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**Global Programme Against Trafficking in Human Beings**

**Human Smuggling and Trafficking: a desk review on the trafficking in  
women from the Philippines**

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## TABLE OF CONTENTS

Introduction.....	3
Smuggling and Trafficking.....	4
Statistics	
Push and Pull Factors for Migration	
Organised Crime	
Effects of Smuggling and Trafficking	
The Philippine Situation.....	9
Methods of Departure and Entry	
Trafficking in Women	
<i>Trends in Female Migration</i>	
Involvement of Organised Crime in Smuggling and Trafficking	
Bibliography.....	17

## Introduction

Smuggling is concerned with the manner in which a person enters a country illegally, with the involvement of third parties. Trafficking is a more complicated concept, because it requires consideration of working conditions, and the involvement of the elements of deceit and coercion<sup>1</sup>. Trafficking is often related to forms of smuggling of migrants, and persons leaving their country with the assistance of smuggling networks can easily become victims of trafficking. Smuggling and trafficking are often two sides of the same coin.

Because of the low risks, and the high income associated with these illegal markets, the size and complexity of transnational organisations profiting from these activities is increasing. The organised crime groups that manage the recruitment and smuggling of migrants are frequently the same groups involved – to some degree - in the exploitation of these migrants abroad.

The United Nations Office for Drug Control and Crime Prevention (UNODCCP)<sup>2</sup> in March 1999 launched the *Global Programme Against Trafficking in Human Beings* to better enable governments and the international community to respond to the worldwide problems of human smuggling and trafficking.

The Programme aims to bring to the forefront the involvement of organised crime groups in human smuggling and trafficking, and promote the development of effective criminal justice responses to these problems. The Global Programme has been developed by the Centre for International Crime Prevention (CICP) and the United Nations Interregional Crime and Justice Research Institute (UNICRI). CICP is in charge of technical cooperation activities, UNICRI is in charge of developing standardised research methodology and of coordinating assessment activities in the various projects to be carried out under the Global Programme.

The *Global Programme against Trafficking in Human Beings* has started its activities with a pilot project in the Republic of the Philippines. With large numbers of Filipinos living and working overseas, the government of the Philippines is particularly concerned to address the issue of human smuggling and trafficking, and to better understand the role of transnational organised crime in these activities. The Philippines is actively participating in the preparation of the Convention against Transnational Organised Crime and its protocols, and it strongly supports the development of international and interregional initiatives to combat trafficking in human beings.

This document reflects existing studies and documents on trafficking in human beings, especially in women, as well as some results of the CICP/UNICRI Start-Up Mission held in Manila during July 1999, as part of the pilot- project. After the presentation of main smuggling and trafficking issues within the region, the document considers the state of existing knowledge with respects to transnational organised crime and smuggling and trafficking activity in the Philippines.

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<sup>1</sup> It is worth noting that where children are involved in illegal migration for the purposes of labour, this is generally considered as trafficking, irrespective of their consent or otherwise. The Convention on the Rights of the Child (CRC) sets the age of majority at 18 years, unless by domestic law the age of majority is attained earlier (CRC Article 1). As there are considerable variations in the ages of majority set by domestic law, whether a person is a child or not must be decided on a country by country basis.

<sup>2</sup> See United Nations, Centre for International Crime Prevention (CICP), United Nations Interregional Crime and Justice Research Institute (UNICRI), *Global Programme Against Trafficking in Human Beings*, United Nations, 1999.

## Smuggling and Trafficking

### Statistics

There are presently no accurate statistics available on the magnitude of human smuggling or trafficking. Reasons for this include:

- The likelihood that the majority of people who are smuggled or trafficked are never detected by immigration authorities. As such, interception statistics considerably under-represent the size of the problem;
- The lack of systems to collect data on people who are intercepted and/or turned around at airports;
- The lack of incentive for migrants who have been smuggled or trafficked to divulge information about whether they are part of a larger organised activity, if they are intercepted;
- The use of different definitions of smuggling and trafficking, between countries and between international agencies.

There are, however, some estimates of the numbers of undocumented migrants<sup>3</sup>, a group which has some degree of overlap with those who have been smuggled or trafficked. In a recent study, Hugo (1999, 6) noted the following estimates of the numbers of undocumented migrants living in various countries in South-East Asia: 1.4 million in Malaysia in 1997, 250,000 in Singapore in 1993, 1 million in Thailand in 1998, 200,000 in the Philippines in 1995, 1000 in Brunei in 1997, 1 million in Cambodia in 1995. Hugo acknowledges that these figures are notoriously inaccurate, as there are no accurate counts of illegal or undocumented migrants – as such, he presents these figures simply as an indication of the scale of movement (Hugo 1999, 4).

### Push and Pull Factors for Migration

There are many incentives, both real and perceived, for people to migrate to richer countries through legal and illegal channels. Considerable wealth disparities typically distinguish origin and destination countries. Many people from the world's poorer countries are understandably attracted by the higher income, better standard of living and employment prospects in richer countries (see Table 1, below).

There may also be a demand, real or perceived, for migrant labour in destination countries. For example, rapid economic growth in countries such as Singapore, Hong Kong and Japan has seen the emergence of a large middle class, who do not want to work in menial or low-status positions. These and other countries also have an aging population. This has resulted in a demand for overseas migrants who are willing to perform the so-called '3D jobs' – those that are dirty, difficult and dangerous (Yukawa 1996, 27). Criminal interests may also perpetuate misinformation about a demand for labour to their own advantage. For example, migrants who have been apprehended attempting to enter Australia illegally report having being told that there are plenty of jobs for migrants, as a result of the year 2000 Olympic games.

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<sup>3</sup> Undocumented migrants include those who have entered and/or who remain in a country, without the proper authority of that country (IOM 1995, 3).

Most countries retain some degree of control over the labour migration intake, either by restricting the number of working visas that can be issued, or requiring migrants to possess certain skills or characteristics. Similarly, many countries restrict access to migration for their population, for example by setting age limits or skills requirements. These factors limit the opportunity to migrate to those people who fall within the requirements of the origin and destination countries. There are clearly many more people who wish to work overseas than there are places in legitimate migration programs. Legitimate programs may also be expensive, time consuming and/or cumbersome. For these reasons, many people turn to the assistance of organised crime to facilitate their entry into another country. These migrants may be victimised by organised crime groups, either economically, physically and/or sexually.

**Table 1: Per Capita Income of Selected Origin and Destination Countries, Determined 1997 (CIA World Fact Book 1998).**

<u>Destination countries</u>	<u>Average per capita income (US\$)</u>
Australia	21,400
Canada	21,700
Germany	20,800
Hong Kong	26,800
Italy	21,500
Japan	24,500
Singapore	24,600
United States	30,200
<u>Origin Countries</u>	<u>Average per capita income (US\$)</u>
Cambodia	715
Indonesia	4600
Myanmar	1190
Pakistan	2600
People's Republic of China	3460
Philippines	3200
Thailand	8800

### **Organised Crime**

It is not known exactly how much of the global smuggling and trafficking activity is controlled by organised crime groups. The literature does, however, suggest a strong link between the global trade in drugs, guns and other illicit commodities, and human smuggling and trafficking:

In practice, a criminal group with already-trained personnel, already-acquired means, already-tested trafficking routes, already-developed corruption networks, and already-existing contacts in different countries of the world, will move into new illicit markets (adding new activities to the ones in which it already specialises) (Adamoli 1998, 17).

The 'inter-dependency' of criminal activities reflects the motivation of sophisticated organised crime groups to maximise profits, either by diversifying into new criminal markets, and/or by minimising risk to the organization. Beare has noted that people smuggling or trafficking is one of the most profitable, and lowest risk activities (Beare 1999, 272-273).

Organised crime groups, including those involved in human smuggling and trafficking, are increasingly decentralised and flexible in their organisation. This flexible structure allows for the prompt re-organisation of illicit activities according to demand, the number of competitors and threats from law enforcement. This flexibility is improved by the incorporation of small sub-units of criminal specialists, who provide particular services and expertise that might otherwise be outside of the scope of the criminal organisation (Adamoli et al 1998, 11). Indeed, there are a number of specialist roles that are potentially involved in the smuggling or trafficking process.

The literature notes that individuals and organisations involved in smuggling and trafficking have varying levels of organisational structure, and commitment to those processes. According to Schloenhardt (1999, 18-20), individuals and criminal groups involved in smuggling and trafficking may also limit their activities to one or more of the following roles:

- *investors*, those who put forward funding for the operation, and oversee the entire operation. These people are unlikely to be known by the everyday employees of the operation, as they are sheltered by an organisational pyramid structure that protects their anonymity;
- *recruiters*, who seek out potential migrants and secure their financial commitment. These people may be members of the culture and the community from which migrants are drawn;
- *transporters*, who assist the migrants in leaving their country of origin, either by sea, land or air;
- *corrupt public officials or protectors*, who may assist in obtaining travel documents, or accept bribes to enable migrants to enter/exit illegally;
- *informers*, who gather information on matters such as border surveillance, immigration and transit procedures, asylum systems, law enforcement activities;
- *guides and crew members*, who are responsible for moving illegal migrants from one transit point to the other or helping the migrants to enter the destination country;
- *enforcers*, who are primarily responsible for policing staff and migrants, and for maintaining orders;
- *supporting personnel and specialists*, which may include local people in transit points who might provide accommodation and other assistance;
- *debt-collectors*, who are in the destination country, to collect fees;
- *money-movers*, who launder the proceeds of crime, disguising their origin through a series of transactions or investing them in legitimate businesses.

With respect to Asia, there are several well-established transnational organised crime groups that operate throughout the region. The better known of these include the ethnic Chinese *triads*, based largely in Hong Kong but also in many other parts of the world, and the Japanese *yakuza* (MacFarlane 1999, 49).

Ethnic Chinese organised crime groups are said to be involved in the smuggling and trafficking of migrants, particularly from the Peoples Republic of China (PRC) but also from other countries in the region. According to Bolz, Chinese triads and other forms of organised crime have taken over human smuggling from smaller organizations, because of the low risk and high profits associated with the activity:

Earnings from the illegal immigrant trade is estimated to total \$3.2 billion per year, yet is punishable in the United States by a maximum sentence of only five years in jail. Most who are convicted under current laws are sentenced to less than six months (Bolz 1995, 148).

Members of ethnic Chinese organised crime are said to be stationed at transit points, such as Thailand and Bangkok, and also at destination points, such as Hong Kong, Singapore, Australia and the United States.

The Japanese Yakuza have also been involved in various criminal activities, including human smuggling and trafficking. According to Adamoli *et al*:

The Yakuza maintains a significant presence throughout much of South-East Asia, where Japanese criminals have become a major organising force in the sexual slavery of women (Adamoli *et al* 1998, 79).

There are suggestions that the Yakuza is branching out into the PRC. Yakuza have been implicated in the smuggling of Chinese workers into Japan for cheap labour, and in the smuggling of women from the PRC, Taiwan and South-East Asia into Japan to work in the sex industry. In April 1993, three members of the Yamaguchi-gumi, the largest Japanese gang, were arrested in Kumamoto Prefecture while attempting to smuggle 145 Chinese into Japan (Adamoli *et al* 1998, 80). It appears that there may be links between Japanese organised crime and ethnic Chinese organised crime, at least in Korea (Adamoli *et al* 1998, 81) and Taiwan (Bolz 1995, 149).

In addition to the high profile, well-established organised crime operations, there are numerous lesser-known criminal groups operating in every country throughout the region. These groups may cooperate with one another, when it is opportune for them to do so.

There are also many companies and individuals who operate in the 'grey' area of the law, offering travel, immigration or employment services that facilitate smuggling or trafficking, but that do not of themselves constitute criminal conduct. These individuals and companies may have varying degrees of complicity in the smuggling and trafficking processes.

### **Effects of Smuggling and Trafficking**

Human smuggling and trafficking can have particularly serious consequences for the migrants involved. People who are brought into destination countries through illegal means are generally considered to be parties to a criminal transaction, in the eyes of the law. They may, for example, have bribed public officials, purchased false travel documents or conspired to circumvent immigration requirements by arriving without the knowledge of the authorities. There is, however, evidence to suggest that people who are transported by organised crime groups are subject to victimisation - economically, physically and/or sexually. People who use illegal networks may endure harsh and/or dangerous travelling conditions for extended periods of time. There are numerous examples of smugglers using overcrowded, unseaworthy vessels with tragic consequences. Law enforcement officials speak of the ruthlessness of some smugglers who would rather sink a boatload of would-be migrants, rather than get caught. There are also reports of sexual and physical assaults on migrants on these journeys (Chin 1997, 188). Migrants may have been deceived about the destination country, its immigration rules, and/or the nature of the employment that they will be able to secure.

Once in the destination country, people who have been smuggled may find that their economic opportunity and security are jeopardised by their lack of legal status and civil rights, limiting their access to employment to the informal sector and underground economy.

People who have been smuggled may also have been charged large sums of money for the illegal service. This practice may result in a virtual 'debt bondage' between the migrant and members of organised criminal groups. The IOM notes cases of illegal Chinese immigrants, who work in restaurants linked to organised crime and spend their nights locked up in prison-like dormitories, after handing over all of their day's earnings.

There is evidence that individuals involved in smuggling and trafficking may use extreme violence as a form of control and to secure payment from the migrants and their families. A study of life for illegal migrants inside 'safe-houses' in New York found that the migrants were:

... repeatedly punished and tortured by debt collectors who do not hesitate to use cruel and unusual measures to force their captives' families and relatives to deliver the smuggling fees as soon as possible (Chin 1997, 189).

It has been noted that in many of these cases, the line between smuggling and trafficking is unclear. A migrant may have consented to being smuggled but not to the violence or extortion that they suffer along the way. Situations that may have begun as voluntary participation in smuggling may transform into situations of trafficking, where the initial consent is vitiated by deception or coercion.

There are anecdotal reports of people having been kidnapped or abducted by traffickers but these reports remain unverified, and no studies have been undertaken of the effects of these crimes. In the absence of such evidence, it is only possible to speculate about the effects that such an experience might have on a victim. It is likely that the absence of the victim's consent, and the clandestine nature of the trafficking, would mean that victims would be vulnerable to physical, emotional and sexual abuse for as long as they were under the control of their captors, as to subsequently suffer mental illness, including post-traumatic stress disorder, depression, anxiety, insomnia and suicidal ideation.

Despite the horrific experiences of some people who have been smuggled or trafficked, there is generally no distinction drawn within national legal systems between illegal migrant workers and victims of trafficking. As such, both are often subject to arrest and deportation under existing national immigration laws (United Nations 1999, 2). This raises the important question of whether people in these situations should be considered as offenders, victims or possibly even both.

The activities of smugglers and traffickers may also have an adverse impact on the domestic economies of countries of origin and destination. There are considerable economic costs associated with the enforcement of immigration laws, such as the cost of detention facilities and deportation. There may also be long term costs to the domestic economy of countries that continue to rely on cheap migrant labour, at the expense of the development of high-technology production (Tigno 1999). Moreover diplomatic relationships between countries may be damaged if there is a perception that one country is not taking sufficient steps to stem the flow of illegal migrants or the trafficking flows.

## The Philippine Situation

It is estimated that 7 million Filipinos are now working overseas and at least 2 million of them are in undocumented conditions. Female work migration is a strong component of this flow.

Filipinos are now working in over 150 countries around the world, and remitting billions of dollars each year. The Bangko Sentral ng Pilipinas reports that remittances by overseas Filipino workers amounted to 1.28 billion US dollars from January to March 1999 (source: Briefing by Philippine Overseas Employment Administration).

The remarkable growth of countries such as Japan, Hong Kong and Singapore, resulted in a huge increase in intra-regional migration in Asia. It has been noted that:

As these countries approached full employment, and as their own population moved into better paying jobs, a vacuum was created in the so-called 3-D (dirty, difficult, dangerous) jobs. To fill the demand for workers at the low-end and unskilled jobs in manufacturing, the plantation, agriculture and fisheries, and domestic services, receiving countries (some reluctantly, some more openly) turned to foreign workers (Battistella and Asis 1998, 2).

Many Filipinos can speak English, and are well educated, so they found it relatively easy to access labour markets in other parts of the world (Abella 1992, 22). Filipinos found that they were able to earn higher wages working in these host countries than in the Philippines, resulting in a net economic gain for migrant workers, even taking into account the high cost of travelling abroad (Go 1996, 162-165; Carino 1992, 15-19; Abella 1992, 22-23).

In the 1990's, the desire to work abroad continues to be fuelled by economic problems in the Philippines. The Philippine economy has suffered from the combined effects of the recent financial crisis in Asia, and the downturn in primary production caused by El Nino.

Migration flow is generally managed by recruitment agencies and placement firms that arrange migrants' travel and work, and a part of them operate out of the law. Even if a complex institutional framework increasingly establishes regular channels to migration, the number of intermediaries proposing illegal services to the Filipino population for facilitating undocumented or irregular migration seems to be on the increase.

In contrast to official channels, there are entire networks of intermediaries who can facilitate migration outside of legitimate channels. These channels may be quicker, more convenient and cost effective for both the migrants and their employers in the destination countries (Lim and Oishi 1996, 90-91).

Factors that have been identified as encouraging undocumented immigration from the Philippines include bureaucratic delays and the cost of processing applications (Pillai 1996, 143). Battistella and Skeldon (1999, 11) have noted that irregular migration is often determined by the demand for cheap labour in the economy. Employers might also find the prospect of hiring an illegal worker more attractive in

countries, such as Singapore, where employers of legal migrant workers are required to pay large cash bonds to the government.

### **Methods of Departure and Entry**

Generally speaking, a prospective migrant may seek to exit or enter a country legally or illegally. There are many possible combinations, and these may be further complicated by the involvement of organised crime groups. Beare (1999, 25-26) has categorised the possible combinations, not mutually exclusive, as follows:

- *Legal – legal*: the migrant applies for immigrant status, gains legal entry and remains in the country as a legal migrant.
- *Illegal – legal*: this may include those migrants who enter a country illegally, using false documents or evading immigration restrictions, and who seek to change their status after arrival.
- *Legal-illegal*: this group is said to comprise the largest percentage of the ‘illegal’ migrant population. These migrants enter the country legally with time-specific visas and then fail to return to their countries of origin.
- *Illegal-illegal (independent)*: this group enters the country illegally and remains illegal but without the assistance of organised criminal groups;
- *Illegal-illegal (indentured)*: this category is perhaps the most vulnerable, in that they are undocumented, and also at the mercy of the criminals who assisted their passage and employment. These migrants have incurred large debts for their passage and these may take long periods of time to repay.
- *Legal-legal (indentured)*: legal entry into a country does not ensure easy entry – and legal entry does not immunise one from being under the control of those people who helped to finance the arrival. Legal status may improve job prospects, however, the amount of money to pay back may still mean that crime is a necessary or attractive option.

Migration from the Philippines can be categorised along similar lines. As happens in several other countries, organised crime groups have been known to intervene at one or more of the various stages of the migration process. Strict regulations in the Philippines limit the labour migration abroad and a system of control on labour recruiters has been articulated. If a Filipino does not have a valid passport, a legitimate work permit, or a tourist visa, he/she could seek to use false documents or to exit the country through the ‘escort system’, that is, by trying to pay a bribe to an airport or immigration official and by-pass immigration controls. Alternatively, a migrant could seek to travel through the ‘Southern back-door’, an area of the Philippines that is subject to minimal official surveillance and is physically close to Malaysia. The Southern Back Door is considered a sizeable problem.

These methods of illegal exit may be facilitated by organised crime groups. As a result of consultations between the Philippine and Malaysian governments, Border Crossing Stations between the two countries have recently been opened.

With respect to *entry*, if the destination country is a member of ASEAN, there is no requirement for the Filipino migrant to have a visa if their intended stay is less than 30 days. Migrants who can enter destination countries through illegal methods or through the use of fraudulent documents pay a fee for such services.

According to Tigno (1999), Filipinos pay traffickers or brokers around US\$3400 to gain illegal entry to Malaysia. Part of this recruitment sum is taken as a percentage from the salary on a monthly basis, once the migrant is in the destination country. The fees paid by Filipinos to go to Taiwan are around US\$1500-1800, depending on the current exchange rate (Tigno 1999).

As it happens with migrants of other nationalities, some Filipino workers use the ASEAN countries as a jump-off point for further migration to third countries. Cyprus and the former Yugoslavia have also been identified as major transit points for the transport of migrants to the USA and Western Europe (Briefing by the Commission for Filipino's Overseas). Filipinos can also travel to other countries, where they can avail themselves of short-term no-visa requirements, and wait for fraudulent documents to be produced. In some cases, specialist traders abroad can produce a passport for a customer within 48 hours – either by photo-substituting a stolen passport, or using forged documents. In other cases, however, obtaining a fraudulent passport can take months, so illegal migrants hide out while they wait for their false documents.

Moreover, once in the destination country, Filipino workers who were otherwise in the country legally may become undocumented, either because of overstay, or through taking up employment in contravention of their tourist visa.

The Philippines is also a country of destination for migrant workers coming from abroad (mainly from China and India), and the escort system, as well as overstay, is also commonly used by undocumented migrants in the Philippines (Briefing by Department of Foreign Affairs).

## **Trafficking in Women**

### ***Trends in Female Migration***

A considerable amount of research has been undertaken into the issue of the feminisation of migration from the Philippines. With respect to documented female overseas Filipino workers (OFWs), it is known that:

- more than half of land-based OFWs are female (POEA records indicate that 122,117 women, and 97,641 men were newly hired for land-based work in 1997);
- these women are mostly aged 20 to 34 years;
- the majority of these women work in Asia as domestic helpers and entertainers. A smaller number of women work in the Middle East (Go 1996, 161).

While not strictly within the category of OFWs, a significant number of Filipino women travel overseas and marry foreign nationals, particularly men from Japan, Canada, the United States and Australia (Navarro-Tolentino 1992, 24 in Cunneen and Stubbs 1997, 15). Many of these women work in their new country, or provide domestic services at home.

Less is known about female undocumented workers. It is estimated that there are at least equal numbers of undocumented and documented female OFWs. It is likely that women who migrate through illegal channels will find employment in sectors that are unregulated, such as work that takes place in private homes, the sex industry or small businesses. Undocumented migration by Filipino women appears to be concentrated in certain destination countries. For example, there are no recent reports of undocumented female Filipino workers in the Middle East, other than Kuwait. There are, however, reports of undocumented female OFWs in Japan, Singapore, Hong Kong, Italy and Germany.

It has been argued that the concentration of female OFWs, documented and undocumented, in domestic service has particular implications for their vulnerability to abuse and maltreatment. Domestic workers generally work alone, in private households: unlike a factory or shop floor, the domestic workplace is a private place, not open to scrutiny or regulation. According to Wong:

The containment of labour within the private sphere of the household is the lynchpin for this particular system of subordination and dependency (Wong 1996, 132).

Instances of exploitation, abuse or violence are unlikely to be witnessed by anyone outside of the employer's family.

Domestic workers usually have little private space, as they generally live with their employers. This lack of privacy, combined with the power imbalance of being a foreign domestic worker in another person's home, can have a profound psychological impact on domestic workers. Furthermore, some employers exploit the power imbalance, verbally, physically or sexually abusing domestic workers, who may have little or no support networks and no opportunity for redress. According to Cheng, many domestic workers:

... endure fear of being misunderstood, of making mistakes, of being terminated, of offending employers, of being intimidated, of being assaulted verbally and physically, and of being raped (Cheng 1996, 145).

Against these negative characteristics of domestic work, Cheng has noted that, compared to women of other nationalities, Filipino domestic workers are more visible and vocal in demanding their rights as workers, perhaps due to their democratic experience. Filipino domestic workers are also known for forming local communities, and for regular attendance at church, both of which allow the development of a support system and assist in breaking down the isolation of the household.

It has also been argued that the concentration of Filipino women in the entertainment industry presents particular risks to these migrants. It is known, that many women who leave on entertainer visas, end up working in the sex industry, as prostitutes, strippers or erotic masseurs, often in situations of strong exploitation.

Two recent, major reports have sought to improve the accuracy and reliability of the knowledge in this area:

- The *Pilot Project Against Trafficking in Women*, a two year bilateral Project between the Government of the Republic of the Philippines and the Royal Government of Belgium, which began in August 1996, and finished with the release of a summary report in 1999. Research was undertaken by academics from the Ateneo de Manila University in Metropolitan Manila, Philippines, and the University of Ghent, in Belgium.
- The report on *Trafficking in Women to Japan for Sexual Exploitation: A Survey on the Case of Filipino Women*. This study was carried out under the supervision of IOM, and financed by the Asian Women Fund from Japan (AWF). Research was undertaken in collaboration between: academics from the Ateneo de Manila University in Metropolitan Manila, Philippines; Aurora de Dios, Chairperson, Committee Against Trafficking in Women in the Philippines; and

academics from the Kwansei Gakuin University, and the National Institute of Population and Social Security Research, Tokyo, Japan.

From these two documents, it is possible to get some general trends about trafficking in women from the Philippines.

With respect to pre-departure, most women actively seek out overseas employment or marriage to an overseas national, on the advice of their family or friends. Economic reasons are generally most influential.

Depending on their destination, women seeking overseas employment are assisted by a recruiter, who suggest a particular job and secure the necessary documentation, or informal networks such as family and friends. In some cases, women knowingly use fraudulent documents or an 'escort', arranged with the assistance of a third party. In these cases, organised crime groups may be involved, and corruption in the origin and destination countries may play a role. In other cases, recruiters secure legitimate travel documents, such as a tourist, entertainer or contract worker visa. Again, depending on the destination, women seeking husbands may use informal networks, such as family and friends, the services of a marriage broker or the Internet.

*The Pilot Project Against Trafficking in Women* includes case studies of women who have migrated for employment or marriage, either to Iran, Belgium, Kuwait. These case studies provide details of each of these women's circumstances prior to, during and after migration, including how they travelled, their expectations and their actual experiences.

The case studies concern also victims of trafficking, and indicate that:

- there are documented cases of women becoming victims of trafficking. These particular women experience different kinds of fraud, deception, violence and/or forced labour;
- some cases involved women who had left the Philippines willingly, with legitimate travel documents, to a seemingly legitimate offer of employment overseas or to live with their husband.

The case studies also highlight the manner in which people become particularly vulnerable once overseas. According to the report, main factors include:

- isolation from regular support networks;
- lack of control over employment conditions, with no-one to advocate on their behalf;
- lack of control over accommodation, transport or other resources;
- lack of money to escape difficult or dangerous situations;
- confiscation of travel documents, by their employers on arrival; and
- lack of knowledge about, or access to support services available to OFWs in destination countries.

The case studies also suggest the diffusion of:

- stereotypes of Filipino women as compliant, and sexually available; and
- the perception of Filipino women as little more than commodities, capable of being bought and sold between third parties without their consent.

The second study, developed in 1997 by the International Organization for Migration (IOM), undertook a research study into the “trafficking”<sup>4</sup> of Philippine women to Japan “for the purposes of sexual exploitation”. It is assumed throughout the IOM report that prostitution is a form of sexual exploitation.

The IOM conducted a study in Metro Manila of 100 women who had been trafficked to Japan, within the IOM definition. The IOM study showed that the average age of the sample of “trafficked women” was 19, and that fifty percent of these women were unmarried. The occupation of these women in the Philippines prior to departure is unremarkable – 21 women were unemployed, 6 had never worked, 11 had worked in “GRO related work” (guest relations officers, a euphemism that covers workers in the sex industry). Women were selected from the Metro Manila area, which biases the sample in favour of urban women. It is significant that 71 women gave ‘family financial situation’ as their reason for going to Japan.

The study provides information about recruitment networks and processes. From these results, it appears that the majority of women migrated with the assistance of recruiters, agents or intermediaries of some description. Approximately one half of the women (54%) used fake passports. The majority of women took a direct route to Japan, and most had little difficulty entering the country, as they had valid visas as tourists, entertainers or contract workers.

The majority of women surveyed had worked in the sex industry in Japan (77%). Only a small percentage of these women had known that this would be the case prior to their departure from the Philippines (11%). The majority of the women were closely controlled by their employers - many women had their passports confiscated (84%), and lived in residences provided by their employers (94

It appears from the study that the working conditions of these women were intolerable:

Sixty-six percent said that they did not have control over their working hours nor the freedom to refuse their clients’ sexual demands. Forty-seven percent suffered physical or sexual violence from their clients, employers, agents, promoters, or managers. They were slapped or beaten by their managers or by the club’s security men and victimised by sado-masochistic clients (eg: being burnt by cigarettes).

The IOM report even provides information about the work status of these 100 women upon their return to the Philippines, outlining that the majority of returnees are currently unemployed while some are again working as prostitutes.

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<sup>4</sup> The IOM defines trafficking as “Any illicit transporting of women internationally and/or trade in them for economic or other personal gain. This will include some or all of the following elements: facilitating the illegal movement of women to other countries with or without their consent or knowledge; deceiving migrant women about the purpose of the migration, legal or illegal; controlling the women’s lives through coercion, abuse or physical violence, debt bondage or threats to reveal their illegal/illicit status and activities to the local authorities or their families back home; physical or sexual abuse of women as a means of gaining control over them to facilitate further illicit activity; sale or trade of women for the purpose of employment, marriage, prostitution, or other activity for profit”.

## **Involvement of Organised Crime in Smuggling and Trafficking**

The involvement of organised crime groups in smuggling and trafficking is to be expected, given the presence of organised crime groups in the Philippines. In 1994, there were 780 known organised crime groups in the Philippines. Most of these groups operated in the National Capital Region (Adamoli et al 1998, 85). The activities of these groups included kidnapping, car-theft and international gun-running.

Little is yet known about the involvement of organised crime in trafficking in persons, and especially in trafficking in women. As Tigno has noted:

Better studies need to be undertaken that will look into the activities, strategies and the organization of criminal syndicates engaged in human trafficking and labour brokering (Tigno 1998, 39).

It is possible to extract some information about the involvement of organised crime groups based in the Philippines and abroad in smuggling and trafficking of women from the Pilot Project and the IOM study. Both studies suggest that organised crime groups are involved at various stages of the smuggling and trafficking process. For example,

- The women studied in the IOM project were asked a question about the involvement of Japanese organised crime: “Was Japanese Yakuza involved in your work? (Yes/No)” Forty-six percent answered in the affirmative, suggesting that in some cases, organised crime groups were “involved” in the businesses that employed these women (IOM 1998, 36). The Pilot Project makes no comment on the involvement of organised crime in Belgium.
- The IOM study found that 54 out of the 100 “trafficked” women had used fake passports, suggesting the presence of organised crime groups in the production, theft or procurement of fraudulent travel documents. The Pilot Project did not find high levels of use of fraudulent documents. It was found that except for one illegal entry, all of the respondents entered the country of destination legally as overseas contract workers, tourists or spouses with marriage permits. It is possible that the different findings might reflect peculiarities of the different routes, Philippines – Japan, Philippines – Belgium.
- The IOM study and the Pilot Project note that women generally travel by air. Beare has noted that if air travel is used, the smugglers/traffickers have to be adept at obtaining or creating false documentation, stolen or false passports or other documents. Alternatively, ‘real’ documents may be used, that do not match the people. (Beare 1999, 31).

These findings indicate the involvement of organised crime groups at various stages of the smuggling/trafficking process.

Research has been undertaken into the involvement of organised crime groups in people smuggling/trafficking in Japan, by the National Police Agency of that country. Information on this subject is available in the 1998 *White Paper*. It is noted in this document that:

- There are cases of document forgeries to make entry into and stay in Japan appear legal. In 1997, of 380 cases of illegal entry using forged passports, 29 involved Philippine Nationals.
- There are many cases of foreigners forging endorsement stamps for status of residence, entering marriages of convenience for the purpose of obtaining residence, and forging certificates of alien registration.
- There is a rapid increase in mass human smuggling cases, behind which are the organised activities of the Snake Head, an international smuggling contractor.
- There are cases of foreign brokers introducing jobs in tie-ups with Japanese brokers.
- There are cases of *Boryokudan* groups (organised crime groups) being involved in recruitment-related offences involving foreign workers (the nationality of these foreigners is not stated), such that profits gained from helping foreigners find jobs are considered to form sources of revenue for Boryokudan (National Police Agency 1998, 106-107).

These findings clearly indicate the involvement of organised crime groups in people smuggling/trafficking in Japan, including smuggling/trafficking that originated from the Philippines.

The involvement of organised crime groups in smuggling and trafficking from the Philippines have also been focussed on by the Italian Embassy in the Philippines and the Italian police. Investigations confirm that many travel agencies are totally or partially controlled by organised crime groups, including international organised crime groups such as the Chinese triads. The major activity of recruiting for smuggling and trafficking seems to occur in the region of Batangas, south of Luzon, and many travel agencies are in the district of Malate (Italian Embassy in Manila).

It is clear that organised crime groups are involved in the smuggling and trafficking of human beings from the Philippines, but the level and nature of this involvement is not clear. There is a need for further, targeted research in this area, in order to facilitate the development and implementation of appropriate criminal justice responses.

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