **Prostitution in Japan: the Case of Migrant Working Women from South-East Asian Countries\***

**Hisae Muroi\*\***

## **Introduction**

It is a worldwide tendency that more and more people move from rural to urban areas or from one country to another for different reasons; some seek for having better working opportunities and others seek for having pleasure and relaxation. In the Asian region, tourism has been actively promoted since the United Nations declaration of 1967 as “The Year of the Tourist.” Tourism has been integrated into an important part of the nations’ industrial development strategies as means of the nations obtaining foreign currency and has attracted tourists from mainly developed countries. Korea took a policy to develop Chejudo, an small island off the south-west coast, as a resort place in the early 1970s. The Philippines established the Department of Tourism in 1973. Thailand set up the Tourism Authority of Thailand in 1979 by expanding the Tourist Organization used to be attached to the Office of the Prime Minister.

However, the promotion of tourism at the same time brought about the massive growth of the female prostitution in the region. Since 1964 when overseas travel was liberalized in

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Japan, many packaged tours have been organized by travel companies to popularize overseas trips among Japanese and those package tours to South East Asian countries sometimes consist of men exclusively. The Japanese male travelers' behaviours were severely criticized creating vigorous protests initiated by the Christian Women's Federation of Korea and afterwards internationally coordinated by feminists, activists and citizen's groups in South East Asian countries including Japan. Those protesting movements made a significant impact on Japanese Prime Minister Suzuki when he visited ASEAN countries in 1981. He met massive demonstrations at the airport in each country.

As a result, it seems that there was a shift in prostitution away from the tourists destination countries to the tourists origin country. Since the early 1980s, it has been significant to see increasing number of women from South East Asian countries has started working in the leisure industry mainly as bar hostesses, dancers and prostitutes. The problem is that those women working in Japan have experienced such abuses and exploitations as physical coercion, threats, confinements, economic deprivation and so on.

This article aims to analyse the effects of tourism on women from South East Asia working in Japan. Firstly, we shall discuss the background issues which persuade the women to come to Japan in the context of economic and social situations in both their countries and Japan. Secondly, with reference to women's experiences working in Japan based on their interviews, the analysis goes on to explain the factors which accept and exploit the women as prostitutes. Finally, we shall consider the possible ways forward to improve the women's situations today.

## Differences between Women from South East Asia

Entering the 1980s, we see a gradual and steady shift of prostitution away from the tourist destination countries to the countries of the tourists' origin. As the number of sex tours has decreased, so the number of women from Korea, Taiwan, the Philippines and Thailand coming to Japan has increased. Those women come to Japan with the hope of getting a better job but in many cases they end up engaging in prostitution; often abused and exploited. However, what we should recognise is that those women from the four different countries do not have the same working conditions nor do they engage in the same kind of jobs. It seems their situations in Japan differ according to their nationalities.

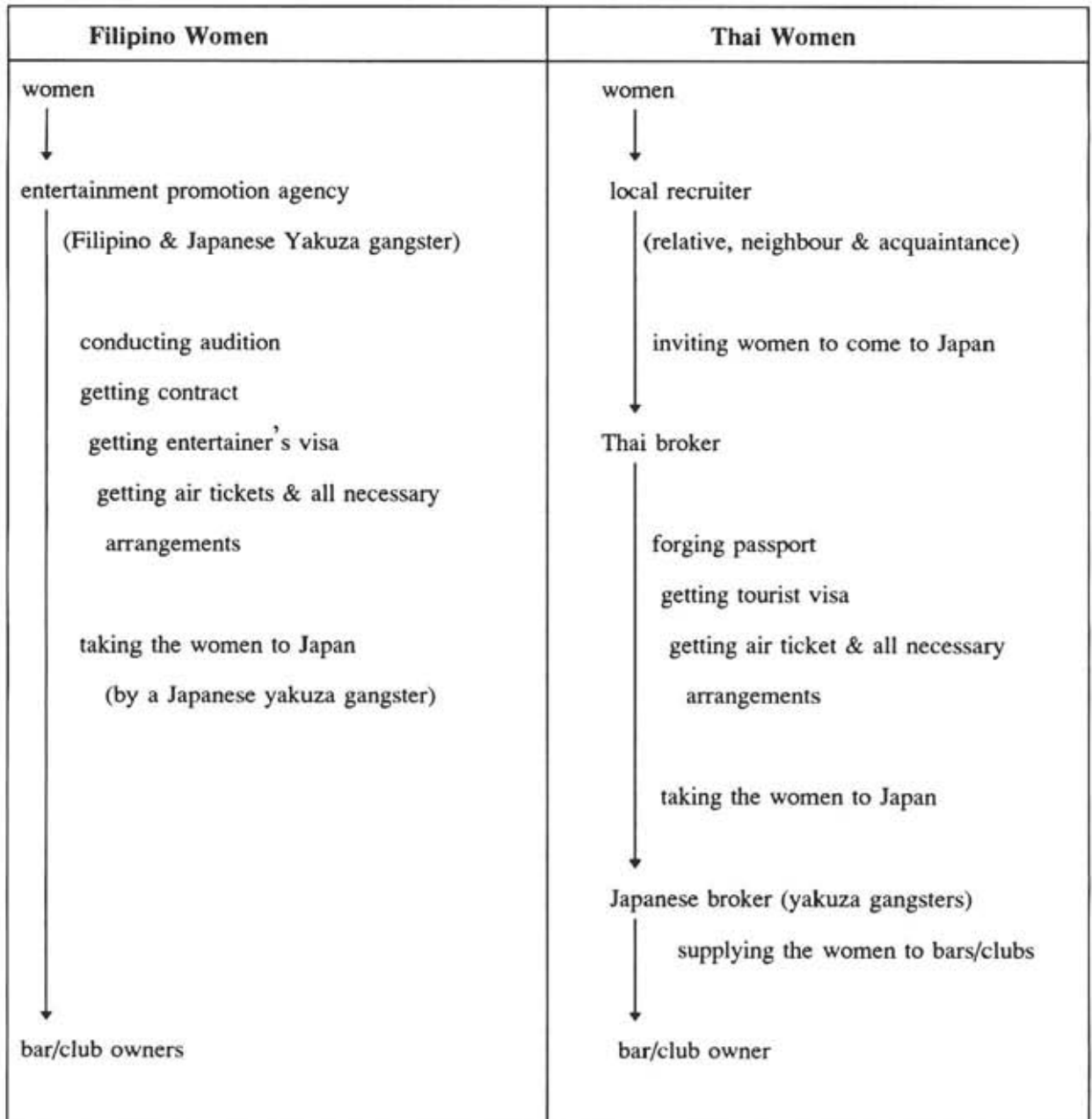
Korean and Taiwanese women find themselves in more or less similar kinds of situation in Japan. As Table 1 shows, a great number of Korean and Taiwanese women come to Japan year after year. In particular, the total number of Taiwanese women entering Japan every year is 20% greater than the number of Taiwanese women working as prostitutes in Japan. Only, the statistical material named "Illegal Activities and Overstay cum Illegal Activities" published by the Japan Immigration Association indicates some Korean and Taiwanese women are working as prostitutes. For example, in 1978, 43 Korean and 196 Chinese women (the number includes women from Taiwan, Hong Kong and Mainland China) were apprehended and deported under the charge of illegally working as bar hostesses. As is often the case, bar hostesses are expected to serve as prostitutes. Those number of women are rather small compared with the 5,103 Filipino and 702 Thai women apprehended during the same year under the same category. In addition, the number of Korean and Taiwanese women going to refuges for protection is much less than that of the Filipino and Thai women. A report issued by the Asian Women's Shelter HELP (House in Emergency of Love and Peace) informs us that they have dealt with 4 Korean and 5 Taiwanese women from 1986 to 1992, whilst they have

dealt with 287 Filipino and 883 Thai women during the same period (see Table 2). Judging from the above data, it can be concluded that Korean and Taiwanese women do not make up the main work force of prostitutes in Japan and if any of them are engaged in prostitution they probably have relatively secure working conditions.

The time when large numbers of women began entering Japan is dependent on their nationality. Korean and Taiwanese women started to come to Japan before Filipino and Thai women. Because Japan has had a longer and closer relationship with both Korea and Taiwan, especially through occupying those countries before World War II, many Koreans and Taiwanese have already lived in Japan so that women from those two countries have had easy access to Japan through their relatives or acquaintances. This entry time gap could have allowed some Korean and Taiwanese women to establish some kind of status in Japanese society such as becoming a bar owner, taking up permanent residence through marriage and so on. Besides, considering the rapidly developing economic situations in both Korea and Taiwan, it is reasonable to assume that there are not many Korean and Taiwanese women willing to come to Japan as prostitutes or for a job with poor working conditions. In terms of visa status, too, more Koreans and Taiwanese come to Japan on student visas, which allow holders to work less than four hours a day, than Filipino and Thai people nowadays (see Table 3). It seems that the search for employment is not the main reason why Korean and Taiwanese women come to Japan.

In a different situation from Korean and Taiwanese women are the Filipino and Thai women who have made up the main force of prostitutes working in Japan since the 1980s and many of them have suffered a terrible ordeal. Even though both Filipino and Thai women have been exploited as prostitutes, the degree to how much they have been abused and exploited is different between them. It seems that Thai women have a weaker and less secure position in Japan than Filipino women. What are the reasons for

this difference? The following comparative chart of the recruitment process between Filipino and Thai women will help us decide.



The first thing to consider is the deep involvement of “Yakuza” gangsters in recruiting women to come to Japan and placing them in the entertainment industry. The “Yakuza” is a Japanese underworld criminal syndicate which either overtly or covertly controls the management of bars and clubs in most of the entertainment districts of Japan. In the

case of Filipino women, they must sign a contract first through local entertainment promotion agencies in order to apply for a visa. At first, the agencies were run by local Filipino people but soon yakuza gangsters started to join in the choosing process of women at audition time. Then, the gangsters took the women to Japan and tried to earn a commission by placing them in bars and clubs in the entertainment districts of big cities or hot-spar resorts in the countryside. They sometimes let the women work in bars which they or their common-law wives run. Apart from their legitimate jobs as show dancers or singers, the Filipino women are often forced by the bar or club owners to become involved in prostitution. If a women spends the night with a client, she can earn Y100,000 whilst the bar-owner will receive Y200,000 from the client (Ohshima & Francis, 1989 : 29).

Soon, the yakuza gangsters found another target for their exploitation. They discovered that they could easily make a larger amount of profit from Thai women. Although we see many Filipino dancers in the entertainment districts of Japan, they are not so visible as prostitutes nowadays. Instead, we see many Thai women working as prostitutes in bars, clubs and on the streets. Judging from the statistics issued by the refuge center "HELP," the shift happened sometime around 1988. Is it a coincidence that the Thai government launched a campaign called "Visit Thailand Year" in order to promote tourism in its country that year. The statistics published by "HELP" indicate that the majority of women coming to the refuge for protection were Filipino women up until 1988, but from the next year their numbers decreased drastically. Conversely, the number of Thai Women seeking protection soared from 9 in 1987 to 144 in 1988 and the number has kept on increasing up until the present (see Table 2). Another statistic issued by a refuge called Women's House "Sala" shows a similar tendency; 2 Filipino women and 54 Thai women had used the refuge center out of the total 56 women during the period from September, 1992 to April, 1993.

It is reported that two different underworld criminal syndicates are involved in sending Thai women to Japan; Chinese syndicates on the side of Thailand and Yakuza syndicates on the Japanese side (Tezuka 1992, Yamatani 1992). Those syndicates in Thailand have already established all the know-how to recruit young women from poor farming areas and send them overseas. They use local people as recruitment agents to collect women, and then members of the syndicates forge passports, do all the necessary arrangements, take the women to Japan and hand them over to Japanese brokers, mostly yakuza gangsters, who pay between 1.5 and 1.8 million yen per woman for a commission to a Thai broker. The Japanese brokers place the women in bars and clubs all over Japan and charge 3 to 3.5 million yen as a commission for the women. The bar/club owners add some extra money to the commission and tell the woman that they have a "debt" of 3.5 to 4 million yen to repay. It is the women who have to bear the entire cost. The Thai women are burdened with an enormous debt although there are no legal grounds on which they have to repay it. The whole system of recruiting Thai women for Japanese bars and clubs can be identified as human trafficking and the women are confined and exploited within the system. It is obvious that the recruiters, brokers and bar owners are making an unreasonable profit by sending Thai women to Japan or having them work in bars.

The second point to consider is the visa status of the women. The Philippines government has adopted a policy to encourage people to get jobs overseas as a means to expanding employment opportunities and gaining foreign currency to accelerate the growth of the Philippines economy. Filipino women are not the exception under this policy. When they tried looking for jobs in Japan, they faced a big obstacle; closed labour markets for overseas workers in Japan. Japan follows the policy of accepting only specialists from overseas, not simple manual labourers such as factory or construction site workers, waiters or waitresses, shop clerks and so on. The entertainer's visa seems to be the only legitimate working visa for most young Filipino women to obtain without much



trouble. The entertainer's visa at least guarantees their security to some extent. Obtaining an entertainer's visa requires a proper contract which stipulates wage and accommodation conditions, the name of the responsible agent and so on. It also allows the holder to stay in Japan legally for up to 180 days. As a contracted worker, she is entitled to appeal for legal protection or bring an action against her employer in the case of contractual violation. However, in practice, such prosecutions are not always easy to undertake because of the difficulty in obtaining enough evidence. For example, women who run away from their employers usually do not carry the contract with them, so that it is hard for them to specify the name of their employers or the place where they worked.

On the other hand, the majority of Thai women come to Japan on tourist visas. A tourist visa is the easiest one to obtain for travelling overseas but does not allow the holder to work or stay in Japan for more than 90 days. So, those women entering Japan on tourist visas have no means to look for a job openly by themselves and if they do something for money, they fall into the category of illegal workers so that they cannot rely on any legal protection and rather try to hide themselves from the public sphere due to the fear of deportation. Taking advantage of the Thai women's insecure status in Japan, Yakuza gangsters and bar owners make use of the women as harshly as possible to gain an easy profit.

The third point to consider is the degree of their self-help. Both Filipino and Thai women do not usually speak Japanese, so they do not easily understand what is happening around them. However, most Filipino women speak English in which they can communicate with the local Japanese when it is necessary. Thai women often only speak their own language so they tend to be more isolated and have less access to necessary information. Moreover, compared with Filipino women, Thai women are more restricted in their daily behaviour. For example, they are not allowed to go anywhere by

themselves, even to a nearby shop. They are always under close watch by their employers. Therefore, even at the time of an emergency, it is difficult for them to contact someone for help. Filipino women have one more advantage over Thai women. Because they are usually Catholics, they tend to go to church regularly, which enables them to make friends, exchange information, and set up support groups if they wish or to get help from church officials and local churchgoers.

### **Women's Experiences: the Case of Thai Women**

There is a wide range of different experiences among women engaging in prostitution. Some are successful in saving up large amounts of money to take back home, and others run away from their owners to come to a refuge for protection or end up with terrible hardships. What is common among them is that they have little power to negotiate their working conditions with their brokers or bar/club owners.

The following is a typical example of a Thai woman's experience of coming to Japan and engaging in sex work. The story is narrated based on one of the interviews I conducted in 1993 with the help of an interpreter. The Thai woman called "M" was 26 years old and started working for a bar in Tokyo in December, 1991. She wanted to remain anonymous because she was afraid of the consequence that might occur because of the interview.

"M" decided to come to Japan after being invited by a woman living next door. "M" went from a small village near Chiang Mai in the north of Thailand to Bangkok and was working as a shop clerk after graduating from a vocational school. At the time when "M" heard about the job opportunity in Japan, she was very depressed after losing her boyfriend and wanted to go somewhere far away. Though her parents disagreed with her decision and she was told she would have a debt of 3.6 million yen to pay off in Japan,

she did not change her mind. She was worried at first that 3.6 million yen was a lot of money, but she was told that it would only take 3 months to pay it back. Someone arranged to get hold of a passport for her, which was a forgery. She came to Japan on a tourist visa escorted by a Thai man who took her from Bangkok to a bar in Tokyo. "M" was told by the "Mama-san" of the bar to start working from the next day and that she was 3.8 million yen in debt. The "Mama-san" was Taiwanese. When she first started working, there were 20 other women working in the bar as hostesses and at the same time as prostitutes, but these days eleven women (9 from Thailand, 1 from Hong Kong and 1 from Taiwan) are working there. All the women working for the bar had to live in the same place which was above the bar until they became "free" by paying off their debt. It took five months for her to repay the debt including an extra cost of Y200,000 for moving to a new apartment. Her clients were mostly in their 40s and she felt some of them were very nasty to her. After she became "free," she was allowed to receive the full charge for her sexual service and kept working in the same bar to save up money for her parents and herself. Her parents, sister and her sister's husband built a new house with the money she sent them and are now living there together. She says that she does not want to go back to Thailand because Tokyo is more exciting and there are a lot more things to do and see than in Bangkok. Some of her clients took her for a day trip or a few days trips and the most impressive trip for her was going to Sapporo for the Snow Festival. She now has a Japanese boyfriend, a sugar daddy, who gives her some money so that she has not engaged in prostitution for the last three months.

Until they finish paying off their debt, Thai women get no money at all from whatever work they do. Only a tip from their clients makes up the income at their disposal. They are provided with food and a place to live by their bar owners but in many cases the owners do that to prevent women from going out freely. Sometimes a harsh bar owner calculates the daily expenses of a woman and adds them to her debt. Another Thai woman called "S" said that she was told to pay 50 thousand yen as a housing fee every

month on top of her debt after she had worked for five months. If a woman takes a day off, she is usually fined 10 thousand yen, which is added to her debt. It is said that it costs 15-20 thousand yen for a few hours or 25-30 thousand yen to stay overnight with a prostitute on average. "M" worked off the debt in five months, which means she had a client nearly every day during that period. "S" has not paid off the debt of 3.9 million yen yet even though she has worked for about ten months.

As opposed to Filipino women who sometimes take tourists as clients because they work as show dancers at hotels in hot-spar resorts, Thai women mostly work for local bars and therefore their clients are mostly local men living in the vicinity, aging "mainly from 30-50 years old and married," according to a bar owner whom I interviewed. There are cities and towns in Japan which have entertainment districts where many Thai women work. Big compounds of factories, big construction sites, or an army post of the Self-Defence Force are often located in those towns. In other words, those cities and towns have many unmarried men or married men separated from their family gathered together for work and prostitutes accommodate the demands of those men. In urban cities like Tokyo, entertainment district are scattered in several different areas and it is rare to see Thai women working in bars and clubs in such a top area as "Ginza" where top class company executives entertain their important business customers. Thai women said that some clients were nice and gave them a lot of money and others were nasty. For example, "S" spent a night with a client who terrified her by putting a "long knife" near the bed and saying that he was always ready to use it if she did not obey him.

When women have finished working off their debt and become independent, they usually never go back home straight away. Instead, they try their best to earn and save up money for themselves or their families through working for the same bars independently, moving to other bars with better conditions or becoming streetwalkers. Working as streetwalkers, they can work as free-lance prostitutes but inevitably take the risk of being

easy targets for police discipline and yakuza gangsters' demands to act as pimps. On the whole, the future path of those women without debt is (1) going back home with some amount of money saved, (2) staying in Japan, getting married to a Japanese, and (3) becoming agents or brokers to recruit women to Japan.

## **Women's Responses**

Prostitution is often criticized on both personal and institutional levels as an immoral and antisocial activity. The South East Asian countries from which the women come, often have either Buddhist, Catholic or Confucianism faiths that prohibit them from engaging in prostitution as a shameful form of behaviour. The women are therefore constantly under psychological pressure.

An activist of a support group said that about one third of the women coming to Japan knew they would be working as prostitutes in Japan beforehand. The rest of the women have no choice but to accept the work even though they found out after arriving in Japan that they were cheated. "S" said, "One of my acquaintances invited me to work in Japan as a waitress. When I was told to work as a prostitute, I didn't know what to do and where to go, so I accepted the work. I had already come to Japan, so what could I do?" Most of the women accept prostitution as a means of survival, survival for themselves and their families back home. Even though they cannot escape the feelings of shame, they have a pride in the fact that they support themselves and contribute to the sustenance of their families.

On the other hand, there are many women whose lives have been devastated by their experience. Some of them risked their lives by running away from their bar owners, and went to a refuge center for protection or went to their embassy for help. It is reported that the Thai Embassy in Tokyo dealt with about 3,000 Thai women who came

and sought help in 1991 and with 300-350 every month in 1992 (Asahi Newspaper, 16 March 1993). The non-governmental refuge "HELP" provided a refuge service for 883 Thai women during 1987-1992, "Sala" helped 54 during 9 months in 1993, and "Mizura" 67 during 1992-1993. Criminal offences in which Thai women are either the offender or victim are increasing, too. Between January and September, 1992, there were 57 criminal offences involving Thai women and 397 Thai women were arrested or placed under police protection (Yomiuri Newspaper, 2 October 1992). Amongst the offences, three murder cases stand out and highlight the plight of South East Asian women working in Japan.

The first case is that of three women on trial for killing their Thai female boss in Shimodate, Ibaragi Prefecture. The second is that of six women, including a 15 year old girl, on trial for killing their bar owner, a Taiwanese woman, in Shinkoiwa, Tokyo. The third is that of five women on trial for killing their bar owner, a Singapore woman, in Mobara, Chiba Prefecture. According to the women's testimony and letters to their support groups, they committed the killings because they simply wanted to escape from the bars. They had believed they were going to work in factories or restaurants until they came to Japan, but in reality they were forced to engage in prostitution. On their arrival, they were told to pay back 3.8 million yen and had their passports taken away. Some of them were told that if they ran away or didn't do what they were told, their parents would be killed. Others were stripped of their clothes, photographed and told that the photographs would be sent to Thai newspapers if they misbehaved. They were even fined for speaking in their own language, smoking, not smiling and not giving adequate service to customers in the bars. The women in the Mobara case were told to do everything that their clients wanted. For example, an overnight engagement of sexual services means having sexual intercourse several times and having to massage the clients till morning so that the women are not allowed to sleep during the night at all (Hand-in-



hand Chiba ed. 1994: 22). They were like prisoners, having no freedom to go out by themselves. One of the women wrote a letter from a Detention Centre saying:

“There was no factory where I could work in Japan, but only pubs and bars. There were only men who thought about nothing more than getting drunk and having sex with strangers. For me every day was suffering. I had to sleep with men whom I did not know at all. If I did not obey the orders of the manager of the bar I was beaten. For the Japanese masters, women from Thailand are considered to be lower than animals.”

(Japan Christian Activity News, No. 707, 1993)

## **Conclusion**

Prostitution tourism is a product which has evolved from the interplay between political, social, cultural and economic factors. Since the 1960s, tourism had been promoted under government leadership as an important part of the industrial development of the nations in the South East Asian region. This policy of promoting tourism invited the massive growth of prostitution with large numbers of men coming from developed countries across the world. Because of the vicinity and the economic power of the country, together with their cultural expectations towards women that they be submissive, Japanese men were rather dominant among tourists in search of sexual pleasure in those countries.

The campaign against prostitution tourism was initiated by the criticism voiced by the Christian Women's Federation of Korea in 1973 and further gained momentum when the Nihon Christian Council (NCC), its branch organization called the Japan Women's Christian Temperance Union (JWCTU) and other women's groups joined together in publishing research papers, visiting travel companies, making a set of slides to reveal the activities of Japanese sex tour groups and protesting to the Ministry of Transportation.

They also developed a campaign of coordinate with women's groups in the Philippines and Thailand and as a result, when Prime Minister Suzuki visited ASEAN countries in 1981, he met massive demonstrations in each country.

However, as travel companies started refraining from organizing sex tour groups after facing massive protest movements in the 1970s, prostitution has been transferred away from the tourist destination countries to the tourist origin country, Japan, since the early 1980s and has spread widely over the country. Why was this shift possible? What are the reasons and factors underpinning the phenomenon?

First of all, the focus should be on the great material differences in wealth between the nations. As shown in Table 4, Japan is extremely wealthy compared with the other four countries in terms of GDP per capita. The strong economic power of Japan is also reflected in the exchange rate of Japanese currency. After the Plaza Agreement at the G5 meeting of 1985, the average exchange rate of the Japanese yen against the US dollar soared from 230 yen in 1985 to 160 yen in 1986, 120 yen in 1988 and less than 100 yen in 1994. As a result, Japan has attracted migrant workers from many developing countries in Southeast Asia, the Middle East and South America. They come with the hope to earn more by doing the same or even lower level work than they did in their home countries. The flow of women from South East Asian countries is not an isolated phenomenon in this world economy situation. On the other hand, using their affluent economic status, Japanese go to luxurious resorts for rest and leisure and sometimes associate with prostitutes in South East Asian countries. No matter where prostitution takes place, it is generally men from the industrialized countries who pay for the services of prostitutes and it is women from the developing countries who offer sexual services. As it is, in the case of prostitution which South East Asian women associate with, international power relationships in wealth determine the role in prostitution regarding who is doing the buying and who is selling.



Secondly, we should consider the interrelationships between material interests and political power. In the cases of both Filipino and Thai women, most of them come and work for their own sustenance and that of their families or the desire to obtain a better standard of living, so that the number of women wishing to work in Japan hardly decreases so far as the poverty is not solved in their home countries. For example, it is reported that sometimes there are expensive houses standing in the middle of poor farming villages in Thailand and the owners of those houses have daughters working in Japan. It is possible for women to earn a large amount of money in a relatively short period through prostitution in Japan. In fact, they can earn much more in Japan than in their home countries by doing the same job. However, we should be careful in deciding who benefits most from the situation. As stated above, it is not women but recruiters, brokers, agents and bar owners who benefit most by using the women. Particularly in the case of Thai women, recruiters, brokers, agents and bar owners take unreasonable amounts of commission through the process of transporting women. In the end, women are told to pay off about 3.5-4 million yen, which is equal to 20-22.8 thousand pounds based on the exchange rate of 175 yen to the pound. Until they work off the debt, they have no wage at all for whatever job they do.

In addition, clients benefit from South East Asian women prostitutes, because the prostitutes seem to charge less for their sexual services than Japanese women. The district which they work in and the types of establishment they work for are different. For example, we can see only Japanese women working in bars and clubs in Tokyo's most expensive neighbourhood. The women from South East Asian countries can be found in less expensive areas of Tokyo and local cities which are full of cheaper drinking places. This means that Japanese men as clients spend less for their sexual pleasure.

Thirdly, we should address socio-cultural factors in Japanese society where many women have been accepted as prostitutes. Historically, prostitution has been used to satisfy and control male sexuality. Japanese society has been tolerant towards or sometimes praised men's promiscuity as far as they keep their households safe. On the other hand, women are divided into two categories; virtuous daughters and wives, and whores. Women in the former category are required to give their absolute loyalty to their fathers and husbands after marriage. Women in the latter, who are segregated in special quarters for the sake of protecting public morality, accommodate men's sexual needs. This tradition has allowed the setting up of a series of prostitution systems in the past such as the state-regulated prostitution system handed on from the late sixteenth century. and abolished as late as 1946 by the disuse of "the Regulation of the Control of Geisha", the issues of the comfort women drafted into sexual slavery by the Imperial Army during World War II, and the Recreation and Amusement Association (RAA) established to accommodate the sexual needs of the soldiers in the Occupation Army. The issues of South East Asian women engaging in the sex trade are located along the same lines.

Traditions persist. To some extent, both Japanese men and women cannot be free from traditional values. Under the remaining influence of the absolute power traditionally given to the head of the family, there are still many Japanese men who hold naive ideas about women's submissiveness and obedience towards them and South East Asian women are often told to satisfy those demands. The women accept the demands without being able to protest because of their powerless situation. The ambivalent attitude taken by Japanese wives also reveals the fact that they are still confined in the tradition in wondering on what basis they can complain of their husband's behaviour so far as their husbands fulfil their roles in the family as heads of the households and breadwinners. Tradition tells us to be tolerant of men's promiscuity. Many Japanese wives would conclude that buying prostitutes is just temporary after all because prostitutes belong to a

different group of women and it is useless to risk the families' security and stability by complaining too much of their husband's unfaithful behaviour.

However, the above attitude emphasizes the material aspect of the couple's relationship and diminishes the spiritual aspect. Mutual trust, respect and faithfulness are also important components in maintaining the couple's relationship but tend to be forgotten. Such a materialistic ideology and double standard allow people to be blind to the fact that prostitutes have their own families at home and associate with the sex work on behalf of their families.

The issues of prostitution tourism cannot be solved by a domestic solution alone, but require internationally coordinated action. As we have seen, the expansion of tourism has brought about the proliferation of prostitution in South East Asia. Such a social change in the region seems to be interlocked with the increasing entry of South East Asian women into Japan and their resulting powerless situation. The national development strategies currently taken in the region need to be reconsidered not only in the light of the enrichment of the nations but also in the light of reducing the economic disparity within the nations. Overseas Development Aid from Japan to those countries in the region should be coordinated towards the direction of empowering individuals.

Domestically, the conventional approach towards prostitution as well as the current Prostitution Prevention Law enacted in 1956 should be re-examined. The anti-prostitution movement in Japan was launched more than a hundred years ago under the leadership of the JWCTU founded in 1886 and the Salvation Army founded in 1895. The movement has had significant impact on abolishing state-regulated prostitution, providing relief and rehabilitation for prostitutes and formulating government policies on prostitution. Their activities have been conducted with the aim of the total abolition of prostitution in any form, presuming that prostitution is offensive and exploitative towards

women. It is clear that they have condemned not the individual prostitutes, but the practice of prostitution as an institution. However, their stance entails a rather negative attitude towards prostitutes; regarding them as passive victims who should be guided and saved. How far is this approach consistent with the reality of South East Asian women working as prostitutes in Japan? Considering the fact that prostitution enables the women to obtain a large amount of money which is necessary for their livelihood and despite all those exploitative working conditions women still accept working as prostitutes, it is worthwhile investigating the possibility of a form of prostitution permitted by society where the prostitutes' human rights are not violated.

The present Prostitution Prevention Law consists of two components of legislation. One is concerned with penalization of acts. As the name of the law says "prevention" not "prohibition," the objective of the Law is not to penalize the act of prostitution itself but to impose a penalty on any acts which encourage and promote prostitution such as solicitation in public and procurement of women for prostitution. The other is concerned with establishing facilities for counselling and the rehabilitation of prostitutes. However, the Law has three main defects in the administration of justice for women working as prostitutes.

Firstly, it lacks effective measures for penalizing procurers operating today, particularly regarding procurement of women from South East Asia. Under the Law, it is possible to prosecute bar owners in charge of procurement for prostitution but, in practice, such prosecution is hard to undertake because the women do not wish to get involved in law suits due to their illegal status in Japan. Besides, even if a women running away from her bar owner wishes to make a prosecution with the help of a lawyer, the attempt is usually in vain because she does not know where she worked and what her bar owner's name was. The primary problem in prostitution is the serious degree of exploitation by

bar owners as procurers of women. It is urgent that effective measures are taken to punish procurers.

Secondly, making solicitation an offence works against women. It is always prostitutes who are arrested under the charge and men's kerb-crawling or looking for a prostitute goes unquestioned. Nowadays the main target of police operations under the charge are increasingly Thai women who become free from the hand of their procurers and work on street for themselves. In order to stop this one-sided administration of the law, there are two points to be considered: one is the question of establishing some measures to impose penalty on men's kerb-crawling and the other is to rethink the necessity of article 5 of the Law, which states to penalize solicitation.

Thirdly, although the counselling and rehabilitation scheme is one of the Law's important components which could provide good opportunities for indicating alternatives to prostitutes, women from South East Asia have no chance to obtain any benefit from the scheme unless they hold a legally valid visa, otherwise they will be sent to the Bureau of Immigration Control for deportation. Language is also a big barrier for those women in making use of the opportunity. Besides, facilities for the scheme are in danger of being run down because of the government's neglect of financial support. We should pressurize the government to provide more finance to revitalize such schemes and at the same time it is important to check on the contents of the rehabilitation programmes so that they truly respond to the women's needs today.

**Table 1** The Number of Foreign Nationals Entering

Year	Age	Taiwan		Korea		Philippines		Thailand	
		Men	Women	Men	Women	Men	Women	Men	Women
1982	Total	311125		284598		37873		31422	
	All ages	142116	169009	183831	100767	15389	22489	16959	14463
	15-19	840	4086	2273	2107	466	1482	488	588
	20-24	2990	17937	4743	7882	1455	7826	1643	2093
	25-29	14274	28198	13019	11175	2443	5181	3006	2804
1983	Total	331634		283971		47887		43940	
	All ages	155341	176293	188381	95590	17357	30530	23846	20094
	15-19	1202	4562	2401	2016	695	1904	723	878
	20-24	3538	17908	4868	8596	1487	10502	2208	2670
	25-29	15853	29472	14267	11496	2409	7012	4009	3847
1984	Total	351294		292483		49511		45978	
	All ages	166765	184529	192285	100198	16062	33449	24909	21069
	15-19	1143	4199	2292	2208	557	2438	812	827
	20-24	3467	17912	5461	9630	1400	13496	2284	2785
	25-29	16336	29413	15674	13168	2481	7428	4199	4037
1985	Total	356934		296708		65529		44123	
	All ages	167651	189238	201342	95366	21106	44423	24749	19374
	15-19	1332	5101	2897	2799	1012	3902	776	748
	20-24	3465	18368	6036	8559	2197	17664	2175	2210
	25-29	14927	28415	16842	11532	3152	9376	4095	3619
1986	Total	300272		299602		80508		30296	
	All ages	145786	154486	199617	99985	22058	58450	17452	12844
	15-19	1068	4468	2528	2569	697	6651	515	494
	20-24	3517	16631	5336	8052	2934	28231	1613	1685
	25-29	14606	25180	17612	12941	4388	11966	2972	2684
1987	Total	360636		360159		85267		33719	
	All ages	174979	185657	230256	129903	21395	63872	19479	14240
	15-19	1260	5403	2891	3453	647	7818	473	783
	20-24	4498	20840	6155	9731	2604	30118	2039	2514
	25-29	18305	29160	21494	15662	4141	13516	3219	2849
	Total	392723		515806		86567		41994	
	All ages	189468	203255	325320	190487	18881	67686	22797	19197
1988	15-19	1495	6138	3927	4856	601	6395	513	1462
	20-24	5198	22984	9458	14393	2546	34005	2877	4873
	25-29	22008	33580	31919	21642	3127	14311	4086	4095

1989	Total	501907		806065		88296		49117	
	All ages	230953	270954	497974	308091	21437	66859	28180	20937
	15-19	2237	8157	6119	8070	610	4410	730	1145
	20-24	6736	29355	18294	30674	2884	30986	3300	3882
	25-29	26287	41283	61130	42812	3407	15314	5203	4225
1990	Total	610652		978984		108292		69477	
	All ages	272124	338528	585797	393187	24956	83336	38109	31368
	15-19	2642	10861	6880	10192	756	3917	1048	1607
	20-24	9114	36137	24928	42366	3659	37920	4359	5195
	25-29	30808	50530	76044	56297	4191	20521	6914	6190
1991	Total	686076		1097601		125329		105666	
	All ages	306158	379918	632619	464982	25619	99710	58200	47466
	15-19	3569	11657	7196	10964	711	7114	1595	2527
	20-24	10253	39132	28143	57176	4293	43690	7690	10020
	25-29	33992	55023	81937	66210	4793	25380	11409	10639
1992	Total	745835		1094724		120660		97568	
	All ages	331413	414422	602572	492152	24686	95974	52094	45474
	15-19	3479	12692	7504	10662	537	2291	1549	1204
	20-24	11027	40498	24862	59379	3793	38029	6347	8244
	25-29	36052	57990	72959	70094	4773	29778	9659	9601

\*The number includes that of re-entrants.

Source: The Annual Report of Statistics on Legal Migrants, 1983-1993, published by the Ministry of Justice.



**Table 2** The Number of People Who used HELP

Year	Taiwan	Korea	Philippines	Thailand
1986	1	0	83	0
1987	1	0	99	9
1988	1	0	52	144
1989	0	0	13	131
1990	0	1	16	119
1991	2	0	10	270
1992	0	3	14	210
Total	5	4	287	883

Source: The Network News No. 24. 1993, published by The Asian Women's Shelter HELP.

**Table 3** The Number of Foreign National Entering Classified by Nationality and Visa Status

Year	Taiwan			Korea			Philippines			Thailand		
	Short Stay	Entertainer	Student	Short Stay	Entertainer	Student	Short Stay	Entertainer	Student	Short Stay	Entertainer	Student
1987	312164	2519	10172	147958	836	8358	37311	36080	417	27430	197	844
1988	338000	2351	12296	256757	999	10886	25463	41423	546	32701	173	950
1989	443418	1970	14010	503175	1643	14586	28610	32719	695	38605	205	1049
1990	550703	2129	18595	653431	2416	31805	35701	42867	2345	57320	400	1810
1991	623168	2130	18788	769199	2837	38199	31858	57038	1587	90513	419	1945
1992	681635	1716	18644	763555	2785	42423	29404	51252	1299	81439	593	2169

\* "Short Stay" means mostly for tourists but includes people visiting relatives, doing some business etc. for a short period.

\* "Student" means for people going to high school, vocational schools and universities.

Source: The Annual Report of Statistics on Legal Migrants, 1988-1993, published by the Ministry of Justice.



**Table 4** Gross Domestic Product per capita

<b>Year</b>	<b>Japan</b>	<b>Korea</b>	<b>Taiwan</b>	<b>Philippines</b>	<b>Thailand</b>
1970	1953	272	386	195	195
1980	9068	1643	2325	671	693
1991	27035	6799	8534	720	1728

Source: World Development Report

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# สถานการณ์และสภาพความต้องการทางสังคมและวัฒนธรรมของ คนไทยในญี่ปุ่น : ปัญหาและทางออก\*

พระไพศาล วิสาโล\*\*

## ภาพรวมและความเปลี่ยนแปลง

ปัจจุบันคนไทยที่มาทำงานในญี่ปุ่นมีจำนวนลดลงกว่าเดิมมาก ช่วงที่มีจำนวนสูงสุดคือช่วงปี ๒๕๓๕-๒๕๓๖ ช่วงนั้นประมาณกันว่าอาจมีคนไทยไม่ต่ำกว่า ๘๐,๐๐๐ คน จำเพาะคนไทยที่อาศัยในญี่ปุ่นอย่างผิดกฎหมายในปี ๒๕๓๖ (เดือนพฤษภาคม) ตามสถิติของกระทรวงยุติธรรมของญี่ปุ่นคือ ๕๕,๓๘๓ คน แต่เมื่อถึงปี ๒๕๓๘ ตัวเลขลดลงเหลือ ๔๔,๗๕๔ คน นับเป็นปีแรกที่คนไทยกลายมาเป็นที่ ๒ หลังจากที่ดีอันดับหนึ่งของคนต่างชาติที่อาศัยในญี่ปุ่นอย่างผิดกฎหมายมากที่สุดมาเป็นเวลาหลายปี ตัวเลขดังกล่าวของกระทรวงยุติธรรมญี่ปุ่นหมายถึงคนที่ถือพาสปอร์ตไทยและวีซ่าขาดอายุ (๓ เดือน) ไม่ได้รวมคนไทยที่ใช้พาสปอร์ตของประเทศอื่นหรือคนไทยที่ลักลอบเข้ามาทางเรือ หรือคนไทยที่เพิ่งเข้าประเทศญี่ปุ่นโดยวีซ่ายังไม่หมดอายุ

คนไทยที่มาญี่ปุ่นมีผู้หญิงมากกว่าผู้ชาย แต่สัดส่วนไม่ต่างกันมากนัก เช่น เมื่อปี ๒๕๓๘ ในบรรดาคนไทยที่อาศัยอยู่ในญี่ปุ่นอย่างผิดกฎหมาย มีผู้ชาย ๑๕,๘๖๖ คน ผู้หญิง ๒๘,๘๘๗ คน อย่างไรก็ตาม น่าสังเกตว่าคนไทยที่ไปขอรับความช่วยเหลือจากสถานทูตไทยเพื่อกลับประเทศไทย เป็นผู้หญิงมากกว่าผู้ชาย ๒ - ๓ เท่า เช่น ระหว่างเดือนมกราคม-กรกฎาคม ๒๕๓๗ เป็นชาย ๗๐๑ คน หญิง ๑,๗๕๐ คน (รวม ๒,๔๕๑ คน)

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\* เอกสารประกอบการสัมมนาเรื่องโลกาภิวัตน์ของคนข้ามชาติ ประชารัฐและค่านิยม: บทเรียนจากญี่ปุ่น-ฟิลิปปินส์ จัดโดยศูนย์ศึกษาการพัฒนาสังคม คณะรัฐศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย, Japan Studies Network Thailand, Thai-Japanese Citizen's Forum, Japan Cultural Center, Bangkok, และ Alternative Development Studies Programme, Social Research Institute, Chulalongkorn University, 12-13 September, 1996. บทความนี้เป็นข้อสังเกตจากการไปเยือนญี่ปุ่น ๒๕ มีนาคม - ๓๐ พฤษภาคม ๒๕๓๘ โดยเฉพาะในท้องที่จังหวัดนากาโน ฮามานาชิ โทชิกิ นอกจากนั้นก็ได้เยี่ยมชมท้องที่และไปบรรยายธรรมใน โตเกียว ซิบะ ไอจิ โอซากา และเกียวโต.

\*\*วัดป่ามอหาวน จังหวัดชัยภูมิ

สาเหตุที่คนไทยที่อยู่อาศัยอย่างผิดกฎหมายในญี่ปุ่นมีน้อยลงนั้นมี ๕ ประการสำคัญคือ

๑) เดินทางกลับประเทศไทยมากขึ้น เนื่องจากทำมาหากินได้ไม่คล่องเหมือนก่อน สาเหตุก็คือเศรษฐกิจของญี่ปุ่นตกต่ำลง คนญี่ปุ่นจึงไปซื้อบริการทางเพศกันน้อยลง ขณะเดียวกันงบค่ารับรองแขกของบริษัทต่าง ๆ ก็น้อยลงด้วย (ก่อนหน้านี้ไม่นาน บริษัทต่าง ๆ จะถือว่าการพาลูกค้าไปเที่ยวกลางคืนเป็นส่วนหนึ่งของงาน จึงมีงบสำหรับค่าใช้จ่ายทางด้านนี้) นอกจากนั้นความตื่นกลัวในเรื่องเอดส์ก็มีผลให้คนญี่ปุ่นเที่ยวกลางคืนน้อยลง อย่างไรก็ตามดูเหมือนว่า ธุรกิจก่อสร้างยังไม่ถึงกับหยุดชะงัก ดังนั้นอาชีพกรรมกรจึงยังไม่ได้รับผลกระทบมากเท่ากับอาชีพหญิงบริการ ด้วยเหตุนี้เองจึงเชื่อว่าในระยะหลังหญิงไทย (ซึ่งส่วนใหญ่ทำงานขายบริการทางเพศ) เดินทางกลับประเทศไทยมากกว่าผู้ชาย ข้อนี้จึงอาจอธิบายได้ว่าเหตุใดคนที่มาขอความช่วยเหลือจากสถานทูตไทยในเรื่องการกลับประเทศจึงเป็นหญิงมากกว่าชาย

๒) คนไทยที่ต้องการเข้ามาทำงานในญี่ปุ่นมีน้อยลง ข้อนี้เป็นผลสืบเนื่องจากภาวะเศรษฐกิจตกต่ำของญี่ปุ่นโดยตรง ปัจจุบันมีหลายประเทศที่คนไทยสนใจจะไปทำงานมากกว่า เช่น ใต้หวัน ซึ่งมีคนไทยไปทำงานกว่าแสนคนแล้ว

๓) ความยากลำบากในการเดินทางเข้าญี่ปุ่น ปัจจุบันสถานทูตญี่ปุ่นเข้มงวดกวัดขันอย่างยิ่งในการให้วีซ่าแก่คนไทยโดยเฉพาะผู้หญิง แม้แต่ญาติพี่น้องของคนไทยที่แต่งงานกับคนญี่ปุ่น ก็มักประสบปัญหาในเรื่องนี้ นอกจากนั้น ทางการไทยยังมีการปรับปรุงพาสปอร์ต ทำให้การปลอมแปลงด้วยกลวิธีต่าง ๆ เป็นไปได้ยากขึ้น (เช่น การเปลี่ยนรูปถ่าย หรือการใช้ชื่อปลอม)

๔) ถูกส่งกลับ (เนรเทศ) ในขณะที่จำนวนคนที่เข้ามาญี่ปุ่นมีน้อยลง แต่การจับกุมและเนรเทศกลับเมืองไทยโดยกองตรวจคนเข้าเมืองของญี่ปุ่นยังดำเนินอย่างต่อเนื่อง คนไทยที่อยู่อย่างผิดกฎหมายจึงมีน้อยลงเป็นลำดับ ในช่วง ๖ เดือนที่ผ่านมา มีข่าวการจับกุมและเนรเทศคนไทยในหลายเมือง และคาดว่าจะยังมีอยู่ต่อไป

๕) "มามาซัง" รายใหญ่ ๆ เหลือน้อย มามาซังในที่นี้หมายถึง เจ้าของสเน็ค (ร้านเหล้าที่มีหญิงบริการทางเพศมาทำงาน) รวมถึงคนที่ "ซื้อ" ผู้หญิงไทยมาทำงานให้กับกิจการของตน มามาซังหลายคนมีอิทธิพลมากเพราะใกล้ชิดกับยากูซ่า (เช่น แต่งงานกับยากูซ่า) และเชื่อว่าได้รับการหนุนหลังจากผู้มีอิทธิพลในเมืองไทยด้วย มามาซังเหล่านี้กุมหญิงไทยไว้ได้หลายคน (บางรายเชื่อว่าถึง ๒๐๐ คน) และมีบทบาทสำคัญในขบวนการค้าหญิงไทยในญี่ปุ่น อย่างไรก็ตามในระยะไม่กี่ปีมานี้ มามาซังรายใหญ่หลายคนต้องมามีอันเป็นไป เช่น ถูกฆ่า หรือถูกจับโดยทางการญี่ปุ่น จึงทำให้ขบวนการค้าและลักลอบพาหญิงไทยมาญี่ปุ่นอ่อนตัวลง

## อาชีพ

คนไทยที่มาทำงานในญี่ปุ่นส่วนใหญ่จะมีอาชีพ ๓ ประเภทคือ

๑) ขาบริการทางเพศ เกือบทั้งหมดจะทำงานในร้าน "สเน็ค" คือร้านเหล้า หญิงที่ทำงานด้านนี้จะเป็นตัวดึงดูดให้คนมากินเหล้า โดยลูกค้าสามารถ "ออฟ" คือพาผู้หญิงออกไปข้างนอกเพื่อหลับนอนได้ในโตเกียวหญิงบริการหลายคนจะหากินโดยอิสระจากร้านสเน็ค กล่าวคือหาลูกค้าตามริมถนนโดยเฉพาะในย่านชินจูกุ หญิงบริการในร้านสเน็คจะได้อำนาจ "ออฟ" ครั้งละ ๓๐,๐๐๐ - ๓๕,๐๐๐ เยน (ถ้ายังได้ตัวไม่ครบ เงินจำนวนนี้จะตกเป็นของมาฆ่าซังหรือ "บ๊อส" คือคนที่จ่ายเงินซื้อตัวหญิงคนนั้นมา) ในกรณีสเน็คบางร้านที่ไม่มีบริการ "ออฟ" แก่ลูกค้า รายได้ของหญิงบริการจะได้จากเจ้าของสเน็คโดยตรงคืนละ ๕,๐๐๐ เยน แต่ถ้าเลิกงานแล้วอาจมีรายได้พิเศษจากการไป "ออฟ" กับลูกค้าหลังจากนั้น

ระยะหลังผู้หญิงหลายคนหันไปทำงานในร้าน "ท๊อป" ซึ่งเป็นร้านเหล้าอีกประเภทหนึ่งที่ไม่มีบริการ "ออฟ" แก่ลูกค้า แต่อาศัยจุดดึงดูดคือผู้หญิงที่แต่งกายจนเกือบจะเปลือย และการแสดงในลักษณะอนาจาร อย่างไรก็ตาม หญิงบริการประเภทหลังนี้สามารถไปนอนกับลูกค้าภายหลังเลิกงานได้ โดยเป็นการตกลงกันเอง อาชีพนี้จะมีรายได้คงที่คือกินละ ๑๒,๐๐๐ เยน ไม่รวมทิปซึ่งได้ต่างหาก

ในช่วงเวลาไม่กี่ปีมานี้ ผู้ชายที่มายึดอาชีพนี้มีจำนวนมากขึ้น ลูกค้าส่วนใหญ่ก็คือหญิงบริการซึ่งต้องการเป็นฝ่ายได้รับการปรนเปรอบ้าง ผู้ชายที่มีอาชีพนี้เรียกว่า "โฮส" (host) หากินตามร้านคิสโก้แขกของคนไทย บางคนก็มีอาชีพนี้เพียงชั่วคราว โดยอาจจะบินมาจากประเทศไทยโดยตรง บางคนก็เป็นคาราที่มีชื่อเสียง โดยให้ลูกค้า "ประมูล" ตัวไปหลับนอนด้วย ๑ คืน (มีบางรายได้ค่าตัวถึง ๓๐๐,๐๐๐ เยนต่อการหลับนอน ๑ คืน) โดยทั่วไปแล้ว โฮสจะมีรายได้จากร้าน คืนละ ๖,๐๐๐ เยน แต่อาจมีรายได้พิเศษทางอื่น

๒) กรรมกร แบ่งเป็นกรรมกรโรงงาน และกรรมกรก่อสร้าง กรรมกรโรงงานส่วนใหญ่เป็นผู้ชายมีบ้างที่เป็นผู้หญิง (ซึ่งอาจจะเคยทำงานบริการในร้านสเน็คมาก่อนจนกระทั่งหมด "เด็ก" หรือไม่ก็มาทำงานโรงงานโดยตรง) โรงงานที่รับคนไทยมักเป็นโรงงานขนาดเล็ก อาศัยคนงาน ๒๐ - ๓๐ คนเป็นอย่างมาก ส่วนกรรมกรก่อสร้างเป็นชายหมด เรียกว่า "เกนบะ" รายได้โดยเฉลี่ยวันละ ๑๐,๐๐๐ เยน (คนที่เข้ามาใหม่อาจได้ ๘,๐๐๐ เยน ถ้ามีฝีมือหรืออยู่นานก็อาจได้ถึง ๑๒,๐๐๐ เยน) โดยได้รับเป็นเดือน ทั้งนี้ไม่รวมค่า "โอ" (ล่วงเวลา)

๓) เจ้าของกิจการขนาดย่อย เช่น ร้านสเน็ค ร้านขายของ ("สโตร์") และร้านอาหาร เจ้าของร้านสเน็ค เรียกได้ว่าทั้งหมดเคยเป็นหญิงบริการมาก่อน ภายหลังได้สามีหรือ "แฟน" เป็นชาวญี่ปุ่น ก็เชิบบมาเปิดร้านสเน็คเอง บางส่วนก็มาเปิดร้านขายของ ซึ่งเน้นสินค้าจากเมืองไทยเป็นหลัก เช่น อาหาร วีดีโอ หนังสือพิมพ์ หญิงบริการที่มาเปิดร้านอาหารก็มีอยู่ แต่เข้าใจว่าไม่มากนักเมื่อเทียบกับร้านสเน็คและร้านขายของ ผู้ชายบางคนก็เชิบบจากงานกรรมกรมาเปิดร้านอาหาร หรือไม่ก็รับทำกิจการก่อสร้างโดยรับช่วงต่อจากบริษัทที่ตนเคยทำงานเป็นกรรมกรมาก่อน



## หญิงบริการ : ความเป็นมาและความเป็นไป

หญิงบริการส่วนมากมาจากภาคเหนือ รองลงมาคือ ภาคอีสาน ภาคกลาง ส่วนภาคใต้พอมีย่างเท่าที่สอบถามสวนใหญ่จบแค่ ป.๖ และเคยทำงานบริการทางเพศมาก่อนแล้วที่เมืองไทย ส่วนมากรู้มาก่อนแล้วว่ามาทำงานอะไร แต่มักไม่รู้สภาพการทำงานและไม่รู้ว่าคนจะต้องจ่ายหนี้เท่าไรเมื่อถึงญี่ปุ่น บางคนได้รับการบอกจากนายหน้าหรือผู้ชักชวน ("เอเจนต์") ก่อนมาว่า จะต้องจ่ายหนี้ (หรือ "เด็ก") เป็นจำนวน "๓๐๐ ใบ" (๓๐๐ กุณ ๑๐,๐๐๐ เยน รวมเป็น ๓ ล้านเยน) แต่ก็ไม่รู้ว่า ๓๐๐ ใบ นั้นหมายถึงจำนวนเท่าไร และคิดเป็นเงินไทยก็บาท หากแต่อาศัยความไว้วางใจนายหน้า (ซึ่งเป็นคนในหมู่บ้าน หรือคนที่พ่อแม่รู้จัก บางทีอาจเป็นครูในหมู่บ้านด้วยซ้ำ) บ้างก็รู้ว่าจะต้องจ่ายหนี้เป็นจำนวนเท่าไร แต่ถูกหลอกว่าทำงานเพียงไม่กี่เดือนก็ใช้หนี้หมดได้

บางคนได้รับการบอกว่าจะต้องเป็นหนี้ ๑๗๐ ใบ แต่พอมาถึงร้านสเน็ค ก็พบว่าหนี้ของตนเพิ่มเป็น ๓๕๐ หรือ ๔๐๐ ใบ ทั้งนี้ก็เพราะคนถูกขายต่อหลายช่วง อย่างน้อยก็ ๑ ช่วง คือ นายหน้าคนไทยเมื่อพามาถึงญี่ปุ่นแล้วก็ขายต่อให้ผู้รับช่วง ได้แก่ ยากูซ่าหรือมามาซัง ด้วยราคาประมาณ ๑.๕ ล้านเยนต่อคน (๑๕๐ ใบ) จากนั้นยากูซ่าหรือมามาซังก็จะตั้งค่าตัวหรือ "เด็ก" ของผู้หญิงคนละ ๓.๕ - ๔ ล้านเยน (๓๕๐ - ๔๐๐ ใบ) ปัจจุบันอาจสูงถึง ๖ ล้านเยน หมายความว่าหญิงผู้นั้นจะต้องหาเงินมาใช้หนี้ตามจำนวนดังกล่าวจึงจะเป็นอิสระได้ หญิงที่ไม่ยอมเชื่อฟังมามาซังหรือไม่ยอมเอาใจแขก อาจถูกมามาซังลงโทษด้วยการเพิ่มหนี้ หรือมิฉะนั้นก็จะถูกขายต่อซึ่งก็เท่ากับทำให้หนี้ของตนเพิ่มขึ้นมากมาย (สมมติว่าทำงานให้แก่มามา ก. จนเหลือหนี้ ๕๐ ใบ เวลาถูกขายต่อให้นาย ข. มามา ก. ก็จะเพิ่มค่าตัวเพื่อเอากำไรจากนาย ข. ในทำนองเดียวกัน นาย ข. ก็จะเอากำไรต่อจากหญิงบริการ นั้นหมายความว่า แม้นาย ข. จะจ่ายแก่มามา ก. ๘๐ ใบ แต่ก็อาจจะกำหนดให้หญิงผู้นั้นใช้หนี้ตนถึง ๑๐๐ ใบก็ได้) บางคนแม้ว่าจะเชื่อฟังมามาซัง แต่พอใกล้จะจ่ายหนี้ครบ มามาซังก็รีบขายต่อเพื่อเอากำไร ทำให้หญิงบริการไม่เป็นอิสระเสียที ด้วยเหตุนี้จึงมีหญิงบางคนที่ไม่ยอมทำงานมาหลายปีก็ยังไม่หมดหนี้ เป็นผลให้ร่างกายทรุดโทรม เพราะระหว่างเป็นหนี้ นั้น รายได้จากบริการทั้งหมด (ยกเว้นทิป) จะตกเป็นของมามาซังหรือยากูซ่าหมด อาจได้รับเงินนิดหน่อยพอประทังชีวิตจากมามาซัง จึงอยู่อย่างอดคิด ยิ่งหากถูกควบคุมให้อยู่แต่ในที่พักอันอุดูและกับแคบก็อาจเจ็บไข้ได้ง่าย จึงไม่แปลกที่พบว่าหญิงบริการหลายคนป่วยเพราะวัณโรค ที่ถึงกับล้มตายก็มีปรากฏอยู่

อย่างไรก็ตาม สำหรับหญิงบริการที่ไม่มีปัญหาเกี่ยวกับมามาซัง แม้จะเป็นหนี้ ๓.๔ ล้านเยน ก็สามารถจ่ายหนี้ได้หมดในเวลา ๘ - ๙ เดือน ช่วงที่เศรษฐกิจญี่ปุ่นยังดีนั้น หญิงบริการสามารถปลดหนี้ได้ภายในเวลา ๒ - ๓ เดือน (ค่าตัวคืนละ ๓.๕ ใบ ในเวลา ๑ เดือนก็จะได้ ๑๐๕ ใบ) แต่ที่ค้างค้ำนี้ก็คือ ตอนนั้นหนี้ของหญิงบริการยังไม่สูงถึง ๔--๖ ล้านเยน เนื่องจากทางการไทยและญี่ปุ่นยังไม่เข้มงวดอย่างปัจจุบัน ดังนั้นค่าใช้จ่ายในการพาผู้หญิงมาทำงานในญี่ปุ่นจึงไม่สูงเหมือนตอนนี้



## ปัญหาของคนไทยในญี่ปุ่น

### ๑) การถูกทารุณกรรม

หลายปีที่ผ่านมามีคนไทยประสบปัญหานี้มาก โดยเฉพาะผู้หญิงซึ่งถูกบังคับให้ขายบริการทางเพศ เป็นเหตุให้เกิดปัญหาอื่น ๆ ตามมาหลายประการ เช่น การฆาตกรรม มีทั้งหญิงบริการเป็นฝ่ายถูกฆาตกรรม และที่เป็นฆาตกรเสียเองก็มีอยู่มาก คดีที่โด่งดังมากที่สุดก็คือคดีชิโมดาเตะ อันเป็นคดีที่มีหญิงบริการ ๓ คนร่วมกันสังหารมาฆ่าซึ่งที่กระทำการบีบบังคับทารุณจนทนไม่ได้ นอกจากนั้นยังมีคดีหญิงบริการฆ่าแขก อีกหลายคดี บางกรณีหญิงบริการพยายามหลบหนียาถูกฆ่าจนถึงกับบาดเจ็บพิการ (เช่น โคดตึก) หรือฆ่าตัวตาย ส่วนที่ถูกฆ่าโดยยาถูกฆ่าหรือแขกก็มีอยู่หลายราย

อย่างไรก็ตาม ในช่วง ๒ ปีมานี้ข่าวหญิงบริการถูกทำทารุณกรรมมีน้อยลง อาจเป็นไปได้ว่าเป็นเพราะมาฆ่าซึ่งที่ทรงอิทธิพลเหลือน้อยลง กอปรกับหญิงที่ถูกล่อลวงจากเมืองไทยลดจำนวนลงด้วย อันเป็นผลจากการรณรงค์และประโคมข่าวเกี่ยวกับปัญหานี้อย่างต่อเนื่องในประเทศไทย

อีกปัจจัยหนึ่งที่น่าเป็นสาเหตุในเรื่องนี้ด้วยก็คือ การที่หญิงบริการมีน้อยลงในขณะที่บ้านสเน็คไม่ได้ลดจำนวนลง (ที่จริงอาจเพิ่มขึ้นด้วยซ้ำ เนื่องจากหญิงบริการที่สามารถเขยิบฐานะมาเปิดร้านสเน็คเองมีจำนวนมากขึ้น ดังจะได้กล่าวต่อไป) ทำให้มีการพยายามชักชวนหรือสร้างแรงจูงใจให้หญิงบริการมาอยู่ในร้านของคนด้วยวิธีการต่าง ๆ แทนที่จะใช้วิธีบีบบังคับหรือเอาเปรียบ ซึ่งมีแต่จะทำให้ผู้หญิงหาทางหนีไปอยู่ที่อื่น วิธีการชักชวน เช่น ให้หลักประกันว่า ถ้าวันไหนไม่มีแขกพอไป "ออฟ" ทางร้านจะให้เงิน ๕,๐๐๐ เยนเพื่อเป็นหลักประกันว่า จะไม่เสียเวลาเปล่า บางร้านใจป้ำถึงกับให้เงินจำนวนดังกล่าวโดยไม่คำนึงว่าจะมีแขกพาไปหลับนอนด้วยหรือไม่ (แต่ก่อนหญิงบริการหลายแห่งจะต้องเป็นฝ่ายจ่ายเงินให้แก่ร้านสเน็คหากไป "ออฟ" กับแขก คล้าย ๆ กับการจ่ายค่าสถานที่ ลักษณะนี้อาจจะยังคงมีอยู่ แต่มีน้อยลงมากแล้ว) บางร้านก็ใช้ความสัมพันธ์ฉันเพื่อน หรือไหว้วานให้มาช่วยนั่งในร้านโดยอาศัยความเป็นคน "บ้านเดียวกัน"

การที่ต้องพยายามหาผู้หญิงมานั่งในร้าน ทำให้เกณฑ์คัดเลือกผู้หญิงต่ำลงกว่าแต่ก่อน เช่น ไม่สนใจว่าผู้หญิงจะสวยหรือไม่ มาฆ่าซึ่งไทยคนหนึ่งในเมืองโคสุบอกล่าว ผู้หญิงไทยที่ไป ทำงานร้าน "ทีบีค" หาที่สวย ๆ ได้ยาก เพราะสถานทูตญี่ปุ่นจะไม่ยอมให้วีซ่าแก่ผู้หญิงไทยที่หน้าตาดี

จากข้อมูลของสถานทูตไทย แม้ว่ามาฆ่าซึ่งที่เป็นชาวญี่ปุ่นยังมีจำนวนเป็นอันดับหนึ่งอยู่ แต่มาฆ่าซึ่งที่เป็นคนไทยก็เพิ่มจำนวนขึ้นจนมากเป็นอันดับ ๒ คือเกือบร้อยละ ๔๐ ของร้านสเน็คที่คนไทยไปทำงาน รองลงมาคือมาฆ่าซึ่งชาวไต้หวัน จากการสอบถามหญิงบริการที่ขอความช่วยเหลือจากสถานทูตไทยเนื่องจากทนถูกเอาเปรียบไม่ไหว พบว่าหญิงบริการเหล่านี้จะมาจากร้านสเน็คที่มีหญิงไทยเป็นเจ้าของ รองลงมาคือร้านของมาฆ่าซึ่งชาวไต้หวัน แต่ถ้ามองในภาพรวมแล้ว เข้าใจว่าปัจจุบันร้านสเน็คของมาฆ่าซึ่งไทยที่ก่อปัญหานี้ น่าจะเป็นส่วนน้อย เนื่องจากได้มีการปรับตัวเปลี่ยนแปลงไปจากเดิม หรือ

ไม่ก็เป็นเพราะมีมาม่าซังรุ่นใหม่เกิดขึ้นมา ซึ่งมักเป็นมาม่าซังรายย่อย ที่ไม่ได้มีอิทธิพลมากนัก ในหลายเมือง การเปิดร้านสแน็คไม่จำเป็นต้องใช้เงินมากนัก (ในเมืองอุอูคะค่าเช่าเดือนละ ๒๕๐,๐๐๐ เยน หรือ ๒๕ ไร่ ขณะที่เก็บจากลูกค้าที่เข้าร้านคนละ ๒,๐๐๐ - ๓,๐๐๐ เยน ส่วนค่าเหล้าจ่ายต่างหาก)

## ๒) ถูกคนไทยด้วยกันแสวงหาผลประโยชน์

การแสวงหาผลประโยชน์มีหลายลักษณะเช่น การเก็บค่า "โซว์งาน" หรือค่านายหน้าในการฝากงาน โดยปกตินายจ้างญี่ปุ่นจะไม่รับคนต่างชาติมาทำงานเว้นแต่จะรู้จักมาก่อนหรือมีคนแนะนำมา ดังนั้นคนที่ต้องการหางานทำก็ต้องติดต่อกับคนที่ทำงานในที่นั้นอยู่ก่อนแล้ว ในแวดวงคนไทยที่ทำงานกรรมการฝากงานหรือแนะนำงานจะต้องมีผลประโยชน์ตอบแทน โดยผู้ที่ต้องการงานทำจะต้องเสียเงินเป็นจำนวนมากให้แก่ค่านายหน้าประเภทนี้ อัตราทั่วไปจะอยู่ประมาณ ๑๐๐,๐๐๐ - ๑๕๐,๐๐๐ เยน บางกรณีอาจสูงถึง ๒๐๐,๐๐๐ เยน

บางครั้งผู้ที่ต้องการทำงานจะต้องจ่ายเงินก่อนโดยไม่รู้ว่าจะไปทำงานอะไร สภาพที่ทำงานเป็นอย่างไร หลายคนต้องไปเจอกับงานหนัก จึงไม่สามารถทำได้นาน ต้องเปลี่ยนงาน ซึ่งก็หมายถึงการจ่ายค่าโซว์งานอีก มีบางรายต้องจ่ายเงินค่านายหน้าแบบนี้ถึง ๘๐๐,๐๐๐ เยน ถึงจะพบงานที่ตนเองถนัดหรือพอจะทำได้

ในหลายเมือง การที่จะได้งานทำต้องอาศัยเครือข่ายหรือเส้นสายหลายชั้นตอน รวมทั้งต้องจ่ายให้ "บ๊อส" หรือนายหน้าที่พาดนมาญี่ปุ่นหรือพามาสมัครงาน มีการหักเงินเดือนเป็นทอด ๆ กว่าที่จะถึงคนงานจริง ๆ ก็อาจจะเหลือเพียงร้อยละ ๖๐

มีกิจการหลายประเภทที่แสวงหาประโยชน์จากคนไทย เช่น การให้กู้ยืมเงิน หรือการรับจำหน่ายทองคอกเบี้ยมักจะสูงถึงร้อยละ ๑๐ ต่อสัปดาห์ กิจการประเภทนี้อาจทำควบคู่กับบ่อนการพนัน บางครั้งนอกจากจะคิดดอกเบี้ยสูงแล้ว ยังกคราคาทองไว้ต่ำมาก โดยผู้รับจำหน่ายอาจเชิดทองหนีไปก่อนที่เจ้าของจะมีโอกาสได้คืน

ความสัมพันธ์ระหว่างเพศก็เป็นอีกช่องทางหนึ่งที่เปิดโอกาสให้มีการหลอกลวงกัน ดังปรากฏอยู่บ่อย ๆ ว่า ผู้หญิงไทยเป็นอันมากถูกผู้ชายที่คนคิดพันหลอกเอาเงินทอง หญิงที่ถูกหลอกหากไม่เป็นหญิงบริการ ก็มักจะอยู่กินกับคนญี่ปุ่น ส่วนกรณีผู้หญิงหลอกผู้ชายไทยนั้น ดูเหมือนว่าจะมีน้อยกว่ามาก

## ๓) อาชญากรรม

ในแวดวงคนไทยมีคดีอุกฉกรรจ์เกิดขึ้นไม่น้อย ถ้าไม่ใช่เกิดจากการแก้แค้น (เช่น คดีชิโมคาเตะ) ก็มักจะเป็นเรื่องการชิงทรัพย์ (เมื่อเดือนเมษายน ก็มีการพบศพคนไทยชายหญิงถูกฆ่า สันนิษฐานว่าถูกเพื่อนฆ่าเพราะหวังเงิน)

นอกจากนั้นยังมีการทำสิ่งผิดกฎหมายอีกหลายอย่าง เช่น ตั้งบ่อนการพนัน ขายยาเสพติด (ยาเม็ดสีฟ้า) หวยเถื่อน การปลอมแปลงพาสปอร์ต (เพื่อกลับเมืองไทยได้โดยไม่ต้องถูกขึ้นบัญชีดำโดยกองตรวจคนเข้าเมืองญี่ปุ่น) การทำใบขับขี่สากล (โดยไม่ต้องไปสอบด้วยตนเอง) ตลอดจนลักขโมย ขายนบัตร

โทรศัพท์ปลอม และลักเงินจากผู้ขายเครื่องคืมแบบหยอดเหรียญ นอกจากนั้นคนไทยยังมีเรื่องทะเลาะเบาะแว้งและทุบตีชกต่อย ที่ถึงขั้นเผาบ้านเพราะวิวาทกับสามีก็มีอยู่

การที่คนไทยหลายคนได้ใบขับขี่โดยง่ายขาย (ซื้อจากขบวนการในไทย) ทั้ง ๆ ที่อ่านภาษาญี่ปุ่นไม่ออกและไม่เข้าใจว่ากฎจราจรญี่ปุ่นมีความเข้มงวดเพียงใด จึงมักเป็นเหตุให้ทำผิดกฎจราจรอยู่บ่อย ๆ นอกจากนั้นอุบัติเหตุก็เกิดขึ้นบ่อย

#### ๔) ปัญหาสุขภาพ

ในช่วง ๒ - ๓ ปีที่ผ่านมา มีคนไทยในญี่ปุ่นล้มป่วยด้วยโรคเอดส์มากขึ้น ข้อมูลของหมอบางคนที่โรงพยาบาลแห่งหนึ่งในจังหวัดนาగాโนะระบุว่า ผู้ป่วยเอดส์เกือบ ๗๐ คนที่มาทำการรักษาที่โรงพยาบาลแห่งนั้นเป็นคนไทยกว่า ๖๐ คน แม้ว่าโรคดังกล่าวติดมาจากเมืองไทยแทบทั้งหมด แต่เมื่อมาอยู่ญี่ปุ่นก็จะเกิดปัญหาค่าใช้จ่ายในการรักษา เนื่องจากต้องใช้เงินสูงมากถ้าไม่มีบัตรประกันสุขภาพ คนไทยกว่าร้อยละ ๕๐ ในญี่ปุ่นอยู่อย่างไม่ถูกกฎหมาย จึงไม่ต้องพูดถึงการมีบัตรประกันสุขภาพ ทางออกที่มักใช้กันก็คือส่งกลับเมืองไทยโดยความช่วยเหลือของคนญี่ปุ่น

เมื่อเร็ว ๆ นี้มีหญิงไทยคนหนึ่งกระโดดก้นกบหักเนื่องจากกระโดดตึกหนียาгуซ่า เมื่อนำส่งโรงพยาบาลก็ถูกปฏิเสธที่จะให้การผ่าตัด เนื่องจากตรวจพบเชื้อ HIV ต่อเมื่อถึงโรงพยาบาลที่ ๓ ก็ปรากฏว่าสายเกินกว่าที่จะผ่าตัด ทำให้พิการตลอดชีวิต และระบบขับถ่ายหนัก - เบาก็เสียไปด้วย

ปัญหาค่าใช้จ่ายในการพยาบาลยังเป็นปัญหาที่เกิดขึ้นกับผู้ป่วยโรคอื่นด้วย ดังนั้นคนไทยจึงมักหลีกเลี่ยงไปโรงพยาบาล โดยซื้อยากินเอง ยาที่กินก็หาซื้อขายญี่ปุ่นไม่ ส่วนหนึ่งก็เพราะพูดภาษาญี่ปุ่นไม่ได้ จึงใช้ยาไทยเป็นหลัก ร้านสโตร์ของคนไทยจึงมียาไทยขายหลายชนิดหลายขนาน แต่ก็แก้ปัญหาได้เพียงบางส่วนเท่านั้น

#### ๕) การถูกนายจ้างเอาเปรียบ

นอกจากปัญหาหาหญาบริการถูกมามาจ้างหรือเจ้าของสเน็คเอาเปรียบแล้ว ยังมีปัญหากรรมกรไทยถูกนายจ้างญี่ปุ่นเอาเปรียบ เช่น กดค่าแรง สภาพการทำงานต่ำกว่ามาตรฐานหรือไม่จ่ายค่าชดเชยเมื่อเกิดอุบัติเหตุระหว่างทำงาน คนงานไทยแทบทั้งหมดไม่รู้ว่กฎหมายแรงงานญี่ปุ่นนั้นให้ความคุ้มครองแก่กรรมกรทุกประเภท รวมถึงกรรมกรที่เข้ามาทำงานโดยไม่มีวีซ่า ดังนั้นเมื่อเกิดอุบัติเหตุหรือถูกเอาเปรียบ จึงไม่รู้จะทำอย่างไร นอกจากยอมรับสภาพ ขณะที่กรรมกรชาติอื่น สามารถรวมตัวกันเพื่อเรียกร้องค่าชดเชยหรือสิทธิประโยชน์จากนายจ้างญี่ปุ่นได้

#### ๖) การคิดอขายมุข

คนไทยทุกเพศทุกวัยในญี่ปุ่นคิดการพนันไม่ประเภทใดก็ประเภทหนึ่ง อย่างเบาก็หวยเถื่อนหนักกว่านั้นคือ ปาซิงโกะ วันหนึ่ง ๆ อาจเสียเงินหลายหมื่นเยน ที่หนักที่สุดคือการพนันในบ่อน มีบ่อนหลายแห่งเปิดตลอดคืน เป็นเหตุให้ผู้คนเป็นหนี้สินมากมาย และนำไปสู่อาชญากรรม

หอยเดือนนั้นเจ้ามือมักจะจะเป็นเจ้าของร้านสโตร์ บางทีก็เป็นเจ้าของร้านอาหาร อาศัยผลสลากจากเมืองไทย ปาซังโกะนั้น คนที่ติดปาซังโกะมากที่สุดจะได้แก่หญิงที่แต่งงานกับชาวญี่ปุ่น เพราะมีเวลาว่างมากและไม่รู้จะทำอะไร

การคิดเหล้าไม่ได้จำกัดเฉพาะผู้ชายเท่านั้น หญิงบริการจำนวนมากต้องกินเหล้ากับแขกทำให้คิดเหล้าไปในที่สุด นอกจากนั้นยังมียาเสพติดอีกหลายประเภทที่ก่อปัญหาแก่คนไทย โดยเฉพาะผู้หญิงซึ่งส่วนใหญ่มีอาชีพขายบริการ เช่น ยาเม็คซิฟา (จากเมืองไทย เม็ดละ ๕๐๐ เยน) ยาแก้ไอสำหรับเด็ก ซึ่งหากกินหลายขวด อาจทำให้คลื่นคลั่งและถึงตายได้

#### ๑) ความหละหลวมในความสัมพันธ์ทางเพศ

คนไทยในญี่ปุ่นจำนวนไม่น้อยมีพฤติกรรมทางเพศที่เรียกได้ว่าสำส่อนคือมีคู่นอนมากกว่า ๑ คนขึ้นไป กล่าวคือแม้จะมีสามีภรรยาเป็นส่วนตัวแล้ว แต่ก็ยังมีคนอื่นเป็นคู่นอนอีก จากคำบอกเล่าของคนไทยในญี่ปุ่นคนที่เคยมีอาชีพหญิงบริการมาก่อนแล้วมาได้สามีเป็นคนญี่ปุ่น ส่วนมากจะมีพฤติกรรมทำนองนี้ (บางคนให้ตัวเลขสูงถึงร้อยละ ๘๘.๘๘ แต่บางคนก็ว่าประมาณร้อยละ ๑๐) สาเหตุก็เพราะว่าส่วนใหญ่ไม่ได้แต่งงานกับคนญี่ปุ่นเพราะความรัก แต่เพราะสาเหตุทางการเงินเป็นหลัก หญิงหลายคนมีฐานะเป็นเพียงแค่มือไม้ นาน ๆ ผู้ชายถึงจะมาหาสักครั้ง บางคนอาจมีปัญหาเกี่ยวกับสามีญี่ปุ่น เนื่องจากช่องว่างทางด้านภาษาและวัฒนธรรม ความรู้สึกที่คุ้นเคยกับผู้ชายไทยมากกว่า ทำให้มีคนไทยเป็นคู่นอนด้วย แต่อีกสาเหตุหนึ่งก็คือ ผู้ชายจำนวนไม่น้อย อาศัยจุดอ่อนของหญิงไทยที่เหงา และต้องการความอบอุ่นหรือความใส่ใจ (ซึ่งสามีญี่ปุ่นไม่ได้ให้) เข้าไปผูกพันเพื่อหวังประโยชน์ พุคภาษาชาวบ้านก็คือ "ปอกลอก" โดยอาศัยผู้หญิงเป็นตัวถ่ายเงินจากผู้ชายญี่ปุ่นมาเข้ากระเป๋าของคนอีกต่อหนึ่ง ผู้ชายหลายคนสามารถเปิดกิจการ เช่น ร้านอาหารได้ก็โดยวิธีนี้ นอกจากนั้นยังมีผู้ชายอีกมากที่เรียกว่า "ธาคา" คือไม่ได้ทำงานอะไร หากแต่อาศัยเงินจากผู้หญิงที่มีสามีเป็นคนญี่ปุ่น "โฮส" หลายคนเข้าข่ายนี้

อีกลักษณะหนึ่งของ "รักหลายเส้า" ก็คือ หญิงที่มาได้สามีไทยในญี่ปุ่น บางทีก็ไปมีความสัมพันธ์ทางเพศกับชายญี่ปุ่นควบคู่กันไป โดยที่ผู้ชายทั้งสองก็รู้ด้วย แต่ก็ยอมรับด้วยสาเหตุต่างกัน ฝ่ายผู้ชายไทยเห็นว่าตนเองก็ได้ประโยชน์จากเงินที่ชายญี่ปุ่นให้แก่แฟนของตน ส่วนชายญี่ปุ่นก็ถือว่าคนได้มีคู่นอนที่สนองความต้องการของตน

หญิงไทยหลายคน มีคู่นอนหลายคนในเวลาเดียวกัน โดยยังไม่ได้แต่งงาน และคู่นอนแต่ละคนก็คบเพียงชั่วครั้งชั่วคราว โดยที่ผู้ชายก็รู้ด้วยว่า แฟนของตนนั้นเกี่ยวข้องกับผู้ชายคนอื่นด้วย หญิงที่มีพฤติกรรมเช่นนี้มักเป็นหญิงบริการ ในทำนองเดียวกันผู้ชายที่มีคู่นอนหลายคนในเวลาเดียวกันก็คงมีอยู่

ทั้งหมดนี้ไม่ได้รวมถึงผู้ที่มีการครอบครัวยุติแล้วก่อนที่จะมาญี่ปุ่น เมื่ออยู่ญี่ปุ่นก็อยู่กับคนใหม่ ซึ่งมีทั้งคนไทยและญี่ปุ่น การทิ้งครอบครัวเก่าไปมีครอบครัวใหม่ในญี่ปุ่นเป็นเรื่องปกติธรรมดา เนื่องจากจากการจากคู่ครองไปนาน การคืนรนเพื่อความอยู่รอดก็เป็นอีกสาเหตุหนึ่ง ผู้หญิงบางคนยอมที่จะไปอยู่กับผู้ชายเพื่อจะได้มีที่พักที่อาศัยหรือประหยัดค่าใช้จ่ายทางด้านนี้ รวมทั้งจะได้มีคนคอยให้

ความช่วยเหลือในด้านอื่น ๆ ด้วย อย่างไรก็ตามการมีคู่ครองใหม่ในลักษณะนี้ไม่ถือว่าเป็นพฤติกรรม  
 ลำสอน แต่ก็ชี้ให้เห็นถึงความเปลี่ยนแปลงทางด้านชีวิตครอบครัวของคนไทยที่มาทำงานในต่างประเทศ

#### ๘) ปัญหาครอบครัว

ในระยะหลังหญิงไทยที่เคยมีอาชีพบริการทางเพศได้แต่งงานหรืออยู่กินกับชายญี่ปุ่นกันมากขึ้น  
 แต่ละฝ่ายต่างมีเหตุผลต่างกันในการมาใช้ชีวิตร่วมกัน ฝ่ายหญิงต้องการเลิกจากอาชีพบริการ และเลื่อน  
 สถานะของตนเอง การมีคู่ครองเป็นชาวญี่ปุ่นยังเป็นหลักประกันทางด้านความมั่นคงของชีวิต ส่วนใหญ่  
 คาดหวังว่าเมื่อแต่งงานกับชาวญี่ปุ่นแล้วจะทำให้ได้วีซ่า และสามารถอยู่ในญี่ปุ่นได้อย่างไม่ต้องหวาดระแวง  
 อีกต่อไป อีกทั้งยังสามารถทำอาชีพที่เปิดเผยได้ด้วย เช่น เปิดร้านอาหาร หรือ ร้านสเน็ค (โดยอาศัยทั้งเงิน  
 และชื่อของสามี) กล่าวได้ว่าเหตุผลทางการเงินถือได้ว่าเป็นปัจจัยหลักที่ทำให้หญิงไทยที่เคยมีอาชีพบริการ  
 ต้องการแต่งงานกับชาวญี่ปุ่น หลายคนยอมรับว่าต้องการเงินเพื่อส่งไปให้พ่อแม่และญาติพี่น้องที่เมืองไทย  
 ขณะเดียวกันฝ่ายผู้ชายญี่ปุ่นก็ต้องการภรรยาเพื่อรับใช้หรือช่วยทำงานบ้าน หลายคนมีปัญหาหาภรรยาไม่  
 ได้ เพราะผู้หญิงญี่ปุ่นไม่ต้องการแต่งงานกับคนที่มียาเสพติดโดยเฉพาะชาวนา

เนื่องจากความต้องการต่างกัน และไม่ได้แต่งงานเพราะความรักเป็นหลัก ครอบครัวไทย-  
 ญี่ปุ่นจึงมักมีปัญหา ยิ่งไปกว่านั้นความแตกต่างทางภาษาและวัฒนธรรมยังเป็นชนวนให้เกิดความรำคาญ  
 ได้ง่าย (มีกรณีหนึ่ง สามีปลุกภรรยาให้ตื่นโดยใช้เท้าเตะหัวเพราะธรรมเนียมญี่ปุ่นไม่ถือเรื่องหัวและเท้า  
 แต่ภรรยาซึ่งเป็นคนไทยโกรธจัด กว่ามีคมาแทง) หญิงไทยหลายคนเปิดเผยว่ามีปากเสียงกับสามีอยู่บ่อย ๆ  
 และหากอยู่กับแม่สามีด้วย ก็จะเกิดปัญหามากขึ้น

ปัญหาครอบครัวที่มีแนวโน้มจะเกิดขึ้นมากในอนาคตคือ ความห่างเหินระหว่างแม่กับลูก  
 เนื่องจากลูกเมื่อโตขึ้นมาแล้ว มักจะพูดภาษาไทยไม่ได้ ส่วนแม่ก็พูดภาษาญี่ปุ่นได้ไม่คล่อง ยิ่งการอ่าน  
 และเขียนด้วยแล้วแทบทั้งหมดไม่มีทักษะด้านนี้เลย จึงเกิดปัญหาว่าลูกจะไปปรึกษาปัญหาการเรียนกับพ่อ  
 หรือชายมากกว่าทำให้แม่เกิดความน้อยใจ ส่วนลูกก็เกิดปมด้อยที่แม่ไม่มีความรู้แถมเป็นคนต่างชาติอีก  
 ด้วย (ในญี่ปุ่นพ่อแม่จะต้องมีกิจกรรมที่โรงเรียนเป็นประจำ เช่น ช่วยงานโรงเรียน หรือดูการเรียนของลูก  
 ในชั้น ดังนั้นเพื่อนร่วมชั้นร่วมโรงเรียนจึงรู้จักพ่อแม่ของกันและกัน ใครที่มีแม่เป็นคนต่างชาติประเภท  
 "หมดำ" มักจะถูกเพื่อน ๆ กลั่นแกล้งหรือไม่สูงส่งด้วย เว้นเสียแต่แม่จะสามารถทำตัวให้เป็นที่ยอมรับ  
 ของเพื่อน ๆ และพ่อแม่ของเขา)

#### ๙) ลูกไม่มีสัญชาติ

ปัญหานี้มีแนวโน้มว่าจะเพิ่มมากขึ้น เพราะสัมพันธ์กับการที่หญิงไทยแต่งงานหรืออยู่กินกับ  
 คนญี่ปุ่นมากขึ้น ตามกฎหมายญี่ปุ่น เด็กที่คลอดออกมาจะได้สัญชาติญี่ปุ่นก็ต่อเมื่อมีพ่อเป็นคนญี่ปุ่น และมี  
 หลักฐานการจดทะเบียนสมรสอย่างถูกต้อง หรือไม่ก็ต้องให้พ่อมาลงชื่อรับรองว่าเด็กในครรภ์เป็นลูกของ  
 ตน (หากมารับรองทีหลัง โดยไม่ได้มีการแต่งงานอย่างถูกต้องมาก่อน ก็เป็นโมฆะ) แต่ปรากฏว่ามีหลาย  
 กรณีที่พ่อแม่แยกทางกันก่อนที่ลูกจะคลอดออกมา จึงไม่ได้สัญชาติญี่ปุ่น หลายคนไม่รู้ข้อกฎหมายดังกล่าว



เข้าใจเขาเองว่าเมื่อลูกเกิดในญี่ปุ่นแล้วย่อมจะได้รับสัญชาติญี่ปุ่น โดยอัตโนมัติอย่างในสหรัฐอเมริกา ดังนั้นจึงไม่ได้ดำเนินการใด ๆ รวมทั้งไม่ได้แจ้งสถานทูตไทย ลูกจึงไม่มีทั้งสัญชาติญี่ปุ่นและสัญชาติไทย

ปัญหานี้มีความซับซ้อนมากขึ้นหากผู้หญิงเกี่ยวข้องกับผู้ชายหลายคนในลักษณะต่าง ๆ กัน เช่น จดทะเบียนสมรสกับคนญี่ปุ่นเพื่อความสะดวกในการทำวีซ่า โดยไม่ได้มีความสัมพันธ์ทางเพศ แต่ไปมีลูกกับชายอีกคนหนึ่งโดยแจ้งว่าพ่อของเด็กคือคนที่ตนจดทะเบียนสมรสด้วย แต่ภายหลังชายผู้นั้นทำเรื่องปฏิเสธทางการญี่ปุ่นจึงไม่ยอมให้สัญชาติเด็ก

นอกจากนั้นยังมีปัญหาข้อกฎหมายหลายประการที่เป็นอุปสรรคต่อการให้สัญชาติญี่ปุ่นแก่เด็กเด็กเหล่านี้หากไม่มีแม่แต่สัญชาติไทย ก็จะประสบปัญหาหลายประการในอนาคต เช่น ไม่สามารถหาที่เรียนได้ ไม่สามารถทำใบขับขี่ได้ แม้แต่การเช่าบ้านก็อาจจะมีปัญหาด้วยเช่นกัน แทบจะกลายเป็นคนที่ไม่มีความสามารถดำรงชีวิตอย่างปกติชนได้ จำต้องอยู่ในอีกโลกหนึ่ง ซึ่งง่ายต่อการที่จะถูกกลืนเข้าเป็นส่วนหนึ่งของเครือข่ายยาгуซ่า กลายเป็นปัญหาของสังคมญี่ปุ่นอย่างไม่อาจหลีกเลี่ยงได้

## แบบแผนความเป็นไปในชีวิตของคนไทยในญี่ปุ่น

ผู้หญิงที่มาทำงานบริการทางเพศ ส่วนใหญ่เคยผ่านความสัมพันธ์ทางเพศมาก่อน เช่น เคยแต่งงานหรือเคยเป็นหญิงบริการมาก่อน ทั้งหญิงและชายมักมีพื้นฐานมาจากชนบท หากมีครอบครัวมาก่อนก็มักจะมีลูกรองใหม่ที่ญี่ปุ่น เนื่องจากทำมาหากินอยู่ในญี่ปุ่นคนละหลายปี

เชื่อว่าผู้หญิงกว่าร้อยละ ๕๐ ที่มาอยู่ญี่ปุ่นในช่วง ๑๐ ปีล้วนทำงานบริการ หรืออย่างน้อยก็เคยผ่านงานประเภทนี้มาก่อน ส่วนใหญ่รู้ล่วงหน้าว่าจะมาทำงานอะไร ผู้หญิงที่ถูกหลอกมาทำงานบริการทางเพศจัดว่าเป็นส่วนน้อย คนที่หนีออกมาส่วนใหญ่มาจากหญิงกลุ่มนี้

หญิงอาชีพบริการ เมื่อทำงานด้านนี้ได้ ๒ - ๓ ปี ก็มักจะหาทางเปลี่ยนสถานะหรือเลิกจากอาชีพนี้ (เช่น ไปเป็นกรรมกรโรงงาน แต่นับเป็นส่วนน้อย) หลายคนเมื่อได้เงินพอสมควรแล้ว ก็ต้องการกลับเมืองไทย แต่มองไม่เห็นช่องทางที่จะทำให้ตนมีรายได้อย่างที่เคยได้ที่ญี่ปุ่น เนื่องจากไม่มีความรู้ความสามารถส่วนใหญ่จึงเลือกที่จะแต่งงานหรืออยู่กินกับชาวญี่ปุ่น เพราะให้หลักประกันแก่ชีวิตได้ดีกว่า ผู้หญิงส่วนใหญ่เท่าที่พบไม่ได้แต่งงานเพราะความรัก แต่เพราะเป็นโอกาสที่จะทำให้เลิกจากอาชีพหญิงบริการได้ ทำให้มีชีวิตที่สุขสบาย และจะได้มีเงินเก็บไว้ให้แก่ทางบ้าน

หลายคนมีสถานะเป็นเมียน้อยของคนญี่ปุ่น แต่ก็มีหลายกรณีที่ชายญี่ปุ่นหย่าจากภรรยาเพื่อมาแต่งงานกับหญิงไทยที่พบในร้านสเน็ค ส่วนใหญ่เมื่อแต่งงานแล้ว ผู้หญิงก็จะเปิดร้านสเน็ค ร้านขายของหรือร้านอาหารที่เปิดบ่อน หรือเป็นเจ้ามือห่วยก็มีอยู่ จากคำบอกเล่าของคนไทยด้วยกัน หญิงบริการที่แต่งงานหรืออยู่กินกับคนญี่ปุ่น ส่วนใหญ่จะมีความสัมพันธ์ทางเพศกับชายไทยด้วย ขณะเดียวกันก็พบว่าคนไทยที่มีความสัมพันธ์กับหญิงไทยที่มีสามีญี่ปุ่น หลายคนสามารถตั้งตัว เปิดร้านอาหารได้

ส่วนผู้หญิงที่ยังไม่มีสามีหรือไม่มีคู่ครองเป็นตัวคน หลายคนก็จะติดผู้ชายที่มีอาชีพบริการ เรียกว่า "โฮส" ที่ถูกหลอกเอาเงินก็มีไม่น้อย

คนไทยในญี่ปุ่นที่มาทำงานอย่างผิดกฎหมายจะอยู่รวมกันเป็นกลุ่ม ๆ แต่ละเมืองจะมีหลายกลุ่ม หลายพวก โดยอาจจะไม่ถูกกัน ไม่ว่าจะเป็นเมืองไหน ศูนย์กลางหรือแหล่งพบปะคนไทยจะอยู่ที่ร้านอาหารไทย หรือร้านขายของ ("สโตร์") สโตร์จะเป็นแหล่งรวมของกินของใช้ที่คนไทยนิยม รวมทั้งให้เช่าวีดีโอซึ่งเป็นแหล่งบันเทิงที่คนไทยนิยมกันมาก โดยเฉพาะภาพยนตร์จีนที่ฉายเป็นตอน ๆ ในโทรทัศน์เมืองไทย รองลงมาก็เป็นละครโทรทัศน์ไทย แต่ก็มีรายการข่าวและรายการแสดงอื่น ๆ ทางโทรทัศน์ให้เช่าด้วย

นอกจากวีดีโอแล้ว การพนันเป็นทางออกอีกอย่างหนึ่งของคนไทย คนไทยส่วนใหญ่คิดการพนันไม่อย่างใดก็อย่างหนึ่ง ที่นิยมเล่นกันมากคือ "ปาซิงโกะ" หรือตู้พนันซึ่งหยอดเหรียญ ทีละ ๕๐๐ เยน รองลงมาคือหวยเดือน และไพ่นาณาประเทห์ ส่วนสิ่งเสพติด ถ้าเป็นผู้ชายก็คิดเหล้า ผู้หญิงจำนวนไม่น้อยคิด "ยาเม็ดสีฟ้า" และที่คนญี่ปุ่นนึกไม่ถึงก็คือ ยาแก้ไอสำหรับเด็ก ซึ่งหากกินหลายขวด ก็ทำให้มาจนอาจถึงกับคลุ้มคลั่งได้หากผสมกับยาบางประเภท มีบางคนตายเพราะการผสมยาหลายขนานเข้าไป

ยกเว้นเรื่องงาน ปาซิงโกะ และคู่ครองชาวญี่ปุ่นแล้ว กล่าวได้ว่าคนไทยมีโลกของคนไทยที่แทบจะไม่เกี่ยวข้องกับคนญี่ปุ่นเลย คนไทยคบหากับคนไทยด้วยกันเป็นส่วนใหญ่ กินอาหารไทย เสพเหล้าไทย ดูวีดีโอไทย แหวงไทย เข้าบ่อนไทย แม้แต่การส่งเงินไปบ้านก็ผ่านร้านไทย ไม่ต้องข้องเกี่ยวกับธนาคารญี่ปุ่น ความเป็นไปในประเทศญี่ปุ่น คนไทยรู้น้อยมาก ส่วนใหญ่จึงอาศัยข่าวที่ผ่านปากต่อปาก หรือที่เรียกว่าข่าวลือ (ข่าวลือที่กำลังสะพัดในแวดวงคนไทยจังหวัดนากาโน่ ก็คือ จะมีการกวาดจับคนต่างชาติดภายในปี ๒๕๔๑ อันเป็นปีที่จังหวัดนี้จะเป็น เจ้าภาพจัดกีฬาโอลิมปิกฤดูหนาว) สาเหตุที่คนไทยมีโลกของตนเองก็เพราะข้อจำกัดทางด้านภาษา โดยเฉพาะการอ่านและการเขียน อีกสาเหตุหนึ่งก็คือ การที่คนมาทำงานอย่างผิดกฎหมาย จึงต้องอยู่แบบหลบ ๆ ซ่อน ๆ และคอยหวาดระแวงว่ากองตรวจคนเข้าเมือง ("นิวกัง") จะมาจับ

การไม่รู้ภาษาและสภาพสังคมญี่ปุ่น ทำให้คนไทยต้องพึ่งพาคนไทยด้วยกันเป็นหลัก ผลก็คือตกเป็นเหยื่อของมิถจาชัพหรือผู้ที่ต้องการแสวงหาผลประโยชน์จากคนไทยด้วยกัน คนที่มาจากญี่ปุ่นใหม่ ๆ มักจะถูกคนที่อยู่ก่อนเขาเปรียบ เช่น เรียกค่า "โซว์งาน" หรือค่าฝากงาน การที่บ่อนได้รับความนิยม ส่วนหนึ่งก็เพราะคนไทยไม่รู้จะไปไหน แม้แต่การพักผ่อนหรือความบันเทิง คนไทยก็มีช่องทางจำกัด นอกจากวีดีโอแล้วก็หนีไม่พ้นปาซิงโกะและอบายมุข มีบางคนตั้งข้อสังเกตว่าคนไทยมักเดินทางด้วยรถแท็กซี่ ขณะที่นั่งรถได้ดินไม้เป็น สาเหตุก็เพราะข้อจำกัดทางด้านภาษาและเพราะกลัวตำรวจ สิ่งก็ตามมาก็คือ นอกจากจะสิ้นเปลืองเงินแล้ว ยังทำให้ไม่ค่อยรู้จักสถานที่ต่าง ๆ แม้กระทั่งในเมืองที่ตนอยู่

มองในแง่เศรษฐกิจ แทบทุกคนลงความเห็นว่าชีวิตที่ญี่ปุ่นดีกว่าที่เมืองไทย แม้ค่าครองชีพที่นี่จะสูงกว่าที่เมืองไทย แต่ถ้าเทียบกับรายได้แล้วก็ยังนับว่าค่า รายได้กรรมกรโดยเฉลี่ย ๑๐,๐๐๐ เยนต่อวัน ถ้าเปรียบเป็นเงิน ๑๐๐ บาทแล้ว ราคาไข่ที่นี่ ๑ ฟองจะเท่ากับ ๐.๑๗ บาท (ขณะที่เมืองไทยไข่ฟองละกว่า

๒ บาท) น้ำอัดลมกระป๋องจะเท่ากับ ๑.๑ บาท อย่างไรก็ตาม หลายคนรู้สึกว่าชีวิตที่ญี่ปุ่นไม่มีความสุข สาเหตุอาจจะมีต่างกันไป บางคนคิดถึงบ้าน บางคนมีปัญหาทางภาษาและวัฒนธรรม แต่หลายคนก็เห็นว่าชีวิตที่นี่ทำให้ตนตกต่ำลง คนที่ไม่เคยกินเหล้า ก็กลับเป็นคนติดเหล้า ติดการพนัน นอนไม่หลับ กอขหวาดระแวง "นิวทัง" (ตม.ญี่ปุ่น) หลายคนได้ฝากบอกคนที่เมืองไทยว่า ถ้าไม่จำเป็นก็ไม่ควรมา เพราะจะเสียคนเปล่า ๆ

แม้แต่ผู้หญิงที่มีสามีญี่ปุ่นก็อยากกลับไปอยู่เมืองไทย คนที่พอมีฐานะทางการเงินบ้างแล้วก็ตั้งใจแน่วแนโดยไม่สนใจว่าสามีจะย้ายไปอยู่ด้วยหรือไม่ แต่สำหรับคนที่ยังมีปัญหาทางการเงิน ก็จำเป็นต้องทนอยู่ญี่ปุ่นต่อไปกับสามี คนที่โชคดีได้วีซ่าก็สามารถกลับไปเยี่ยมญาติพี่น้องได้ แต่ก็นับว่าเป็นคนกลุ่มน้อย เพราะส่วนใหญ่ยังคงติดปัญหานี้อยู่ (สาเหตุประการหนึ่งก็คือ ไม่ได้จดทะเบียนสมรส)

## สิ่งที่คนไทยในญี่ปุ่นต้องการ

### ๑) การรวมกลุ่มช่วยเหลือกัน

ทักษะทางด้านภาษาญี่ปุ่น ความรู้เกี่ยวกับกฎหมายแรงงานและสัญญาติ การดูแลสุขภาพสุขภาพอย่างถูกต้อง คือสิ่งที่จำเป็นอย่างยิ่งต่อการมีชีวิตอยู่ในญี่ปุ่น แต่สิ่งจำเป็นพื้นฐานกว่านั้นก็คือ การรวมกลุ่มเพื่อช่วยเหลือซึ่งกันและกัน

คนไทยในญี่ปุ่นทุกวันนี้แม้จะมีการรวมกลุ่มกัน แต่ก็ยังเป็นแบบหลวม ๆ และเป็นเรื่องของ การพบปะสังสรรค์กันมากกว่าที่จะมุ่งช่วยเหลือซึ่งกันและกัน ยิ่งกว่านั้นก็คือกลุ่มที่เกิดขึ้นนั้นส่วนใหญ่มักนำพาให้กระทำในสิ่งที่ไม่สร้างสรรค์หรือเป็นโทษมากกว่าคุณ เช่น หมกมุ่นในอบายมุข ติดเหล้า การพนัน การเที่ยวเตร่ คบชู้สาว ผู้นำกลุ่มแบบนี้มักเป็นผู้ที่ญี่ปุ่นมาก่อน ประสบการณ์ในการเอาตัวรอดที่มีมากกว่าคนอื่นยังเอื้อให้เขาสามารถเอาเปรียบคนอื่นที่ด้อยพึ่งพาข้อมูลและเครือข่ายของเขา

สิ่งที่จำเป็นต่อคนไทยในญี่ปุ่นคือการรวมกลุ่มที่เป็นไปในทางสร้างสรรค์ เช่น การเรียนภาษาญี่ปุ่น การอบรมกฎหมาย และการดูแลสุขภาพ การร่วมบำเพ็ญศาสนกิจในวันสำคัญทางศาสนา กลุ่มชนิดนี้ไม่เพียงแต่จะช่วยให้เขาเข้าถึงสิ่งจำเป็นต่อการดำรงชีวิตในญี่ปุ่นเท่านั้น หากยังจะเปิดช่องให้เขามีทางเลือกมากขึ้นในการดำเนินชีวิตและการใช้เวลาว่างจากการงาน หลายคนเข้าหาปาซิงโกะและการพนัน เพราะว่าเหงาและไม่รู้จะทำอะไร แต่ถ้ามีกลุ่มและกิจกรรมที่เปิดให้เขาเข้าร่วมได้ เขาก็ไม่จำเป็นต้องพึ่งอบายมุขเหล่านั้นอีกต่อไป เพราะการรวมกลุ่มทำกิจกรรมนั้นสามารถก่อให้เกิดความมีชีวิตชีวาขึ้นได้

การรวมกลุ่มช่วยเหลือกันนั้นอาจเริ่มต้นจากการทำกิจกรรมเฉพาะกิจอย่างใดอย่างหนึ่ง จากจุดนั้นอาจพัฒนาเป็นกลุ่มอาสาสมัครที่มุ่งช่วยเหลือคนไทยที่ประสบปัญหา หรือทำกิจกรรมอย่างต่อเนื่องที่เป็นประโยชน์ต่อคนไทยในลักษณะต่าง ๆ เช่น ศูนย์ข้อมูลจัดหางาน บริการให้ความช่วยเหลือด้านกฎหมาย การให้คำปรึกษาแนะแนวทางด้านครอบครัว การเขียนเขียนช่วยเหลือผู้ต้องขังหรือผู้ป่วยหนัก เป็นต้น



กลุ่มอาสาสมัครดังกล่าวอาจทำในระดับเมืองก่อน โดยสร้างเครือข่ายคนไทยพร้อมกับประสานงานกับกลุ่มอาสาสมัครหรือองค์กรเอกชนของญี่ปุ่นในท้องถิ่น ปัจจุบันในหลายเมืองหลายจังหวัดมีกลุ่มคนไทยหลายกลุ่มที่กำลังช่วยเหลือคนไทยในลักษณะต่างๆ กัน เช่น ด้านกฎหมายและสิทธิมนุษยชน สุขภาพและการสงเคราะห์ทางมนุษยธรรม ตลอดจนการสอนภาษา กล่าวได้ว่าปัจจัยภายนอกที่จะหนุนช่วยคนไทยให้มีการรวมกลุ่มเพื่อช่วยเหลือกันเองนั้นมีอยู่มาก ขาดแต่การริเริ่มของคนไทยด้วยกัน อย่างไรก็ตามในบางเมืองได้มีการริเริ่มทำนองนี้บ้างแล้ว เช่น การสอนภาษาญี่ปุ่นโดยคนไทยด้วยกัน

## ๒) สิ่งยึดเหนี่ยวและคำชี้แนะทางด้านชีวิตจิตใจ

คนไทยในญี่ปุ่นส่วนมากมีพื้นเพจากชนบท จึงมีความผูกพันกับ ศาสนา ประเพณี พิธีกรรม เมื่อต้องมาอยู่ในญี่ปุ่นเป็นเวลาหลายปี จึงมีสภาพเหมือนคน "ไร้ราก" เกิดความไม่ มั่นคงในจิตใจ ขณะเดียวกันช่องว่างทางภาษาและวัฒนธรรมยิ่งทำให้รู้สึกแปลกแยกกับสังคมญี่ปุ่นมากขึ้น ผสมกับความหวาดระแวงว่าจะถูกจับและเนรเทศ จึงเกิดความไม่แน่ใจในอนาคต

สิ่งหนึ่งที่ช่วยสร้างความมั่นคงในจิตใจแก่คนไทยก็คือ การทำบุญ แต่ในญี่ปุ่นโอกาส "ทำบุญ" (ตามความเข้าใจทั่วไป) มีน้อยมาก เพราะไม่มีวัดไทยและไม่ค่อยมีพระมาเยี่ยมเยียน ดังนั้นเวลาประสบความทุกข์กังวลในจิตใจหรือเกิดความไม่มั่นใจในการดำเนินชีวิต (เพราะรู้สึกว่า "ดวงไม่ดี") ก็อาจจะฝากให้ญาติพี่น้องที่เมืองไทยช่วยทำบุญแทน (เช่น ทำสังฆทาน) หรือมีเจ้านั้นก็เข้าหาสิ่งศักดิ์สิทธิ์ในญี่ปุ่น เช่น ศาลชินโต หรือวัดมหายาน แต่ก็ดูเหมือนว่าไม่สามารถทดแทนการทำบุญกับพระไทยด้วยตนเอง เพื่อจะได้ขอโอกาสท่านพระมนต์ ผูกสายสิญจน์ หรือเจิมร้านไปด้วย (ส่วนพระญี่ปุ่นนั้นคนไทยพูดเป็นเสียงเดียวว่า ไม่ศรัทธาเพราะมีครอบครัว และกินเหล้าเที่ยวกลางคืนเหมือนคนธรรมดา)

คนไทยหลายคนบอกว่าเจอพระแล้วดีใจจนขนลุก บางคนก็น้ำตาไหล เพราะรู้สึกว่าคนห่างเหินศาสนาและสิ่งยึดเหนี่ยวจิตใจมานาน กล่าวได้ว่าโดยส่วนลึกแล้วคนไทยในญี่ปุ่นเป็นอันมากรู้สึกขาดที่พึ่งในทางจิตวิญญาณ ดังนั้นการมีพระมากระทำศาสนกิจจึงเป็นสิ่งที่คนไทยที่นี่ต้องการมาก

อย่างไรก็ตาม พระควรจะมีบทบาทมากกว่าการเปิดโอกาสให้เขาได้ "ทำบุญ" สมความตั้งใจเท่านั้น หากควรสงเคราะห์ญาติโยมยิ่งกว่านั้น เพราะยังมีคนไทยอีกมากที่ตกทุกข์ได้ยากในลักษณะต่าง ๆ กัน ที่ต้องการความช่วยเหลือจากพระ โดยเฉพาะทางจิตใจ เช่น ผู้ป่วยหนัก (โดยเฉพาะโรคเอดส์) ผู้ต้องโทษ บุคคลอีกกลุ่มหนึ่งที่พระจะสงเคราะห์ได้มากคือผู้ที่ประสบความเครียดอย่างหนัก ชีวิตที่ต้องดิ้นรนตลอดจนการที่ต้องสนองอารมณ์คนทุกรูปแบบ ทำให้หญิงบริการจำนวนไม่น้อยมีความเครียดถึงขั้นคิดฆ่าบางคนว่าวุ่นเพราะปัญหาครอบครัวและชีวิตการทำงานจนถึงกับทำร้ายตนเองหรือเผาบ้าน หลายคนยอมรับว่าเมื่อได้มาหาพระแล้วรู้สึกสบายใจขึ้น

นอกจากการสงเคราะห์ญาติโยมในลักษณะข้างต้นแล้ว บทบาทที่สำคัญอีกประการหนึ่งที่พระน่าจะทำได้คือการสร้างสิ่งยึดเหนี่ยวจิตใจในความหมายที่กว้างกว่าที่เคยเข้าใจกัน

สิ่งยึดเหนี่ยวจิตใจประการหนึ่งที่คนไทยในญี่ปุ่นต้องการอย่างมาก คือสิ่งยึดเหนี่ยวผู้คนที่เกิดความสามัคคีเป็นน้ำหนึ่งใจเดียวกัน ความจำเป็นที่จะต้องอยู่รอดทำให้คนไทยดิ้นรนแข่งขันเอารอดเอา

เปรียบเทียบ แต่วิธีที่จะช่วยให้อยู่รอดได้อย่างดีที่สุดก็คือการช่วยเหลือซึ่งกันและกัน ความสามัคคีจึงเป็นสิ่งสำคัญอย่างยิ่งในสภาพที่คนไทยแบ่งกันเป็นกลุ่ม ๆ พระอยู่ในสถานะที่ดีที่สุดในการโน้มนำให้คนไทยกลุ่มต่าง ๆ มาร่วมมือกัน และจึงให้คนไทยที่อยู่กระจัดกระจายมารวมกลุ่มช่วยเหลือกัน

การรวมกลุ่มช่วยเหลือซึ่งกันและกัน หากจะเกิดขึ้นได้ พระย่อมมีบทบาทอย่างสำคัญ โดยเฉพาะเมื่อคำนึงถึงข้อเท็จจริงที่ว่า ประเพณีพิธีกรรมในทางศาสนา (เช่น การทำบุญเลี้ยงพระ การสงฆ์พระในวันสงกรานต์ การเวียนเทียนในวันวิสาขบูชา) สามารถจะดึงคนไทยจากที่ต่าง ๆ ให้มารวมกันได้ ในขณะที่ร้านอาหารหรือร้านสโตร์สามารถดึงคนได้เฉพาะกลุ่มเฉพาะพวกเท่านั้น หากท่านดำรงบทบาทได้ สมฐานะท่านจะเป็นศูนย์รวมทางจิตใจของคนไทยในท้องถิ่นหนึ่ง ๆ ได้

การได้พบปะและทำบุญกับพระ ตลอดจนการได้ร่วมประกอบพิธีกรรมทางศาสนา และได้ฟังคำชี้แนะในการดำเนินชีวิตจากท่าน เหล่านี้มีความสำคัญมากในการปลุกเร้าส่วนที่เป็นกุศลในตัวบุคคล ทำให้มีอำนาจเหนี่ยวรั้งไม่ให้ล้าไปในทางที่เป็นโทษหรือบั่นทอนชีวิต สิ่งยึดเหนี่ยวจิตใจในที่นี้จึงมิได้หมายถึงสิ่งนอกตัวเท่านั้น หากยังหมายถึงส่วนลึกในจิตใจที่เป็นพลังความดีงาม เป็นตัวมโนธรรมและสติปัญญา อันที่จริงสิ่งเหล่านี้ฝังอยู่ในจิตใจของคนไทยโดยทั่วไปที่ยังได้รับอิทธิพลในทางศาสนาอยู่บ้าง แต่วิถีชีวิตที่ต้องดิ้นรนเอาตัวรอด ตลอดจนการอยู่ในสภาพแวดล้อมที่มีทางเลือกจำกัด คนไทยเป็นอันมากจึงถูกดึงเข้าหาอบายมุขและการเอารัดเอาเปรียบกัน แต่หากมีสิ่งที่ยึดกระตุ่นเตือนให้เขารำลึกถึงสิ่งดีงามและเป็นกุศล การระงับยับยั้งตนเองไม่ให้ล้าเข้าสู่สิ่งที่เป็นโทษดังกล่าว ก็มีความเป็นไปได้มากขึ้น

สิ่งที่จะช่วยคนไทยได้เป็นอย่างดี คือสภาพแวดล้อมที่เอื้อให้เขาดำรงความดีไว้ได้ พระที่รู้จักชี้แนะในทางสร้างสรรค์ถือได้ว่าเป็นส่วนหนึ่งของสภาพแวดล้อมดังกล่าว อย่างไรก็ตามสภาพแวดล้อมที่ว่ายังรวมไปถึงการมีกลุ่มก้อนที่ช่วยเหลือซึ่งกันและกันดังได้กล่าวข้างต้น กลุ่มเช่นนี้จะทำให้เขามีทางเลือกในการดำเนินชีวิตมากขึ้น ยิ่งกว่านั้น ความสัมพันธ์อันแน่นแฟ้นภายในกลุ่มยังจะเป็นแรงยึดเหนี่ยวบุคคลไม่ให้ล้าตัวไปทางที่เป็นโทษได้ สิ่งยึดเหนี่ยวในจิตใจจึงมิได้หมายถึงศาสนธรรมเท่านั้น หากยังรวมไปถึงสายสัมพันธ์ที่มีต่อกัน สำนึกในความเป็นชุมชน เป็นแรงยึดเหนี่ยวทางจิตใจได้เช่นเดียวกับความรักความผูกพันในครอบครัว นำเสียดายที่คนไทยในญี่ปุ่น (รวมทั้งประเทศอื่น ๆ) มักจะสูญเสียแรงยึดเหนี่ยวดังกล่าวไป เนื่องจากอยู่ห่างไกลจากญาติพี่น้อง ชุมชน ประเพณี วัฒนธรรมและศาสนา แต่ก็ยังมีความเป็นไปได้ที่จะสร้างแรงยึดเหนี่ยวทางจิตใจบางอย่างขึ้นมาในแคว้นของคนไทยในญี่ปุ่น

### ๓) โอกาสที่จะมีชีวิตในสังคมญี่ปุ่นอย่างเปิดเผย

กล่าวได้ว่า ทุกวันนี้คนไทยในญี่ปุ่นส่วนใหญ่มีชีวิตแบบ "ได้ดิน" คืออยู่อย่างหลบ ๆ ซ่อน ๆ ความที่ตระหนักว่าตนอยู่ในญี่ปุ่นอย่างผิดกฎหมาย คนไทยเป็นอันมากจึงไม่ต้องการ "ปรากฏตัว" ในสังคมอย่างคนญี่ปุ่นทั่วไป หลายคนไม่กล้าไปงานศพของเพื่อนเพราะกลัวว่าจะถูก "นิวกัง" ดักจับ เมื่อเมืองโคฟูจัดงานสงกรานต์โดยมีพิธีทางศาสนาเป็นครั้งแรก หลายคนไม่กล้ามาเพราะกลัวว่าจะเป็นแผนของ "นิวกัง" นี่คงเป็นสาเหตุเดียวกันที่คนไทยเป็นอันมากนิยมนั่งรถแท็กซี่ เพื่อหลีกเลี่ยงการปรากฏตัวในสถานีรถไฟได้ดิน

การที่ไม่ต้องการปรากฏตัวในสังคมอย่างเปิดเผยเหมือนคนญี่ปุ่นทั่วไป ทำให้คนไทยสร้างโลกของตัวเองขึ้นมา อันได้แก่โลกของคนไทยที่แทบจะไม่ต้องข้องเกี่ยวกับคนญี่ปุ่น โดยมีศูนย์กลางอยู่ที่ร้านอาหารและร้านสตรีท โลกดังกล่าวไม่ต่างจากโลกใต้ดิน คืออยู่นอกระบบหรือ establishment ของญี่ปุ่น (เช่น มีระบบกู้ยืมเงินของตนเอง และการส่งเงินไปบ้านโดยไม่ใช้บริการของธนาคาร) และเพราะเหตุว่า เป็นโลกใต้ดินนี้เองจึงต้องเกี่ยวข้องกับกลุ่มยาสูบ และนำไปสู่การทำสิ่งผิดกฎหมายหลายอย่าง รวมถึงการพัวพันกับอบายมุขและสิ่งเสพติดที่ถูกต้องกฎหมาย

การที่คนไทยในญี่ปุ่นเข้าไปเกี่ยวข้องกับสิ่งที่ผิดกฎหมายและอาชญากรรมหลายอย่าง จึงเป็นสิ่งที่ไม่น่าแปลกใจเพราะในเมื่อเขาไม่สามารถใช้ชีวิตในสังคมอย่างเปิดเผยเช่นคนญี่ปุ่นได้ ก็ย่อมต้องเข้าไปอยู่ในอิทธิพลของยาสูบไม่ทางใดก็ทางหนึ่ง เนื่องจากยาสูบเท่านั้นที่ยอมรับคนที่อยู่อย่างผิดกฎหมายได้ หากคนไทยสามารถมีสถานะทางกฎหมายอย่างถูกต้องในญี่ปุ่น (เช่น วีซ่า) เชื่อว่าผู้หญิงเป็นอันมากจะไม่เลือกมาทำงานบริการทางเพศ (การที่ไม่ได้วีซ่าอย่างถูกต้องตั้งแต่แรก เช่น ใช้พาสปอร์ตปลอม หรือ พาสปอร์ตของคนอื่นที่ได้วีซ่าก็เป็นเหตุเบื้องต้นให้หลายคน จำต้องมาทำงานในร้านสเน็ค เพราะเป็นหนทางที่จะได้ถอนหนีสินหรือ "หมดแฉัก" ซึ่งสูงถึง ๓ - ๔ ล้านเยนได้ภายในเวลาไม่นาน)

และหากไม่ต้องกลัวว่าจะถูก "นิวกัง" จับ คนไทยเป็นอันมากย่อมจะมีทางเลือกมากขึ้นในการดำเนินชีวิต (เช่น การพักผ่อนหย่อนใจ หรือการศึกษาพัฒนาความสามารถของตนเอง) โดยไม่จำเป็นต้องขลุกตัวอยู่แต่ในโลกใต้ดิน ซึ่งมักจะนำไปสู่อบายมุข สิ่งเสพติด และการทำผิดกฎหมายในที่สุด การมีสถานะทางกฎหมายอย่างถูกต้องยังจะช่วยให้การรวมกลุ่มคนไทยเพื่อช่วยเหลือกันเองได้รับความร่วมมือจากคนไทยมากขึ้น เพราะไม่ต้องกลัวว่าจะตกเป็นเป้าสายตาของ "นิวกัง"

การมีสถานะทางกฎหมายอย่างถูกต้อง ไม่จำเป็นว่าจะต้องหมายถึงการมีวีซ่าทำงาน อาจจะหมายถึงวีซ่าแบบอื่น อยากรู้ก็ตาม ไม่ว่าจะ เป็นวีซ่าแบบใด ก็ล้วนเป็นเรื่องที่ต้องอาศัยการผลักดันจากหลายฝ่ายทั้งจากรัฐบาลไทยและองค์กรเอกชนในญี่ปุ่น เพราะรัฐบาลญี่ปุ่นเองยังไม่มี ความชัดเจนในเรื่องนี้เท่าใดนัก จะคาดหวังให้เขาทำเองคงเป็นไปได้ อยากรู้ก็ตาม รัฐบาลหลายประเทศ เช่น ฟิลิปปินส์ บราซิล สามารถเจรจาต่อรองจนประสบความสำเร็จในระดับหนึ่ง เป็นผลให้ประชาชนของคนเข้ามาทำงานอย่างถูกกฎหมายในบางลักษณะได้ในญี่ปุ่น

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# International Migration and Traffic in Women\*

Siriporn Skrobanek\*\*

## Introduction

This paper was based on the findings of the Research and Action on Traffic in Women (RATW) conducted by the Foundation for Women in collaboration with the Women and Autonomy Institute (VENA) of Leiden University, Netherlands. The research was conducted with the following two basic concepts as its foundation.

1. Traffic in women is an integral part of international migration and it is a global problem. Therefore, it should not be treated in isolation. The international division of labour should be investigated, as should the labour export and import policies of sending and receiving countries and their impact on national and international migration by women.
2. Traffic in women is a contemporary form of slavery and a gross violation of women's basic human rights. Different practices in the international trafficking of women and forms of human rights violation should be recorded and addressed in international human rights fora. The problem must not be treated as a personal problem of individual women, but as an international political

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\* From: Catholic Institute for International Relations (CIIR) report, June 1996.

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issue. Strong political will at national and international levels is required to combat the problem.

### **Migration as a basic human right**

The Universal Declaration of Human Rights states in article 13 that 'Every one has the right to freedom of movement and residence within the borders of each state and every one has the right to leave any country including his own. This basic right has been elaborated in the International Covenant on Civil and Political Rights, article 12, to say that these rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals, or the rights and freedom of others.

The aforementioned basic human rights, in particular those of people in developing countries, have been restricted by laws and regulations enacted in receiving countries to obstruct the free flow of migration from developing to economically advanced countries. The increasingly protectionist policies contrast with the situation during the 1970s and 1980s when cheap labour from developing countries was in demand in receiving countries, resulting in the adoption of a labour export policy by many governments in South East Asia. Rules and regulations were promulgated to expropriate income from migrant workers, but governments of labour sending countries did little to improve the working conditions of their workers abroad.

Though the majority of overseas migrant workers at the earlier stage were men, women also went to work abroad. Owing to their status as unskilled workers, women are employed in work related to their reproductive tasks such as domestic and sex related employment. Export of female labour from developing countries for the entertainment

business and prostitution in the industrialised world is undesirable, but has nevertheless become integrated into international labour migration.

### **Trafficking in women-a contemporary form of slavery**

The modes of recruitment and the working conditions of women migrant workers are in many cases accompanied by exploitation and high risk. Because of forced prostitution, the absence of contracts, lack of recognition of workers' rights and the violation of other basic human rights, female labour migration often turns out to be trafficking in women for the purpose of prostitution. International trafficking of women is therefore an integral part of overseas migration.

Trafficking of women and children for the purpose of prostitution, so-called white slavery, is not new. Attempts have been made for nearly a century to eradicate it. International agreements and conventions have been formulated to tackle the problem. The most relevant is the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, ratified by about 69 countries so far. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) demands that State Parties take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women. The UN Working Group on Contemporary Forms of Slavery Concluded in 1991 that traffic in persons is a serious crime and must be treated as such.

Although international instruments already exist to combat the problem of traffic in women, progress in tackling the issue and protecting the rights of women has been limited. Women victims of trafficking are oppressed and exploited by procurers and accomplices, and are also persecuted and prosecuted by state authorities in sending and receiving countries. Their illegal status in receiving countries makes women more



dependent and vulnerable to various forms of abuse and violence. Women who are forced into prostitution very often fall into slave-like conditions of work in which they are forced to provide sexual services to local men in order to pay the exorbitant debts demanded by the traffickers.

### **Forms of trafficking in women**

The 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is concerned with only one form of trafficking, which is for the purpose of prostitution. Our research findings show that although forced prostitution is a widespread form of trafficking in women, there are other practices which include false marriages, mail order brides, forced domestic and other illegal employment. To curb all current forms of traffic in women, the definition of traffic in women needs to be broader than sex trafficking. It should include other forms, as suggested in the Report of the Expert Group on Measures to Eradicate Violence against Women proposed to the UN Commission on the Status of Women. This states that:

“The concept of traffic in persons should include not only forced prostitution, but forced domestic labour, false marriage, clandestine employment and false adoption as well.”

Elements of force must be included in considering the range of activities of traffic in persons. Force, as suggested in the 1994 Utrecht Conference on Traffic in Persons, includes:

1. an act of violence or any other act, or
2. a threat of violence or any other act, or
3. abuse of authority that results from actual circumstances such as abusing the process of law, the use of extortion or coercion, or
4. deception.



Besides encompassing the aforementioned forms and elements of trafficking in women, the definition of traffic in women should also include transportation of women from their country or village of origin with false promises and identities in order to bring them to work in slavery-like conditions. The inclusion of transporting in the definition of trafficking of women is important, as the research findings show that many women are transported to various destinations before entering the ultimate receiving countries with false identity documents. Although some women know that prostitution might be included in overseas employment, none of them expect to travel to countries other than the receiving one; nor do they know that the false documents will result in them being people without an identity in another country.

The exorbitant debt which women learn about only after they arrive in the country of destination forces them into inhumane conditions of work. Threats and physical violence are used to make women resign themselves to servitude.

### **The growth of trafficking of women in Thailand**

According to the 1933 report of the Commission of Enquiry into Traffic in Women and Children in the East of the League of Nations, Thailand was a country of destination for impoverished women and girls from China. The Commission estimated that every year 200-300 Chinese women and girls were brought to Thailand, then known as Siam, for the purpose of sexual exploitation. Before 1960, prostitution was regulated in Thailand under the Contagious Disease Act of 1908; prostitutes and brothels were registered and both paid tax to the state (Skrobanek 1983). However, according to the report of the Centre for Prevention and Suppression of Crimes of the Thai Police Department, the number of unregistered prostitutes was higher than those of the registered (Rayanakorn 1993). Chinese women and girls were recruited to work in brothels mostly owned by Chinese. According to the report of the League of Nations, of 151 registered brothels in

Bangkok, 126 brothels were owned by Chinese, 22 by Thais and three by Vietnamese. Import of labour from China at a time when Siam's economy was changing from subsistence to market-oriented production created demand for women and girls to provide sexual services to Chinese migrant workers and resulted in trafficking of women and children from China. Chinese women were sold into brothels in Thailand, Malaysia and Singapore, where Chinese men were imported as labour. Similar developments can be seen today, for example when Thailand imports cheap labour from Burma. As a consequence, a large number of Burmese women and girls are recruited to work in brothels catering for Burmese undocumented workers.

The system of regulating prostitution came to an end when Thailand made Prostitution illegal by promulgating a law for the suppression of prostitution in 1960. The Suppression of Prostitution Act was intended to show the international community that Thailand had adhered to the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, to which Thailand is not yet a State Party. The only international agreement on trafficking ratified by Thailand is the 1921 International Convention for the Suppression of the Traffic in Women and Children, ratified in July 1922. The national law against traffic in women and girls was promulgated in 1928.

Considering the growing number of women involved in prostitution and the various forms of sex-related business, one can conclude that changing the policy on prostitution in Thailand from the system of regulation to criminalisation cannot solve the problem : it does not stop the expansion of the sex industry nor the growth in human traffic. Strong competition among women who sell their labour and sexuality in the local sex industry for meagre remuneration forces women to work as migrant prostitutes in economically advanced countries. Later on, women from other sectors, for example, peasants, workers and urban poor, are also recruited to work overseas. Many of these women migrate

voluntarily to work in other countries and then become bonded workers in the overseas sex industry.

The traffic of women in Thailand has changed dramatically since the early 20th century. Thailand today is a sending, receiving and transit country for international trafficking of women. The study by the Foundation for Women reveals an intricate collaboration in international trafficking of women. The cooperation among syndicates can be observed at local, national and regional/international level.

### **Trafficking routes**

The research shows that routes of trafficking, or the destinations of trafficked women, develop according to the places from which sex tourists originate. In the late 1970s and early 1980s, countries of destination for migration and trafficking of women were Malaysia, Singapore and some European countries such as the Federal Republic of Germany, the Netherlands, Switzerland and so on. Women from the north of Thailand who migrate to work in the southern border towns are recruited to work in brothels in Malaysia and Singapore. North-eastern women, who make up the majority of women working in Pattaya, are lured by their foreign clients to work in the sex industry in European towns. The route to Japan was developed after the operation of sex tours from Japan to Thailand. Within a short period of time, Japan had become a major receiving country of human trafficking. Thailand's Ministry of Foreign Affairs estimated in 1994 that 40,000-50,000 Thai women were staying in Japan illegally and working in prostitution.

Countries of destination for trafficking of Thai women also include Australia, New Zealand, the United States, Canada and South Africa.

Apart from the outbound route in which women are recruited to work, the study reveals another route of international trafficking of women. This is an inbound route where foreigners come directly to villages to buy young virgin women for sexual purposes. This new phenomenon is popular among Japanese men. With the growing fear of AIDS, they are willing to pay a considerable amount of money for a young rural women.

### **The trafficking networks**

The study shows that there is cooperation at all levels of international trafficking of women. The collaboration can be observed at four levels:

#### **A. Village level**

At this level intermediaries, who are sometimes relatives, go into villages to contact a family which has young daughters and offer opportunities to work in a foreign country. Potential victims do not belong to the poorest of the poor families.

#### **B. Provincial level**

Village intermediaries introduce the member of the family to recruiting agents in the provinces who promise to arrange documents and transport. The family has to pay a fee to the agent and to do this, families sometimes mortgage their plot of land to the agents. After receiving the fee, the agents bring the women and their parents to Bangkok.

#### **C. National level**

Agents sell newly recruited women to national procurers who will arrange for the export of women to foreign countries. National procurers arrange travel documents and map out the route for each group of women. Some groups will travel, under escort, directly from

Thailand to the receiving countries. Those who cannot take a direct route because of visa or other problems will first travel to neighbouring transit countries.

#### **D. Regional/international level**

Contacts in transit countries arrange false documents and provide people to accompany the women to the receiving country. Once the women have arrived, contacts in receiving countries will provide accommodation and arrange for the women to be sold, or bring them to the place where they will work.

The women say that the contacts at each level have connections with the local authorities who can, if necessary, intervene for the benefit of the traffickers.

### **Forms of human rights violation**

All countries involved in international trafficking of women have penal codes dealing with traffic in women and children. Most of them are States Parties to the UN Conventions on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international laws and agreements which have clear rules to prevent trafficking of women and conditions of employment akin to slavery. Most receiving countries, however, enforce only their own immigration laws; they punish and deport women rather than considering them victims of a modern form of slavery. This general practice makes it impossible for women to seek protection and pursue any legal battle against traffickers and their accomplices.

The Foundation for Women study found that in international trafficking, women's human rights are violated in many areas including the following.

1. Women are denied the right to self-determination. They do not know the conditions of their employment before migration. They are sold and resold by traffickers and bar owners and forced to pay back debts fixed by their buyers.
2. Women become bonded labour : they are forced to work in order to pay back the debts incurred in transporting them to the receiving countries. Even if it is possible to escape they are undocumented workers and they fear arrest.
3. Women are economically exploited. They are forced to work and the incomes generated by the forced labour are appropriated by others. Many women work for years to pay back their debts.
4. Being forced into prostitution, women are denied the rights to choose clients and conditions of selling sex as well as methods to protect themselves from sexually transmitted diseases and AIDS.
5. Being bonded and undocumented workers, women are denied the right of access to medical treatment and social assistance. An HIV test is forced on women and the resulting information withheld from them.
6. Migrant women in some receiving countries are the target of racial discrimination and prejudice. They are subject to many forms of physical and psychological violence.
7. Enforcement of immigration laws means that women are subject to arrest on charges of overstaying and then deported. Such practices do not recognise women as victims of trafficking.
8. Transportation with false documents turns women into stateless persons, subject to persecution in both the sending and the receiving country.
9. When seeking assistance from authorities such as police, women encounter other forms of sexual violence such as rape and sexual harassment.

10. When pursuing a court case, women are required to testify, usually in public, and are therefore denied their right to privacy. Giving evidence, often of very personal things, is very traumatic for the women.
11. The media focus on the women victims rather than the abusers. In countries where prostitution is illegal, this reinforces the social stigma on women.
12. Children born to migrant women are denied the right to nationality by some receiving countries.

## **Conclusion**

The research findings show that the traffic in women is not only growing in magnitude but also changing in form. Sex trafficking is only one form of international trafficking of women and children. Although some women agree to work as prostitutes in receiving countries, they do not realise that they will be kept in conditions akin to slavery and become bonded workers. Elements of trafficking, therefore, must include force and deception as well as transportation from one country to another.

The research discovered that the reasons for migration change over time. In the 1960s, abject poverty forced young women and girls to move out of their communities to find work in big cities where they fell into the hands of unscrupulous traffickers and recruiters. In the 1970s parents encouraged their daughters to work in the urban sex sector for financial gain. In the past decade-'the Bloom Period' of trafficking-local and foreign traffickers and recruiters have been going directly to the village where they actively and aggressively recruit young women and girls. Eventually the pattern of trafficking developed from a two-step pattern to a one-step pattern. The groups vulnerable to the latter pattern of recruitment for sex work are young, unmarried, rural women. These young women are inexperienced in this type of work and unable to protect themselves when they fall into it. Women from ethnic minorities and from



neighbouring countries are particularly vulnerable to this type of recruitment for sex work in Thailand.

The routes used by procurers are changing, coinciding with the changes in the international labour markets. The demand for domestic workers seems to have given way to the call for brides and commercial sex workers. The trafficking routes followed the countries of origin of sex-tourists. At first, women from Thailand were transported to neighbouring countries and Western European countries such as Germany, Switzerland and the Netherlands. During the 1980s and early 1990s, Japan became a major receiving country of Thai and other South East Asian women and almost all of them ended up in the sex industry. Cross border trafficking pushes women who belong to ethnic minority groups into the situation of stateless persons, because members of Thailand's ethnic minorities are not automatically eligible for Thai citizenship. An alarming new phenomenon, caused by the fear of AIDS, is that men are going directly to the village to buy young virgins for sexual purposes.

Findings from the research reveal collaboration between agents at all levels in international trafficking. These include more familiar intermediaries in the village, the recruiters and procurers at provincial and national levels, up to organised criminal networks which operate regionally and internationally.

Two major contributory factors to the global phenomenon of trafficking in Thai women are the (sex) tourism industry and national labour export policies. The international labour export policy of the Thai government should be assessed thoroughly, to determine whether it alleviates poverty or creates it. Wives and daughters are forced to migrate overseas to pay back the debt incurred from male international migration. The impact of male international migration on family life and family members must be considered. The subordinate position of women and the international sexual division of labour which

confines the work of women to the reproductive sphere, has contributed to the current forms of trafficking in women. The dichotomy of good and bad women and the stigmatisation of women who are in prostitution, as well as the victimisation of trafficked women make it difficult for women to talk about their traumatic experiences and the slavery-like conditions of work in forced prostitution abroad. As a defence mechanism, women migrants and their families often fall back on the myth of success stories of other migrant women. This conceals harsh methods of control which include dependency on mafia networks, debt bondage and coercion. In order to tackle international traffic in women there is a need to change the attitudes of all the people involved, in particular of families and communities, and government authorities in countries of origin and destination. Current policies and actions in sending and receiving countries have aggravated the vulnerability of migrant women who are victims of sex trafficking. They have become the target of racial prejudice and punishment. It is therefore necessary to tackle the problem of international trafficking from a human rights perspective.

Systems of legislation, regulation and prohibition of prostitution in receiving and sending countries have an impact on trafficked women. The connection between commercial sex workers and trafficked women should be studied. The research shows that the mobility of native sex workers can create a demand for new recruits who are forced to work in highly exploitative conditions. The enforcement of immigration laws by the authorities in receiving countries makes women more dependent: their fear of arrest and imprisonment leaves the traffickers in complete control.

## **Recommendations**

Findings from the research reflect that, at local level, women have become more aware of the problem and are willing to take action against trafficking. But they need more accurate information and appropriate counselling if they are to act at local level to

prevent illegal migration. With initiatives and participation of local women, an information campaign was launched during the second phase of the research in a few districts in north east Thailand. It was found that information from women victims has a great impact on rural women. They should be a prime force working on the issue at local level. Links with groups at national and international level should help the local women to broaden their understanding of the problem.

To combat this form of slavery, it is necessary to have a concrete plan of action at the global level. The key issues for formulating policy and strategies are to protect the rights of women victims and prosecute syndicates. A minimum international standard should be developed for the protection and well-being of victims of trafficking, in conformity with international human rights standards. The standard should be used as a guideline for the treatment of victims of trafficking in sending and receiving countries. As trafficking in women is an integral part of international migration, trafficked women should be considered as undocumented workers and protected by relevant ILO conventions. Related international conventions such as article 6 of CEDAW should be translated into a programme of action. The Convention on the Rights of the Child which has been ratified by many countries should be enforced for the protection of minors who are victims of trafficking. Recommendations to combat international trafficking of women proposed in the Beijing Plan of Action, adopted by governments at the Fourth World Conference on Women in September 1995, should be enforced in order to provide services to trafficked women and to combat the international syndicates.

Countries of destination should ensure that persons claiming to be victims of trafficking will not be prosecuted by immigration laws and that legal, medical and social services are provided. When criminal proceedings are instigated against traffickers, the women should receive protection and a permit to stay in the country; they should also be entitled to compensation from traffickers.

More research is needed to understand international trafficking on a global scale. The UN Commission on Human Rights should establish a thematic Special Rapporteur because the recently appointed Special Rapporteur on Violence against Women has a broad mandate and limited resources.

A new international instrument should be considered because the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is not adequate to fight against the current practice of traffic in persons.

Private agencies working on these issues should cooperate more closely in the areas of national and international law. Legal literacy programmes should be provided for their personnel in order to raise the issue in international human rights fora. Systematic documentation of these cases in sending and receiving countries should be started so that a clear policy and appropriate strategies can be formulated.

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## **Appendix 1: Standard minimum rules for the treatment of victims of trafficking in persons, and forced labour and slavery-like practices**

Draft

Drafted by the Global Alliance Against Traffic in Women (GAATW) and the Foundation For Women.

The following Standards aim to protect the human rights of those individuals who have been victims of trafficking in persons and the related forced labour and slavery-like practices, in particular the right to control over one's mind, body and life.<sup>1</sup>

Keeping in mind that victims of trafficking and the related forced labour and slavery-like practices are not criminals but victims of crime, government should take all necessary steps to reform any law or policy that punishes, criminalises or marginalises the victims of these practices and to ensure them the humane treatment stated below.

Recognising that traffickers exploit poverty, gender violence, armed conflicts, and other conditions which subordinate persons and which they may seek to escape, protection must be given to individuals in situations which render them vulnerable to deception as well as physical, psychological and economic coercion and violence.

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<sup>1</sup> See also International Covenant on Civil and Political Rights (ICCPR) article 1 and 8; Protection of the Rights of All Migrant Workers, 1990, article 16 paras 1 and 2; Slavery Convention, 1926; Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, preamble ('Considering that freedom is the birthright of every human being...') and article 1.

Governments should take all necessary steps to ensure victims of trafficking and forced labour and slavery-like practices the equal protection of the law and to guarantee them the rights and fundamental freedoms of all individuals, including the freedom of movement and residence in each State, the freedom to choose one's place of residence, the right to safely return to one's own country and the right to seek asylum or otherwise legalise one's status in the receiving country.

## **Definitions**

### **Trafficking in persons**

All acts involved in the recruitment and/or transportation of a person within and across national borders for work or services by means of violence or threat of violence, abuse of authority of dominant position, debt-bondage, deception or other forms of coercion.

### **Forced labour and slavery-like practices**

The extraction of work or services from any person or the appropriation of the legal identity and/or physical person of any person by means of violence or threat of violence, abuse of authority or dominant position, debt-bondage, deception or other forms of coercion.

### **Background of the definitions**

The above formulated definitions go back to two international agreements: The League of Nations Slavery Convention of 1926 and the Supplementary Convention of 1956<sup>2</sup>

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<sup>2</sup> Slavery convention 1926; Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.



which condemn all slavery like practices, including debt-bondage<sup>3</sup> and forced marriage<sup>4</sup> and the ILO Forced Labour Convention No 29.<sup>5</sup> These conventions have broad international acceptance and clearly describe the situations at hand. In the Slavery Convention the concept of ownership is fundamental to slavery, which in article 1.1 is defined as:

‘the status or condition of a person over whom any or all of the power[s] attaching to the right of ownership are exercised’.

In article 2 of the ILO Forced Labour Convention, forced or compulsory labour is defined as:

‘All work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.’

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<sup>3</sup> Article 1a of the Supplementary Slavery Convention prohibits ‘Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined’.

<sup>4</sup> Article 1c of the Supplementary Slavery Convention prohibits ‘Any institution or practice whereby a women without the right to refuse, is promised or given in marriage on payment of a consideration in money or kind to her parents, guardian, family or any other person or group’, or whereby’ the husband of a women, his family, or his clan, has the right to transfer her to another person for value received or otherwise.’

<sup>5</sup> ILO Convention No 29 concerning Forced Labour, 1930.

Whereas the concept of ‘forced labour’ in article 1 of the ILO Convention is predominantly used for the relation between the state and the individual, article 4.1 of the same Convention rules on state accountability regarding forced labour situations between individuals:

‘the competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.’

The crucial element in both definitions is coercion, which can take various forms, including but not limited to:

- violence or threat of violence, including deprivation of freedom (of movement, of personal choice)
- deception: with regard to working conditions or the nature of the work to be done
- abuse of authority or dominant position: this can range from confiscation of personal documents to place another person in a dependent position, abusing one’s dominant social position, abusing one’s natural parental authority or abusing vulnerable of persons without legal status
- debt-bondage: pledging the personal services or labour of a person indefinitely as security for a debt, when the length and nature of the service is not clearly defined.

**Work or services** include all domestic, sexual, reproductive, or other services rendered under the above mentioned conditions of coercion, regardless of whether these services are recognised as work, whether they take place under a work contract or whether they take place under a marriage contract.

**The appropriation of the legal identity and/or physical person** refers to the concept of partial or total ownership as used in the Slavery Conventions, but the word’

appropriation' is used to denote the act of claiming ownership of a person, acting as if one owns the person.

**Appropriation of the legal identity** can range from confiscating one's identity papers, supplying a person with a false identity to the loss of one's legal personality under the marriage contract.

**Sending country:** the country of origin of the trafficked person.

**Receiving country:** the country of destination of the trafficked person.

**Transit Country:** the country en route from the country of origin to the country of destination, often for the purpose of preparing false passports, marriage documents, visas etc.

**Obligations of all countries: receiving, transit and sending**

1. The following shall be guaranteed to all victims of trafficking and forced labour and slavery-like practices:
  - a) Freedom from persecution or harassment by those in positions of authority.
  - b) Adequate, confidential and affordable medical and psychological care by the State, or, if no adequate State agency exists, by a private agency funded by the State.
  - c) Strictly confidential HIV testing service shall be provided **only if** requested by the person concerned. Additionally, any and all HIV testing must be accompanied with appropriate pre-and post-test counselling. The Standard provided in the UN Centre for Human Rights and World Health Organisation Report of an International Consultation on AIDS and Human Rights, Geneva, July 1989 shall be adopted.

- d) Access to a competent, qualified translator during all proceedings, and provision of all documents and records pursuant to having been victim of trafficking and/or forced labour and slavery-like practices.<sup>6</sup>
- e) Free legal assistance.
- f) Legal possibilities of compensation and redress for economic, physical and psychological damage caused to them.
- g) The personal history, the alleged 'character' or the current or previous occupation of the victim shall not be used against the victim, nor serve as a reason to disqualify the victim's complaint or to decide not to prosecute the offenders. The offenders cannot use as a defence the fact that the person is or was at any time, for example, a prostitute or a domestic worker.
- h) The victim's history of being trafficked and/or being subjected to forced labour and slavery-like practices shall not be a matter of public or private record and shall not be used against her, her family or friends in any way whatsoever, particularly with regard to the right to freedom of travel, marriage, search for gainful employment, etc.
2. The State in the territory under whose jurisdiction the trafficking and/or forced labour and slavery-like practices took place shall take all necessary steps to ensure that the victim, if he or she wishes so, may press criminal charges and/or take civil action for compensation against the perpetrator (s).<sup>7</sup>
3. If the victim is not recognised as citizen by the sending country for any reason, the sending country must consider on the balance of probabilities whether

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<sup>6</sup> See also Protection of the Rights of All Migrant Workers, article 16 para 5.

<sup>7</sup> See International Covenant on Civil and Political Rights, article 2.3.

that person was born in and/or has spent most of her/his life in the sending country and if so, accord that person nationality of the sending country. If the sending country will not accept the victim, the receiving country must treat her as a national of that country under the Convention on the Status of Stateless Persons (1960).

4. The state must ensure the right of all people within its jurisdiction to be free from being sold by any other person<sup>8</sup> and/or from being subjected to forced labour and slavery-like practices in accordance with the ILO Convention No 29 concerning Forced Labour, article 1, section 4.1.

#### **Obligations of receiving and transit countries**

5. In addition to the above, and in order to ensure the victim's ability to remain in the country during all proceedings pursuant to having been victim of trafficking and/or forced labour and slavery-like practices, the victim shall, for the duration of her stay, be guaranteed:
  - a) resident status, in order to take legal action against the offenders and to regain control over her life
  - b) adequate and safe housing
  - c) access to all State provided health and social services
  - d) adequate financial support
  - e) opportunities for employment, education and training.

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<sup>8</sup> See Supplementary Convention of the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956, article 1, para C, sub para - iii.

6. Victims of trafficking and/or forced labour and slavery-like practices shall not be held in a detention centre at any time, including during proceedings against the offenders.
7. Victims of trafficking and/or forced labour and slavery-like practices shall have access to the embassy/consulate of their home country or, if trafficked into a country without an embassy/consulate representation, they shall have access to a diplomatic representative of the State that takes charge of the home country's interests or any national or international authority whose task it is to protect such persons.<sup>9</sup>
8. Victims of trafficking and/or forced labour and slavery-like practices shall not be prosecuted for the use of false travel or other documents and/or visas pursuant to their predicament.
9. Victims who wish to do so, shall be enabled to apply for permanent residence under internationally agreed upon covenants. Guidelines recognising gender-based persecution as grounds for asylum should be followed.
10. Victims of trafficking and/or forced labour and slavery-like practices shall be guaranteed the right to legal representation during criminal or other proceedings against her or him that may result in detention, deportation or loss of legal status. If she cannot afford to pay, legal representation shall be provided without cost.<sup>10</sup>

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<sup>9</sup> See 38 (2) of the Standard Minimum Rules For the Treatment of Prisoners 1955.

<sup>10</sup> See ICCPR, article 14.3; Protection of all Persons under any Form of Detention, prin 17 paras 1 and 2, prin 18, paras 1-5

11. The burden of proof prior to and during any prosecution of a person alleged to be guilty of trafficking and/or forced labour and slavery-like practices lies with the prosecution, not with the victim. The victim shall not be placed in detention prior to the trial of the offender.
  
12. If a person is convicted of trafficking and/or subjecting another person to forced labour and slavery-like practices, any or all funds in the his/her possession shall be used to pay any debts the victim incurred as a consequence of being trafficked and/or subjected to forced labour and slavery-like practices. Additionally, adequate compensation shall be granted to the victim.
  
13. The State shall provide the necessary funds for the victim to return to her/his home country.
  
14. If a victim of trafficking and/or forced labour and slavery-like practices is arrested under the criminal law of the country for committing a crime:
  - a) as a result of physical, psychological or economic duress or coercion by the person (s) who trafficked her and/or subjected her to forced labour and slavery-like practices: these circumstances shall be considered in any defence of duress or coercion raised by the victim during the pre-trial and trial proceedings and as mitigation in sentencing if convicted.
  - b) against the person who trafficked her and/or subjected her to forced labour and slavery-like practices, including homicide : the history of trafficking and/or being subjected to forced labour and slavery-like practices shall be permitted in support of a plea of self-defence and as a mitigation during sentencing if convicted.



**Obligations of sending countries**

15. Victims of trafficking and/or forced labour and slavery-like practices who return to their home country shall not be imprisoned or detained for facts pursuant to their predicament, not for the use of false travel and other documents.
  
16. The State shall protect victims of trafficking and/or forced labour and slavery-like practices and their family members from reprisals of the perpetrators, including people in positions of authority.
  
17. The State shall not do anything to prevent or obstruct the voluntary movement of citizens, including victims of trafficking and/or forced labour and slavery-like practices, out or into the country at all times.<sup>11</sup>
  
18. The State shall use diplomatic channels and resources in receiving and transit countries to protect their nationals abroad.

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<sup>11</sup> Universal Declaration of Human Rights, article 13; ICCPR, art 12.

**Appendix 2: A call to action to the Asia-Europe Meeting, Bangkok,  
1-2 March 1996**

To: National leaders of European and Asian countries

From: A coalition of individuals and organisations concerned about labour migration  
and traffic in persons

On the occasion of the inaugural Asia-Europe Meeting in Bangkok, we draw your attention to the lack of rights of migrant workers and trafficked persons in each country represented at the meeting.

We urge you to:

- ratify and implement the provisions of the UN convention on the rights of migrant workers and the members of their families:
- adopt and implement minimum standard rules for the treatment to trafficked persons:
- fulfil your government's pledge made in the 1995 Beijing platform action to step up cooperation and concerted action by all relevant law enforcement authorities to dismantle networks in trafficking.

Labour migration is an integral, if neglected, part of economic cooperation between countries, and migrants deserve better protection and reward for their essential contribution to economic development.

Traffic in persons is an international crime that requires urgent attention by all governments to prosecute those responsible and to assist those who have been forced to migrate or forced to work in unacceptable conditions.

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# Migrant Worker's Situation in Thailand

Sister Meg Gallagher\*

## A. State of the National Economy

Since the inception of the First National Economic and Social Development Plan in 1961, heavy emphasis has been on economic development; the countries' natural resources and human capital have been utilized to expand the production base, occupational opportunities and national income of the country. During the past three decades, the economy has registered a healthy annual growth rate of approximately 7%; the mid-plan review of the 7th Plan (1992-96) shows the economy has achieved an average growth rate of about 8.2%. Proportion of the poor in the total population dropped from 26.3 to 13.7% in 1986 and 1992 respectively. In spite of these successes in the economy, serious problems continue to plague the country and its population. These are seen in:

Income proportion of households of the top 20% has risen continuously while households at the bottom 20% is still dropping. On a regional level, income of people in the northeast was 10.2 times lower than those in Bangkok in 1994.

The environment has been raped through misguided emphasis on industrial development.

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\* Director of Catholic Commission on Migration (Women's Desk)

Congested communities and insufficient basic services have given rise to air and noise pollution especially in Bangkok and other major cities.

A materialistic society is more and more emerging as priorities are being given to the pursuit of wealth, position and power.

Although medical advances are acknowledged, yet the rate of accidents, cancer and heart diseases, along side the scourge of the AIDS virus are taking its toll on the population.

Thailand must still rely more on foreign technology and capital goods. Import value of capital goods reached a high level of B430,000 in 1993, as against B330,000 in 1991. These problems are major hindrances to attaining sustainable development.

## **B. Profile and Situation of the Migrant Workers**

Labour migration is a timeless phenomenon which takes place in all countries; Thailand is no exception. People migrate within the country, i.e. rural-rural, rural-urban, urban-urban. During these past decades, however, Thai men and women have migrated abroad, principally for economic reasons. Internal and external migration leads to another reality, that of alien migrants, both legal and illegal, crossing our borders in search of a livelihood. This section will address briefly these areas.

### **Internal Migration:**

In 1961, the government introduced its first Nation Development Plan; emphasis shifted from a pure agricultural rural development strategy to strategies promoting import substituted industries and export industries. The subsequent development plans gave priority to economic growth, and secondary importance to social development. For a

short time, although per capita income had increased, rural people still remained poor and income distribution was the main issue. With the advent of international migration in the 70's and 80's, the economy of the country rose. Recent statistics gathered by the Bank of Thailand highlighted at the end of 1993, Thailand had a population of 58.33 million. The total labour force (aged 13 and over and available for work) numbered 33.1 million. Total employment stood at 32.04 million. Employment in agriculture rose by 0.3% and non-agricultural employment rose 4.2%. Increased employment was seen in the construction, manufacturing and service sectors, this in contrast to a faster increase in manufacturing and service sectors. Labourers in the agriculture sector dropped from 79.17 to 60.32% for the same period. (Amara)

With the country's changing economy, women are now employed in agriculture, commerce services and service sectors. At present, two million more rural women leave agriculture than men. The number of women aged 11 to 19 who migrate to Bangkok is double the number of men; they work as domestic servants, hawkers, vendors, and factory workers. A large number, unfortunately, have been lured into prostitution. Women's contribution to Thailand's economic development has resulted in a remarkable growth averaging approximately 8% per annum. Women form 80-90% of the labour force in manufacturing and tourist industries. Despite women's contribution, the majority of women workers receive one half of the maximum wage set by the government. Many work two shifts a day to earn enough to send money home to their parents in rural areas. The most pressing concern of women workers are health hazards and safety in the work place; work related accidents and health hazards has been on the rise each year. Women continue to be sexually harassed and abused, discriminated against because of gender with little protection from the government. Working and living conditions, both for men and women, remain for the most part sub-standard. Long hours, poor wages, lack of sufficient safety measures at work have resulted in tragic accidents over the past years.

#### External Migration:

Since the early 70's, international migration was chosen as an alternative for many rural farmers; the flow began as the lure of money was very strong especially in Saudi Arabia. Employment figures during the decade of 70's and 80's numbered between 160,000-180,000. The remittances earned by the workers and sent back to Thailand were estimated at U.S.\$8,000 million per year. At present, the migration flow has shifted from the Middle East to Asian countries.

#### Impact of Migration:

The impact of international migration has both positive and negative factors; while exporting countries gain by remittances, the importing countries enjoy the benefits of cheap labour. While the exporting countries are losing their productive factors, labour in the importing nations face some competition for their existing limited job opportunities. Negative aspects of migration can be seen in separation of families, often leading to divorce; children and youth uncared for while parents are away-the increase in juvenile delinquents give evidence to this. Most importantly, the basic structure of society- the family is being eroded. In the receiving countries, lack of knowledge of the language and culture adds to problems, racial discrimination persists, women continue to be exploited and used as sex objects, unskilled labourers are further burdened by being cheated by unscrupulous employers.

### **C. Legal Recruitment Process: Legal Status & Rights**

The first Labour Relation Law of 1975 dealt with labour organizations, minimum wages, and employer-employee relations. Labour laws provided and encouraged private sector's participation to function as employment placement agencies. During the early 70's, the exportation of Thai workers was purely in the hands of private employment agencies. Unfortunately, these agencies worked for their own interests and profit, resulting in large numbers of illegal recruitment agencies. Further, the New

Employment and Labour Protection Act of 1985 put strict controls on the number of placement agencies. Another objective stated by government for overseas labour was to implement diplomatic policy and strengthen relations and cooperation among countries in addition to the monetary returns it received through Thai labourers which aided in reducing the trade deficit. The concern of government has been to ensure that migrants not be cheated by job agencies-brokerage fees exceeding the amount stipulated by law would be punished. An incident in 1988 when this law was enacted was when job agencies had to pay 18.7 million baht as compensation to 3,111 of 3,629 workers who filed complaints. Legal migrant workers are protected by the labour laws of the receiving countries as also the Thai Labour Attache Offices in host countries.

Working conditions abroad, however, continue to be poor in most instances, cramped accommodations, low wages, harsh working conditions and excessive rate of recruitment fees and expenses paid to recruitment agencies still exists.

Thailand has ratified 11 conventions, significant among them has been the Employment Policy Convention of 1969 and Forced Labour Convention of 1930, ratified in 1969.

There are two groups of immigrant workers entering the country, i.e. legal and illegal workers. Under the Working of Aliens ACT, B.E. 2521 (1978), alien workers are permitted to work in Thailand in some occupations that can help the economy of the country, for example, investing in business that requires a large sum of money, investing in a business that creates more jobs for Thai workers, to mention but a few. Due to the heavy migration of Thai workers abroad, the government is now ready to permit some 700,000 workers from neighbouring countries to help in the agriculture, fishing, industry and transportation sectors. The permission would extend to two years, after which the aliens must return home. This proposal, however, has irated the Labour Council of



Thailand. The unions threaten to strike at the end of July 1996 if this proposal, now in the hands of the Parliament, is enacted. The areas the union members insist be open only to Thai workers are industry and transportation; they argue if these sectors are given to aliens, Thai labourers' income will be seriously affected. The strength and influence of the Labour Council is becoming more vocal bringing more pressure on government to heed their demands.

#### **D. Policy/Action Agendas for Migrant Workers**

The Policy/action and suggested future agendas for migrant workers should be acted upon on all levels:

##### **International:**

Thailand and other countries which have not done so should ratify and implement the Rights of All Migrant Workers and Members of Their Families (1990).

##### **Regional:**

Aseans' labour ministers need to evolve a policy to attenuate the conditions leading to the movement of migrant workers and accord them better protection within Asean; social amenities, counselling advice, outreach programmes, recreational activities should be available. Thailand should push forward on the establishment of a regional labour task force to mediate immigrant problems through a comprehensive policy and plan of action.

##### **Bilateral**

There is a need for agreements between the countries of origin and the employment countries to regulate the flow of migrant workers with due respect to their rights. A key concern is how to monitor and act against human trafficking especially of women. Further need for reform is a Thai regulation from the Ministry of Finance which

will allow Thai embassies to advance money to Thais, including migrant workers, in needy situations in foreign countries enabling them to return home.

Crackdown on crime syndicates and illegal and fraudulent recruiting agents.

Government should obligate contract workers to go through an orientation program before departure. Language and culture courses be offered in both receiving and sending countries.

Embassy staff should provide assistance and protection to Thai migrant workers, both legal and illegal workers. Areas could be legal advice, medical services, interpreter services at judicial court, etc.

Protection for Thai women at home and abroad must be a high priority. Women's human rights must be respected; she must be treated as equal to men and given the same opportunities for advancement and protection under the law.

Government should provide for reintegration, economically and socially, back into Thai society. "The migrant is the involuntary passenger in transit between culture for whom homelessness is the only state." (Chow, 1993)

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# **People on the Move: Issues and Areas of Potential Research for Transnational Migration in Thailand and Asia**

**Supang Chantavanich\***

Transnational migration is an old and well-known phenomenon in Thailand. For many centuries, the country has witnessed foreigners coming to stay on Thai soil and native people leaving for other lands. Mostly, immigration to Thailand was more evident than emigration. Among the immigrant groups, the Chinese traders and laborers who arrived in the 18th and 19th centuries were the largest group. From the Bangkok Census in 1909, it was reported that 162,505 Chinese migrants settled in the capital. Other nationals such as Indians, Westerners, Japanese and people from neighboring countries also came to Thailand for various reasons. The Indian merchants came here to trade and to spread Buddhist teachings. The Westerners came to trade and to teach Christianity. Thailand's neighbors, i.e., the Khmer, Lao, Vietnamese, Cham, Mon, Burmese, Karen, Shan and other small ethnic groups immigrated to Thailand because of trade, fighting, escaping from natural or other man-made disasters, and the sharing of some religious traditions and culture. At that time, there was no border line to demarcate the territory of each state, so moving around at the border was something quite natural and free.

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Regarding the immigration of Thai people to other countries, this phenomenon only took place recently. In the old days Thais were not great travelers. People were not adventurous and there were no pressures driving people to move out. Natural resources were rich and the country was not densely populated. As a result, the country needed more laborers for production. That was why foreign workers were welcomed to immigrate.

It was not until the early 20th century that Thailand started to be aware of the influx of immigrants. In 1907, King Rama V issued an Act on the Qualities of Immigrants limiting the annual number of immigrants (mainly Chinese) allowed to enter Thailand. Later, the limited number decreased dramatically from 10,000 to 200 immigrants per year. Along with this restriction, the Thai court also aroused the patriotic feelings of the Thais against the Chinese, naming the latter as “The Jews of the East”. Throughout the 20th century, immigration to Thailand has been restricted. The Immigration Acts of 1927 and 1979 only permitted professional transients to enter without quotas and restricted other types of immigrants due to economic and national security. The second half of 20th century witnessed immigration from neighboring countries, especially from Indochina and Burma.

As for emigration, significant movements of Thai nationals out of the country started during the 1970s. Most of the migrants were professionals who sought employment in the United States. Later, in the 1980s, a massive outflow of Thai migrants went to the Gulf region for employment during the oil boom. In the 1990s, the trend of movement changed to the newly industrialized countries in Asia.

### **Current Situation of Transnational Migration in Thailand**

In 1994, the transnational population in Thailand consists of tourists, migrant workers, trafficked persons, and asylum seekers and refugees. The details of each category are (also see Table 1):

## **1. Tourists**

**1.1 Foreign tourists to Thailand.** It is estimated that 6,300,000 tourists entered into Thailand in 1994. The Tourism Authority of Thailand reported 5,760,533 tourists in 1993.

**1.2 Thai tourists to foreign countries.** There are no official statistics of Thai tourists annually. Of the 2 million Thais going abroad annually, an estimated half are tourists.

## **2. Documented Migrant Workers**

**2.1 Thai migrant workers.** In 1993, the Department of Employment Recruitment recorded 137,950 workers who were contracted to work overseas.

**2.2 Guest workers in Thailand.** In 1993, 22,101 guest workers were permitted to work in Thailand.

## **3. Undocumented Migrant Workers**

**3.1 Thai migrant workers.** There are no valid estimates from each receiving country. The Japanese Immigration Bureau reported 55,219 illegal immigrants from Thailand staying in Japan in 1993. Archavanitkul (1995) estimated that no less than 200,000 Thai illegal migrants are working abroad.

**3.2 Foreign migrant workers.** The Thai Immigration Office estimated that 525,480 illegal migrant workers were in Thailand in 1994.

## **4. Trafficked Persons**

**4.1 Thai traffic abroad.** No official estimate. Some NGO sources estimate that 10,000 are being trafficked from Thailand annually.

**4.2 Foreign traffic in Thailand.** No official estimates. Accumulated statistics of women and children being trafficked from China, Burma, Laos, Vietnam and Cambodia amounted to around 30,000 in 1993.



## 5. Asylum Seekers and Refugees

In 1994, 19,902 Indochinese refugees were staying in Thailand and 80,418 Burmese were displaced on Thai soil.

In all, it was estimated that 7.9 million persons migrated transnationally to and from Thailand in 1994. This number is 13.5% of the total population, which was 58.6 million in the same year. The significant number of mobile people certainly needs careful consideration from the various parties involved.

## Profiles and Problems of Emigration from Thailand

The development of Thai emigration can be divided into 3 periods (see Table 2). During Period One (1975-1981), migrants had many choices because there was a big need for labor in many countries. The salaries were high and employment recruitment was professional and honest. These were the golden days of emigration. During Period Two (1982-1987), the majority of Thai migrants went to the Gulf Region. However, when overseas employment was at its peak, exploitation started. Employment syndicates and middlemen cheated poor people who looked for jobs abroad by charging them a high fee for job recruitment and sometimes failed to provide the promised employment. Some did travel but found bad jobs with low pay. Most of the workers, legal or illegal, were not fully protected by the labor law.

Period Three started after 1987. The new trend of labor migration is in Asian newly industrialized countries. The major receiving countries are Taiwan, Brunei, Hong Kong, Singapore, and Japan (see Table 2). This new trend is called **Asianization**. The number of Thai workers going to Southeast Asian and East Asian Countries become higher than those going to the Gulf Region. In 1993, figures for migrants checked by the Ministry of Labor show that 118,600 Thais went to Asia while the rest (14,623 persons) went to other destinations. However, the estimated numbers of Thai laborers abroad (as reported by the Ministry of Labor) are much higher. In total, the Thai government

estimated that 370,500 Thais worked abroad during 1993. Among these, 33,000 went to the Middle East and 221,000 went to Asian countries (see Table 3).

**Feminization** is another important trend of emigration. It was found that in Hong Kong, South Korea, Japan, Germany and England, the number of female migrants exceeded the number of male migrants during 1990-1993, not including undocumented migrants (see Table 4). The number of female migrants is related to the demand for female domestic helpers and female workers in the entertainment and commercial sex industries, a trend which has very negative consequences for the female entertainment workers. The demand is increasing, resulting in the trafficking and inducement of young girls from ethnic minorities into prostitution.

The outflow of Thai and other Southeast Asian migrant workers has resulted in stricter immigration policies in most receiving countries. Governments implemented restrictive immigration measures wherein immigration was limited or closed, overstayers were arrested, and illegal migrants were punished, fined, imprisoned and deported. Yet, the wave of Thai undocumented migrants to countries which are centers of economic internationalization and high salaries continues. Based on figures showing the numbers of undocumented Thai migrants arrested in major receiving countries, there are probably more than 100,000 illegal Thai workers abroad (see Table 5). **Undocumented migration** becomes another feature of Thai emigration.

Migrant workers usually send **remittances** to Thailand. The countries of origin for such remittances are the Middle East, Southeast Asia (Brunei, Indonesia, Singapore, Peninsular Malaysia), Japan, Europe (France, Italy and Germany) and the United States (see Table 6). Remittances from the Middle East were the highest in 1985; but in 1990, the highest remittances were from the US. Remittances from Japan are also high. After 1990, remittances dropped dramatically. In total, Thailand received 24,906.8 million baht or almost US\$1,000 million in remittances during 1990. In 1994, remittances were 33,130 million baht (US\$1,325 million).

During the initial period when Thai migrant labor outflows were increasing, the government, expecting increased remittances, did not do much to prevent Thai laborers from being exploited by employment syndicates. It promoted a policy of **free labor export**. A worker usually paid US\$3,000 - \$US10,000 to a syndicate and there was no guarantee that he/she would be employed. Unemployed workers also needed assistance and support from Thai embassies to return to Thailand. At present, Thailand has a labor attache working at the Thai Embassies in Hong Kong, Singapore, Brunei, Japan, etc.. There is a debate about whether the Ministry of Labor should run all the employment recruitment syndicates or just supervise their operation loosely as they are doing now. (*Siam Post*, January 1996)

### **Immigration to Thailand**

Apart from tourists, the number of foreigners coming to Thailand for long stays has always been low, not exceeding 5,000 persons per year during 1979-1984. Most of these immigrants were **professional transients** who came to work according to the Investment Promotion Act of 1977. Most of them were from Japan, China and the US. However, since 1985, the number of contract workers in Thailand increased from 6,229 persons in 1985 to 9,577 persons in 1990 and 22,101 in 1993 (see Table 6). The increasing number is due to the growing number of illegal immigrants who come to work in Thailand. Some of these immigrants (17,445 during 1993) were arrested, guaranteed by some employers who deposited money with the Thai authorities, then released for temporary work before being deported.

**Illegal immigrants** are the biggest group of migrants to Thailand. The recent economic prosperity in the country has brought about income disparities between Thai nationals and nationals of neighboring countries whose economic development has advanced at a slower speed. This has resulted in an influx of migrant workers, especially from Burma, Laos, Cambodia, China and Bangladesh. While a significant amount of Thai

laborers left for overseas employment, those who stayed preferred not to do the dangerous, difficult and dirty jobs. Thus, foreign workers accepted the jobs that Thai nationals did not want, especially in fisheries, construction work and farming. Some female migrants were employed in industrial and service sectors. They worked in factories, as domestic workers and in the entertainment business.

The Thai Immigration Office estimated that there were approximately 525,480 illegal immigrants in Thailand in 1994 (see Table 7). Of this number, the biggest group came from Burma (334,124), followed by China (100,000) and South Asian Countries (81,357). The smallest group was from Laos, Cambodia and Vietnam. Actually, it is very difficult to distinguish a Lao from a Northeast Thai because their language, appearance and cultural practices are almost the same. The real number of Lao immigrants may be higher but they are not detected.

The demand for workers in the local and overseas sex industries has affected the **trafficking of migrant girls and women** from Burma, Yunnan, Laos and Vietnam. The Foundation of Women reported that children and women were smuggled from the border areas to Thailand or on transit visas in Thailand to other destinations like Europe, Japan and the US, then forced into prostitution. Among the low-price **transborder prostitutes** at the border areas, the spread of sexually transmitted diseases especially HIV/AIDS is alarming. Information campaigns on HIV/AIDS aimed at these groups have been ineffective since they do not read nor speak Thai.

Trafficked persons arrested in police raids in brothels are charged as illegal immigrants. The Center for the Protection of Children's Rights (a Thai NGO), with support from the International Organization for Migration, has a program to repatriate girls and women from Yunnan.

In 1995, the Chambers of Commerce in some border provinces in Thailand submitted a petition to the government to give amnesty to **Burmese illegal workers** in their provinces. They referred to the shortages in the Thai labor force and the acute need to employ migrant workers in their businesses. The Ministry of Labor implemented a trial

amnesty in Ranong province during 1995. The proposed process of amnesty was that employers had to deposit 5,000 baht (US\$200) with the provincial labor officer in order to employ a migrant worker. Employers had to guarantee the stay of the worker; otherwise, the deposit would be forfeited. The implementation was not initially successful because migrant workers were afraid of being arrested and did not come for registration. Employers complained that the deposit was too high and that they ran a high risk of losing their deposits due to the high mobility of migrant workers. As a result, both employers and migrant workers worked together directly and illegally instead of going through the newly introduced amnesty system. With such illegal and direct employment, employers did not need to pay the deposit and workers did not need to risk registration and possible arrest. The workers continued to work in hiding and the problem was not resolved. Recently, the Thai National Security Council revised its security policy and agreed to permit migrant workers to work in Thailand (*Siam Post*, February 1995)

Another group of immigrants to Thailand are **asylum seekers**. During the 1980s, most asylum seekers were from Indochina. In all, more than one million **Indochinese refugees** migrated into Thailand (Chantavanich, 1993). By 1994, most of them were either resettled in receiving countries or repatriated. The number remaining was only 19,902 in 1995 (see Table 8). In 1996, a handful of Vietnamese and ethnic Hmong from Laos still stay in Thailand. On the other hand, asylum seekers fleeing fighting and political conflicts in Burma have increased dramatically during the 1990s. There are many camps along the border housing an estimated 74,449 **Burmese asylum seekers** of various ethnic groups (see Table 8). Some Burmese students who were suppressed during the democracy uprisings in Burma during 1988 have formed resistance groups at the border. These groups have approximately 2,000 members. Some Burmese students came to Bangkok and became “persons of concern to the UNHCR”. In 1996, all of them were transferred to the Safe Area for Burmese asylum seekers in Ratburi province. In early 1996, there were approximately 600 people in the Safe Area.

## **Issues and Areas of Potential Research**

From the history and current situation of transnational migration in Thailand we can identify the following issues which can lead to areas of priority research.

**1. Government policy on transnational migration.** Recent migration phenomena need a clear policy response from the government. Such a policy must account for political, legal, economic and humanitarian considerations to benefit the country in the long run. At present, the government does not have an explicit policy on international migration.

**2. Undocumented migration.** Both emigrants and immigrants traveling illegally have had many impacts on Thailand, as well as other sending and receiving countries. There is a need for more accurate estimates of the numbers of illegal migrants and profiles of their origins, activities, and lengths of stay. There is an urgent need for appropriate measures to handle the influx of illegal foreign migrants in Thailand and illegal Thai laborers abroad. Measures such as amnesty, restricted immigration and emigration regulations with quotas, and bilateral and multilateral negotiations with sending and receiving countries need greater analysis and debate. There is also a need for comparative research to learn about the principles, processes and details of migration in other countries.

**3. The impact of transborder migration.** The movement of people from one state to another always produces various impacts on both sending and receiving countries. There are economic, socio-cultural, environmental and health impacts, as well as legal consequences resulting from population mobility. As a sending country, Thailand is affected by the amount of remittances being sent back, job opportunities for unemployed people, migrants' separation from their families, legal protection for Thai nationals, etc. These are some of the many impacts that need further study. As a receiving country, Thailand faces problems such as the dependence on foreign labor for certain types of jobs, the risk of economic stagnation (i.e., shifting from labor-intensive to hi-tech production),



the emergence of ethnic minority communities on Thai soil, the spread of infectious diseases, and legal problems concerning the status and rights of migrant workers.

**4. The protection of migrants' rights.** Most migrants who move into Thailand and Thai emigrants abroad are relatively socio-economically disadvantaged compared to the populations in the areas to which they migrate. Thus, they need protection. Thailand asks that receiving countries provide Thai migrants with proper rights in terms of wages, social welfare and other basic human rights. However, it is not ready to offer the same rights to migrants living on Thai soil. What is the meeting point between such a demand on one side and the inability and lack of will to offer it on the other side? Is the "Asian Way" different from the norms accepted in other parts of the world for determining the criteria for treatment of migrant workers? Which UN Conventions on migrant workers should be ratified? Why?

**5. The inadequacy of information on transnational migration.** Unlike internal migration, information on Thailand's transborder migration is limited, incomplete, fragmented or unavailable. The Immigration Office provides aggregate numbers of persons who leave and enter the country. However, such numbers do not cover undocumented migration and the published breakdowns of migrants by gender, age, occupation, and site of border crossing are inadequate. In addition, related information -- such as the remittances and expenses of Thais who travel abroad -- are not available from a single source or are unavailable. Without this sort of baseline data, it is difficult to undertake detailed research and policy analyses on migration. In comparison with other countries within the region, Thailand has a relatively high estimated number of immigrants. Yet Thailand has few research studies on cross-border migration. Information about regional labor markets and regional population movements which can directly affect Thailand is also scarce. As a result, the State lacks a foundation on which to base a broad migration policy. Thailand and/or the Asia-Pacific region should have a regional information center on transnational migration.



## APPENDIX

**Table 1: Estimate of Overall Immigration and Emigration in Thailand 1993/1994**

Category	Immigration	Emigration
Tourists	5,760,533	1,000,000 (estimation)
Documented migrant workers	22,101	137,950
Undocumented migrant workers	525,480 (estimation)	200,000 (estimation)
Trafficked persons	10,000 (estimation)	30,000 (estimation)
Asylum seekers	100,320	-

**Source:** Archavanitkul 1995

**Table 2: Number of Thai Contract Laborers by Countries of Employment 1975-1993**

Countries	1975	1980	1985	1988	1989	1990	1991	1992	1993
Malaysia			1,861	1,238	607	2,087	2,473	2,151	11,358
Indonesia			86	150	286	204	146	115	
Singapore		723	3,387	5,262	10,692	6,464	9,488	11,337	14,171
Brunei			2,160	6,792	8,861	8,009	8,840	12,729	14,750
Hong Kong			6	3,988	6,662	7,908	8,431	7,255	5,102
Japan			359	3,942	3,826	4,210	6,263	6,748	5,588
Taiwan				109	168	111	2,237	10,938	66,891
China				28	78	76	134	0	
India				38	100	42	31	0	
Sri Lanka			8	46	23	46	6	0	
Other Asia			78	154	233	335	428	437	660
Total Asia	0	723	7,945	21,747	31,536	29,492	38,477	46,883	118,600
Middle East	984	20,761	61,659	92,175	87,748	27,478	21,354	22,839	17,019
Africa	0	0	67	123	180	100	128	0	0
USA & Saipan			3	3,240	3,864	3,731	2,167	978	706
Europe	0	0	2	893	1,056	1,119	1,007	935	898

**Source:** Year Book of Labor Statistics, Department of Labor; cited in Pracha (1994)

**Table 3: Estimates of the Number of Thai Laborers Abroad**

Country	1988	1989	1990	1991	1992	1993	1994
Saudi Arabia	150,000	140,000	120,000	39,600	25,000	15,000	10,000
Iraq	6,000	5,000	3,000	---	---	---	---
Qatar	4,000	3,800	3,000	3,000	3,000	3,000	3,200
Bahrain	2,500	3,000	2,000	3,500	3,000	3,500	3,500
United Arab Emirates	3,000	2,000	2,000	2,000	2,500	2,500	2,500
Kuwait	8,000	6,500	---	2,800	5,500	3,000	3,000
Israel	---	---	2,000	2,300	3,000	3,500	7,000
Other Middle East	3,000	2,300	1,300	2,000	2,000	2,500	3,500
Libya	25,000	25,000	25,000	25,000	25,000	20,000	17,000
Other Africa	500	500	500	---	---	1,500	1,500
Malaysia	10,000	10,000	10,000	10,000	25,000	30,000	38,000
Singapore	25,000	30,000	30,000	27,000	50,000	50,000	50,000
Brunei	9,000	11,000	11,000	11,000	20,000	21,000	25,000
Hong Kong	6,000	9,500	9,500	15,500	20,000	25,000	26,000
Japan	6,000	4,000	4,000	25,000	76,000	100,000	80,000
Taiwan	---	---	---	7,000	20,000	80,000	150,000
Other Asia	10,000	12,000	12,000	10,000	10,000	10,000	10,500
Totals	268,000	264,000	235,300	178,700	290,000	370,500	430,700

**Estimated from:**

- Annual statistics of Thai emigrants as contract laborers
- Statistical Report of Thai Laborers Overseas, Office of Overseas Labor;  
Ministry of Foreign Affairs

**Table 4: Receiving Countries Where Female Workers Outnumber Male Workers**

Country	Male	Female	Gender Ratio
Hong Kong	815	19,498	4.2
S. Korea	68	160	42.5
Japan	9,542	9,779	97.6
Germany	412	704	58.5
England	319	326	97.8

Source: Department of Employment Recruitment, Ministry of Labor and Social Welfare; cited in Archavanitkul 1995.

**Table 5: Estimated Number of Undocumented Thai Migrant Workers in Receiving Countries**

Country	Estimated number
Taiwan	6,309 <sup>1</sup>
Japan	55,219 <sup>2</sup> (24,463 male + 28,756 female)
Hong Kong	16,398 <sup>3</sup>
Singapore	35,829 <sup>4</sup>

Source: 1. Taiwan Port Control Authority, Overstayers in Taiwan, cited in Tsay (1992)  
 2. Japanese Immigration Bureau Statistics of Overstayers in Japan (1993)  
 3. Hong Kong Immigration Department estimates (1993) minus the number of contract laborers in the same year  
 4. Thai Office of Overseas Labor estimates (1993) minus the number of contract laborers in the same year

**Table 6: Remittances from Thai Laborers 1985; 1990-1994 (in millions of baht)**

Sending from	1985	1990	1991	1992	1993	1994
Brunei	5.6	104.3				
Indonesia	26.2	22.4				
Malaysia	145.5	52.4				
Singapore	609.0	553.1				
Middle East	12,931.6	5,680.5				
Japan	656.1	1,807.3				
France	63.2	179.0				
Italy	48.5	58.2				
Germany	454.7	802.6				
U.S.	7,471.9	12,466.0				
Others	1,332.3	3,181.0				
<b>Total</b>	<b>23,795.8</b>	<b>24,906.8</b>	<b>26,017</b>	<b>28,620</b>	<b>30,995</b>	<b>33,130</b>

Source: The Bank of Thailand, 1995

**Table 7: Number of Contract Migrant Workers in Thailand 1980-1993**

Period	Number
1980	3,688
1985	6,229
1990	9,577
1991	11,479
1992	11,651
1993	22,101

Source: Department of Employment Recruitment, Ministry of Labor and Social Welfare. Thailand; cited in Archavanitkul 1995

**Table 8: Estimated Number of Undocumented Migrant Workers in Thailand in 1994**

Origin	Number
Burma	334,123
China	100,000
Indochina	10,000
South Asia	81,357
<b>Total</b>	<b>525,480</b>

Source: Immigration Office Thailand 1994

**Table 9: Number of Refugees and Asylum Seekers in Thailand 1994**

Country/Ethnicity/Group	Number
<b>Indochina</b>	<b>19,887</b>
Lao	1,699
Hmong	11,836
Vietnamese	6,352
Cambodia	---
<b>Burma</b>	<b>80,418</b>
Mon	
Karen at border camps	74,449
Shan	
All Burmese Students Democratic Front (ABSDF)	2,000 (estimation)
Students in Safe Area	167
Persons of Concern to UNHCR	2,302
Shan displaced persons in Chiangmai	1,500 (estimation)
<b>Total</b>	<b>100,320</b>

Source: Adapted from Chantavanich 1995

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# สิ่งพิมพ์ของสถาบัน

ค้นหาความจริงเกี่ยวกับการพัฒนา .....ใน

## ศัพท์การพัฒนาศาสตร์: คู่มือความรู้สู่อำนาจ The Development Dictionary : a Guide to Knowledge as Power

ฉันทนา บรรพศิริโชติ, สุริชัย หวันแก้ว บรรณาธิการแปล

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