

Trafficking, Smuggling and Migration of Women in Asia

Factsheet

“It is difficult to think of a crime more hideous and shocking than human trafficking. Yet it is one of the fastest growing and lucrative crimes. And an estimated 80 percent of those trafficked are used and abused as sexual slaves.”

– Speech delivered by UN Women Executive Director Michelle Bachelet at the UN General Assembly Interactive Dialogue, “Fighting Human Trafficking: Partnership and Innovation to End Violence against Women and Children,” on Tuesday 3 April 2012.

	Migration	Smuggling	Trafficking
DEFINITIONS	<p>The migrant acts with knowledge and consent.</p> <p>MIGRATION is defined as people moving for various reasons to a country other than that of their usual residence, for a period of at least twelve months, so that the country of destination effectively becomes the new country of usual residence. Migration is generally consensual, although it also includes movements prompted by a force of socio- economic or political circumstance. International migration for work is an important reason for trans-national people flows.¹</p>	<p>There is almost always complicity of those smuggled.</p> <p>SMUGGLING of migrants is the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a foreign country of which the person is not a national or a permanent resident.²</p>	<p>Trafficking is non-consensual and entails a lack of knowledge. Where there is consent to move for work, consent is nullified through coercion, deception and exploitation.</p> <p>TRAFFICKING is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of the position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.³</p>



It is important to distinguish between migration, smuggling and trafficking, because of the misperceptions that men migrate and women are trafficked – although men are also trafficked and increasing numbers of women are migrating independently.⁴ As a result, some governments seek to protect women against trafficking, often in the form of restrictions or bans on women’s migration. Despite good intentions, creating obstacles for women’s migration often propels them into situations of smuggling, trafficking, or unsafe migration. These obstacles often do not target oppressive environments, or build women’s capacity to avoid or confront potential exploitation in empowering ways. Clarity on the links and differences between migration, trafficking and smuggling enables action that substantively protects women’s human rights, and empowers them to access safe, low-cost, legal migration channels.

	Migration	Smuggling	Trafficking
CAUSES	<p>Causes of migration for survival, largely overlap with vulnerabilities to trafficking. Important among these are economic marginalization, displacement due to natural disasters and conflicts, gendered cultural practices and violence, and job demand in specific economic sectors, including in feminized jobs like domestic work, entertainment, and hospitality.⁵</p>	<p>Not all persons who wish to migrate have legally sanctioned opportunities to do so. Profit-seeking criminals take advantage of this fact by smuggling migrants. One reason why the smuggling of migrants occurs is that borders exist; and generally, the numbers of those motivated to migrate far exceeds the limited possibilities for crossing borders. Meanwhile, the abilities of States to control immigration are limited and migration policies often fail to achieve their objectives.⁶</p>	<p>A lucrative market for irregular migration and trafficking is facilitated by restrictive immigration policies that obstruct demand for and supply of unskilled labour. Other related causes of trafficking are poor governance manifested in bureaucratic procedures that deter regular migration; the lack of political will to regulate recruitment agencies; economic and political tradeoffs between traffickers and implementing staff; lack of political will to sanction traffickers. Trafficking has thus become a high profit and low risk enterprise, reinforcing the violation of trafficked persons with impunity.⁷</p>
THE SITUATION	<p>Migrating in search of employment, both internationally and internally, is seen by many as a solution to poverty.</p> <p>Migration brings new employment and opportunities, yet, many women end up in unregulated workplaces where work conditions may be discriminatory and exploitative because of the person's marginalized economic, nationality, ethnic and gender status.</p> <p>Women are recruited into woman-specific skilled and unskilled jobs in the formal and informal service and manufacturing sectors. These include nursing, teaching, secretarial work, medical practice, IT work, domestic labour, 'hospitality services', restaurant/ hotel work and/or assembly line jobs. The heaviest concentration of women is at the lower end of the job hierarchy in domestic work and prostitution.⁸</p>	<p>As more and more people seek to migrate in search of a better life for themselves and their families—sometimes fleeing lack of employment opportunities and sometimes extreme poverty, natural disaster or persecution—a demand is created for services to help them do so.</p> <p>In response to improved border control measures, more irregular migrants resort to services provided by profit-seeking smugglers. This in turn fosters the “networkization” and “professionalism” of smugglers of migrants as well as an increase in the prices that they charge for their services, particularly for sophisticated operations such as “visa smuggling” which can be employed to bypass border controls.</p> <p>Although they may face different issues with respect to the smuggling of migrants, men and women are equally vulnerable.⁹</p>	<p>A significant number of women migrant workers end up being trafficked through a host of deceptive, coercive, violent and exploitative acts. Some of these include deception about job-type, terms and conditions of work, contract substitution, placing women in forced labour/services, slavery or slavery-like practices.</p> <p>Once trafficked, the person is a captive often subjected to physical confinement and constant supervision and confiscation of travel documents to prevent escape.</p> <p>Physical and psychological violence are standard features in trafficking to ensure continued compliance and control over the victim.¹⁰</p>
THE CHALLENGES	<p>Regular immigration status affords greater protection than a trafficked person has however; many women are unaware of their rights.</p> <p>In addition, migrant women routinely lack access to social services, social safety nets, legal protection and rights leaving them vulnerable to abuses such as harsh working and living conditions, low wages, illegal withholding of wages and documents and premature termination of employment.¹¹</p>	<p>Criminals are increasingly providing smuggling services to irregular migrants to evade national border controls, migration regulations and visa requirements. As border controls have improved, migrants are deterred from attempting to illegally cross themselves and are diverted into the hands of smugglers.</p> <p>Migrant smugglers are becoming more and more organized, establishing professional networks that transcend borders and regions.</p> <p>Migrant smugglers constantly change routes and modus operandi in response to changed circumstances often at the expense of the safety of the smuggled migrants.¹²</p>	<p>Absence of anti-trafficking legislation in some countries or there may be legislation addressing human trafficking but law enforcement officials and prosecutors might not be properly trained to utilize it.</p> <p>Another potential obstacle to securing convictions may also be corruption. Further to this, sometimes prosecutions are not successful because of the unwillingness of victims to cooperate with the criminal justice system where they have been threatened and intimidated by traffickers.¹³</p>
THE NUMBERS	<p>Women represent over half of Asia's migrant workers,¹⁴ as well as two-thirds of Asia's poor.¹⁵ In countries like the Philippines and Sri Lanka, women migrant workers exceed the numbers of male migrant workers. Statistics from 2005 show</p>	<p>Currently, data is too scattered and incomplete to paint an accurate picture of numbers of people who are smuggled each year and the routes and methods used by those who smuggle them.</p> <p>Thousands of people have</p>	<p>It is difficult to find accurate sex- disaggregated data on the magnitude of trafficking. But available evidence and general consensus suggests that women and children are the majority of those trafficked.</p>

Migration

Smuggling

Trafficking

THE NUMBERS

that women make up 62-75 per cent of workers who are deployed legally on an annual basis.¹⁶ If, however, irregular migrants were factored in, these statistics would be higher and would involve more countries such as Myanmar and Lao PDR.¹⁷ In Indonesia the numbers are substantial with women representing up to 83% of outgoing migrants.¹⁸

Migrant workers send more than USD325 billion in home remittances per year to developing countries, and over USD 440 billion worldwide.¹⁹ Countries in Asia are experiencing rapid growth in remittances – in Colombo Process countries for instance, remittances more than doubled from USD 84 billion in 2005, to USD 173 billion in 2010.²⁰ Sex-disaggregated data on remittances is not widely available but statistics from the Philippines show that women contributed about one-third of the official USD 21.3 billion remitted in 2010.²¹ In Nepal, women migrant workers' remittances are estimated to account for over 11% of GDP.²²

lost their lives as a result of the indifferent or even deliberate actions of migrant smugglers. Migrant smuggling is a highly profitable business in which criminals enjoy low risk of detection and punishment.²³

It is estimated that 1.4 million people, or 56% of the global total of trafficking victims, are in Asia and the Pacific.²⁴ Estimated global annual profits made from the exploitation of all trafficked forced labour are USD 31.6 billion. Of this USD 9.7 billion or 30.6% is generated in Asia and the Pacific.²⁵ According the ILO, the cost of forced labour worldwide is an estimated USD 20 billion annually.²⁶ These represent wages and other benefits denied to migrant workers by fraudulent recruiters in countries of origin, employment agents in countries of destination, and employers who refuse pay wages.²⁷

INTERNATIONAL AND REGIONAL INSTRUMENTS

- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979) Articles 1-16, and the CEDAW Committee's General Recommendation No. 26 on Women Migrant Workers.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (1990). and the Committee on Migrant Workers' General Comment No. on Migrant Domestic Workers.
- ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)

- The Convention against Transnational Organized Crime (2000)
- The Protocol against the Smuggling of Migrants by Land, Sea and Air (2004)

- The Convention against Transnational Organized Crime (2000)
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), accompanies the Convention
- ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004)
- SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002)

UN WOMEN

UN Women's work with women migrant workers draws upon international human rights standards and encompasses countries of origin and destination. Working with governments, civil society and the private sector, efforts focus on promoting safe migration for women, eliminating trafficking, and enabling policy, institutional and socio-economic environments that ensure women's equal opportunities and benefits from migration. Specific

programme support goes towards establishing policies, laws and practices that protect women migrants' human rights, drawing connections between gender concerns in migration and development planning, including national poverty reduction strategies, strengthening migrants' organizations, and brokering exchanges between source and destination countries to implement labour and social protections.

1. UN Women (2005) Claim and Celebrate Women Migrants' Human Rights through CEDAW. p. 18.

2. The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000), article 3.

3. UNODC (2006) Trafficking in Persons: Global Patterns. p.50.

4. UN Women (2002) Empowering Women Migrant Workers in Asia: A Briefing Kit. Factsheet 4A: Exploring the Links and Differences between Migration, Human Trafficking and Smuggling.

5. CEDAW Committee (2008) General Recommendation No. 26 on Women Migrant Workers (CEDAW/C/2009/WP.1/R, 2008), paras 3, 13.

6. UNODC (2010) Toolkit to Combat the Smuggling of Migrants: Tool No 1 "Understanding the smuggling of migrants".

7. UN Women (2005) Claim and Celebrate Women Migrants' Human Rights through CEDAW. pp. 28-9.

8. UN Women (2005) Claim and Celebrate Women Migrants' Human Rights through CEDAW. p. 21.

9. UNODC (2010).

10. UN Women (2002) Empowering Women Migrant Workers in Asia: A Briefing Kit. Factsheet 4A: Exploring the Links and Differences between Migration, Human Trafficking and Smuggling.

11. Ibid.

12. UNODC (2012) "Smuggling of Migrants", available from: <http://www.unodc.org/unodc/en/human-trafficking/smuggling-of-migrants.html>.

13. UNODC (2012) "Human Trafficking FAQs", available from: <http://www.unodc.org/unodc/en/human-trafficking/faqs.html>.

14. UN Women (2008) Gender, Migration and Development. p.5.

15. UN Women (2012) "Women, Poverty, and Economics", available from: http://www.unwomen-eseasia.org/Women_Poverty_and_Economics/index.html.

16. UN Women (2008).

17. UN Women (2012) forthcoming.

18. IOM and MPI (2011) Labor Migration from Colombo Process Countries. p. 25.

19. World Bank (2011) Migration and Remittances Factbook p. vii.

20. IOM and MPI (2011) "Foreword".

21. World Bank (2011), p. 19; and Philippine Commission on Women (2012) "Statistics on women's and men's overseas employment", available from: <http://pcw.gov.ph/statistics/201205/statistics-philipino-women-and-mens-overseas-employment>.

22. UN Women and V. V. Giri National Labour Institute of India (2012) Migration of Women Workers from South Asia to the Gulf. p. 77.

23. UNODC (2012) "What is Migrant Smuggling", available from: http://www.unodc.org/unodc/en/human-trafficking/smuggling-of-migrants.html?ref=menuse#What_is_Migrant_Smuggling

24. ILO (2007), Forced Labour Statistics Factsheet.

25. Patrick Besler, Forced Labour and Human Trafficking: Estimating the Profits, ILO Working Paper, p. 17.

26. ILO (2009) The Cost of Coercion p. 2.

27. US Department of State (2012) Trafficking in Persons Report, "Executive Summary".