FORCED LABOR
HUMAN &
TRAFFICKING MENTAL HEALTH

THE EXPERIENCES OF REFUGEES AND ASYLUM SEEKERS IN MALAYSIA
FORCED LABOR, HUMAN TRAFFICKING AND MENTAL HEALTH

The Experiences of Refugees and Asylum Seekers in Malaysia

Health Equity Initiatives
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FOREWORD

Mental health is multi-dimensional. It is not purely psychological. It encompasses the physical and social. Disabling social contexts generate and perpetuate ill health. They also have implications for progress of treatment by hindering the efficacy of therapeutic interventions and improvement of health outcomes.

Based on the provision of mental health services to refugees and asylum seekers over the past four years, Health Equity Initiatives (HEI) recognized the limitations of treatment using only pharmacotherapy and psychotherapy with its refugee clients as the underlying social context of their lives seemed to perpetuate their symptoms and ill health. As such, the organization decided to undertake this research on the association between forced labor and human trafficking and mental health morbidity in order to systematically investigate these issues.

The research findings underscore the need to strongly consider the need for social interventions such as legislative and policy change related to refugees, enforcement of labor standards and psycho-social protection for trafficked persons, to complement and supplement pharmacological and psychological interventions for this population. Ongoing threats to security and unprotected work conditions contribute significantly to mental ill health in this population and impede their accessibility to health care services.

Given the global health dimensions and magnitude of this problem, it is vital for health professionals to engage more actively on this issue to protect and promote the health of refugees and asylum seekers, especially those who are experiencing forced labor and human trafficking.

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- Organization of Karenni
- Shan Refugee Organization
- National League for Democracy
- Christian Fellowship Church

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Background

Malaysia is host to one of the largest refugee and asylum seeker populations in Asia. The UN High Commissioner for Refugees (UNHCR) in Malaysia registered 91,985 refugees as of end April 2011. Most (92%) are from Myanmar/Burma.

The absence of refugee protection in the national legal system is an overarching structural issue that gives rise to many issues and concerns. Unable to work legally in the country, many refugees and asylum seekers survive on low-paying jobs in the plantation, construction, manufacturing, or service sectors—albeit without legal protection and with increased vulnerability to human trafficking and forced labor.

Malaysia has ratified 5 out of 8 core ILO conventions, notably the C29 Forced Labour Convention (1930). Non-citizens are also recognized under Malaysian labor laws. However, the rights of non-citizens under these and other domestic laws apply only to those deemed legal; refugees and asylum seekers are considered “illegal immigrants” under Malaysian law, specifically the Immigration Act 1959/63 (Act 155).

Malaysia is considered to be a destination country and, to a lesser extent, a source and transit country for persons experiencing human trafficking—including forced labor. The Malaysian government has undertaken several measures to address human trafficking in the country. However, protection and psychosocial assistance to people who have experienced forced labor and human trafficking, and the specific vulnerability of refugees and asylum seekers to forced labor and human trafficking, are emerging areas of concern in Malaysia—although lacking in systematic enquiry. Equally, the medical and psychological consequences of forced labor are a relatively under-examined research topic. This report seeks to address these gaps.

Methodology

This cross sectional exploratory study used both quantitative and qualitative methods. The objectives of the study were:

1. To measure the prevalence of forced labor among refugees and asylum seekers from Burma in the study population.
2. To measure the prevalence of Depression, Anxiety and Stress among refugees and asylum seekers from Burma who have experienced forced labor in the study population.
3. To explore the associations between forced labor and Depression, Anxiety and Stress among refugees and asylum seekers from Burma in the study population.
4. To assess the support system and coping strategies used by refugees and asylum seekers from Burma to cope with forced labor and human trafficking in the study population.

A survey questionnaire was used to identify survivors of forced labor, and then explore and analyze these experiences in greater detail through qualitative methods (in-depth interviews and case studies). The prevalence of Depression, Anxiety and Stress were measured using
the Depression, Anxiety, and Stress Scales-21 (DASS-21). Forced labor was measured using indicators provided by the ILO (as per the ILO Forced Labour Convention, 1930 (No. 29)) for the twin criteria of: (1) involuntary consent; and, (2) menace of threat under which the service is exacted.

Results

Quantitative
1. Prevalence of forced labor in the study population:
   - About one-third of the study population had experienced forced labor
   - About 61.2% of all those who had worked full-time had experienced forced labor
   - Both men and women experienced forced labor conditions
   - There was no association between documentation status and forced labor
   - Though forced labor was prevalent in all work sectors, the construction and agriculture/plantation sector had a higher proportion of forced labor

2. Prevalence of Depression, Anxiety and Stress in the study population:
   - About 70.2% and 68.7% of the study population had symptoms of Depression and Anxiety respectively
   - Extremely severe symptoms of Anxiety were more evident than extremely severe symptoms of Depression or Stress
   - Moderate to severe levels of Depression and Anxiety were found in almost half the study population
   - Women displayed higher levels of Anxiety and Stress
   - Depression and Stress were not different between refugees and asylum seekers
   - Asylum seekers evidenced higher levels of Anxiety than refugees
   - Unemployment was associated with higher levels of Depression, Anxiety and Stress
   - The construction, manufacturing and service sectors were associated with higher levels of Anxiety than the other sectors

3. Association between forced labor and Depression, Anxiety and Stress:
   ANALYSIS-1:
   - Among those who worked full-time, participants who had experienced forced labor had higher levels of Depression and Anxiety than those who did not experience forced labor.

   ANALYSIS-2:
   - The unemployed and those who experienced forced labor had similar (higher) levels of Depression, Anxiety and Stress.
   - Full time workers who did not experience forced labor had distinctively significant low levels of Depression, Anxiety and Stress compared to all other types of employment.

Qualitative
The qualitative component of the study described the route into forced labor and the threats that were used to keep the person in forced labor. The practice of deception and fraud, withholding of wages, physical confinement, non-payment of wages, threats of denunciation to authorities, induced indebtedness, physical violence and sale into ownership of another punctuated the narratives of the respondents.
Most respondents used active and adaptive coping strategies related to problem solving and dealing with negative emotional responses; a few used strategies of mental disengagement like day dreaming, alcohol use and reverting to fantasy.

The social support of family, friends, and community members played a significant role in coping with their dire work/living conditions and in escaping from their forced labor situation.

The case studies on human trafficking revealed various and severe mental health problems experienced by trafficked persons.

**Discussion and Conclusions**

The study findings demonstrate the links between unemployment, forced labor and human trafficking, and uncertain refugee status with mental ill health. It adds to the growing body of evidence that point to socio-political-legal contexts including immigration policies and poor labor protection policies which are emerging as significant social determinants of health, and predictors of mental ill health specifically.

The vulnerability of refugees to forced labor and human trafficking was found to be rooted in their “undocumented” status and their exposure to the situational predictors of forced labor and human trafficking. These are: work sectors requiring cheap, informal labor to perform ‘3-D work’ (dirty, demanding, dangerous); having labor shortages; employing migrant labor; using large sub-contracting chains; and, lacking in adequate regulation of the labor sector.

The social factors precipitating mental ill health in this population call for a multi-sectoral approach that deploys specialized health interventions using innovative approaches and social interventions to prevent and address forced labor and human trafficking, and to protect and promote mental health among refugees and asylum seekers in Malaysia.

Above all, it calls for the respect, protection and promotion of human rights of refugees and asylum seekers in Malaysia. This is especially significant in the light of Malaysia’s obligations under international law, especially in relation to the C29 Forced Labour Convention of the ILO (1930), the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), and CEDAW (1997).

**Recommendations**

**Refugee Recognition**

1. Recognize refugees and accord them the protection required under international law;

**Labor Rights**

3. Accord refugees and asylum seekers the right to work;
4. Regulate the labor sector to prevent and protect against exploitation and forced labor and strengthen labor standards—especially in work sectors where there is a proliferation of forced labor;
5. Address aspects of immigration law and policy that engender practices of forced labor and human trafficking—especially among foreign migrant labor;

Health and Psycho-Social Support Related to Forced Labor and Human Trafficking
6. Ensure (both legally and in practice) that all persons who have experienced human trafficking and forced labor, regardless of their legal status, have access to appropriate legal, medical and protection services;
7. Initiate training of law enforcers and legal personnel on health issues related to forced labor and human trafficking to strengthen victim identification;
8. Initiate training of social workers, mental health and medical personnel on immigration, forced labor and human trafficking issues in addition to specialized clinical competencies required to provide care to persons who have experienced forced labor and human trafficking;
9. Initiate training of medical and mental health interpreters to support counseling, psychotherapy and provision of medical care;
10. Initiate multi-sectoral strategies for the treatment and rehabilitation of persons who have experienced forced labor and human trafficking;
11. Include refugees in anti-poverty strategies and accord refugees the right to work;

Refugees, Asylum Seekers and Human Trafficking
12. Recognize and integrate the special protection needs of refugees and asylum seekers within enforcement of border control and anti-trafficking strategies;
13. Ensure that refugees and asylum seekers who have been trafficked will not be refouled (returned to their country of origin).
INTRODUCTION

Refugees and Asylum Seekers

Malaysia is host to one of the largest refugee and asylum seeker populations in Asia. The UNHCR in Malaysia registered 91,985 refugees as of end April 2011. Most (92%) are from Myanmar/Burma, comprising of some 36,200 Chins, 20,800 Rohingyas, 9,900 Myanmar Muslims, 3,900 Mon, 3,500 Kachins and other ethnicities. There are around 7,600 refugees and asylum seekers of other nationalities; including 4,100 Sri Lankans, 1,100 Somalis, 720 Iraqis and 490 Afghans (UNHCR Malaysia, 2011).

Refugees and asylum seekers in Malaysia are not confined to camps, but instead live in urban and rural settings. Protecting refugees and asylum seekers in such an open environment is particularly challenging. In most cases, UNHCR can only provide refugees with identification cards, which are not uniformly regarded by enforcement personnel. The agency routinely intervenes when refugees are detained for immigration offenses, although it is generally understaffed and has limited resources (Refugees International, 2011).

Forced Labor and Human Trafficking: Malaysia’s Laws and Obligations under International Law

Although forced labor is recognized as one of the exploitative reasons for human trafficking, there are millions of people who are not trafficked, yet experiencing forced labor. According to the International Labour Organization (ILO), at least 12.3 million people are victims of forced labor globally. The Asia-Pacific region has the highest prevalence of forced labor and forced labor for economic exploitation (ILO, 2005).

Malaysia has been a member state of the ILO since 1957 and has ratified 5 out of 8 core ILO conventions, notably the C29 Forced Labour Convention (1930), which provides that forced labor shall be punishable as a penal offence, and it shall be an obligation on any ratifying State to ensure that the penalties imposed by law are adequate and are strictly enforced. Malaysia has also ratified two ILO core conventions particularly concerning child labor, the C138 Minimum Age Convention (1973) and C182 Worst Forms of Child Labour Convention, 1999. Under the ILO, labor rights apply to all workers universally, regardless of their legal status.

Malaysia has also ratified a number of UN conventions that ensure protection of various human rights for citizens and non citizens, including the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, the 1979 Convention on the Elimination of Discrimination against Women (CEDAW) and the 1989 Convention on the Rights of the Child (CRC).

Non-citizens are also recognized under Malaysian labor laws. The three major labor laws in Malaysia—the Employment Act 1955, the Trade Union Act 1959, and the Industrial Relations Act 1967—cover non-citizens. However, the rights of non-citizens under these and other domestic laws apply only to those deemed legal. In this regard, refugees and asylum seekers are considered “illegal immigrants” under Malaysian law, specifically the Immigration Act 1959/63 (Act 155).
Protection Issues Related to Refugees, Forced Labor and Human Trafficking

The absence of refugee protection in the national legal system is an overarching structural issue that gives rise to many issues and concerns. Designated as “illegal immigrants”, refugees and asylum seekers in Malaysia are highly vulnerable to arrest, detention and deportation as well as punitive and harsh measures, including large-scale “crackdowns” and corporal punishment in the form of judicial caning (Amnesty International, 2010).

The irregular status of refugees and asylum seekers in Malaysia compromises their access to education, legal employment, health care and other social freedoms. Unable to work legally in the country, many refugees and asylum seekers survive on low-paying jobs in the plantation, construction, manufacturing, or service sectors albeit without legal protection—thus increasing their vulnerability to human trafficking and forced labor.

Malaysia is considered to be a destination country and, to a lesser extent, a source and transit country for persons experiencing human trafficking, including forced labor (US Dept. of State, 2011). The Malaysian government has undertaken several measures to address human trafficking in the country. Besides senior government officials and the Prime Minister publicly acknowledging the problem of human trafficking in Malaysia (US Dept. Of State, 2011), the government enacted the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 which came into effect on 28 February 2008 and was amended in 2010. The government also established a National Action Plan (2010-2015) on 31 March 2010 and set up the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants. The government also gazetted nine shelter homes for trafficked persons (SOM Bali Process, 2011).

However, protection and psychosocial assistance to people who have experienced forced labor and human trafficking (US Dept. Of State, 2011), and the specific vulnerability of refugees and asylum seekers to forced labor and human trafficking (Health Equity Initiatives 2011), are emerging areas concerning Malaysia—although lacking in systematic enquiry.

In general, there is also a lacuna in knowledge related to the medical and mental health problems of persons who have experienced forced labor (Benach et al., 2010) although the risk factors related to forced labor including violence, deprivation of food, non-consensual sex as well as risky and unregulated work conditions are known. This report seeks to address some of these gaps.

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1 “Illegal immigrant” is defined as a non-citizen who contravenes section 5, 6, 8, 9, or 15 of the Act or regulation 39 of the Immigration Regulations 1963 (Section 55E(7)). Except for citizens, the Act states that no person shall enter Malaysia unless he/she possesses a valid Entry Permit (Section 6(1)). Any person who enters or remains in Malaysia illegally is liable to prosecution, which may result in detention, corporal punishment in the form of whipping, a fine and/or deportation.
This cross sectional exploratory study used both quantitative and qualitative methods.

**Research Objectives**

1. To measure the prevalence of forced labor among refugees and asylum seekers from Burma in the study population.
2. To measure the prevalence of Depression, Anxiety and Stress among refugees and asylum seekers from Burma who have experienced forced labor in the study population.
3. To explore the associations between forced labor and Depression, Anxiety and Stress among refugees and asylum seekers from Burma in the study population.
4. To assess the support system and coping strategies used by refugees and asylum seekers from Burma to cope with forced labor and human trafficking in the study population.

There has been substantial discourse around the challenges associated with doing research on forced labor and human trafficking, not only because of the clandestine nature of the problem, but also because of the difficulties in developing global estimates of forced labor, and the numerous conceptualizations of the inter-linkages between forced labor, human trafficking and other terms such as “modern day slavery” (Laczko & Gramegna, 2003; Laczko, 2005; Ruwanpura & Rai, 2004). These pose difficulties to measuring the problem, making cross country comparisons and establishing global estimates (Andrees & van der Linden, 2005; International Labour Office, 2009).

However, conceptual clarity can be derived from international law and practice which has clear definitions for each of these interconnected phenomena. Positively, the ILO has helped to establish greater conceptual clarity concerning forced labor. This has been useful for research purposes, but a standard identification tool for forced labor does not exist.

Primary research, rapid assessments, as well as questionnaires and interviews, are regarded as superior research methods and identification tools respectively, as survivors are in the best position to disclose information about themselves, and the use of more than one method is considered best in order to cross check information (Ruwanpura & Rai, 2004).

With consideration given to the research objectives and available resources, HEI decided to use a survey questionnaire to identify survivors of forced labor, and then explore and analyze these experiences in greater detail through qualitative methods (in-depth interviews and case studies). It was also decided that the role of human trafficking would be examined in the qualitative component.

**Quantitative**

The following inclusion criteria were used for the study sample:

1. UNHCR-recognized refugees and self-identified asylum seekers from Burma living in the Klang Valley, Malaysia
2. Adults (age 18 and above)

Achieving a random sample among urban refugees is difficult because they are often dispersed throughout the host population (Landau, 2004). Methodological challenges to sample trafficked persons randomly are linked to the hidden nature of this population who often wish to avoid detection by authorities (Kelly, 2003; Laczko, 2005). For these reasons, convenience sampling was used while making efforts to ensure that the sample population reflected the refugee and asylum seeker population from Burma living in Malaysia with respect to ethnicity (the correct proportion from each major ethnic group) and sex (70% male and 30% female), as per current UNHCR statistics of registered refugees and asylum seekers in Malaysia.

In total, 1074 individuals belonging to eight ethnic groups and 10 different community organizations participated in the study.

Questionnaire
The quantitative data was gathered through a self-administered structured questionnaire that included three sections: 1) demographics; 2) the DASS-21; and 3) a forced labor identification tool. The following sections were included in the questionnaire:

Section 1: Demographic Information
This section covered basic demographic information, including age, sex, ethnicity, UNHCR documentation status, sector of work, and length of time in Malaysia.

Section 2: The Depression, Anxiety and Stress Scales (DASS-21)
The Depression, Anxiety and Stress Scale (DASS) is a 42-question questionnaire developed by Lovibond & Lovibond (1995), with each question being an indicator of a negative emotional manifestation. The DASS corresponds closely to categories outlined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) for each of its Depression, Anxiety and Stress scales (Lovibond & Lovibond, 1995; Gloster et al., 2008).

This study used the DASS-21, which is a shortened version of the DASS questionnaire with 21 questions. The DASS-21 has been found to be highly suitable for research purposes (Lovibond & Lovibond, 1995; Antony et al., 1998; Henry & Crawford, 2005). The reliability of the DASS-21 questionnaire has been proven (Lovibond & Lovibond, 1995; Henry & Crawford, 2005; Crawford et al., 2011; Gloster et al., 2008; Crawford & Henry, 2003). This tool has been successfully used in various studies conducted for Malaysian automotive workers (Edimansyah et al., 2008), the normal population (Crawford & Henry, 2003), primary care (Gloster et al., 2008), and mental health patients (Ng et al., 2007).

The scores for DASS-21 were summed up and multiplied by 2 to reflect the scores obtained through the full DASS (Lovibond & Lovibond, 1995).

Section 3: (Part A and B): Identification of Forced Labor
The ILO’s forced labor definition based on its Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105), which is composed of two elements: 1) the work or service is exacted under menace of a penalty; and, 2) it is undertaken involuntarily. The ILO has also come up with a set of indicators for each element to help identify forced labor in practice.
HEI's identification tool, which was based on the ILO's forced labor definition, was divided into two parts: Part A's questions were based on the ILO's indicators for the involuntary nature of the work; and, Part B's questions were based on the ILO indicators for menace of penalty to ensure continuance of work. For a participant to be identified as a survivor of forced labor they would have had to have answered “Yes” to at least one question from Part A as well as at least one question from Part B.

**Questionnaire Development**

The questionnaire was developed in English and translated into Burmese by HEI's Community Health Workers from Burma. It was cross checked and tested twice by a Burmese language expert/academic and HEI's Community Health Workers (CHW) to ensure precise and simple vocabulary was used, sensitive to their ethnicity and culture. It was again back-translated into English. A standardized script of explanation and examples (SSEE) of unfamiliar terms was developed in order to help study participants better understand the questions. The Community Health Workers were trained to administer the questionnaire. The questionnaire was piloted in the community prior to the start of the research.

**Qualitative**

The qualitative component of the research consisted of two parts: 1) in-depth interviews; and, 2) an analysis of three case studies handled by HEI's mental health and/or case management services.

**In-Depth Interviews**

**Sampling and Recruitment**

Fifteen individuals were purposively sampled from those who had completed the questionnaire based on their having been identified as forced labor survivors, having a high number of indicators for forced labor, and having high DASS scores. Ethnicity, sex and sector of work were also considered in order to achieve a sample that reflected the diversity in the population.

**Interview Guide**

An interview guide was created to structure the questions for the in-depth interview. The guide was divided into sections covering: 1) demographics; 2) nature of the forced labor experience; 3) nature of the human trafficking experience (if applicable); 4) social support system; and, 5) coping strategies to deal with forced labor and human trafficking.

**Interviews**

The interviews took place either at HEI’s office or at another location decided upon by the interviewee. The interview team consisted of 1) the interviewer; 2) a counselor/note taker; and, 3) the interpreter. They were paid RM50.00 (or USD16; plus any transport costs) for their participation in the interview to compensate for their loss of that day’s wage.

**Case Studies**

Cases of three trafficked persons that HEI had managed were also analyzed.
Ethics

The study received ethical clearance through the Melaka-Manipal Medical College in Malaysia. The research was explained to all participants verbally and in writing through an explanatory statement and informed written consent was obtained. All stages of the research considered the safety, security, privacy, and confidentiality of the participants. A professional counselor who was not involved in the data collection process monitored the interview process to ensure that re-traumatization did not occur. HEI’s mental health services and case management services were made available to all the study participants.

Limitations

The primary limitations of the research relate to sampling and information bias. The absence of random sampling means that the results are indicative but not generalisable to the larger refugee population from Burma in Malaysia. Besides a possible selection bias it is possible that refugees experiencing the worst forms of forced labor may not be represented in the sample because they simply cannot leave their situation.
RESULTS: QUANTITATIVE

This section provides a summary of the quantitative results of the study related to demographic data, the prevalence of forced labor and of mental health morbidity in the study population, and association between the experience of forced labor and mental health morbidity. Appendix-1 details the selection of cases for analysis for each of the three quantitative research objectives and the statistical analysis undertaken. For this report, a plain language summary will be provided for the most part.

Demographic Data

In total, the data for the present analysis was obtained from 1,074 respondents. The demographic details are given in Table-1.

There were more males (n = 705) than females (n = 367) in keeping with the gender distribution of the refugee population in Malaysia. Two respondents did not indicate gender.

The age of the respondents ranged from 13 years to 70 years, with a mean age of 29.3 years. The age range of 21-30 years accounted for 53.3% of the population.

The majority belonged to the ethnic minorities of Burma, notably the Chin ethnicity.

Of the 1,074 respondents surveyed, 465 were asylum seekers.

SUMMARY OF RESULTS: QUANTITATIVE

1. Prevalence of forced labor in the study population:
   - About one-third of the study population had experienced forced labor
   - About 61.2% of all those who had worked full-time had experienced forced labor
   - Both men and women experienced forced labor conditions
   - There was no association between documentation status and forced labor
   - Though forced labor was prevalent in all work sectors, the construction and agriculture/plantation sector had a higher proportion of forced labor

2. Prevalence of Depression, Anxiety and Stress in the study population:
   - About 70.2% and 68.7% of the study population had symptoms of Depression and Anxiety, respectively
   - Extremely severe symptoms of Anxiety were more evident than extremely severe symptoms of Depression or Stress
   - Moderate to severe levels of Depression and Anxiety were found in almost half the study population
   - Women displayed higher levels of Anxiety and Stress
   - Depression and Stress were not different between refugees and asylum seekers
   - Asylum seekers evidenced higher levels of Anxiety than refugees
   - Unemployment was associated with higher levels of Depression, Anxiety and Stress
   - The construction, manufacturing and service sectors were associated with higher levels of Anxiety than the other sectors

3. Association between forced labor and Depression, Anxiety and Stress:
   - Among those who worked full time, participants who had experienced forced labor had higher levels of Depression and Anxiety than those who did not experience forced labor.
   - The unemployed and those who experienced forced labour had similar (higher) levels of Depression, Anxiety and Stress.
   - Full-time workers who did not experience forced labor had distinctively significant low levels of Depression, Anxiety and Stress compared to all other types of employment.
At the time of the study, respondents had been living in Malaysia from anywhere between 1 month to 14 years, the mean period of living in Malaysia being about 2.6 years (SD=1.95).

Most respondents had worked in Malaysia, either full-time or part-time and were most commonly employed in the service, construction, and manufacturing sectors.

### Prevalence of Forced Labor

#### Identification of Forced Labor

About half of the sample population (49.3%) found full-time work at some point of their stay in Malaysia, whereas the others worked part-time or were unemployed. In identifying respondents who had experienced forced labor, only those who had ever worked full-time in Malaysia (n=529) were considered.

According to the ILO, an experience of Forced Labor includes the experience of at least one indicator related to the involuntary consent and one indicator related to menace of threat in relation to the work performed. The numbers of those who answered in the affirmative to indicators related to these two phenomena are identified in Table-2 (Indicators of Involuntary Nature of Work) and Table-3 (Indicators of Menace of Threat).

Amongst those who had worked full-time in Malaysia (n=529), there were 324 (61.2%) respondents

---

Table-1: Demographics (N = 1,074)*

<table>
<thead>
<tr>
<th>Variables</th>
<th>Frequency (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sex</strong></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>705 (65.8)</td>
</tr>
<tr>
<td>Female</td>
<td>367 (34.2)</td>
</tr>
<tr>
<td><strong>Age (years)</strong></td>
<td></td>
</tr>
<tr>
<td>Below 20 years</td>
<td>129 (12.0)</td>
</tr>
<tr>
<td>21-30 years</td>
<td>572 (53.3)</td>
</tr>
<tr>
<td>31-40 years</td>
<td>248 (23.1)</td>
</tr>
<tr>
<td>41-50 years</td>
<td>95 (8.8)</td>
</tr>
<tr>
<td>Above 51 years</td>
<td>30 (2.8)</td>
</tr>
<tr>
<td><strong>Ethnicity</strong></td>
<td></td>
</tr>
<tr>
<td>Burmese/Bamar</td>
<td>51 (4.7)</td>
</tr>
<tr>
<td>Chin</td>
<td>610 (57.0)</td>
</tr>
<tr>
<td>Kachin</td>
<td>79 (7.4)</td>
</tr>
<tr>
<td>Mon</td>
<td>184 (17.2)</td>
</tr>
<tr>
<td>Karen/Kayah</td>
<td>26 (2.4)</td>
</tr>
<tr>
<td>Shan</td>
<td>7 (0.7)</td>
</tr>
<tr>
<td>Arakanese/Rakhine</td>
<td>38 (3.5)</td>
</tr>
<tr>
<td>Karen/Kayin</td>
<td>56 (5.2)</td>
</tr>
<tr>
<td>Burmese Muslim</td>
<td>1 (0.1)</td>
</tr>
<tr>
<td>Others</td>
<td>19 (1.8)</td>
</tr>
<tr>
<td><strong>Documentation status</strong></td>
<td></td>
</tr>
<tr>
<td>Refugee</td>
<td>606 (56.4)</td>
</tr>
<tr>
<td>Asylum Seeker</td>
<td>74 (6.9)</td>
</tr>
<tr>
<td>Pending Asylum Seeker Application</td>
<td>391 (36.4)</td>
</tr>
<tr>
<td><strong>Duration of stay in Malaysia</strong></td>
<td></td>
</tr>
<tr>
<td>Up to one year</td>
<td>334 (31.1)</td>
</tr>
<tr>
<td>Up to two years</td>
<td>206 (19.2)</td>
</tr>
<tr>
<td>&gt; More than 2 years</td>
<td>529 (49.6)</td>
</tr>
<tr>
<td><strong>Work experience in Malaysia</strong></td>
<td></td>
</tr>
<tr>
<td>Have provided work/service</td>
<td>924 (86.3)</td>
</tr>
<tr>
<td>Never done any work/service</td>
<td>147 (13.7)</td>
</tr>
<tr>
<td><strong>Type of Employment</strong></td>
<td></td>
</tr>
<tr>
<td>Worked part-time and never worked</td>
<td>545 (50.7)</td>
</tr>
<tr>
<td>Worked full-time</td>
<td>529 (49.3)</td>
</tr>
<tr>
<td><strong>Work sector</strong></td>
<td></td>
</tr>
<tr>
<td>Agriculture/plantation</td>
<td>63 (6.5)</td>
</tr>
<tr>
<td>Construction</td>
<td>244 (27.2)</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>199 (20.3)</td>
</tr>
<tr>
<td>Service</td>
<td>375 (38.3)</td>
</tr>
<tr>
<td>Domestic work</td>
<td>15 (1.5)</td>
</tr>
<tr>
<td>Education</td>
<td>12 (1.2)</td>
</tr>
<tr>
<td>Health care</td>
<td>17 (1.7)</td>
</tr>
</tbody>
</table>

* Cases with missing values have been excluded
who were identified as having experienced forced labor (i.e. 30.0% of the study population). Of these, 260 were men and 64 were women. See Figures 1 and 2.

With regard to the forced labor criteria of involuntary nature of work, about one in three forced labor respondents (36.9%) reported to having experienced indicators such as deception about the type/terms of work and withholding of wages (see Table-2 for the above two situations). One-third (32.7%) said that they were “threatened with a penalty if they did not do the work or service.” Physical confinement to the work location was reported by 24.8% of respondents who had experienced forced labor. A little less than one-fourth (22.5%) indicated that they were induced into indebtedness through their work.

![Figure 1: Forced Labor Identification in the Study Population (N=1,074)](image)

![Figure 2: Forced Labor Identification among Those Who Worked Full-Time (n=529)](image)

<table>
<thead>
<tr>
<th>I was forced into the work because,</th>
<th>Count</th>
<th>n=529 (Worked Full-Time)</th>
<th>N=1074 (Total Study Population)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I was deceived or false promises were made to me about the types or terms of the work/service.</td>
<td>195</td>
<td>36.9</td>
<td>18.2</td>
</tr>
<tr>
<td>I was physically confined to the work location and unable to leave voluntarily.</td>
<td>131</td>
<td>24.8</td>
<td>12.2</td>
</tr>
<tr>
<td>I was threatened with a penalty, if I did not do the work/service. wages were withheld and not paid to me. my identity documents or other valuable personal possessions were retained by someone else, and I was denied access to them. I was induced into indebtedness through my work.</td>
<td>173</td>
<td>32.7</td>
<td>16.1</td>
</tr>
<tr>
<td></td>
<td>195</td>
<td>36.9</td>
<td>18.2</td>
</tr>
<tr>
<td></td>
<td>49</td>
<td>9.3</td>
<td>4.6</td>
</tr>
<tr>
<td></td>
<td>119</td>
<td>22.5</td>
<td>11.1</td>
</tr>
</tbody>
</table>
### Table-3: Indicators of Menace of Threat

<table>
<thead>
<tr>
<th>Actual or threatened</th>
<th>Count</th>
<th>n=529 (Worked Full-Time)</th>
<th>%</th>
<th>N=1074 (Total Study Population)</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical violence against me, my family or my associates kept me working and made it difficult for me to leave.</td>
<td>65</td>
<td>12.3</td>
<td>6.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial penalties kept me working and made it difficult for me to leave.</td>
<td>184</td>
<td>34.8</td>
<td>17.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Denunciation to authorities (police, immigration, RELA, etc.) kept me working and made it difficult for me to leave.</td>
<td>80</td>
<td>15.1</td>
<td>7.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exclusion from future employment kept me working and made it difficult for me to leave.</td>
<td>89</td>
<td>16.8</td>
<td>8.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Removal of my rights and privileges as a worker kept me working and made it difficult for me to leave.</td>
<td>192</td>
<td>36.3</td>
<td>17.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deprivation of food, shelter or other necessities kept me working and made it difficult for me to leave.</td>
<td>154</td>
<td>29.1</td>
<td>14.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loss of social status and/or exclusion from the community and social life kept me working and made it difficult for me to leave.</td>
<td>135</td>
<td>25.5</td>
<td>12.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Threats of dismissal from the job kept me working and made it difficult for me to leave.</td>
<td>151</td>
<td>28.5</td>
<td>14.1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Figure 3: Sector-wise Distribution of Forced Labor among the Study Participants

![Sector-wise Distribution of Forced Labor among the Study Participants](image-url)
In 36.3% of the cases (Table-3), work was extracted under menace of penalty through threats of removal of rights and privileges as workers. Actual or threatened financial penalties were reported by 34.8% of forced labor respondents. Actual or threatened deprivation of food, shelter and other necessities, dismissal from the job and social exclusion, were threats employed to confine at least 29.1% of the study population.

**Forced Labor by Age, Gender, Work sector and Documentation Status**

Of those who worked full-time in Malaysia (n=529), 406 (76.7%) were men and 123 (23.3%) were women. 64% of men and 52% of women who worked full time had experienced forced labor (Table-4). There was no association between gender and forced labor.

There was no association between documentation status (being a refugee or asylum seeker) and forced labor.

Though forced labor was prevalent in all work sectors, the construction and agriculture/plantation sector had a higher proportion of forced labor. See Figure 3.

<table>
<thead>
<tr>
<th>Table-4: Forced Labor Identification by Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
</tr>
<tr>
<td>No Forced Labor</td>
</tr>
<tr>
<td>Subjected to Forced Labor</td>
</tr>
<tr>
<td>Total Who Worked Full-Time</td>
</tr>
</tbody>
</table>

**Mental Health Morbidity**

**Prevalence of Depression, Anxiety and Stress**

The DASS-21 scale was used to measure the prevalence of Depression, Anxiety and Stress in the study population. The five categories in the DASS manual, namely, *normal, mild, moderate, severe, and extremely severe* and their recommended cut-offs (Lovibond & Lovibond, 1995) were used to grade the severity of the morbidity.

When the scores of the mild, moderate, severe, and extremely severe categories were added up, about 70.2%, 68.7% and 41.2% of the study population were found to have symptoms of Depression, Anxiety and Stress respectively.

The percentage of people manifesting extremely severe symptoms of Anxiety (14.0%) was much more than the percentage of cases with extremely severe symptoms of Depression and Stress.

Figures 4-6 indicates that moderate to severe Anxiety was found in almost half (43.4%) of the study population, while moderate to severe Depression also affected almost half (43.8%) and moderate to severe Stress was prevalent in about one-fifth (20.7%) of the study population.
RESULTS: QUANTITATIVE

Figure 4: Severity of Depression

Figure 5: Severity of Anxiety

Figure 6: Severity of Stress
Depression, Anxiety and Stress by Gender, Documentation Status, Work Sector and Type of Employment

This section explores the association between mental health morbidity and gender, documentation status, work sector and type of employment. Appendix-1 identifies the statistical tests used.

See Table-5 for DASS score ranges by gender. There was no significant association between gender and Depression scores. However, women had higher mean scores than men on both Anxiety and Stress.

Table-5: Depression, Anxiety and Stress Disaggregated by Gender

<table>
<thead>
<tr>
<th></th>
<th>Depression</th>
<th>Anxiety</th>
<th>Stress</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Normal</td>
<td>210 (30.7%)</td>
<td>98 (28.1%)</td>
<td>234 (34.2%)</td>
</tr>
<tr>
<td>Mild</td>
<td>144 (21.0%)</td>
<td>78 (22.3%)</td>
<td>88 (12.8%)</td>
</tr>
<tr>
<td>Moderate</td>
<td>241 (35.2%)</td>
<td>117 (33.5%)</td>
<td>197 (28.8%)</td>
</tr>
<tr>
<td>Severe</td>
<td>64 (9.3%)</td>
<td>31 (8.9%)</td>
<td>92 (13.4%)</td>
</tr>
<tr>
<td>Extremely Severe</td>
<td>26 (3.8%)</td>
<td>25 (7.2%)</td>
<td>74 (10.8%)</td>
</tr>
</tbody>
</table>

Asylum seekers evidenced higher levels of Anxiety than refugees. Depression and Stress were not different between refugees and asylum seekers.

Table-6: Depression, Anxiety and Stress Disaggregated by Work Sector

<table>
<thead>
<tr>
<th></th>
<th>n</th>
<th>Mean</th>
<th>Std. Dev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depression</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Agriculture/Plantation</td>
<td>49</td>
<td>13.02</td>
<td>6.21</td>
</tr>
<tr>
<td>2 Construction</td>
<td>235</td>
<td>13.78</td>
<td>6.68</td>
</tr>
<tr>
<td>3 Manufacturing</td>
<td>182</td>
<td>13.29</td>
<td>7.05</td>
</tr>
<tr>
<td>4 Service</td>
<td>398</td>
<td>12.89</td>
<td>7.46</td>
</tr>
<tr>
<td>5 Other</td>
<td>30</td>
<td>11.87</td>
<td>7.27</td>
</tr>
<tr>
<td>6 Never Worked</td>
<td>139</td>
<td>14.01</td>
<td>7.71</td>
</tr>
<tr>
<td>Total</td>
<td>1033</td>
<td>13.29</td>
<td>7.41</td>
</tr>
<tr>
<td>Anxiety</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Agriculture/Plantation</td>
<td>49</td>
<td>13.43</td>
<td>6.87</td>
</tr>
<tr>
<td>2 Construction</td>
<td>235</td>
<td>10.55</td>
<td>6.88</td>
</tr>
<tr>
<td>3 Manufacturing</td>
<td>182</td>
<td>11.05</td>
<td>6.60</td>
</tr>
<tr>
<td>4 Service</td>
<td>398</td>
<td>11.28</td>
<td>7.62</td>
</tr>
<tr>
<td>5 Other</td>
<td>30</td>
<td>7.55</td>
<td>6.53</td>
</tr>
<tr>
<td>6 Never Worked</td>
<td>139</td>
<td>12.65</td>
<td>7.62</td>
</tr>
<tr>
<td>Total</td>
<td>1033</td>
<td>11.25</td>
<td>7.27</td>
</tr>
<tr>
<td>Stress</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Agriculture/Plantation</td>
<td>49</td>
<td>11.35</td>
<td>7.05</td>
</tr>
<tr>
<td>2 Construction</td>
<td>235</td>
<td>13.40</td>
<td>7.40</td>
</tr>
<tr>
<td>3 Manufacturing</td>
<td>182</td>
<td>13.78</td>
<td>6.95</td>
</tr>
<tr>
<td>4 Service</td>
<td>398</td>
<td>14.07</td>
<td>7.62</td>
</tr>
<tr>
<td>5 Other</td>
<td>30</td>
<td>11.10</td>
<td>7.67</td>
</tr>
<tr>
<td>6 Never Worked</td>
<td>139</td>
<td>15.34</td>
<td>7.81</td>
</tr>
<tr>
<td>Total</td>
<td>1033</td>
<td>13.82</td>
<td>7.50</td>
</tr>
</tbody>
</table>
Levels of Anxiety varied between work sectors; however construction, manufacturing and service sectors were associated with higher levels of anxiety than other sectors. See Table-6.

The study examined if the type of employment had an effect on DASS scores. The study population was divided into 3 groups: those who had never worked in Malaysia (unemployed), those who had worked only part-time, and those who had worked full-time.

A large majority of the respondents had worked full-time (50.4%) or part-time (36.4%). Only 13.2% had never worked in Malaysia.

Overall, these results indicate that being unemployed does have an effect on the Depression and Stress scores of refugees in the study population. Specifically, the results indicate that the unemployed and part-time workers had higher levels of Depression than those employed full-time. The unemployed had higher levels of Stress than the full-time employed though the Stress levels of part-time workers was not significantly different than the unemployed. See Table-7.

**Association between Forced Labor and Mental Health Morbidity (Depression, Anxiety and Stress)**

As Table-8 suggests, refugees subjected to forced labor had a moderate mean score of Depression while those who had not experienced forced labor had only a mild mean score of Depression. The Depression levels regardless of labor conditions fell within the mild range. Similarly, with respect to Anxiety, forced labor subjects displayed a moderate mean score of Anxiety while non-forced labor subjects displayed a mild mean score of Anxiety. However, the total Anxiety score regardless of labor conditions fell within the moderate range. The overall mean Stress score fell within the normal range, although the Stress score for forced labor subjects bordered between the normal and mild.
Table-8: Association Between Forced Labor and Depression, Anxiety and Stress

<table>
<thead>
<tr>
<th></th>
<th>No Forced Labor Experience</th>
<th>Experienced Forced Labor</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depression</td>
<td>200</td>
<td>321</td>
<td>521</td>
</tr>
<tr>
<td>Mean</td>
<td>10.27</td>
<td>14.21</td>
<td>12.70</td>
</tr>
<tr>
<td>Std. Dev.</td>
<td>7.42</td>
<td>7.13</td>
<td>7.49</td>
</tr>
<tr>
<td>Anxiety</td>
<td>200</td>
<td>321</td>
<td>521</td>
</tr>
<tr>
<td>Mean</td>
<td>9.00</td>
<td>12.09</td>
<td>10.91</td>
</tr>
<tr>
<td>Std. Dev.</td>
<td>7.56</td>
<td>6.97</td>
<td>7.35</td>
</tr>
<tr>
<td>Stress</td>
<td>200</td>
<td>321</td>
<td>521</td>
</tr>
<tr>
<td>Mean</td>
<td>11.04</td>
<td>14.50</td>
<td>13.17</td>
</tr>
<tr>
<td>Std. Dev.</td>
<td>7.98</td>
<td>7.09</td>
<td>7.62</td>
</tr>
</tbody>
</table>

Statistical analysis (as per tests outlined in Appendix-1) showed the following:

Analysis-1:
- Among those who worked full-time, participants who had experienced forced labor had higher levels of Depression and Anxiety than those who did not experience forced labor.
- Overall, there was no difference in Stress levels between those who experienced and did not experience forced labor.

Analysis-2: (See Figure-7)
- The unemployed and those who experienced forced labor had similar (higher) levels of Depression, Anxiety and Stress.
- Full-time workers who did not experience forced labor had distinctively significant low levels of Depression, Anxiety and Stress compared to all other types of employment.

Figure 7: Difference in DASS scores by Type of Employment and Experience of Forced Labor
RESULTS: QUALITATIVE

In-depth Interviews

Of the fifteen interviews, nine were conducted in Burmese, the national language of Burma. Five were in specific ethnic dialects: one in Chin; two in Lai (a Chin sub-dialect); and two in Karen (Sakaw). One interview with a person belonging to the Shan ethnicity was conducted in Mandarin.

All interview audio-recordings were transcribed verbatim and in full before formal data analysis. Individuals fluent in Burmese and the ethnic dialects used in the interviews and a native speaker of Mandarin transcribed and translated the interviews into English.

Thematic content analysis of the interview transcripts using open and axial coding was used as the main method of qualitative data analysis.

Background Characteristics of the Respondents

The participants in the in-depth interviews comprised of nine refugees, three asylum seekers registered with UNHCR and three asylum seekers pending application of asylum claim with UNHCR.

Female refugees and asylum seekers constituted a quarter of the respondents.

The average age of respondents was 32 years and 4 months (age range 22-50 years).

The majority belonged to ethnic minorities.

The average time since arrival in Malaysia was four years (ranging from one year to eight years four months).

Nearly half of the respondents had provided work/service in the construction sector.

Forced Labor Experience

Most respondents spent the bulk of their interviews describing their past forced labor experiences and the effect of these experiences on them. Figures 8 and 9 summarize the findings of the qualitative component of the study.

The experiences raised by respondents within this key theme have been sorted into the two broad components of forced labor, namely: (1) route into forced labor; and, (2) the menace of threat/penalty. In addition, the specific experiences of forced labor in the different work sectors (plantation, manufacturing, service and construction) have been analyzed to unravel the distinctions in the practice of forced labor in the different work sectors.
Figure 8: SUMMARY. Description of Forced Labor among Refugees and Asylum Seekers in the Study Population: Qualitative Research Analysis

- **ROUTE INTO FORCED LABOR**
  - **DECEPTION & FRAUD**
    - Promise of good wages
    - Promise of protection from enforcement authorities
  - **SALE INTO OWNERSHIP**
    - Usually Entails
  - **PHYSICAL CONFINEMENT**
    - Language difficulties
    - Few contacts
    - Lack of work experience in Malaysia

- **MENACE OF THREAT**
  - **DENUNCIATION TO AUTHORITIES** (Most effective threat)
  - WITHHOLDING OF WAGES
  - FINANCIAL PENALTIES
  - PHYSICAL VIOLENCE

- **VULNERABLE TO HUMAN TRAFFICKING**

- **BY UNLICENSED AGENTS**
  - Service Sector

- **BY EMPLOYERS / OWNERS OF BUSINESS**
  - Plantation

**Prolonged Forced Labor Situation**
Figure 9: SUMMARY. Social Support Systems and Coping Strategies among Refugees and Asylum Seekers in the Study Population who Experienced Forced Labor: Qualitative Research Analysis

COPING STRATEGIES

PROBLEM FOCUSED COPING
Solving or managing the distress causing problem

EMOTION FOCUSED COPING
Reducing negative emotional responses

RESTRAINT COPING
(Letting time lapse until an appropriate opportunity presents itself before taking action)
- Taking time to make plans to escape from forced labor situation

SOCIAL COPING
- Seeking material aid and help to escape from forced labor situation

SOCIAL COPING
- Sharing and talking about feelings

RELIGIOUS COPING
- Praying to God

MENTAL DISENGAGEMENT
(Reducing & solving or managing the distress causing problem)
- Alcohol use
- Daydreaming
- Reverting to fantasy

INSTRUMENTAL SOCIAL SUPPORT SYSTEMS

FAMILY & FREINDS
(Primary source of emotional support and material aid)

REFUGEE ORGANIZATIONS
(Advice, assistance, information, access to UNHCR)

UNHCR
(Facing problems with enforcement, access to healthcare)
**Route into Forced Labor**
The route to forced labor is usually subtle; involving **deception or fraud** to achieve the consent of victims. The negative role of **agents** was frequently brought up by respondents.

Respondents reported they were particularly reliant on agents when they arrived in Malaysia. Difficulty with language, lack of network/contacts as well as lack of work experience typically led to involvement with agents. Those who had been in Malaysia long enough were less dependent on agents. Usually, agents were also from Burma. Refugees/asylum seekers typically became involved with agents through recommendations of friends and relatives. On average, agents’ fees are between RM100-RM150 for each job offer. Respondents typically knew beforehand the risk of being involved with agents and their dishonesty. Nevertheless, the pressure to provide for families usually prevails and respondents often risk going to the agents. One respondent said

“I’ve heard about agents that they did not hold to their words....” (FL-0455 [Male, 32]),

“If I do not work, my children and I will get into trouble. I cannot just sit and wait for the good ... job.” (FL-0863 [Male, 50])

Refugees and asylum seekers were usually tricked into forced labor situations through promises of a good wage. Respondents also often found that the type of work they ended up with was not as originally promised. For example, FL-0455 (Male, 32) was called by an agent who promised a job paying RM1,900 per month at a hotel. He was put to work in the construction sector and paid only RM850 per month. FL-0068 (Male, 28) shared that an agent promised him a job at a grocery shop, where he would be sweeping the floor. Instead, he was taken instead to a worksite, a two hour drive from Kuala Lumpur, where he was forced to provide hard physical labor as a stone grinder.

Aside from the promise of good wages, agents and employers typically took advantage of their undocumented status in Malaysia. FL-0455 (Male, 32) described how agents and employers persuaded refugees and asylum seekers by making assurances to take care of them if they faced trouble with enforcement authorities.

“They persuaded us in many ways; saying the job is good, we will take care of everything including your health and if you are arrested, we will take care of you if there is an ‘Operasi’ [i.e. police or Immigration raid].” (FL-0455 [Male, 32])

Wages were often less than the amount originally promised to them. Withholding of wages was widely prevalent. Most respondents shared that they were often not paid on time or that their wages were wrongfully kept from them. **Withholding and non-payment of wages** were typically used as a way to “blackmail” workers into providing involuntary labor.

“I said I’d quit, but he told me not to quit. ‘If you leave, I’ll not pay.’” (FL-0863 [Male, 50])

“I wanted to quit but the boss said he wouldn’t pay if I left.” (FL-0696 [Female, 24])

Another typical route to forced labor was **physical confinement**. Physical confinement in the plantations is arguably the worst due to the remote nature of the workplace. Nevertheless, physical confinement also occurred in other work sectors, and was imposed by both agents and
employers. FL-0455 (Male, 32) recalled the following experience while waiting for a job.

“I was locked at a house for two weeks. The agent said he would give me a job if available. He kept me at a house with other people from Burma, Chins and Indonesians, including 3 women. We were locked in the room when they went out.” (FL-0455 [Male 32])

Respondents put in physical confinement were usually also subject to induced indebtedness. Employers/agents usually bought food and other supplies for them and charged a much higher price. FL-0068 (Male, 28) shared how his employer over-charged the workers for the supplies he provided to them,

“He supplied us rice, oil, salt, etc. (...) the price was double if compared with (goods sold) outside... for a bag of rice, at that time... (it cost) RM15, but he charged RM36 ... it was like they made profit from us...” (FL-0068 [Male 28])

Employers also charged high interests in cases where they lent money to workers.

“He lent money to me but if I borrowed RM100 he wrote it down as RM150 or sometimes RM200.” (FL-0721 [Male, 30])

Only three respondents reported sale into ownership of another as a route into forced labor. One of them was FL-0911 (Male, 26), who was sold by his employer at a restaurant to a farm owner. Another respondent, FL-0336 (Male, 47) reported being transferred from one employer to another. He knew what was happening when he was being sold to a new boss, but he could not protest,

“If we disagreed, it wouldn’t bring us any good (...) he threatened to send us to jail or to ask police to arrest us.” (FL-0336 [Male 47])

A female respondent, FL-0481 (Female, 41) was almost sold by an agent to a client (for sexual exploitation), indicating internal trafficking. Below is her description of the day she realized she was being sold.

“She [the agent’s wife] said to me that the boss would come and I had to prepare myself. When I asked her how I should prepare, she told me to wear new clothes and to put on make-up. When I told her I didn’t know how to put on make-up, she did it for me (...) I realized that I was sold, and became frightened. One of the men said, “Let (the price) be 4,000; 5,000 is too much,” the other said, “It’s OK” and then, “You can take her.” (FL-0481 [Female 41])

**Menace of Threat/Penalty**

Respondents described a wide range of penalties, including physical violence and financial penalties. Because of their undocumented status in Malaysia, the most effective penalty was denunciation to authorities.

**Denunciation to authorities** was the main means to keep refugees and asylum seekers in forced labor. Respondents most commonly reported use of this threat by employers/agents in comparison to other penalties. This penalty proved to be the most effective as the refugees/
asylum seekers are considered “illegal” in the context of Malaysian law.

“The boss threatened to bring us to the police station… he said that, if we didn’t work, because we didn’t have a permit… he could take us to the police station. In the restaurant where we worked, (they said) “You don’t have any permit, (we) can call the authorities to come and conduct ‘Operasi’ and then arrest you. (We) can (take) you to the police station.” (FL-0958 [Female, 22])

Other penalties included physical violence and financial penalties. FL-0336 (Male, 47) shared that he and his co-workers were beaten if they took a break during work. Alternately, the employer also threw stones and shouted at them. FL-0863 (Male, 50) recalled being struck from behind with a trolley because his employer considered him too slow at doing his work. His leg was hurt; he could not walk for a week and had to go to the clinic.

Financial penalties were commonly imposed when workers made mistakes at work. FL-0629 (Male, 41) had RM50 cut from his wage just because he came late to work once. Deduction was even imposed for non-mistakes. For example, FL-0696 (Female, 24) shared,

“He (the employer) deducted RM20 every time we did wrong in the … farm … He’s not nice; he deducted my salary if my brothers visited me.”

Penalties related to food and other necessities were more likely to occur in cases where respondents were put in confinement. FL-0336 (Male, 47) said that he and his co-workers were mainly given instant noodles. Others reported that they were often fed stale food. FL-0958 (Female, 22) recalled, “the vegetables (were) rotten already, not fresh…” She got diarrhea sometimes and did not feel full after eating the food. Sleeping arrangements were often inadequate. Those who were confined often had to share accommodation with many people in small rooms.

Physical confinement led to exclusion from social and community life. FL-0721 (Male, 30) shared how he was separated from his co-workers.

“They lived in a different house. We have to live separately. The boss did it like that. We cannot live together.”

Visits from friends or family members were also often denied. FL-0861 (Male, 23) mentioned being housed in a hostel where visitors were forbidden.

Contextuality of Work Sectors

The practice of forced labor differed by context; most strikingly, by work sector. The following section provides a comparison of forced labor experiences in different sectors.

Construction
Several respondents stated that refugees and asylum seekers work in construction because it is easier to find jobs there with fake documents.
Working in the construction sector is physically demanding. FL-0336 explained that he had to work long hours. He said,

“In normally working hours for a laborer is 8 hours, but we always worked for 10 hours without overtime. We thought he may add to our salary, but he didn’t.” (FL-0336 [Male, 47])

In construction, refugees and asylum seekers are typically given dangerous tasks and a heavy workload. FL-0625 (Male, 23) spent two months working in construction. His job was to dig ground rods for cables. FL-0336 (Male, 47) described that his boss forced him to do a very hard task in wiring. He was dismissed from work when he refused to do this.

“In 2010, my job was wiring ... He forced me to do what I can’t do. I had to pull a big wire containing 16 smaller wires, each of them 1-inch thick. I had to do this by myself. Whenever I went up the stairs pulling that wire, I worried I would slip. “Pull, pull!” he shouted to me loudly. I responded to him that you forced me to do what I can’t do. Then he discharged me. He said, “You are dismissed and you won’t receive your salary.”” (FL-0336 [Male, 47])

The harshness of the work conditions seemed to vary according to documentation status. For example, FL-0625 (Male, 23) shared that in construction, easier jobs were usually given to locals while “tough” jobs were given to refugees and asylum seekers. On the other hand, work sites employing documented migrant workers and refugees revealed a different dimension to the problem. FL-0629 (Male, 41) shared that he had to dig soil and bury wire under a very hot sun while documented migrant workers were given a lighter workload.

“The job was digging the soil and burying wire under the hot sun. We never had hats, so, our faces were (sun burnt). I was worried we might get sick. There were also 4 or 5 Indonesians, but they didn’t dig, only we did. When we told them to dig, they said their job was to bury the wire.” (FL-0629 [Male, 41])

The greater vulnerability of undocumented workers to harsh work conditions gains support in a comparative analysis between work conditions of FL-0625 (Male, 23), FL-0629 (Male, 41) and FL-0903 (Male, 39) who had refugee cards and FL-0721 (Male, 30) who was an asylum seeker with no UNHCR card. FL-0721 (Male, 30) faced a worse forced labor situation as he was physically confined and was often threatened with denunciation to authorities. FL-0721 (Male, 30) shared that whenever he asked for his payment, the employer shouted back to ask if he would like to be taken to the police instead. FL-0336 (Male, 47) also shared that when he was still undocumented (not yet given a UNHCR card), his employer also often threatened to call the police. He feared arrest so he obliged and kept working.

FL-0625 (Male, 23) reported physical violence at his workplace. He mentioned that the boss would pull his hair in front of others if he made a mistake at work. Respondents working in construction commonly reported verbal abuse. FL-0625 (Male, 23) shared that his employer shouted at him. FL-0336 (Male, 47) described the violent treatment he received at work.

“During two months, one time he beat me with force. Moreover, he threatened, he threw stones (at me), pushed me and shouted at me. “Hurry, hurry! You can’t do that? You want to go to jail?” He pushed us like that and left us starving and thirsty. My body couldn’t stand it since he didn’t let us stop for a meal.” (FL-0336 [Male, 47])
RESULTS: QUALITATIVE

Withholding and non-payment of wage was typical in the construction sector. FL-0336 (Male, 47) and FL-0629 (Male, 41) explained that they stayed on their jobs despite the bad conditions because they feared they would lose their wages. FL-0903 (Male, 39) thought that the withholding was done on purpose to enable the employer to “control” him and keep him on the job.

“I got wages for 15 days only after working 45 days. I worked another 45 days, and got wages for 15 days. I would lose the remaining wages if I ran away.” (FL-0336 [Male, 47])

“He didn’t want to give us the wages and kept it from us, so we had to work until he agreed to pay our wages although we were not willing to keep working.” (FL-0629 [Male, 41])

“I think he controlled me by not giving my full salary. When I took out the salary, he kept some amount, and controlled me to keep me working for him. He didn’t want to give it to me when I asked.” (FL-0903 [Male, 39])

The in-depth interviews revealed that physical confinement was more difficult to enforce in the construction sector and escaping from construction jobs is easier than from jobs in other sectors, mainly because of the open work environment and because construction jobs are usually temporary projects. Threatening workers by withholding wages seemed to be the most common means to prevent them from leaving.

Plantation
In his in-depth interview, FL-0911 (Male, 26) provided rich detail about forced labor in the agriculture sector. He spent four months in a plantation in northern Malaysia, and shared that he initially got a job in a restaurant, where he worked from 6 am to 11 pm. He was promised that his wage would be paid at the end of the month. Before a month passed, however, the employer told him he would be moved to another job. He protested, but his employer said he was not capable of working in service and that he “did not look good.” At first, he did not know where the new job would be and what it was.

“I didn’t know that I was going to the plantation, the farm. I was told differently about going somewhere else. I was not told where I was going. When the boss told me, “We will go there, for you to go work,” I thought he meant I was going to work to help him take goods somewhere. It was about two hours drive... One and half hours or two.” (FL-0911 [Male, 26])

FL-0911 (Male, 26) explained that the plantation owner told him the next morning that he was to work there. The plantation owner was a friend of the restaurant owner.

“I slept there and the next morning, the boss came and brought (me boots).... Yes, the plantation boss came and told me that I would have to work there so I worked there.” (FL-0911 [Male, 26])

FL-0911 (Male, 26) shared that he was unwilling to work at the plantation but was too afraid to say anything. He had worked in a plantation before in central Malaysia, where he was treated badly. He recalled his experience in the plantation in central Malaysia:

“Yes, it was when I had to load the truck with big baskets of beans. I was asked to carry it alone and put... this big... basket filled with beans onto the truck. It was
too heavy for me so I used a stick to help me push it up in any way possible, but the beans got smashed. Then, he said that if I do that he would deduct my wages or would not give any wages. Afterwards, he deliberately pushed the basket and spilled all the beans and then, asked me to pick them all up again. He told me to do it faster and asked me to stand up, I did, and then he slapped me twice. I tried running away but I stumbled upon a rock and I fell down so my front tooth broke off.” (FL-0911 [Male, 26])

However, at the new plantation in northern Malaysia, his job was to spray insecticide. He was given long rubber boots but no facemask, so he had to use his shirt as a mask. He approached the plantation owner to give him some money to buy workpants but was refused. The plantation owner told him if he needed anything he would have to ask the restaurant owner instead. The plantation owner told him he would not spend more money on him. FL-0911 (Male, 26) then tried to contact the restaurant owner for an explanation but did not succeed. He later phoned a friend who lived in KL to inquire about this from the previous employer at the restaurant. He learnt from this friend that the plantation owner had paid RM1,000 to the restaurant owner for the transfer. FL-0911 (Male, 26) shared that only then did he realize that he had been sold. He was told that he had to work at the plantation until the RM1,000 was paid off. The plantation owner said he had to provide labor for a year. He never received any wage. FL-0911 (Male, 26) described his physical confinement at the plantation.

“While I was there, the compound was locked and I couldn’t go out. I had to stay there. The compound was surrounded by sharp metal wire. The place was very remote … Yes, fenced in, not locked in the house. The house where I lived was fenced in and locked. The compound was made of sharp swirled metal wire. The place was very remote and I couldn’t even see any vehicles around. (There were) only vehicles from the plantations. So I couldn’t go anywhere else by foot … I was kept locked in the compound but not in the house.” (FL-0911 [Male, 26])

There were other workers in the plantation, mostly Bangladeshis who held passports. These workers were able to move freely. FL-0911 (Male, 26) was the only one confined at the compound. The plantation owner threatened that if he ever tried to run away, he would call Immigration to arrest him. The plantation owner provided him with a container to collect rainwater for bath and other uses. Drinking water was brought from the owner’s house, along with food. He was given only two meals a day. He had to save his meals and allowed himself a small portion at a time so he would not run out of food. He was only given rice and left over vegetables from the plantation. He never received a wage during the period of his forced labor at the plantation.

FL-0696 (Female, 24), on the other hand, was confined in the flower farm where she worked for two years. Unlike FL-0911 (Male, 26), she was not sold to the farm. She shared that her friends worked there and so she had gone there to find a job. The farm was in Cameron Highlands. There were 100 workers in the farm, 40 of them Burmese. She explained that the other workers holding passports were permitted to go out. She and others who did not have identity documents were specifically ordered not to go out on their off days. They were also not allowed to receive visitors.

FL-0696 (Female, 24) shared that the farm owner did not allow her to rest when she got sick. Her daily wage was also deducted every time she made a mistake in the farm. She was also often scolded. “His children scolded and shouted at us if we made a mistake. They said they would deduct our salary.”
In the agriculture sector, work hours are typically long, and workers were rarely given a day off or proper time to rest. FL-0696 (Female, 24) and FL-0863 (Male, 50) described the long work hours at the farm. FL-0863 (Male, 50) further mentioned there were no days off.

“We started at 7:30 am... until 4 pm. We worked the whole day, and continued to do overtime up to 7 pm. Sometimes 1 or 2 am owing to the workload. He didn’t like it if we said we wanted to go back early from work.” (FL-0696 [Female, 24])

“I had to start at 7:30 am (and work until) 1:30 pm and then we took lunch and had a break for about 15 minutes, then worked again until 8:30 at night... didn’t have days off. Yes. It was the same. Every day.” (FL-0863 [Male, 50])

At farms/plantations, male respondents seemed more likely to experience physical violence. FL-0863 (Male, 50) worked on an animal farm when he was undocumented. He recalled his experience.

“I was pushing a cart. There was another cart behind me. He said I was very slow in working. He then pushed me from behind. Hit me on the back with the cart behind me. My leg was hurt. The cut was not so big but it got swollen. I slept it off but then I could not walk in the morning. I could not walk for a week, and had to go to a clinic.” (FL-0863 [Male, 50])

Because of his injury, FL-0863 (Male, 50) said he was dismissed from the job and was paid only half of his promised wage. FL-0863 (Male, 50) shared that he was also verbally abused while he was at the job. He commented, “They used bad words... They cursed. I was not happy in the job. They used those words every day.”

FL-0336 (Male, 47) worked at a farm in Cameron Highland when he was still undocumented. He mentioned that he took a job there because he thought the UNHCR might conduct registration in that area. At the farm, his job was to unload chicken manure from the lorries, which he found unpleasant. The threat of denunciation to authorities was also present. He shared that he was often threatened that he would be reported to the police if he refused to work,

“The bosses gave us pressure if we didn’t want to go (to work). Sometimes they said, “We can call police from the village to arrest you. Police and RELA are stationed there in the village. The bosses always threatened that they would call the police. I didn’t want to be arrested, so, I worked. They said they would send us to Kajang jail.” (FL-0336 [Male, 47])

Service
In the service sector, workers were also often physically confined, although the practice is quite different. They were usually transported back and forth from the workplace to the place where they were housed (“the hostel”) by the agents. FL-0861 (Male, 23) mentioned being housed in a hostel, where he was not allowed visitors. FL-0958 (Female, 22) shared that she was taken in a car everyday from the workplace to the hostel which was about a 10 minutes drive.

FL-0958 (Female, 22) mentioned that she was taken from one restaurant to another, presumably by an agent. She followed all instructions given to her. She said she had no choice; she could not imagine the consequences if she disobeyed. “I didn’t think of disobeying, where he moved me to, I followed. If I didn’t follow... I don’t know what (would) happen.” She did not dare to
escape because they were always watching her. “But I wanted to run away, but I didn’t know how, run to where?” She described how she lacked social life; she never went out and only knew the workplace and the hostel. She tried asking permission to go out once, but was denied.

Both FL-0958 (Female, 22) and FL-0861 (Male, 23) took jobs washing plates at restaurants. They described the long hours they had to work.

“... finished work at 12 am... (Started in the) morning at 5 am, worked until 2:30 pm, went back for two-hour rest, ... sometimes until 4:30 pm... At that time, one day seemed like a year.” (FL-0958 [Female, 22])

“It was over 12 hours working in one day... Occasionally... it could almost be 13 hours... work started at 10 am but I had to arrive between 9:30-9:45 o’clock... then I had to do cleaning... I went back after 10 pm... after 10:30 pm after meal.” (FL-0861 [Male, 23])

FL-0958 (Female, 22) described that she was threatened with multiple penalties. “If (I didn’t) work, sometimes they (would) say that (they would get) the police to catch us.” Employers also threatened to keep her wage deposit.

Both FL-0958 (Female, 22) and FL-0861 (Male, 23) reported they were verbally abused. FL-0861 (Male, 23) was particularly hurt because of curses which were specifically directed at the Burmese.

**Manufacturing**

FL-0067 (Male, 28) spent three months working in a furniture company. He described the working hours as very long. Work began at 08:00 am and lasted until 11:00 pm at night, totaling around 15 working hours every day. Workers always had to do overtime, and were not allowed to rest if they felt unwell. FL-0067 (Male, 28) mentioned that verbal abuse was particularly severe.

“(Worked) until 11:00pm... We were very tired... But we could not stop, even if we are very tired and we tried to pause or we turned our head from the workstation; the supervisor (scolded us) very severely. The scolding was very severe. We could not look at other, we had to look and work continuously... we could not bear such tiredness. If we were not well enough and could not work overtime, the supervisor came and searched inside the dormitory rooms, opened the doors and searched... If they found (us), they would drag us down to work. Without (our) consent, they pushed us back to work.” (FL-0067 [Male, 28])

Physical confinement was also reported in the manufacturing sector. Respondents either were confined in the factories where they worked or in the agent’s place. FL-0455 (Male, 32) was confined not at the workplace, but at the agent’s office. “It’s in [X location], the factory was in [Y location], the agent’s office in [X location]. (There were) three guards. I knew it’s not possible to run away.” FL-0068 (Male, 28), meanwhile, was confined in the factory where he worked for five months. The gate of the factory was guarded, and workers, even those who were documented were not allowed out. Workers faced punishment if they were caught leaving the factory after working hours.
RESULTS: QUALITATIVE

“Those who went out were beaten... like that... prohibited... must not go outside of the site... then... inside there... inside the factory... could not go out at night...” (FL-0068 [Male, 28])

FL-0067 (Male, 28), another respondent, however was not strictly confined in the factory's dormitories. The employers, however, withheld the only identification card he had (issued by the community/refugee organization where he was a member).

“At that time, I held my community/refugee organization card, and they took and kept that too. Since they took and kept our cards, we dared not go out. They kept the cards. We were afraid to go out because outside we might encounter the police and get arrested.” (FL-0067 [Male, 28])

Physical confinement in the manufacturing sector does not usually last as long as in the plantation or service sectors. There are typically a large number of workers in factories. The ratio of guards to workers is higher and workers are less likely to be watched as closely compared to the plantation and service sectors. Those who were confined at the agent’s place were likely to escape from the workplace.

According to FL-0068 (Male, 28), threats of actual physical abuse were common in the manufacturing sector. Workers who dared to protest against terrible working conditions were beaten. Employers also threatened to report workers to authorities if they refused to work.

“We had to do as they ordered... if we didn’t, we would be captured by police or beaten by them... when (employers threatened) that... we didn’t dare to reply...” (FL-0068 [Male, 28])

FL-0068 (Male, 28) reported that workers who were without documents are treated worse than those who had passports/permits. In the factory where he worked, the undocumented had to do overtime every day, and were forced to work on Saturdays and Sundays. No overtime wages were ever given to them.

“For those who didn’t have any document, like us, there was more oppression... (We were) belittled... (they) treated us cruelly... In work, we were forced to do more work... they (documented workers) got more pay...” (FL-0068 [Male, 28])

Coping Strategies

Respondents typically practiced “restraint coping” (letting time lapse until an appropriate opportunity presents itself before taking action) before finally escaping. They held themselves back and refrained from acting prematurely. In general, they took time to plan their escape from their employers/agents. They usually waited until they had enough money, secured help from friends or had made some other kinds of arrangement to escape.

Arranging escape from jobs when physically confined took more time and planning. Some respondents who were physically confined were completely alone; so they had no choice but to keep to themselves. FL-0861 (Male, 23) simply cried himself to sleep. FL-0958 (Female, 22) shared that she comforted herself; she tried to “suppress (her) heart” and told herself, “don’t
think of sad things.” She remarked that thinking about her problems only made her upset. She reminded herself that she was not the only person experiencing forced labor and that many had even worse fortune. Similarly, FL-0721 (Male, 30) also refrained from thinking about the problems he faced. He stated:

“I don’t want to think anymore like this or that. I made up my mind to not feel very stressed. This is my own fortune. I just stay as what I am.” (FL-0721 [Male, 30])

Some respondents turned for emotional support from people with whom they shared the forced labor situation. FL-0863 (Male, 50) was forced to work in an animal farm located not far from the place his brother-in-law worked.

“At that time, (the person) who encouraged me, was my brother-in-law. His farm was not so far from (mine). If my work continued late at night, he came to help me... he came and talked with me, and also helped me finish my duty.” (FL-0863 [Male, 50])

Another common method of coping was “emotion-focused coping” or strategies to reduce negative emotional thoughts; where turning to religion was an example. This was particularly true in the case of Christian respondents, notably the ethnic Chin. FL-0067 (Male, 28) and FL-0629 (Male, 41) shared how they coped by turning to God.

“I have coped by praying. Like that... In my head, there is only God who can solve all my difficulties... And so, I take refuge in God when I face difficulties. I pray to God. Reduce stress. I assume it’s good for me.” (FL-0067 [Male, 28])

“Praying, and singing gospel songs. It is the only way to erase my heartbreak. Nothing else. In Malaysia, I feel safe only after praying, nothing else makes me secure. In Malaysia, I have nothing apart from God.” (FL-0629 [Male, 41])

Turning to religion can also be a collective experience. FL-0696 (Female, 24) mentioned that she and her friends/co-workers used religion to support each other.

“We encouraged each other that God will manage for us.” (FL-0696 [Female, 24])

Some respondents reported “mental disengagement” in order to think less about their problems, usually by consuming alcohol. FL-0721 (Male, 30) mentioned that like most young people, he turned to drinking sometimes. FL-0863 (Male, 50) also timidly admitted that he drank occasionally.

“I say a word of prayer sometimes... I don’t do anything else... But frankly, I drank alcohol sometimes.” (FL-0863 [Male, 50])

Drinking was nevertheless considered as an unhealthy way to release stress by some respondents. FL-0863 (Male, 50) remarked, “Prayer is better. After drinking alcohol, I fell asleep and didn’t know anything when I woke up the next day... (laugh).” They felt that drinking did not solve the problem, as FL-0067 (Male, 28) stated; “I didn’t solve it by drinking even if I wanted it so much.” He further explained that he also avoided drinking because such activity might hurt the image of Burmese refugees in Malaysia.

One respondent, FL-0903 (Male, 39) reported another type of mental disengagement, i.e. daydreaming/reverting to fantasies. He shared that he bought a disc player and listened to old
love songs. He stated, “I tried to release my distress by listening to music.” He said he thought of things that were only “imaginary and impossible to make real.” He commented, “It’s hard to explain what I was thinking. It’s like imaginary and useless.”

Ultimately, they all escaped from the forced labor situation through the help of family, friends and their community members, exhibiting “problem focused coping” skills.

Support Systems

Family and Friends
Respondents reported that they got emotional support primarily from family and friends. FL-0861 (Male, 23) commented, “If I felt sad, I spoke with friends.” Similarly, FL-0911 (Male, 26) stated, “I have a friend, Mr. X and I talk to him about my feelings.” With the help of Mr. X, he felt he could cope better. Close friends were not only people who shared the same ethnicity. They were also fellow Burmese from other ethnicities, or even non-Burmese. FL-0958 (Female, 22) shared that she felt closest to a woman she met in Malaysia, whom she now referred to as ‘sister’. “Knew her from here, but she treats me well, so I called her sister.” Those from the same village, however, do share a special bond. One respondent, FL-0455 (Male, 32) remarked that when he was alone he refrained from thinking about Myanmar as the thought of home made him sad. He only talked about home when in the company of others from the same village. “We are from the same village, we talked about the village.”

Friends and family are usually also the main providers of material support. FL-0958 (Female, 22) shared that her “sister” invited her to stay with her, as she still did not have a permanent place to live. FL-0911 (Male, 26) mentioned that he had a friend who could help him with money. FL-0696 (Female, 24) said that her friends lent her money when she was in trouble, and vice versa, “they borrowed from me when they [were] broke.” She further stated that her family was currently being fully supported by her younger brother.

However, FL-0911 (Male, 26) shared that he refrained from sharing his problems, especially with his wife, the person closest to him. This was because he worried for her and also worried that she would blame him for their troubles.

“I don’t know anything well about coping but I try to control myself... I try... I don’t have any (permanent) place to stay so I am worried for my wife. I worry most that my wife would blame me and be angry with me. There are many problems and if I start to talk at all about it, I don’t think there will be an end to it. It is hard to cope, (hard to) be in here in Malaysia. (FL-0911 [Male, 26])

Refugee/Community Organizations
Respondents did not seem to expect emotional support from community organizations. Generally, refugees and asylum seekers turn to community/refugee organizations for instrumental social support. Instrumental social support includes advice, assistance or information. Most respondents consider information about UNHCR as the most important support the organizations can provide, especially because they can only register with the UNHCR if they are members of community organizations. FL-0958 (Female, 22) expressed her gratitude that people from her community organization took her to the UNHCR to get registered.
Some respondents do turn to refugee/community organizations when they need material aid. FL-0861 (Male, 23) received material support from a member of his community organization when his late brother-in-law was sick in the hospital. FL-0336 (Male, 47) mentioned, “As a member of our community, they lent money to pay my debt for bills. I returned it as soon as I got a job.” He emphasized that, “I took support but not for free, I returned it.” It would appear that support from organizations is more conditional than support from family/friends.

There are several reasons for not seeking support from refugee/community organizations. Distance to the organization’s office is cited as one. FL-0861 (M, 23) stated that, “XXX Community organization’s (office) is still too far… (I) don’t know how to go there…”

A more serious reason that was cited was distrust in leaders. Some leaders were perceived as being self-interested and not genuinely working for the sake of the community. FL-0336 (Male, 47) shared that [X], the leader in his organization often took benefits for his own men and himself when doing community work. This, he felt, was very disappointing to the members. FL-0067 (Male, 28) felt that leaders never provided explanations about their activities (lacked transparency). Meanwhile, FL-0068 (Male, 28) suspected corruption within his community organization.

FL-0629 (Male, 41) expressed doubt that community organization could provide assistance as he never received any help at all from his community during his time in Malaysia. FL-0068 (Male, 28) also expressed doubt over the capacity of his community’s refugee organization in providing assistance because it is not an organization with real authority. FL-0068 (Male, 28) stated: “They are… not a real authorized organization… so… they support their community as much as they can… but I can’t say whether (their support) is sufficient…”

UNHCR
There were mixed views among respondents about potential support from UNHCR. FL-0943 (Male, 29) said that the most important support UNHCR should provide is supporting their right to work. Some respondents felt that the refugee card issued by the UNHCR had increasingly gained recognition from employers. FL-0481 (Female, 41) and FL-0629 (Male, 41) reported that more employers now viewed the UNHCR cards as equal to national ICs and that they were willing to take UNHCR card holders as workers. This allowed them to get better jobs and to approach employers directly (without agents). FL-0861 (Male, 23) added that some employers are “scared of the UN card” and avoided employing UNHCR card holders.

Other respondents seemed less sure of UNHCR support in spite of holding UNHCR cards.

“But for the UN I also do not know how it functions. I just know the UN, but there are many things in it that I do not quite understand (…) we didn’t know what kind of help we could get from UNHCR, what UNHCR did. We didn’t know anything. We only knew that UNHCR helped the refugees, they helped those who were in need.”

(FL-0958 [Female, 22])

Some respondents were more skeptical about approaching the refugee agency. For example, FL-0336 (Male, 47) stated: “The number from the back of UN card? I don’t think it’s dependable.”
Furthermore, some respondents perceived UNHCR as only assisting those who are Christians. FL-0721 (Male, 30) shared how he did not approach UNHCR because he thought the UNHCR refugee cards were only handed to Christians.

“I’ve heard about the UN, only heard. And know that UN card was only given to Christians (...) I wanted that card. I wanted to be free from arrest. But what I heard is that it is only for Christians, so I didn’t try to get that. Just stayed as I am.” (FL-0721 [Male, 30])

Refugees and asylum seekers typically seek help from UNHCR as well as NGOs when they have problems with authorities. Interviews do not reveal attempts to seek support from these actors when facing problems with employers or experiencing forced labor.

Interestingly, none of the respondents cited NGOs as a source of support, even when they were pointedly asked this by the interviewer.

**Case Studies**

The cases of three refugees/asylum seekers who had experienced human trafficking and whose cases had been managed by HEI are presented in this section. All cases illustrate trafficking experiences of both the male and female refugees. Pseudonyms have been assigned to the three individuals whose cases have been analyzed.

**Case Study 1: Chan**

Chan’s case was handled by HEI when she was around 18 years old. She was taken from her mother when she was about five or six years old and was brought to Malaysia. Chan’s mother was a sex worker and also a drug user. In Malaysia, she lived with a family in the northern region of the country. She was then sold to a man who took her to Thailand to work in the sex industry. She was unsure of her age when this happened. In Thailand, Chan worked as a dancer and had to also perform sexual acts with clients. On one occasion she was gang raped and tortured. She reported that a large dog was unleashed on her. Chan could not recall how long she had been in Thailand. Her agent then brought her back to Malaysia. Chan was presumably abandoned by her agent, who dropped her off on a road at Kuala Lumpur. A Burmese refugee organization which found brought her to HEI. Upon assessment, it was found that Chan had been sexually and physically abused. Her body had marks of cigarette burns, cuts, bruises and also a healed bite-mark.

When brought to HEI, Chan was in a psychotic state and she suffered from paranoid delusions. She believed that the people who were trying to catch her were digging a route under the shelter she was staying in. She was also unable to stop talking, and she talked irrelevantly. She had lost memory of what happened in three to seven days preceding her being found, and could not provide a clear account of what had happened during that that period. She also exhibited overtly sexualized behavior and was inappropriately affectionate. She was also aggressive, and did not like it when she was reprimanded or denied something she wanted. Chan now stays in a home for the mentally ill. She still receives care from HEI, and requires medication for control of her behavior, mood and mental state.
Conclusion and Emerging Issues
1. Chan’s case is a classic example of trafficking for sexual exploitation.
2. The exploitation in her case amounted to “the exploitation of the prostitution of others or other forms of sexual exploitation.”
3. As she was unsure of her actual age, Chan was probably under-aged when she had been trafficked and exploited for sexual labor.
4. Chan displayed extreme mental health disturbances as a result of her trafficking experience.

Case Study 2: David
David is an asylum seeker belonging to an ethnic minority from Burma. He participated in the 1988 demonstrations in Burma and was arrested. He was released after 8 months in prison. Fearing further arrest, he escaped Burma and came to Malaysia. In February 2004, David was arrested by the police. In May 2004, he and a group of detainees were sent to the Thai border. David reported that the agents demanded RM1,200/person for their release. After three months, he was sold to a Thai fishing boat. He was not aware of the transaction because the agents spoke in Thai. The fishing boat hardly went ashore and always sailed on the open sea. In total there were 22 men on the fishing boat. David described life on the boat as very difficult and unbearable. His hands were always bruised from the hard work and no proper medical facilities were available. They were given 3 meals a day, but the portions were never adequate. He was physically confined in a room with 7 others. They were only allowed to come out to the deck when there was work to be done. Their task was to sort out the fish that had been caught, according to their respective types. They were immediately sent back to their room when work was done. The fishing boat rarely came to shore and always sailed on open seas. Catches were loaded onto a bigger ship. He spent 16 months on the boat and was never given any salary.

David eventually escaped by jumping off the boat near the coast of Sarawak. In Sarawak, he worked odd jobs at plantations and construction sites. On one occasion he was arrested and taken to court. He explained in front of the magistrate that he was an asylum seeker and the court referred his case to the UNHCR. He was later sent to Kuala Lumpur with help from the UNHCR. David complained that sometimes he had sleepless nights. He feared going out and being sent to the sea again. David was offered counseling services and job placement but never turned up for the services.

Conclusion and Emerging Issues
1. David’s case shows that trafficking is not only experienced by women and it is not always about sexual exploitation. David was recruited, transported and exploited for forced labor, clearly displaying the link between trafficking and forced labor.
2. Like Chan, David was moved across borders from northern parts of Malaysia to Thailand. Sale to Thai fishing boats was reportedly common among male Burmese refugees and asylum seekers in Malaysia.
3. Physical confinement was an effective mechanism to sustain forced labor. The boat often being on open seas was conducive for forced labor as it increased isolation and exclusion from community.
4. David sought support from the UNHCR when he faced trouble with authorities, but not when he was experiencing forced labor/trafficking.
5. David displayed reluctance to use professional help in coping with his problems. As he was never diagnosed, the state of his mental health could not be ascertained.
**Case Study 3: Miriam**

Miriam's case was handled by HEI in 2009 when she was 33 years old. Miriam was a Burmese woman belonging to an ethnic minority from Burma. She was a widow with one teenage daughter. Miriam came to Malaysia in August 2008. Upon arrival in Kuala Lumpur, she met an agent who sent her to work as a kitchen helper in restaurants. The agent moved her around frequently. He took her to Johor, Rawang and other places she could not recall. She was transferred from one restaurant to another every three or four days and never received payment. The agent kept Miriam isolated and physically confined her. She was not allowed to speak to anybody. The agent also subjected Miriam to multiple rapes. He repeatedly forced her to have sexual intercourse with him against her will and threatened harm if she refused. She was raped on a regular basis, an average of once every 20 days. In October 2008, Miriam became pregnant. Six weeks into the pregnancy, the agent attempted abortion by forcing her to drink alcohol and stepping on her back.

When Miriam told someone at her work place of the problems she was facing, the agent threatened to kill her. Miriam escaped with the help of the work mate, who brought her to a farm outside Kuala Lumpur for safety. A Burmese at the farm took her to Organization XXX and Miriam was later referred to HEI's mental health services. Her symptoms included insomnia, flashbacks, and hearing voices. She had intense feelings of sadness, regret, helplessness and anger, both at the agent and herself. Her physical symptoms included headaches, body aches, backaches, severe pain on the left side of her body, palpitation, and low appetite. Miriam was in an unstable state of mind. She had suicidal thoughts, displayed confusion and could not concentrate. She was unable to remember dates and past events clearly. She had attempted suicide twice, just prior to being brought to HEI. She swallowed 36 tablets of painkillers and a traditional Burmese medicine called *kaythiphan* (used to induce menstruation). She asked for an abortion and received counseling and the necessary medical assistance on this option.

**Conclusion and Emerging Issues**

1. Miriam’s case indicated internal trafficking as she was moved about within Malaysia. As coercive sexual exploitation was present, it was both trafficking for forced labor and trafficking for sexual exploitation. In this case, it was the agent who perpetrated the sexual exploitation.
2. Miriam was clearly deceived by her agent into the situation. Physical confinement was the effective mechanism to sustain forced labor and sexual exploitation in her case. Frequent transfers of workplace exacerbated her isolation and exclusion from the community.
3. The main penalty was threat of actual physical harm. Another penalty was withholding of wage.
4. Because of her severe isolation, the only available source of support was a person at the workplace.
5. The community organization provided social support by referring her to professional healthcare services.
6. Miriam was clearly in a very poor state of mental health, particularly with regard to her suicidal tendency.
DISCUSSION & CONCLUSIONS

The study examined the phenomenon of forced labor and its association with Depression, Anxiety and Stress in a sample of refugees and asylum seekers in the Klang Valley in Malaysia.

Intersections between Forced Labor and Human Trafficking

The quantitative results revealed that about 61.0% of those who had worked full time in Malaysia were identified as having experienced forced labor (i.e. 30.0% of the study population).

Forced labor and human trafficking are severe forms of exploitation of persons. Forced labor is not the same as poor working conditions although the latter might point to a forced labor situation. Forced labor implies a severe restriction of human freedoms and the menace of a threat/punishment under which the worker provides a work or service (Belser, de Cock, Mehran & ILO, 2005).

Both the quantitative and qualitative results demonstrated that while deception and false promises about the terms and type of work by unlicensed agents and employers, harsh work conditions, and withholding of wages were common routes into forced labor, these were accompanied by actual/threatened penalties (including financial penalties) if they failed to perform the work/service, threats of denunciation to authorities, deprivation of food and shelter, induced indebtedness, and physical confinement as a means to keep the study population in forced labor.

The quantitative results revealed that documentation status (being refugee or asylum seeker) was not statistically associated with forced labor. This was confirmed by the in-depth interviews which confirmed that forced labor was experienced by both refugees and asylum seekers. Yet, the in-depth interviews also revealed that among those who had experienced forced labor, the type of documents held had consequences for the harshness of work conditions. For example, in the construction sector where forced labor was the highest, local workers were assigned easier tasks vis-à-vis non-citizens at work sites. Similarly, work conditions were harsher for refugees and asylum seekers vis-à-vis documented migrant workers; and where the work population comprised of refugees and asylum seekers, asylum seekers were subject to more severe forms of exploitation and physical confinement as against UNHCR card holding refugees.

The in-depth interviews also indicated that the type, severity and duration of exploitation seemed to vary from sector to sector. For example, physical confinement was more difficult to impose in the construction sector where the duration of forced labor was shorter than in the plantation sector; however, withholding of wages was an effective means of perpetuating forced labor in the construction sector. Physical confinement was often accompanied by deprivation of food and other basic necessities and induced indebtedness.

While gender and forced labor were not statistically associated, the case studies and in-depth interviews with female respondents reveal that women were often simultaneously subject to both economic and sexual exploitation.

Popular stereotypes notwithstanding, both men and women were subject to both forced labor and human trafficking, and human trafficking for purposes of economic exploitation and forced labor were just as prevalent as for sexual exploitation.
The above dimensions of forced labor and human trafficking that arise from the study call for a review of the conceptual lens through which these issues are currently viewed, resulting in a disproportionate focus on sex trafficking and a conflation of issues of irregular migration, smuggling and human trafficking.

Firstly, the gender specificity (women/girls) and subject specificity (focus on sex trafficking) that characterized some of the international anti-trafficking legislation preceding the 2000 UN Anti Trafficking Protocol continues to pervade current anti-trafficking initiatives through an over-emphasis on sex trafficking of women in spite of the 2000 UN Anti Trafficking Protocol embodying a more holistic conceptualization of the purpose of human trafficking which includes forced labor (Morehouse, 2009).

Secondly, while the issues of forced labor and human trafficking are independent and interlinked, they are often portrayed as a sub-set of the other (Morehouse, 2009). Failure to untangle the two phenomena as distinct but related issues leads to blindness in relation to the forced labor aspects of human trafficking, and the failure to grasp the complexities and intersectoral dimensions of human trafficking. In a review of literature on trafficking for labor exploitation, Dowling, Moreton & Wright (2007) cite current evidence which reveals that trafficking prevails in sectors characterized by 3-D work (dirty, demanding and dangerous), with large labor shortages, employing migrant labor and using large sub-contracting chains. The construction sector, in this study, which had the highest prevalence of forced labor, is one such sector. As such, strategies to effectively combat human trafficking must integrate border control and law enforcement measures with upholding labor standards and preventing labor exploitation (Dowling et al. 2007). Through the in-depth interviews and case studies, the study also revealed that the vulnerability of male and female refugees and asylum seekers to forced labor and human trafficking was rooted in their undocumented status and the absence of the formal right to work of refugees in the country. Thus, “insecure legal status” could be added to the predictors of labor exploitation and forced labor leading to human trafficking cited by Dowling & colleagues (2007); calling for a re-examination of the role of immigration laws/policies in creating vulnerability to forced labor and human trafficking.

Thirdly, it has been stated that the undefined concepts of ‘coercion’, ‘deception’ and ‘forced labor’ in the 2000 UN Anti Trafficking Protocol (Dowling et al., 2007), and the affirmation of the role of border control and immigration authorities in victim identification in the same protocol in Articles 10 through 13 (Morehouse, 2009), has led to prominence being given to border control initiatives in victim identification strategies. These and other scholars like Langberg (2005) argue that victim identification, which is a critical aspect of the prevention of human trafficking and the protection of trafficked persons, would be more effective if indicators of labor exploitation and forced labor were also used instead of the singular use of indicators like the movement of migrants and/or assessment of illegal/legal entry in border control measures. Moreover, such a strategy would also keep the lens on internal trafficking in persons which would otherwise elude victim identification measures. The three case studies on human trafficking and in-depth interviews on forced labor in this study clearly show the inter-linkages between the issues of forced labor and human trafficking. Adding the lens of “labor exploitation” and “forced labor” to the victim identification process would increase the effectiveness and sustainability of human trafficking initiatives. Although the 2000 UN Anti Trafficking Protocol might itself be silent on concepts like ‘coercion’, ‘deception’ and ‘forced labor’, other international instruments including those of the ILO could be used in tandem to derive guidance on these concepts in order to strengthen victim identification measures. Within the Malaysian context, such measures would
be effective only if they are accompanied by the recognition of refugees and asylum seekers and the protection of their labor rights. Instituting mechanisms to recognize refugees in need of international protection and effectively identifying victims of forced labor and human trafficking would also reverse the existing conflation of issues of irregular migration, smuggling and human trafficking.

Lastly, forced labor and human trafficking have the same drivers: poverty, migration, globalization, discrimination, and corruption. In addition, immigration policies which compromise the labor rights of foreign workers and prevent their access to justice and to redress mechanisms have also been known to generate conditions of forced labor and human trafficking (Berkeley Cornell University ILR School, 2004). Malaysian academics and practitioners have previously discussed the compromise of foreign migrant workers’ access to justice and other labor rights which are regulated through immigration laws and policies related to residence and work in the country (Tenaganita, 2003; Robertson, 2008; Hassan & George, 2010).

In this regard, Malaysia needs to consider its obligations under international law. Although Malaysia may not have ratified the 1951 United Nations Convention Relating to the Status of Refugees 1951 and its 1967 Protocol, it has ratified the C29 Forced Labour Convention (1930) of the ILO, the 1990 Convention of the Rights of the Child, and the 1997 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Article 25 of the C29 Forced Labour Convention stipulates the strict enforcement of adequate penalties for the illegal exaction of forced and compulsory labor. Malaysia is also bound by human rights standards including those on the right to non-discrimination under the substantive equality framework set by CEDAW.

Surviving Forced Labor and Human Trafficking: Coping Strategies and Social Support

“Coping is defined as the cognitive and behavioral efforts made to master, tolerate, or reduce external and internal demands and conflicts among them” (Folkman & Lazarus, 1980, p.223).

The study respondents reported several coping strategies which can be broadly classified under the two functions of coping suggested by Folkman & Lazarus (1980), namely, “problem-focused coping” (addressing the cause of distress), and “emotion-focused coping” (regulating the negative emotions associated with the problem) (p.223).

See Figure-9 for more details. While ‘restraint coping’ (letting time lapse until an appropriate opportunity presents itself before taking action), ‘mental disengagement’ (reducing and solving or managing the distress causing problem), and ‘religious coping’ reflect individualistic approaches, social coping in the form of talking to friends and relatives and seeking material aid to escape from the forced labor situation reflect social approaches to coping (Folkman & Moskowitz, 2004).

Social support which “involves functions performed for a distressed individual by significant others such as family, friends, co-workers, relatives and neighbours” (Thoits, 1986, p. 417) is
similar to coping in that it shares similar functions related to the provision of material/instrumental aid, socio-emotional aid and information aid (Thoits, 1986).

Except for a few who shared that they used mental disengagement as a form of coping, the majority of the in-depth interview respondents used active coping strategies to escape from their forced labor situation, demonstrating resourcefulness and agency in spite of their dire work/living context. Social coping and enlisting the social support of family, friends and community constituted the primary form of obtaining coping assistance for most of their problems, including escaping from their forced labor situation. Refugee organizations assumed an important role in providing instrumental social support like advice, assistance and information. Interestingly, UNHCR was never approached for the community's forced labor or human trafficking problems; neither were any NGOs.

The above pattern concurs with other evidence that indicates that individuals tend to seek support from others with whom they share cultural and situational similarities, because of the perception of “empathic understanding” from such individuals (Thoits, 1986, p.420). This pattern also coincides with evidence from research with urban refugees which indicate that social networks which typically include relatives, friends and neighbors or people with shared characteristics play an important part in their everyday survival (Horst, 2006). The downside of this is that in relying on such familial and ethnic networks they tend to suffer isolation from the host society (Grabska, 2006).

Given that forced labor and human trafficking typically tend to thrive on the isolation of vulnerable individuals, the evidence on coping patterns and social support systems of refugees and asylum seekers indicates that the protection of this population against these two problems would require that they be drawn into mainstream society and included in strategies to combat forced labor and human trafficking. The agency and resourcefulness demonstrated by this population in surviving the problems of forced labor and human trafficking could also be harnessed towards the collective eradication of these problems.

In addition, guidance provided by the UN refugee agency, the UNHCR, on the issue of human trafficking and refugees can be used for their protection. These guidelines (Guidelines on International Protection: No 7; The application of Article 1A (2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, 2006) point out that some people who have been (or may have been) trafficked have a well-founded fear of persecution and “may therefore be entitled to international refugee protection” (para 12). They also effectively instruct governments to examine asylum claims lodged by victims of trafficking or potential victims of trafficking in detail “to establish whether the harm feared as a result of the trafficking experience, or as a result of its anticipation, amounts to persecution in the individual case. Inherent in the trafficking experience are such forms of severe exploitation as abduction, incarceration, rape, sexual enslavement, enforced prostitution, forced labor, removal of organs, physical beatings, starvation, the deprivation of medical treatment. Such acts constitute serious violations of human rights which will generally amount to persecution” (para 15).
DISCUSSION & CONCLUSIONS

Forced Labor and Human Trafficking: Determinants of Ill Health

Mental health screening using the DASS-21 revealed that about 70% of the study population was found to have some symptoms of Depression and Anxiety. Women, asylum seekers, those working in the construction sector experienced higher levels of Anxiety, and unemployment was associated with higher levels of Depression, Anxiety and Stress.

The study also found that among those who worked full-time, participants who had experienced forced labor had higher levels of Depression and Anxiety than those who had not experienced forced labor. The study also found that the unemployed and those who experienced forced labor had similar (higher) levels of Depression, Anxiety and Stress. On the other hand, full-time workers who did not experience forced labor had distinctively significant low levels of Depression, Anxiety and Stress compared to all other types of employment.

In addition, the case studies of Chan and Miriam also reveal the related reproductive health and medical problems which those who have gone through human trafficking experience.

This concurs with existing research which indicates that persons who have experienced human trafficking suffer from a range of medical problems including neurological, gastrointestinal, cardiovascular, and musculoskeletal problems, besides skin infections and sexual and reproductive health problems (Gushulak & MacPherson, 2000; Decker, Oram, Gupta, & Silverman, 2009; Zimmerman, Hossain, Yun, Roche, Morison, & Watts, 2006). With regard to mental health, Depression, Anxiety, and Post Traumatic Stress Disorder are commonly observed (Tsutsumi, Izutsu, Poudyal, Kato, & Marui, 2008; Gajic-Veljanoski & Stewart, 2007) with severe mental distress causing cognitive impairment (Zimmerman et al. 2006) among those who have experienced human trafficking.

With regard to forced labor, however, there is recognition that while the problem persists and health problems related to “repetitive stress injury, chronic back pain, visual and respiratory illnesses, sexually transmitted diseases, depression... and post-traumatic stress disorder (PTSD)” can be expected, little is known about its medical and psychological consequences including their severity (Berkeley Cornell University ILR School, 2004, p.5). There is also an expressed need for developing surveillance systems, research programs, and policy awareness regarding the health effects of forced labor problems which have the potential to generate health inequities (Benach et al., 2010). In that sense, the current study throws light on a less known problem, namely the relationship of Depression, Anxiety and Stress to forced labor.

The relationship between forced labor and mental health morbidity evidenced in this research points to the conceptual linkages between human rights violations and negative health impacts (Mann et al., 1994). It also resonates with other studies demonstrating the practical links between policies which violate human rights and health outcomes (Johnston, Allotey, Mulholland, & Markovic, 2009; Sollom et al., 2011).

The findings of this study which make the link between social marginalization and ill health also find support in the growing body of evidence on the association between migration related policies and poor mental health outcomes (Steel, Liddell, Bateman-Steel, & Zwi, 2011; Steel, Frommer, & Silove, 2004; Coffey, Kaplan, Sampson, & Tucci, 2010; Sultan & O’Sullivan, 2011) and health (Karl-Trummer, Metzler, & Novak-Zezula, 2010; International Council on Human Rights Policy, 2010; Zimmerman, Kiss, & Hossain, 2011). It also finds support in emerging evidence
which demonstrates the mediating effect of socio-political and economic contexts and social stratification on risk exposures related to living and working conditions and health outcomes (Irwin & Scali, 2010).

In this context, there is a growing recognition that immigration laws/policies should acknowledge the health risks they spawn and the potential negative impact on global health they engender. There is also a growing recognition of the need for health professionals to engage on issues of migration to advocate for policy/program responses that protect health (Steel et al., 2011).

**Managing Mental Health Problems Related to Forced Labor and Human Trafficking**

The quantitative component of this study measured the mental health morbidity in the study population in relation to forced labor.

In general, there is an under developed body of evidence on forced labor and its health consequences. This exacerbates the difficulties of victim identification which is a critical first step in providing assistance (physical, psychological or practical) to those who have experienced this phenomena and who may not always be in a position to identify themselves as victims (Dowling et al. 2007). Dowling et al. (2007) also state that there is currently a lack of definitive or standardized guidance to identify and treat adults who have experienced human trafficking for labor exploitation.

The human trafficking case studies of Chan and Miriam (above) reveal the severity of the mental distress and health problems which persons who have gone through forced labor and human trafficking experience. Again, their symptoms coincide with the psychosomatic, psychosocial and social reactions, and, psychophysical consequences of STIs and injuries experienced by persons who have experienced human trafficking (Yakushko, 2009).

Yet, the case of David (case study-2) indicated that in spite of being offered counseling, there was no service uptake. The case of David is not unique. Mental health experts working with persons who have experienced human trafficking agree that uptake of psychotherapy services usually happens only after their immediate needs of safety and acquiring another job are met and normalcy established (Berkeley Cornell University ILR School, 2004; Yakushko, 2009).

In a review of mental health interventions for trafficked persons, Yakushko (2009) reports the following elements that are critical for effectiveness of clinical care, including: (1) training of mental health providers in working with victims of trauma, especially interpersonal and sexual trauma; (2) multi-cultural counseling competencies; (3) training of therapists and counselors in working through interpreters; (4) working with families and communities; (5) openness to working with indigenous healing systems; and, (6) political awareness and cultural empathy on the part of therapists and counselors to comprehend the diversity of world views and specific contextual factors influencing the intra and inter-personal issues of trafficked persons. Cultural empathy is important because a diagnosis without consideration of the client’s understanding of mental illness and symptom manifestation would be ineffective (Bemak, Chung, & Pedersen, 2003).

There is also a general acknowledgment that traditional psychotherapy may not be culturally appropriate (Berkeley Cornell University ILR School, 2004). Bemak & Chung suggest that
“storytelling, projective drawing, relaxation, dream work, role playing, and psychodrama,” which have been found to be effective with refugee clients, would also be effective with trafficked persons (as cited in Yakushko, 2009, p.163).

Although the responsibility for the safety and security of trafficked persons is usually assigned to legal and police personnel, Herman argues that therapists play an important role in exploring intra-personal difficulties of trafficked persons which may contribute to ongoing feelings of insecurity that impede the re-establishment of the sense of self respect and awareness of interpersonal boundaries (as cited in Yakushko, 2009, p.163).

Counselors and therapists also have a key role in the rehabilitation of trafficked persons through: (1) mental health assessments and referrals for physical trauma; (2) helping trafficked persons make meaning of their trauma and reconnect with their families and communities; and, (3) facilitating career guidance and financial and social independence. All of which can protect the trafficked person from a repeat experience of human trafficking (Yakushko, 2009).

In conclusion, the management of mental health morbidity of persons who have experienced forced labor and human trafficking requires a multi-sectoral strategy encompassing biological, psychological, legal and social interventions.

**The Way Forward: Multi-Sectoral Interventions**

One of the barriers to strengthening the protection components of anti-trafficking interventions is the under appreciation of the health and social dimensions of human trafficking which is influenced in part by the largely legalistic responses of States to human trafficking issues.

Analysts like Anderson (2007) attribute protection gaps to the orientation of the UN Convention against Transnational Organized Crime 2000, which is the parent agreement to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Andersen argues that that the 2000 UN Anti Trafficking Protocol is not a “human rights instrument,” but rather “an instrument to facilitate cooperation between states to combat crime” (Anderson, 2007, p.2). Their claim is bolstered by other experts like Gallagher (2001) who termed the language used in detailing the provisions for the protection of trafficked persons as “optional” (p. 990).

The implications of the above for the Malaysian context is that some limitations of the 2000 UN Anti Trafficking Protocol for health and psycho-social protection might be a contributing factor to the gaps in psycho-social protection for trafficked persons in Malaysia's Anti Trafficking in Persons (ATIP) Act 2007, which is modeled after this protocol.

For example, some problematic areas in Malaysia's anti-trafficking legislation in relation to health and psycho-social support include the broad discretion given to enforcement officers (in Section 5 of the ATIP Act 2007) lacking medical training to determine whether or not a person is in need of medical attention. Given the complexities involved in the medical and mental health consequences of human trafficking and forced labor, and the absence of standardized guidance

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3 See for example the use of the words "consider", "endeavour", "ensure ... to the extent possible" in Art 6(1), 6(3), and 6(5) respectively of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime
to identify and treat adults who have experienced human trafficking for labor exploitation, this provision is troublesome. Clause 50 of Malaysia’s ATIP Act 2007 completely absolves enforcement officers and medical personnel of any liability in connection with authorizing of the medical examination of trafficked persons, with the weak exception provided under para 2 of the same clause. Further, Clause 62 forecloses any suit against enforcement or protection officers for any act or omission, or statement made by them in pursuance to or in the execution of the law, if they were made in “good faith.” In cases involving private individuals versus public officers or state agents, it does not stand to reason that the latter be allowed to put up a good faith defense because of the inherent inequity in those cases that could lead to violations of the rights of the persons in custody (Conda E., personal communication, August 10, 2007).

As the literature cited in the preceding sections indicate, the type and severity of mental health problems and trauma engendered by forced labor and human trafficking requires specialized training of mental health professionals and the use of creative approaches to deliver health care.

In addition, it is important that enforcement and legal personnel have a sound appreciation of the mental health consequences of forced labor and human trafficking. This would not only expand multi-sectoral capabilities in victim identification measures; it could also prevent possible re-traumatization of persons experiencing forced labor and human trafficking if legal investigations lack sensitivity to the mental health vulnerabilities of these populations.

Building of multi-sectoral capabilities include: (1) training of law enforcers and legal personnel on health issues related to forced labor and human trafficking; (2) training of social workers, mental health and medical personnel on immigration, forced labor and human trafficking issues, in addition to specialized clinical competencies required to provide care to these populations; (3) training of medical and mental health interpreters to support counseling, psychotherapy and provision of medical care; (4) development of anti-trafficking programs that incorporate strategies to strengthen financial and social independence of persons who have experienced forced labor and human trafficking; (5) regulating labor sectors to prevent and protect against exploitation and forced labor, and strengthening labor standards—especially in work sectors where there is a proliferation of forced labor; (6) addressing aspects of immigration law and policy that engender practices of forced labor and human trafficking—especially among foreign migrant labor; (7) sensitization of the media on issues of forced labor and human trafficking; and, (8) setting up hotlines providing information and assistance in relation to forced labor and human trafficking (Yakushko, 2009; Berkeley Cornell University ILR School, 2004).

A multidisciplinary and multi-sectoral approach finds support in Article 9 of the 2000 UN Anti Trafficking Protocol (Touzenis, 2010).

Conclusions

The study findings reveal that forced labor and human trafficking have negative consequences for mental health. The study respondents who experienced forced labor and human trafficking presented with higher levels of Depression, Anxiety and Stress. Asylum seekers lacking UNHCR refugee recognition also presented with higher rates of Anxiety than UNHCR card holding refugees. In addition, those who were unemployed and those who experienced forced labor had similar (higher) levels of Depression, Anxiety and Stress.
DISCUSSION & CONCLUSIONS

This clearly shows the association between forced labor and human trafficking, unemployment, and uncertain refugee status on the one hand, and mental ill health on the other. It adds to the growing body of evidence that point to socio-political-legal contexts including immigration policies and poor labor protection policies which are emerging as significant social determinants of health, and predictors of mental ill health specifically. It also coincides with conceptual and practical linkages between human rights violations and negative health outcomes.

The social factors precipitating mental ill health in this population call for a multi-sectoral approach that uses specialized health interventions using innovative approaches and social interventions to prevent and address forced labor and human trafficking, and to protect and promote mental health among refugees and asylum seekers in Malaysia.

Above all, it calls for the respect, protection and promotion of human rights of refugees and asylum seekers in Malaysia. This is especially significant in the light of Malaysia’s obligations under international law, especially in relation to the C29 Forced Labour Convention of the ILO (1930), the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), and CEDAW (1997).
RECOMMENDATIONS

Refugee Recognition

1. Recognize refugees and accord them the protection required under international law;

Labor Rights

3. Accord refugees and asylum seekers the right to work;
4. Regulate the labor sector to prevent and protect against exploitation and forced labor, and strengthen labor standards—especially in work sectors where there is a proliferation of forced labor;
5. Address aspects of immigration law and policy that engender practices of forced labor and human trafficking—especially among foreign migrant labor;

Health and Psycho-Social Support Related to Forced Labor and Human Trafficking

6. Ensure (both legally and in practice) that all persons who have experienced human trafficking and forced labor, regardless of their legal status, have access to appropriate legal, medical and protection services;
7. Initiate training of law enforcers and legal personnel on health issues related to forced labor and human trafficking to strengthen victim identification;
8. Initiate training of social workers, mental health and medical personnel on immigration, forced labor and human trafficking issues in addition to specialized clinical competencies required to provide care to persons who have experienced forced labor and human trafficking;
9. Initiate training of medical and mental health interpreters to support counseling, psychotherapy and provision of medical care;
10. Initiate multi-sectoral strategies for the treatment and rehabilitation of persons who have experienced forced labor and human trafficking;

Refugees, Asylum Seekers and Human Trafficking

11. Recognize and integrate the special protection needs of refugees and asylum seekers within enforcement of border control and anti-trafficking strategies;
12. Ensure that refugees and asylum seekers who have been trafficked will not be refouled (returned to their country of origin).
REFERENCES


APPENDIX-1: DETAILS OF VARIABLES ANALYZED AND STATISTICAL TESTS

All analyses were done with SPSS version 19.0. Frequencies and percentages were calculated for categorical variables and mean and standard deviation for continuous variables. Two-sided p-value <0.05 was considered statistically significant.

**Research Objective: Prevalence of Forced Labor in the Study Population (n=529)**

**Excluded**
- Those who had always worked part-time in Malaysia
- Those who had never worked in Malaysia

**Included**
1. Those who had always worked full-time in Malaysia
2. Those who had experienced at least one indicator w.r.t involuntary consent and one indicator w.r.t menace of threat while working in Malaysia

**MEASUREMENT & STATISTICAL TESTS**
1. Frequencies
2. Pearson’s Chi-Square

**Research Objective: Prevalence of Mental Health Morbidity in the Study Population**

1. **BY GENDER:** n=1,034
   - Excluded: Questionnaires with missing data for DASS-21 and gender
   - Included: Questionnaires with complete data for DASS-21 and gender
2. **BY WORK SECTOR:** n=1,034
   - Excluded: Questionnaires with missing data for DASS-21 and work sector
   - Included: Questionnaires with complete data for DASS-21 and work sector
3. **BY TYPE OF EMPLOYMENT:** n=1,033
   - Excluded: Questionnaires with missing data for DASS-21 and type of employment
   - Included: Questionnaires with complete data for DASS-21 and type of employment

**MEASUREMENT & STATISTICAL TESTS**
1. Mean and Standard Deviation
2. Pearson’s Chi-Square
3. T-Test
4. One-Way ANOVA
5. Post Hoc Fisher’s LSD test

**Research Objective: Association between Forced Labor and Mental Health Morbidity**

**ANALYSIS-1 (n=521)**

<table>
<thead>
<tr>
<th>Group 1: Forced Labor &amp; Worked Full-Time (n=329)</th>
<th>Group 2: No Forced Labor &amp; Worked Full-Time (n=192)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Those who had always worked full-time in Malaysia</td>
<td>1. Those who had always worked full-time in Malaysia</td>
</tr>
<tr>
<td>2. Those who had experienced at least one indicator w.r.t involuntary consent and one indicator w.r.t menace of threat while working in Malaysia</td>
<td>2. Those who had not experienced forced labor in Malaysia</td>
</tr>
<tr>
<td>3. (1) and (2) should have complete data for DASS-21</td>
<td>3. (1) and (2) should have complete data for DASS-21</td>
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**ANALYSIS-2 (n=1033)**

<table>
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<tr>
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<tbody>
<tr>
<td>1. Those who had always worked full-time in Malaysia</td>
<td>1. Those who had always worked full-time in Malaysia</td>
<td>1. Those who had not experienced forced labor in Malaysia</td>
<td>1. Those who had always worked part-time in Malaysia</td>
</tr>
<tr>
<td>2. Those who had experienced at least one indicator w.r.t involuntary consent and one indicator w.r.t menace of threat while working in Malaysia</td>
<td>2. Those who had NOT experienced forced labor in Malaysia</td>
<td>2. Those who had NOT experienced forced labor in Malaysia</td>
<td>Those who had NOT experienced forced labor in Malaysia</td>
</tr>
<tr>
<td>3. (1) and (2) should have complete data for DASS-21</td>
<td>3. (1) and (2) should have complete data for DASS-21</td>
<td>3. (1) and (2) should have complete data for DASS-21</td>
<td>3. (1) and (2) should have complete data for DASS-21</td>
</tr>
</tbody>
</table>

**MEASUREMENT & STATISTICAL TESTS**
1. Mean and Standard Deviation
2. MANOVA
3. Post Hoc Analysis
# Glossary

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forced Labor</td>
<td>All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.</td>
<td>Art 2.1 of the C29 Forced Labour Convention (1930) of the International Labour Organization (ILO)</td>
</tr>
<tr>
<td>Human Trafficking</td>
<td>“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.</td>
<td>Art.3 (a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime 2000</td>
</tr>
</tbody>
</table>
| Documented and Undocumented Migrants | For the purposes of the present Convention, migrant workers and members of their families:  
(a) Are considered as documented or in a regular situation if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party;  
(b) Are considered as non-documented or in an irregular situation if they do not comply with the conditions provided for in subparagraph (a) of the present article. | Art.5 (a) and (b) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990 |
<p>| Smuggling                | “Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident. | Art.3 (a) of the UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime 2000 |</p>
<table>
<thead>
<tr>
<th>TERM</th>
<th>DEFINITION</th>
<th>SOURCE</th>
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<tbody>
<tr>
<td><strong>MENTAL HEALTH</strong></td>
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<tr>
<td>Anxiety</td>
<td>Anxiety is a persistent problem that interferes with daily activities such as work, school or sleep ... In some cases, anxiety is a diagnosable mental health condition that requires treatment. Generalized anxiety disorder, for example, is characterized by persistent worry about major or minor concerns. Other anxiety disorders—such as panic disorder, obsessive-compulsive disorder (OCD) and post-traumatic stress disorder (PTSD)—have more specific triggers and symptoms. In some cases, anxiety is caused by a medical condition that needs treatment.</td>
<td>Mayo Clinic. (2010). Anxiety. Retrieved 21 October 2011 from: <a href="http://www.mayoclinic.com/health/anxiety/DS01187">http://www.mayoclinic.com/health/anxiety/DS01187</a></td>
</tr>
<tr>
<td>Depression</td>
<td>Depression refers to a range of mental conditions characterized by persistent low mood, absence of positive affect (Loss of interest and enjoyment of ordinary things and experiences), and a range of associated emotional, cognitive, physical, and behavioral symptoms.</td>
<td>National Health Service (NHS). NHS Clinical knowledge summaries. Depression - Background information. Retrieved 21 October 2011 from: <a href="http://www.cks.nhs.uk/depression/background_information/definition">http://www.cks.nhs.uk/depression/background_information/definition</a></td>
</tr>
<tr>
<td>Stress</td>
<td>Stress is a “condition or feeling experienced when a person perceives that demands exceed the personal and social resources the individual is able to mobilize.”</td>
<td>The American Institute of Stress (AIS). Definition of stress. Retrieved 21 October 2011 from: <a href="http://www.stress.org/Definition_of_stress.htm">http://www.stress.org/Definition_of_stress.htm</a></td>
</tr>
<tr>
<td>TERM</td>
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<tr>
<td>Asylum Seeker</td>
<td>Asylum seeker is one who has applied for protection as a refugee and is awaiting the determination of his or her status. Refugee is the term used to describe a person who has already been granted protection. Asylum seekers can become refugees if the local immigration or refugee authority deems them as fitting the international definition of refugee.</td>
<td>United Nations Education, Scientific and Cultural Organization (UNESCO). (2011). Social and Human Sciences. International Migration Glossary of Migration Related Terms. Retrieved July 4, 2011 from: <a href="http://www.unesco.org/shs/migration/glossary">http://www.unesco.org/shs/migration/glossary</a></td>
</tr>
<tr>
<td>Refugee</td>
<td>A person, ‘owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.</td>
<td>Art. 1 of the United Nations Convention Relating to the Status of Refugees 1951 and Protocol Relating to the Status of Refugees 1967</td>
</tr>
</tbody>
</table>