

Profitable Proposals: Explaining and Addressing the Mail-Order Bride Industry Through International Human Rights Law

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I. INTRODUCTION

American romantic mythology tells us that marriage is based on individualism, romantic love and partnership.¹ Flying in the face of these normative expectations, the modern mail-order bride industry²

1. See Nora V. Demleitner, *In Good Times and in Bad: The Obligation to Protect "Mail-Order Brides"*, in 2 *WOMEN AND INTERNATIONAL HUMAN RIGHTS LAW* 613, 621 (Kelly D. Askin and Dorean M. Koenig eds., 2000) (Western marriages are believed to be "relationships between two equals, based on mutual attraction and collaboration in the household"); see also *Lutwak v. United States*, 344 U.S. 604 (1953) (declaring the "common understanding" of marriage to be the undertaking "by two parties to establish a life together and assume certain duties and obligations" and criminalizing marriages entered into solely for immigration purposes).

2. LOUISE LANGEVIN & MARIE-CLAIRE BELLEAU, *TRAFFICKING IN WOMEN IN CANADA: A CRITICAL ANALYSIS OF THE LEGAL FRAMEWORK GOVERNING IMMIGRANT LIVE-IN CAREGIVERS AND MAIL-ORDER BRIDES* 80 (October 2000) (characterizing the mail-order bride phenomenon "as an 'industry' because it gives rise to organized, large-scale economic activity"). The MOBI today is fundamentally different from its historical predecessors such as picture-brides and mail-order brides from the home country for immigrant men. The history of the mail-order brides is well-chronicled elsewhere, see *id.* at 81-84; see generally Christine S. Y. Chun, Comment, *The Mail-OrderBride*

probably strikes a sour note with most Americans. What tradition presents as the ultimate personal decision, the industry seems to reduce to an impersonal economic exchange. Some critics accuse mail-order brides of marriage fraud, implying that they are not marrying for “the right reasons.”³ Others vilify mail-order brides as calculating gold-diggers.⁴ Some feminist critics argue that mail-order marriages undermine the “transition from patriarchal to companionate family forms,”⁵ something these critics presume to be better for women.

The great sin of the mail-order bride industry (hereinafter MOBI) is not that it makes Western romantics uncomfortable. Whether the motivation to marry is romantic, economic, familial or socioeconomic, a marriage between two people who do not possess equal power risks abuse of the less powerful spouse. Arguably, to the extent women are generally subordinated by men, heterosexual marriage embodies this sort of power imbalance. The MOBI institutionalizes further power imbalances by deliberately matching men at the top of the global power spectrum with women who reside at the bottom.

These marriages, as well as the way mail-order bride businesses conduct their trade, violate women’s human rights. To secure potential brides, the MOBI recruits women in developing nations who have been made vulnerable by daily violations of their human rights. Marriages resulting from the MOBI often perpetuate these human rights violations. Mail-order bride companies often serve as front organizations for trafficking women into involuntary sex work or domestic service; another violation of human rights. Because the MOBI implicates women’s human rights, the international community and individual countries have duties to regulate, if not eradicate, this exploitative business.

Industry: The Perpetuation of Transnational Economic Inequalities and Stereotypes, 17 U. PA. J. INT’L ECON. L. 1155 (1996).

3. These women are often accused of agreeing to marry American men only to get a green card; the men, in turn, are sometimes criticized for giving a mail-order bride membership to an industrialized state and the privileges that accompany such a membership, which are not his to give. Demleitner, *supra* note 1, at 621–22. Concern for marriage “fraud” is entrenched in the American immigration system. See Linda Kelly, *Marriage for Sale: The Mail-Order Bride Industry and the Changing Value of Marriage*, 5 J. GENDER RACE & JUST. 175, 181 (2001).

4. Some popular depictions of mail-order brides go even further to portray these women as sinister and dangerous. See *BIRTHDAY GIRL* released February 1, 2002 by Miramax (A bank manager obtains a “dangerous and mysterious” mail-order bride through the Internet); *ORIGINAL SIN* released August 3, 2001 by MGM (a Cuban tycoon “enters a world of deception” after marrying a mail-order bride).

5. Demleitner, *supra* note 1, at 621.

This article looks at the MOBI in the United States⁶ through the lens of international human rights. Part II will describe the MOBI. International marriage brokers (hereinafter IMBs)⁷ have sophisticated mechanisms for carrying out their trade and are prevalent in the industrialized nations of the world. The men who seek out mail-order brides tend to fit a particular profile and desire certain types of women, creating the market the MOBI is trying to fill. This market directs the marriage brokers to seek out women who fit the expectations and fantasies of their clientele. The women who are most likely to become part of the MOBI and relocate to marry these men often come from similar backgrounds.

Part III will evaluate the MOBI within an international human rights framework. The MOBI is a product of, and relies upon, pervasive gender inequality and inequitable globalization. International human rights law is the best system of law to address problems with these roots. The frequent resulting harm to women involved, including high rates of domestic violence, contravenes their fundamental human rights. The connection of the MOBI to the human trafficking epidemic places this industry within the purview of additional international human rights principles. Marriage brokers use sexist strategies to solicit potential brides and market their product to potential consumer-husbands.⁸ Additionally, these techniques are often racist and generally commodify human sexuality and relationships. International human rights law cannot tolerate failure to regulate their on-going, lucrative existence.

Part IV will examine current U.S. legislation relating to the MOBI. An array of provisions already exist and could be bundled together to meet the needs of women victimized by the mail-order bride trade. Several states have new legislation that attempts to regulate the IMBs. National nongovernmental organizations (hereinafter NGOs) have seized on momentum generated by the successful passage of these regulations and are proposing similar legislation on Capitol Hill.

Part V suggests strategies for addressing the MOBI. Nations will not

6. Research for this article primarily focused on marriages formed by American men importing foreign brides, but critical analysis of this phenomenon can be generally applied to any marriages generated by the MOBI. Of course, the problem could be and should be analyzed from various perspectives, including and especially those of the women exploited and their home countries.

7. Marriage brokers in the MOBI refer to themselves as International-Matchmaking Organizations (IMOS). Their chosen name, however, links their activity with either traditional matchmaking activities common in many cultures or modern dating-services such as personal ads, both of which imply equality between the players that does not exist in this case. The naming of this phenomenon has consequences for how it is first perceived and then addressed.

8. "We use the expression 'consumer-husband' to refer to a man who uses the services of international introduction agencies. . . . This man becomes a consumer of mail-order brides," Langevin & Belleau, *supra* note 2, at 81.

be able to solve the problem independently because the MOBI is a transnational phenomenon. Conducting a critique of marriage brokers in a human rights context can help place problems caused by the MOBI at the forefront of international debate. Applying current human rights norms can lead to much needed regulation and prevention of the exploitation involved. Demanding that all countries meet their international human rights obligations, especially in terms of gender equality, will diminish the power-disparate environment in which the industry thrives.

II. THE MAIL-ORDER BRIDE INDUSTRY AS AN INTERNATIONAL PROBLEM

Heaven is having a Japanese wife, a Chinese cook, a British country home and an American salary. Hell, on the other hand is having a Chinese salary, a British cook, a tiny Japanese house and an American wife.

I've had enough life experience to allow me to reflect on this to some extent. I agree with it, but would add that one could probably dispense with the cook if he's lucky enough to have either a Chinese or Japanese wife.⁹

A. *The Mail-Order Bride Business and Prevalence*

Recent studies count approximately 2,700 mail-order agencies worldwide, 500 of which operate in the United States.¹⁰ In 2001, the Web hosted nearly 500 marriage broker sites specializing in women from the former Soviet countries alone.¹¹ In the United States, the industry is responsible for about 4,000 to 6,000 marriages every year, meaning that approximately four to six percent of all women who receive residency via marriage are

9. Gary Clark, *Most women who become "mail-order brides" are seeking two things, a better kind of husband and a better life*, (author of YOUR BRIDE IS IN THE MAIL) at <http://www.planet-love.com/gclark/gclark05/> (last visited Feb. 20, 2003).

10. Kelly, *supra* note 3, at 177. In 1998 in the United States alone, there were over 200 mail-order bride agencies operating, bringing approximately 4,000 to 6,000 women, mostly from the Philippines or the Newly Independent States, to the U.S. each year. Amy O'Neill Richard, U.S. Dep't of State, CIS Report, *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime* (Apr. 2000) available at <http://www.ojp.gov/nij/international/programs/sextraffus.pdf>.

11. Donna M. Hughes, *The Impact of the Use of New Communications and Information Technologies on Trafficking in Human Beings for Sexual Exploitation Role of Marriage Agencies in Trafficking in Women and Trafficking in Images of Sexual Exploitation 5* (report submitted to the Group of Specialists on the Impact of the Use of New Information Technologies on Trafficking of Human Beings for the Purpose of Sexual Exploitation, Comm. for Equality Between Women and Men, The Council of Europe, Supp., Nov. 2001).

mail-order brides.¹²

The MOBI hosts two types of marriage brokers. The more innocuous are e-mail pen-pal clubs. Generally free of charge, these businesses provide information to and about both women and men. The information generally consists of biographical data, e-mail addresses, and an indication of what type of relationship the person might desire. One-And-Only.com, Friendfinder.com, Match.com, Kiss.com and Date.com are some of the larger, more established of these pen-pal clubs, and together they represent nearly 10,000 foreign women seeking marriage or long-term relationships.¹³ Because these services require access to computers, the women often reside in more developed countries, such as Japan and Russia, and tend to be older and better educated than those typically listed in the mail-order bride catalogs.¹⁴ The second type of marriage broker is far more insidious and, unfortunately, far more prevalent. These businesses provide women's (but not men's) names, photos, explicit biographical information, and addresses either in hard copy brochures or on the Internet. The transfer of information is almost entirely one-sided; the women only learn information their prospective suitor chooses to disclose.

The MOBI is big business. Bob Burrows, president of Cherry Blossoms, reports that his agency, one of the oldest and largest, serves over a thousand men per month who pay up to \$200 each.¹⁵ Cherry Blossoms grossed \$500,000 in 1994.¹⁶ One government study estimated these agencies annually advertise between 100,000 and 150,000 women from a variety of countries.¹⁷ Cherry Blossoms alone lists over 6,000 women at any given time.¹⁸ Men are typically charged a fee of two to five dollars for each woman's mailing address should they wish to contact her.¹⁹ Recently, some of these companies moved beyond facilitating mere introduction via post, and now offer "bridal tours," including

12. Kelly, *supra* note 3, at 177, citing U.S. Dept of Homeland Security, *International Matchmaking Organizations: A Report to Congress* 12 at <http://www.bcis.gov/graphics/aboutus/repsstudies/mobrept.htm> (last modified Mar. 13, 2003).

13. See www.one-and-only.com, www.friendfinder.com, www.match.com, www.kiss.com, and www.date.com (last visited April 21, 2003).

14. Robert J. Scholes, *The "Mail-Order Bride" Industry and its Impact on U.S. Immigration, in INT'L MATCHMAKING ORGS.: A REPORT TO CONGRESS app A at 1* (Immigration and Naturalization Serv. and Violence Against Women Office at the Dep't of Justice, 1998).

15. *Id.* at 2; see also <http://www.blossoms.com> (last visited Oct. 6, 2003); see also Scholes, *supra* note 14, available at <http://www.siamflowers.com/reports1.html> (last visited Oct. 6, 2003).

16. Alex Tizon & Diedtra Henderson, *The World of the Mail-Order Matchmaker—Blackwells met via Bellingham Bride Broker*, SEATTLE TIMES, Mar. 12, 1995, at A1.

17. Scholes, *supra* note 14, at 2.

18. *Id.*

19. *Id.* at 1.

parties, massages and other activities with prospective brides.²⁰ These trips and other specialized services can cost a prospective consumer-husband thousands of dollars. As in other types of business, “the customer is always right” in marriages arranged by for-profit enterprises. “[T]he balance of power between the two individuals is skewed to empower the male client who may be seen as ‘purchasing’ a bride and a woman who has everything to gain from entering into this arrangement and staying in it, no matter what the circumstances.”²¹ Although it may be exaggeration to say the women have “everything to gain” by opting to be a mail-order bride, it is fair to say that these women face strong incentives to leave their home countries. However, large obstacles may prevent the woman from leaving the marriage once in her husband’s homeland, as will be discussed below.

B. Identifying the Consumer-Husbands

Globally, consumer-husbands hail from the most industrialized nations: America, Australia, Canada and Western European countries, with an increasing number from Japan.²² In America, consumer-husbands as a group are overwhelmingly white (94%), middle-class, middle-aged, divorced, and typically frustrated by American women.²³ A 1994 survey of American men shopping for mail-order brides found the men to be highly educated (50% with 2 or more years of college, 6% with MDs or PhDs, only 5% did not complete high school), economically and professionally successful (64% earned more than \$20,000 a year; 42 were in professional or managerial positions), and politically and ideologically conservative.²⁴

20. Associated Press, *Internet Matchmakers Doing Lovely Business*, ARIZ. DAILY STAR, May 9, 1999, at 2B. See also Internet sites such as <http://www.loveme.com> and <http://www.russianbride.com> (listing services ranging from e-mail addresses to romance tours).

21. COMM’R OF THE IMMIGRATION AND NATURALIZATION SERV. AND DIR. OF THE VIOLENCE AGAINST WOMEN OFFICE AT THE DEP’T OF JUSTICE, INTERNATIONAL MATCHMAKING ORGANIZATIONS: A REPORT TO CONGRESS 1 (1998) [hereinafter INS Report].

22. Eddy Meng, *Mail-Order Brides: Gilded Prostitution and the Legal Response*, 28 U. MICH. J.L. REFORM. 197, 204 (1994).

23. Chun, *supra* note 2, at 1167-68, citing the Japanese American Citizens League (stating that men taking advantage of mail-order bride services “tend to be white, much older than the bride they choose, politically conservative, frustrated by the Women’s Movement, and socially alienated”).

24. This study surveyed 607 American men seeking mail-order brides and received 206 responses. See Scholes, *supra* note 14, at 4. See also Venny Villapando, *The Business of Selling Mail-Order Brides*, in MAKING WAVES: AN ANTHOLOGY OF WRITINGS BY AND

Fifty-seven percent of these men had been married at least once; 35% of them had at least one child and 75% wished to father additional children.²⁵ Their median age was thirty-seven.²⁶ Most couples have a vast age difference, with the bride being anywhere from 20 to 50 years younger than the consumer-husband.²⁷

These men often feel victimized by the feminist movement and gender equality.²⁸ They seek to create a marriage that will provide them with a sense of control over their lives by purchasing wives who are not their equals under current social constructions. Spokesmen for the MOBI willingly explain that consumer-husbands are dissatisfied with American women; the marriage brokers collude with potential buyers to fault American women for being bad “wife material.” For example, mail-order bride proponent Gary Clark blames the demand for foreign brides on American women, labeling Western women, in general, “obnoxiously forceful and outspoken” and considering the “effects of feminism” perverse.²⁹ He writes:

For the most part these men want a woman significantly younger than themselves (between 10 and 20 years), who is physically attractive, charming, gentle, sweet, feminine and whose primary career goal is to become his wife, as opposed to pursuing some professional career and, in addition, being a wife.³⁰

He describes one consumer-husband’s desire for “a wife who wasn’t career-oriented, who participated very little in the world outside, who didn’t have high aspirations, who was useful, whose life revolved around him and who, by the way, was also a virgin. Sound impossible? This man found his ideal bride, a 23-year old woman living in a remote rural hamlet in the Philippines.”³¹ Some of the men have expectations of

ABOUT ASIAN AMERICAN WOMEN 318, 319 (Asian Women United of California ed., 1989).

25. Scholes, *supra* note 14, at 4.

26. *Id.*

27. In a study of 30 couples paired by the MOBI, only two were close in age (4-6 yrs difference) and the other 28 couples had men 20 to 50 years senior to their foreign wives. MILA GLODAVA & RICHARD ONIZUKA, MAIL-ORDER BRIDES: WOMEN FOR SALE 27 (1994). See also Tizon & Henderson, *supra* note 16 (“Ralph Gilmore is a newlywed at 71. Four months ago, after a long courtship by mail, his 27-year-old bride from the Philippines, whom he describes as “a beautiful thing,” came to settle down on his farm in upstate New York.”).

28. “[The consumer-husbands] are distinguished above all by their hatred and fear of the feminist movement.” Langevin & Belleau, *supra* note 2, at 86.

29. Gary Clark, *The reason so many men seek “mail-order brides” is dissatisfaction with the local women*, (author of YOUR BRIDE IS IN THE MAIL), at <http://www.planet-love.com/gclark/gclark02> (last visited Sept. 28, 2003).

30. Gary Clark, *Most men who seek “mail-order brides” are just ordinary guys*, (author of YOUR BRIDE IS IN THE MAIL), at <http://www.planet-love.com/gclark/gclark04> (last visited Oct. 1, 2003).

31. *Id.*

bridal servitude that critics have described as “slavery-like” and “abusive,”³² but the MOBI neatly camouflages such expectations as “traditional family values.” As shown, the clients characterize traditional family values as a gendered division of labor, with a deference to the man as “head of the household,” and the woman’s sole identity as obedient wife and mother.³³

C. Identifying the Potential Brides

The women who become mail-order brides are generally the composite opposite of their consumer-husbands. They are young women of color from countries experiencing economic distress and widespread subordination of women. These women typically have learned about “the West” solely through Western media, are open to adventure and looking to better their lives.³⁴ Of the 6,000 women listed by Cherry Blossoms, over 4,600 are from Asia (3,050 are from the Philippines alone) and 1,700 are from the former Soviet Union (mostly from Russia and the Ukraine).³⁵ A study of five popular catalogs featuring 1,400 Asian women found that 70% were Filipino,³⁶ 16% Indonesian, 8% Thai, 2% Malaysian and Japanese and 1% Chinese and Korean.³⁷ This same study found 61% of the young women were under 25 years old,³⁸ 24% were 26-30, 11% were 31-35 and just 4% were over the age of 35.³⁹

In major bride-exporting states, “more and more women find themselves

32. Langevin & Belleau, *supra* note 2, at 112.

33. *Id.* at 87. “They are looking for domestic and sexual services supplied by young, poorly educated brides whom they can keep under control, rather than pursuing love and a stable relationship,” *id.* at 88.

34. “North American prosperity is a great attraction for women who have the courage to give themselves a fresh start,” *id.* at 91.

35. Scholes, *supra* note 14, at 2. A small remainder are from Latin America, South America and Europe.

36. This persists despite the fact that Republic Act No. 6955 makes such listings illegal.

37. Scholes, *supra* note 14, at 3.

38. The companies carry girls as young as 13 years old. Paul Watson, *Mail-Order Bride Firms Flourish in Canada*, TORONTO STAR, Nov. 9, 1992, at A1. As a typical example, one company promotes a 19-year-old who seeks “a lifetime partner aged 30-50,” and a 17-year-old “seeks friends aged 30 and above.” Michelle J. Anderson, *A License to Abuse: The Impact of Conditional Status on Female Immigrants*, 102 YALE L.J. 1401, 1408 n.46 (1993), citing U.S. ASIAN CONNECTION, PROMOTIONAL CATALOG 16 (Oct. 1992). Very likely, the marriage brokers coach young women to indicate a preference for older men who inevitably constitute the clientele. *Id.*, citing MARITES LEWIS & STEVEN LEWIS, HOW TO FIND A BEAUTIFUL, FAITHFUL ASIAN WIFE 16 (1991).

39. Scholes, *supra* note 14, at 3.

unemployed and with substantially reduced social welfare benefits.”⁴⁰ Poor national economies lead to intense sex discrimination in job markets, and some women have come to view work in the informal or underground sector, including prostitution, as the sole or best means of survival. Ironically, rampant chauvinism in home countries, coupled with the pervasive image of a progressive West, leads women to see marriage to an American consumer-husband as their best hope for liberation. They often believe that American men make good faithful husbands, while Filipino (Thai/Indonesian/Russian/etc.) men are “cruel” and “prone to infidelity.”⁴¹ Some women want to leave their families, including their children.⁴² Others hope for better job opportunities and possibly their own income to send back home. Staff at the St. Petersburg Psychological Crisis Center found that mothers sometimes encouraged their daughters to use IMBs and even escorted them to the agencies. One such mother stated: “Why waste your time with that work. Why not correspond with a Western man and find a better life?”⁴³ Mail-order brides are often religious and find marriage of foremost importance and divorce irreconcilable with their faith.⁴⁴ For a woman under a religious or social mandate to marry⁴⁵ and afraid of becoming an “old maid,”⁴⁶ the mail-order bride trade may appear to be a godsend. If economic survival depends on having a husband, and divorce is irreconcilable with her faith, a simple opportunity to marry well may be such a woman’s dream.⁴⁷ As one young prospective bride from the former Soviet Union explained, “I want to live separately from my parents. I want to buy things. I’m sick and tired of everything. Why should it be a bad experience? I will go illegally. I

40. Demleitner, *supra* note 1, at 625-26.

41. Scholes, *supra* note 14, at 3. This is not to say that these men *are in fact* more or less lecherous or abusive with their wives and girlfriends than other men. Domestic violence and extra-marital affairs are globally widespread, and these women are probably comparing the known suffering of women in their immediate surroundings with a void of information on similar circumstances abroad.

42. Demleitner, *supra* note 1, at 626.

43. Hughes, *supra* note 11, at 3.

44. Langevin & Belleau, *supra* note 2, at 91.

45. For example, in the former Soviet states, the institution of family was highly touted as the “cell of society.” Andrei Sinelnikov, *Russia: Inside the Broken Cell*, available at <http://endabuse.org/programs/display.php3?DocID=106> (last visited Sept. 25, 2003). Russian women are under intense social and familial pressure to marry; yet given the number of women outnumbering men, only a small percentage of Russian women actually do. Tiffany E. Markee, *A Call for Cultural Understanding in the Creation, Interpretation and Application of Law: Is the United States Meeting the Needs of Russian Immigrant “Mail-Order Brides?”*, 31 CAL. W. INT’L L.J. 277, 279 (2001).

46. Stereotypes about “old maids” cause a young woman “to be considered past the age of marriage, with her prospects for starting a family diminishing with each passing year.” Langevin & Belleau, *supra* note 2, at 105.

47. *Id.*

will be fine. Even if it is not easy, I will try.”⁴⁸

Brokers dehumanize the women by displaying them in catalogues like pieces of china, referring to them as “stock” and offering them with money-back guarantees. However, it is critical to keep in mind that the women do not actually turn into mindless pieces of china.⁴⁹ Although one must respect a woman’s ability to make good decisions for herself, this cannot lead to using a woman’s “consent” to defend this exploitative business. When examining the issue of choice in the MOBI context, as in the prostitution context, the discussion is necessarily founded in current structures of dominance and power. The “discriminatorily structured domestic economies [are] set against the framework of an equally gender-, class-, and race-biased world economy.”⁵⁰ A woman may rationally choose to become a mail-order bride because she believes it to be her best option.⁵¹ The fact that women are making this choice everyday around the world should not lessen any attention given to the human rights problems involved. Rather, it should force the issues into the forefront of the international conscience.

III. THE MAIL-ORDER BRIDE INDUSTRY IMPLICATES WOMEN’S HUMAN RIGHTS

The mail-order bride industry results in marriages that are unequal by design. This inequality itself violates international human rights norms, but the domestic violence often involved in these marriages presents a more urgent human rights problem. Before a marriage is even formed, states fail to meet international human rights standards by allowing IMBs to

48. Hughes, *supra* note 11, at 10, *citing* an Angel Coalition video on prevention of trafficking in women.

49. Demleitner, *supra* note 1, at 625.

50. *Id.* at 626 n.97, *citing* Evelina Giobbe, *Prostitution: Buying the Right to Rape*, in *RAPE AND SEXUAL ASSAULT III: A RESEARCH HANDBOOK* 143 (Ann Wolbert Burgess ed., 1991).

51. *Compare* Margaret Jane Radin, *Market-Inalienability*, 100 HARV. L. REV. 1849, 1898-1903 (1987) (arguing that some women might prefer to sell sexual services than suffer in poverty and that criminalization of prostitution intended to help women interferes with their liberty and does not allow them to choose between poverty and being a supplier of sexual services), *with* Kelly, *supra* note 3, at 185 n.68 (Libertarian critics of regulation/elimination of the mail-order bride industry often believe that government should not infringe at all upon liberty, including the right to sell oneself into slavery). A liberal/utilitarian argument would further predict that criminalizing the industry will not eradicate it, but just drive it underground, thereby subjecting its subscribers to greater abuse.

capitalize on pervasive stereotypes about impoverished women from nations disadvantaged by global economic inequality. To the extent the MOBI is associated with trafficking, the industry further contravenes internationally recognized human rights.

A. The Mail-Order Bride Industry Facilitates Marriages Characterized by Domestic Violence and Other Forms of Abuse Against Women

At the age of 18, Anastasia King, a woman from Kyrgyzstan, married an American man who selected her out of a catalogue of prospective brides he received from an International Marriage Broker (IMB). Two years later, desiring a different wife and allegedly unwilling to pay for a divorce, Mr. King ordered a tenant in their Washington State home to kill Anastasia. Weighing nearly 300 pounds, Mr. King pinned his wife beneath him as the tenant strangled her to death with a necktie. King's previous wife had left him because he was abusive.⁵²

1. Description of the Human Rights Violation

Economic dependency, unfamiliarity with American culture and the legal system, and fear of deportation increase women's risk of abuse and discourage them from reporting abuse once it happens. Women are not only dependent on their new husband for legal status⁵³ and income, but often the women are under substantial economic pressure to support their families back home and repay fees to the marriage broker.⁵⁴ Mail-order brides rarely speak the language of their new home country with functional fluency. They may be illiterate even in their native language, and often have not had direct exposure to the foreign culture before moving there.⁵⁵ It is unlikely that these women will have access to bilingual shelters or the assistance of an interpreter when reporting to the police. Odds are high that they will confront language problems with 911 operators, in courts, or even while attempting to acquire information about rights and the legal system.⁵⁶ They may be unable to obtain financial assistance or food.⁵⁷ If these women do attempt to reach help, they risk

52. Letter from Tahirih Justice Center, Falls Church, VA, to organizations to solicit their support of the new bill to "end abuse of foreign-born women by international marriage," (April 2003) (copy on file with author) [hereinafter Tahirih Letter].

53. For a complete description of the conditional residency, the battered spouse waiver and other relevant immigration processes, see Kelly, *supra* note 3, at 179–81. For a full critique of the problems facing women generally in the U.S. immigration system, see Joan Fitzpatrick, *The Gender Dimension of U.S. Immigration Policy*, 9 *YALE J.L. & FEMINISM* 23 (1997).

54. Demleitner, *supra* note 1, at 617.

55. *Id.*

56. Leslye E. Orloff et al., *With No Place to Turn: Improving Legal Advocacy for Battered Immigrant Women*, 29 *FAMILY L. Q.* 313, 317–18 (1995).

57. *Id.*

retaliation by abusive husbands.

Danger looms early in the mail-order process. Mail-order catalogs typically offer tips to “woo” prospective brides. If the allure of America and sweet talk are inadequate persuasions, one company advocates “speed and force,” explaining “as it is said, action is better than words. But I say, ‘action with the combination of words are, the best.’ But be careful because you might be charged with rape and risk your reputation.”⁵⁸

Accurate statistics on rates of abuse within mail-order marriages have not been gathered.⁵⁹ Various reports suggest the number of abused immigrant women, a population that includes but is not limited to mail-order brides, is disproportionately large. Due to pervasive under-reporting, official numbers of battered women are always below the true rate.⁶⁰

Organizations working with immigrant women report that an overwhelming majority of their clients suffer domestic violence, especially women who have immigrated as mail-order brides. A rudimentary survey of 157 undocumented Latinas in the Washington, D.C. metropolitan area found that 60% are battered by their spouses. Among women who are married to citizens or legal permanent residents but have not yet obtained conditional resident status, the rate was reported at 77%.⁶¹ These statistics indicate a

58. Watson, *supra* note 38.

59. The Immigration and Naturalization Service estimates mail-order brides represent only about 0.4 percent of all legal immigration, but roughly 1% of the domestic violence cases now being brought to this agency's attention. Mae M. Cheng, *The New New Yorkers / Keeping Company / Immigration Officials Eye Global Matchmaking*, NEWSDAY (New York), Apr. 7, 1999, at A29.

60. Only about about half of domestic violence incidents are reported to police. Callie Marie Rennison, *Intimate Partner Violence and Age of Victim, 1993-1999. Bureau of Justice Statistics Special Report* (Washington DC: U.S. Department of Justice. NCJ #187635, 2001). Estimates are provided from the National Crime Victimization Survey, which defines an intimate partner as a current or former spouse, girlfriend, or boyfriend. Violent acts include murder, rape, sexual assault, robbery, aggravated assault, and simple assault. Some commentators argue that because of their cultural backgrounds, women who are mail-order-brides are even less likely than other women to report domestic violence. See Markee, *supra* note 45, at 281 (describing that domestic violence is pervasive and ignored in Russia, leading women to tolerate abuse in their relationships).

61. Michelle J. Anderson, *A License To Abuse: The Impact of Conditional Status on Female Immigrants*, 102 YALE L. J. 1401, 1403, n.9 (1993), citing Telephone Interview with Leslye Orloff, Director of Program Development, Ayuda of Washington D.C. (Mar. 23, 1993). See also James Leung, *Law Benefiting Immigrant Wives Means More Work for Shelter*, S.F. CHRON., Feb. 20, 1991, at B12 (indicating that domestic violence problem is on the rise); Wendy Lin, *Is INS Hindering Abused Wives? Rules Said to Undermine Law Meant to Help Them*, NEWSDAY (New York), July 8, 1991, at 21 (noting that in 1990, half of battered women seeking assistance at the New York Asian Women's Center in Manhattan were conditional residents and also that 90% of victims

relationship between domestic violence and the woman's dependence on her husband for legal residence. One poignant example involves a Dominican woman who married a United States citizen. The husband used her fear of deportation and death threats to keep her silent for months about his abuse. She remained silent even after he broke her ribs, bashed her head into the wall during sex, and caused her to need stitches. She fled but then had to return to his apartment for her immigration papers, at which point he beat her, raped her at knife point, then threw her naked into the street.⁶²

As in all cases of domestic violence, the ultimate result of marriage to a violent consumer-husband is often death. Relatively recently, the city of Seattle had two highly publicized mail-order bride murders. In 1995, Susana Remerata Blackwell, from the Philippines, was shot to death in a courthouse lobby by her consumer-husband, Timothy Blackwell.⁶³ In 2001, 20-year-old Anastasia Solovieva King, from Kyrgyzstan in the former Soviet Union, was found dead in a shallow grave.⁶⁴

of domestic violence at the Victims' Services Agency office in Jackson Heights, Queens were immigrants).

62. Anderson, *supra* note 61, at 1401. See also Leslie Wolfe, *Fighting the War on Sexual Trafficking of Women and Girls*, comments at the conference "Trafficking of Women and Children: Challenges and Solutions" (Nov. 3, 2001) available at <http://www.saidit.org/archives/feb02/article1.html> ("In 1998, more than 200 international mail-order bride businesses operated in the United States, bringing up to 6,000 women each year into this country for marriage to American men—and many end up as battered, or murdered, wives").

63. Jan Jarboe Russell, *Larsen, Cantwell aim to protect mail-order brides*, SEATTLE POST INTELLIGENCER, June 29, 2003 available at http://seattlepi.nwsource.com/opinion/128570_russell29.html?searchpagefrom=1&searchdiff=191.

64. Lewis Kamb & Robert L. Jamieson Jr., *Mail-order Bride's Dream of a Better Life Ends in Death*, SEATTLE POST, Feb. 2, 2001 available at <http://seattlepi.nwsource.com/local/brid02.shtml>. For additional accounts of abuse of mail-order brides see Jim Reilly, *Truck Driver gets 9 Years in Wife Death Plot; Federal Judge Orders Edwin S. Huppmann To Undergo a Mental Health Evaluation*, THE POST-STANDARD (Syracuse, NY), Feb. 26, 2003, at B6 (reporting conviction of Edwin S. Huppmann for hiring a hit man to murder his now ex-wife [MOB] Natalia, 42, a native of Kyrgyzstan, once part of the Soviet Union; "Natalia Huppmann said her husband was domineering and physically abusive, and had threatened to have her deported or kill her to gain custody of their son. She went to court three times in 2000 and 2001 for orders of protection against him."), and Evan Moore, *Vows of Silence; Ex-wives turn up dead, and police fear for a fourth woman*, HOUSTON CHRON., Feb. 11, 1996, at A1 (describing the on-going investigation and prosecution of Jack Reeves in the murder and missing persons cases of his mail-order brides; "The missing wives and lovers of Jack Reeves: 1. Copperas Cove: July 20, 1978, Sharon Vaughn Reeves is found dead from a shotgun blast to the chest. Her death is ruled a suicide. 2. Lake Whitney: July 28, 1986, Myong Chong Reeves drowns. Her death is ruled accidental. 3. Arlington: In 1991, Emelita Villa Reeves, who is pregnant, returns to her homeland of the Philippines. Later that year, a Russian woman, identified only as 'Natalie,' moves in with Jack Reeves. Six weeks later, she disappears. 4. Arlington: In 1992, Emelita Reeves and son, Kendall Villa, return. In October 1994, Emelita disappears. 5. Copperas Cove: October 1994, the disappearance of Emelita prompts the reopening of the Sharon Reeves case. 6. Lake Whitney: Oct. 1, 1995, Emelita's body is

Pervasive domestic abuse of women occurs in no small part because women are subordinated in private and public life.⁶⁵ Statistics demonstrate resulting trends: 90 - 95% of domestic violence victims are women;⁶⁶ as many as 95% of domestic violence perpetrators are male;⁶⁷ much of female violence is committed in self-defense, and inflicts less injury than male violence;⁶⁸ and, finally, during 1992-1993, women were 6 times more likely to experience violence by an intimate partner than men.⁶⁹ The MOBI ensures an unequal power relationship between a specific woman and man. The intersection of gendered, racial, economic, educational and generational inequalities keeps mail-order brides in subordinate positions to their consumer-husbands.⁷⁰ Men invested in their role as head of the household easily find ways to exert power over their wives. Failure to meet a husband's expectations may result in active or passive discipline through physical or psychological abuse.

In one instance, a twenty-four year old mail-order bride's husband began to beat her soon after she came to this country because of differences she had with his parents. When he learned she did not want to have children immediately, his assaults increased in frequency and severity.

found in a shallow grave near the lake. 7. Gatesville: Jan. 30, 1996, Jack Reeves is convicted of murdering Sharon Reeves and sentenced to 35 years. 8. Meridian: April 1 has been set as Reeves' trial date for the murder of Emelita.); Tizon & Henderson, *supra* note 16 ("Mail-order bride Betty Ligonos of Philadelphia in 1985 nearly became a victim of her husband, convicted serial killer Gary Heidnik. And Helen Mendoza Krueger of Honolulu in 1986 was murdered by her husband for her life insurance"). *But see* Kelly, *supra* note 3, at 182 (claiming that although anecdotal evidence is "highly disturbing," current studies are inadequate documentation of disproportionate rates of abuse of mail-order brides).

65. For a broad discussion of the causes of domestic violence *see Domestic Violence, Report of the Secretary-General*, U.N. Congress on the Prevention of Crime and the Treatment of Offenders, 8th Sess., Agenda Item 6 at 8, U.N. Doc. A/Conf.144/17 (1990).

66. *Violence Between Intimates*, U.S. DEP'T OF JUSTICE, DOMESTIC VIOLENCE: VIOLENCE BETWEEN INTIMATES (Bureau of Justice Statistics Selected Findings, NCJ-149259, Nov. 1994).

67. A Report of the Violence against Women Research Strategic Planning Workshop sponsored by the National Institute of Justice in cooperation with the U.S. Department of Health and Human Services, 1995.

68. COMM. ON THE ASSESSMENT OF FAMILY VIOLENCE INTERVENTIONS BD. ON CHILDREN, YOUTH, AND FAMILIES, COMM'N ON BEHAVIORAL AND SOC. SCI. AND EDUCATION NAT'L RESEARCH COUNCIL AND INST. OF MED., VIOLENCE IN FAMILIES: ASSESSING PREVENTION AND TREATMENT PROGRAMS 42 (Rosemary Chalk & Patricia A. King eds., 1998).

69. Ronet Bachman & Linda E. Saltzman, U.S. DEP'T OF JUSTICE, VIOLENCE AGAINST WOMEN: ESTIMATES FROM THE REDESIGNED SURVEY 3 (Bureau of Justice Statistics Special Report, NCJ-154348, Aug. 1995).

70. Langevin & Belleau, *supra* note 2, at 107.

When she became pregnant, “[h]e threatened not to sponsor me for permanent residence if I didn’t carry the pregnancy to term.” She complied, but the violence continued to escalate. Six months pregnant, she suffered a beating so brutal that she feared miscarriage and fled to a shelter.⁷¹

These women are at risk for assault and other forms of abuse at any moment in MOBI-created relationships. The domestic violence usually begins when the woman acts on any of her original motivations to become a mail-order bride:

The Authorities agree that abuse in [IMO-based] marriages can be expected based on the men’s desire for a submissive wife and the women’s desire for a better life. At some point, after the alien bride has had time to adjust to the new environment, to make new friends, and to become comfortable with the language, her new independence and his domination are bound to conflict. The resulting independence [of the bride] then angers the husband who manifests the anger on [his] wife.⁷²

The problem of commodification and agencies portraying women as mere fungible goods contributes to the risk of domestic violence. Not only are the women and girls presented as objects, the consumer-husbands expend large amounts of money throughout the process of seeking, “wooing,” and importing a bride. People typically do not spend thousands of dollars to gain nothing; these men “expect services commensurate with the price paid.”⁷³ One agency “guarantees” the satisfaction of the consumer-husband and promises that, if they are not engaged within a year, the agency’s continued services to find another wife are “free.”⁷⁴ If a woman is only an object, bought to provide her husband with certain services, he can more easily rationalize controlling her.

2. *Relevant International Human Rights Law*

The U.N. General Assembly on the Declaration on the Elimination of Violence Against Women⁷⁵ officially recognizes that violence against women, including domestic violence, contravenes women’s rights to life, equality, liberty and security of person, equal protection under the law, to just and favorable work conditions, to the highest attainable standard of physical and mental health and freedom from torture or other

71. Anderson, *supra* note 61.

72. Scholes, *supra* note 14, at 8.

73. Langevin & Belleau, *supra* note 2, at 88, and Markee, *supra* note 45, at 280 (“This financial exchange potentially fosters a sense of ‘ownership’ by the men, who may subconsciously view their brides as commodities.”).

74. Tahirih Letter, *supra* note 52.

75. Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, U.N. GAOR, 48th Sess., Agenda Item 111, at 3–4, U.N. Doc. A/RES/48/104 (1994) [hereinafter U.N. Decl. on VAW].

cruel, inhuman or degrading treatment.⁷⁶ Domestic violence is an assault on the inherent dignity and worth of each person⁷⁷ and violates principles of non-discrimination.⁷⁸ Domestic violence is considered violence against women whether it is physical (as in battery), sexual (as in marital rape) or psychological (as in manipulation of the woman by threatening her legal status).⁷⁹ States are required to exert due diligence to prevent, investigate and punish all perpetrators of violence against women.⁸⁰ In addition, parties to the Convention on Elimination of all forms of Discrimination Against Women are required to *eliminate* all forms of discrimination against women,⁸¹ and the Committee has defined domestic violence as a form of discrimination.⁸² Because IMBs deliberately create a situation in which women are likely to be abused, states must confront individual consumer-husbands who abuse their spouses as well as the industry that forms the marriages. Directly complicating the problem, some marriage

76. Torture and other cruel or degrading treatment is prohibited by the *Universal Declaration of Human Rights*, G.A. Res. 217A (III), U.N. GAOR, 3d Sess., Supp. No. 3, at 71, U.N. Doc. A/810 (1948) [hereinafter UDHR], International Covenant on Civil and Political Rights, art. 7, opened for signature Dec. 19, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976) [hereinafter ICCPR], and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, U.N. GAOR, 39th Sess., Agenda Item 99, U.N. Doc. A/RES/39/46 (1984). One of the most unquestioned of all human rights, the prohibition of torture is one of customary international law, regardless of whether a particular state is party to a treaty or not, and may not be derogated by any State under any circumstances. ICCPR, *supra* note 76, at art. 4(2). See also Budel, Carin Benninger & Anne Laurence Lacroix, *Report on Violence Against Women 39* (Chenove, France, 1999). Domestic violence as well as rape and sexual abuse are recognized as torture because of the physical or psychological suffering involved. Like torture, woman abuse involves escalating physical brutality. The methods used by the assailant resemble the common methods of torture, and include beatings, biting, spitting, punching and strangling. Rhonda Copelon, *Intimate Terror: Understanding Domestic Violence as Torture*, in HUMAN RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES 116, 123 (Rebecca J. Cook ed., 1994).

77. UDHR, *supra* note 76, and ICCPR, *supra* note 76, at art. 6(1). The United Nations first characterized violence against women as a human rights violation in the Vienna Declaration and Programme of Action, which calls on the General Assembly to adopt a declaration condemning violence against women in all its forms. *Report of the World Conference on Human Rights*, U.N. GAOR, at 25, U.N. Doc. A/CONF. 157/24 (1993)

78. UDHR, *supra* note 76, ICCPR, *supra* note 76, at art. 2, and *Convention on the Elimination of All Forms of Discrimination Against Women*, G.A. Res. 34/180, UN GAOR 3d Comm., 34th Sess., Annex, Agenda Item 75, U.N. Doc. A/RES/34/180 (1979) [hereinafter CEDAW].

79. See U.N. Decl. on VAW, *supra* note 75.

80. *Id.*

81. CEDAW, *supra* note 78, at art. 2.

82. *Report of the Committee on the Elimination of Discrimination Against Women*, U.N. GAOR, 47th Sess., paras. 11–23, U.N. Doc. A/47/38 (1992).

brokers mislead women placed in abusive relationships into believing they must stay in the relationship or face deportation or worse harms.⁸³

The international community recognizes that domestic violence is “a manifestation of historically unequal power relationships between men and women” and that this particular form of violence serves as a “crucial social mechanism by which women are forced into a subordinate position compared with men.”⁸⁴ International human rights standards do not condone social and cultural practices based in prejudice, stereotypes or the general idea of men’s superiority to women.⁸⁵ Because the MOBI actively seeks to form marriages based on gender inequality, the international community must seek to curtail it.⁸⁶ Likewise, individual nations that have signed on to international treaties are required by the terms of those treaties to address the MOBI as a human rights violation, or risk defaulting on their international obligations.

B. The Mail-Order Bride Industry Relies on and Perpetuates Racial and Sexual Stereotypes of Women

As Carmencita Hernandez, Chair of the Women’s Committee of the National Council of Canadian-Filipino Associations, explains, “[w]hen a Filipino woman—who is stereotyped as meek—stands up for herself, the trouble begins.” In one case, a twenty-two-year-old woman named Ngan married a U.S. citizen and immigrated to this country. Ngan was not the picture bride her husband believed he had ordered. “The first time he beat me, I was too afraid to do anything about it,” she said. The second assault drew blood. Her neighbors took her to the hospital, and then to an Asian battered women’s shelter.⁸⁷

1. Description of the Human Rights Violation

Today’s web-based mail-order bride industry is international in scope. At the same time, globalization is fueling “identity politics” that reinforce power hierarchies based on racial, ethnic, and gender differences.⁸⁸ The

83. Tahirih Letter, *supra* note 52.

84. U.N. Decl. on VAW, *supra* note 75.

85. *See generally id.* at art. 4(j); and CEDAW, *supra* note 78, art. 5, 10(c), & 16.

86. *See infra* notes 115–122 and accompanying text (discussing how the MOBI contravenes rights to equality in marriage).

87. Anderson, *supra* note 61, at 1410.

88. “The role of the national State, as well as the issues of gender and race, are gaining new significance as the world becomes increasingly globalized. The political, social and economic forces associated with globalization have ended some of the long-lasting divides of the twentieth century (for example, the East/West blocs of the cold war era). However, exclusions and identity-politics based on racial/ethnic/religious differences have become more prominent and are increasing. Anti-immigration policies are now common in many countries, and racist activism, which often accompanies such policies, has reemerged,” U.N. Division for the Advancement of Women, Office of the High Commissioner for Human Rights, U.N. Development Fund for Women, *Gender and*

MOBI relies on these sexual stereotypes to trade on the increased otherness of foreign women in ways that appeal to consumer-husbands.

Mail-order brides are most likely to be Asian, with a staggering number of these women coming from the Philippines.⁸⁹ When American men seek out Asian wives, they want and expect an imaginary "Lotus Blossom" type Asian woman: feminine, delicate, submissive and sexually exotic, but also naïve.⁹⁰ The marriage broker My Thai Bride seizes on these desires. Their web site claims: "The most beautiful and feminine oriental women are Thai. Their grace, elegance and feminine beauty is legendary . . . they have high moral values, a strong commitment to their families, and are supportive of their husbands."⁹¹ Another company advertises, "For men who treasure beauty, tenderness and femininity, who seek a woman who

Racial Discrimination, Report of the Expert Group Meeting (Nov. 2000) available at <http://www.un.org/womenwatch/daw/csw/genrac/report.htm>.

89. See *supra* notes 22–24 and accompanying text.

90. Demleitner, *supra* note 1, at 627 citing Anna Y. Park, *The Marriage Fraud Act Revised: The Continuing Subordination of Asian and Pacific Islander Women*, 1 UCLA ASIAN AM. PAC. ISLANDS L.J. 29, 44 (1993).

91. My Thai Bride at <http://www.mythai bride.com> (last visited Oct. 1, 2003). The first page of the site reads as follows:

My Thai bride has a beautiful oriental girl for you. My Thai Bride has been created to help you find what you've always dreamed of and wanted: A beautiful, petite, feminine, affectionate, sexy oriental girl who has a happy and pleasant personality. . . . Thai girls often seek a gentleman who is 10 to 30 years older. They prefer an [sic] mature man who can take care of them. In all the world the most beautiful women are oriental. For decades western men have appreciated the oriental femininity and beauty. The most beautiful and feminine oriental women are Thai. Their grace, elegance and feminine beauty is legendary. The teachings of the centuries old Thai culture creates Thai girls who have high moral values, a strong commitment to their families, and are supportive of their husbands. In Thailand, putting one's own interests before those of others is unusual. All of the ladies of My Thai Bride are sincerely, and seriously seeking to marry a western gentleman. Be assured that all of the girls of My Thai Bride are good ladies. They have respectable jobs and have never been involved in night time businesses. One of the best things about the girls of My Thai Bride is that they are very traditional. They do not engage in intimate relations without a commitment. You will find that they have had very few relationships. In general, these girls are respectable, trustworthy, honorable, sensitive and caring. Thailand is the land of smiles. Thai women have happy and pleasant personalities; they are joyful with their husbands, and loving, compassionate, and patient with their children. To become angry is a violation of Thai social customs. One of the things you will be most impressed with is the kindness of the Thai people, the family values, and the closeness and affection between family members. We invite you to look though this site to see how we can help you find the happiness you have always wanted and dreamed of. My Thai Bride, where dreams become reality.

is faithful, who values home, family . . . Choose from 6,643 desirable Chinese women and Asian women who wait for your letter.”⁹² Mail-order bride web sites specializing in Asian women advertise the women in traditional, cultural dress.⁹³ Sexualized and eroticized to make the women look exotic, mysterious and delicate, this costuming does not meaningfully or truthfully interpret cultural symbols but only serves to commodify Asian culture.⁹⁴ American men acquire these views of Asian women through Western media, particularly pornography. Although the past decade has seen several books, reports and documentary films on geishas, the Asian women’s rights movement and Asian women’s role in the international human rights movement has received little press. Historically, American men have had contact with Asian women while stationed in Asian countries, where they interact with women primarily as prostitutes or servants, adding to the image of these women as a commodity.⁹⁵

Western men order white women with increasing frequency, almost exclusively from Eastern Europe.⁹⁶ It has been suggested that “many men prefer white [mail-order brides] over Asian women, when available.”⁹⁷ Alternatively, the consumer audience for mail-order brides may have expanded. Eastern European women are being marketed in similar ways as Asian women—appearing less assertive or concerned about equality than American or Western European women. This seems counter-intuitive, as one of the ideas promoted under the Communist regime was the equality of the sexes (even if lacking in practice). Preston Stekel, co-owner of European Connections and Tours Inc., explains, “The guys think of it as a real adventure, all the talk about it, like in ‘Dr. Zhivago.’”⁹⁸ In

92. <http://www.achineseprincess.com> (last modified Sept. 30, 2003).

93. See <http://www.bigbadchinesemama.com/> (last visited Apr. 21, 2003). Big Bad Chinese Mama is one woman’s creative attempt to tackle the long-term project of cultural revolution. Using sarcasm, she addresses the pervasive stereotypes of Asian women and maintains a faux mail-order bride website. Although not a mail-order bride website, links to her site appear when a user searches for “mail-order bride.” Alongside pictures of herself (an Asian American woman) and her friends being as “un-lady like” as possible, her website introduction is as follows:

Inside are contained the “demure lotus blossoms,” the “geishas,” the “oriental sluts”—whatever you had imagined in your patriarchal, colonialist longings. These women will take you by storm (and will kick your ass). Yeah, you’ve seen mail order bride sites before, you may have even surfed over to an Asian porn site, but never in your wildest culturally commodifying sick sexual desires, have you been schooled by women (womyn) like this!

94. *Id.*

95. Demleitner, *supra* note 1, at 627.

96. *Id.* at 628 n.109. In 1993, 350 Russian women were granted fiancée visas to come to the United States. Kevin Sullivan, Blissful Coexistence?; *U.S. Men Seek Mail-Order Brides in Russia*, WASH. POST, May 24, 1994, at A1.

97. Demleitner, *supra* note 1, at 628, citing Uma Narayan, ‘Male-Order’ Brides: *Immigrant Women, Domestic Violence and Immigration Law*, 10 HYPATIA 104, 107 (1995).

98. Cheng, *supra* note 59.

all cases, the companies amplify the most sexualized stereotypes about whichever "type" of woman they currently have "in stock."

Men in Europe import African brides but U.S. men do not. The eroticization of African women is not unrepresented in the flourishing world of the Internet sex industry, but white American men have not stereotyped African women as "good wives." This is consistent with the stereotypes born out of America's racial history. African-American women have been stereotyped as domineering of their men, which is the converse of what a consumer-husband wants in a mail-order bride. African-American women are also imagined to be sexually aggressive and sexually desirable as both exotic and forbidden. African women, then, are assumed to be good sexual objects but not good wives. On one of the few sites specializing in African mail-order brides, the women and young women are described with some of the strongest language of all the sites.⁹⁹

The promise of sex is not as explicit as one might expect, but the soft-porn quality of the young women's photos hints at the sexier aspects of married life while the site diligently touts the "traditional values," "fidelity," and housekeeping credentials of the potential brides. One commentator describes the catalogues as "part Playboy and part Sears Roebuck."¹⁰⁰ The MarryMeInMexico web site provokes, "Start Having FUN NOW!"¹⁰¹ Questionnaires for potential brides require them to provide titillating details about themselves. The American Asian Worldwide Service asks the following questions: "Do you wear make-up? Which underwear do you like to wear? Have you experienced pre-marital sex?" Other agencies ask for descriptions of "physical defects" and whether the woman "has flat, medium or full breasts," and "What kind of lover are you? Affectionate, shy and submissive, passionate, inhibited, uninhibited?"¹⁰²

Consumer-husbands "boast about having 'bought' brides because they cost less than the service of prostitutes."¹⁰³ Others use the marriage brokers to find both brides and prostitutes. In the former Soviet Union, the Darling Marriage Agency¹⁰⁴ offers "escort services" in addition to introductions to marriage-minded women, and the Savva La Belle

99. Langevin & Belleau, *supra* note 2, at 108. See www.ebonygems.com.

100. Meng, *supra* note 22, at 206.

101. MarryMeInMexico at http://www.marrymeinmexico.com/new_portfolio_default_page.asp.

102. Langevin & Belleau, *supra* note 2, at 97.

103. *Id.* at 88.

104. See <http://darling-agency.hypermart.net/service.html> (last visited Oct. 6, 2003).

website offers to send prospective husbands “nude” and “skin flick” photographs and videos of the women.¹⁰⁵

Sexual exploitation “refers to all practices by which a person achieves sexual gratification or financial gain through the abuse or exploitation of a woman or child by abrogating her human right to dignity, equality, autonomy, and physical and mental well-being.”¹⁰⁶ The mail-order bride trade is a form of sexual exploitation, especially of women who are valued for stereotypes of their “exotic-erotic” race and ethnicity.¹⁰⁷ All these stereotypes are not only racialized and sexualized but also gendered. Obviously, the MOBI exploits the desire of these men to have a certain type of woman. These men firmly believe in “traditional” (*i.e.*, male-dominated-gender roles).¹⁰⁸ With the advent of the women’s movement, women with a full range of options are more likely to decline to enter marriages with men who expect wives to subvert her personal and professional goals to serve his personal needs and care for his house and children. Mail-order bride businesses collude with these men to blame American women for failed relationships and then profit from the collusion by selling a gender-role fantasy in which women are subservient.¹⁰⁹ Marriage brokers advertise that their women have “traditional values,”¹¹⁰ playing up to their clients’ hopes of docile and accommodating

105. Hughes, *supra* note 11, at 9.

106. Donna M. Hughes, *The Internet and Sex Industries: Partners in Global Sexual Exploitation*, TECHNOLOGY AND SOCIETY MAGAZINE 35, 36 (Spring 2000).

107. Langevin & Belleau, *supra* note 2, at 107.

108. INS report, *supra* note 21, at 7 (quoting a mail-order bride fan: “The overwhelming majority of men who use such services are sincerely wanting to find a woman with old fashioned values to love and cherish The proposed regulations are obviously a ploy of the feminists to eventually abolish such services. The feminists do not want to see men happy. The INS should not be the puppet to the feminists’ strings [sic]. Until the day women in America can understand and accept the true meaning of feminism there will be a continuing flood of American men who will look overseas to find that ‘real’ woman”).

The U.S. government refers to the marriages resulting from mail-order bride businesses as partnerships, but the use of the term “partner” is completely erroneous; these are not co-equal partnerships.

109. Chun, *supra* note 2, at 1176–77.

110. Consider the following introduction to a mail-order bride website: “Foreign brides—Russian, Ukrainian, European, Asian, Latin Women Girls—are some of the most beautiful sexy pretty hot and more over single and sincere devoted, caring and open women, they possess those traditional values that hard to find in our Western world. Their attentive loving ways charm you, their feminine sexy appearance captivate you. Foreign brides—Russian, Ukrainian, European, Asian, Latin Women Girls—want to find a true loving relationship, find match, friends, friends, pen pals, a date and establish a warm and loving family environment. Their commitment to traditional family values will impress you. Finding their lifetime partner and friend, that one special adult person with whom they can love and share the intimate and important issues in life, is of any girl dream and goal.” Russian Brides—meet russian mail order beautiful single sexy brides for dating and marriage at <http://www.russianbridesdating.us/russian-brides-34.html>.

wives, the opposite of how these men perceive American women. Consumer-husbands expect and will enforce a marriage formed on a hierarchy of gender-roles based on gender stereotypes.

2. *Relevant International Human Rights Law*

Selling women using racial stereotypes as a key marketing strategy comprises a separate human rights violation. The Charter of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter CERD) and the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter CEDAW) require states to respect racial equality and non-discrimination. Under CERD, States may not sponsor any organization that racially discriminates or promotes racial discrimination, and States must eliminate such discrimination should they find it exists.¹¹¹ Analogizing to current understandings of gender-based violence and exploitation as sex discrimination,¹¹² violence and exploitation based on a person's race or ethnicity is discrimination and therefore prohibited. States are also required to combat prejudice through education,¹¹³ and this mandate acknowledges the role stereotyping plays in racial discrimination. The perpetuation of stereotypes, as in the advertisements of marriage brokers, leads to discrimination. The Committee on the Elimination of Racial Discrimination, the monitoring body of CERD, recognizes that women experience racial discrimination differently than men.¹¹⁴ As demonstrated, the exploitation of women

111. *International Convention on the Elimination of All Forms of Racial Discrimination*, G.A. Res. 2106 (XX), U.N. GAOR, 20th Sess., Agenda Item 58, at 5, U.N. Doc. A/RES/2106 (XX) (1966) [hereinafter CERD]. "State Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: . . . (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations. . . (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization."

112. For a discussion on how violence against women is sex discrimination see *supra* notes 106–111.

113. CERD, *supra* note 111, at 8.

114. *Report of the Committee on the Elimination of Racial Discrimination*, U.N. GAOR, 55th Sess., Supp. No. 18, at 152, U.N. Doc. A/55/18 (2000); see also *Beijing Declaration and Platform for Action*, United Nations 4th World Conference on Women, UN DOC A/CONF. 177/20, para 226 (1995) (noting that many women face additional barriers to the enjoyment of their human rights because of their race, language, ethnicity, culture, religion, and socio-economic class).

sold in the mail-order bride trade is based on the intersection of their gender and race and/or ethnicity.

The Committee on the Elimination of Discrimination Against Women has announced, “[a] stable family is one which is based on principles of equity, justice and individual fulfillment of each member.”¹¹⁵ It is a farce to suggest the mail-order bride industry keeps these principles in mind. When a State fails to prevent the promotion of gender stereotypes, especially those that entrench women into subservient roles in marriage, it violates human rights norms. Generally, CEDAW calls for member States to take various measures to eliminate stereotyped roles of women and men.¹¹⁶ Article 16 specifically charges States with the responsibility of ensuring women’s equality to men in “all matters relating to marriage and family.” Equality must exist from the beginning of the marriage; both future spouses must have an equal “right to freely choose a spouse.”

To the extent that women are prevented from gathering information about their prospective consumer-husbands, MOBI violates the CEDAW equality provision. Within the marriage, both women and men should have equal rights and responsibilities,¹¹⁷ including in parenting their children,¹¹⁸ family planning,¹¹⁹ choosing a profession and property ownership, management and enjoyment.¹²⁰ The MOBI, relying on tired stereotypes of women and men, systematically creates marriages in which women are subordinate to their husbands. When husbands are methodically “accorded the status of head of household and primary decision maker,” a State violates CEDAW.¹²¹ Marriages of this pattern disproportionately burden women with domestic chores and childcare responsibilities, which burdens their opportunities for education, employment and personal activities.¹²²

115. *Equality in Marriage and Family Relations, Report of the Comm. on the Elimination of Discrimination against Women*, UN GAOR Gen. Rec. 21, 49th Sess., Supp. No. 38, at 6, U.N. Doc. A/49/38 (1994) [hereinafter CEDAW Gen. Rec. 21].

116. CEDAW, *supra* note 78, at art. 5.

117. *Id.* at art. 16. See also *International Human Rights Instruments*, Human Rights Committee, 39th Sess., at 29, U.N. DOC HR/INGEN/Rev.1 (1992) (“During marriage, the spouses should have equal rights and responsibilities in the family. This equality extends to all matters arising from their relationship, such as choice of residence, running of the household, education of the children and administration of assets.”).

118. *Id.* at art. 16(d),(f).

119. *Id.* at art. 16(e).

120. *Id.* at art. 16(g), (h).

121. CEDAW Gen. Rec 21, *supra* note 115, at 5.

122. *Id.* Some situations may go so far as to possibly constitute forced servitude. For example, in 1999, when mail-order bride Helen Clemente became a maid to an ex-Seattle police officer, her resulting situation may have escalated into an indentured servitude case. Washington Trafficking Taskforce, *Trafficking Taskforce Minutes*, at <http://www.ocva.wa.gov/Trafficking%2011-7.htm> (Nov. 7, 2002).

C. The Mail-Order Bride Industry Relies on and Perpetuates Globalized Economic Inequality Between Women and Men

A Russian national, Natasha entered the United States with her son Nikoli on a fiancée visa. She had been enticed by the romantic promises of John, a Southern California professional whom she had met via an international Internet matchmaking service. Less than a year later, a bruised and broken Natasha filed a petition to end her short but violent marriage to John.¹²³

1. Description of the Human Rights Violation

With significantly lower access than men to education, property ownership, technology, credit and other means of income generation, women largely suffer the brunt of the poverty that accompanies globalization outside of the industrialized West.¹²⁴ Marriage brokers explain to potential client-husbands that advertised women¹²⁵ are turning to the Western husband market in hopes of finding economic security. MOBI bride proponent Gary Clark writes:

In marrying an American, they expect to find a man who will provide for them on a scale they would be very unlikely to find at home. The beautiful thing about this is that, to such a woman living in a poor country, an American man does not have to be rich to provide all the economic incentive she need . . . he's very likely to look like Donald Trump to a lot of women living in less advantaged circumstances. This means that the average American guy can find a much younger woman as attractive as Marla Maples if he wants one.¹²⁶

It is true that for many women the hope of escaping poverty outweighs the risks associated with becoming a mail-order bride. It is also true that if women were not disproportionately impoverished then they would not be trapped into making such unattractive choices.

123. Markee, *supra* note 45, at 277.

124. U.N Development Fund for Women (UNIFEM), *Economic Security and Rights: Promoting Women's Economic Security and Rights* (2002), at http://www.unifem.undp.org/economic_security/ (last visited Sept. 30, 2003).

125. Women exploited by the marriage brokers are often vulnerable in many ways. Recent research has revealed new companies specializing in women with disabilities, who are exceptionally economically and socially marginalized. These marriage brokers market to men with fetishes for missing limbs, stumps of amputated limbs or congenital malformations. One victim advocate writes, "It would be wonderful to think of ways that people could support these women and children, but after viewing this site, one is left with a sick feeling for how they may be exploited and abused by men who offer to marry or adopt them." Hughes, *supra* note 11, at 12.

126. Clark, *supra* note 30.

2. *Relevant International Human Rights Law*

The international community is in consensus that women's inequality facilitates poverty; the Millennium Development Goals created by the U.N. hope to reduce extreme poverty in half, in part by securing gender equality.¹²⁷ Women who on the basis of sex are paid less than men for the same jobs, denied access to capital, credit and training, subject to forms of violence (including sexual harassment) that prevent their economic advancement, or who feel compelled to carry the entire burden of domestic work and child care are not only inevitably poorer than their male compatriots but also victims of human rights violations. All major human rights instruments include sex as one of the grounds upon which States may not discriminate in enforcing the rights set forth in the documents.¹²⁸ States are responsible for rectifying the human rights violations underlying women's economic inequality and preventing exploitation of their increased vulnerability.

Permitting businesses to rely on and further entrench gendered global economic inequity violates international standards. According to the Universal Declaration, "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."¹²⁹ Under the International Covenant on Economic, Social and Cultural Rights, state signatories have a duty to cooperate internationally to share resources to ensure all members of the global community are able to enjoy their rights under the convention.¹³⁰ Gender inequality in economic development and security is not tolerable.¹³¹ Silence is tantamount to agreement, and when states allow the MOBI to flourish they are promoting the gendered global inequality they are charged with eliminating.

D. The Mail-Order Bride Industry is Closely Associated With Trafficking Women into Forced Sex Work or Domestic Service

Helen Clemente was forced into indentured servitude from 1990 to 1993 by Sally & Eldon Doty, an ex-Seattle police officer. The Doty's [sic] abused the [Immigration and Naturalization Service] fiancée visa to orchestrate a sham marriage between Clemente and Eldon Doty in order to procure an illegal maid.

127. UNIFEM, *supra* note 124.

128. International Covenant on Economic, Social and Cultural Rights, Dec. 19, 1966, art. 2(2), 993 U.N.T.S. 3, 5 [hereinafter ICESCR]; ICCPR, *supra* note 76, at art. 2(1).

129. UDHR, *supra* note 76, at 76.

130. ICESCR, *supra* note 128, art. 2, para. 1.

131. *Id.* at art. 2, para. 2.

When she escaped, they sought to deport her by seeking criminal immunity for themselves.¹³²

1. Description of the Human Rights Violation

The MOBI is not only related to trafficking in women for forced sex work, but also may constitute a form of trafficking in and of itself. First, the mail-order bride trade is closely associated with sex tourism, Internet pornography and prostitution. For example, mail-order bride websites often provide links to Internet porn, sex tourism and escort service sites, and vice versa. These industries fuel the demand for trafficked women.¹³³ Countries over-represented in the bridal trade are the same countries that are the most popular destinations for sex tourism.¹³⁴ In order to facilitate correspondence between potential brides and consumer-husbands, some marriage agencies provide Internet access at their office, charging a fee to their clients for the service. This Internet access increases the likelihood of women corresponding with or meeting traffickers.¹³⁵ When a marriage broker is most directly connected with trafficking, the business serves merely as a 'front' for the trafficking operation.¹³⁶ The United Nations Office on Drugs and Crime has noted that traffickers use offers by agents to send young women away as mail-order brides.¹³⁷ Agents lure women with promises of a better life, but once the women leave their home borders, they are entirely under the control of the traffickers.¹³⁸ For

132. WASH. STATE TASK FORCE, OFFICE OF CRIME VICTIMS ADVOCACY, REPORT ON TRAFFICKING IN PERSONS 9 (Nov. 2002).

133. Langevin & Belleau, *supra* note 2, at 113 ("The MOB trade is closely associated with both the sex tourism industry and the criminal practices of international prostitution rings").

134. *Id.*

135. Hughes, *supra* note 11, at 4.

136. U.N. Office on Drugs and Crime, *Trafficking in Human Beings* (2003) at http://www.unodc.org/unodc/trafficking_human_beings.html ("From Himalayan villages to Eastern European cities, people—especially women and girls—are attracted by the prospect of a well-paid job as a domestic servant, waitress or factory worker. Traffickers recruit victims through fake advertisements, mail-order bride catalogues and casual acquaintances"); see also INT'L CATHOLIC MIGRATION COMM'N, COUNTER-TRAFFICKING OF WOMEN AND CHILDREN IN INDONESIA available at <http://www.icmc.net/docs/en/programs/indonesiaprg3> ("In Indonesia, in addition to the traditionally perceived role of sex workers, trafficked victims are used as workers on plantations, domestic workers, restaurant workers, entertainers, mail-order brides, child laborers, and street beggars").

137. U.N. OFFICE ON DRUGS AND CRIME, GLOBAL TV CAMPAIGN ON HUMAN TRAFFICKING FACT SHEET (2003), available at http://www.unodc.org/unodc/trafficking_tv_campaign_2002_factsheet.html.

138. INT'L CATHOLIC MIGRATION COMM'N, *supra* note 136 (describing that exploitation ranges from "the confiscation of documents, debt-bondage due to exorbitant fees, and

example, traffickers have paid U.S. military personnel to marry women in Korea and bring them to the United States for use in massage parlors and brothels.¹³⁹

Even when IMBs do not funnel the young women into brothels or strip clubs, the MOBI is a form of trafficking: “The business of bride trade or marriage matching is sex trafficking because it treats women as a commodity to be sold to foreign men. The purpose is not to find lifetime loving partners for women but to supply foreign men with a wife to be treated as a sex object, domestic worker and all-around slave.”¹⁴⁰ The U.S. State Department defines trafficking as “when someone moves you from one place to another with the promise of giving you a job or offering you marriage by using coercion, fraud, deception, and force.”¹⁴¹ Also referred to as “marriage trafficking,”¹⁴² the MOBI falls within the ambit of international definitions of illegal trafficking because agents advertise and sell women as goods, transport them across borders for purposes of a commercial sexual transaction and use deception, misrepresent the nature of the relationship being entered into, or fail to disclose the criminal or abusive background of the consumer-husband.¹⁴³

2. *Relevant International Human Rights Law*

Sex trafficking¹⁴⁴ violates a laundry list of human rights. It also has

new brides being used as sex slaves.”). Furthermore, the Global Survival Network (GSN) produced a documentary showing how mail-order bride businesses are used as fronts to recruit and traffic Russian women to Germany, Japan, and the United States for the sex industry. INS Report, *supra* note 21, at 4.

139. JANICE G. RAYMOND & DONNA M. HUGHES, COALITION AGAINST TRAFFICKING IN WOMEN, SEX TRAFFICKING OF WOMEN IN THE UNITED STATES INTERNATIONAL AND DOMESTIC TRENDS 24 (Mar. 2001) available at http://www.ojp.gov/nij/international/programs/sex_traff_us.pdf.

140. Coalition Against Trafficking in Women—Asia Pacific, *FAQs* (2001) at <http://www.catw-ap.org/faqs.htm> (last visited April 22, 2003) [hereinafter CATW FAQs]. See also Langevin & Belleau, *supra* note 2. (“The MOBI is a form of trafficking in women.”).

141. THE BUREAU FOR INT’L NARCOTICS AND LAW ENFORCEMENT AFFAIRS, U.S. DEP’T OF STATE, *Fact Sheet: Brochure on Trafficking* (2001).

142. Raymond & Hughes, *supra* note 139, at 24.

143. *Id.*; see also Richard, *supra* note 10, at 27. Some commentators worry that by categorizing international marriage brokering as trafficking, mail-order brides will be lumped together with prostitutes and suffer similar marginalization and stigma. See Markee, *supra* note 45, at 284 (“Consequently, these women may be seen as quasi-prostitutes. Perhaps, this same public perception creates a belief that women who actively seek marriages through IMOs in part deserve any violence they may receive?”).

144. The U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted in November 2000, provides the most commonly used definition for the trafficking of human beings and reads as follows: “The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the

been the subject of its own international law instruments, including the Convention on the Suppression of Trafficking in Persons and the Prostitution of Others (1949).¹⁴⁵ Sex trafficking systematically violates women's human rights, including the right to life and security of persons. It places women in danger of physical abuse and deprives them of bodily integrity. Victims of trafficking are deprived of the right to travel and to freedom of movement, as women are either kept in brothels, prevented from leaving their consumer-husband's home or even communicating with their families back home. Her freedom from slavery and abuse is violated, as her free will is subjugated to that of her consumer-husband; if "prostituted [she] becomes the slave of any man who 'buys' her."¹⁴⁶

IV. U.S. LAWS INVOLVING THE MAIL-ORDER BRIDE INDUSTRY

Despite problems resulting from the mail-order bride industry, scant law directly regulates these businesses or provides relief for women victimized by the industry. Two sets of potentially pertinent laws exist: (1) laws that provide relief for mail-order brides victimized by consumer-husbands, and (2) laws that regulate the MOBI in an attempt to prevent abuse. For those mail-order brides already in the United States, their ability to escape abusive relationships hinges on immigration law. For potential mail-order brides still in their home countries, regulation of marriage brokers is their best hope for minimizing risks, in lieu of entirely eliminating the industry. At the state level, the state of Washington has singularly pioneered regulations on international marriage brokers, and now Texas has followed suit. Several federal laws on trafficking and immigration may be used by advocates attempting to curtail MOBI abuses and to protect and assist victims. With help from leaders in

abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (in particular, labor and sexual exploitation)."

145. Other relevant documents include the following: 1956 Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery, CEDAW, *supra* note 78, 1990 Vienna Declaration on Human Rights, CEDAW Gen Rec. 19, *supra* note 82, at paragraphs 13-16, 1994 International Conference on Population and Development Declaration, 1995 Beijing Platform of Action, 1997 Commission on the Status of Women and General Assembly resolutions on Traffic in Women and Girls initiated by the government of the Philippines. (This has been filed every year since 1994). See CATW FAQs, *supra* note 140.

146. *Id.*

Washington state, national policy makers are working towards regulating the MOBI directly.

A. Existing Immigration Law

All states have laws prohibiting domestic violence and providing various remedies for victims, including civil protection orders that provide for a wide range of relief. The immigration status of mail-order brides, however, complicates any attempt for them to leave abusive marriages, because they are dependent on their consumer-husbands for legal residence in the United States.¹⁴⁷ If these women become victims of domestic violence, they are often ineligible for cash assistance because of their immigrant status.¹⁴⁸ Unable to get work authorization from the Immigration and Naturalization Service (INS), these women are economically dependent on abusive husbands.

The self-petitioning process and two new visas, designed for victims of trafficking and abused immigrant spouses, may offer some relief. Under the Violence Against Women Act,¹⁴⁹ an abused spouse of a U.S. citizen (USC) may “self-petition,” that is, file a family preference visa on her or his own behalf without the participation of the abuser.¹⁵⁰ If this application

147. U.S. law offers two routes to legal residence for the foreign bride of a U.S. citizen: (1) the K-1 fiancée visa or (2) the Alien Spouse Visa. Under the first option, the immigrant bride-to-be enters the U.S. on a K-1 fiancée visa, which permits her entrance and legal presence. Within ninety days of entry, she must be “legally able and actually willing to conclude a valid marriage,” 8 U.S.C. § 1184(d) (Supp. V 1999). Once married, the newlywed woman becomes eligible for classification as an “immediate relative” of a U.S. citizen, 8 U.S.C. § 1154(a)(1)(A)(iii), and is then eligible to file a complex application package at her local Immigration Naturalization Service (I.N.S.) district office. She initially receives I.N.S. authorization to work in the United States, 8 C.F.R. § 274a (2000), and eventually her legal permanent residency, or “green card,” Immigration and Nationality Act (I.N.A.) of 1952, Pub. L. No. 82-414, § 214(d), 66 Stat. 163 (codified as amended at (U.S.C. §§ 1101-1537 (Supp. V 1999))), 8 U.S.C. § 1184(d). If the couple does not marry within ninety days, the K-1 expires, and the foreign woman loses her legal status, 8 U.S.C. § 1184(d). Under method two, the couple legally marries outside of the U.S., and the U.S. citizen groom must first file and receive approval of an I-130 form (Petition for Immigrant Relative) in the United States, 22 C.F.R. § 40.1(h)(1) (2000). Post approval of the I-130, the foreign woman may then request visa processing at her country’s United States embassy or consulate and enter the United States as a legal permanent resident, Immigration and Nationality Act (I.N.A.) of 1952, Pub. L. No. 82-414, § 245(a), 66 Stat. 163, 217 (codified as amended at 8 U.S.C. §§ 1101-1537 (Supp. V 1999)), 8 U.S.C. § 1255 (1994).

148. Posting of Shauna Culphey, *Gender Violence Victims Wait for Visas*, to womensenewstoday@womensenews.org (Mar. 28, 2003) (copy on file with author).

149. Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, Title IV [hereinafter VAWA].

150. 8 U.S.C. § 1154(a)(1)(A) & (B) (as amended by the VAWA, *supra* note 149). In order to qualify, a person must affirmatively demonstrate that she is a person of good moral character; entered into the relationship in good faith; is the victim of abuse or extreme cruelty; and would suffer extreme hardship if deported. *Id.*

is approved, the petitioner becomes eligible to apply for permanent legal residency in the United States.¹⁵¹ Granted at the discretion of INS adjudicators and Immigration Judges, the success of self-petitioning remains unpredictable, and rejected applications have only limited hope of review.¹⁵² The Trafficking Victims Protection Act of 2000 (hereinafter TVPA)¹⁵³ offers several protections for victims of trafficking. Mail-order brides, however, are not explicitly included in the definition in trafficking victims,¹⁵⁴ and no case has been brought to argue for their inclusion. The TVPA purports to cover people brought by force, fraud or coercion for commercial sex or involuntary servitude. Arguably, a mail-order bride in an abusive situation meets these requirements.¹⁵⁵ If mail-order brides are recognized as victims of trafficking then they would be eligible for the TVPA created T-visa.¹⁵⁶ INS is authorized to issue 5,000 T-visas a year to trafficking victims facing deportation for entering the country illegally.¹⁵⁷ The visas are under-publicized, currently without guiding regulations, and the fee,

151. I.N.A. 204(a)(1)(A)(iii)(I) & (II) (providing classification as an immediate relative and approval of an alien relative petition for qualifying battered immigrant spouses). *See also* I.N.A. 245(a) (allowing adjustment of status for a person with an approved immigrant visa).

152. Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Division C of the Omnibus Appropriations Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 sec. 306(a)(2), amended I.N.A. § 242(a)(2)(B)(ii), 8 U.S.C. § 1252(a)(2)(B)(ii) (providing that there is no federal review of "any other decision or action of the Attorney General the authority for which is specified under this title to be in the discretion of the Attorney General.").

153. Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 § 107 [hereinafter TVPA].

154. The TVPA defines "severe forms of trafficking" as: "A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery," 22 U.S.C. § 7102 (8) (2000).

155. Future research should explore how the mail-order bride relationship meets the definition of a "commercial" sex act and "involuntary servitude."

156. To be granted a T-visa, the victim must: (1) meet the definition of a severely trafficked person; (2) be willing to assist in every reasonable way in the investigation and prosecution of the trafficker; and (3) must make a bona fide application for a T-visa, or is a person whose continued presence is needed to prosecute traffickers.

157. "No matter that the potential need is closer to 50,000 visas a year. So far only nine have been issued." Janice Price, *The New Slave Trade: The kidnapping and coercion of women is the world's third-largest underground industry*. Washington legislators have fought back, REAL CHANGE NEWS Dec. 12, 2002, available at http://www.realchangenews.org/pastissuesupgrade/2002_12_12/features/new_slave.html.

\$400, is prohibitively high.¹⁵⁸ Likewise, these women are unlikely to know U-visas are available. U-visas allow battered, tortured or kidnapped women to remain in the U.S. to seek help. Even if they do apply, the waiting period can be up to five months, leaving them in the continued control of their abusive husbands. In addition to pragmatic difficulties associated with the U-visa, the current administration has failed to issue the regulations necessary for its full implementation.¹⁵⁹

B. Existing State Mail-Order Bride Industry Regulations¹⁶⁰

After the widely publicized mail-order bride murders, Washington state promulgated regulations on the mail-order bride business.¹⁶¹ Not without controversy,¹⁶² the regulations make inroads into mitigating harm done by the MOBI. Attempting to rectify the imbalance of information in mail-order bride arrangements,¹⁶³ these regulations require IMBs in the state of Washington to provide a criminal background check¹⁶⁴ and

158. *Id.*

159. The Department of Justice under Attorney General John Ashcroft had not promulgated the regulations the immigration service needed to implement the U-visa. Then, on March 1, 2003, INS came under the purview of the new Department of Homeland Security and the task of issuing the regulations now falls to its Secretary, Tom Ridge. Regulations have not been issued, and there is no timeline for their implementation. According to one advocate, "Now it's sort of a free-for-all. If there were regulations, advocates could file appropriately and the Immigration and Naturalization Service would know how to proceed," Curphey, *supra* note 148.

160. After the writing of this article, Hawaii also passed legislation regulating the international mail-order bride industry. See HRS Div. 2, T. 26, Ch. 489N.

161. The law refers to covered organizations as international matchmaking organizations. "Traditional matchmaking" organizations and organizations that do not charge fees are exempted. WASH. REV. CODE ANN. (ARCW) § 19.220.010(3) (West Supp. 2003).

162. When introducing the legislation, State Representatives Velma Veloria, Phyllis Gutierrez-Kenney and State Senators Jeri Costa and Jeanne Kohl-Welles received "thousands of emails from men who wanted to have sex with them, from angry men who said mean and unprintable things, and from men who said that power-hungry American women were stepping on the rights of the American male, forcing them to shop for wives outside the country." Price, *supra* note 157.

163. The official legislative intent of these regulations is "to provide increased consumer awareness on the part of persons living abroad regarding Washington residents who utilize international matchmaking services for purposes of establishing relationships with those living abroad. The legislature recognizes that persons living abroad are already required to provide background information to the federal government during visa applications, but, unlike residents of the United States, are unlikely to have the means to access and fully verify personal history information about prospective spouses residing in the United States. The legislature does not intend to impede the ability of any person to establish a marital or romantic relationship, but rather to increase the ability of persons living abroad to make informed decisions about Washington residents." WASH. REV. CODE ANN. (ARCW) § 19.220.005 (West Supp. 2003).

164. Procedure for criminal background checks on any "applicant for the services of an international matchmaking organization" is provided for in WASH. REV. CODE ANN. (ARCW) § 43.43.760(3) (West Supp. 2003).

marital history¹⁶⁵ of a potential consumer-husband, who lives in the state, to a potential mail-order bride (called a recruit),¹⁶⁶ when she requests this information. Notice must be given in her native language of her right to request criminal and marital background information, and it must be “displayed in a manner that separates it from other information, is highly noticeable, and in lettering not less than one-quarter of an inch high.”¹⁶⁷ To facilitate this process, the law requires organizations to notify the Washington state resident of the request and the resident to gather the requisite information.¹⁶⁸ To ensure compliance, organizations are prohibited from knowingly providing further services to either the potential bride or husband regarding the relationship until the organization has obtained the requested information and provided it to the recruit.¹⁶⁹ Businesses found in violation can be forced to comply with the law through the state’s Consumer Protection Act and be held liable for damages and attorneys fees.¹⁷⁰ The success of the current law in protecting mail order brides remains unmeasured.

165. “Marital history information” means “a declaration of the person’s current marital status, the number of times the person has previously been married, and whether any previous marriages occurred as a result of receiving services from an international matchmaking organization.” There is currently a bill in the Washington legislature to amend this language, changing “marital history” to “personal history,” Matchmaking Organizations—Personal History Information, ch. 268, § 1, 2003 Wash. Laws 1826. An Act Relating to trafficking in persons; and amending RCW 19.220.010. (read first time, Apr. 4, 2003). While marital history was defined only as the number of times a person was married, personal history broadly includes information about prior marriages; founded allegations of child abuse or neglect; and any existing no-contact or anti-harassment protection orders. See Senate Bill Report, Senate Committee On: Children & Family Services & Corrections, S. 58-1826, 1st Sess., at 2 (Wash. 2003).

166. “‘Recruit’ means a noncitizen, nonresident person, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services,” WASH. REV. CODE ANN. (ARCW) § 19.220.010(4)(c) (West Supp. 2003).

167. WASH. REV. CODE ANN. (ARCW) § 19.220.010 (1) (West Supp. 2003).

168. “Upon receiving notification, the Washington state resident shall obtain from the state patrol and provide to the organization the complete transcript of any background check information provided pursuant to RCW 43.43.760 based on a submission of fingerprint impressions and provided pursuant to RCW 43.43.838 and shall provide to the organization his or her marital history information. The organization shall require the resident to affirm that marital history information is complete and accurate, and includes any information regarding marriages, annulments, and dissolutions which occurred in other states or countries.”

169. WASH. REV. CODE ANN. (ARCW) § 19.220.005 (West Supp. 2003).

170. State Sens. Jeanne Kohl-Welles and Jeri Costa and State Rep. Velma Veloria, *Protections for mail-order brides: a matter of national debate*, Washington State Senate Democratic Caucus, available at <http://www.sdc.wa.gov/releases/kohl-welles/2002%20archive/mailorderped.htm> (last visited Apr. 18, 2003).

Texas, another state with a widely publicized mail-order bride murder,¹⁷¹ is in the process of drafting and enacting a bill. Expanding on the Washington legislation, the regulations require marriage brokers to provide information not only on the potential consumer-husband's personal criminal background and marital history but also on human rights, immigration, and emergency assistance resources.¹⁷² Infractions carry the risk of a \$20,000 civil penalty (collected fines go to the compensation to victims of crime fund).¹⁷³

C. Proposed Federal Legislation

In 1996, the United States enacted a law noting that women who immigrate as mail-order brides are at risk for domestic violence. To address this problem, the law demands that marriage brokers disseminate to the recruited brides information on immigration and naturalization, "including information regarding conditional permanent residence status and the battered spouse waiver under such status, permanent resident status, marriage fraud penalties, the unregulated nature of the business engaged in by such organizations."¹⁷⁴ Failure to provide the information may result in a fine of up to \$20,000.

A fledgling effort is building momentum to pass national legislation to regulate the MOBI. Spearheaded by the Tahirih Justice Institute, the new legislation¹⁷⁵ will require the marriage brokers, before providing any information about any woman recruit to a potential-consumer husband, to do the following:

1. obtain the recruit's written consent to disclosure of her contact information to any client;
2. require the client to provide responses to questions regarding any prior history of violence, including any criminal activity;
3. provide that client's information to the recruit; and
4. advise the recruit of her rights under U.S. law should a marriage to an IMB client involve domestic abuse.¹⁷⁶

In addition, the legislation would "require U.S. citizens seeking a foreign

171. Moore, *supra* note 64 (describing Jack Reeves who allegedly repeatedly imported and murdered a series of women as mail-order brides).

172. H.B. 177, 78th Leg., 3d Sess. (Tex. 2003).

173. *Id.*

174. 8 U.S.C.S. § 1375 (2003).

175. The new bill is being sponsored by Senator Maria Cantwell (D-WA) and Representatives Larsen, Inslee and Kirk. Form letter to Members of Congress, signed by the Tahirih Justice Center and over 100 other national and state organizations, including Amnesty International, Family Violence Prevention Fund, National Coalition Against Domestic Violence, Immigrant Legal resource Center (CA), Minnesota Coalition Against Sexual Assault, and Asian Family Center (OR). (Jan. 2004).

176. *Id.* See also S 1455/HR 2949.

fiancées' visas undergo a criminal background check, the results of which would be shared with the foreign fiancée."¹⁷⁷ The new legislation would restrict the filing of applications for visas to one foreign fiancée within a one-year period. Finally, consular officers would be instructed to "inform women coming to the U.S. on a fiancée visa of their legal rights should they find themselves in an abusive relationship."¹⁷⁸

In addition to these measures designed to prevent violence within the marriage, the legislation attempts to hold exploitative marriage brokers accountable for their abuses. A marriage broker failing to meet its obligations under this law would risk a civil penalty not to exceed \$20,000 for each violation and a criminal penalty of fine or imprisonment for not less than 1 year and not more than five years or both.¹⁷⁹

Still in the early stages of the political process, the bill has already undergone several significant changes and may pass through still more incarnations before becoming law. As it is now, it would mandate measures to prevent the worst harms often associated with the mail-order bride industry. Most likely, it is the best bill that advocates can successfully enact during the immediate political climate and under current public perceptions of mail-order brides. Further measures, however, would close the foreseeable gaps in this prevention plan.

The law must provide protection, support and remedies for victimized mail-order brides. Among other services, the government should offer a special visa for ill-treated mail-order brides. The U-visa and T-visa should be available to victimized mail-order brides a specific visa would best ensure the protection of their human rights. The T-visa, for example, is contingent on the victim's willingness to work with law enforcement officials to investigate or prosecute a trafficker. The T-Visa and self-petitioning procedures, like asylum, are only available if the victim stands to suffer "extreme hardship involving unusual and severe harm upon removal." Similarly, to be eligible for a U-visa, a victim must possess information with regards to a TVPA-recognized crime, as well as certification from a government/law enforcement official stating that "the victim is helping, has helped, or is likely to be helpful in the investigation or prosecution of the crime." A visa specifically for mail-order brides should not be contingent on assisting authorities with prosecution. The visa, like the U- and T-visas, should grant recipients

177. *Id.* See also S 1455/HR 2949.

178. *Id.*

179. S 1455/HR 2949.

employment authorization and offer an opportunity to apply for permanent residency.¹⁸⁰

V. ADDRESSING THE PROBLEM: SPECIFIC RECOMMENDATIONS

The ultimate solution to the modern mail-order bride industry (and other international woman-abuse) involves the elimination of patriarchy and the creation of economic parity between nations. However, until that time, we must at least acknowledge the unique context from which the MOBI emerges, at the intersection of multiple oppressive conditions in the global marketplace. Given the international nature of the mail-order bride trade and the inequitable global economy in which it thrives, limited efforts by States acting alone have little chance of effectiveness. Regulations of marriage brokers in source countries (those which “supply” mail-order brides) are often ineffective given the economic conditions that motivate women to attempt to leave.¹⁸¹ For example, efforts by the Philippines to ban mail-order bride activities have failed to curtail the export of Philippine women. In consumer countries, the mail-order bride system is largely unregulated, and these governments only come into legal contact with the MOBI through processes of immigration.¹⁸² It is time for an approach based on international cooperation and coordination. International human rights standards can furnish a judicial system to handle complaints adequately and a conceptual framework for educating people and creating local legislation.

A. *Using International Human Rights Systems*

To the extent that marriage brokers violate the human rights of women, States can be held accountable for failing to prevent, investigate and prosecute these violations.¹⁸³ Individual women and women’s rights NGOs can expose the harms caused by the mail-order bride trade through reporting and complaint procedures, and press for the regulation and eventual eradication of the MOBI. Countries party to CEDAW, CERD, CAT, ICCPR and ICESCR are already required to report to monitoring bodies, and this procedure provides an opportunity for concerned parties to submit shadow reports explicating the human rights violations of mail-order bride companies. Reports may also be submitted to the Commission on the Status of Women- Special Rapporteur on Violence Against Women. Individual women or NGOs on behalf of women victimized by marriage

180. I would likewise argue that the T-visa and U-visa should not be so contingent.

181. Chun, *supra* note 2, at 1190.

182. *Id.* at 1156.

183. Velasquez Rodriguez case, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 4 (1988).

brokers should bring their complaints to the Commission on Human Rights for violations of the ICCPR, and to CEDAW, where the CEDAW optional protocol has been ratified. The United States is woefully behind in ratification of international human rights instruments. For advocates in the United States, part of this process should include lobbying for the ratification of CEDAW and its optional protocol.

The U.N. system poses at least one significant problem for mail-order brides or their advocates when they complain to international bodies. The U.N. system has not formally recognized harms resulting from discrimination based on multiple characteristics, therefore complaints must be brought under each relevant treaty. When a person makes a claim that turns on both her sex *and* race, for example, she must choose between bringing action under either CEDAW or CERD, artificially bifurcating her petition.¹⁸⁴ This is particularly troubling in attempting to address the MOBI which targets potential brides because they are women, because they are of a particular race/ethnicity, and because they are of a certain socio-economic class.

B. Rethinking Current Forms of Globalization

The global economy pushes increasingly large numbers of people into informal sector work or unemployment. For women, this often means turning to sex work or relying completely on marriage for economic security. Becoming a mail-order bride means a little bit of both, as well as capitalizing on the economic opportunity moving to the West might bring.¹⁸⁵ Combating the growth of the mail-order bride trade, therefore,

184. See Johanna Bond, *International Intersectionality: A Theoretical and Pragmatic Exploration of Women's International Human Rights Violations*, 52 EMORY L.J. 71, 171-72 (2003) (stating that current complaint or communication procedures require a complaint to "decide if her complaint is more compelling as a race-based or gender-based human rights violation and submit only to the committee overseeing that treaty" in contradiction with her more complex experience).

Currently, debate on the practicality of institutional reaction to the intersection of oppressions is emerging in international law circles, and examination of this debate is beyond the scope of this article.

185. "The disparity between the rich and poor is wider. Worldwide, 20% of the world controls 80% of the gross domestic product. 447 billionaires have wealth greater than the income of the bottom half of humanity. About 1.2 billion people are still living on less than \$1/day and another 1.3 billion on \$2/day. In the U.S., the richest man has wealth equal to that of the bottom 40% of the American people. It is no wonder then that in some parts of the world, farmers sell their children to pay off a debt or a child is taken from his or her family to be sold for profit or that a woman from a developing country would want to pay thousands of dollars, or even marry someone she has met through a

requires a much larger reorganization of the global economy.

To deal with the root causes of the mail-order bride trade, the global community must create a globalization process that will maximally benefit all people in the world. International agencies such as the International Monetary Fund, the World Bank and the World Trade Organization¹⁸⁶ must recognize the inhumanities, violence and injustice that particular neo-liberal economic policies tend to create.¹⁸⁷ The leaders of these international groups have given money to governments known to be corrupt and are therefore in part to blame for making bad investments. International aid is critical to developing, impoverished nations, but the money must fund actual programs that meet the needs of the people. International debt cancellation potentially could make scarce resources available to alleviate the desperate plethora of local social needs. Even if debt forgiveness is not complete, international lending programs should prioritize social development: education, health care, environmental conservation and micro-enterprise.¹⁸⁸

Multinational corporations do not have to be the focus of development plans, but should be held to high standards of social responsibility when they conduct overseas activities or invest overseas. Companies can be required to submit a gender impact report to local governments or international human rights organizations before instituting programs. All future international economic agreements should include recognition of human rights and be based on fair trade and local control.¹⁸⁹

Finally, most organizations (including the World Bank) have concluded that women's needs must be made explicit and included in any plans hoping to achieve sustainable development.¹⁹⁰ We must fund international development programs that can educate women and increase their access to private property ownership and other forms of income-generation.

'mail order bride' agency for the promise of a better economic opportunity only to find herself forced to become part of [a] prostitution ring, an indentured servant or murdered in a developed country like the United States in a state like Washington." Washington Representative Velma Veloria, Address to the House of Representatives, Mar. 2002, as cited in State of Washington, Department of Trade, Community and Economic Development, *Washington State Task Force Report On Trafficking in Persons* (Nov. 2002) available at <http://www.cted.wa.gov/DesktopModules/Documents/ViewDocument.aspx?DocumentID=397>.

186. "The WTO must be replaced by a body that is fully democratic, transparent, and accountable to citizens of the entire world instead of to corporations." Global Exchange, *10 Ways to Democratize the Global Economy*, at <http://www.globalexchange.org/economy/rulemakers/TenWaysToDemocratize.html> (last visited Feb. 20, 2003).

187. *Id.*

188. *Id.*

189. *Id.*

190. According to one report, "Women make up half the world but hold less than 5% of positions of power in determining global economic policy, and own an estimated 1% of global property. Family survival around the world depends on the economic independence of women." *Id.*

Restructuring globalization means putting women at the center of economic policy by ensuring access to family planning as well as education, credit, job training and policy decision-making. When working through Western or large international organizations, advocates must contemporaneously work with grassroots women's organizations as well.

C. Teaching About Human Rights and the Mail-Order Bride Industry

Generally, widespread education on human rights with a focus on gender equality will give people a good framework for understanding criticism of the MOBI. To prevent circumstances that lead to the desire for a subservient wife and render many marriages unequal, young girls and boys should be taught about gender equality and mutual respect in relationships of all kinds. More specifically, governments and advocates should target potential mail-order brides and women immigrating as mail-order brides for extensive education and outreach. The government, especially immigration services agencies, must inform all female immigrants, before they enter their new home nations and on a regular basis during the first months after their arrival, about their rights, especially as concerns non-discrimination, deportation and domestic violence.¹⁹¹ Potential consumer-husbands should be another target group for education programs. The government and NGOs should harness the media to raise popular awareness of the dangers facing mail-order brides.¹⁹²

D. Enacting Legislation

Free from serious governmental intervention, the MOBI creates situations of extreme abuse, is characterized by "shady business dealings," and relies on subtle economic exploitation of women.¹⁹³ Generally, marriage brokers are under no obligation to fully disclose to these women information on the consumer-husbands or their rights under the country's laws.¹⁹⁴ The Global Survival Network, an NGO, found that marriage agencies "generally do not screen their male clients, some of whom have histories of domestic violence or criminal records."¹⁹⁵ Lack of regulation also

191. Langevin & Belleau, *supra* note 2, at 107.

192. For example, see *NYPD Blue* (WABC television broadcast, Apr. 15, 2003) (mail-order brides fall victim to violence).

193. Demleitner, *supra* note 1, at 624.

194. Richard, *supra* note 10, at 27.

195. *Id.*

means that marriage agencies advertise minors.¹⁹⁶

In order to ensure women's human rights, local legislation must address the immediate needs of victimized mail-order brides. Laws must be interpreted and enforced with due regard to the women's cultural differences and the dynamics of exploitative relationships.¹⁹⁷ Exploitative marriage brokers must be strictly regulated and held accountable when they fall short of set standards. Consumer-husbands must be screened for abusive history and held liable when they abuse their wives. Ongoing studies are necessary to assess the efficacy of regulations and the emerging needs of the population.

Finally and most importantly, local legislation and other measures must begin to address the manifestations and roots of the subordination of women. In developing anti-trafficking legislation, the U.S. government conducted research that showed the current epidemic of trafficking "is directly related to the diminishing resources for poor people in developing countries and to the greed of large transnational corporations."¹⁹⁸ Strategies to curtail exploitation of women that rely exclusively on punishing individual traffickers and the local governments of source countries miss the mark, although they may make people feel as if they are cracking down on "evil-doers." The U.S. government has acknowledged, "Punitive measures, without alternatives for working people, can drive the sex trade even more underground, placing young Asian, African, Caribbean, and Latin American women in ever more vulnerable positions in the global economy."¹⁹⁹ In addition to the international measures suggested above, national and state governments should provide for and enforce gender equality in education and employment.

E. Creating Social Service Programs for Survivors

These women are in need of services prior to immigrating as a mail-order bride, during the immigration process, and after victimization or abuse. If a woman is the survivor of domestic violence, all the typical forms of victim services should be provided including medical care, counseling and legal assistance. Unique to these circumstances, mail-

196. *Id.*

197. Detailing how laws can be implemented with cultural sensitivity is beyond the scope of this paper. See generally Markee, *supra* note 45 (examining domestic violence within Russian "mail-order bride" marriages as an illustration of the need for increased cultural and social awareness during the creation, application, and interpretation of American laws that pertain to such marriages).

198. Kamala Kempadoo, *Women of Color and the Global Sex Trade: Transnational Feminist Perspectives*, in 1 *MERIDIANS: FEMINISM, RACE, TRANSNATIONALISM* 28, 45 (2001).

199. *Id.*

order brides may require translators and immigration assistance. Legal assistance should include help in filing for temporary restraining orders and civil protection orders as well as assistance in suing IMBs under tort law. Financial assistance and vocational training are needed to ensure economic stability if a former bride chooses to stay in the country. Alternatively, if she chooses to return to her homeland repatriation assistance should be provided. In all circumstances, service providers must be sensitive to the dynamics of the mail-order bride experience and must provide assistance that is culturally meaningful. The government ought to establish these programs and/or provide funding and support to NGOs to do so.

VI. CONCLUSION

Marriage between people from different nations who meet via the Internet or mail may end happily ever after.²⁰⁰ The mail-order bride industry, however, is not a vehicle for the production of happy marriages. The MOBI does not bridge international divides—it consumes women on the margins of the global economy. These women are typically young, poor and of color and are sold to men at the top of the global economy with help from unregulated companies looking for vast profits. The MOBI is not a cultural exchange; this is an abuse of power.

Like other human rights violations, the end of the exploitative mail-order bride trade will begin with global economic justice. International human rights standards provide a progressive framework for building coordinated efforts between state and national legislation. Widespread education and outreach must bolster legal action. The global marketplace is the appropriate arena for such action. Women everywhere must help each other build community, gain confidence and skills to live our lives beyond other people's stereotypes and expectations, and be self-reliant and safe.

200. In a debate on international marriage via correspondence, a person from Indiana proposed, "Avoid marriage agencies and tours; be sure you can communicate in the same language; realize that women cannot be categorized by country; don't move too fast," Kathy Mitchell & Marcy Sugar, *The ups and downs of 'buying' a wife*, CHI. TRIB., Mar. 17, 2003.

