
CHAPTER 1

INTRODUCTION

Human trafficking in South Asia is not a new phenomenon. For hundreds of years cycles of movement of kidnapped or bonded labor have taken place, and in some communities have been the sole source of income beyond subsistence agriculture. While human trafficking may have been an integral part of the traditional economy and the cycle of movement of people within South Asia, it has only recently been recognized as a global concern as trafficked persons are found in a growing number of countries. Recent studies and analysis are demonstrating changes in the process and economy of trafficking in the South Asia region as it becomes more integrated into transnational criminal activities and the demands for trafficked labor adjust to globalizing economic structures. In order to understand the phenomenon and hence develop strategies to combat a vicious and harmful criminal activity for trafficked persons and communities alike, some definitions and descriptions of the basic process have to be outlined.

In July 2001, a regional technical assistance (RETA) was undertaken for India, Bangladesh, and Nepal, with the following broad objectives:

- to increase the Asian Development Bank's (ADB) understanding of how its existing country programs and regional policy dialogue can be used to support and strengthen antitrafficking efforts in South Asia; and
- to contribute to capacity building and other efforts by stakeholders to develop and implement policies and programming that will effectively combat trafficking of women and children in South Asia.

These objectives were framed around the ongoing activities of a wide range of stakeholders, including government departments and nongovernment organizations (NGOs), that have developed specific expertise and capacities in different areas of programming. The recommendations of the RETA therefore seek to make a contribution to these ongoing efforts in a complementary and collaborative manner. There

has also been a series of events associated with combating trafficking of women and children anticipated in the region, including:

- the preparations for the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama in December 2001, which included reviewing/establishing national plans of action (NPA) to combat trafficking; and
- the signing of the South Asian Association for Regional Cooperation (SAARC) *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* (the SAARC Trafficking Convention) in January 2002.

During international and regional meetings associated with these events, many stakeholders identified that, as poverty has such a strong connection with trafficking, poverty reduction programming of large development agencies should target those most at risk to trafficking more effectively. Given ADB's extensive involvement in poverty reduction programming, its particular contribution can be to mainstream antitrafficking initiatives into the country strategies and programs and regional policy dialogue, and hence ensure that those most at risk to being trafficked benefit from these efforts.

The findings of the RETA demonstrate that there is considerable potential for collaboration by ADB with existing stakeholders to address trafficking concerns through poverty reduction programming, particularly in the area of preventing and reducing vulnerabilities of those most at risk. The challenge lies in creating mechanisms to improve targeting and identification of risks. ADB policies and guidelines are already in place to address specific aspects of poverty reduction, for example concerning gender equality, governance, resettlement, and social protection. These can be used and expanded to incorporate trafficking concerns. There are also several areas of research and dialogue where ADB's expertise and unique position in the region can be used to make progress, for example, to curb the demand for trafficked labor, to encourage collaboration among governments regarding trade and migration policies, and to assess the impacts of trafficking on regional development and economic integration efforts.

There is potential for ADB operations to address trafficking in the following ways:

- target those most vulnerable to trafficking, especially women and children;

- assess the impacts of ADB operations to take up opportunities to prevent, minimize, and mitigate development-induced risks;
- rebuild social and human capital among mobile (or potentially mobile) populations through emergency loans and assistance in postconflict reconstruction;
- encourage safe migration through, for example, incorporating safe migration messages in social mobilization components of ADB-supported projects in source areas, ensuring migrants have access to basic needs such as shelter in urban slum areas, and extending benefits of social protection to mobile populations; and
- stem demand for trafficked labor, especially in the informal sector and among small and medium enterprises.

Despite the increasing global recognition that responses to human trafficking must be more effective to stem this harmful process, there remains great contention among activists, policymakers, legislators, and survivors about the definition and means to combat the full range of human trafficking activities. This lack of consensus highlights the following aspects of trafficking:

- The highly complex nature of human trafficking processes that affect many different actors: trafficked persons; their families; communities; and other third parties recruiting, transporting, harboring, and using trafficked labor.
- The difficulty, if not impossibility, to quantify the scope of trafficking, because of its illegal character. Those profiting from it seek to obscure their activities and encourage complicity from as wide a range of actors as possible, through coercion and offers to share in profits, in order to enhance their impunity from prosecution.
- The mechanisms, routes, and destinations for human trafficking change rapidly according to economic conditions and risks involved. For example, in response to changes in immigration regulations, traffickers seek new channels to make profit; as labor demands change, coercion methods shift to ensure a suitable supply of victims is available. This makes it difficult to generalize about the modus operandi of traffickers or to ensure that new legislation, while preventing one form, does not create new opportunities in other areas.
- Because of this complexity and the need for traffickers to respond to prevailing legal, economic, and social conditions,

the causes and characteristics of human trafficking vary greatly from region to region, country to country.

- Human trafficking supplies labor for many sectors, including commercial sex work (CSW). Any analysis, policy, or programming in this sector raises numerous moral and visceral responses from different stakeholders leading to significant differences in ideological approaches to address trafficking concerns. There are also similar debates around definitions of children and their roles in the work force, which complicate and often delay responses.
- Human trafficking involves gross violations of human rights, great human suffering, and yet appears to be very difficult to combat. Despite increasing investments from governments, funding agencies, and civil-society organizations, evidence seems to suggest an increasing incidence of human trafficking as the demand for this form of exploitable labor persists.
- The links between human trafficking and migration theory are not well understood or explored, and consequently the role migration management can play in addressing trafficking has been largely ignored by policymakers and development planners alike.

The objectives of the RETA have been achieved through preparation of country papers for Bangladesh, India, and Nepal, and a synthesis paper of the regional findings presented at a regional workshop in Manila in May 2002, as well as an exchange program to Thailand. (There is also a separate study on legal frameworks and issues.)

This paper brings together findings from the three country papers to explore how ADB can play a role in addressing trafficking at a regional level in South Asia. Human trafficking, and particularly of women and children, has become a prominent issue in recent years as efforts to stem the associated human rights abuses have been brought onto the global agenda. Concern is also increasing as individual states and international bodies seek ways to limit illegal and irregular migration—and human trafficking is also clearly a part of these broader migration management concerns.

Given the challenges of assessing and comparing data on an illegal activity that is under-reported through formal mechanisms, the RETA team depended on a number of other sources for corroboration and verification of data: government officials, law enforcers, National Crime Records Bureau (NCRB), Crime Bureau of Investigation (CBI), and NGOs working

in red-light areas, civil-society networks, and alliances working in various states. In addition to this, consultation between personnel working on the three ADB national studies (including exchange of relevant inputs on source areas, transit points, mapping of routes, and modus operandi) has been useful in identifying best practices in data collection and interpretation. The RETA also commissioned separate papers on the magnitude/complexities of the trafficking problem from NGOs directly involved in rescue and repatriation.