

# Ethics in Action

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# **‘Women are the last colony’: Interview with gender activist Kamla Bhasin**

Chitra Kalyani

*Kamla Bhasin is a gender activist and trainer on gender and patriarchy. She has worked for the women’s movement for over 40 years. She is also the co-founder of JAGORI, a capacity-building initiative, and is advisor to South Asian feminist network, Sangat. As part of Sangat, Bhasin is the regional coordinator of One Billion Rising. Held on February 14, One Billion Rising celebrates love and uses dance as a medium to campaign for justice and an end to violence against women. In 2013, the first year, 207 countries participated in One Billion Rising with the slogan “Strike. Dance. Rise!” We spoke to Bhasin in the lead up to the second year of One Billion Rising.*

## **Tell us about One Billion Rising.**

There are seven billion people in the world; half of them women. The UN says that out of every three women, one is violated; that means over a billion are violated. So the campaign “One Billion Rising” was started by V-Day, an organization based in New York, run by Eve Ensler, the writer of Vagina Monologues. So ‘V’ is for vagina, ‘V’ is for Victory, ‘V’ is for Valentine’s – all kinds of things. V-Day has been working on violence for the last 10 to 11 years. In 2012, they thought to get a billion people to rise, not just women, but also men and children who love and respect women, and want women to be on this planet.

## **You are also part of another ongoing global campaign “PeaceWomen Across the Globe”?**

I was involved from 2003 to 2005 in a global campaign called “A Thousand Women for the Nobel Peace Prize 2005.” Before 2003, women had been given Nobel Peace Prize only nine percent of the time. And we believe that women do a little more than nine percent

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Chitra Kalyani is a freelance journalist based in New Delhi, India. She writes about arts, culture, and gender issues.

for peace. A woman was given the Nobel Peace Prize for the first time in 1905, and that was Bertha von Suttner from Austria. So for the 100th anniversary of her award, we thought the Nobel award should be given to a thousand women, together. We took the task to find the 1000 women by 2005.

First of all, we redefined peace. Peace for us is not just the absence of war; peace is comprehensive human security. People working for good health are peace activists. Other topics are removal of poverty, education, justice for people, identity – so if you are working for minority rights, rights of gay people, rights of disabled people, you are working for peace. We made 10 categories. We made criteria and asked people to nominate women from their communities and countries. We selected 1000 out of 3000 nominations from 152 countries. There they are, in the book, *1000 Peace Women Across the Globe*.

I coordinated this event in South Asia, from which there are 157 PeaceWomen. It's the largest group from anywhere in the world: partly because there are a lot of problems here, and partly because there is a lot of work here. Now we're a global organization called Peace Women Across the Globe (PWAG) and I'm one of the two global chairpersons. The other is a Swiss socialist woman who lives in Bern. I go there once a year and work with her.

### **How did you get involved in One Billion Rising?**

I met Eve in 2004 while I was working with PWAG. She called me a year and a half ago and asked if I would co-ordinate One Billion Rising in South Asia. I asked for a day to think. The next day we talked again, and I told her I had two conditions. The first condition was there will be no branding – we don't want to do this with the name of V-Day. We have been working on violence for a while. V-Day came 10 years ago; I've been doing this for 40 years. The women's movement is much older, much larger and much bigger.

The second thing was that it should be democratic and decentralised. Others will not decide for us sitting in New York. I will not decide for South Asia sitting in New Delhi, and Dhaka will not decide for Bangladesh. And we will not do what you are doing. We will do what is best for us, and what will take us forward. We work on our own issues and issues can be different. In Africa the issue might be genital mutilation; here it is dowry. A lot of issues are common – rape is common, domestic violence is common, pornography is common.

We agreed on these conditions and I started calling my contacts and coordinating.

## **Why were you against branding?**

I'm against brands; they create problems. I'm doing this for India. One Billion Rising is everybody's movement; it belongs to the women's movement, it belongs to the global movement against patriarchy. So in South Asia it should not be in my organization Sangat's name because Sangat is co-coordinating it. It's yours, own it. Everybody should own it.

V-Day also has concepts like Vagina Warriors, which I don't like. I like the word 'lover' more than 'warrior.' So we do not have to identify with everything they do, and we don't have to defend them. Similarly we don't have to say it's by Sangat and then defend Sangat.

In South Asia, many organizations work for violence against women. When I work alone, or in Sangat, I feel like a drop of water. When I join a global campaign, I feel like the ocean: one billion people rising. If you go to the ocean, will the rivers enter the ocean with their placards of Ganga or Jamuna? No, they become the ocean. And the ocean is not V-Day or Sangat; the ocean is the women's movement.

There is no doubt V-Day has helped us. Every big campaign helps us to deepen and broaden our contacts, our networks, and infuses new energy, with new posters and new slogans. Last year, so many youngsters joined One Billion Rising with flash mob, and people with disabilities joined us dancing on their wheelchairs.

## **You identify yourself first as a South Asian national. Why is that?**

I have been working for 37 years at the South Asian level; I don't work in India much. My main work is in South Asia, for South Asian solidarity, cooperation, and I call myself a regional of South Asia before I say I am an Indian national. I say that because I believe that unless we have peace in South Asia there can be no development.



*Courtesy Sangat, South Asia*

## **How did you start off your career?**

I worked in Rajasthan with an NGO from 1972 to 1975, for four years. That was 47 years ago when I started. Then for 27 years, I worked with the UN. I did not work with governments; mine was a tiny capacity building organization for work in Asia—at that time it was all of Asia. I resigned from the UN in 2002, and for the last 11 years, I worked with Sangat.

## **Tell us about Sangat.**

Sangat is a South Asian feminist network. Feminists for us can be women and men. Our main work is capacity building, networking and movement building. We're a tiny organization of three people. We're not even registered, we're hosted by JAGORI, a feminist organization in Delhi. I'm one of the founders of JAGORI which started 30 years ago. Eleven years ago, my friend Abha bhैया and I started the Delhi JAGORI, along with five others. Then we started JAGORI in Himanchal - JAGORI Grameen or JAGORI Rural Charitable Trust, with which we worked in over a 100 villages.

So Dhiviya Singh, my colleague, is now the official co-coordinator, and I work there part-time. I do the same work in my other time: giving lectures and trainings for men on gender and patriarchy. The men I train are police officers, administrative officers, Indian Administrative Service officers, politicians, heads of NGOs. Yesterday I gave two trainings for a total of 265 auto-rickshaw drivers in Delhi. I also go to colleges to train senior-level administrative officers from different departments.

## **How would you evaluate the status of women today?**

UNDP has calculated the economic value of women's household work, which is unpaid. If it was to be paid at a minimum wage, the UN found that it would be 11 trillion dollars annually. When you ask a husband what his wife does, he says, "Oh, she doesn't do anything. She's just a housewife." That "just a housewife" contributes 11 trillion dollars to the global economy, and it is on her work that the employee, the corporate leader, and the prime minister can get to work on time.

And I thrive and sit here and do this on my help Sujatha's cheap labour. This whole world is running on the cheap labour of women—either as maid-servants or as wives. Men benefit.

Women are the last colony. Other colonies have been liberated. A colony is a person or place whose resources you exploit, whose cheap labour you exploit. So our colonizer, our families, exploit our labour, exploit our sex, exploit our reproductive power, everything. Women are treated like property. In Christian marriages, the father of the bride gives away the bride to the bridegroom. In Hindu marriages, there is 'kanyadaan' (a donation). You can't do 'daan' of citizens, of women above 18. We cannot be owned under the Indian constitution. So, don't talk of equality, don't confuse girls. Don't tell us in your constitution that we are equal, and then have 'kanyadaan' and 'pati', and when at every step I'm told, "You're just a woman."

We call husbands “pati devta” (husband-god). ‘Pati’ means ‘master’—‘swami’ in Bangla. ‘Husband’ means controller, manager, owner; the term ‘animal husbandry’ comes from there. Society doesn’t expect men to be partners; there is no word for partners.

### **You say that patriarchy dehumanizes men. How is that?**

We talk a lot about how patriarchy has harmed women. There’s no denying patriarchy really harms us, and it provides *material* benefits to men. But just see the dehumanization of men in patriarchy. They have no relationship with their emotions; they’re not allowed to cry, not allowed to remain gentle. They’re born beautiful; all of us are born beautiful. We’re born as human beings—we turn them into nasty, masculine, aggressive, dominating men. In spite of all this socialization, some of them escape and become beautiful human beings, but society tries its best not to allow them to be gentle, caring, loving or non-violent.

If I don’t like you or if I hate you, I don’t even want to touch you. But Hindu, right-wing men who hate Muslim women and rape them, use their own penis to violate a woman whom they hate. So what is their relationship with their body? That night, will that man go back home and will he sleep with that same penis with his wife or a girlfriend? Will he use it for producing his own children? What is his relationship with his progeny? He leaves his child in the womb of a Muslim woman; American soldiers leave it in Afghanistan; they’ve left it in Vietnam. These men have no relationship with their emotions, with their body, with their children.

Forty percent of Indian men beat their wives. What are they—are they human? A man who can beat his woman, or a child, is dehumanized. He has lost it; he needs to be taken to a hospital.

### **So why identify reform as a “women’s movement” and not a “human movement”?**

The women’s movement is fighting against patriarchy, but a women’s movement includes men. We have a working class movement—trade unions—but there are also middle class people supporting it. There is a Dalit movement. There is a gay movement—you may not be gay, but you support it. If it’s a black people’s movement, many white people have supported it; blacks are violated because of their colour. Men are also violated, Dalits are violated, but not because of their gender, because of their caste.

We’re not fighting on class directly, we’re not fighting caste. In that sense it is the women’s movement because we are the ones—the 30 percent of us—that are violated because of our gender, because of our sex. Calling it a “women’s movement” tells you that we are

fighting for equality between men and women, but it's inclusive. There are links between class and gender, caste and gender, race and gender, so they're all interconnected. Class, caste, race—they couldn't have continued without patriarchy. You need patriarchy to keep caste purity. You need to control women's sexuality, you need to control her reproduction if you want that Brahmins should remain Brahmins. Similarly, if you want your property to stay within, then you have to control your women. So these are inter-linked and we understand that.

### **What challenges does the women's movement face today?**

If it was only religious patriarchy or traditional patriarchy, we might have fought it by now, but today the capitalist patriarchy is strengthening patriarchy. Pornography is a billion dollar industry promoting patriarchy and masculinity. Cosmetics is a billion dollar industry that keeps telling me that my beauty has nothing to do with my inside; it's to do with my make-up and my Barbie like body, with breast surgeries, and fat surgeries and anorexia. Barbie doll is a million dollar industry, guns for boys is a million dollar industry. Sports which promotes masculinity most of the time is a billion dollar industry. And patriarchy is coming out of our televisions 24/7 on 300 channels. So the corporate world—the corporate media—are the biggest promoters of patriarchy today. They'll do an article on One Billion Rising, but there will be 25 other ads negating what One Billion Rising is saying, so we won't even be one percent of the media that is anti-patriarchy.

*For more information and events regarding One Billion Rising, visit [onebillionrising.org](http://onebillionrising.org) and the Facebook pages for [OneBillionRising - South Asia](#) and [OneBillionRising - India](#). There is also a petition by One Billion Rising on [Change.org](http://Change.org) calling on people to [Rise for Justice](#).*

# Record breaking Baloch march for justice nears completion despite threats and intimidation

*Meryam Dabhoiwala*

On a unique and historic long march protesting against disappearances, Baloch activists have been facing threats from Pakistan's notorious intelligence agency, the ISI. From Quetta to Karachi, and Karachi to Islamabad, the 20-strong member group has been walking carrying pictures of their disappeared relatives and chanting slogans. Covering a total of 2100 kilometers, the march has broken Gandhi's record; Gandhi's famous salt march from Ahmedabad to Dandi, was of 390 kilometers, with Gandhi being 61 years of age then, and the youngest member 18 years of age. Here, the oldest member is 72 years of age, and the youngest is 11 years. Marching for 103 days at the time of writing, all the participants are suffering injuries from their long journey on foot.

The Voice of Baloch Missing Persons organized the 'Long March' comprising mainly women and children, as well as men, all of whom have disappeared loved ones. Earlier, the first phase of the march completed a distance of 730 kilometers from Quetta, capital of Balochistan to Karachi. The second phase of the long march began on 14 December 2013, from Karachi Press Club to Islamabad, a total distance of 1,400 kilometers.

As they left Kashmore, the last city of Sindh province, threatening calls from Punjabi government officials and the intelligence agencies started coming, warning the participants that they would face severe consequences and police resistance if they entered Punjab province.

On 20 January 2014, when the long marchers were walking on the national highway towards the city of Rojhan Mazari, led by 72-year-old Mama Qadeer Baloch, head of Voice for Baluch Missing Persons,



two pickup jeeps arrived. One jeep had ‘Pakistani Afwaj ko Salam’ (salute to Pakistan’s Armed Forces) on it, while the other (a blue colored double cabin) was occupied by four persons in civilian clothes. These persons called over the two policemen escorting the long marchers, and introduced themselves as ISI officers. They asked the police to convey the message that the protest march must be stopped and must not go further towards central Punjab.

Upon receiving a negative reply, they alighted and introduced themselves as ISI officials. In a threatening tone they said the military and the government was not happy with the march and would not allow it to go through Punjab province. When Mama Qadeer and the participants replied in unequivocal terms that they were not afraid of any threat and would continue their march, the officials told them they would face serious consequences. They warned that the police could resort to a baton charge first and then other ‘methods’ to stop their march.

Later that evening, further calls were made by persons claiming to be from military intelligence, warning the protestors to wind up the protest.

As of January 28, the marchers had reached Muzzafargarh in Punjab. Since entering Punjab they had been receiving threats not to go to Lahore and Islamabad. As in other areas, even in Punjab, when the marchers passed through cities and towns, people came out and joined them on their walk for some distance. Central Punjab is the base of the ruling elite. In fact, the province has long been the country’s ruling province. It is also known as the army’s recruiting centre. Despite the threats and warnings not to enter Lahore, the marchers reached the provincial capital safely, escorted by many civil society groups. They received a rousing reception there.

As they proceeded towards Islamabad from central Punjab, the authorities started threatening them once more. Plainclothes persons forced activists who were marching with the protesters in solidarity to identify themselves and supply their home addresses. Mama Qadeer received threatening phone calls from an unknown number, with the caller stating categorically that the decision had been taken that the march would not be allowed into Rawalpindi, the garrison city. The caller warned that all preparations had already been made to ensure that the march would be stopped beforehand; the marchers would not be allowed to present their demands to the UN in “any way, shape, or form”.

At the time of writing the marchers had momentarily reached Rawalpindi (only 13 kilometers from Islamabad), with a dramatic increase in the police patrols surrounding them. In particular, a contingent of lady police was also present (such a contingent is only brought when women have to be arrested or controlled), causing great anxiety amongst the marchers.

## **Disappearances**

Disappearances in Balochistan began swelling in mid-2000, when the then President Pervez Musharraf's government was cracking down hard on the Baluchistan insurgency. Baluch nationalists have been waging a low-level insurgency for decades, demanding greater autonomy and a larger share of Baluchistan's natural resources. Even though the province has huge amounts of coal, minerals and natural gas, it is one of Pakistan's poorest regions. Human rights groups have long accused intelligence and law enforcement agencies of arresting activists and political workers, detaining them for long periods, and then killing them extrajudicially. Baloch nationalist groups claim that up to the present day 18,000 persons are missing or have been extrajudicially killed, whereas independent sources claim that more than 6,000 persons are missing after their arrest. It is also reported that since June 2010, 730 missing persons were extrajudicially killed after their arrest and disappearance. The government of Balochistan has itself confirmed the extrajudicial killings of 530 persons during the same period. The official list also confirms that 2,500 persons are missing after their arrest.

This march is a brave and arduous task undertaken by people who have lost faith in their government and judiciary to provide them with justice. Although Prime Minister Nawaz Sharif has promised to resolve the issue of disappearances as part of a still emerging peace effort in the province, so far commissions set up by the government and Supreme Court have made little progress. The large support the marchers received in each of their stops, as well as the generosity of their fellow citizens in feeding and housing them along the way is what keeps them going, and should be commended. Civil society should continue to stand in solidarity with them and ensure that no harm befalls them. If the ISI takes action against the marchers as threatened, the government will take control of the situation in Balochistan, which will not only lead to the destabilization of Pakistan, but also of its fragile democracy.

A clear message must be sent to the ISI and the government that true democracy demands people be given the right to protest. Democracy also requires everyone to have the right to a fair trial and the process of justice, which is taken away when people are disappeared. Their rights to life, to be free from torture, to liberty and security are also denied. In fact, the road to disappearances is a slippery one, with increasingly anyone being disappeared for any reason. The march of these Baloch activists is a march not just for individual justice, but for social justice. Disappearances and suppression affects all Pakistani citizens.

Another reason this march is so important is the recent enforcement of the Pakistan Protection Ordinance (PPO), through which police and security forces are given the power to arrest any suspect and keep them in custody for three months. Enacted in

October 2013, it came into force on 5 December 2013. An amendment made to the PPO in January 2014 further legalizes disappearances by allowing authorities to withhold the location of detainees as well as the grounds for detention. Moreover, it says that any person arrested or detained by the armed forces or civil armed forces and kept under arrest or detention before the issuance of the PPO, will deem to have been done so under the PPO. It is thus clear that the entire purpose of the PPO is to legalize disappearances retrospectively.

The long march is therefore a strong movement to deny the power of the state to arrest or detain any person on the flimsy charges of suspicion of terrorism. It is also a movement to deny the legalization of torture and extrajudicial killings in custody, under the cover of disappearances.

[UPDATE] The long march participants arrived in Islamabad on February 28, completing their momentous journey.

# Abuse of maid highlights Hong Kong's poor treatment of migrants

*Indonesia desk, AHRC*

A 23-year-old Indonesian domestic worker in Hong Kong, Erwiana was repeatedly assaulted by her employer during her eight month stay in Hong Kong. She did not receive any salary for the eight months in which she worked and was only given HKD 100 when her employer quietly sent her back to Indonesia on 9 January 2014.

After considerable media outcry, the Hong Kong police investigated her case, resulting in the arrest of Erwiana's employer, 44-year-old Law Wantung. She was found to have abused several other helpers as well. She was brought to Kwun Tong Magistracy Court on 22 January 2014 and charged with wounding, common assault, assault occasioning actual bodily harm, and criminal intimidation.

Four officials from Hong Kong's crime squad went to Indonesia to record her testimony, and Erwiana will apparently file a civil suit in Hong Kong to obtain compensation. She received medical treatment at a public hospital in Sragen, Central Java, and was discharged on 5 February 2014. The doctor diagnosed her with, among others, brain concussion and old nasal as well as maxillary bones fractures.

Her injuries come from the daily beatings she endured at the hands of her employer. She was beaten with various objects, including a vacuum cleaner pipe, a clothes hanger and a mop, mainly on her head, but also the rest of her body. Her employer was also reported to have thrown hot water at her. Erwiana was denied medical treatment, even though she was suffering from an allergy and injuries received from the repetitive assaults. Towards the end of her enforced stay, Erwiana noted that her wounds began to ooze blood and pus, which were staining her employer's carpet, despite her wrapping them in bandages and plastic bags. It was then that her employer sent her back to Indonesia, warning her not to speak to anyone regarding her abuse in Hong Kong.

Furthermore, Erwiana was only provided with a small portion of bread and rice everyday, and only allowed to consume tap water. She was not allowed to sleep at night and could only take a nap for four hours, between 1-5pm in the afternoon. Erwiana's passport was confiscated and even though she had applied for a Hong Kong Identity Card (HKID), she was not given the chance to collect it. Erwiana was thus only holding a temporary HKID during her stay in Hong Kong.

After working for one month without pay and under such poor conditions, Erwiana managed to escape from her employer's house. She contacted her employment agency, Chan's Recruitment Agency, but the agency sent its staff to take Erwiana back to her employer's house instead of providing her any assistance. The agency argued that Erwiana could not leave her employer as she had not finished paying off her placement fee. Following Erwiana's attempt to escape, the employer decided to lock the front door at all times, and it was then that the beatings began.

On 9 January 2014, Erwiana was bought a ticket on a midnight flight to Indonesia and warned that her family there would be killed if she spoke to anyone about what had happened to her. Another Indonesian worker on the same flight, Ms R, noticed the severe injuries and wounds suffered by Erwiana; her face was swollen, the skin on her legs and arms was peeling and she was unable to walk on her own. Ms R also learned later that Erwiana was wearing a diaper, allegedly forced on her by her employer.



*Erwiana at Hong Kong International Airport. (The pictures were taken by another Indonesian worker on the same flight as Erwiana)*

## **Migrant workers in Hong Kong**

Migrant domestic workers groups in Hong Kong held a peaceful protest in front of the Indonesian Consulate in Hong Kong on 12 January 2014, demanding the Indonesian

government to urge its Hong Kong counterpart to ensure a criminal investigation against Erwiana's employer takes place. Indonesian Consul Chalief Akbar Tjandradiningrat promised to provide legal counsel for Erwiana and to demand her employment agency in Indonesia PT Graha Ayu Karsa to cover the cost of her medical treatment. He also promised to push for a criminal investigation into the case in Hong Kong.

Under the Foreign Domestic Helper policy, employers of migrant domestic workers in Hong Kong are obliged to provide them with, amongst other things, a wage not less than the Minimum Allowable Wage (HKD 4,010, approximately USD 517 or IDR 6,410,000), food or food allowance, and free medical treatment. The employers are also obliged to allow their workers a rest day that is not less than 24 continuous hours. All of these obligations were violated by Erwiana's employer.

The Hong Kong police had initially refused to initiate a criminal investigation into the allegations of abuse, categorizing it as a miscellaneous crime. Only after protests from migrant workers groups did a police spokesperson claim on 15 January 2014 that the case had been transferred to Kwun Tong district crime squad for further investigation. Physical abuse is a crime under Hong Kong law; there are thus no grounds for the police not to conduct an investigation into the matter. 'Lack of evidence' cannot be used as any logical or legitimate reason to dismiss the case, as the purpose of investigation itself is to gather evidence.

Criminal investigations should not only be directed against Erwiana's employer, but also her employment agency, Chan's Recruitment Centre, for complicity. Rather than providing assistance to Erwiana on the one occasion that she managed to escape and contact them, the agency instead took her back to her employer.

As it turns out, what happened to Erwiana is not an isolated case. Soon after Erwiana's case surfaced, another Indonesian named Susi spoke to the media about her previous experience working for Law Wantung. During her 11-month employment with Law Wantung, Susi was repeatedly beaten, had her hair pulled, and was prohibited from leaving the house or talking to other Indonesians. Susi was also only permitted to use the toilet twice a day. As in the case of Erwiana, Susi was not paid her salary. Another Indonesian currently residing in Singapore has also claimed that she was employed and abused by Law Wantung.

The cases of abuses against migrant domestic workers have tarnished Hong Kong's image as a modern city based on the rule of law. Moreover, Hong Kong's rules place migrant domestic workers in a vulnerable position. Erwiana's case must therefore be seen as a reminder for the Hong Kong policy makers to revise their infamous 'live-in' rule, which requires domestic workers to live with their employers. The Hong Kong government is

also urged to repeal the ‘two-week’ rule, which requires domestic migrant workers whose contract has been terminated to find new employment within two weeks, or to leave Hong Kong.

## Indonesia’s responsibility

While the Indonesian Consulate General in Hong Kong has promised to blacklist Erwiana’s employment agency in Hong Kong, there has been no sign that any investigation will take place into her employment agency in Indonesia, PT Graha Ayu Perkasa, to assess whether it could also be held responsible for the abuse. The Indonesian government should treat this case as a timely reminder to review and revise its current law and policy on migrant workers, in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), to which it is a state party.

In 2004, Indonesia enacted a law on the placement and protection of Indonesian workers abroad. Despite its promising title, the law contains provisions that leave workers abroad at risk of being abused. For instance, the law—and its organic regulation, PER-18/MEN/IX/2007—obliges workers to pay onerous fees to the recruitment agency, putting them in severe debt to the agency. As a result, the workers can hardly refuse the agency’s directives, even if they are to stay with an abusive employer, as happened in Erwiana’s case.

Leaving their recruitment or employment agency is not an option for Indonesian migrant domestic workers. The 2004 law prohibits direct hiring, meaning it is illegal for an Indonesian migrant domestic worker to be employed without any intermediary such as a recruitment or employment agency. For Indonesian migrant workers in Hong Kong, leaving their current employment agency and joining another one is not permitted unless the workers have surpassed a period of two years.

The practice of overcharging not only places the Indonesian migrant workers in severe debt with the agency, but also results in their underpayment. According to a decree issued by the Minister of Manpower in 2012, an Indonesian worker in Hong Kong, such as Erwiana, shall be charged with a total fee of IDR 14,780,400 or HKD 13,436 by the employment



*Migrant workers demanding a criminal investigation in Erwiana’s case and the repeal of policies such as the ‘live-in’ and ‘two-week’ rules. Source: Justice for Erwiana and All Migrant Domestic Workers Committee.*

agency. The fee includes the cost of work training, insurance, medical examination, and travel document application. In practice, however, Indonesian workers employed in Hong Kong are asked to pay a total fee of HKD 21,000, deducted from the workers' salary in their first seven months. Since HKD 3,000 is deducted from their HKD 4,010 monthly salary, Indonesian workers in Hong Kong typically receive slightly above HKD 1,000 in their first seven months of employment.

Although Indonesia became a state party to the ICMW in April 2012, little has since been done by the government to enhance the protection of Indonesian domestic workers abroad. While the Indonesian parliament is currently revising the aforementioned 2004 law on migrant workers, there are no substantial changes in the revision draft to help minimise the risk of workers abroad being abused. As in the existing law, direct hiring remains an illegal act instead of an option the workers can consider. The revision draft also fails to address the heart of the issue of overcharging and debt widely experienced by Indonesian domestic workers.

In her 2004 report, the UN Special Rapporteur on migrant workers, Ms. Gabriela Rodriguez Pizarro, expressed her concern on the issue of overcharging experienced by migrant domestic workers. In her recommendations she called for the government to "take initiatives so as to avoid the indebtedness of migrant domestic workers, including agreements which provide that their recruitment costs be covered by the employer and/or recruitment agencies and State credit programmes for migrant women".

Under article 66 of the ICMW, the government of Indonesia is obliged to effectively regulate and monitor recruitment agencies and other intermediaries. The revision draft of the 2004 law on migrant workers should also focus on improving the current inadequate government scrutiny over employment agencies. At the moment, the government supervision only takes the forms of licensing approval and renewal, as well as the imposition of sanctions. In accordance with the Committee on Migrant Workers's General Comment No. 1, the revision of the migrant workers law should enable transparent inspection by relevant government agencies.

## **Conclusion**

The abuse faced by Erwiana, as well as her silence and the lack of support mechanisms that she could access, indicates the grave problems in the realization of the rights of migrant workers. It also points to the discrimination and prejudice prevalent within Hong Kong. The Hong Kong government needs to carefully consider its policies towards migrant domestic workers, as well as admit the value of their work, upon which the city's economy is dependent. Towards this end, not only should it increase support for migrant workers, it should also step up education and awareness campaigns to prevent discrimination within the wider society. How a city treats its migrant workers is a good indication of its respect for human rights, dignity and freedom.

# Dowry violence: Surviving with stigmas

Dr Rakhshinda Perveen

*(Edited text of a presentation made at the Geneva Summit for Human Rights and Democracy, 25 February 2014)*

Respected guests of honour, human rights heroes, sheroes, mentors, friends, colleagues, ladies & gentlemen, good morning. I would begin with a most sincere 'Thanks' to my host UN Watch, for giving me this privilege of speaking with you as a survivor. Abuses and violence against the weak are prevalent in almost all countries and societies, and mine [Pakistan] is no exception. In the arena of human and women's rights, Pakistan is riddled with confusion, contrast and conflict. We can reflect more on the status of women and girls in general, and some unique women in particular, later in the session, but to comprehend multilayered violence in the life of a Pakistani woman, my personal experience might be meaningful.

*My parents were forced to experience two traumatic migrations. As a child and teenager, I silently tolerated (as the only option then) from a revered figure in the family what I later realized was nothing but child sexual and emotional abuse. Becoming a medical doctor was my childhood dream. In spite of many hardships and emotional baggage, I was able to obtain my degree in medicine. Although my dream was to be a cardiologist, I could not transform that part into reality. An arranged marriage was instead placed on my cards. **Arranged** is the polite expression for **forced marriage**. My highly qualified father was not ready to spend further on my education, and marriage was a better option than a post graduate degree.*

*I was married not to live happily thereafter, but to endure different shades of human behaviour. The dowry that I took with me was equivalent in monetary worth to the fees of my studies at the Royal College of Physicians in the UK (had I been destined to study there) but could not match the expectations of my greedy in-laws. Maybe I am unfair in labelling them greedy. Actually they acted like most of the pragmatic and conformist in-laws. I further embittered them by failing to become simultaneously a money making clinician, a perfect housekeeper and a submissive wife enduring an adulterous weekend husband who wanted a wife only for sexual pleasure. I can still recall that I had to oblige him to get cold drinking water which I was not entitled to, as my dowry did not contain a refrigerator.*

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Ashoka fellow Dr. Rakhshinda Perveen is a recognized gender expert, researcher, author and poet. More information about her and her work can be found at: <http://creativeangerbyrakhshi.com/index.html>

Let me pause my own story for a while and explain here that dowry is not limited to the “gift items” given by the bride’s family at the time of marriage, and dowry violence is not limited to extreme and fatal forms of abuse such as kitchen stove deaths and bride burning. When a gift becomes a demand, it is a form of violence, and the spectrum of dowry violence has embedded in it psychosocial abuses, harmful cultural practices like child marriages, exchange marriages, denial of inheritance and so forth. Each year in South Asian communities, thousands of young brides lose their lives over dowry disputes. They are burnt, killed or mutilated by husbands and in-laws whose material demands remain unfulfilled. Religions including Islam have always been interpreted and applied in favour of men and power structures. Thus, it is not surprising to notice that dowry is prevalent in Pakistan, India, Bangladesh and Nepal - the patriarchal belt of Asia and in SA diaspora.

*Reverting back to my story, my brief married life was thus a tapestry of ordeals of dowry violence. My physical abuses, emotional distress and psychological damages were all too normal, too usual, too customary and too acceptable for all witnesses. I had to conceive against my will while my marriage was sinking. I tried to seek the help of leading gynecologists and obstetricians, some of whom had been my teachers. Most of them “counselled” me to go ahead with the pregnancy ‘as the child would bridge the gap between us, and marriage was the most important part of an honourable woman’s life’. Those who accepted to help me asked for my husband’s consent in terminating the pregnancy. **I ended finally as a divorcee when the ultrasound revealed that I was bearing a girl child. Let me rephrase: I ended as a bad divorced woman from the point of view of conventional morality guarded equally by the educated and otherwise.** I had to fight to get divorced. (In 2011 I wrote a book about those Pakistani women who are divorced, divorced mothers, disabled or never married, above the age of 40. If you wish, I can tell you about the status of divorced women and mothers in the Q&A session).*

*From that point till today, my life followed and is still following a rocky pathway as a self made, fairly stubborn human rights defender, a divorced mother of a daughter, who wants to live with dignity and equality without the push of the social class and pull of networking with power elites. Until my mid thirties, I faced many expressions of manipulation and unwanted interest in urban, modern and educated settings. I am still accused of not being able to pull off a successful married life because of my inability to please a man, cook efficiently and make money like most of the lady doctors in my country. Seen from a distance I appear a successful woman; by no means do I look or sound like a “victim”, because victims are usually poor, illiterate, young and frail. I appeared so strong that nobody realized I was suffering. It was only when I approached my 30s, did I gather the inner courage to start disclosing a little about my life. It took me another 10 years to disclose my exploitation as a child.*

From a victim to a survivor, I have learnt the following things:

- Symptomatic violence like acid burns, chopped nose, rape injuries gain attention and are easy to understand but subtle forms of violence are difficult to explain. Dowry has to be recognized as a form of violence against women and girls, as well as gender based violence. It directly influences the status of a girl child even at the prenatal stage, and deeply impacts her life further if she survives.
- Any victim of violence is less hurt and disturbed by her or his experience, but more disturbed, shocked and at times completely shattered by the silence of their state, system, society and even family. The wounds inflicted on the soul are much more difficult to heal than those on flesh and bones.
- In practice, justice is not accessible to all Pakistani citizens equally, because of the low level of literacy, particularly legal literacy, the lack of awareness of one's rights and the patriarchal mindset within justice institutions themselves. Furthermore, approaching the judiciary through a lawyer is expensive in terms of time, effort and finances.
- I am luckier than a vast majority of women worldwide in that I was able to make a choice: most disadvantaged women have two choices, to enjoy the convenience of subordination, or to pay the price of empowerment. I chose to pay the price of empowerment.

You may be wondering how such abuse could happen in the life of an educated activist. While there is no doubt that education empowers, at the same time it takes away raw courage. In my experience, urban, middle class educated women are loathe to disclose or discuss violence in their lives. They are also quite aware of the absence of any support mechanisms, which further cements their silence.

The reason I am here to share all this, is that dowry violence and its consequences remain buried in the sacred sphere of domestic violence, shrugged off as a private matter in which personal choices and attitudes are to be blamed. **NO.** No violence is a private matter. What an individual or family do is their personal choice, but the response of legal, medical and public service sectors is certainly not a private matter. A state must safeguard the choices and rights of its citizens, including women and girls.

While tricky, this issue merits a priority position in the context of Pakistan, where marriage is a compulsory institution, and where religion and culture are not only mixed up but selectively applied to harm women and girls.

I share my story in the hopes of seeing structured lobbying for serious legislative action in Pakistan, where even today fathers kill their daughters, girls hang themselves and many new brides meet "accidental kitchen deaths" because of dowry systems. Dowry demand,

dowry acceptance, dowry offering and lavish weddings are in fact strong proxy indicators of the deteriorating mental health and moral standards of our society. Dowry is a unique and forgotten form of violence in Pakistan, endorsed in the name of tradition and legally sanctioned, thus making the lives of millions of people miserable and traumatic.

We, the victims and survivors of dowry systems in Pakistan need the support of the international community, because unlike most other forms of violence against women and gender based violence, dowry violence can be prevented through strong legislation, effective implementation and a gender-sensitive judiciary. The international community can make a difference in the lives of millions of families in Pakistan in general and women and girls in particular, by:

- Building a correct understanding of the magnitude and cost of this violence
- Assisting us in devising mechanisms to document dowry-based violence cases and sensitizing mass communication media, all of which would help in further processing the issue
- Assisting in providing psychosocial counseling and legal assistance to the victims, thus helping them become survivors
- Prioritizing dowry violence in elite and high profile forums and agendas
- Pressuring the Pakistani government to enact a legislation against the crime of dowry violence.

My daily struggle is based on the hope that one day all women will enjoy all their rights in Pakistan, while victims of violence and divorced women would live happily and with dignity—without any stigma. Let stigma remain a beautiful part of the flowers, not ugly spots for the victims and survivors of human rights abuses, including dowry violence.

Thank you.

# **South Korea: Sexual harassment in the workplace is organized violence**

*Edited text of a Statement by the Asian Human Rights Commission, AHRC-STM-029-2014, February 06, 2014*

In a speech given on 4 February 2014, at a meeting organized by the Korean Women's Development Institute, South Korean President Park Geun-hye said that her administration would strive to maintain and better programs and systems to ensure that capable women are not barred from achieving their dreams. President Park further promised to create various programmes exploring women's abilities, which will also contribute to society. About 500 women 'leaders' participated in this meeting that was sponsored by the Ministry of Gender Equality and Family.

While South Korea's strong affirmation of a national policy on women was welcomed and appreciated by the 'leaders' at the meeting, the speech means hardly anything to ordinary women, particularly those who face discrimination and harassment at their workplaces. Ironically, one day after President Park's speech, a group of civil society organizations supporting victims of sexual harassment held a press conference revealing how such victims are discriminated at their workplace for seeking justice.

According to their statement, a woman employee with a decade of work experience at Renault Samsung Motors Company, was assigned to a research team in January 2012 and had been sexually harassed for about a year by her team leader, who joined in March 2012. The team leader is responsible for evaluating the merits of each team member. Unable to bear the situation, she decided to resign and informed the company in March 2013, but was encouraged by an executive not to resign. Soon after, however, the executive advised her to resign. Two months of international investigation concluded that the team leader received two weeks of suspension of work and was discharged from his position on grounds of sexual harassment on 13 May 2013. Meanwhile, a sudden rumour floated around the company that the woman had seduced the team leader.

The victim filed a civil suit against the CEO of the company. In June 2013, the company's human resources department warned Ms. Jeong, whose name was found as one of the witnesses in the law suit filed by the victim, not to associate with the victim. When Ms. Jeong refused, the company took punitive disciplinary action against her for

negligence in July. The company also took disciplinary action against the victim on the grounds of obtaining testimony from her colleagues. It is reported that the process of the internal investigation was unfair. Furthermore, the Gyeonggi National Labor Relations Commission ruled on 4 December 2013 that the disciplinary actions against the victim and Ms. Jeong were unfair. Nonetheless, the company suspended Ms. Jeong and the victim from work on December 6 and 11 respectively. It further filed a criminal suit against them on charge of theft (removing classified documents).

Routine and ordinary cases of sexual harassment in a workplace are disconnected from the speech and promises made at the women 'leaders' meeting. Apart from senior company officials, sexual harassment is also routinely practiced by prosecutors against female journalists, followed by very lenient disciplinary action. The NGO Korea Women link released a report in 2013 saying that more than half of the counseling cases they come across (56.35 percent) were related to sexual harassment issues within the company (which had increased by 12 percent compared to the previous year).

National policies are always important in delineating the promotion and protection of rights. It is therefore a good sign that the South Korean administration is planning to develop various programmes for women's economic participation. However, as the case of Renault Samsung Motors Company indicates, if victims of sexual harassment are discriminated for seeking justice in a workplace, and if organizations encourage others to discriminate against the victim, it is nothing but a place of organized violence that the victims will face. Without this practice being changed, President Park's words will simply remain empty promises to ordinary women. Moreover, without any change, these women will be cornered to a place of organized violence requiring their obedient submission to sexual harassment.

# Thailand: Somchai Neelaphaijit— One man, four disappearances

*Statement issued by the Asian Human Rights Commission: AHRC-STM-242-2013, 16 December 2013*

The case of human rights lawyer Somchai Neelaphaijit, whom police officers abducted and forcibly disappeared over nine years ago, took a new twist when the Department of Special Investigation claimed that its file on his case had itself disappeared during anti-government protests last week.

According to Niran Adulayasak, Director of Special Criminal Case Office 1 in DSI in a news report on Thai PBS TV (<http://www.youtube.com/watch?v=q4m1V2x5RTU>), when members of the protests broke into his building, they went to the cabinet containing the file of Somchai's case and removed it from the premises. The file is now, like the person on whom it was prepared, officially disappeared.

The disappearance of the file on Somchai's case is only the latest in a series of disappearances, beginning with the disappearance of Somchai himself. The second disappearance was the disappearance of the one police officer found guilty of criminal offences in connection with the lawyer's abduction in the court of first instance. While appealing the conviction, he supposedly disappeared in a landslide.

Somchai's wife, Angkhana, has said that she doubts the explanations regarding the disappearance of the policeman, and on this occasion the Asian Human Rights Commission doubts the explanation of the DSI regarding the third disappearance, of the file itself. That protestors would break into a government office just to go straight to the cabinet with a file on an abducted human rights defender without bothering with any other of the office's contents is a stretch of the imagination. That the government of the former premier Thaksin Shinawatra, to whom the demonstrators were opposed, was implicated in Somchai's disappearance only makes such an allegation by the DSI criminal cases director all the more fanciful.

The fourth disappearance is, of course, the disappearance of justice: for Somchai, for his family, and for all people in Thailand concerned about consistent violations of the right to life there. The AHRC long ago associated the disappearance of justice with the disappearance of Somchai. But perhaps, almost a decade on from his abduction, it would be better to recognize that justice has not disappeared in this case after all, because it was

never a possibility in the first place. From the beginning, practically all public institutions in Thailand—political and legal—signaled that justice in this case was not going to be realized. Whether or not his family, fellow human rights defenders and other concerned persons were prepared to recognize this ugly fact was a matter of no significance. And it was only a matter of time that along with Somchai, the case itself disappeared too.

[UPDATE] After considerable criticism was made on losing the file, Director of the DSI Special Criminal Case Office 1 announced in a news report on Thai PBS that the file had been found. He also mentioned in the same news report that he planned to consult the prosecutor of special litigation to terminate investigation into the case of disappeared human rights lawyer Somchai Neelaphaijit in January 2014.

# India: Law is no exception to god-men or god-women

*Statement by the Asian Human Rights Commission: AHRC-STM-037-2014, 26 February 2014*

In India, yet another controversy has erupted concerning a spiritual guru. While this time it involves a god-woman from the southern state of Kerala, otherwise the script is an oft-repeated one.

The emergence of a person claiming spiritual and god given powers from a remote hamlet in the country to national and international prominence over a period of time; an estranged early disciple breaking off from the sect; and authoring a memoir throwing light into the otherwise unknown inside aspects of the guru as well as the guru's inner circle, alleging crimes of varying nature including sexual violence and financial misappropriation; and the government going out of the way, beyond the mandates of law, to protect the cult and the persons leading it.

Many countries in the world have had their share of gurus and spirituality driven movements, most of them later exposed as mere spin-offs, led by fraudsters. Perhaps in this list, India stands remarkably high up. India is home to controversial persons like Mr. Sathyanarayana Raju, who was alleged of crimes including being a paedophile; or before him, Mr. Chandra Mohan Jain, who was accused of masterminding a bio-terror attack - the first confirmed instance of bio-terrorism in the United States; and their modern day counterparts like Mr. Asumal Thaumal Harpalani, notorious for rape charges and absconding. The country is fertile ground for such money swindlers and racketeers.

What they all have in common is their ability to get away with their crimes with relative ease, organize for investigations to be stalled, and prevent prosecutions. They all exhibited the same skill in dodging the criminal justice process in India. They all basked in their high-profile political clout, to the extent that no one dared to question them, their cult, or its activities. All of them have spoken in international forums, some at the United Nations, or are referred to as exemplary examples of humanitarian activists, like Satyanarayana Raju, who was repeatedly appreciated by the UN for his water supply programmes, while his otherwise unknown side of life was involved in deep criminality.

A book authored by Ms. Gail Tredwell, alleges that she was raped repeatedly by one of the leading personalities in the cult led by a god-woman from Kerala that she once followed,

and further that the woman she believed to be her spiritual guru was in fact also engaged in criminal activities. Once the book hit the stands, and as expected in any healthy democracy, public opinion and debate for and against the book and the cult movement swelled.

What was appalling and unacceptable however, was the state government going out of its way to silence public opinion against the cult. Moreover, the Home Minister of Kerala underlined his government's subjugation to the cult by declaring that it would not take any criminal actions against the cult or its leadership. The Chief Minister has said that before one criticizes the cult, one should remember the good deeds it has under its belt. If this logic is to be agreed as a legal standard, one of the first persons who should be exonerated, against whom there is a serious criminal charge pending, is Mr Tarun J. Tejpal. Under the leadership of Tejpal, the organization that he led, Tehelka, exposed a large number of political corruption and mal-governance instances in India.

Amongst other things Tredwell has alleged in her book crimes of a serious nature against the cult that she once followed. Some of them have direct and possible consequences that could endanger the security of the nation. Some of these crimes are of such gravity that the statute of limitation does not apply to them.

The government has the fundamental duty to investigate these allegations. Ministers who act against the constitutional mandate that they are bound to uphold and have sworn allegiance to before assuming office, that is to uphold the rule of law, must be prosecuted for breaching their constitutional promise.

Furthermore, such statements will demoralize the state police. State opposition to a legal obligation to promptly investigate an allegation of crime merely serves to promote criminality.

Once a crime is committed, however small it might be, any amount of good deeds performed cannot exonerate the criminal. The power to acquit and convict a person lies with the judiciary in India. Or, are there two sets of laws in India, one for the ordinary citizen and another for the god-men and god-women?



# Practicing Ethics in Action

*Ethics in Action* begins with the realization that both law and morality have failed the people of many countries, who are today facing incredible forms of cruelty that they have little power to eradicate. Despite all the rhetoric of empowerment, the reality witnessed in most Asian countries is desperation and powerlessness. The two ingredients necessary for any real empowerment of ordinary people are law and morality. If living conditions are to improve, defective legal systems and the failures of upholding ethics and morality cannot be ignored. *article 2*, a publication of the Asian Legal Resource Centre, sister organization of the Asian Human Rights Commission, is devoted to discussing matters relating to defective legal systems obstructing the implementation of human rights. *Ethics in Action* will be devoted to discussing how movements and leaderships claiming to uphold ethics and morality have failed to promote and protect human rights.

The AHRC invites submissions to *Ethics in Action* by individuals and organizations interested in issues of human rights, ethics and morality in Asia. Submissions can include articles, poetry, fiction and artwork. For more information, please write to [cia@ahrc.asia](mailto:cia@ahrc.asia).

## Other regular publications by the Asian Human Rights Commission:

*Article 2* - This quarterly publication covers issues relating to the implementation of human rights standards as proposed by article 2 of the International Covenant on Civil and Political Rights.

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