

EXECUTIVE SUMMARY

Asian American Women:

Issues, Concerns and Responsive Human and Civil Rights Advocacy

by Lora Jo Foo

I. Introduction

The Asian presence in North America predates the 13 colonies' declaration of independence from Great Britain. However, since the beginning, Asian Americans have faced racism, exclusion, xenophobia or they have been upheld as a "model minority." In either circumstance, prevailing racist and sexist stereotypes have created the perception of the Asian American as the "other," and, as a result, their lives and issues are practically invisible to mainstream America.

Asian Americans comprise 4% of the U.S. population and are one of the fastest growing groups, increasing from 6.6 million in 1990 to approximately 11 million in 2000. The Census 2000 indicates that a wide gap remains between affluent Asians and those living in poverty. The March 1999 Current Population Report states that while one-third of Asian families have incomes of \$75,000 or more, one-fifth have incomes of less than \$25,000. Asian Americans occupy the extreme spectrums: from wealth to poverty, entrepreneurial success to marginal daily survival, advanced education to illiteracy.

Asian American women, especially those who are low-income, are frequently denied fundamental human rights when they are exploited, trafficked, sexually and physically abused, forced to work poverty-wage jobs --often under hazardous conditions, and are denied or debased when they seek welfare or health care services. Nevertheless, Asian American women have been challenging and changing some of these wrongs. Through grassroots organizing, advocacy and coalition-building, Asian American women are waging social and economic justice campaigns to right the wrongs forced upon them.

This book was written as a call to action to support Asian American women in their struggles to move a social justice agenda to end the violations inflicted on them.

II. Limitations of the Research

The author of this report located and reviewed the few relevant studies on Asian Americans that were available, but due to the paucity of data, was often forced to make use of anecdotal information when studies or information was nonexistent. Since Asian Americans comprise only 4% of the US population, few national studies focus on policy impacts, such as welfare reform, on this diverse community. Additionally, the few studies that exist tend to focus on selected ethnic groups and/or do not disaggregate the data for the over 40 distinct ethnic groups that make up the Asian American community in the US. The gap in data or failure to disaggregate the data can often lead to disastrous consequences especially when it fails to show the impact of policies and programs on different Asian ethnic communities. Furthermore, the invisibility of Asian Americans has meant that little funding or support is available from the government or foundations for community-specific studies.

III. Economic Justice

Chapter 1: Welfare Reform's Impact on Asian American Women

➤ *An Attack on Immigrant Women and Women with Children*

Asian American women suffered a double blow with the passage of welfare reform in 1996. First, welfare reform ended AFDC, an entitlement program primarily for single mothers, and replaced it with Temporary Assistance for Needy Families (TANF), which limits assistance to a total of five years in a woman's lifetime. Second, welfare reform cut off federally funded food stamps and Supplemental Security Income (SSI) to large numbers of immigrants and left it within a state's discretion whether to provide TANF and Medicaid to immigrants. The burden of the cuts falls disproportionately on immigrant women who are more likely to use public benefits. For Asian women who remain eligible, they are denied equal access to public benefits because of the barriers erected by the new law and county welfare offices. Language barriers, mandatory reporting requirements to the INS, fear that using public benefits would make one an undesirable public charge, confusion about eligibility, and hostile caseworkers have kept Asian immigrants from applying for public benefits. The results have been an increase in hunger and illness among Asian immigrant women and their families.

➤ *Denial of Equal Access to Welfare Benefits*

While limiting TANF benefits to five years, Congress provided funding for welfare-to-work services to move women from dependency to self-sufficiency. But Asian immigrant women are denied equal access to services available to English speakers to gain marketable skills such as job training, education, and guidance by job assessors. An alarming high number of Asian women are pushed into workfare (working for their welfare checks) or into dead-end poverty wage jobs where they learn no job skills. They are denied ESL or vocational ESL as an option or in addition to working. A 2001 national survey found that Asians were the least likely to be given job training: only 28% of white respondents were enrolled in workfare programs, compared to 33% of African Americans, 37% of Latinos, and 47% of Asians. Southeast Asian women on welfare who work are worse off than their Black and Latina counterparts. In 2000, 64% earned below poverty wages as compared with 54% of Latinas and 53% of African American women. They also have the highest poverty rate, at 97%, compared to Latinas at 89% and African American women at 82%.

As they waste their days in workfare or poverty wage jobs learning no job skills, the five-year time limit on receipt of TANF benefits ticks away. When the time expires, these women will face dire circumstances, with their safety net gone and lacking the English language and job skills needed to find self-sustaining living wage jobs.

RECOMMENDATIONS FOR ACTION

- ❑ **Federal Level:** Engage in legislative advocacy to "fix" welfare reform during the upcoming reauthorization of TANF and food stamps funding to restore benefits to immigrants and address barriers to Asian immigrant women moving from welfare to work;
- ❑ Pressure INS to issue clearer guidelines to end the chilling effects of mandatory reporting;
- ❑ **State Level:** Provide permanent substitute programs for immigrants no longer eligible for federally funded programs;

ORGANIZATIONS WORKING ON THESE ISSUES

1. Southeast Asia Resource Action Center (SEARAC)
2. Hmong National Development (HND)
3. Committee Against Anti-Asian Violence (CAAHV)

- ❑ **County Level:** Bring class action litigation and apply pressure when counties deny equal access to TANF and other public benefits and fail to provide written translation, interpreters, job training, vocational ESL and ESL to Asian immigrant women;
- ❑ Train caseworkers to understand eligibility rules;
- ❑ Help immigrants understand their rights and how to exercise them.

Chapter 2: The Trafficking of Asian Women

In the trafficking of women, class, race, and gender oppression come together to create the worst exploitation. Each year, an estimated 700,000 to two million women and children are trafficked globally. Of that number, the Central Intelligence Agency (CIA) estimates that about 45,000 to 50,000 are brought to the US under false pretenses and held in servitude, forced into prostitution, bonded sweatshop labor, and/or domestic servitude. Trafficking in women flourishes in direct proportion to the growing economic inequity between the developing countries of the South and the industrialized countries of the North. Approximately 30,000 come from Asia, 10,000 from Latin America, and 5,000 from other regions such as the former Soviet bloc countries and Africa. Trafficking of women has been reported in 20 states, with most cases occurring in New York, California, and Florida. The three main forms of trafficking are:

- 1) **Trafficking for the Sex Industry:** The selling of naive and desperate young women into sexual bondage has become one of the fastest growing criminal enterprises in the global economy. Every major city in the US is a receiving center for trafficked women.
- 2) **Trafficking for Domestic Servitude:** The INS issues thousands of temporary work visas to diplomats, international bureaucrats and wealthy individuals to bring domestic workers, usually from poor countries, to work as nannies, maids, cooks, and gardeners. Many of these women are forced into involuntary servitude and often face physical and sexual abuse at the hands of their employers.
- 3) **Servile Marriages:** The INS estimates that 4,000 to 6,000 women, half from Asian countries, are brought by men to the US as brides through mail-order catalogues, e-mail "pen-pal" clubs on the Internet, classified ads, and various types of dating services. Since mail-order companies are completely unregulated and not required to screen their male clients for domestic violence or criminal records, many women end up as trafficking victims in a servile marriage and may be exploited as a domestic worker and sexual slave or even prostituted by her husband.

In October 2000, advocates in the US succeeded in passing "The Victims of Trafficking and Violence Protection Act of 2000 (HR 3244)," a comprehensive trafficking law with a definition of trafficking, stiffer penalties for traffickers and protections and services for victims. HR 3244 allows prosecutors to bring cases even where victims agreed to migrate voluntarily to work as a domestic worker or in the sex industry but find themselves in peonage, debt bondage, slavery, or involuntary servitude. However, Congress has not released sufficient funds to implement the new law and limited resources have hindered the US Attorneys' ability to investigate and prosecute trafficking cases.

RECOMMENDATIONS FOR ACTION

- ❑ Educate federal, state, and local government agencies and nonprofit service providers on the rights provided by HR 3244 to trafficking victims, including rights to public benefits such as TANF;
- ❑ Ensure regulations are adopted that carry out the intent of HR 3244, specifically ensuring that regulatory definitions cover all forms of trafficking and trafficking victims;
- ❑ Train law enforcement to identify trafficking victims, provide them with appropriate services and shelter, medical care, access to translators, and protection from harm by their traffickers;
- ❑ Increase language appropriate services to victims, including building shelters for trafficking victims, legal representation, and assistance in moving from crisis mode to situations where they are safe and thriving, either in their home country or in the US;
- ❑ Conduct ethnic group specific research on the scope of trafficking of Asian women to the US and educate the ethnic communities in which trafficked women are hidden on how to identify trafficking victims and where to refer them for help;
- ❑ Bring the plight of trafficked Asian women to the public's attention through media work and high profile litigation to create pressure and demand for an end to this extreme form of exploitation of women.

ORGANIZATIONS WORKING ON THESE ISSUES

1. Coalition to Abolish Slavery and Trafficking (CAST)
2. Campaign for Migrant Domestic Workers Rights
3. Asian Pacific American Legal Center of Southern California (APALC)
4. Asian American Legal Defense and Education Fund (AALDEF in NY)
5. Asian Law Caucus
6. Andolan
7. Workers Awaaz

Chapter 3: Asian American Garment Workers: Low Wages, Excessive Hours and Crippling Injuries

Today, the US garment industry consists of almost 621,000 jobs, a decline of 56% since reaching a high point of 1.4 million jobs in 1973. The movement of production overseas to Asia beginning in the 1980's and passage of the North American Free Trade Agreement (NAFTA) in 1993 have been devastating to the garment domestic industry. Today, over half of all apparel sold in the US is made overseas.

The majority of garment workers in the US are Asian, Latina, and other immigrant women of color. In California, close to 100,000 garment workers are Latinas and 30,000 are Asian. Half of New York's 65,000 workers are Latina and almost half are Asian. The DOL estimates that more than half of the country's 22,000 sewing shops violate minimum wage and overtime laws and 75% of US garment shops violate safety and health laws.

➤ *What Garment Workers Face*

- Regular working hours are 10-12 hours per day, six to seven days a week;
- On piece rates, they earn at or below the federal minimum wage of \$5.15 per hour and without overtime pay;
- They work under dangerous conditions that include blocked fire exits, unsanitary bathrooms, poor ventilation and suffer from repetitive stress injuries.

➤ *Root Causes of Sweatshops*

- 1) **Pyramid of Exploitation:** The very structure of the garment industry, which is based on subcontracting, encourages the creation of sweatshops. Retailers sit at the top of the pyramid while contractors are at the bottom --relying on “sweating” profits out of their workers. The thousands of contractors are forced to accept or bid for work at prices so low that they cannot pay minimum wage or overtime.
- 2) **Consolidated Power of Retailers:** During the past decade the retailing industry has experienced major mergers leading to considerable consolidation of their buying power, especially among discounters. With this consolidated buying power, retailers dictate the price of clothing and ultimately what workers earn, and their decisions directly affect whether sweatshop conditions improve or worsen.
- 3) **Race to the Bottom of the Global Assembly Line:** A critical factor leading to resurgence of sweatshops in the US is the movement of production overseas since the 1980s. Forced to compete with overseas labor costs, domestic contractors lost their leverage to extract higher prices from retailers and garment manufacturers. The threat of shop closings has kept workers from organizing even as conditions worsen.
- 4) **Poor Enforcement of Labor Laws:** Sweatshops persist due to the chronic under-enforcement of labor laws by state and federal labor agencies, both of which are underfunded and understaffed. Most contractors violate the law with impunity, assuming they will not be inspected, and if inspected, the contractor simply pays unpaid wages, fees, and fines as part of the “cost of doing business” and returns to business as usual.

Unless manufacturers and retailers are held legally responsible for the wage and working hour violations of their contractors, they have no incentive to increase contract prices or avoid using contractors who are chronic violators. In California, garment workers succeeded in 1999 in getting a strict manufacturer's liability law. The law created a “wage guarantee” requiring manufacturers and retailers acting as manufacturers to guarantee payment of minimum wages and overtime.

RECOMMENDATIONS FOR ACTION

- ❑ Hold retailers and manufacturers legally responsible, through impact litigation and legislative advocacy, for the labor law violations of their contractors;
- ❑ Increase staffing levels at state and federal labor agencies and pressure them to direct their enforcement efforts against contractors and manufacturers;
- ❑ Organize and unionize workers because only an empowered workforce can monitor its own factory day-to-day and make lasting changes in their factories and industry;
- ❑ Enlist the support of the public to prevent “runaway” shops. Strengthen the ability of NGOs to conduct the necessary state and national level campaigns and advocacy;
- ❑ Conduct research to determine the potential impact on jobs due to the elimination of quotas for apparel imports in 2005 and advocate for funding for ESL and retraining programs to help garment workers who will lose their jobs to transition to other industries;
- ❑ Foster global networks and coalitions of garment workers and advocates to counter the race to the bottom and coordinate responses to the elimination of quotas in 2005.

**ORGANIZATIONS
WORKING ON THESE
ISSUES**

1. Asian Law Caucus (ALC)
2. Sweatshop Watch (SW)
3. Asian Immigrant Women Advocates (AIWA in Oakland)
4. Asian Pacific American Legal Center of Southern California (APALC)
5. Chinese Staff & Workers Association (CSWA in NY)
6. Asian American Legal Defense and Education Fund (AALDEF in NY)

Chapter 4: Other Low-Wage Workers: High-Tech Sweatshops, Home Care Workers and Domestic Workers

1. High-Tech Sweatshops-- Asian Immigrant Women in Silicon Valley

California's Silicon Valley is famed for its semiconductor industry. However, this industry is highly segregated along race, class, and gender lines. Highly paid and stock-optioned executives and engineers are usually white males. The secretarial pool is 80% women, especially white women. Fabrication and assembly line jobs are low-wage jobs without benefits (e.g. health insurance) and are held predominantly by Asian women. Fabrication jobs in "clean rooms," where microchips are made, are primarily held by Filipina women due to their English language skills. Assembly-line jobs which include soldering wires and transistors onto circuit boards are predominantly comprised of non-English speaking Vietnamese, Korean and Chinese women.

➤ *Three critical problems faced by Asian immigrant women in this industry include:*

1) **Racist and Sexist Stereotyping to Justify Low Wages and Discrimination, such as:**

- Asian and Mexican women are better suited for boring and repetitive assembly line work;
- They are more expendable than "regular" workers and there will be no social outcry for laying them off first or exposing them to dangerous workplace hazards.

2) **The Creation of High-Tech Products in Immigrant Homes**

Silicon Valley electronics assembly companies have regularly used immigrant women workers to assemble circuit boards in their homes in the evenings as a second job. Since homework is based on piecework, women often involve their entire family, including children, to complete the work. Large companies have reduced their reliance on homeworkers, however, the practice remains robust in smaller companies, particularly cable assembly houses.

3) **Heightened Health Risks to Asian Immigrant Women Workers**

Asian and Latina women semiconductor production workers are exposed to dangerous chemicals that may cause cancer or neurological, vision, respiratory, or reproductive damage. Occupational illnesses represent 30% of semiconductor workers' maladies. Additionally, the rate of injuries and illnesses due to toxic exposure is three times higher for semiconductor workers than other manufacturing workers.

RECOMMENDATIONS FOR ACTION

- ❑ Conduct research on the health and safety effects of working with toxic chemicals;
- ❑ Conduct research to better understand the industry including its structure to determine accountability for labor law and health and safety violations;
- ❑ Advocacy needed to reform the industry, including:
 - ✓ worker education and outreach
 - ✓ organizing the workers
 - ✓ impact litigation
 - ✓ legislative remedies

ORGANIZATIONS WORKING ON THESE ISSUES

1. Asian Immigrant Women Advocates (AIWA)
2. Asian Law Caucus (ALC)
3. Santa Clara Center for Occupational Safety & Health (SCCOSH)

2. Domestic Workers in the Hidden Economy

There are no reliable statistics on the number of domestic workers employed in the US, let alone the number of Asian American domestic workers. The overwhelming majority of domestic workers are employed in the homes of “private citizens.” In states with large immigrant populations, most domestic workers are immigrant women.

➤ *Key Facts About Domestic Workers*

Approximately 200,000 to 300,000 domestic workers work in the tri-state areas of New York, New Jersey, and Connecticut. The vast majority of domestic workers are Caribbean immigrant women, about 25% are Asian immigrants. Among the Asian workers, 80% or about 25,000 are Filipinas and 3,000 are Tibetan women.

South Asian domestic workers (from Nepal, Bangladesh, India, Pakistan) and Malaysians make up the rest of the Asian domestic workforce. Except for the South Asian domestic workers who work for employers of the same ethnicity, all other Asian domestics work primarily for white families. Most domestic workers in the tri-state area, except the Tibetans, are undocumented migrant workers who work in the US in order to send money home to their families and many have been here up to a decade or more.

➤ *Hardships Faced By Domestic Workers*

They work for low wages (from \$2 to \$7 an hour and even as low as 50 cents an hour) at long hours (some work on-call 24 hours a day). They receive no health care. They face isolation, sexual harassment, and physical abuse. Many work in conditions of involuntary servitude and continue working despite their exploitation because of their isolation. Many are unaware of their rights and fear deportation by the INS because of their undocumented status.

➤ *Gaps in Legal Protection*

Exacerbating the abuses spawned by their isolated work situations is the fact that most domestic workers are excluded from many labor laws that protect most other workers. On the federal level, the live-in domestic workers, babysitters and companions to the disabled or elderly whose principal duties do not include housekeeping are excluded from minimum wage and overtime protections. The law granting employees the right to organize does not cover domestic workers. Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin, only covers employers with 15 or more employees, thereby excluding virtually all private households and domestic workers. Many state laws exclude domestic workers from their higher minimum wage laws and over half of states exclude private households and domestic workers from their civil rights and workers compensation laws.

RECOMMENDATIONS FOR ACTION

- ❑ Outreach to and education for domestic workers;
- ❑ Collect hard data to make legislative changes;
- ❑ Engage in impact litigation and high-level campaigns to bring the plight of domestic workers to the public's attention.

ORGANIZATIONS WORKING ON THESE ISSUES

1. Committee Against Anti-Asian Violence (CAAUV) –Women Workers Project
2. Workers Awaaz
3. Andolan

3. Homecare Workers Unionize—A Labor Success Story

On February 25, 1999, the Service Employees International Union (SEIU) won the right to represent more than 74,000 homecare workers, primarily women of color, in Los Angeles County. This was the biggest organizing victory for the US labor movement since workers at Ford Motor Company's River Rouge plant joined the United Auto Workers in 1941. Similar organizing efforts in the Greater San Francisco Bay Area have also succeeded with SEIU now representing 30,000 homecare workers, also women of color. These organizing victories have resulted in homecare workers gaining:

- San Francisco = \$9.75 per hour, with medical and dental benefits;
- Alameda County = \$7.82 per hour with health care benefits, free bus passes to get to work, and funding for a Workers Center;
- Los Angeles County = \$6.75 per hour.

Homecare workers are personal attendants who provide assistance to sick, elderly, and disabled people in their homes. Half of homecare workers are family members of the consumers. Many are over the age of 40. Their jobs are often difficult and stressful, requiring a variety of skills ranging from cooking, performing medically related tasks, managing household money to heavy lifting and coping with death. In California, overwhelmingly, homecare workers are women of color, many of whom are immigrants. In Los Angeles County, around 5,000, or 7% of some 74,000 homecare workers are Asian/Pacific Islanders. In San Francisco and Alameda Counties about 4,500 or approximately 30% of the 15,000 workers are Chinese. Prior to unionization, these workers made the state minimum wage with no benefits.

The SEIU's victories were many years in the making (12 years in LA County). It successfully lobbied for passage of statewide legislation to create a public authority in each county as an employer-of-record with whom homecare workers could engage in collective bargaining. Thereafter it pushed the counties to form the public authorities and commenced collective bargaining that led to union contracts with higher wages and health benefits.

In Alameda County, Chinese homecare workers, shattering stereotypes about Asian immigrant women, were the most active union members at every stage of the organizing campaign. They recruited union members, lobbied the legislature for passage of the law creating the employer-of-record, negotiated the wage increases and health benefits, lobbied the counties to release funds for the wage increases, represented fellow workers in solving problems with the county, and even ran for union office --currently holding four out of the seven Executive Board member positions.

RECOMMENDATIONS FOR ACTION

- ❑ Widely spread the SEIU success story to inspire similar campaigns and actions on behalf of home care workers in other states;
- ❑ Ensure that legislation on health and safety and sexual harassment applies to homecare workers and through collective bargaining, obtain the benefits that other workers enjoy, such as vacation time, sick-leave and retirement plans;
- ❑ Advocate for resources for leadership training and building of workers' centers.

ORGANIZATIONS WORKING ON THESE ISSUES

1. Service Employees International Union (SEIU)

IV. Health and Well-Being

Chapter 5: Health Care Needs of Asian American Women

➤ *Health Disparities*

Studies show that the health and mental status of Asian American women are disproportionately worse than the mainstream. Asian women die or suffer from illnesses and diseases that are curable if detected early:

- For Asian American women ages 45 to 54, breast cancer is the leading cause of death. Japanese American women have the highest rate of breast cancer, followed by Filipina Americans. The risk of death for Asian American women with breast cancer is 1.5 to 1.7 times that of white women. Yet based on stereotypes that Asian women don't have breast cancer, doctors often fail to order tests.
- Among all women in recent years, API women have the highest rate of increase in certain sexually transmitted diseases, such as gonorrhea and HIV/AIDS. Yet, because of stereotypes about patients at risk for HIV, doctors often fail to order HIV tests for Asian women. As a result, white and Asian women tend to be infected for the longest time before detection.
- The model minority myth hides the high rates of suicide. Asian American women have the highest suicide rates among women over age 65 and the second highest rates among women ages 15 to 24 in the US. The suicide rate among Chinese women is the highest among all racial and ethnic groups. Suicide is the eighth leading cause of death for Asian American women.

➤ *Insufficient Data and Research*

Medical treatment based on stereotypes is a denial of the human right to medical services. Stereotypes and ignorance of Asian American women's health needs persist because there are so few studies on the health of Asian American women in general, and even fewer on specific Asian subgroups. Where studies do exist, the over 24 Asian subgroups are lumped together and the data is not disaggregated. Treating the Asian population as a single, homogenous unit can cause harm or even fatal results.

➤ *Other Barriers to Care*

Asian American women face particular obstacles that prevent early detection and treatment for illnesses and diseases. In addition to lack of data and the ignorance of medical providers, there is:

- **Lack of information and education in their own languages:** for example, Vietnamese women have five times the rate of cervical cancer as white women. Yet, cancer screening rates are very low for Vietnamese, Hmong, and Cambodian women. Vietnamese women hold the common notion that female organs cease to function if they are not used for procreation and thus are not susceptible to disease.
- **Lack health insurance--** 36% of Asian American women under the age of 65 have no form of health insurance. This is higher than the general US population.
- **Lack of language accessible services:** over 60% of Asian American women are limited-English proficient. But without interpreters and bilingual staff, many women are not able to communicate with their health care providers.
- **Lack of culturally competent care:** few Western medical practices incorporate traditional treatments, such as acupuncture and herbal medicine.
- **Heterosexism:** Asian American lesbians, as lesbians in general, have overall poorer health than the general population due to discrimination, heterosexist practices and a lack of studies/data.

RECOMMENDATIONS FOR ACTION

- ❑ Advocate for culturally competent research and data disaggregated by ethnic group to assess and understand the particular health needs of Asian American women, heterosexual and lesbian;
- ❑ Educate health care providers of the high-risk diseases for the various ethnic subgroups to overcome stereotypical assumptions that lead to denial of high-quality and appropriate medical care;
- ❑ Educate health care providers on culturally related health beliefs and medical practices in order to incorporate them into treatment plans and/or to better explain western treatments to their Asian patients;
- ❑ Educate Asian American women to understand the health issues specific to them to enable them to be proactive in the prevention, early detection, and treatment of high-risk diseases;
- ❑ Provide linguistically accessible services, e.g., hiring of interpreters and bilingual health care workers, so that women can communicate with their health care providers.

Chapter 6: Sexual and Reproductive Freedom for Asian American Women

For women, sexual freedom is the right to be a sexual being, free from both the patriarchal constraints of uncontrolled pregnancy or the mandate to be heterosexual. But, reproductive freedom and the notion of “choice” for Asian American women encompasses more than the right to have an abortion. Race, gender and class dynamics create barriers to Asian American women’s ability to exercise many other sexual and reproductive rights. These barriers include:

- 1) Silence about sex and sexuality:** Sex is a taboo topic in many Asian American communities. In some Asian cultures, women are not seen as sexual beings; they have sex for the purposes of reproduction or as a marital obligation, not for pleasure. Additionally, sexism allows male children greater freedom to express their sexual orientation and independence than female children. A 1991 survey nevertheless found that 77% of Asian American women identified themselves as “pro-choice.” and an overwhelming majority of the over 1,000 respondents were supportive of a woman’s right to choose abortion under varying conditions.
- 2) Government population control policies:** Ever since there have been Asians in the United States, the government has created laws and policies to control the size and existence of Asian American populations. For example, the Page Law of 1875 was the first federal anti-Asian exclusion act aimed specifically at barring Chinese women from joining Chinese men working in the US. Today, groups such as the Carrying Capacity and segments of groups like the Sierra Club use overpopulation and the environment to argue for drastically reduced immigration quotas.
- 3) Lingering traditions of male preference:** First-generation Asian American women often experience reproductive oppression when their husbands and extended families put both overt and subtle pressure on them to bear a male child. In many cases, women are pressured into having more children than the family can economically support until a male heir is born. Furthermore, prenatal testing is often used to identify the gender of the fetus in order to abort female fetuses.
- 4) Limited access to reproductive and sexual health care:** When offered limited and more dangerous birth control options, low income Asian American women may face contraceptive abuse. They deal with language and cultural barriers when seeking abortion services. They are losing access to abortion and

family planning services as more hospitals are bought by anti-choice Catholic institutions. As Medicaid transitions to managed care, time sensitive services such as prenatal care, abortion or contraception are delayed, and certain reproductive care services are no longer covered. Their traditional birth practices are often challenged or disregarded by Western medicine.

- 5) **Cultural acceptance of teen pregnancy:** Teen birth rate data is not disaggregated by ethnic group, leaving the impression that teen birth rates are very low among Asian girls. In fact, the highest teen birth rates in California are among Laotian girls. Mainstream pregnancy prevention programs are based on the premise that teen pregnancy is a pathology. But in certain Southeast Asian communities, cultural traditions put pressure on teens to become mothers as a way to earn respect within the community. Additionally, in certain South Asian communities, teens are forced into arranged marriages.
- 6) **Environmental toxins impact on healthy birth outcomes:** Many low-income Asian American women face environmental toxins in their communities and at their workplaces. Some women have fled nations where they were exposed to large levels of chemicals due to war and military interventions.

RECOMMENDATIONS FOR ACTION

- ❑ Ensure that the voices of the vast majority of Asian Americans who are pro-choice are heard in order to counter inroads being made by social conservatives and Asian churches;
- ❑ Break down the taboos to discussing sex in Asian American communities so that a more healthy view of sexuality can develop;
- ❑ End the abusive practices of sex selection and pressuring women to have more children than they want through work on transforming cultural norms;
- ❑ Provide language services that allow women access to safe and legal abortions;
- ❑ Develop teen pregnancy prevention programs that address the specific community and cultural values Asian American girls encounter, i.e., by addressing the root causes that lead to teen births in low-income South Asian and Southeast Asian sub-populations;
- ❑ Conduct research on the effects of toxins on the reproductive health of Asian American women.

ORGANIZATIONS WORKING ON THESE ISSUES

1. Asians and Pacific Islanders for Reproductive Health (APIRH)
2. Asian Pacific Environmental Network (APEN)

Chapter 7: Domestic Violence and Asian American Women

➤ *Prevalence of Domestic Violence Against Asian American Women*

For Asian American communities, the paucity of data makes it difficult to estimate the prevalence of partner abuse. From the few studies that do exist, it is clear that domestic violence is as at least as prevalent in the Asian American population as the general population and may be higher in certain Asian subgroups. For example, in Chicago, a survey of 150 Korean women found that 60% reported physical abuse. The data also suggests that Asian American women may be at higher risk for fatalities related to domestic violence than women in the general population.

➤ *Safety Needs Neglected*

The reason for the higher rates of fatalities is due to numerous safety-related challenges faced by Asian American women including:

- **Limited and inadequate shelter space** –limited number of shelters can meet Asian women’s language and cultural needs or can take-in women with more than two children;
- **Lack of accurate interpretation** –police and the legal system have limited language/interpretation resources and fail to intervene in dangerous domestic situations.
- **Lack of services to batterers** --in most parts of the US, linguistically and culturally accessible intervention programs for batterers from the Asian community do not exist.
- **Immigrant laws** --the Immigration Marriage Fraud Amendments of 1986 requires an immigrant spouse to stay married to a citizen spouse for two years before getting permanent residence status. Powerful documentation of the physical, emotional, and economic abuses suffered by battered immigrant women as a result of this law led Congress to enact the Battered Spouse Waiver in 1990. But many monolingual women are unaware of these legal protections, believe they will become undocumented if they leave their spouses, and stay in violent domestic situations.
- **Welfare reform** --recognizing that welfare programs serve as an essential bridge to safety for women fleeing domestic abuse, Congress provided public benefits for undocumented battered immigrant women and created exceptions in the TANF program. However, fear of being reported to the INS and deported as a public charge has prevented many women from accessing these services. Moreover, many caseworkers and shelters are ignorant of these exceptions and mistakenly refuse services to Asian immigrant women.

➤ ***Cultural Norms and Values That Lead to Violent Behaviors***

Cultural norms and values compel battered Asian American women to stay longer in violent situations. In many Asian communities, preserving the family is more important than the safety of women. Violence against women is tolerated as a means of discipline and control. Transforming these cultural norms and practices is often hindered by immigrant communities’ fear of losing their culture after relocating to the United States.

➤ ***Battered Queer Asian American Women***

Domestic violence is equally prevalent in queer Asian women’s relationships. However, there is even fewer research and data on same-gender relationship violence and what does exist tends to underreport the incidents involving queer Asian women. Underreporting is due to: fear of homophobia and racism in the hands of service providers and the police; language and cultural barriers; and perceptions that the domestic violence movement does not acknowledge same gender relationship violence.

RECOMMENDATIONS FOR ACTION

- ❑ Conduct research on the prevalence of domestic violence and barriers to safety needs for Asian American women and on relationship violence in queer Asian women communities;
- ❑ Create culturally competent services and provide language access for all services needed by battered women through hiring of interpreters and bilingual staff;
- ❑ Eliminate barriers to public benefits such as the chilling effects of mandatory reporting to the INS, fear of being designated a public charge, and hostile caseworkers;
- ❑ Train caseworkers on the exceptions for battered women, the Family Violence Option in TANF, and the myriad categories for immigrants to stop the wrongful denial of benefits to immigrant women;

**ORGANIZATIONS
WORKING ON THESE
ISSUES**

1. Asian American women’s shelters
2. Asian and Pacific Islander Domestic Violence Institute (APIDVI)
3. SHIMTUH project
4. Tapestry Men’s Group

- ❑ Educate government agencies, social service providers and immigrant women to understand and utilize the protective provisions in VAWA;
- ❑ Repeal the conditional residence status that has trapped women in violent homes and which the passage of VAWA simply will not fix;
- ❑ Transform cultural norms that accept violence against women as a means of discipline or control.

V. Special Focus

Chapter 8: Hmong Women in the US: Changing a Patriarchal Culture

The story of Hmong women in America is a story of both crushing burden and an indefatigable will to survive. Many Hmong women marry and have children at young ages, work full-time jobs, and cope with raising 10 to 14 kids. Sometimes they are the sole breadwinners of the family. It is the strength of Hmong culture and the women themselves that has made survival possible for the vast majority of Hmong women.

In America, unlike in Laos, Hmong women were free to marry whomever they choose, free to pursue jobs or an education, and free to get out of a loveless marriage. Denied the opportunities in Laos, Hmong women of all socioeconomic classes have seized educational opportunities and are often more likely to get a job than their male counterparts. Some Hmong men, angered by what they feel are drastic and rapid changes made by Hmong women, have reacted with violence. Domestic violence has increased to alarming proportions, sometimes with fatal results.

In the four-year period between 1998 and 2001, five Hmong women were killed by their husbands, three of whom committed suicide after killing their wives. For some women, the violence and burdens were too much to bear. In 1998, a 24-year-old killed her six children and attempted suicide. In 2001, a 26-year-old woman was arrested for killing two of her six children and there is speculation that she survived a suicide attempt. Similarly, there have been lives lost in California and Wisconsin as well.

In Laos, from where the US Hmong immigrated, domestic violence and suicide/homicides were not as prevalent. What is behind the crisis? Why are Hmong so desperate that mothers believe that death is the only escape and fathers decide to kill their families and themselves? To begin looking for answers, this report provides a brief history of the Hmong, their migration to the US, and some information on Hmong culture. It then looks at the changed economic status of some Hmong women and the violent backlash by men who feel they have “lost control” of their women.

Some young Hmong women have attempted to address the status of women, however, they are often paralyzed as they attempt to walk the fine line between remaining loyal to a culture badly badgered by a racist mainstream community and publicly challenging the gender inequalities embedded in Hmong culture. Older women are approaching these issues by utilizing more moderate language (i.e. not using terms such as “domestic violence”) and by encouraging women to teach their sons to respect women and husbands to talk with other men. Hmong women in different parts of the US, who come from different life experiences, are exploring multiple ways to address the violence in their communities and improve the lives of Hmong women and girls.

Changing of cultural norms is key, but the community must also address the problem of unemployment among Hmong men and their inability to adjust to the economic realities of life in the US.

RECOMMENDATIONS FOR ACTION

- ❑ Convene intergenerational women's groups in regions with large Hmong populations, e.g., California, Minnesota, and Wisconsin to engage in discussions about solutions to the rise in violence against Hmong women;
- ❑ Develop and implement a comprehensive plan for action for the transformative work needed to change cultural values and raise the status of women in the Hmong community.

Chapter 9: Hawai'i - The Asian State

Hawai'i is home to the third largest population of Asian Americans in the US. Unlike the US mainland where Asian Americans are 4% of the US population, 70% of Hawai'i's population is Asian or part Asian. While on the US mainland 63% of Asians are immigrant, in Hawai'i, 84% are U.S. born.

This report addresses the following questions: Do Asian Americans, who make up the vast majority of the state and control its political apparatus, suffer human and civil rights violations? The answer was "yes" though with variations not seen on the mainland. With regard to the question: "Is there an Asian American identity or sense of solidarity on the islands?" the answer was "no."

On the mainland, the white dominant culture's perception of all Asians as being the same and the resulting oppression that does not discriminate among Chinese, Japanese, Filipinas, and Southeast Asians contribute to the creation of Asian American identity and solidarity. In Hawai'i, where Asians are the majority, there is no white/Asian dichotomy. The particular history of conquest of Hawaii by the US and Asian immigration to Hawai'i has influenced the socioeconomic stratification of the state. This stratification consists of a Chinese merchant and business class that largely stays out of politics, a middle and professional class of Japanese that dominates politics, and a working poor or impoverished class made up of Filipinos, Southeast Asian refugees, mixed ethnicities, and Native Hawai'ians. Japanese Americans who hold political power, whites who hold economic power, and Japanese and Chinese middle managers are among the sources of the human and civil rights violations inflicted on Filipinos and Native Hawai'ians. Under these circumstances, there can be no Asian American identity or solidarity.

In order to understand this stratification in present day Hawai'i, this chapter gives a brief history of the settlement of Hawai'i by haoles from the mainland, the immigration of laborers from Asia, and the creation of the Japanese middle and professional classes. The report then examines the issues facing the ethnic groups at the bottom of the socioeconomic ladder and possible steps for future action.

In Hawai'i, as on the US mainland, the most serious civil and human rights violations are inflicted on the working poor and impoverished women, in this case, Filipinas and Native Hawai'ians. Most of the issues that they face are directly related to their poverty:

- **Incarceration Rates:** Hawai'i has the largest proportion of females in the prison population in the country. They are primarily Native Hawai'ian.
- **Welfare reform:** 28% percent of the TANF recipients are part Hawai'ian; 92% being women. 8% are Filipinas and 38% are local (mixed ethnicity, other than Hawai'ian).
- **Health Disparities:** Hawai'ians/Part Hawai'ians suffer the highest cancer rates. They and Filipinas have the highest number of AIDS cases among all women in the state. There is also a higher prevalence of domestic violence among Filipinos and Hawai'ians.

ORGANIZATIONS WORKING ON THESE ISSUES

1. Women's Association of Hmong & Lao (WAHL)
2. Hmong Women's Action Team (HWAT)
3. Association for Advancement of Hmong Women in Minnesota (AAHWM)
4. Hmong Women's Heritage Association (HWAH)
5. Hmong National Development (HND)

- **Education:** Segregated schools are returning to Hawai'i. The children of middle class and more affluent Japanese and Chinese Americans attend private schools. The public schools are populated by Filipinos, Native Hawai'ians, and new Southeast Asian immigrants.
- **Unequal Access to Employment:** In the hotels, higher paid bell captains, front desk clerks, and maître d's have traditionally been Japanese Americans. Filipinos and Native Hawai'ians worked in the back of the house. Only now is this changing for second generation Filipinas.
- **Homelessness:** Of all Asian/Pacific Islander groups, Filipinos and Native Hawai'ian and Mixed/Cosmopolitan have the highest numbers of single female and family units who are homeless.

There are only a handful of organizations that advocate on behalf of Filipinos and Native Hawai'ians. Most of the issues facing them are not being addressed.

RECOMMENDATIONS FOR ACTION

- ❑ Convene a cross-section of Asian, Hawai'ian, and Pacific Islander women to discuss their issues, concerns, and priorities and the responsive civil and human rights advocacy needed for systemic change and to begin discussion on the institutions and infrastructure they need to carry out their social change agenda;
- ❑ Conduct research to determine the distinct concerns of women within each of the specific Asian groups as well as the needs of Native Hawai'ians and Asian Pacific Islanders women.

ORGANIZATIONS WORKING ON THESE ISSUES

1. Na Loio No Na Kanaka
2. Hawai'i Commission on the Status of Women,
3. National Hawai'ian Legal Corporation

Chapter 10: Asian American Lesbians, Bisexuals and Transgendered Persons – Moving from Isolation to Visibility

Asian American lesbians, bisexual women, and transgendered persons (LBT), aka queer Asian women, are affected by all of the issues described in the previous chapters of this report. Asian American lesbians are also subject to the additional discrimination that all lesbians face in employment, housing, the military, family law, and various other areas. For many Asian LBTs, it is difficult to determine whether the source of the discrimination they face is related to their gender, race, or sexual orientation because these identities are interconnected and multiple. Only a handful of studies address Asian lesbians' particular concerns. These few studies and interviews by the author reveal the ways in which Asian lesbians' issues are unique and different from other lesbians and straight Asian women, and as such, requires advocacy specific to Asian LBTs.

➤ *Coming Out and Others Issues Facing Asian American LBTs*

To the American public, the face of a lesbian is that of a white middle-class woman. Asian lesbians are invisible to the general public and even within Asian American communities. This invisibility along with certain beliefs held by the Asian communities make their coming out process particularly difficult. For instance, certain Asian communities consider homosexuality a "Western" or "white" disease and think that their children would not be gay if they were still living back in their home country. In some Asian cultures, women are not seen as sexual beings. To be lesbian is to choose to be a sexual person. Some Asian American parents are shocked by this. Given the close ties in Asian families, many Asian daughters continue living with their parents as adults. As more Asian LBTs come out at younger ages, they may be

forced to leave home and homelessness among them is becoming a critical problem. In addition, particularly in immigrant families, Asian lesbians do not want to bring shame onto their parents by coming out. The coming out process has been traumatic for them. Many revealed how, in coming out to their parents, they were yelled at, physically abused, disowned, or kicked out of the house with all financial support cut off.

➤ ***Facing Cultural Isolation, Racism, Sexism, and Homophobia***

None of the communities Asian lesbians are a part of, including the lesbian, gay, and mainstream straight Asian communities, explicitly address their needs. Asian lesbians are marginalized by all as they face combinations of cultural isolation, racism, sexism, homophobia, and xenophobia from one or more of these communities.

- 1) They face isolation from the non-Asian lesbian community:** They may not feel much kinship to white or non-Asian lesbians. Similar to the general society, white lesbians may hold certain racial stereotypes about Asian women. Cultural and language differences make some Asian lesbians uncomfortable in social settings or support groups with non-Asian lesbians.
- 2) They face racism in the larger gay, male community:** Often, the only thing an Asian American lesbian has in common with a gay white man is that neither are heterosexual. The Asian queer community, along with other queer communities of color, often finds itself in the position of pointing out racial discrimination and stereotyping in the broader gay community.
- 3) They face sexism in male-dominated Asian gay, male organizations:** Some gay Asian men's organizations have made efforts to address Asian LBT's issues. However, sexism or insensitivity to women's issues contributes to their inability to provide long-term support for women's programs.
- 4) Their needs are not being addressed by straight Asian ethnic organizations:** Unless the issue involves HIV/AIDS, most Asian Pacific Islander CBOs do not consider Asian LBTs as part of their constituents. Most do not have anti-discrimination policies that include protections based on gender identity or sexual orientation. Staff are not trained on these issues or given sensitivity training in assisting LBT clients.

➤ ***State of the Queer Asian American Women's Movement***

There are few funded projects in the country that serve the needs of queer Asian women. None are autonomous Asian lesbian organizations but rather are projects within larger API service agencies. This may be because the Asian lesbian community has not been devastated by the AIDS pandemic and it thus never attracted the same level of funding that enabled Asian gay and bisexual men to build permanent staffed organizations.

RECOMMENDATIONS FOR ACTION

- ❑ Convene Asian LBT activists to discuss their issues, concerns, and priorities and the responsive civil and human rights advocacy needed for systemic change and to begin discussion on the institutions and infrastructure they need to carry out their social change agenda;
- ❑ Conduct research to determine the distinct issues, concerns, and needs of Asian LBT women in each of the specific Asian ethnic subgroups and whether these needs are being met.

**ORGANIZATIONS
WORKING ON THESE
ISSUES**

1. Asian Pacific Lesbian, Bisexual Women's and Transgender Network (APLBTN)