



How safe is Safe? 'Safe migration' in Southeast Asia

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Abstract:

Safety issues of migration have come to the fore in the public and academic discourse in recent years. People seek irregular means of passage in their effort to migrate overseas. As a result, their lives are at put at risk. Female migrants are more vulnerable than their male counterparts in unsafe migration conditions. This paper tries to understand the perception of migrants about their own migration experiences. About 94 female migrants were selected based on snow ball and convenient sampling from two destinations: Thailand and Malaysia. The study shows that most of the respondents underwent (pre-migration, enroute, post-migration) extremely dangerous and unsafe experiences. Gross human rights violation by travel agencies, brokers and employers as well were revealed. Safe migration entails a series of policies, programs, and initiatives which focus on all aspects of migration- from education of potential migrants in the home countries to policies which protect migrants while in transit, to the protection of human rights in holding centers, and proper border control and policing. Safe migration requires the participation of all countries involved in the migration process in creating more opportunities for safe migration by empowering and educating people on migration options and by creating policies that protect human rights.

Key words: *Human rights, safe migration, trafficking, Southeast Asia*

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How safe is Safe?

‘Safe migration’ in Southeast Asia

AKM Ahsan Ullah, Yusnani Mohamed Yusof, Maria D'Aria

INTRODUCTION

Safety issues about population migration are more pronounced these days than ever. In 1990s the Dover tragedy and in 2000s the Mediterranean tragedy—a few of the known ones— remind us (Ullah, 2007) about the gravity of ‘unsafeness’ of migration. In the Dover tragedy 58 Chinese migrants who were discovered in an airtight 18 metre-long container at the port of Dover were found dead. Is there any standard measure by which we can consider a migration process safe or unsafe? There are ongoing debates about what constitute safe migration. While much has been written on the safety issues of migrants, what remains little attended is the standard by which we can define and measure safety. Irrespective of the avenues through which migrant populations get to the destinations, the entire process involves certain degrees of risk and uncertainty. Migrants who undertakes the journey under G2G (government to government) agreements or through a legal process and the one who is trafficked-in face a different spectrum of risks.

In 2014, about 170,000 migrants were rescued and brought to Italy (UNHCR, 2015). The Canadian Coast Guard intercepts cargo ships crammed with potential migrants on and off (Armstrong, 1999). Between 2010 and early 2014 in the Caribbean Sea, about 15,190 people in 440 recorded maritime incidents sought safety via boats carrying migrants. During this period, some 240 migrants drowned, and 176 were missing at sea (Hetfield, 2014). The Turkish Coast Guard intercepted 1,754 migrants in Mersin province alone in 2014 (Hetfield, 2014). Libyan rescuers have recovered the bodies of around 170 people after a boat carrying irregular migrants from sub-Saharan Africa sank at sea in March 2015. In May 2015, a boat sailed from Cox’s Bazar with estimated 200 migrants

went missing. Bangladesh's coast guard and border forces have launched crackdowns on economic migrants, confiscating their ships and arresting a number of human traffickers. As we write this paper (May 2015) thousands of potential migrants from Bangladesh and Myanmar are adrift in Andaman Sea. A few hundred already reported dead and many more in critical condition. After the Dover tragedy, again in 2015 safety issues of migrants came to the fore once more (Ullah and Hossain, 2009; Ullah 2014; Ullah, Hossain and Islam, 2015) when mass graves of trafficked victims and potential migrants were discovered in Thai forests (Ullah, 2015). Similar findings were reported in Ullah's (2010) work entitled 'rationalizing migration decision'. While economists may seek to explain migration as a function of demand and supply, population scientists and demographers see migration as a response to population pressure and fertility patterns. Sociologists and anthropologists offer different sets of explanations related to histories, cultures and social factors. However, it is difficult to make sense of why thousands of people migrate knowing they may die.

People moving from Myanmar, Cambodia, Vietnam, Lao PDR, and Indonesia neighboring countries have been on the increase in the last three decades. The majority of them end up in manufacturing, construction, oil palm and rubber plantations, domestic work, entertainment industries, services and agriculture in Malaysia and Thailand. Thailand is home to about 2.5 million migrants, about half (1.2 million) may be unauthorized (Ullah and Hossain 2011). Of the total migrants about half of them are females (Harima, 2012). In Malaysia there are about 2 million documented migrant workers, and another two million undocumented workers (Harima, 2012).

The body of literature that has been generated so far regarding migrant workers in Malaysia and Thailand has touched upon a myriad of issues such as vulnerability, rights of migrants, and their contribution to development. However, very little is known about the female migrants who migrate to Malaysia and Thailand voluntarily or by force risking their lives at every point (pre-migration, enroute, post migration and return) of the migration process. It is assumed that certain risks at any given point of the migration process are given but they could be different at different phases of migration process. Elias (2008) hence argues that rights-based approach to migration can be differentiated from other prevailing understandings of migration based around security/immigration control (policing borders, criminalizing 'illegal' migrants) and economic

efficiency (viewing migrants as ‘commodities’). This paper delves into how female migrants made their way to Malaysia and Thailand, and evaluates whether they consider their migration was safe or not. A set of recommendation has been made based on the findings.

Method

The study is based on primary information collected through a survey of 94 female migrant respondents (29 from Cambodia, 24 from Lao PDR, 19 from Myanmar and 15 from Vietnam and 7 from Indonesia). They were selected and interviewed in Malaysia and Thailand using a checklist. Gaining access to the sample was challenging. It was as well challenging as to what technique to be used to locate them. In selecting the participants we resorted to snow-balling technique due to the fact that it was difficult to apply random sampling. Research assistants recruited were from Thailand, Lao PDR, Myanmar, Vietnam, Indonesia and Malaysia.

In order to analyze the data, qualitative techniques were used and some descriptive statistics were applied to show the magnitude of the phenomenon. As for the major challenges in the research, the respondents in many cases were not able to recollect the names of the spots/points they were handed over to another group of traffickers, and the routes they took; some of them failed to recall how long it took for them to get to a given destination. Generally multiple visits were required as respondents were not able to spare the time required for the interview at a single stretch. Some respondents also requested that we revisit them, as they did not want to speak in the presence of their employers under whose control they operate. This research went through ethical review since it involves human subjects.

Table 1. Sample distribution

Countries of origin	Country of destination (Malaysia)		Country of destination (Thailand)	
	<i>f</i>	%	<i>f</i>	%
Cambodia	17	32	12	29
Lao PDR	15	28	9	22
Myanmar	9	17	10	24
Vietnam	7	13	8	20
Indonesia	5	9	2	5
Total	53	100	41	100

Source: Field data, 2012

Conceptual consideration

Safe migration refers to the adequate level of protection from risks and dangers at all phases of a migration process. This may encompass protection from violation of rights to life, liberty, personal security, privacy, mental and physical integrity, freedom from slavery, and from torture and other forms of inhuman or degrading treatment (Datta, 2011:47). As far as the question of legality of migration is concerned, Article 13 of the Universal Declaration of Human Rights is far from being granted to every human. In fact, the article should guarantee the right to freedom of movement and residence within the borders of each state and the right to leave any country, including one's own, and to return (Gasper & Truong 2010:393). "Lack of legal rights to mobility and to legally accepted forms of livelihood compel marginal and vulnerable groups to lead underground lives, enhancing their vulnerability to harm (Sanghera, 2005:8; Munro, 2009; Ullah and Hossain, 2011).

A migrant—irrespective of gender identity, as any other person, deserves to be protected and their human rights defended. However, the risks of migration are gendered, with women being exposed to specific vulnerabilities and burdens. Historically, gender discrimination, less access to education and jobs outside of the domestic sphere leave women in a disadvantaged position (Kabeer, 2011; Ullah and Routray, 2007). Smit (2004) takes the view that an unsafe migration in many ways is akin to human trafficking. Adolescent girls, predominantly from the Asia and the Pacific region form the major stream (SHARP, 2008:6). Southeast Asia is notoriously known for unabated human trafficking. Larsen (2010) argues that trafficking is a part of the migration process, and trafficked people may consent to the initial movement but it only becomes evident at their destination that they have been deceived and exploited.

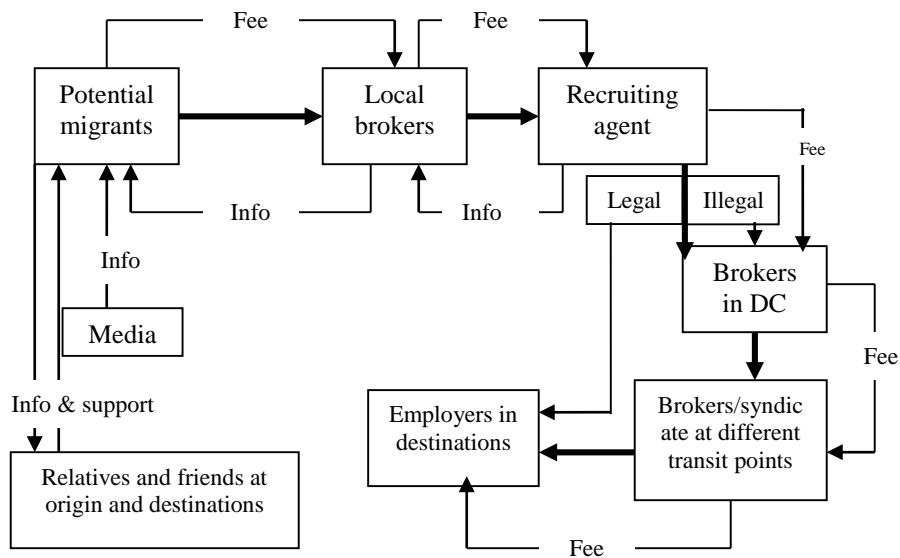


Figure 1 Migration path migrants go through
Adapted from Rahman, 2004:382; Ullah, 2010

Networks play important part in how one aspirant migrant complete her migration. The network could be an element that contributes to unsafe migration (Ullah, 2010). Some studies show how certain networks led smugglers and traffickers to endanger the lives of migrants. Within the flows of trafficking and smuggling, migrants face “exorbitantly prolonged journey time, dehumanizing treatment by the traffickers, secretive transfers at different points and false promises of job offers [which] have made their migration very expensive and complicated (see Ullah, 2010). The UN Convention on Migrants’ Rights addresses the great need for safe migration to ensure a reduction in the exploitation of migrants (Anam 2007:1). Figure 1 reveals the many points where potential migrants are exposed to abuses. In destination countries, the arbitrariness of the employers and the discriminatory policies of receiving states have facilitated the exploitation of migrants (Anam 2007:2). The illicit nature of routes increases the level of insecurity, migration expenses, and decreases life chances. Migrants may spend days, weeks, months, or even years to get to their destinations (Ullah, 2010; 2013). This comes with heavy psychological costs.

Men and women face problems differently in the migration process (Curran and Rivero-Fuentes 2003) because female migrants are more vulnerable than male to abuses. Some scholars (such as Wickramasekara, 2011; Pessar, 2005:3) argue that the gendered division in the job market exposes women to exploitation, because of the fact that they are often offered jobs that men refuse. Women

face additional risks and vulnerabilities especially at the time of border-crossings to deal with immigration officers and police. In many cases, potential women migrants willing to cross border get harassed, abused and often raped (Falcón, 2001). In the migration process, female migrants are more prone to abuse than a male counterpart. This is partly because of the fact that they are considered weaker than male. This idea has been ingrained historically in societies across the world. Briones (2011) adds that the lack of respect for migrant rights in the form of racist and discriminatory policies has profound impact on their life trajectory (Briones, 2011). Piper's (2005) model explains where the un-safeness of female migrants comes from: 'Exploitative Terms of Work: Pay, Hours and Contracts; restrictions on the Freedom of Movement; right to leave and return to one's own state, but not to enter, in countries of origin; labour Market Discrimination Against Women – at Home and Abroad Gender wage gap; glass ceiling; labour market segregation; dangerous and Degrading Working Conditions; gender-Based Violence in the Workplace; gendered forms of Racism and Xenophobia Against Women Migrant Workers (at home and abroad) for instance, stigma as domestic worker and 'entertainer' or sex worker; restrictions on Migrant Women's Ability to Organize for their Rights (at home and abroad)'.

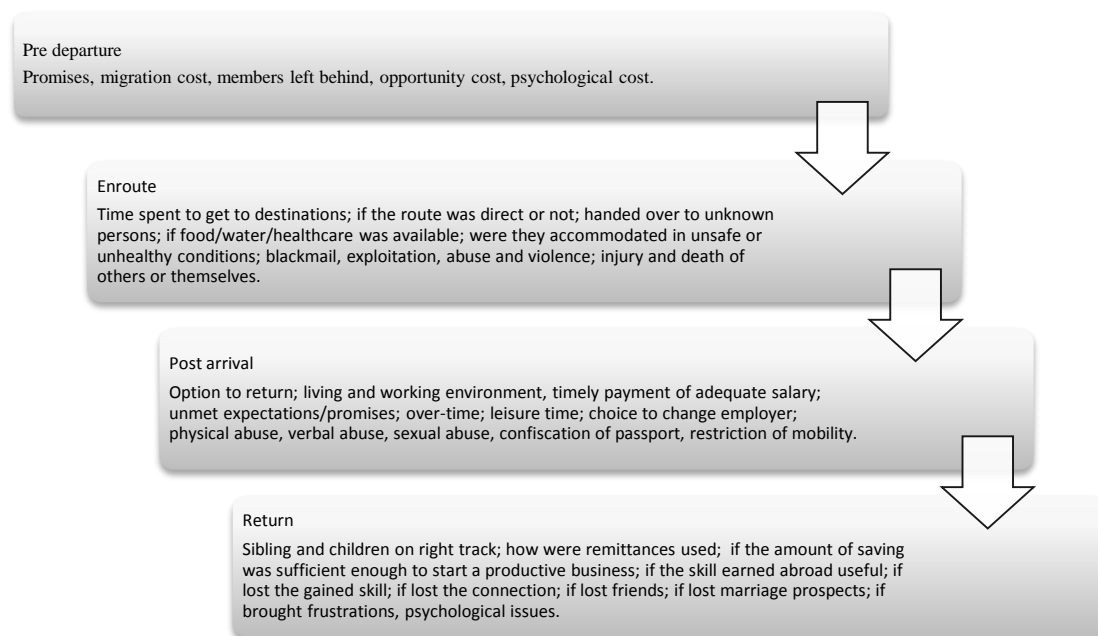


Figure 2 Piper's Model of Female Migration Pathways

Pre-migration

This is the first or preparatory step of their migration process. For most of the respondents, it was unclear what the migration path would look like. About 58 percent sensed it might not be as smooth as was told to them. About 12 per cent said that they wanted to see how it goes. Figure 1 shows that there are many potential points where aspirant migrants are required to spend money. From the first step to last step, the cost of migration is exorbitantly high. In many cases, the high costs compel them to stay put in destination countries even illegally. They seek multiple sources to collect money for financing their migration. In order to recoup their loans, they need to stay for an extended period of time. This means that they get indebted and are likely to do anything to repay the money they borrowed.

Most of them reported that they were given false promises in which they believed. A majority of them said that once they deposited a portion of the money to the brokers, or the so-called company, it was difficult to contact them. About 15 per cent said that they were abused sexually even before they departed. This is the reality of unregulated or unauthorized migration. When government policies fail to ensure safe and G2G migration, unauthorized migration flow becomes an attractive alternative. Wickramasekara's (2011) work also endorses the fact that visa fees, recruitment agency charges, insurance and medical test costs all push migrants towards bigger debts. This increases the risks of exploitation, debt bondage, usury, fraud and falsification of documents.

Journey: Crossing borders

This is the second step which is the crucial part of migration process. The success of migration largely depends on how they make it. The danger of border crossing was driven home recently when mass graves and suspected human trafficking detention camps were discovered in early 2015 by Malaysian police in towns and villages bordering Thailand. Police discovered about 200 large graves containing the remains of hundreds of people in two places in the northern state of Perlis, which borders Thailand. Malaysian police uncovered 28 suspected human trafficking camps located about 500 metres from the country's northern border (Ullah, 2015; Guardian, 2015). The unfortunate migrants did not make it to their destinations. Ullah (2010) discovered similar findings in his study on rationalizing migration in Southeast Asia. Crossing borders is often the defining

moment in an illegal migrant's journey. These include both the traversing of political borders of nation states, and also geographical borders within the natural landscape; both of which pose their own challenges. The alternative route is to go by sea, generally by fishing or rubber boats. In order to reduce the risks of interception, smugglers increase the risks for migrants (Carling, 2007b).

“... they were forbidden to make any sound and they had no opportunity to retreat. They had to go forward, risking their lives, to an unknown destination. They walked six hours at a stretch at night. One of the respondents said that he heard a big shout from behind from one of the members of the group begging for help; however no one was allowed to look back. In the morning, when they stopped in the jungle to wait for night to come again, they found that one of their members was missing. No message about him was ever received. They feared he was bitten by poisonous snakes and died. The brokers paid no attention. They heard later many stories of this kind from their compatriots. The group had to endure in silence for many days, living without shelter, water for bathing, and in fear of snakes and poisonous insects. They each had only two packets of salted biscuits and two bottles of mineral water. River and sea crossings were part of the journey. One of respondents said that ‘while on board a small boat at dead of night on the sea, the feeling was that we could not arrive on the shore alive’. The migrants were forced to get out of the boat when it was at least 300-400 metres away from the shore...” (Ullah, 2010:57)

This study shows that of the total, 63% reported being sexually abused en route; 29% reported being verbally abused, 57% reported being served meagre food, and 36% reported being threatened by the traffickers. The migrants were handed over to many groups of people at different points (Figure 1). Of the total respondents, 32% reported to have been handed over to different people whom they had never met before at least two times during their journey; 43% reported they were handed over 3-4 times at the dead of night to other groups. Most of the respondents (62%) were caught while being trafficked and were in debt-bondage. Most of them have their documents confiscated by their agents or taken away by owners who forced them to engage in sex work. Their position is so vulnerable so much so that they remain always at the mercy of their employers. They cannot protest, refuse demands or disobey their employers; if they do, they will be threatened with being turned over to the police. Safe migration during travel requires the assistance of all countries involved, not only the sending and receiving countries, but also the transit countries and the

international community at large. Transit countries are especially important in the process, because migrants are often either detained in these countries or are forced to stay in the transit countries for an unknown amount of time. Hence safe migration is often perceived by scholars within the ambit human rights discourses and sometimes from empowerment point of view.

As many as 47 per cent of the respondents from Myanmar; 71 per cent from Cambodia, 53 per cent from Indonesia and 28 per cent from Vietnam reported to have been transported through jungles, often over mountains at night time and then by boats. Some Indonesians however reported that they traversed across Malaysia to get to the country of destination. Across source countries, the forms of routes vary. The survey data shows that 12 per cent of respondents from Cambodia, 58 per cent from Lao PDR, 41 per cent from Myanmar and 12 per cent from Indonesia reported to have taken 1-5 days to reach their destinations; and 67 per cent Cambodians, 21 per cent Laotians, 29 per cent Mynamarese and 12 per cent Indonesian required 5-10 days getting to their destination. Of the total respondents, 23 per cent spent more than 20 days to get to the destination. More than 82 per cent believed that they paid exorbitant amounts of money to the agents/traffickers to finance the trip.

Risk shifting strategies that traffickers employ is another reason why migrants' lives enroute become vulnerable. In order to reduce the chance of being caught by the border guards or coast guards, the smugglers reduce the number of journeys while retaining the same number of migrants, therefore they increase the number of individuals per boat, thus causing overweight and instability of the boats.

Safe migration is one way in which we can guarantee that migrants are treated fairly during all phases of their migration process through fair implementation of policies, programs, and training. It requires participation of all countries involved in the migration process and helps migrants by creating more opportunities for safe migration by empowering and educating people (Hageboeck et al., 2005:6). A holistic framework for safe migration is important because that enables the discourse to move from a narrow perspective to safety for all. Securitization of migration has been serving the nation states' security rather than the migrants themselves. Therefore, without bilateral cooperation, safe migration initiatives will certainly fail.

Post-migration

While Malaysia relies heavily on migrant labour for their industrial and agricultural sectors, migrants supplement the entertainment and agricultural sector in Thailand. Migrant scholars often glorify migration by the fact that women are well represented in all migration streams as a result of the global trend of increasingly feminized migration. However, a large section of these female migrants end up in the domestic service and entertainment industries. Ng (2004) argues that since the colonial period, young women migrants provided sexual services in brothels and in entertainment outlets such as dance halls and cabarets, this continues even today.

As regards their occupational engagement during the interview (both destinations-Malaysia and Thailand- combined), 17 of them worked in garment factory; 3 in palm garden, 15 free lancing (domestic worker and else), 14 in entertainment industries, 10 in beauty salon, 16 in massage parlour, and 19 did not want to respond. Regarding their civil status, 48 of them were single, 20 were married and 26 of them were either divorced or separated. Almost half of them (42) were in the 20-25 age group; 37 in 26-30 and 15 were in 31-35 age group.

Of the total respondents, 76 per cent reported that they have not been able to send any money to home in the first year. Reasons varied. Of the 76 per cent, 60 percent said their salary is so low that they cannot save anything to send home. About 25 per cent said they do not get any salary and about 15 per cent said they were paid on irregular basis. There is no fixed salary. Those who claimed to work in beauty salon and massage parlour were in fact providing sexual services. Whatever earnings they have go to their employers. They do not have any control of the money they earned. Indonesian migrants are the lowest paid among. Elias (2008) found similar findings in her study.

Of the 15 free lancers, 11 reported that they provide domestic services on call basis. However, they have employers who oversee them and get commissions on their income. Why are they paying them when they are free lancers? The respondents fear that if they do not pay, the employer will call police to arrest them. Irrespective of destinations and profession, 46 per cent reported being sexually abused. The perpetrators are mostly their employers and employers' friends; 28 per cent reported being physically abused. Most who are in the entertainment sectors reported being

confined. Possibly the category of workers that has been most neglected by the local labour interests are those involved in prostitution. As it stands women in the sex sector are already poorly protected, with police harassment and raids of brothels being a common occurrence.

Return: A double edged sword

What do migrants do when it is unsafe to leave and is unsafe to stay? When migrants make plans to return to their home countries a few things come to their mind: how to reintegrate themselves; what to do again; do they have sufficient savings to start something all over again; can they start a family life; how would they be looked upon by the society; if they are welcomed; what are the expectation of them from family members; if they would be allowed to leave by their employers; if they have sufficient cash to buy a ticket to home; and how safe their return journey is going to be. Even if they are willing to return, how? Many are duped into getting to the destinations; upon arrival, their chances of escape are slim because syndicate operators keep their passports and other personal documents and threaten them with police action (Ng, 2004). This study found that 93 per cent of the respondents reported having their travel documents confiscated and 57 per cent suspected that their travel documents have already expired and they were prevented from renewing. The respondents were asked what they thought of their migration experience overall (pre-migration; journey; post-migration and return). Seventy three per cent of them said it was unsafe; 22 per cent reported it being dangerous, 4 per cent said it was safe and 6 per cent said it was somehow safe. When they were asked if they would re-migrate under the same conditions, 93 per cent said no and the rest said, may be.

Conclusion

Given the fact that migration is unstoppable, it is critical that the key factors determining safe migration is seen from a human rights perspective. Some scholars argue that safety is contingent upon potential migrants being made aware of the facts involved in migration process. Awareness of course does not work in case of forced or clandestine conditions of migration. Safe migration strategies mean the protection of the rights of the migrants. The only international agreement that attempts to implement safe migration is the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their families. Nevertheless, every international treaty has

certain limitations. For example, the convention binds only the signatory countries and the rest are not obliged to respect it. The level of safety in migration is determined by the networks and assistance offered to, and sought by migrants. Migrants moving through illicit networks, such as those involving traffickers, are obviously more likely to be at risk of unsafe migration (Ullah, 2013).

Awareness of safe migration policies and opportunities is a fundamental part of ensuring safety of migrants. Potential migrants should be made aware of the dangers of illegal smuggling and trafficking and they should be given a variety of other options for safe migration. Regarding the safety of the journey that migrants undertake, they have to be aware of how to protect themselves while they cross the border. Related to the need for information about safe migration alternatives, home countries should regulate travel agencies to ensure that they are operating in legal and fair terms. Human trafficking violates the rights and lives of children, women and men since individuals are deceived, coerced, exploited and end up in slave-like conditions, which have deep consequences for inter-state relations, regional agreements and international conventions. Safe migration can occur only under legal circumstances, unlike trafficking which is underground.

In many cases, although migrant workers are aware of the violations of their rights they do not undertake legal action because they fear the consequences. Violations are not merely related to legal aspects (violation of contracts) but also to abuse such as physical, psychological and sexual harassment, forced labor, debt bondage, restriction of movement, underpayment or delayed payment of the wages and benefits. Once migrations get to the destination, they can try to be involved in a process of social integration. This is said to be a good strategy to be safe in foreign countries. It is important to promote programs of integration and participation in economic, social and political life, to promote courses on language and cultural orientation, reunification of family, and integration of “left-behind” in the new community, integration of migrant workers’ children and second generation migrants in the national educational system. The Asian Development Bank (ADB) developed a Technical Assistance Report (TAR) (2008) to help member countries institutionalize anti-trafficking and safe migration efforts (ADB 2008). This can be made available to all aspirant migrants. The study confirms that majority of the respondents in all the four phases of migration (pre-migration; journey; post-migration and return) thought their migration was not

safe. Our findings illuminate the need for all countries to enact safe migration policies to ensure the safety of migrants.

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