Migration and trafficking networks: A research note

Siddhartha Sarkar  
A.C. College of Commerce, India  
Email: drsarkar.s@gmail.com

Anil Bhuimali  
Raiganj University, India  
Email: anilbhuimali@rediffmail.com

Abstract: Trafficking, smuggling and migration are different, but inter-connected issues. This article seeks to look at the issue of trafficking within a broader migration framework and to suggest policies which would be effective in reducing trafficking and in preventing the human rights violations to which migrant people are so often subjected today.

Keywords: Trafficking; migration; smuggling; prostitution

Introduction

The various reports on trafficking has given a clear and unequivocal indication that buying and selling of women and children for sexual and non-sexual purposes is an expanding activity and involve gross violation of human rights. What’s even more troublesome is the indication that India is rapidly becoming a source, transit point as well as a destination area for traffickers. The existing reports of the governments as well as the voluntary agencies suggest that trafficking is on the rise in the poverty-stricken districts in India. This is a significant trend of the complex and organised nature of the crime.

The commonplace understanding of trafficking as akin to ‘prostitution’ is one of the major reasons why the human rights violations inherent in trafficking have never been understood. This calls for demystification of the term. The complexity of the phenomenon, its multidimensional nature, its rapid spread and the confusion surrounding the concept made the need for a deeper comprehension of trafficking issue a top priority. The reasons for its persistence and rapid proliferation are not very clear. Thus, there was an urgent need for a greater understanding of the various aspects of the phenomenon. There is a strong indication from the available information that women and children are becoming vulnerable to trafficking as they are unable to survive with dignity because of lack of livelihood options. In the absence of awareness of human rights, the economically and socially deprived people at the grassroots have become easy prey to the trafficking business. Migrating populations have become most vulnerable to exploitation by traffickers. The fact that notwithstanding this stark reality, such gross violations of human rights continue to be a low priority area with law enforcement agencies, make it imperative that this area to be investigated. So far, this area has not been subjected to any systematic study because of the clandestine nature of trafficking. It is found that there is a wide gap between the official data obtained from government sources and the data given out by NGOs. Thus, the creation of an authentic and reliable database at national level could no longer be delayed.

Eastern India including the north-eastern states is becoming a hotspot for women traffickers like never before. Trafficking of women and children from the north-eastern states has assumed a serious dimension. In the northeast, areas near Pangsa Pass in Arunachal Pradesh, Dimapur in Nagaland and Moreh in Manipur are the major transit and demand centres. Women and children from Assam and Bangladesh are trafficked to Moreh in Manipur and sent to Myanmar and other Southeast Asian countries through the golden triangle. Women and children from Jorhat in Assam, Mokokchung and Tuen-
sang in Nagaland and Bangladesh are sent through Pangsau Pass to Myanmar and then to Bangkok. Insurgency, ethnic clashes and community conflicts are the main reasons behind the vulnerability of women and children in northeast. Apart from the north-eastern region, the traffickers also target tribal girls from Orissa, Jharkhand and from the minority communities in Bihar and West Bengal.

**Migration and Trafficking Linkages**

Migration is understood simply as a process of movement by people from one place to another, with an objective in mind. It is however, a process of some complexity. It is a shift in the place of residence for some length of time and is rooted in the economic, socio-cultural, ecological and political realities of a society. It is while examining trafficking in all its dimensions, that one’s attention shifts to migration. The concern of this focus is mainly a search for more effective strategies, to combat trafficking, especially in the area of prevention, without violating the rights of migrants. Radhika Coomarswamy’s report provides important indicators for the possible intersections between trafficking and migration (Coomarswamy, 2000). The two recent reports published by Raymond and Blanchet have made this relationship the basis of their studies. The relationship is stated to be important because an understanding of migration trends and patterns; factors promoting migration; and the processes involved in migration; will play an important role in combating trafficking (Raymond et al., 2002). Unlike the relationship between trafficking and other phenomena, migration and trafficking appear to intersect at almost all levels. It seems that the exploitation of migration by trafficking is the dominant nature of this relationship. Evidently, they first intersect at the crossroads of physical movement. At a structural level it looks as though migration provides the basis and the context in which trafficking is predominant. The fact that these contexts create a high degree of vulnerability for the people within them is apparent. That the character of the migration process provides the opportunity and means for the enactment of trafficking is undeniable. The relationship between these two processes suggests a possibility that trends in migration influence trafficking.

Due to the common component of movement, there is also a lack of clarity in the understanding of the relationship between illegal migration, smuggling and trafficking. These are not overlapping concepts as they are sometimes mistaken to be. The second part of the UN Convention on Organised Crime clarifies the distinction between a smuggled migrant and a trafficked person, the main distinguishing factor being that of coercion (Gallagher, 2001). Smuggling refers to a process by which an agency is used to enter a country illegally. This agency is paid for the service either financially, or in the form of material benefit. Smuggling usually suggests an illegal entry into a foreign country; but human trafficking does not necessarily involve border crossing (Icduygu and Toktas, 2002). Exploitation is a key element in trafficking, whereas it is not the ‘foremost’ characteristic of smuggling. They also differ in terms of the timeframe of the relationship and profit source. Illegal migration has many variants and refers to people who are without a legal status in the country of residence. This could happen through being smuggled into the country or extending their stay beyond the valid visa dates. The ‘difference between trafficking and irregular migration is in the level of control that the migrating person has over his/her own actions (Briain, 2001) ’. Misunderstandings arise mainly due to the likely occurrence of human rights abuses in people smuggling; the lack of sufficient and reliable data because of the illicit nature of these types of migration; and the ability of traffickers to manipulate these processes, to achieve their ends.

The issue of consent in physical movement brings to forefront, the problem of distinguishing between an exploited migrant and a trafficked person. Trafficked people do not have the opportunity of informed consent with respect to the experiences they undergo (ESCAP, 2003). Cases of exploited migrants are offences in themselves, but they need not be cases of trafficking. However, the majority of trafficked people will be exploited migrants. The decisive factors in distinguishing between the two will be, the nature of consent; the intention of the agency (that is responsible for them being in that position) involved; and in addition, the difference between the information made available at the start
of the journey as compared to the circumstances they find themselves to be in at the end of the journey.

The nature of the relationship between migration and trafficking is characterised mainly by the exploitation of migration through the phenomenon of trafficking. This exploitation occurs at the structural (contextual) level as well as at the process (operational/action) level of the two phenomena. At the structural level the migration phenomenon, involving a shift in physical space from a place of origin to a place of destination and its multiple associative aspects, provides the basis for and the context in which trafficking is enacted. It is this population movement, moving for different durations (permanent, semi-permanent and temporary) and reasons, which provide the backdrop to trafficking. The scale of the migration process indicates the pervasiveness and normalcy of the phenomenon and “it spans all countries and virtually affects every town, village and rural area of the world.

The circumstances and situations that influence migration are usually examined in terms of push and pull factors. Push factors are associated with sending regions and pull, with receiving regions. These factors are inter-dependent, and are classified as economic, political, socio-cultural or environmental in nature. The push factors include: growing inequalities in wealth between and within countries; economic decline; lack of economic opportunities and under-development of an area, characterised by poverty, under-employment, landlessness and impoverishment among rural populations; discrimination; population pressure; harsh economic policies; limited access to resources; lack of opportunities for local employment that would allow women to explore better jobs, or acquire greater skills to obtain a more secure future; and lack of basic subsistence. The pull factors are listed as: real or perceived differences in wages; more and better employment opportunities in destination areas; demand for female migrant workers in more developed regions; an economic boom in destination areas; a growing number of women and men in destinations who relegate domestic work to hired help; and the increasing acceptance of the practice of prostitution.

A dynamic relationship between two regions, involving the interplay of various factors, results in migratory streams, patterns and flows. Some of these are more likely to provide contexts in which people become vulnerable to traffickers. For instance, trafficking is most likely to occur in the context of labour migration, as migration propelled by factors of labour demand and supply, is a dominant mode of migration. Blanchet describes trafficking as an aspect of migration, which occurs in the context of labour migration (Blanchet, 2002). Political instability, inequalities, natural disasters, discrimination, and violence within the family, are some of the other factors, which create contexts in which migration is usually undertaken, and in which trafficking is likely to occur.

Some other contexts and how people become vulnerable in these contexts are dealt with below. The important reasons for the creation of push and pull factors encouraging population movement is the uneven development of regions. Contrary to popular perception, developed areas with improved infrastructure have invariably been the source as well as the destination of trafficking in women.

Migration then occurs in asymmetrical environments and always involves relations of power, whether these are between states, cities and rural areas, or regions; between migrants and non-migrants. This asymmetry makes migrants vulnerable. Migration becomes a major source for recruits in trafficking, since people in situations that are likely to propel them towards seeking better lives elsewhere, are likely for the same set of reasons, to fall prey to traffickers. The human rights perspective sees trafficking as ‘a crime against migrants’, in which the women’s (migrants) desire to migrate is preyed upon. This group is one of the largest groups vulnerable to traffickers. Women and children are vulnerable to being coerced and deceived at the sources of origin, during the journey while migrating, or at sites of work after reaching the transit point or destination.

Migrating labour ranges from people who move for personal and professional development, usually middle class professionals, to semi-skilled, unskilled and low-skilled workers, moving to areas offering higher wages for relatively low skills. While migration involves risk for all those who undertake it, whether highly skilled or less so, trafficking mainly involves people at the lower end of the skill level scale. For the latter group, with minimal skills, migration is more an issue of survival. Internal
mobility is critical to the livelihoods of many people, especially tribal people, socially deprived groups and people from resource-poor areas.

Women and children form the largest group of this unskilled paid labour. These migrants are exposed to large uncertainties and are also more willing to take risks, so they are likely to get trapped more easily. Migrant labour from this category is also preferred because they may lack the requisite support structures to defend or demand their rights, both during migration and at the new work sites. Their limited ‘bargaining power’ impairs their ability to overcome vulnerability or resist exploitation. Labour migration satisfies demands for labour at all levels of the economic sector, while human trafficking supplies mainly to the unorganized and exploitative sectors of the economy. The majority of the ‘victims’ were trafficked into commercial sexual exploitation, domestic work, rag picking, begging, and other unskilled jobs. The nature, terms and conditions of work in these sectors gives them little hope of voluntary and legitimate recruitment in the local labour force. They must perforce look for people elsewhere.

Migrants searching for better opportunities do manage to find a better life most of the time, but some may become trapped in situations which are exploitative. These people are then at a greater risk of being trafficked. An instance of this may be seen in Nepal, where people move during certain periods of the year, to work in the carpet industry. Conditions of work are exploitative, and women fall for false decent work offers by traffickers (Sangroula, 2001).

Although globalization has rendered acceptable the movement of goods and capital, the movement of people is not so easily accepted. Strict immigration laws are passed by the state in an attempt to continue to be in-charge of this flow of people. However, it seems as though its authority is in the process of being corroded by the growing incidences of illegal migration and trafficking. This situation is reflected in a recent news report, which estimates the number of illegal Bangladeshi migrants in Delhi alone to be around two lakhs. Authorities are apprehensive of their involvement in illegal activities. Identification and deportation are the main aims of the concerned agencies. Most reports consistently state that restriction on migration tends to encourage illegal migration, which in turn creates higher risks of people being trafficked. Migrants may fall prey to traffickers while looking for means to enter a country illegally, may be with the help of smugglers. As illegal migrants, they will be at a higher risk of being trafficked, because of their fear and avoidance of authorities, which becomes one of the mechanisms of controlling them. The opposite situation i.e. when the immigration laws are too lax, as in the case of India and its border situation with Nepal may also create problems. The porous nature of the border between these countries has allowed trafficking to flourish and the close cultural and historical ties make it very difficult to place restrictions. Another political aspect of the problem is that governments put women and children at risk of being trafficked by failing to provide opportunities for education, shelter, food, employment, relief, access to structures of formal state power and freedom from violence.

Situations and contexts are thereby created, which compels them to seek alternatives elsewhere, leading to migration. The absence of appropriate social security measures for women and children in situations of distress forces them to move. These circumstances, which usually remain invisible, place them at risk of being trafficked. This is clearly illustrated by the numerous case studies on how women are pushed into the trade. Refugees or internally displaced people because of political instability due to war, civil strife, state reorganization, conflict, race and ethnic conflicts, oppression, militarism, internal armed conflict, religious persecution and human rights violations, all generate migration. Most recently, trafficking networks responded to the war in Kosovo and the consequent exodus of refugees by increasing recruitment of Kosovars. In extreme situations people may be willing to go with traffickers in the hope of being rescued and then using the laws and safety nets of the host country to obtain legal migrant status. This has been reported in cases from the European Union where people choose this method, not knowing the extent of exploitation awaiting them. Migrant women are also made vulnerable when the state follows policies that are extremely strict towards immigrants. In the Indian context, this aspect becomes relevant only if one considers the emigration of Indian women workers.
Social discrimination and disturbed families, with problems of alcohol, drug, physical or sexual abuse fuel a desire to move away, especially in the case of girls/women and children who more easily fall for false promises. Women and children in situations of instability trust agencies or people, who may use the opportunity to traffic them. Runaway girls/women and children are at a greater risk of being trafficked. Breakdown of traditional family structures and support systems increases the responsibility of women to support families, who then tend to take greater risks while migrating to provide incomes for their families, by sending remittances. Women also tend to look for alternatives because of their expanding sense of economic and personal autonomy, greater levels of independence and mobility thus increasing the numbers who migrate. They tend to be at a greater risk as they are in a vulnerable position without their community’s support (Raymond, 2002).

Another factor playing an important role in creating vulnerability is the preference for women of a certain race or ethnicity. They are considered exotic and sold as such by the sex industry, which puts migrant women of certain ethnicity and cultures at risk, as in the instance of women from Nepal being trafficked to India. Not only does migration provide trafficking with victims, it plays a crucial role in sustaining the demand, especially in the sex industry. Most studies on prostitution report that migrant labour forms a significant proportion of their clientele. The highway sex-work sector services a mainly commuting population of truck drivers and migrant labour. A preference is shown for women from similar backgrounds, and this may increase a demand for women from certain communities. Ali reports that the possibility of trafficking increases along such routes, where a large number of male migrant labourers in an area create a demand for sex workers of similar linguistic and cultural background, leading to a migration of sex workers and this may lead to an increase in trafficking from those areas. In a similar vein, the need for anonymity felt by clients in prostitution or by paedophiles encourages sex tourism centres, which in turn encourages trafficking.

Ecological migrants are people who have been displaced because of environmental factors. Their normal means of livelihood gets disrupted and they are unable to find subsistence from the land. It is usually the destitute and the indigenous people who are most affected. People move because of elemental disruptions, like cyclones or other natural disasters. The destabilisation and displacement of populations increase their vulnerability to exploitation and abuse through trafficking and forced labour. Large-scale migration and consequent trafficking of girls has been reported after the cyclone disaster in Orissa and after the earthquake devastated Latur in Maharashtra. The migrants who try to move out for safety are highly vulnerable to trafficking. Development, urbanisation, biological disruptions, deforestation, land erosion and lack of access to man-made resources, also lead to large-scale displacement of local populations.

At the level of process, the relationship between migration and trafficking may be defined as being opportunistic in nature and to the advantage of traffickers. The characteristics of the migration process provide traffickers with opportunities to implement their plans and achieve their goals by manipulating it. Possibilities of manipulation are opened due to elements of relocation, use of an agency, the unknown, legitimate reasons and initial investment required while migrating. The redefinition of social relations and development of new identities is an inherent part of the migration process due to a shift in physical space. The basic action of moving in migration assists the traffickers in their attempts to ‘relocate’ targets, away from their communities. This movement, which is towards demand centres, is the beginning of the process of isolating them and changing or forging a new identity to that of a person under someone else’s control. In cases of deception or fraud, the unascertained elements in the migration process works to the great advantage of the traffickers. The promises they make cannot be easily confirmed, especially in cases where the ‘victims’ are in remote areas, or their literacy and awareness levels are low. The alien and unfamiliar nature of the destinations makes any attempts at escape or possible support for the ‘victims’ difficult. Victims are also transferred from one place to another to ensure anonymity in the initial years and to prevent them from establishing contacts, who might assist them in escaping. This element also assists the traffickers in maintaining a false image. Data collected from survivors and brothel owners during the research substantiates this point of inter-
brothel transfer of victims and transfer of victims from brothels to non-brothel based places of exploitation and vice-versa.

Relocation for purposes of work or marriage, are the most likely reasons for undertaking migration. Thus, plans to move away towards a job opportunity, or to move away after marriage, are customary practices and acceptable actions. These existing realities lend weight to trafficker’s arguments and provide a legitimate reason. In India, a high percentage of female migration is due to marriage. Traffickers often use Promises of marriage or fake marriages as a means of shifting women from their families and communities. One study reveals the case of a trafficker who married thirty Nepalese girls in one year, selling them one by one to Indian brothels and then returning to Nepal to marry again (Sthalini, 1996). A study on international migration in the context of Bangladesh and India describes this process in detail. Agents working on both sides of the border send a matchmaker, usually a female who is an original resident of a nearby village, to find recruits. A secret marriage is conducted, and they move across borders, illegally assisted by a smuggling agent. The girl is then sold to another. Even if she is not sold, she is taken to her husband’s place, where she is kept in slave-like conditions and made to work in the bangle factories in exploitative conditions. They do not consider Bengali girls as human beings, rather commodification has reached to such an extent that they are in a position to treat them in any manner whatsoever.

Another aspect of this is reflected in media reports, which speak about large-scale trafficking of girls from Orissa and Assam, to Haryana and Punjab for ‘marriage’. The process of migration requires an initial investment. The amount depends on the distance and nature of the process. Traffickers offer to provide these amounts, especially to people in conditions of poverty, and thus easily befriend their victims and gain their trust. Later, this amount is used as a means of controlling them in the form of a debt bondage, which the victims are told they have to pay back.

For a normal migration process to be initiated, some form of a link is an essential component in the decision to migrate. This link may be in the form of job offers, a friend or relative in the city, an agent, or some information about existing opportunities elsewhere. One of the most potent contributory factors to this aspect of the migration process is the social network or ‘migrant community network’. These networks are established over time and act as links between labour supplies and markets. The networks and links are crucial, and provide the necessary support systems for successful migration. Such networks are not always composed of primordial links. They gain members legally and illegally. Existence of similar networks in trafficking has been confirmed from the fieldwork in this study.

Some of the most socially isolated and deprived families may not have access to such social networks. Traffickers assume the role of an agency providing this link. Migration and trafficking then may move in sync, in a series of similar steps, but the intention of the agency inducing the movement and the end purpose in trafficking are entirely different in nature. In trafficking, while the process is ongoing, the victim’s perception of what is happening is different from the trafficker’s. Even if consent is manifest, it is in fact a façade of consent and not ‘informed consent’ (ESCAP, 2003). This deception makes it difficult to identify victims and traffickers in transit.

In migration, locations between which migrants travel remain closely interconnected through flows of ideas, people and goods. As former migrants, traffickers are themselves most likely to maintain such links. These original migrants are potential traffickers because of their local knowledge of source and destination areas. They are the people who will have local knowledge, cultural or geographical, of source as well as destinations, while also being familiar with transportation routes. Data collected from brothel owners substantiates the fact that they go back to their villages of origin for fresh recruits. Sangroula states that a segment of pimps grew out of the Nepalese workforce in India … the high demand for Nepalese girls in India attracted a number of migrant Nepalese workers in smuggling of girls from Nepal (Sangroula, 2001). However the traffickers’ linkages continued the trafficking, and met with the demand situation in Baina, Goa, by turning to Andhra Pradesh as their source of recruitment. The migration process in general is said to involve considerable risk during
transit between place of origin and destination. The experience of migration is that of being uprooted and alienated.

Migrants experience multiple ruptures from family, friends and community, leading to this displacement being a traumatic experience. At the destination point they face numerous challenges, like new languages, ignorance of cultural variations and vulnerability to exploitation by employers, especially for persons in domestic work, or in workplaces unregulated by safety, health, decent conditions and minimum wage protections. Trafficking, because it involves migration, includes all of the above. In addition, trafficked people undergo the trauma of dealing with the criminal means employed to transfer them and the loss of control over their lives and bodies.

As a consequence of being trafficked, it is most likely that trafficked people will remain migrants, even after achieving a certain level of independence from their exploiters over a period of time, due to a real or perceived lack of options and alternatives. For instance, women in cases of commercial sexual exploitation may not desire to return home because of the stigma or the mindset of being ‘spoilt’. Where children are concerned, even if they manage to escape, they will often not be able to find their way home, and thus the chances of being further exploited are high. To achieve the aim of long-term labour exploitation they are compelled by their exploiters to stay on at the destinations.

The movement towards a destination may correspond to internal migration or to external migration. In the case of movement across borders, the nature of the process with its requirement of various documents, immigration and border checks, influences the nature of the trafficking process. Greater resources and planning are needed for trafficking to be successful. Thus, there is more likelihood of organised crime, networks across borders, involvement of smugglers and forgers.

The Way Forward

An understanding of migration will play a significant role in formulating preventive strategies, as it assists in identifying the vulnerable section; in identifying likely supply areas; routes followed; and guide interventions in transit. In the concern to combat trafficking, it should not be forgotten that many of the women and children initially desired to move. This movement is initiated in the hope of finding a better life and finding solutions. Therefore, any intervention must keep in focus the human rights perspective of the migrant person. The problem of trafficking should be resolved from the point of view of migration. The response of governments, NGOs and various networks, which equate trafficking with organised crime, which has already proved ineffective. As long as markets exist, as seen by past efforts, law enforcement agencies remain unable to deal adequately with issues like prostitution or drug control. Monitoring forced labour would be more effective than border monitoring when combating trafficking. The need to recognise the fact that people will continue to migrate, as it is a rational human response. While discussing trafficking in the international context, the view that the major cause of trafficking is irregular migration be acknowledged; and feels an appropriate change in the response would be needed to tackle it. A migration based approach is suggested. This would involve regularisation of migration; re-examination of the issue of sex work; providing alternatives to migration; protecting the rights of migrants and facing the challenges of rescue, return and reintegration. The building of capacities to measure the impact of trafficking programmes, like the inter-agency participatory project, to track migration over time, from selected villages in different areas. Mapping of migration routes may assist in understanding the direction and flow of people. This will prove useful, not only in identifying likely supply and destination areas of trafficking, but will also assist in monitoring whether it has increased or decreased. It may also provide clues as to the areas which should be targeted, for awareness building. Monitoring foreigners entering the country and maintaining records may assist in tracing the offenders, especially in cases of sex tourism. The onus is on the state to promote socio-economic development of areas of significant migration so people are provided with choices other than migration. Moreover, it would be a useful exercise to provide agencies dealing with trafficking vital indicators that would enable them to distinguish between a migrant and a person who has been or is being trafficked. This may prove helpful not only in preventing peo-
ple from being trafficked in transit, but also help in rescue work. There is a need to re-examine laws for migrant labour to provide them better protection from exploitative employers and widen the ambit of the law to include other types of workers besides construction labour.

Conclusion

Some of the similarities between migration and trafficking which stand out are that they both involve movement; usually have some kind of an agency or network involved in this movement; thrive in poverty, unstable conditions and disruptions created by different factors; and follow similar directions in space. They are both influenced by factors like labour demand and supply, globalization and state policy. The differences are that the intention of the agent in trafficking is always exploitation, it is non-consensual; always exploitative; and unlike migration, is totally demand driven. Even if there is consent, it is not ‘informed willing’ consent, obtained after apprising the person of the entire situation. Thus migration and trafficking directly influence each other in matters of direction, volume, and the nature of the process. The relation is manipulative in terms of opportunities, recruits and exploiters. Exploitation is the hallmark of this relationship, as trafficking occurs, subsumed under this ongoing movement of people, driven by its own demand for people and exploiting the migration process to achieve its agenda. Migration and trafficking are inextricably linked to each other, although they are different processes. Besides providing the base for trafficking, it is observed that the situations and circumstances influencing people to migrate are the same factors that make them vulnerable to traffickers. Migrants form one of the potential target groups for traffickers, making them vulnerable at all stages of the migration process. Traffickers use the uncertainties and risks involved in the migration process to their own advantage. To turn a normal human being into an obedient slave, they commit the grossest forms of human rights violations. Trends in the migration process influence trafficking because of the links between the two processes. In conclusion, one can say that migration is an important phenomenon that influences and sustains trafficking by providing an easy supply of people. The discussion presents in detail, the points of distinction between migration and trafficking as well as the linkages between the two. Understanding the relationship between migration and trafficking is crucial to helping us understand the process of trafficking and in mapping the vulnerability of geographical areas. It is a critical component in planning effective preventive and other strategies to combat trafficking, while still protecting the people’s right of movement.

References