



Building Our Future: A Global Community Campaign

On Topic: abusive international marriages, sex tourism, and trafficking

The latest civil case has garnered much local and national publicity. With heightened attention we use this opportunity to share what gender-based violence looks like in the Hmong American community. Specifically in this brief we clarify the issues of abusive international marriages and/or relationships, trafficking, sex tourism, and we uplift movement work being led by survivors and activists who've spent many decades building a transformative justice movement.

The Global Context – Patriarchy and Gender-based Violence

Our world is largely patriarchal, which explains why 1 out of 3 women will experience abuse in her lifetime. Hmong culture is also patriarchal like most of the world. So, though some aspects vary, it is not some medieval society that seems easy to point to whenever a case of gender-based violence is in the spotlight in community. Like many patriarchal cultures, Hmong women, girls, and those who identify as LGBTQ, are more likely to experience the most egregious forms of gender-based violence in and outside of the home, such as sexual assault, domestic violence, feticide, sex trafficking/exploitation, domestic trafficking, and female mutilation etc.

In the Hmong American community gender-based violence steeped in patriarchy expresses itself as domestic violence in many forms, including abusive international marriages, sexual exploitation, victim blaming, and silencing women's activism. We cannot be clouded by the sensationalization of one case, because we know that it is in this global context that we work to achieve gender justice and equity. As movement agents we seek to develop solutions that better protect survivors, rehabilitate and hold perpetrators accountable, and activates our communities and world to end gender-based violence all together. We refuse to compartmentalize these complexities.

Debunking the silent narrative

First, let's put to rest that the community has been silent about what is happening. As long time activists and community builders, we know it to be true that Hmong American women have been organizing since they arrived in America in the late 1970s to serve the needs, and support the ambitions of women. This includes the many efforts that address domestic violence and sexual assault. Many organizers within **Building Our Future** have long track records of working with mainstream and Hmong systems to raise awareness, design and implement survivor centered programs, and have continuously advocated for cultural and systems change solutions. We, as a part of the larger collective of Hmong women gender justice activists around the world, have not been silent. But, we have seen how easily our movement work is co-opted in moments of crisis. To present a narrative that the community has been silent on these issues is simply false.

Definitional Clarity on abusive international marriages and/or relationships, trafficking, and sex tourism

Labels We Give Women Matter

We know that for survivors of gender-based violence the risks of further harm are not only caused by the perpetrator, but also by the system and community. Knowing this we must be conscious as advocates, leaders, and service providers that for survivors our language (what we label women) have real consequences. The names and labels we use matters.

Wife versus sex trafficked victim results in viewing a woman as a family member or an outsider.

Hmong women (no matter their age) have a cultural understanding that being a wife has cultural implications. When a Hmong woman from overseas marries a Hmong American man, she genuinely believes she has become his wife. Becoming a wife makes her a family member, and offers some protection and support when she is abused. So, though we agree that there needs to be systemic cultural change to ensure fairness and protection for domestic violence victims, the clan system offers a wife some way to seek familial protection and accountability when abuse happens.

If we generalize and label every woman in abusive relationships as trafficked victims if they happen to be brides from overseas then we unintentionally change their status in the community. For Hmong women “wife” and “bride” still offer more dignity and community and familial support than “sex worker,” “prostitute,” or “exploited worker.” The latter labels devalue her in the community, and may unintentionally take away her communal and familial support. This further exposes survivors to community-generated risks causing victim blaming and shaming, public ridicule, shunning, harassment, and additional sexual violence.

More importantly, if Hmong women who are victims of abusive international marriages/relationships do not see themselves as outsiders, or if they don’t want to be identified as trafficked sex workers, then they will not seek anti-trafficking remedies. And community members may then also deem that the older adult husbands are innocent victims trapped by the young women (who are labeled and seen as prostitutes and sex workers). Her family, extended family, and various systems would place all the burdens of responsibility and change on her rather than the perpetrator or the systems themselves.

Abusive International Marriages and/or Relationships

We want to be clear that there is nothing wrong with international marriages, and we are not against them; however, abusive international marriages happen. Having traveled across the country and engaged many local communities, we know that it impacts nearly all Hmong clans/families simply by the fact that we are a community where familial relationships makes every person related.

Wisconsin Hmong advocates and survivors have been exploring the connections between international marriages, domestic violence, and sexual assault within the Hmong community since 2007. In those spaces the advocates, survivors and victims coined the term "*abusive international*

marriages and/or relationships" encapsulating what they were seeing, hearing, and experiencing in the community as a new form of gender-based violence. To learn more about this work, please go to: <http://www.apiidv.org/issues/internationalmarriages.php>.

Abusive international marriage is defined as *"the practice of older adults (mostly men) residing in the US marrying younger [people] from Asian countries under deception that leads to abuse. What makes these marriages abusive are: the large age differences between the spouses that can range from 20 to 70 years; men's duplicity in declaring their true marital situation in the US; wives in the US coerced into divorce; and the sexual victimization of young persons. The practice of abusive international marriages causes physical, emotional, sexual, spiritual, and/or economic harms. Its victims include underage brides from Laos, Thailand, and China married to significantly older men; first, previous and/or current wives in the US; young teenage and adult children in the family; the relatives, such as siblings and in-laws on both sides, and friends and family in the US, Laos, Thailand, and China."* (Abusive International Marriages: Hmong Advocates Organizing in Wisconsin Report, 2012)

This definition is different from trafficking and sex tourism because it captures the cultural nuances of the dynamics of this new form of gender-based violence towards women and girls under the umbrella of marriage.

Trafficking

Trafficking is defined as the recruitment, harboring, provision, receipt, transportation and/or obtaining of individuals by using force or threats, coercion, fraud and/or using systems of indebtedness or debt bondage for purposes of sexual or other forms of economic exploitation.

Therefore, trafficking involves:

- Actions (recruitment, harboring, provision, receipt, transportation and/or obtaining of individuals),
- Illegal Means (using force or threats, coercion, fraud and/or using systems of indebtedness or debt bondage), and
- Illegal Purposes (sexual or other forms of economic exploitation).

By contrast, an abusive international marriage would rarely satisfy all three components of the trafficking definition for the following reasons. Young women who are victims of abusive international marriages believe they are coming as wives; their applications for fiancé visas does would not satisfy the means of coercion; and, the husbands are not making money off of the sexual exploitation. This makes trafficking solutions and legal remedies unfit to meet the needs of victims. It would be mistaken to suggest to survivors that this law would apply to their cases if all the conditions of trafficking were not met.

Sex Tourism

The United Nations defines sex tourism as "trips organized from within the tourism sector, or from outside this sector but using its structures and networks, with the primary purpose of effecting a commercial sexual relationship by the tourist with residents at the destination."

Sex tourism is illegal for Americans when the individual engages sex with minors. The US Protect Act aims to prevent child abuse in all its forms whether in the US or overseas. It authorizes fines and/or imprisonment for up to 30 years for U.S. citizens or residents who engage in illicit sexual conduct abroad. For the purposes of this law, illicit sexual conduct is defined as commercial sex with or sexual abuse of anyone under 18, or any sex with anyone under 16.

The law is in place, and we continue to advocate for greater communications about it, as well as the use of it to stop sexual exploitation of children/young people in Southeast Asia and across the globe. As adults realize the financial, developmental, and emotional responsibilities of marrying young brides, we believe more and more will choose to no longer marry the young women, but instead increase their activities overseas for the purposes of engaging in sexual activity. We all need to do more to protect young people globally from sexual exploitation.

Other Legal Consequences for Young Women

It is important to understand that trafficking is defined as a crime, invoking serious penalties for perpetrators and related fall-out for victims, while legal remedies for abusive international marriages reside mostly in the realm of family law. Additionally, when the matchmakers are family members, there might be many motivations for the matchmaking (such as, family reunification). This makes it difficult to isolate those illegal or prohibited motives for prosecution purposes, leaving few alternatives for a young bride in this situation.

A victim deserves justice, and we fully support those whose situations can be corrected by legal remedies. However, we must also do more to support transformative justice solutions that result in shifts in cultural norms and practices to change deeply rooted patriarchal beliefs, attitudes, and behaviors. It's the only way the world will greatly reduce and end gender-based violence. This includes ensuring we have increased and better support for victims and survivors, perpetrators, and the community.

We recognize that there may be more funding available for trafficking in the current political climate, so domestic violence and cultural programs are reviewing to see if they are in fact serving trafficked Hmong women. We urge leaders, including activists and advocates, who want to do a better job of serving the community to listen, learn, and find solutions that work for the survivors and the community, not just programs.

This brief is not meant to replace legal advice and counsel. It only provides a general overview for clarification purposes. Please seek proper legal counsel if you need it.

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