MIGRATION DISPLACEMENT AND BRIEFING NOTE SERIES I

STATE OF EVIDENCE WOMEN AND IRREGULAR MIGRATION

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Migration Displacement and Briefing Note - Series I

State of Evidence Women and Irregular Migration

1 EXECUTIVE SUMMARY

Through the Oxfam-Monash Partnership, Oxfam commissioned a series of briefing notes on migration and displacement issues to identify and scope sources of data and information as a means to provide an evidence base around three key migration themes: Women and Irregular Migration; High Harm, High Volume Migration; and Migration: A Positive Driver for Development?

This paper focuses on Women and Irregular Migration, with a particular focus on South East Asia. This 'State of Evidence' has been presented across the briefing note series as a platform from which Oxfam International and Oxfam Australia can best determine the policy, campaigning and advocacy work it can contribute in the area of migration and displacement.

2 INTRODUCTION

This paper summarises the available evidence on women's irregular migration in South East Asia. Irregular migration refers to forms of migration that do not conform to the regulations and laws of sending, transit or receiving countries. It includes migration for the purpose of seeking protection and safety, for work, and in exploitative (including trafficking) situations. Central to this focus is understanding how gender inequality contributes to women's irregular migration and what steps can be taken to develop safe migration pathways.

Women's irregular migration is a constituent and growing part of what has been dubbed the 'feminisation of migration'.[1] Under conditions of globalisation and mass mobility scholars have identified patterns of female workers migrating (regularly and irregularly) into service industries in both developed and developing economies and the link migration has to women's equality and status. While some have contested the feminisation of migration thesis[2] it remains a compelling explanation for some of the key gendered variations in migration patterns, especially women's irregular labour migration in South East Asia.

Statistics provided by intergovernmental organisations show a global rise in the numbers of women migrating for various reasons, both by regular and irregular means.[3] Women's irregular migration is driven by a range of factors including persecution, discrimination, poverty and economic and social disadvantage. Irregular migration routes include overland and maritime journeys but also include air movements and reliance on fraudulent documentation. South East Asia is a destination, transit and sending region for women's irregular migration.

The feminisation of migration and the absence of safe migration pathways condition both the drivers and conditions of women's irregular migration journeys in South East Asia. This paper considers the background and available information on women's irregular migration within this context. It concludes with considerations for policy and programming.

3 KEY MESSAGES

Women's irregular migration in South East Asia is increasing. Evidence from the Andaman Sea migrant crisis from 2014-2015 for example, shows a 50% increase in the numbers of women and girls, most of whom were Rohingya, making this irregular migration journey over the course of one year.[4] Reasons for the increase in the number of women irregular migrants include fleeing from conflict and persecution and increased demand for domestic workers and other labour opportunities for women within the region and beyond.[5]

In considering women's irregular migration in South East Asia we must acknowledge not only the opportunities it can present for women to improve their lives, but also their exposure to vulnerabilities and exploitation. Whilst women have always been vulnerable to exploitation during irregular migration journeys, the increase in the numbers of women migrating within and from the region by irregular means further exposes the risks and vulnerabilities they face.

Key messages drawn from this paper are:

- Women's irregular migration is profoundly shaped by a lack of safe and regularised migration pathways in the region.

- Women's status and inequality is a critical component of women's irregular migration in the region.

- Women are at increased risk during irregular migration journeys.

- There is a pressing need to develop safe migration pathways and address the drivers of irregular migration for women in South East Asia.

4 BACKGROUND TO THE ISSUE

Women's migration – whether regular or irregular – can both advance and undermine women's status and empowerment. Women can be empowered by irregular migration as some choose to migrate in search of better educational, labour and economic opportunities and are able to exercise agency and develop human capital without experiences of vulnerability or exploitation. In contrast, women's status and empowerment can be undermined where they are made vulnerable to exploitation particularly during irregular migration journeys, where labour standards and practices are unregulated, and where women have an irregular status in transit and destination countries.

Women's irregular migrations in South East Asia are poorly understood. Data sets are scarce and where they do exist, they are often not disaggregated by sex. This makes it difficult to assess and respond to the needs of migrant women with a view to creating safer migration pathways. Understanding women's irregular migration in South East Asia is hampered by this lack of data.[6] This includes recorded data on drivers and outcomes of women's irregular labour migration. Women's irregular migration occurs in the shadows via irregular routes, facilitated by smugglers, family members or friends, and is often unregulated. Due to the lack of legal status in countries of transit and destination, many women remain unaccounted for in official estimates of migration in the region. As a result, gathering accurate data on this kind of migration is difficult and figures that do exist are likely underestimated.

While it is known that South East Asia is a region with high volume women's migration within and out of the region, little research has been undertaken on women's migration activity at a large scale.[7] Knowledge is mostly based on qualitative small-scale studies in particular locations or specific groups. Although trafficking has attracted widespread attention in the region by local, regional and intergovernmental organisations,[8] the focus has been on trafficking for the purpose of sexual exploitation and domestic servitude rather than a broader analysis of irregular migration patterns and experiences.

Since the 1980s, South East and East Asia has seen the feminisation of the migrant labour industry which many have attributed as a key driver of the rapid economic development of the region.[9] Within Indonesia and the Philippines for example, the numbers of women migrant workers far exceed the numbers of male migrant workers.[10] This phenomenon has opened up opportunities for migrant women within the region. In contrast to the increased number of Asian female labour migrants, opportunities for labour migration available to women in the Pacific are much more limited[11] and appear to be primarily accessible to more skilled migrants.[12] Overall it has been found that migrant women workers send home a higher proportion of the earnings in remittances than do their male counterparts.[13]

With opportunity comes risk, and the feminisation of the migrant labour industry in Asia has resulted in and also contributed to gender inequality and injustice, particularly for those who migrate irregularly. There have been increasing numbers of migrant women traveling to and entering the workforce by irregular means because regulated recruitment channels are often time consuming and costly.[14] This has the potential to make them vulnerable to exploitation.
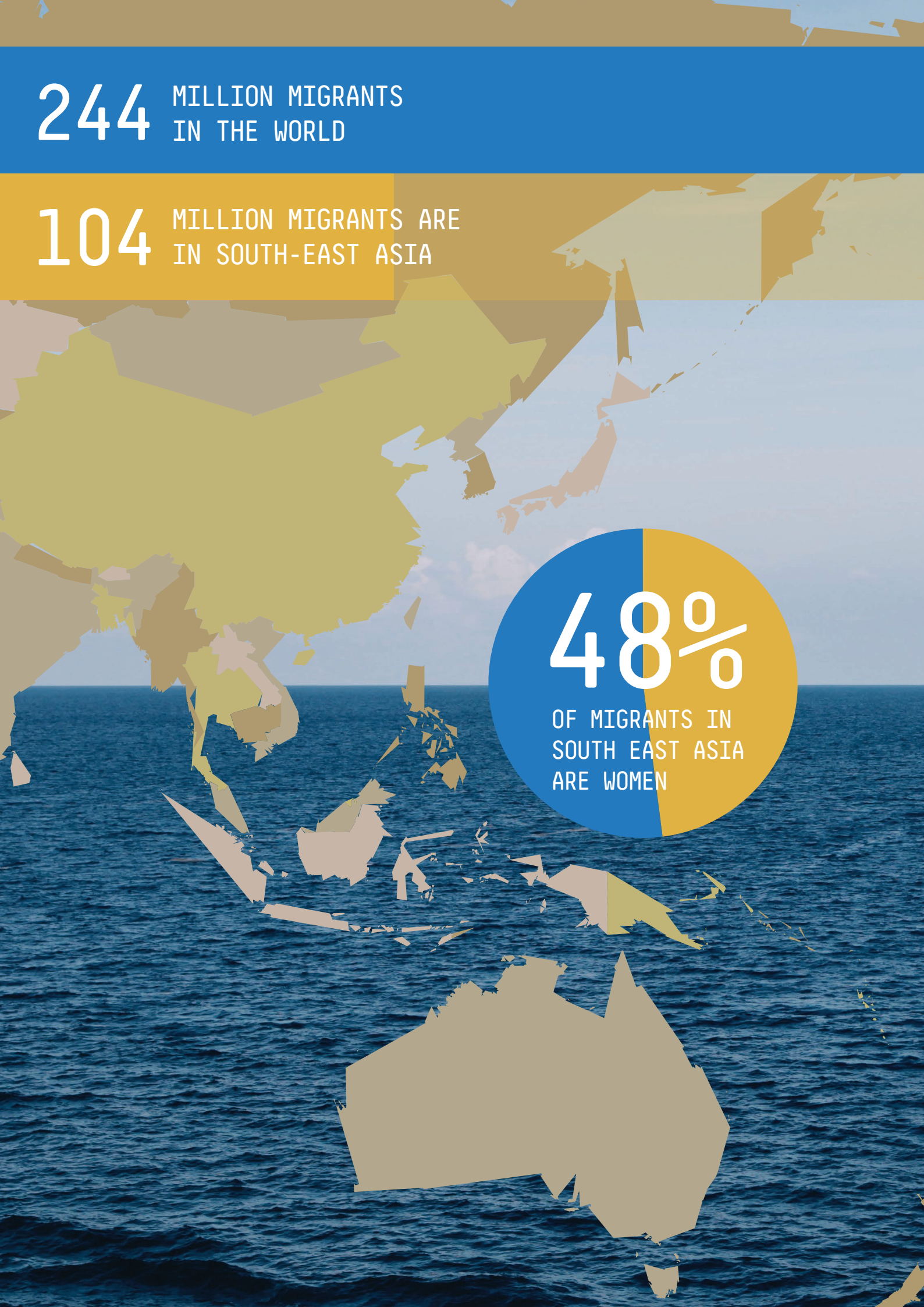
Women largely migrate within and outside of the region to work in low or unskilled gender stereotypical sectors including domestic work, hospitality, entertainment and in carer roles (e.g. nursing and aged care). Many of these positions are in the informal sector with limited to no international labour standards or human rights protections in the workplace.[15] In unregulated and often temporary working environments, women labour migrants are often in a precarious position at the risk of exploitation, discrimination, violence and abuse and restricted access to legal support.

244 MILLION MIGRANTS IN THE WORLD

104 MILLION MIGRANTS ARE IN SOUTH-EAST ASIA

48% OF MIGRANTS IN SOUTH EAST ASIA ARE WOMEN

NATURE AND SCALE OF IRREGULAR MIGRATION FOR WOMEN

At the end of 2015, the UN Migration Report estimated that there were 244 million migrants in the world with most at working age (20-64 years). The report further estimates that 48% of migrants globally are women and that nearly half of all international migrants in the world, some 104 million, were born in Asia.[16] Data from South East Asia supports this evidence and reflects global statistics with a reported increase in the numbers of women migrating in the region showing that women now make up nearly half of all migrants in the region (48%).[17]

Men and women cross borders globally, however there has been a notable increase in the numbers of women and children crossing borders in proportion to men which has been highlighted in recent regional migration crises in both Europe (Syria) and South East Asia (the Andaman Sea Crisis) that have resulted from situations of conflict and persecution. This has occurred simultaneously with the increasing use of risky migration pathways for irregular migration where alternative, safer pathways do not exist or are not accessible. Safe migration pathways are restricted due to tightened border controls, largely in response to what have been viewed as 'migrant crises' by government and regional bodies as was seen in the recent Andaman Sea migrant crisis.

ANDAMAN SEA MIGRANT CRISIS

The Andaman Sea migrant crisis from 2014-2015 sheds light on the increase in the number of women and girl migrants taking irregular and dangerous journeys as a means to flee conflict, find places of safety and educational and economic opportunities. Irregular migration by boat from the Bay of Bengal through the Andaman Sea to Thailand and Malaysia is a well-established sea route that has been used by irregular migrants for decades to travel from Myanmar and Bangladesh to places of safety and economic opportunity in the region.[18] However, reporting on the numbers of irregular migrants who take this route, including the number of women and girls, has been incredibly limited since before the crisis. The majority of migrants who travel this route are stateless Rohingya migrants fleeing ethnic conflict and persecution in Myanmar and Bangladeshi economic migrants, all travelling to Thailand, Malaysia and other parts of South East Asia and beyond.[19] The crisis in 2014-15 resulted from renewed violence and persecution against the Rohingya in Myanmar from 2012. This caused a rise in overland departures of Rohingya migrants from Myanmar to Bangladesh, from where they would board boats in the Bay of Bengal, along with other Bangladeshi irregular migrants, to begin their sea journey to places of safety in South East Asia.[20] In 2015, the total estimated number of refugees and irregular migrants travelling the maritime route through the Andaman Sea was 33,600.[21]

Boat interceptions as a result of increased arrivals and a crackdown on people smuggling by the Thai and Malaysian government authorities resulted in a number of boats carrying large groups of irregular passengers, some with over 1,000 passengers, being stranded adrift in the Andaman Sea off the Thai, Indonesian and Malaysian coastlines. The UNHCR reported that 'over 5,000 people were stranded at sea on at least eight boats' in May 2015.[22]

Data collected by intergovernmental organisations monitoring the crisis showed an increase in the number of female passengers on board the boats departing from the Bay of Bengal in recent years. The UNHCR found that 15% of passengers in 2015 were women and girls, virtually all of whom were Rohingya.[23] This was in contrast to 2014 when 10% of those travelling along this route were women, representing a 50% increase from 2014 to 2015.[24] It is known that Rohingya women who travel the Andaman Sea route do so for family reunification to join husbands and family who have made the journey before them, to find a place of safety after fleeing persecution and conflict in Myanmar, and for the purpose of marriage, including arranged marriages organised by family members.[25]

KEY ISSUES SPECIFIC TO WOMEN

There are a number of important issues that relate specifically to women's irregular migration. Many of these are related to women's increased reliance on irregular migration routes that can expose them to increased vulnerabilities.

DRIVERS OF WOMEN'S IRREGULAR MIGRATION IN SOUTH EAST ASIA

Macro drivers of women's irregular migration include internal/civil armed conflict and climate induced disasters, both of which may disproportionately impact poor, minority women.[26] The Andaman Sea crisis sparked by state and ethnicity based persecution against the Rohingya in Myanmar is one example of conflict within South East Asia that has resulted in increasing numbers of women irregular migrants taking dangerous journeys as they flee to places of safety. There has been an increase in the numbers of climate-induced natural disasters in the Asia-Pacific region from extreme weather including typhoons, cyclones and flooding. This has resulted in large-scale displacement, mostly within countries of the region, with disproportionate impacts on women and their human rights. For example, from the 2004 Indian Ocean tsunami, 70 per cent of reported deaths were women.[27]

Poverty is a key driver for women's irregular migration at the micro level. Studies conducted across South East Asia have found that poor women are more likely to migrate. They have found that lower levels of land ownership are associated with higher migration rates for both men and women.[28] However as land ownership tends to be patrilineal it is unsurprising that this is a more powerful driver for women than men. Studies across the Philippines, Sri Lanka and Bangladesh have all found that women migrant labourers (especially domestic workers) are more likely to come from poor backgrounds.[29] Domestic labour is usually unregulated across the region, and in the destination countries to which women from the region migrate. This means while their journey to the destination country may be considered legal, their employment often occurs in a grey zone with no official status to remain in the country or to access work rights.

Researchers have highlighted the increasingly gendered nature of familial expectations around South East Asia's feminisation of migration.[30] Being a 'good' mother or daughter is often demonstrated through labour migrations and the generation of remittances for the immediate and extended family.

Women's increasing participation in irregular border crossings and, in particular, their involvement in high risk border crossings is directly related to the changing status of women and increasingly repressive social mores. This includes changing gender relations and the status of women including preclusion from economic and social participation. Research conducted by Pickering on Iranian refugee women in Australia for example shows that many of the women interviewed for the study faced persecution and systemic discrimination both from the state in Iran and from other family members when their husbands had passed away or left them (left as sole mothers) and/or had experienced conflict with their extended family in regard to changing gender related roles and social mores.[31] These acted as drivers for their irregular migration journeys from Iran to Australia, with extended periods of transit in Malaysia and Indonesia. The impact of changing social and political situations on the lives of women is another reason for leaving, which include limitations on access to education and employment, fear of their husband or other close family member being persecuted at the hands of the government, and fear of persecution on the basis of religion or ethnicity if they were of a minority group.

There is a growing body of international evidence coming from the Pacific on the impact of disasters and climate change exacerbating existing gender inequalities and risk of gender based violence.[32] This also remains an emerging area of concern in South East Asia.

Gender based violence can be both a driver and a consequence of women's irregular migration and has been well documented as a gendered migration vulnerability.[33] Gender based violence and discrimination has been consistently identified as a driver of irregular migration in the region. This includes migrating to avoid early or arranged marriage, gendered social stigma, and gender based violence during conflict. From a recent World Health Organisation

report (2013) on global and regional estimates of violence against women, 40% of women aged 15 years and older in South East Asia and 28% of women in the same age cohort in the Western Pacific[34] have experienced a lifetime prevalence of intimate partner violence (physical and/or sexual) or non-partner sexual violence or both.[35] The report further reveals that other studies conducted in the Western Pacific have reported that 60-68% of women there have experienced violence from intimate and/or non-intimate partners.[36]

Gender based violence against women and girls can occur during the migration journey at the hands of smugglers[37] and fellow migrants including family members. In South East Asia, research conducted with irregular migrant Rohingya women in Malaysia found that rates of reported gender based violence were higher when women travelled with male family members than when they travelled unaccompanied using the services of a smuggler. Overall, almost half of the women in the Malaysian research project reported gender based violence during their journey.[38] Reports from over 30 identified smuggler camps in the jungle along the Thai-Malay border where Rohingya migrants have been held identify that rape and sexual assault against women are daily realities for smuggled migrants who have been kept there.[39]

There is a growing literature on the impacts of gender based violence against LGBTI women as a driver for migration as well as experienced during their migration journeys and at points of destination where safe spaces are often not available. However, this literature is largely focused on Europe and the Americas with little available to inform on this issue in the Asia-Pacific region.[40]

There is a large and detailed body of literature on **sex trafficking** and increasingly broader considerations of **labour trafficking**. In relation to sex trafficking, research has identified that migrating for the purposes of sex work is different to sex trafficking where women are victimised and vulnerable.[41] Nonetheless some migration for the purposes of sex work does result in exploitation and harm across the region. International Organization for Migration (IOM) data shows that of 7,000 identified trafficked persons assisted by the organisation in 2015 in the region, 88.4% were trafficked into situations of forced labour (excluding domestic work).[42] Migration for domestic servitude is a common labour migration pathway for women globally and in the region. Globally, estimates from 2015 show that around 83% of the 11.5 million domestic workers are women. 14% of the global migrant domestic worker population are in the South-East Asia Pacific region with 39.2% of all migrant workers in the region domestic workers.[43]

Pregnancy is connected to a number of irregular migration issues. Research has identified pregnancy as an important event both in relation to the onset of domestic violence and also as a driver for new or renewed attempts to leave a violent relationship[44] which, when considering women and migration, may provide the catalyst for pregnant women to embark on an irregular migration journey. Pregnancy can also give women a cause to flee situations of heightened sexual based violence, persecution or insecurity to places of safety. Pregnancy is an identified feature of women who die by drowning while attempting to irregularly cross borders by sea.[45] For example, in cases where there have been survivors of boat tragedies between Australia and Indonesia, eyewitness accounts have included references to foetuses floating in the water.[46] There are similar reports of maritime drowning incidents in the Andaman Sea and the Mediterranean.[47]

CONDITIONS EXPERIENCED BY WOMEN ENGAGED IN IRREGULAR MIGRATION IN SOUTH EAST ASIA

Women are increasingly travelling with children and, in doing so, are almost always the sole carer during the migration journey.[48] Travelling with children makes women vulnerable to physical and environmental vulnerabilities including responsibilities for 'saving' their children if a drowning tragedy should occur which can be incredibly difficulty if the mother cannot swim or where there are many children to save. Women will often sacrifice food and water rations during irregular migration journeys, choosing instead to give these to their children. Women with children will often be forced to endure maritime migration journeys below deck where conditions are crowded, with limited oxygen, and unhygienic.[49]

Women tend to rely on agents or smugglers in higher proportion to men to assist with irregular migration journeys and find it harder to pay. A recent report by Amnesty International on exploited Indonesian workers in Hong Kong detailed how agents exploited domestic workers,

the majority of whom were women, often regardless of whether they proceeded with the journey and work or not.[50] Moreover because domestic work remains unregulated in many locations women were often unaware of their rights and unable to redress discrimination or unfair or otherwise illegal treatment. As migrant women often earn less than male migrant counterparts they often find it more difficult to pay off the debts owed to agents.

Linked to all of the abovementioned key issues for women irregular migrants is their **heightened vulnerability to death during the migration journey** when the border crossing is environmentally hazardous. Border-related deaths occur at the physical border (frontier); en route; in offshore or onshore detention; during deportation; on forced return to homeland; and even within the different communities they may transit through or come to settle in as a result of hate crime, labour exploitation, withholding

Bandung, Indonesia
Photo: Rifqi Ali Ridho

of subsistence, or the promotion of conditions of legal and social precariousness. All of these border death sites have clear gendered elements although broken down data on gender is limited.[51] Women are particularly vulnerable crossing borders in environmentally hazardous conditions like maritime crossings (such as the Andaman Sea) and harsh land crossings (for example the Thai- Myanmar border jungles). In such situations, they are often more likely to succumb to physical difficulties such as exhaustion and drowning.

When considering border deaths, it is important to stress that issues related to gender and border deaths can be similar across different border crossing contexts, however specific conditions including the environment, modes of transport and border control policies impact on the level of risk during the migration journey, including the risk of death. Yet the circumstances driving women's irregular migrations, the risks and harms they face, and their deaths remain largely invisible. There remains little reliable data documenting border related deaths, including sex disaggregated data, in South East Asia.

As women are more likely to die during an irregular migration journey at sea or in remote locations such as jungles, deserts, or other uninhabited areas, their bodies are less likely to be found than men so it can reasonably be expected that women make up a larger proportion of the unknown border deaths. Where border death counts are recorded, the sex of those who died often goes unrecorded. Between 70 and 96% of death records lacked basic information such as sex of the deceased.[52] It is therefore difficult to gauge reliable estimates on border deaths of women irregular migrants. Increasing numbers of border deaths have been reported from the Andaman Sea crisis, however disaggregated data on the deaths of men and women are not provided. [53]

INCREASE
IN
WOMEN
MIGRATING
BY
IRREGULAR
MEANS

INCREASE
IN
WOMEN
FLEEING
CONFLICT

HIGHER MOBILITY
OF WOMEN
TRAVELLING
VIA
IRREGULAR
CHANNELS
FOR LABOUR
OPPORTUNITIES

5 | RECENT TRENDS

Recent regional trends concerning women and irregular migration show an increase in the numbers of women migrating by irregular means. This is due to an increase in the numbers of women fleeing conflict and the higher mobility of women travelling via irregular channels for labour opportunities, particularly within South East Asia. The Andaman Sea crisis in 2015 and the lead up to the May crisis period from the end of 2014 highlighted the increase in numbers of women irregular migrants travelling from Myanmar and Bangladesh to Thailand, Indonesia and Malaysia, as statistics of irregular migrants who made this dangerous and risky journey emerged. Examples of increased, often unregulated labour opportunities in the region include work in textile factories for women from Myanmar along the Thai-Myanmar border at Mae Sot and opportunities for regional domestic workers from Indonesia and the Philippines in Singapore, Hong Kong and Malaysia.[54]

6 | RESEARCH, POLICY AND PROGRAM OPPORTUNITIES

Whilst the above snapshot serves to highlight the irregular movement of women across borders for various reasons, examination at scale of women's experiences of irregular migration across the region remains a nascent field.

To support the development of safe migration pathways and reduce harms for women and children (and men) who migrate by irregular means, more information and data is required to understand the gendered nature of irregular migration experiences. Safe migration pathways provide women with opportunities to improve their lives should they choose to migrate for economic and/or socio-political benefit or if they are fleeing persecution and/or conflict. Without this, it remains a challenge for humanitarian responses to comprehensively or sustainably respond to and redress the levels of harm for the increasing numbers of women making irregular migration journeys. Addressing the drivers of irregular migration is also important and this should be addressed simultaneously with the development of safe migration pathways.

Women's equality, peace and security in home countries, transit countries and countries of destination remains at the heart of understanding women's experiences of irregular migration. Having solid data and evidence would enable effective advocacy on regional planning and programming to tackle the perennial factors shaping women's irregular migrations.

The creation and protection of safe migration pathways should be the desired outcome of programming on migration and displacement. Any evaluation of risks to be ameliorated through avenues of programming should specifically ask questions as to how women are affected so as not to overlook women's experiences nor to inadvertently undermine women's ability to migrate. As women are increasingly on the move in an irregular capacity in the region and are particularly vulnerable, including some travelling with children, it is necessary to concentrate programming on women and children.

Existing regional and national responses to irregular migration have a focus on criminalisation which does little to protect the rights and safety of irregular migrants. Further, with slow and underdeveloped regional and national humanitarian responses to any irregular migration crisis in the region, there is a need for the establishment of protection mechanisms and access to safe migration pathways in the region.

Key regional forums that incorporate a concern around irregular migration are yet to include clearly articulated approaches to women's irregular migration. Women's experiences are insufficiently informing regional interventions and programming. When women do capture the attention of peak bodies, their focus tends to be limited to a specific local issue or industry, for example trafficking for the purpose of sexual exploitation and domestic servitude.

Both the Bali Process on People Smuggling, Trafficking in Persons and Related Crimes and the Bangkok Special Meeting on Irregular Migration in May 2015 provided what some regard as the foundation for a more co-ordinated effort to manage and protect migrants at sea. They have highlighted the importance of focusing on the root causes of migration in the region and the undesirable consequences of national responses

of turn backs. However little attention has been paid to the inequality drivers of women's irregular migration or the particular protection needs of women.

The Association of Southeast Asian Nations (ASEAN) has had a focus on the protection of migrant workers in and from the region for over a decade. Following the Cebu Declaration 2007, the ASEAN Forum on Migrant Labour claims to be the only forum on migrant labour in the region with a focus on protecting migrant labourers and engaging with the fight against trafficking. There is an opportunity for a clearly articulated approach to women's migrant labour in this platform of action.

While many countries in the region have sought to increasingly protect migrants these approaches often lack a gendered lens – specifically they seldom consider the ways laws and policies differentially impact women. Examining existing and potential measures, and how a gender sensitive interpretation and application of them can redress women's exposure to vulnerability and discrimination could improve women's experiences.

7 | RECOMMENDATIONS

- Promote women and children in civil society programming on migration and displacement in South East Asia

- Promote regional and national policy developments conducive to safe migration pathways

- Prioritise responding to the root causes of women's irregular migration

Du Già, Vietnam
Photo: Ioana Farcas

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