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TRANSNATIONAL LAW SUMMER FELLOWSHIP

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Siem Reap, Cambodia and the
Philippines



I have two very distinct memories from this summer that will remain etched in my mind. Memories that will always make me slightly uncomfortable, and ever mindful of the reasons why I pursue law in the hope of fighting injustice and bringing about reconciliation.

I was in Siem Reap, Cambodia one evening this summer, and I was standing outside a restaurant, just to the left of a bar with an outdoor deck. The bar had a pool table and some tables, chairs, and couches for its patrons. There were about eight white men scattered around the patio – two playing pool, two sitting in lounge chairs, another two at a table, and two off alone, smoking a cigarette. Mixed in with this crowd of foreigners were five to six Khmer women, young, but dressed to look older. Two played pool alongside the men, giggling, smiling, as one girl leaned against the pool stick suggestively, resting it against her inner thigh.

Another younger girl stood at the edge of the bar, closest to the street, in tiny denim shorts and a black tank top. She peered up and down the street, not really saying anything, but she did not need to – she was advertisement enough. Another young girl introduced herself to a man, “My name is Allie.” Sure it is. I heard another girl say to a man, “Do you wanna go somewhere?”

This pit in my stomach hurt. I have seen this before – but on T.V. I have read this before – but in a book. I have met one of these girls before – but in a shelter. This was my first time face-to-face with sex trafficking.

This past summer I was fortunate enough to get to spend my time in Southeast Asia working with a few different teams of dedicated advocates against sex trafficking. On the front lines of an epidemic that has captured the attention of the American media, the people I met this summer are committed to seeing sex trafficking end, the purchasers punished, and families educated to keep this from happening in the first place. I spent time in both Cambodia and the Philippines, and both countries have seen all too well the effects that sex trafficking can have on their young, female population and even the rest of society. Both countries are looking at extreme poverty as a major contributing factor to trafficking. Although, this alone is not the reason, and we may never know or discover all the elements at play.

CAMBODIA

In Cambodia I was able to experience the entire spectrum of their anti-trafficking efforts, from preventative work, to aftercare for victims, and even attempted reconciliation between the girls and their families – possibly even their families that sold them. I was able to work alongside Cambodians that dedicated their lives to fighting the issue of trafficking. In a community where families are facing options to sell their children for money, one family reaches out to the neighborhood to educate them on spotting traffickers, and even offers the neighborhood children a place to go during the day, to be shown love, attention and even to receive food. These precious children were eager for affection, completely overjoyed by the fact that anyone wants them. We worked with an organization that takes girls in after they are rescued from the horrors of being sold for sex. This aftercare facility works with girls and their families to see that the girls are given the treatment they need, offered support and encouragement and a chance at life that they would not have received otherwise.

It was clear to me after talking to some of these aftercare workers that the legal system in Cambodia does not err in favor of these victims. In a system that is often corrupt, judges can be paid off or bribed by traffickers, who have money to do such negotiating. With victims as young as five and four-years-old, prosecution cannot be easy and the toll on these victims as witnesses can be even worse. Yet, there are many that persevere, that fight

for change and defend these victims. I was honored to work with them, even if only for a while, to see their courage and their strength.

PHILIPPINES



Fig. 1: From Left: Krystal Fernandez, RTC Judge Mercedesita , Sarsaba and Felicia Cantrell

In the Philippines, the staff that another law student and I met was equally incredible. They run a non-profit called Gender Watch Against Violence and Exploitation (G-WAVE) that seeks to serve the women of the community in rape, sexual assault, domestic violence, and trafficking cases. In a community where the police do not always do the work that they need to do, the staff at G-WAVE will assist the prosecutor in gathering evidence, encouraging witnesses, serve as victim advocates throughout the trial process, and even prosecute the case if need be.

The second memory that I will always hold on to happened on the road to Valencia, in Negros Oriental, Philippines. It was around five in the evening, the sun was beginning to set, and I remember pulling up to this white gate that faced the road. A timid face peered out from behind the gate. She was a young woman holding a small boy in her arms, propped up against her hip. She raised the corners of her mouth slightly – an almost smile – as she unlatched the gate and pulled it back toward her to let us in.

She was leading us in to a heavily shrouded area that served as the entrance to her modest home. There were thick shrubs, trees and brush as we made our way onto the property. She had been raped on this very land just a few months ago, and I could not help but think of what a private and painful memory this must be to welcome people into. As we made our way back to the area behind the pineapple trees where she was raped, I could feel myself holding my breath, as if that would help from taking it all in. She spoke to the G-WAVE staff member in Valencia, and the staff then translated to us. “This is where he forced her down. He had cartons laid out here. No one could see her here.”

The street is at least thirty feet away, and there are at least fifty trees and bushes between here and there anyway – of course no one could see her. My heart broke for her, seeing her walk slowly around the land. What was she thinking about? I could not help but ask myself. We took pictures of the property, and video of where she says she was grabbed and dragged. We were hoping to get these videos and photos submitted as evidence at her trial.

As we left, the G-WAVE staff member told us how grateful the victim was that we had come. She told us how encouraged the young woman was that we would come all the way out to her house. She has not had much support, and this meant a lot to her.

In this small city in the Philippines – men hold most of the power. With power comes influence, and men in this town do not hold either in short supply. Thus, a young, married woman who claims she was raped, probably was not – she probably asked for it.

Men will say it is the way she was dressed or the fact that her husband is gone for many months out of the year working, but they will not say that she was clearly a victim. This particular victim's dad was the only one in her life that was encouraging her to pursue this case. Her mom, her husband and even her uncle were telling her to drop it. Drop it? How is that fair? How would it feel to have those who should believe you before anyone else tell you this is not worth it – what you went through matters less than all the trouble it will cause to pursue?

In the Philippines, pursuing a case like this could take years. One of the victims we worked with was fourteen when she was raped and eighteen when she was finally able to testify. So when the judge pointed out that she looked like she could fight someone off, the prosecutor kindly had to point out that she did not look like this four years ago. After observing several trials and talking to the prosecutors, it was clear that time is the biggest enemy in combating these cases in the Philippines. Each day of a trial in the Philippines could have months in between the next day. This process leads to victim and witness fatigue, and not surprisingly, with a painful and often traumatic event being stretched out and rehashed every few months.

The Philippines does not have a jury system. With two judges handling family issues, (which includes rape if it is a minor and any domestic violence cases); this city in the Philippines has a very small system with an overwhelming amount of cases. The community seems to have made great strides in making protective orders easier for a victim to get in abusive situations. However, like any system, there are misuses, but that is the difficulty we all face.



The two of us that spent time in the Philippines were able to participate in several conferences, symposiums, forums and even radio shows to discuss Filipino and American trafficking and domestic violence laws. We were able to compare the two, which are actually quite similar, and to talk to Filipinos about the things we both face in fighting against these issues. It was clear that they were encouraged to hear that we too, as Americans, are dealing with these issues and trying to figure out the

best course of action. This is a global problem that needs global attention. We can share in that fact and know that we should share our ideas and our solutions to combat this issue and initiate big change.

To say that my summer changed me would be an understatement. To say that I was enriched would be the minimum that I could say. I was enlightened, stretched, moved, pushed, challenged, broken, motivated and encouraged. Getting a chance to make new friends on the other side of the world, new friends to share in triumphs and struggles was such an opportunity, one I will reflect back on often to move me forward.