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**THE DEPLOYMENT OF FILIPINA
PERFORMING ARTISTS:
POLICY AND PRACTICE**

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ABSTRACT

Recent years have witnessed a proliferation of policies implemented in the Philippines for the protection of deployed performing artists (also referred to as entertainers). Decidedly little research has examined the generation or effectiveness of these policies as they relate to the reality of migrants' overseas experiences. This lack of research is significant: without an adequate understanding of the situation, policies may be implemented which ultimately exacerbate migrants' vulnerability. This paper examines recently implemented policies regulating the recruitment, training, testing, and deployment of Filipina migrant performing artists. Two conclusions are postulated. First, current policies are based on erroneous assumptions. Specifically, government policies and legislation suggest that only improperly trained performing artists encounter problems overseas. The solution, therefore, is to implement more stringent regulations addressing the training and testing of potential performing artists. False assumptions, however, lead to the second major conclusion: current policies may potentially contribute to the increased vulnerability and exploitation of deployed performing artists. In particular, recently enacted guidelines--with increased training and testing requirements--place deployed performing artists in a greater position of debt-bondage.

INTRODUCTION

A considerable number of Filipinas find temporary employment overseas as performing artists [1]. In Japan alone estimates range from 60,000 to 150,000 women working in the entertainment sector, legal or otherwise (David, 1991; de Dios, 1992). There exists a common perception, particularly among the media, that this is merely a disguised form of prostitution (Duenas, 1987a), although no comprehensive study has documented the extent of prostitution among deployed performing artists. What is known is that many women who enter Japan and other countries, legal or not, as performing artists are deported after being arrested on prostitution charges (David, 1991). It is also known that organized crime is often heavily involved in the practice of channeling women to foreign destinations to work as prostitutes (de Dios, 1992, 1993). In short, it is the illegal aspects which generally influence research on the deployment of performing artists. However, the migration of performing artists to foreign destinations is most often conducted through legal and government-regulated channels. Indeed, most forms of illegal deployment (excluding kidnapping) reflect a corruption of legal documentation procedures. For example, many performing artists migrate with falsified documents (e.g. passports, visas, employment authorizations, labor contracts). For this reason, it is imperative to understand the legal mechanisms which regulate the recruitment and deployment of performing artists.

Recent years have witnessed a proliferation of policies implemented in the Philippines for the protection of deployed performing artists. Currently, however, there is a dearth of information on the effectiveness of these policies. A need exists for a systematic examination and analysis of procedures regulating the recruitment and deployment of performing artists. Policy-makers must be cognizant of whether policies implemented do, in fact, "protect" deployed performing artists, or alternatively, exacerbate those problems which they are trying to ameliorate.

The purpose of this paper is to examine recently implemented policies regulating the recruitment, training, testing, and deployment of Filipina migrant performing artists. Two conclusions are postulated. First, current policies are based on erroneous assumptions. Specifically, government policies and legislation suggest that only improperly trained performing artists encounter problems overseas. The solution, therefore, is to implement more stringent regulations addressing the training

and testing of potential performing artists. False assumptions, however, lead to the second major conclusion: current policies may potentially contribute to the increased vulnerability and exploitation of deployed performing artists. In particular, recently enacted guidelines--with increased training and testing requirements--place deployed performing artists in a greater position of debt-bondage.

Most studies on Filipina migrant performing artists examine the motivations for migration and conditions encountered overseas (Naoko, 1987; Cruz, 1989; Cruz and Paganoni, 1989; Nograles-Lumbera, 1989; David, 1991; de Dios, 1992, 1993; Ballescas, 1992, 1993; Go, 1993; Matsui, 1993a,b; Padilla, 1993). Findings reveal, first, that the migration of Filipina performing artists often results from regional economic imbalances between the "lesser developed" Philippines, and the more industrialized countries, such as Japan, Hong Kong, and the Netherlands (Orozco, 1985; Naoko, 1987; David, 1991; Matsui, 1993a,b). Second, once deployed, Filipinas often experience long hours, low wages, and physical and sexual abuse. Other studies discuss the transition from sex tours to "sex migration", particularly to Japan (de Dios, 1992; Matsui, 1993b) and also examine the historical and cultural roots of a "prostitution culture" that contribute to the demand (Haruhi, 1986; Matsui, 1993b).

Less research has analyzed the recruitment and deployment process (Ballescas, 1992, 1993; de Dios, 1992, 1993; Abella, 1993; Go, 1993). Indeed, despite considerable research on Asian, and specifically Philippine, labor migration (Ople, 1979; Arcinas, 1986; Stahl, 1988; Abella, 1989a,b, 1991; Tassello, 1989; Agostinelli, 1991; Battistella and Paganoni, 1992; Gardezi, 1991; Sarmiento, 1991; Huguet, 1992; Skeldon, 1992), there is a noticeable lack of studies examining the recruitment and deployment mechanisms (though see Arnold and Shah, 1986; Abrera-Mangahas, 1988; Abella, 1989b; Juridico, 1989). Those which do examine recruitment processes generally focus on the costs to migrants associated with recruitment and processing fees (Abrera-Mangahas, 1988; Abella, 1989b). The lack of research on policies and regulations, however, is crucial because of the institutionalized and commercialized nature of overseas contract work (Abella, 1992, 1993; Huguet, 1992). It is the implementation of policies and procedures which ostensibly help overseas contract workers.

There are many paths to "entertainment" work in foreign countries. In this paper I examine in-depth only the legal deployment of Filipinas as performing artists, to the neglect of other forms (e.g. kidnapping, mail-order marriages, visa overstays). Of course, where relevant, I examine how legal channels may contribute to illegal means of entry. My analysis is qualitative, based on personal interviews and supplemented with secondary sources. During June and July of 1994 I conducted

interviews with government officials of the Philippine Overseas Employment Administration (POEA); presidents, general-managers, and consultants of private recruitment agencies; and members of non-governmental organizations in the Philippines. Interview data are supplemented with an analysis of primary data, including actual policies, contracts, and regulations governing the recruitment and deployment of performing artists.

The issue of performing artists is sensitive in the Philippines, particularly amidst charges of "white slavery" and "state-sanctioned prostitution." The Philippine media, in particular, is highly critical of the deployment of Filipina performing artists (Duenas, 1987a,b, 1990, 1991a,b, 1992; Aiko, 1989; Nograles-Lumbera, 1989; Naoko, 1990; Llanto, 1991; Locsin, 1991; Santos, 1992). Locsin (1991: 6) for example, writes: "Filipino lives for sale at Philippine export market! All that's needed is to brand them 'Made in the Philippines' before being shipped off." Understandably, the POEA is reticent to speak on the subject of performing artists, especially when previous work has portrayed the government as an "official pimp" (de Dios, 1992: 56). The private sector, also, while not admitting any wrong-doing, is cognizant of "counter-productive" press--articles which portray the deployment of performing artists negatively. During the interviews I was straightforward, explaining that (1) I was interested in the legal channels of recruitment and deployment, and (2) I would approach the topic as objectively as possible. I tried not pre-judge either the government or private sectors; I was willing to listen to all sides of the story. A final caveat remains: I recognize that respondents would only tell me as much as they wanted. This is not to imply a cover-up on their part, hence an admission of guilt, but rather the simple fact that I was an unknown entity--an outsider.

PHILIPPINE INTERNATIONAL LABOR MIGRATION

International mobility from the Philippines was relatively insignificant prior to the late 1960s and 1970s. For the preceding half-century, the migration of Filipinos consisted primarily of intended temporary labor migrants to Hawaii and the continental United States. More permanent migrants followed the Second World War, and especially following the changes in 1965 of United States immigration law (see Pido, 1992). Within the last 25 years, however, there has been a shift in Philippine international population movement. Although both temporary and intended settlement migration increased numerically during the 1970s, the movement of temporary overseas contract workers (OCWs) has accounted for a greater percentage. Settlement migrants to the United States, for example, increased from an approximate annual inflow of 3,000 in 1965 to over 30,000 in 1975. By the mid-1980s, this flow comprised over 50,000 annual immigrants. The number of processed OCWs, by comparison, increased from 12,500 in 1975 to over 425,000 in 1987. Proportionately,

Philippine OCWs increased from just under six percent of total emigration in 1970, to over 47 percent in 1973 (Stahl, 1988: 148). Currently, temporary labor migrants comprise approximately 85 percent of all Philippine international migrants.

The increased international mobility, both settlement and temporary, experienced by the Philippines over the last 25 years indicates a response to both internal and external stimuli. Internally, the Philippines has witnessed a decreasing standard of living over this period. The proportion of families living below the poverty line, for example, increased from 49.3 percent in 1971 to 59.3 percent in 1985 (Herrin, 1989: 249). Real wages, likewise, have deteriorated between 1970 and 1985; this has been accompanied by an increase in both unemployment and underemployment rates (Herrin, 1989: 269-272). The 1970s and 1980s also experienced heightened social and political tensions, particularly surrounding the imposition of martial law by President Marcos in 1972; the assassination of Senator Ninoy Aquino in 1983; and the subsequent overthrow of Marcos in 1986. Externally, opportunities to emigrate were increased following changes in Canadian, Australian, and United States immigration policies. Temporary overseas employment opportunities also expanded significantly during the 1970s and 1980s, though dominant flows were directed toward the Middle East (Saudi Arabia, Kuwait, Bahrain) and Asia (Hong Kong, Japan, Singapore). Much of this flow reflected a demand for foreign labor for the construction of hospitals, roads, airports, and so forth (Stahl, 1988; Agostinelli, 1991).

The phenomenal growth of overseas labor migration could not have occurred without the formation of an extensive infrastructure designed to stimulate, regulate, and maintain the outflow of workers (See Abella, 1992, 1993; Alegado, 1992; Asis, 1992). Indeed, the transition of Philippine international mobility patterns initiated during the 1970s resulted from a conscious effort on behalf of the Philippine government to capitalize on the perceived gains derived from labor-export (Abrera-Mangahas, 1984; Arcinas, 1986; de Guzman, 1984; Stahl, 1988; Agostinelli, 1991; Alegado, 1992). These perceived gains include a decrease in unemployment and underemployment levels; an increase in human capital as workers return with skills acquired abroad; and an increase in foreign revenue obtain from remittances of overseas workers.

The overseas employment program, though originally designed and continuously billed as a temporary measure (Abrera-Mangahas, 1984; Alegado, 1992), has become institutionalized within the Philippine government. An elaborate infrastructure has emerged to expedite the flow of workers from the Philippines to an ever-changing global market place for labor. One-Stop Documentation Centers, Labor Assistance Centers, and "Express Lane" counters for selected types of hiring have been implemented to provide

faster and more efficient processing. To bring "vital overseas employment services to the countryside" POEA regional Extension units and regional offices of the Department of Labor and Employment (DOLE) have been established throughout the islands of Luzon, Cebu, and Mindanao.

Overseas labor migration has also become institutionalized within Philippine society. This is seen indirectly through the dependence of families on overseas sources. In the National Capital Region (Manila and Quezon City; hereafter referred to as NCR) an estimated 11 percent of all families receive their main source of income from abroad (National Statistics Office, 1990: Table 9). By contrast, only 14 percent of the families in the NCR derive their main source of income through entrepreneurial activities. Pamphlets and flyers posted throughout various cities in the Philippines advertise Japanese language courses, and the ubiquitous street vendors sell passport covers. Manila is rumored to be the "fake passport capital of the world, with over 80 international syndicates churning out fake visas and passports" (Beshar, 1991: 380).

Philippine OCWs have traditionally found employment in low-technology, labor-intensive production and service sectors, combined with a small proportion of highly-skilled personnel such as doctors and engineers (Arcinas, 1986; Stahl, 1988; Agostinelli, 1991; Alegado, 1992). Recently there is evidence of changing patterns of labor demand among importers of Filipino labor (Stahl, 1988; Hugueta, 1992; Skeldon, 1992). Whereas production and construction categories accounted for over 64 percent of all processed workers in 1980 (Stahl, 1988), that number declined to only 34 percent in 1987. Conversely, deployment in service sectors increased from only 15 percent to 34 percent during the same period. Reasons include a slow down in the economies of the Gulf States; aging work forces in countries such as Japan; the entry of women into labor force (Skeldon, 1992), and the completion of infrastructure projects (Hugueta, 1992)--thus requiring the importation of service personnel (e.g. chambermaids in hotels). In fact, all of these factors have contributed to the "feminization of temporary international labor migration" and is evidenced by the rapid rise in the deployment of women domestic workers--not only from the Philippines, but also Indonesia, Sri Lanka, and Thailand (Eelens and Speckmann, 1990; Hugo, 1992; Singhanetra-Renard and Prabhudhanitisarn, 1993; Brochmann, 1993; Skrobaneck, 1993). In sum, the Philippine international labor migration system reflects the integration of the Philippines into a large world-economy, one where government and private institutions have combined in a dialectic relationship to provide overseas employment for an increasing number of unemployed and underemployed workers (cf. Abella, 1989a; Alegado, 1992).

The increased deployment of performing artists likewise

reflects a complex set of circumstances occurring both in the Philippines and in global destinations. These include a decline in sex tours to the Philippines (de Dios, 1992; Matsui, 1993a,b); societal changes in host societies (Haruhi, 1986; Matsui, 1993a,b); avoidance of these jobs by domestic women (Suzuki, 1993); increased economic disparities between the Philippines and other countries (Haruhi, 1986; Naoko, 1987; de Dios, 1992) and a rise in recruitment agencies to help manage the flow.

Numerically, the deployment of Philippine performing artists increased substantially during the late 1970s and 1980s. In 1975 the POEA processed only 1,925 performing artists; by 1987, over 37,000 were processed annually. The migration of performing artists from the Philippines is overwhelming comprised of women. In 1987, 33,924 entertainers were deployed; of these, 31,579 (93 percent) were women. Geographically, the temporary migration of Filipina performing artists (based on official data) is directed almost entirely toward a single country: Japan. Of all deployed Philippine performing artists in 1987, approximately 98 percent (33,249) were destined to this country. The occupational distribution of women OCWs in Japan reflects the dominance of "entertainment" jobs. In 1993, for example (the most recent data available), 99.7 percent of all deployed Filipinas to Japan were engaged in jobs related to entertainment (e.g. dancers, singers, and novelty act performers).

RECRUITMENT MECHANISMS

A distinguishing aspect of overseas contract work is the official and institutionalized basis of migration. Though social networks of potential migrants are highly important (cf. Lindquist, 1993), the regulations and policies assume paramount importance. Particularly for island-nations, individuals need some form of documentation to leave the country. Passports, visas, work-permits: all of these are required (legally obtained or otherwise) prior to departure. This differs from other systems of labor migration (e.g. the influx of Mexican workers to the United States) in which movement might occur without these documents.

Philippine labor recruitment and deployment may take one of three forms: (1) licensed private recruitment agencies and "manning" agencies, for landbased and seabased workers, respectively; (2) government-to-government hiring; and (3) name hiring. The deployment of performing artists primarily falls under the first category of private recruitment agencies; as such, discussion is limited to this form [2]. Private recruitment agencies are any person, partnership or corporation licensed to recruit and deploy landbased workers. These are further classified into two types: private employment agencies and service/construction contractors. Performing artists are included in the first type.

Special licenses are required to deploy selected occupations, including performing artists. This State-controlled practice (through the POEA) is seen as a form of protection by allowing greater government control over the recruitment and deployment of workers. Indeed, the entertainment sector is the most heavily regulated sector in the Philippine labor migration industry; likewise, the deployment of performing artists to Japan is the most stringently enforced arena of the entertainment sector.

The POEA and private sector do conduct marketing campaigns, though generally not for the employment of performing artists. Rather, requests for performing artists most frequently originate from the requests of prospective employers. Through telexes, faxes, and mail-correspondence, potential employers contact the POEA and private employment agencies on the viability of obtaining certain acts and performances. Requests are often specific, including the "sex" of the performers, appearance, and talent. Some requests are legitimate, others are not. A night-club in Canada in 1992, for example, requested a number of Filipinas dancers. The POEA denied the club's request when it was learned that the women would be required to dance nude on table tops (Suarez, 1992).

Prior to recruitment, foreign principals are required to submit a number of documents for accreditation. These include financial records, standard employment contracts, visa/entry requirements, and special powers of attorney. The Philippines has developed many country- and skills-specific employment contracts. There are two contracts for performing artists: a standard employment contract for Filipino artists abroad, and a model employment contract developed specifically for performing artist bound for Japan. Both contracts stipulate general terms, including the duration of employment, compensation, termination clauses, and expenses provided (e.g. food, accommodation, transportation, insurance). The only significant difference is that the Japanese-specific contract lists a specified wage rate, while the standard contract is open-ended.

When foreign principals approach the Philippines for labor supply, clients may solicit licensed recruitment agencies directly (if they are known) or they may obtain referrals from the POEA. If the latter route is taken, they go through the Client Referral Assistance system. Established in 1985, this program acts as a government-run conduit between "first-time" foreign employers and Philippine private recruitment agencies. Under the CRA system, labor requests from prospective employers are received and initially assessed by the POEA. These requests are then forwarded to a maximum of three private recruitment agencies, who in turn make bids (proposals) to the prospective employer.

Private employment agencies usually maintain "manpower" registries. When a foreign principal approaches an agency, they submit a request. If the agency does not have an adequate number, or correct type, of workers requested, the agency might advertise or recruit. Recruitment agencies involved in the deployment of performing artists rely heavily on "talent" managers. Indeed, without talent managers, it would be difficult for labor recruiters to provide the necessary supply of performing artists to foreign employers. Talent managers generally have their own studios and personnel. Commonly, the talent managers encourage unemployed, out of school girls to train with the promise that after completion of their training, obtain a job in Japan. Some recruiters are known to approach "vulnerable" women: young, recently widowed, orphaned. In essence, talent managers often prey on women with little leverage. Recruiters have been known to look for "special features" in women: sick father, many children, divorced, inexperienced (Nogales-Lumbera, 1988). While morally objectionable, there appears to be nothing illegal about this practice. Guidelines are curiously silent on recruitment practices.

It is not popular for promoters to have prospective performing artists work in local clubs, even though it is widely known that Karaoke bars in Ermita (a red-light district in Metro Manila) are generally connected to Japanese recruiters (de Dios, 1992: 51). According to employment agencies, once the women work in clubs, they are "hard to control". The women are thought to be more professional, in the sense that they are already exposed to difficult situations. Club-owners, therefore, would no longer be able to impose discipline. Similar results are found by Haruhi (1986). Another perception exists that the women working in clubs in the Philippines are already exposed to prostitution, and thus when in Japan, they are more likely to work as prostitutes because they desire the immediate money. The underlying assumption is that women in Philippine clubs are predisposed to prostitution, and thus no one "turns" to prostitution once in a destination club.

Why do women seek, or accept, overseas employment as performing artists? The proximate cause is often found to be economic (Cruz, 1989; Cruz and Paganoni, 1989; Balleascas, 1992). Similar to most other migrants, these women need to support themselves as well as other family members. Many performing artists are high school and university graduates unable to find adequate employment. Cruz (1989), based on survey of 100 performing artists, finds that a majority of respondents were earning money for daily subsistence and fulfilling one's duty to the family, though existing wages were inadequate. Balleascas (1992) finds that migrant women see their families living day-by-day. The women "resolve to spare their families this isang kahig, isang tuka (hand-to-mouth) existence" (Balleascas, 1992:

23). Non-economic motivations include the search for adventure and independence, as well as a chance to escape a restrictive family life (Cruz, 1989; Ballescas, 1992, 1993).

POLICIES FOLLOWING THE MARICRIS SIOSON INCIDENT

As context for an examination of policies relevant to the deployment of performing artists, I begin my discussion with the death of a performing artist: Maricris Sioson [3]. In many ways, this incidence acted as a catalyst for action regarding the situation of deployed performing artists. As such, the responses to her death, by the Philippine Senate and the POEA in particular, are instructive in ascertaining the development of policies.

Maricris Sioson, a Filipina, was deployed to Japan as an performing artist. She left 27 April 1991 with an entertainers visa, valid for six months. She was worked as a dancer in a nightclub located in Fukushima.

Beginning in late August Sioson complained of chronic fatigue and was anorexic. She was admitted to Hanawa Welfare Hospital on September 7 and was later diagnosed as having fulminant hepatitis. On September 12 Sioson became comatose; two days later she was dead. The immediate cause of death was listed as multiple organ failure due to fulminant hepatitis. Maricris Sioson was only 22 years old.

Doubts quickly surfaced surrounding her death. The remains of Sioson revealed numerous cuts and bruises; at the request of family members, an autopsy was conducted by medical personnel of the Philippine National Bureau of Investigation (NBI). While histopathological examinations did indicate the beginning stages of hepatitis, the cause of death was attributed to traumatic head injuries.

Conflicting opinions required clarification. On the 17th of October a fact-finding mission, led by Labor Secretary Ruben Torres and members of the POEA, Overseas Workers Welfare Administration (OWWA), and the NBI, went to Japan in search of answers surrounding the death of Sioson. In Japan, the team met with doctors and pathologists; interviews were conducted with informants in the Philippine community, as well as performing artists employed by the club where Sioson worked. Despite the explanations offered by Japanese officials, members of the fact-finding team remained unconvinced. Secretary Torres reportedly said: "While some agreements have been reached on the explanations of some of the bruises and hematomas found on Maricris body, there are still matters which need further investigation" (Duenas, 1991b: 16).

On 4 November, at the request of Senator Rasul, a second

team of Philippine doctors reexamined the histopathological slides. All agreed that there was presence of fulminant hepatitis, most likely contributing to Sioson's death. Bronchopneumonia and congestive splenitis were also found.

Four theories were thus advanced to explain Sioson's death, which still remains unresolved in the minds of many. The official cause is listed as fulminant hepatitis. Bronchopneumonia has also been postulated as the cause of her death. The third, are perhaps most popular, is that Sioson was murdered after angering her employers. A fourth cause posits a combination of fulminant hepatitis and murder, or bronchopneumonia and murder.

The case of Maricris Sioson became an international incident. It has since developed into a movie and is now sold on video. Her story encompasses all the elements that sell: sex, violence, organized crime, hints of a conspiracy, cover-up. A few individuals involved in the private sector, for example, feel that there were political motives behind the actions of Secretary Torres, who was running for Senate at the time. This, according to some informants, is why so much attention was devoted to Sioson's death. The significance of the incidence, however, has been the national exposure to the deployment of women as performing artists. Rallies were conducted in front of Japanese Embassy; the media has continued an assault on the practice. Above all, the incident sent both the government and private sector searching for answers and solutions.

The Aftermath: Responses of the Philippine Senate

The Philippine Senate responded quickly to reports of Sioson's death. On 9 October, Senator Alvarez filed Philippine Senate (P.S) resolution No. 1276 which called for an investigation into the death of Maricris Sioson and other reports of torture, maltreatment and violations of human rights of Filipino expatriates abroad. Five days later Senator Rasul filed P.S. resolution No. 1277 which also called for an investigation into the circumstances surrounding the death of Sioson and to deal with problems encountered Filipina workers abroad. Philippine Senate resolution No. 1304, filed 19 November by Senator Rasul, requested an inquiry into the plight of musicians employed abroad.

After numerous meetings, the Senate concluded in Committee report No. 1681 that Philippine OCWS "have been, still are and presumably will be abused and exploited in the future." The Senate recommended, among other items, an immediate temporary ban on all entertainers to Japan, a re-evaluation and re-examination of the overseas employment program; and that auditions conducted under the supervision of the POEA be phased out. Sadly, many of the recommendations put forward in Committee Report No. 1681 were

outlined 20 months earlier in Committee Report No. 1033. In this earlier report, the Senate requested a re-evaluation of the overseas employment program and to establish a clear policy on undocumented workers. In other words, what is the responsibility of the government? Additional recommendations stressed the need for more accurate data on women OCWs and analytical studies of the migration of women.

While the recommendations also called for the identification of geographic areas known for exploitation, there is no mistaking that most concern was directed toward the Japanese market. The reevaluation of the program was specifically to afford more protection to the Japan-bound entertainers. Persons desiring work in Japan as entertainers must show proof of experience. Workers must also attend pre-departure seminars have be informed on the laws and culture of Japan. Additionally, there was the call for "diplomatic initiatives" to obtain a bilateral labor agreement between the Philippines and Japan, as well as strengthen Philippine Consulate and Labor Attaches in Japan. Such a narrow perspective potentially loses sight of the deployment of performing artists in general, and in fact is counter to Senate Committee report No. 1033, which investigated the report of 300 Filipinas forced into prostitution in Lebanon.

Significantly, these resolutions framed Sioson's death within a larger context, specifically that of the exploitation of women OCWs. What emerged, however, was a frame of reference for understanding the situation. In particular, the Philippine Senate portrayed the performing artists as "willing victims." As stated in Committee Report No. 1681 (page 24), "to make ends meet ... and because of the pressure from her family ... she would in the extreme, turn to the easiest way of making money-- prostitution. And hence, she herself becomes a willing victim." According to this image, these women are aware of the potential abuses that are associated with the entertainment industry, but nevertheless choose to go. The assumption is that only "illegal" and "unskilled" performing artists are subject to exploitation. The obvious solution (according to this image): to ensure that only "legitimate" and "reputable" performers are deployed.

The Aftermath: Responses of DOLE and POEA

The Department of Labor and Employment (DOLE) and the POEA were equally active following the Sioson incident. These agencies quickly passed revised guidelines, and then spent the next few months trying to explain what they did. Many of these have remained in the current "new" guidelines, and many miss the point of what actions need to be taken. On 20 November, for example, DOLE distributed Circular No. 01-91. This memo prescribed 14 additional requirements, conditions and procedures for the deployment of performing artists [4]. The first condition is indicative of the perception of the situation:

No Filipino entertainers shall be deployed outside the Philippines except for legitimate performing artists consisting of musicians, singers and members of dance troupes. In all cases, the performing artists must have a track record of legitimate and reputable performance in the Philippines for at least one year.
[italics added]

The image remains: problems only happen to non-qualified performing artists.

On 15 December, DOLE issued the administrative guidelines implementing Department Circular No. 01-91. This defined "legitimate" performing artists as musicians, singers, and dance troupe members. Qualifications for the deployment of "legitimate" performing artists included that "women performers" be at least 23 years of age (because Sioson was 22?); have a minimum one (1) year cumulative reputable performance in the Philippines or abroad; and be certified by a Philippine licensed agency deploying performing artists overseas as to qualifications nos. 1 & 2. The emphasis continues to focus on qualifications of the performing artists, rather than conditions abroad.

On 3 February 1992, DOLE circulated expanded administrative guidelines implementing Department Circular No. 01-91. These guidelines laid the foundation for many of the most recent regulations examined below. In particular, questions were raised concerning the POEA's involvement in the audition of performing artists. DOLE Circular No. 01-91 specified that "the POEA shall no longer be involved in the audition of talents. The recruitment agencies shall ensure that only legitimate performing artists are deployed." This shows an awareness of P.S. resolution No. 1304 which stated that:

it has been brought to our [Senate] attention that the POEA has never consulted any legitimate organization of musicians when it formulated its policies regarding their pay and terms and conditions of work....

Also:

... the POEA does not appear to be in any position to validly pass upon, certify and attest to the musical "fitness" and prowess of the musician OCWs but nevertheless does so as are being done with the Japan-bound entertainers....

According to the expanded administrative guidelines, a foundation would be organized which would issue a Certification of Professional Proficiency (CPP; this replaced the Artist Accreditation Certificate) to be issued after a talent proves preparedness to perform; this would be the basis of the POEA in determining the legitimacy of an overseas performing artist.

Again, this reflects a working-assumption that abuses would be minimized, if not eliminated, if only legitimate performing artists are deployed.

On 4 February 1992, DOLE issued three more circulars: DOLE Circular Nos. 2, 3 and 4. The most relevant, Department Circular No. 2, Series of 1992, consisted of an amendment to the exemptions provided in Sections 2 and 3 of DOLE Circular No. 01-91 concerning the deployment, pre-qualifications and accreditation of new employers. A key point is that exemptions are granted to all performing artists who are booked by a member of a legitimate association, provided that the said employers/promoters were certified by an association of employers/promoters duly accredited by the Department of Labor and Employment and pre-qualified by the Labor Attache of the Philippine Foreign Embassy. In effect, if any agency had prior approval, then they could continue as usual and not be subject to the exemptions. They must, however, post an additional substantial cash bond and have a well-respected, known citizen as member of association's board of directors. This appears to be an instance of rhetoric: if the promoter/employer was operating illegally, but was licensed, nothing would change.

On 21 February, POEA issued Memorandum Circular No. 12, Series of 1992, which was a clarification of Administrative Guidelines implementing Department Circular No. 01-91, followed on 27 March with Memorandum Circular No. 27. This latter circular addressed the dual and minor market accreditation of Foreign Employers/Promoters hiring Filipino performing artists. Significant is section two of this circular, which includes one sentence: "Regular accreditation requirements shall apply to employers hiring performing artists bound for minor markets." No definition is provided as to what constitutes a minor market, but it is generally assumed that these new regulations apply solely to Japan. Recall that Japan during the early 1990s captured about 98 percent of the market; as such, all other destinations could be conceived as minor market. Does this imply, however, that exploitation is confined to Japan? Does this ignore other known cases, such as the 300 Filipinas forced into prostitution in Beirut?

THE CURRENT SYSTEM

DOLE Department Order No. 28, Series of 1993 of 6 August, established the Entertainment Industry Advisory Council. The guidelines on the organization and operations of the EIAC are issued in DOLE Department Order No. 2, Series of 1994 on 6 January. DOLE Department Order No. 3, (hereby referred to as DO-3) was also issued 6 January. This contains the current guidelines on the training, testing, certification and deployment of performing artists, and was followed on 7 March with DOLE Department Order No. 3-A (hereafter referred to as DO-3A) [5].

Recruitment

Department Order Nos. 3 and 3-A are curiously silent on the recruitment of performing artists. Under Part A of DO-3, Pre-Selection of Artists, there is only one provision which addresses recruitment; this is Section 6, which reads:

performing artists shall apply and submit to any accredited training center the necessary requirements for admission to training.

Section I of DO- 3A barely elaborates: The potential artist must apply with either an accredited training center or a licensed agency, and must be physically and mentally fit, capable of academic and skills training, and be of good moral character. While these regulations appear reasonable, they are also vague and of little use. Who, for example, determines capability, and what constitutes "good moral character"?

Age requirements remain in existence for the deployment of performing artists, but no mention is made regarding the recruitment of performing artists. This seems to ignore previous research in which recruitment agencies have been found to conduct auditions at high schools for women to find employment as performing artists; young girls in remote villages are taught to sing and dance in preparation for future careers in Japan (de Dios 1992, 51).

Training and Training Centers

Compared to recruitment guidelines, the policies addressing training centers is substantially more extensive. Consider, for example, Section III, paragraph 4 on the facilities of training centers, which includes the following two guidelines:

For the training of dancers, at least one (1) 40-square meter dance studio with permanently installed dance bars and wall mirrors at least 5 feet in height with a width measuring at least two-thirds (2/3) of the dance area's length. Additional dance studios must be similarly equipped and must be actually situated within its premises....

And

One (1) 30-square meter classroom with desks, writing boards and other teaching aids with literature....

Section IV, on the Authorization of Training Centers, contains 16 paragraphs covering the requirements and procedures for, and validity of, authorization. Guidelines are specified for the suspension or cancellation of authorization, as well as provisions for renewal and monitoring of permits. Paragraph 20, for example, stipulates that

A Training Center which after one year of operations has achieved only a 50 % or less passing rate among its graduates who took the Academic and Skills Test, shall be served a written warning and an order to institute reforms to improve the passing rate of its trainees.

The training center, in effect, has three years to improve the Academic and Skills "passing rate" of its graduates (discussed below). If the rate does not exceed 50 percent within two years of receiving a warning, a six month suspension is levelled; authorization is finally revoked if the rate remains under 50 percent for a third year. The importance of this section is an emphasis not on quality, but rather quantity. Ostensibly, training centers are private businesses; however, the imposition of an arbitrary 50 percent "passing rate" of its graduates indicates a mechanism designed to increase the number of performing artists qualified for deployment. In essence, performing artists who graduate from a training center, and yet fail the Academic and Skills Tests are, legally, not allowed to be deployed. By "eliminating" those training centers deemed "unsuccessful" a message is forwarded that profit (measured in successful deployment) is more important than protection.

Testing

Following the completion of a training program (or the obtainment of a certificate of exemption from training) the prospective performing artist must be tested on his or her abilities. According to Section VII, paragraph 47:

a performing artist's job preparedness is measured in terms of work attitude, job understanding, moral values and skills competency and readiness to perform his production number or repertoire before an audience.
[italics added]

While I was not able to obtain copies of the tests, the above description indicates an emphasis, again, on the "character" of the performing artists. This emphasis strongly reinforces the image that it is only "morally unfit" and "unreputable" women who encounter problems overseas.

Prior to the test, any and all applicants must submit an application, along with a 2 x 2 photo, Training Certificate (or Certificate of Exemption), and other non-specified requirements. During the actual test, three Testing Officers ensure that the "applicant artists are in appropriate attire and that they observe proper discipline and decorum." A brief orientation covering instructions is then provided.

The tests are developed from approved skills standards for Dancers, Singers, Musicians, and other related occupations (Section VII, paragraph 60). For dancers,

... the test shall be based on a Dance Syllabus whose standards are developed by the NMYC [National Manpower Youth Council] in consultation with the entertainment industry and a Production Show, the weight of which shall be distributed in the following proportion: 40% for Syllabus, and 60% for Production Show. Each applicant will execute exercises and combinations based on the approved dance standards and likewise perform his dance production number or as a member of a dance group.

The basis of evaluation is on a points system, whereby points are assigned for specified criteria of the performance test. A cut-off point (minimum passing score) will be determined, and the applicant must meet the cut-off point of at least two of the three testing officers present.

Following the successful completion of the Academic and Skills Test, Certificates of Competency are awarded individually to performing artists. These certificates bear the picture, job title, code number, signature, and so forth of each successful performing artist. The original Certificate is then officially endorsed by the NMYC to the POEA for issuance of the Artist Record Book. This document is issued to performing artist and contains information such as the artists' name, birthday, photograph, thumb-mark, color of eyes, height, weight, and skills category. Information is also provided on the training venue enrolled, testing venue, academic and skills tests, destination deployed and recruitment agency responsible.

Deployment

Three guidelines are listed regarding the eventual deployment of performing artists. Section IX, paragraph 70 states:

Only an artist with a valid ARB may be processed by the POEA for deployment. The submission of such ARB shall be a requirement for the processing of the employment contract of the artist.

The two additional guidelines stipulate that (1) the licensed recruitment agency assumes responsibility for the authenticity of the ARB, and (2) if the Training Center or Licensed Agency refuses to indorse or release the ARB to a performing artist for specified reasons, the performing artist may file a complaint with the POEA and potentially be deployed without the ARB.

DISCUSSION OF CURRENT POLICY

Existing regulations reflect erroneous assumptions and, hence, implement guidelines that only marginally offer protection to Filipina migrant performing artists. Specifically, the

situation of deployed performing artists has been framed as a issues of legitimacy, values, and proper behavior on behalf of the migrants themselves. Current policy suggests that the exploitation of deployed performing artists will be minimized (and perhaps eliminated) if the state can ensure that the departure of only reputable, skilled performing artists is allowed. The entire process, therefore, is designed to ensure the proper training and testing of performing artists. In short, the Philippines wants to guarantee that only legitimate performing artists are deployed; this implies that only illegal, or untrained performing artists, are vulnerable. Ballescás (1992), however, finds no difference in the experiences between performing artists who were legally deployed and those who were not. Indeed, it is not uncommon to find that legitimate performing artists never actually sing or dance once deployed (Nograles-Lumbera, 1988: 4).

Founded on an assumption of legitimacy, the current policy reflects an emphasis on training and testing. One needs only compare the extensive regulations on the authorization of training centers compared to the vague and minimal regulations addressing the recruitment phase. Where are guidelines regulating the site of recruitment? If women under 23 years are not allowed to be deployed, why is it not illegal to recruit in high schools? Labor officials and other activists have long argued that recruitment practices are at the root of the problem (Nograles-Lumbera, 1988: 2). It is thus all the more interesting why so little research has examined the recruitment process.

The second major conclusion is a corollary to the first: recently implemented policies may lead to increased instances of exploitation through an institutionalized system of debt-bondage. Research on the conditions of Filipina migrant performing artists reveal that many women, legal or otherwise, are coerced into illegal and dehumanizing acts because of debt-bondage (Naoko, 1987; Nograles-Lumbera, 1988; de Dios, 1992; Ballescás, 1992). It is extremely difficult for migrant performing artists, on the basis of salary and tips, to pay back debts incurred prior to deployment; ability to pay is further compounded by the fact that performing artists can only work legally for six-months (de Dios, 1992: 50). Generally, families of deployed workers (and not just performing artists) have expended considerable sums of money to obtain overseas employment. The family very often becomes dependent upon the OCW.

Concomitantly, managers have been known to request workers to go "topless" or nude, and have more intimate contact with customers (Ballescás, 1992). If the performing artist complains, he or she risks deportation and the loss of their job. Anecdotal evidence from both labor recruiters and past OCWs reveals a hesitancy on the part of the abused worker to complain. Migrants speak of "blacklisting" and the fear that any complaint on their

part will negate the possibility of future overseas employment.

Certainly those workers deployed illegally have little leverage in this situation. However, even for those workers deployed legally, they could return home without repercussions, but debt's remain. Faced with the prospect of either "tolerating" the abuse, or afflicting greater hardships on their family, many abused workers quietly accept their fate. Members of the Philippine Senate may view this as a characteristic of a "willing victim." I, however, view this as a case of debt-bondage. "Willing" implies a choice; clearly many exploited workers have no choice.

Do the existing guidelines ameliorate or exacerbate the conditions of debt-bondage? A tentative answer is found in Section I, paragraph 5 of Department Order No. 3: The training, testing and certification ... shall be mandatory for all performing artists desiring to work overseas. Exemptions are to be granted only to "outstanding performing artists." In effect, DOLE Department Order Nos. 3 and 3-A institutionalize a series of hurdles. To be deployed, a performing artist must have an Artist Record Book; the acquisition of this document is predicated on the successful completion of both a training program and examination. Payment is not addressed in the guidelines, but is mentioned throughout the guidelines. According to Section IV, paragraph 23, for example, "the training center may collect or charge such training fees from the artist as may be prescribed by the Secretary of Labor." Fees for testing are also required (Section V, paragraph 33). Deployment fees, likewise, are required of all deployed migrant workers (as well as charges to prospective performing artists by talent managers--finder's fee's--are not out of the realm of possibility). Therefore, in an attempt to safeguard migrant performing artists, existing guidelines increase the amount of debt incurred by potential migrant performing artists. There exists a very real possibility of increased exploitation as these women attempt to pay off loans required for training, testing, and deployment. Ballecas (1992: 39-40) finds that applicants fail to see the enormous risk involved by accepting loans with steep interest rates. She (1992: 40) correctly identifies the need for future longitudinal research examining the ability to pay back the high initial investment of processing fees (and now training, testing fees), as well as daily expenses for family members.

Significant also is that an increase in the number of hurdles provides increased opportunities for corruption. The charging of illegal fees, as well as the overcharging of legal fees, is all too possible. Section VI, paragraph 45, for example, states that "testing officers shall not collect testing fees directly from the artists." Will the applicants know this? Abuses of these types are rampant within the usual deployment of OCWs; increased bureaucracy confronted by performing artists, who

are less likely to be familiar with proper procedures, only augments an environment ripe for exploitation.

Lastly, there is a lack of correspondence between requirements in the Philippines, and requirements in foreign destinations. Section V, paragraph 25, includes guidelines for the location of, and facilities provided by, testing venues. The building, for example, "should be accessible by public conveyance and located in a peaceful and orderly community." The facilities must also have a stage with an area of at least 100 square meters and with dance bars to accommodate at least 6 dancers, with two adjacent dressing rooms with an area of 20 square meters each provided with costume racks. Additionally, a location map and lay-out of the testing premises must be provided, along with a list of skills capable of testing, equipment, and resumes and pictures of the owner and staff. Conversely, the guidelines contain no information on the actual working conditions once the performing artists are deployed. Are guidelines specified in the contracts of performing artists? Simply put, no. The model employment contract for Filipino performing artists bound for Japan merely requires a listing of the address of the place of performance.

CONCLUSIONS

The past fifteen years have witnessed a growing amount of research on the migration of women in general (Phizacklea, 1983; Fawcett, Khoo and Smith, 1984; Simon and Brettel, 1986; Chant, 1992; United Nations, 1993), and the migration of Filipinas specifically (Orozco, 1985; Cruz, 1989; Cruz and Paganoni, 1989; Amarles, 1990; David, 1991; Humphrey, 1991; Ballescas, 1992, 1993; Palma-Beltran and de Dios, 1992; Sancho and Layador, 1993). Much research has examined the particular causes and consequences of the migration of Filipina performing artists (David, 1991; Ballescas, 1992, 1993; de Dios, 1992, 1993). Minimal attention, however, has specifically addressed the policies underlying the migration of these women. This lack of research is significant. At best, a vague understanding of the rules and regulations on the recruitment and deployment may result in the formulation of ineffective policies. At worst, previous lessons are not learned, and policies may be implemented which exacerbate the situation; cases of exploitation may indeed multiply

This paper has analyzed existing guidelines germane to the deployment of Philippine performing artists. I suggest that the formulation of current policies reflects a frame of understanding that is mis-specified and potentially harmful. In particular, guidelines are overly concerned with certifying that only "reputable" and "legitimate" performing artists are deployed. These guidelines, however, overlook the observation that legal or illegal, trained or not, Filipina performing artists are engaged within vulnerable occupational niches. They work in an

environment primed for exploitation, both because of the inherent sexual connotations of their jobs, and the augmentation of debt-bondage. More so, these migrant workers have little access to protection once deployed. Government institutions, such as the POEA, appear to have little leverage with confronting foreign governments. Non-government organizations, based both in the Philippines and abroad, are stretched too thin to effect adequate assistance.

Thus said, I hasten to note that many individuals involved in the labor migration industry of the Philippines are actively searching for effective policies and programs [6]. And despite the criticisms of existing policies, these policies do indicate a desire for improvement.

The underlying ideas contained in this paper should not be seen as restricted to the deployment of Filipina performing artists. The Philippines, for example, is also reevaluating and reworking policies on the deployment of other vulnerable occupations (e.g. household workers). Indeed, there exists a need for a critical analysis of these guidelines as well. But we can likewise extend the messages beyond the confines of the Philippines. Studies generally indicate that international labor migration will continue for quite some time (Skeldon, 1992). Moreover, the role of private recruitment agencies and government institutions responsible for the recruitment and deployment of labor migrants will increase in scope. Many explanations therefore, including the origins of migrant flows and migrant experiences, will be intimately tied to institutional actions and the formulation of migration policies.

NOTES

- [1] There is a movement to change the commonly-accepted terminology of "entertainer" and "talent" to that of "performing artist". The primary reason is one of image. In essence, the term "entertainer" is synonymous with "prostitute".
- [2] Briefly, "government-to-government" hiring refers to the recruitment and placement of Filipino workers by foreign ministries completely through the POEA. For example, if Canada wanted to employ nurses from the Philippines, the Canadian Ministry of Health would approach the POEA, which maintains a placement facility for the "manpower" needs of foreign government entities. With government-to-government hiring, foreign ministries submit Model Employment Contracts which are mutually acceptable to both countries. Recruitment orders are also required, stipulating the number and occupational skills of workers needed; qualification standards; compensation and benefit schedules; visa assurance or certificates; work permits; testing procedures; medical requirements; and company background. "Names hires", conversely, originally referred to any individual worker who is able to secure overseas employment on his or her own, without the assistance or participation of an agency. However, following a ban on direct hiring, no foreign principal may hire a Filipino worker except through the POEA or a licensed agency. All employment contracts, however, must be processed by the POEA.
- [3] The terminology of the "Sioson incident" is not intended to down-play the significance of her death and its impact on her family and friends. Rather, it is to illustrate how her death was a catalyst for research into exploitation; protests of practice; and a general search for answers extending beyond her death to the general trafficking of women.
- [4] This is one of the first documents that tries to change terminology to "performing artist". Note, however, that the term "entertainer" is still used throughout the document.
- [5] DOLE Department Order No. 3-A elaborates the guidelines on the training, testing, certification and deployment of performing artists, as well as the accreditation and licensing of training/testing centers, and the certification of training and testing officers. I examine DOLE Department Order No. 3-A solely in terms of recruitment, training, testing, and deployment

specifically as they apply to performing artists. I do not examine many of the issues on accreditation and licensing in this paper; this would require a separate study, but one which is equally important as these issues concern the financial and legal aspect of clubs, promoters, and testing venues.

- [6] Not all officials of the POEA are supportive of the deployment of performing artists; likewise, not all private recruitment agencies are engaged in the practice. Indeed, many agencies will not deploy performing artists because of moral objections: they do not want to participate in "white-slavery." Still other agencies will not deploy women OCWs of any sort, because of perceived increased vulnerability. Moreover, the POEA and private-sector have, in fact, gone to great lengths to regulate the system, and ensure the safety and welfare of OCWs, especially performing artists.

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