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## CHAPTER 3

# DYNAMICS OF TRAFFICKING OF WOMEN AND CHILDREN IN SOUTH ASIA

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### 3.1 Introduction

Despite the lack of hard data, a complex set of factors can be identified that contribute to the persistence of human trafficking. These factors are the product of evidence based on years of working with trafficked persons and survivors, tracking the prosecution of perpetrators, and following other sources of information.

In order to explore these complex factors, it is useful to consider factors that **push** the vulnerable into situations of high risk to be recruited by traffickers. There are also **pull** factors that encourage young people or those already living in dangerous circumstances to seek out more glamorous or sustaining life options than they feel are available in their own communities. Once mobile, some of these migrants are more vulnerable to being coerced by traffickers, for example, children (particularly girls) and women who have less exposure to the world outside their villages and few survival skills in new circumstances. As quoted by Coomaraswamy: “traffickers fish in the stream of migration”<sup>36</sup> and can identify those who are most easily deceived or coerced.

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“Conditions of poverty, ... is a great force that drives an individual to think the unthinkable and do the undoable. The desperate need for money and the lack of alternate means and ways to generate income creates an environment where a faint-hearted individual can easily succumb to the temptation of wealth that the sex industry has to offer. Under such conditions the ethical values of a community is severely put to the test, and it may just be a matter of time before the ends start justifying itself as the means cease to matter.”

Source: Maiti Nepal. *Is Poverty the Only Reason?* Newsletter, Vol. 1, No. 4, May – June 1999.

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<sup>36</sup> Coomaraswamy, Radhika. 2001. op. cit.

Structural changes in the economies of these countries have resulted in loss of livelihood for many subsistence farmers, through commercialization or declines in productivity/returns for certain crops. The proportion of casual workers has increased in the agriculture sector, thereby demanding flexibility and mobility from the labor force. For women, the casualization of female labor increases vulnerability to trafficking. Landlessness is also increasing in some countries for varied reasons—pressure from increasing population density, environmental erosion, natural disasters—without corresponding increases in employment opportunities in other sectors. There have been substantial livelihood losses in areas where the demand for traditional skills is declining (for example for weavers in India). These conditions lead to increasing numbers of women and men moving in order to seek alternative livelihood options—and hence become more vulnerable to being trafficked.

Despite these complexities, some generalizations are useful to assist in identifying those who are most vulnerable to being trafficked and strategies to overcome these vulnerabilities; and to assist in interception, rescue, and effective integration of survivors back into communities of their choice with improved life options.

### 3.2 Links between Trafficking and Migration

Links between trafficking and migration are clearly evident in most accounts of trafficked persons. Some argue that, while trafficking involves human rights abuses, it fundamentally involves movement of people and should perhaps be better understood by using migration theory. The fact that a vast majority of trafficking episodes start **after** migration or movement from one place to another has already begun validates the need to look at what causes people to move, and why they are vulnerable to being trafficked during movement. This is a starting point to understanding the factors contributing to human trafficking.

In Bangladesh, a stakeholder-led Thematic Group on Counter-Trafficking (coordinated through the International Organization for Migration [IOM]) has been meeting regularly, seeking to clarify various aspects of human trafficking. This group identified the following needs or motivations that compel a person or an agent of a person to move them from one situation to another, i.e., migrate. These factors do not apply only to Bangladesh, but to migration in general:

- To meet basic needs, e.g., food, shelter, clothing, health;
- To increase security to ensure sustainability of basic needs over time;
- To increase status and/or income;
- To escape stigmatization from incidents such as incest, rape, former sex worker, divorce, widowed;
- To respond to or avoid social considerations, e.g., marriage without dowry, elements of society that limit women's personal development, political oppression, etc.;
- To take up adventure based on a desire to experience life and explore the world; and
- To obtain emotional stability for many reasons such as dysfunctional family situation or need for emotional support system.<sup>37</sup>

These motivations and/or needs are influenced by a series of agents, including other family members, recruiters, smugglers, traffickers, returnees or other migrants, community leaders, and neighbors.

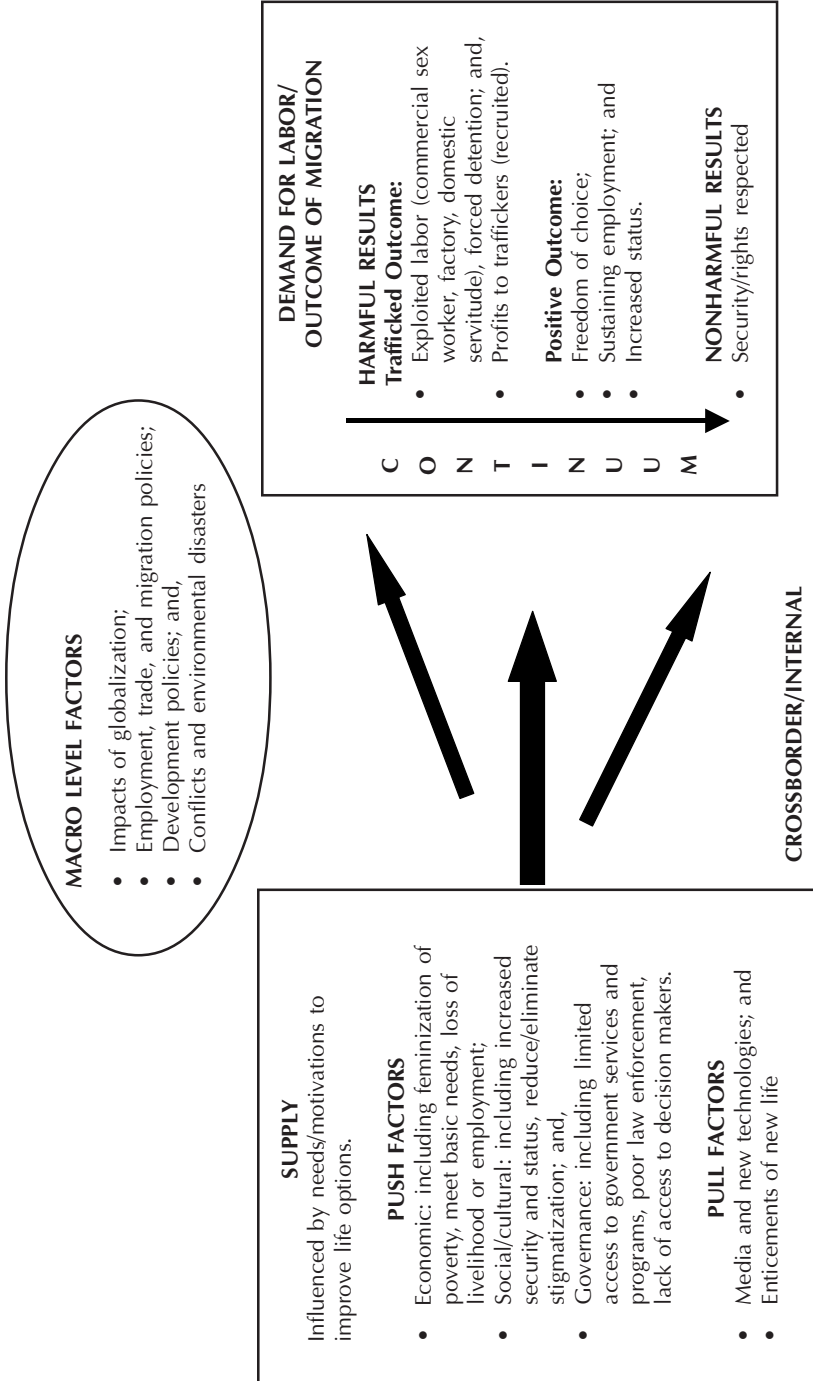
A series of factors also hinder or facilitate a person through a migratory process that can result in either a positive outcome (where needs are met or motivations achieved) or a negative outcome (such as the consequences of being trafficked). Examining the needs and motivations that initiate the migratory process and the factors that influence the outcomes can help to identify activities to reduce the vulnerability of those most at risk to being trafficked.

Figure 2 illustrates these broad categories of these factors and how they can be seen to link together.

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<sup>37</sup> Bangladesh Thematic Group on Counter-Trafficking. 2002. Matrix (unpublished).

Figure 2: Dynamics of Human Trafficking



### 3.3 Supply

The most commonly identified push factor that starts the trafficking process is **poverty**. The necessity to meet basic needs, **in combination with** other factors (as identified above) is the most commonly identified motivation to migrate or to encourage a family member to leave. Those most vulnerable to trafficking generally come from the poorest and marginalized segments of communities.

However, a simplistic view of poverty based on low-income levels or livelihood options does not assist in understanding why it is that women and children appear to be the most vulnerable to negative outcomes from migration, such as trafficking.

An understanding of the noneconomic elements of poverty—lack of human and social capital, gender discrimination—also helps identify the most vulnerable to marginalization from the development process and, simultaneously, to trafficking. Governance issues also play a role in allocating resources and services in a community; those living in poverty tend to have limited access to these development opportunities, further reinforcing their vulnerability to trafficking.

#### 3.3.1 Development Context in South Asia

Despite **Bangladesh's** low human development index, which is lower than most South Asian countries, there has been a decline in those living below the poverty line from 47% in 1996 to current levels of 45%.<sup>38</sup> Some key social development indicators have improved, for example the education gap between male and female primary school enrollment, which stood at 22% in 1985, declined to 3% over the past 15 years.<sup>39</sup> Health indicators, however, remain poor, especially for women, reflecting the limited services available and general conditions of poverty for such a large proportion of the population that result in malnutrition and the many associated health conditions.

While women in Bangladesh have much lower skill levels than men, their contribution to the economy is largely unrecognized. Women are still primarily involved in the nonmonetized sector and subsistence activities, and hence tend not to be reported in macro statistics. Women make up a disproportionately high percentage of unpaid family workers

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<sup>38</sup> ADB. 2001. *Country Strategy and Program Update, Bangladesh*. paragraph 7.

<sup>39</sup> ADB. 2001. *Women in Bangladesh*. p. 9.

in agriculture and informal manufacturing sectors, and as such are the most underemployed. When women do receive wages in the informal sector, there are wide gender differences. Women's participation in the formal work force has increased, as the demand for low-cost, unskilled labor has grown in the urban areas, particularly in the garment sector. Again, though, wage gaps are significant, "... in the readymade garment and weaving apparel industries, where there is roughly a 2:1 ratio between women and men, a woman receives less than 22-30% of what is earned by her male colleagues. This is because men still predominate in more skilled occupations.<sup>40</sup>" This sector, the only one with high levels of female employment opportunities, is now in recession and may not recover as preferential tariffs under the Multi-Fibre Agreement are phased out.

**India** invests far less in its women workers than in its working men. Women also receive a smaller share of what society produces: they are less endowed than men with health care, education, and productive assets that could increase their return to labor. Women's nutritional levels are lower than men's; more women than men die before the age of 35. Three-fourths of Indian women are illiterate. Some 90% of rural and 70% of urban women workers are unskilled.

While women are vital and productive workers in India's economy and make up one third of the labor force, there is a statistical *purdah* imposed by existing methods of measuring labor that renders much of their work invisible. When work such as collecting fuel and fodder or working in dairy, poultry, or kitchen-gardening is added to the numbers of those who work in the conventional labor force, women's participation rate in the economy totals 51%, only 13 percentage points below the rate for men.

Macro-economic reforms have resulted in an increasing commercialization of agriculture throughout India. This has resulted in:

- Labor-intensive cropping patterns replaced by capital-intensive systems, particularly in the coastal districts;
- A shift from paddy production to cash crops. As a result, many women have been forced to work as day laborers on farms where wage differentials between male and female workers are high; and
- Increasing need and demand for occupational skills, leading to an institutionalization of gender bias in agricultural and natural resource industries. There is little opportunity for unskilled labor.

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<sup>40</sup> Ibid, p. 12.

The impact of structural-economic change in the agricultural sector in India seems to have increased the proportion of casual workers, thereby demanding flexibility and mobility from the labor force. For women, the casualization of female labor increases vulnerability to trafficking.

Livelihood loss is directly linked to vulnerability to trafficking. There has been substantial livelihood loss in the fishing, weaving, tobacco, and cotton sectors in India, which has contributed to increased vulnerability. In the fishing sector, for example, the depletion of resources and nonimplementation of the Marine Fishing Regulation Act and Aquaculture Bill have facilitated conglomerate takeovers in the industry, forcing many men to seek wage labor on the roads and women to seek income from whatever means available.<sup>41</sup>

An examination of the highest source for trafficking of women and children in Southern India reveals that trafficking is more common in areas that are prone to drought or other natural disasters, situated in less-productive agro-climatic zones and where large numbers of families live below the poverty line. Those who make low wages, if any, are functionally landless; one third of women and girls in CSW in metropolitan cities were from drought prone-areas, clearly supporting the link between poverty, powerlessness, and vulnerability to trafficking.<sup>42</sup>

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### Development Conditions in Trafficking Source Areas in India

**Kerala:** The impact of World Trade Organization regulations and international fluctuations in market prices in the rubber, coconut, and coir industries have led to deepening economic crisis. Two transitions have been particularly important: the move from paddy cultivation to cash crops and the decrease in cash-crop wage earnings. Women from landless and marginal farmer families, most of whom struggle to make sufficient wages through cash crop labor, have been particularly vulnerable to trafficking. In coastal areas fisher women are migrating, in search of work, to prawn-processing areas in south Gujarat and Maharashtra. Kerala has also experienced the export of housemaids to Gulf countries, where women are frequently trafficked into commercial sexual exploitation

**Western Orissa:** It is estimated that 80,000-100,000 people from drought-prone areas have left to work in Upal, Potangcheru, Dundigal, Tukuguda, Kisra, and Bularam, as well as the suburbs of Hyderabad for a handful of broken rice. It is a process, which began almost 10 years back, that gets stronger by the day. Now, each village boasts of a labor contractor, often without license. The conditions of work are severe and wages are very low; for nearly 6 months the laborers in these kilns mainly depend on broken rice or "kanki"... Cases of missing people and death are high.

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<sup>41</sup> Network Against Trafficking and Sexual Exploitation. 2001. *Concept Note: On Trafficking, India*.

<sup>42</sup> Mukerjee, Dr. K.K. 1997. Paper presented to Joint Women's Programme (JWP) Seminar, Delhi.

*Cont'd... (Development Conditions in Trafficking Source Areas in India)*

**Bihar:** In several areas around Ranchi 40-50% of the population migrates during the lean season (6 months) to far-off brick factories.

**Madhya Pradesh:** In Panna district several thousand tribals are employed in stone quarries and live in migrant shanties near the quarry sites. Contractors and other personnel tend to exploit women and only provide insecure dwellings.

**Andhra Pradesh:** Nearly 4,000 handloom weavers have been forced to migrate to Tamilnadu to find work. A study of six districts in Andhra Pradesh found that there has been a large increase in trafficking activities that correlates with the fall in handloom markets. Similarly, Saurashtra weavers have migrated to Southern Tamilnadu, where it is reported that nearly half of the women have been caught in the trafficking cycle.

Sources: Interviews by RETA team, ActionAid Report 2001, and NATSAP Report, 2001.

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**Nepal** ranks as one of the world's poorest countries with a per capita gross national product of \$220 a year. Gross domestic product (GDP) grew by 6.4% in 2000 compared to 4.4% in the previous year. About 42% of the population lives below the national poverty line of Nepalese rupees (NRs)4,400 (\$77) per capita per annum, which is based on minimum caloric intake, housing, and other nonfood standards. ADB's recent poverty analysis for Nepal shows that poverty incidence, intensity, and severity have not improved over the past quarter century, a finding mirrored in the country's human development indicator scores. The poverty analysis confirmed that poverty is much more prevalent, intense, and severe in rural areas, where poverty incidence (44%) is almost double that of the urban areas (23%). The incidence of poverty in the mid-and far-western development regions and in the mountain districts<sup>43</sup> greatly exceeds the national average.<sup>44</sup>

Women's contribution to the economy in Nepal is significant but continues to be largely unrecognized. Only recently some policies and programs have been developed that target women as entrepreneurs or economic growth agents or that increase women's access to economic resources, paid employment, training and promotion, as well as laws guaranteeing healthy and safe working conditions.

Women are still primarily engaged in the low-productivity, low-wage, and high-underemployment agriculture sector. Work participation starts at an early age, especially in this sector. Women are simultaneously engaged in reproduction, household work, and income generation. For

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<sup>43</sup> Nepal is divided into the *terai* (flat plains), middle hills, and mountains.

<sup>44</sup> ADB. 2001. *Country Strategy and Program Update (2002-2004), Nepal*.

example, 70% of labor and 26% of farm-level decision making in livestock raising is made by women.<sup>45</sup>

### 3.3.2 Feminization of Poverty

There remains in South Asia extensive persistent poverty and the evidence that women are disproportionately excluded from development opportunities through deeply rooted gender-based discrimination. The following table provides some basic indicators drawn from the Gender-Related Development Index in the United Nations Development Programme (UNDP) *Human Development Report 2001* for the three RETA countries as compared to the Philippines, demonstrating the greater gaps in development achievements between women and men in South Asia.

**Table 9: Indicators Comparing Gender Gaps for Philippines, Nepal, India, and Bangladesh**

Indicator*	Philippines		Nepal		India		Bangladesh	
	Women	Men	Women	Men	Women	Men	Women	Men
GDI ranking	62		120		105		121	
Estimated earned income (PPP US\$)	2,684	4,190	849⇐	1,604⇐	1,195⇐	3,236⇐	1,076⇐	1,866⇐
Combined enrollment in 3 levels of education (%)	84	80	49	76	49	62	33	41
Adult literacy	94.9%	95.3%	21.7%	56.9%	43.5%	67.1%	28.6%	51.1%
Maternal mortality per 100,000	170		540		410		440	

Source: UNDP, *Human Development Report 2001*.

\* All data provided is from 1999.

⇐ No wage data available. For purposes of calculating the estimated female and male-earned income, as an estimate of 75%, the unweighted average for the countries with available data was used for the ratio of the female nonagricultural wage to the male nonagricultural wage.

Given these statistics, it would appear that there is considerable feminization of poverty in South Asia, based on a UNDP definition of three indicators:<sup>46</sup>

<sup>45</sup> Ibid. p. 29.

<sup>46</sup> UNDP. 1998. *Report on Poverty Indicators*.

- *Women compared to men have a higher incidence of poverty, especially among female-headed households* – in RETA countries, estimated earned income comparisons between women and men in the table above demonstrate that women consistently earn considerably less than men in all three countries (almost three times less in India). For example, 95% of female-headed households in Bangladesh are considered to fall below the poverty line and represent perhaps as many as 20-30% of all households;<sup>47</sup>
- *Women's poverty is more severe than men's poverty because of lack of access to resources and very low rates of human capital among women (education, health etc.)* – as illustrated by comparisons between adult literacy rates; enrolment rates in primary, secondary, and tertiary education; and significantly higher maternal mortality rates than achieved in other Southeast Asian countries, such as the Philippines; and
- *Over time, the incidence of poverty among women is increasing compared to men*, as, for example, there are fewer employment opportunities for women without appropriate skills to fill emerging job sectors, and women are less mobile and able to seek income-generating opportunities either overseas or in their own countries.

In 2000 UNIFEM published a biennial report – *Progress of the World's Women*<sup>48</sup> – that demonstrates that women's share of employment in industry and services in India and Pakistan (no data was provided for Bangladesh and Nepal) has hardly increased between 1980 and 1997 and remains the lowest for Asia.

All three RETA countries invest less in their women workers than in their working men despite women's economic contributions. Although the causal factors vary from country to country, certain generalizations can be drawn:

- Women's flexibility and cheap labor are sought in both the formal and informal sectors where they are forced to use simple technologies and limited resources;<sup>49</sup>

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<sup>47</sup> ADB. 2001. *Women in Bangladesh*, p. 19, provides indicators demonstrating the increase in female-headed households and other poverty-related indicators.

<sup>48</sup> UNIFEM. 2000. *Progress of the World's Women 2000: Biennial Report*.

<sup>49</sup> ADB. 2001. *Women in Bangladesh*, p. 9.

- Systemic gender-related inequities, for example unequal access to land, productive resources, information, and skills and education, in addition to continuing inequity in the labor market and harassment at work, enhance women's vulnerability to economic change;
- Women also maintain primary responsibility across South Asia for domestic tasks and shoulder these multiple tasks even under conditions of economic and social stress; and
- Women's low status is most dramatically reflected in the fact that in all seven countries in South Asia there are fewer women than there are men. The negative sex ratio can be attributed to excess mortality of women and girls resulting from both direct and indirect discrimination in the provision of food, care, medical treatment, education, and above all physical and sexual violence.<sup>50</sup>

It can also be argued that the feminization of poverty in South Asia is accompanied by the feminization of survival strategies. In hard times, women are more likely than men to exploit every possibility for work or income, including precarious activities and poorly paid work at home or in the informal sector (including provision of sexual services). More women in South Asia are now moving to take up employment opportunities in urban centers, seasonal agricultural work, or unskilled work in foreign countries. These decisions are hard for women to take compared to men, as they might have to find alternative child care, and they face harassment and discrimination in public spaces and the workplace. Women are also more vulnerable to the negative social effects of economic restructuring and recession as they are generally unskilled. Programs and services developed by the government to address unemployment are less accessible to women and investments in women's skills and opportunities (that would increase overall family status) are rarely made.<sup>51</sup>

According to ADB's study in 1999, *Women in Nepal*, the incidence of poverty among female-headed households is not comparatively higher than among male-headed households. The report concludes, however, that:

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<sup>50</sup> Sen Gupta, Rina. 2001. Prevention Care and Support and Reintegration: Program Models in Bangladesh. Paper presented in the Technical Consultative Meeting on Anti-Trafficking Programs in South Asia, Kathmandu, September 2001.

<sup>51</sup> World Bank. 2001. *Engendering Development: Through Gender Equality in Rights, Resources and Voice.*

...the “feminization of poverty” in **Nepal** should be viewed in terms of the concentration of women in low-productivity agriculture and in unskilled low-paying jobs in the nonagricultural sector, and in terms of the impact of poverty on women and girls. Because of social discrimination, the impact of poverty on access to food, health, nutrition, and educational facilities, as well as on workload, is more severe on women and girls in poor households. Women have less access to employment opportunities and earn lower wage rates, hence greater difficulty in escaping poverty. Proportionately more girls than boys have to work for survival.<sup>52</sup>

This conclusion is reinforced through data that while women’s involvement in the economy is increasing, their contribution to GDP is falling, leading to greater economic marginalization.

Discriminatory practices such as gender-based wage differences and harassment by employers and other men seeking to deny women equal access to the marketplace have not been addressed. Government agencies have also rarely delivered economic development programs directly to women to improve productivity and incomes in the informal sector. NGOs have had more success with microfinance projects that also build skills and introduce new technologies and trades. However, few of these are targeting urban areas, where so many women are now seeking survival strategies.

To tackle these obstacles, a more gender-sensitive approach is required in the formulation of economic and social development policies and programs to ensure that women benefit from development and are offered opportunities for empowerment.<sup>53</sup> At the same time it is vital to recognize that many poverty reduction programs for women will encourage greater mobility and migration of women. Even as poverty is reduced, exposure to the risk of trafficking will increase for these women, unless there are accompanying programs to provide safe and secure transportation, access to food and shelter in destination areas, and services such as help lines, effective protection from criminals by law enforcers, etc. Women need long-term (i.e., not project-dependent) livelihood opportunities that provide competitive earnings and working conditions.

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<sup>52</sup> ADB. 1999. *Women in Nepal*, p. 37.

<sup>53</sup> Buvinic, Mayra. 1995. *The Feminization of Poverty, Research and Policy Needs in Reducing Poverty Through Labour Market Policies*. Geneva: International Institute for Labour Studies.

### Tin Roofs<sup>54</sup>

Locals say that the sex trade in Nepal originated in the supply of Tamang and Sherpa girls of this region to the feudal Rana court of Kathmandu. There is a trafficking network which today continues to supply young women of Sindhupalchowk to Indian cities, and the fact that the locals are fully engaged in this supply is evident from the names of some of the largest brothel owners in Bombay: Lata Sherpa, Mala Tamang, Kabita Sherpa, Anita Sherpa, and Maya (Tamang) Chauhan—all names which indicate the origin of the women in Sindhupalchowk. Vinod Gupta and Sanjay Chonkar, social activists in Bombay, say that in addition to these top five, there are many other small-time Nepali *gharwalis* (madams) engaged in running some of the hundreds of bordellos of Bombay. Unlike other equally poor hill districts of Nepal, Sindhupalchowk has concentrated on this particular export trade. It has helped that powerful *gharwalis* from this region rule the roost at the Bombay end.

Ichowk is popularly known as *Sano Bambai* (Little Bombay). From across the Melamchi river valley, in the afternoon sun, Ichowk's tin roofs reflect a prosperity that is said to come from earnings of its women in Bombay. There was, apparently, a direct link between a daughter in Bombay and a tin roof above one's head in Sindhupalchowk. Shyam Karki, schoolteacher in the village, said that the old man often traveled to Bombay to collect money from his daughters. "Up to 200 families in this village have sold their daughters, mostly 12-15 years old." Sashi Tamang, a 14 year-old girl rescued from Kamathipura and now living at the Kathmandu shelter home of Maiti Nepal, confirms parental involvement in trafficking. In the brothel to which she was sold by her own neighbor, Sashi remembers meeting at least 50 Nepali girls, a majority of them from Sindhupalchowk. The very women who have been trafficked by their parents, or by middle-men (and -women), are more than willing, in the role of brothel managers and *gharwalis*, to encourage the export of more young women from Sindhupalchowk to Kamathipura and Falkland Road.

### 3.3.3 Causes of Vulnerability to Trafficking

#### (a) External Factors

A range of policies and environmental circumstances also influence the incidence of poverty and vulnerability to risks for migrants to being trafficked. For example:

- **Impacts of globalization** have included the spread of modernization with greater access to transport, media etc., but also for many, the disappearance of traditional income sources and rural employment, pushing the poor and unskilled to migrate to survive. Asia has also become a center for low-cost, labor-intensive manufacturing operations. Competition among countries in South Asia has driven the cost of labor down further,

<sup>54</sup> Naresh Newar. 1998. My Sister Next? *Himal* magazine. October.

encouraging some employers to use illegal practices (such as bonded labor) to access cheaper labor sources.

- **Conflicts and natural disasters** that force communities to move, often *en masse* to meet their basic needs. When individuals within those communities have no skills or education, and are exposed to health risks, their capacity to secure sustainable livelihoods is limited, and their risk to trafficking heightened.
- **External migration policies** that exclude many unskilled people, particularly women, from legal migration and are therefore forced to seek alternative livelihood options through illegal means. Human smugglers offer forged documents or transportation to other countries where they promise to link migrants with job opportunities. These are often the same smugglers who traffic labor (i.e., coerce migrants into certain types of work, create debt-bondage conditions, or refuse migrants freedom to return home). Those working in illegal situations are more susceptible to coercion by traffickers. It is anticipated that migration policies will continue to discourage migration of unskilled labor, or that labor movements will be confined within South Asia and to certain Southeast Asian countries and that this situation will continue. These countries have poor records of protecting the rights of irregular and illegal migrants or trafficked persons, which perpetuate conditions that offer profits to opportunistic traffickers. For example, there is currently no migration policy in place in **Bangladesh** to address the impacts of these trends, or to promote development benefits from safe migration.

#### (b) Poverty

An examination of the highest source areas for trafficking of women and children in **Bangladesh** points towards a need for those living in poverty to seek to meet their basic needs, through whatever means available. For those at risk of (or already living in) conditions of poverty, underemployment and unemployment remain high, and levels of functional landlessness are increasing because of population density, environmental erosion, or natural disasters without corresponding increases in employment opportunities in other sectors. In the industrialized sectors, the proportion of casual workers has increased, and structural change in many sectors is leading to dislocation and

unemployment for thousands. These conditions lead to increasing numbers of women and men moving in order to seek alternative livelihood options—and hence becoming more vulnerable to being trafficked.

Poverty drives many to take “unthinkable” decisions and commit “undoable” acts that might include the handing over of a child to either another family member or even a stranger on the promise of offering a better life for them. These promises may also include the prospect of sending back remittances to help other family members. There are many cases in **Bangladesh** of families of young girls being trafficked to brothels in India openly acknowledging that their daughters are living under difficult and harmful circumstances, but seeing no other option for their survival.

Living under these conditions of extreme poverty also means that the promises of good jobs in places such as Mumbai and Delhi encourage people to migrate without a clear idea of what they will find outside their communities (see discussion below regarding safe migration).

In **Bangladesh** “the site for recruitment [for trafficking] is usually a poor area marked by food insecurity and unemployment. For example, in the northern districts of Bangladesh women can find only seasonal work at very low wages. Thus, parents do not delay in accepting offers of marriage or employment for women and children particularly where there is promise of payment.”<sup>55</sup>

Agro-forestry, Basic Health and Cooperative (ABC) **Nepal** recently conducted a situation analysis research in two traffic-prone areas of Sindhupalchok, namely Ichowk and Mahankal. When asked about the reasons for girl trafficking in Ichowk village committee, the majority of the respondents in both the VDCs said that they had no other option open to them. They said that income-generating activities for women of the villages were not available. Without another source of income, women may be more easily lured to the glamor and money associated with going to the brothels in India than if there were additional alternatives.<sup>56</sup>

The poverty-migration-trafficking nexus is also found in **India**, which is described in 3.3.1.

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<sup>55</sup> Hussain, Hameeda. 2000. Proposal for a Plan of Action to reduce trafficking in adolescent girls and young women from Bangladesh, prepared for the UN International Partnership Fund, Dhaka.

<sup>56</sup> ABC Nepal (undated but recent). *A Situation Analysis Report on Girls Trafficking in Sindhupalchowk, Mahankal and Ichowk Village Development Committees*. Kathmandu.

**(c) Internally Displaced Persons (IDPs)**

IDPs are also highly vulnerable to being trafficked. The term IDP does not share a universally agreed definition by the international community. Conditions such as violence, human rights violations, environmental disaster, natural calamities, political unrest, and loss of land and property all displace families forcing them to search for places of refuge. As IDPs are generally without resources and without official residence or government recognition, their status makes them more susceptible to adverse situations such as trafficking.

In **Nepal** the escalating insurgency by the Maoists in the past 6 years has forced many thousands of women and children to leave their communities. Social disintegration and overall economic decline is intensifying the numbers of *de facto* IDPs. It is estimated by some that nearly one third of the total male labor force has emigrated to India or other countries for menial jobs and mercenary services. The armed conflict is interrupting basic services, restricting development assistance, and breaking down family and community networks as men either join the conflict or migrate to seek employment elsewhere to support their families. This has left many women in the affected districts looking after their children alone and scraping together an income under increasingly difficult circumstances. Women are also vulnerable to rape and sexual exploitation that are common features, if not actual weapons, of conflict. This type of suffering is leaving deep psychological wounds, which can severely undermine the capacity of both women and their communities to recover; and women are crucial to the recovery process of both their families and the wider community.

Many thousands of women and children are moving to Kathmandu in particular. According to the Mayor of Kathmandu Metropolitan, Mr. Keshav Sthapit, the buying and selling of land property as well as building houses have also grown dramatically in the city. "In general, we usually have 2,900 applications for building constructions in a year, but this year it suddenly grew to over 4,000 in the past 9 months." At the RETA National Consultation Workshop, several participants confirmed police estimates of 250 persons entering Kathmandu each day from the rural, strife-ridden areas. Few services are available to these migrants and employment opportunities are very limited. These IDPs become a target for organized traffickers who easily recognize their desperation and lack of choices. There are few stakeholders working in Kathmandu to raise awareness of the dangers of trafficking or to find alternative means to meet basic needs.

#### (d) Social Attitudes and Practices

It is frequently stated that poverty in South Asia is characterized by social exclusion based on gender, ethnicity, and caste. These characteristics of social exclusion are reinforced by tradition and are institutionalized in areas such as politics, education, health, and access to development resources.

##### (d-i) Gender

Social exclusion based on gender can be seen as a major contributing factor to the risks of being trafficked, as identified above. Gender-based discrimination, as suffered by individual girls and women, is perpetuated and institutionalized in the family and community. Gender stereotypes are used to reinforce women's low status. Women are not encouraged to challenge control by men and are expected to accept their position in life without complaint. These stereotypes also reinforce in young women a sense of helplessness and of being unprotected without a man. All these factors play into the hands of opportunistic traffickers who can more easily control young women and break their spirit.

Rural society in South Asia is especially resistant to educating girls and women. Rural women tend to have more children, be poorer, and, in their struggle to survive, have little or no time and energy to spare on adult literacy programs if they are available. Children of female-headed households in rural areas are often put to work in order to ensure the survival of the family rather than continue in school. In **Nepal** even though over 50% of rural children are enrolled in primary school, only 23% of girls attend secondary school. Education is also considered as a hindrance to marriage prospects for girls in many communities, as an educated woman is viewed as a potential threat to her husband and may upset the status quo within the family.

In **India**, girl children are commonly seen as overwhelming burdens to their families. The unholy alliance between tradition (son complex) and technology (ultrasound) has created havoc in Indian society: some families see it as more desirable to spend a few thousand rupees on pre-natal sex determination tests and sex

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Studies show that the practice of female infanticide is widespread in a number of districts in Tamilnadu. Data from primary health care records on female infant deaths due to "social causes" (a euphemism for female infanticide) show that an average 3,000 cases of female infanticide occur every year in Tamilnadu. This amounts to around one sixth to one fifth of all female infant death in the State.

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selective abortions, than to spend hundreds of thousands of rupees on dowry later on.

Lack of education condemns girls and women to low-skilled labor, and limits options for alternative income-generating opportunities. Lack of status within the family and community, coupled with little or no education, means that women are generally unaware of their rights or entitlements to protection from the law, even when threatened by traffickers.

Despite official efforts to discourage payment of dowry upon marriage, the practice that requires a girl's parents to make payment of property, goods, or money upon a daughter's marriage remains strong in many areas of South Asia. This practice is part of the complex web of ways that gender disparities are maintained as girls are considered a liability to their families, accentuating the preference for sons who will bring dowry payment into the family.

The impacts of these practices on women are many—the inability to give dowry by the girls' parents has resulted in a number of violent measures against new brides including physical and mental abuse. The demand for dowry can also make it easier for traffickers to persuade parents to hand their daughters over to their control, with the false prospects of “dowryless” marriage.

Some women are moving into decision-making positions in business and government in several South Asian countries. The quotas reserved for women in all levels of political office in **Bangladesh** and **India**, and to a lesser extent in **Nepal**, are leading to more and more women running for openly contested seats. Many efforts are being made through government and NGOs to build the capacity of these elected women to fulfill their mandates more effectively and take on greater leadership, especially concerning the empowerment of other women.

In practice, however, it is taking some time for these elected women to take leadership in their communities to promote women's issues and gender equality. This growing political empowerment of women has come about partly from women's struggle from within their societies, but also due to external pressures and changes on traditional social practices from economic demands. As stated in a recent United Kingdom's Department for International Development (DFID) study<sup>57</sup> few would have predicted in early 1980s in **Bangladesh** that by the year 2000, 1.7-2 million women, many from rural areas, would be working in the garment and food-

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<sup>57</sup> Lawson-McDowall, J. 2001. *Key Gender Issues in Bangladesh*. DFID.

processing industries. Women's rapid increased participation in the public sphere of the formal sector has brought about significant changes in social structures as well, for these many thousands of women, their families, and their communities.

#### (d-ii) Ethnicity/Caste

Gender-based discrimination is reinforced through traditional social practices and builds on ethnicity and caste. In **India**, this can be well illustrated by the traditional *Devadasi* practices (illegal in India since 1988) in Karnataka, Andhra Pradesh, and Maharashtra, the *Jogin* in Andhra Pradesh, and the *Bhedias* or *Sansui* in Madhya Pradesh.<sup>58</sup> Parents from certain scheduled tribes (who are typically poor) marry girls to a deity or a temple. The marriage usually occurs before the girl reaches puberty and requires the girl to provide sexual services for upper-caste community members from the temple. Such girls are known as *jogini*. They are forbidden to enter into a real marriage. A study for the National Commission for Women (NCW) indicated that 62% of women CSWs belong to the scheduled castes, and 30% to scheduled tribe groups. In many instances, traffickers recruit and send *Devadasis* to states or districts where there is less strict enforcement of the caste system.

In western **Nepal** where the trafficking of girls into sexual slavery has a long history, traditional customs like *Deuki*, *Badi*, *Jari*, and *Jhuma* all have become synonymous with prostitution. According to the *Deuki* system, girl children were dedicated to deities. Since these girls were neither educated nor had any resources or skills, prostitution was the only alternative for survival open to them. Where these practices continue, they represent a highly exploited and socially ostracized class.

Some "untouchable" Hindu castes, such as the *Badi* in western **Nepal**, are also designated as sex workers. The *Badi* people originally were a musician caste and have long been entertainers, doing sex work occasionally as a peripheral income source. During the past 50 years, modern media and technology have eliminated the demand for their singing and dancing, and hence these girls and women rely now entirely on CSW as caste exclusion has denied them education or access to other forms of employment. Ironically this opportunity to earn income, even though through sex work, has meant that girl children are valued among the *Badi*—"He's very rich—he has many daughters." Their families also

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<sup>58</sup> Mukerjee, Dr. K.K. 1997. op. cit.

now routinely sell these girls to traffickers for work elsewhere in Nepal or India without consideration of the harm this may cause them.

### **(e) Vulnerabilities of Children**

The overwhelming majority of children vulnerable to trafficking are those belonging to poor families with few or no skills or assets, often working as seasonal laborers or in factories or construction sites. Those most at risk are:

- children separated from their families or with disrupted family backgrounds (e.g., orphans, victims of abuse, unaccompanied children, children from single-parent families, or from families headed by children);
- economically and socially deprived children (unemployed, poor, rural, and those without access to education, vocational training, or a reasonable standard of living);
- children from other marginalized groups (e.g., certain minorities, internally displaced persons); and
- children from the conflict areas themselves.

Some stakeholders also argue that the demand for child labor is increasing. Employers prefer children because they are naïve, uncomplaining, easily controlled, vulnerable, desperate, and dispensable. The children's ages range from 5 to 16 years with 13 years being the average age.<sup>59</sup> Most of these children find jobs as porters, domestic servants, carpet weavers, transportation helpers, rag pickers, and shoe shiners. Some of these children are trafficked into CSW, some are used for organ transplanting, and some find jobs in the circus. In all of these cases, the traffickers and employers are violating these children's basic rights.

Among street children in urban settings these vulnerabilities intensify other power relationships. For example, from the very beginning of street life, girl children are considered as "fallen", putting them at extreme risk of sexual abuse/assault from other boys and men. Children are also reluctant to leave abusive relationships that nonetheless provide them with some stability. Traffickers play upon this type of dependence and vulnerability in order to maintain control over children.

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<sup>59</sup> Child Workers in Nepal. Available at: [www.cwin.org](http://www.cwin.org).

“From the very beginning of the street life, the girl children are considered as ‘fallen’. ... For these children, the gender-biased division of labor makes no other job as accessible as prostitution. Thus, there exists a social pressure, generated from male-charged sexist social moral values, which makes [street girls] ... vulnerable to sexual abuse, reduces their choice of profession and thereby make them highly vulnerable to prostitution.”<sup>60</sup>

**Table 10: Why Children Leave Home**

Reasons for Leaving	No.	Percentage
Economic reasons	18	18.8
Weak economic condition	11	11.5
Little food at home	4	4.2
Hard work at home	3	3.1
Familial reasons	36	37.6
Domestic violence	11	11.5
Beaten by father	9	9.4
Neglect in house	9	9.4
Beaten by stepmother	7	7.3
Peer pressure/demo effect	25	26.1
Hoping good job	15	15.6
Peer pressure	6	6.3
To see the city life	4	4.2
Come with father	11	11.5
Do not know	2	2.1
<b>Total</b>	<b>92</b>	<b>96.1</b>

Source: ILO/IPEC, March 2002. *Trafficking and Sexual Abuse Among Street Children in Kathmandu*

A recent International Labour Organization (ILO) study on *Trafficking and Sexual Abuse Among Street Children in Kathmandu*<sup>61</sup> also identifies the complex series of reasons children end up on the streets in the first place, which provides indications for types of programming required to address these reasons.

While domestic violence and familial problems are identified by the majority, peer pressure and hopes for a good life combined with economic reasons are also very significant. These findings confirm the findings of studies in other regions, for example, a similar ILO study undertaken in Thailand-Lao People’s Democratic Republic-Myanmar border areas

<sup>60</sup> INCIDIN. 1997. *Misplaced Childhood: A Short Study on the Street Child Prostitutes in Dhaka City*. Red Barnet/Danish Save the Children, p. 19.

<sup>61</sup> ILO/IPEC. 2002. *Trafficking and Sexual Abuse Among Street Children in Kathmandu*, Kathmandu.

published in 2001. This study found that the most commonly identified reasons for leaving home were a combination of “an image of a better life in Thailand brought to them by the media and popular accounts that had led to a perception of poverty at home.”<sup>62</sup>

Many children are moving around alone in the most vulnerable conditions to being trafficked. Even when children arrive with their parent(s), the pressure of urban life on new migrants can overcome their tenuous family ties and these children end up on the street alone. There have been few studies of those children most at risk in **Bangladesh**. Research and Services NGO in Bangladesh (INCIDIN) has carried out two recent studies: one in 1997 for Red Barnet/Danish Save the Children; and, a second in 2001 for ILO and the International Programme for the Elimination of Child Labor (IPEC), Rapid Assessment on Child Trafficking in Children for Exploitative Employment in Bangladesh (the findings of which have yet to be released). The former focused on urban street children, and identified that from the study’s sample, almost 70% of those already involved in commercial sexual exploitation migrated into Dhaka from rural areas, but about 57% of these arrived with either one or both of their parents. It was found that almost all those children interviewed stated they moved in search of jobs, triggered in 40% of the cases by sudden disasters such as loss of land, death of parents, or divorce of parents.<sup>63</sup>

There are few facilities available that can serve as shelters or temporary homes for street children. There are persistent problems with the quality of care provided in those that exist, especially in long-term homes where many children might end up being institutionalized for years. Alternatives to this kind of care need to be urgently tested and funded, and professional standards for caregivers need to be established. While there are only limited and often substandard facilities available, many trafficked adults and children will prefer the option of remaining in exploitative or abusive living conditions under the control of traffickers, or returning to life on the streets.

Children without birth certificates are especially vulnerable to trafficking. According to UNICEF, a birth certificate not only represents recognition of a child’s existence (and hence his or status under the law) but also ensures access to vaccination, treatment in health centers, and

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<sup>62</sup> ILO. 2001. *Trafficking in Children into the Worst Form of Child Labor: A Rapid Assessment of Thailand-Lao People’s Democratic Republic and Thailand-Myanmar Border Areas*. Geneva.

<sup>63</sup> INCIDIN. 1997. op. cit., p. 19.

enrollment in schools. Traffickers find many of their victims in remote villages where poverty is high and registration rates are low, knowing that girls without papers are less likely to run away from their perpetrators.

Trafficking of children could be for sex or cheap labor. Helpless in the stifling environment, young boys end up working 14 hours in sweatshops, in hazardous occupations like tanning leather, or making explosives, firecrackers, carpets, or garments. Repeated, monotonous activity, with little reward or monetary gain, leaves the child spent physically and mentally, and consequently powerless to resist physical or sexual abuse should it happen. Young boys who run away from home in search of a better life, a future in films, or lured by older boys end up on the streets in the cities or are finally “sold” into labor. Others end up as sex workers in popular tourist destinations.

#### **(f) Governance**

Governance is the system of government policies and programs necessary to perform a number of vital functions:

- make decisions and coordinate policies;
- establish an enabling environment for private-sector growth;
- deliver certain critical sets of goods and services; and
- promote equity.

The poor are more vulnerable to weak governance and increased risks of being trafficked. Contributing factors in this respect include absence of effective legislation, policies, and institutional structures in addressing human trafficking; poor law enforcement combined with corruption (e.g., police, border officials, politicians being bribed by traffickers); and exclusion of poor and vulnerable groups from basic social and economic services (e.g., women, indigenous peoples/low castes).

Good governance for poverty reduction requires public policies and practices that encourage the inclusion of the poor and other vulnerable groups in the development process. This involves pro-poor public expenditures; social services that are nearer to the users and have more relevance for the poor; and policies that generate equity, access to socioeconomic assets, and enhanced social relations—including gender equity and the improved status of women. To improve governance, it is necessary to empower communities, individuals, and groups so that they can participate in decisions that affect their lives.

Recent efforts at government decentralization of decision making aim to improve planning and delivery of services to the district and village levels, so that communities can ensure that services are more responsive to their needs. Quotas or reserved seats for women elected officials are now in place on decision-making bodies at many levels in all South Asian countries. Extensive efforts are underway to empower these women to respond to the needs of other marginalized women in their communities. However, empowering women to seize these opportunities is a long-term process, and as identified earlier, those women most vulnerable to trafficking are the least likely to participate in social mobilization and remain unable to access services and programs that would build their resistance.

Good governance also ensures the capacity to extend protection from criminal acts such as trafficking. Despite the existence of legislation intended to extend such protection, many of the most vulnerable are not aware of or able to access adequate protection. Few cases of trafficking are registered with the police compared to the number of women and children identified as missing. Cases are not reported for many reasons, several of which can be linked to social and governance problems. Local government officials and decision makers who are not aware of the complexities of offering protection from traffickers do not follow up on cases, or do not understand the leadership roles they could play in ensuring that legislation is more effectively enforced.

Trafficked persons are not aware of their rights and often fear stigmatization by the community. Stories are frequent of trafficked persons suffering more during their detention by police and subsequent humiliation and revictimization by the judicial system. Traffickers play on the fears of their victims who know that reporting perpetrators is dangerous and will only bring more harm. Many community members are also unwilling to provide additional evidence or act against neighbors or other people in their family who may be involved in trafficking, leaving traffickers operating in some areas with complete impunity.

[Saleh's family was] overjoyed when their aunt Jayeda Begum came to visit them from India after 20 years. She wanted Saleh to go back to India for a visit with her and her (Jayeda's) brother-in-law Ead. At first her mother was reluctant but later gave her permission. Saleh was overjoyed to get a chance to have some recreation away from her poverty-stricken family. They took her to Rajisthan and sold her to a man called Nadda Sheikh for Rs. 7,500. Nadda Sheikh was an active member of an international trafficking ring. He failed to sell her, as he could not get a satisfactory price. (Saleh was rescued by local police but had to wait a 1 ½ years to be repatriated with assistance from BNWLA).

Source: BNWLA. 2001. *Movement Against Trafficking and Sexual Exploitation*. October Special Bulletin. p. 19.

Efforts are further hampered by a lack of documentation due to extremely low levels of registration of births and marriages. This is an area requiring increased attention to make monitoring systems more effective.

### 3.4 Migration

Migration is linked with trafficking in several ways. People may voluntarily choose to migrate but may be deceived about the kind of work they are subsequently expected to do. In this case, what started as migration has become trafficking. Or, a person may willingly migrate for employment but may be trafficked on from the initial employment site (e.g., a carpet or garment factory). The initial process was not trafficking and no crime was committed until the second phase of migration occurred. Hence, while trafficking normally involves migration, migration does not always involve trafficking. This distinction is significant for potential antitrafficking interventions. Given that trafficking may occur either in a person's original home base (often a rural community) or in a subsequent work site (often an urban area), interventions to combat trafficking should cover both locations. Interventions should also recognize that for each individual case, the factors that create the need or desire to migrate and the vulnerability to being exploited by traffickers during migration might be quite different.

Likewise, it is important that antitrafficking interventions consider the direct or indirect impact on a person's right to mobility. Antitrafficking interventions can easily (and sometimes inadvertently) become antimigration interventions. Yet it is difficult to distinguish voluntary migration from trafficking at the departure point since the deception, if present, has not yet become apparent. It is only after arrival at an unexpected and exploitative outcome that the crime of trafficking is apparent.

In the early 1970s after independence, the **Bangladesh** Government did not allow professionals and highly skilled people to migrate to stop a "brain-drain." The embargo was lifted in mid-1970s. But there was no comprehensive policy either to encourage or discourage female migration. In early 1981, through a presidential order, semi-skilled and unskilled female workers were barred from migrating overseas for employment (the measures were justified on the grounds that protecting the dignity of Bangladeshi women abroad was vital). However, they continued to leave the country. In 1988, the Government reviewed the policy and withdrew

the ban, replacing it with a restriction that allowed the Government to consider migration of semi-skilled and unskilled women on a case-by-case basis.

Then in 1997, following wider ministerial consultations, the Government re-imposed a complete ban on women migration except for those who were highly qualified professionals such as doctors, engineers, and teachers. This was the first time that a ban was imposed even on professionals such as nurses, secretarial assistance, and garment/factories workers, along with other categories of semi-skilled and unskilled workers. Many argued this was necessary in the face of several highly publicized cases of abuse suffered by women outside Bangladesh. Conservative elements in politics and Bangladesh society still feel that women should be protected. Facing criticism from the Bangladesh Association of International Recruiting Agencies and civil society, the Government revised the order allowing a few categories of women to work as domestic help if the employer belonged to any of the following three groups:

- Bangladesh embassy staff,
- financially solvent Bangladeshis such as doctors and engineers, and
- foreign passport holders of Bangladeshi origin or descent.

This ban has now been modified under a 1998 Circular to apply only to domestic workers for non-Bangladeshis, but the potential for more restrictive revisions to be reinstated remains.

Although there are no large-scale studies in **Nepal** of women's migration, what analysis is available notes that migrant women tend to belong to very poor households and are forced to leave through loss of livelihood due to natural disaster, forced resettlement from infrastructure developments, or family difficulties. Employment opportunities are generally very limited for these women and they are clearly at high risk of being trafficked as they have limited knowledge of the outside world, poor skills, and are under great pressure to provide additional income to their families or for their own survival. They are often abused and harassed when they find work, are paid low wages, and work in sectors with high health risks.

After several publicized cases of women being abused as domestic workers in the Gulf States, the response from the government was to amend Section 12 of the Foreign Employment Act to prohibit the provision of foreign employment to women and minors without the permission of

the government and their guardians. A Foreign Employment Order issued by the Ministry of Labor further limits the overseas travel of women under 35 years of age, unless they are accompanied by a relative or can show proof of consent from a guardian.<sup>64</sup> The Passport Order also requires women to show permission letters from their father or husbands, even for travel to India despite the open border agreement of 1950 between the two countries. The Labor Department has a “labor desk” at the Tribhuvan International Airport to check and control “illegal” migration.

These attempts to curb trafficking and protect women in both **Bangladesh** and **Nepal** have instead resulted in limiting women’s right to migrate. This means that if a woman wants to take up foreign employment without seeking permission from a male family member or guardian, she may try illegal means and hence fall into the hands of organized syndicates that not only provide false papers but are seeking women or children to meet the demands from the commercial sex sector or factories.

Both of the major international antitrafficking networks, the Global Alliance Against Trafficking in Women (GAATW) and the Coalition Against Trafficking in Women (CATW), agree that interventions should primarily focus on addressing the abuse of human rights occurring during migration or at the workplace rather than on hindering migration per se. With the traditional subsistence culture no longer a viable means of livelihood, women often migrate for their own survival. It is therefore imperative that a woman’s right to mobility not be impinged upon but rather that the human rights of those who choose to migrate be secured.<sup>65</sup>

Another distinction arises with respect to legal and illegal or irregular migration. Where legal migration across borders is not possible (e.g., because people lack the relevant documents or where the process of obtaining these is inaccessible to the poor and illiterate), people may migrate illegally. If these persons are trafficked and subsequently intercepted by state authorities, the focus is usually upon their status as illegal migrants (and therefore criminals) rather than as trafficked persons, and the crimes committed against them go without redress.

As pointed out by a Nepali NGO, WOREC Centre for Development and Population Activities (CEDPA), “a holistic approach must be taken to focus upon the social, economic and political circumstances that force a woman to migrate instead of targeting her as a criminal and blaming her

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<sup>64</sup> Report prepared by Mr. Ganesh Gurung, Nepal Institute of Development Studies. September 2000.

<sup>65</sup> WOREC/CEDPA.1999. *Advocacy Against Trafficking in Women—Training Manual*. p. 41.

for the discrimination she faces.”<sup>66</sup> Furthermore, the right of adults to make decisions about their lives must be respected, including decisions to work under abusive or exploitative conditions, as these conditions might be preferable to other available options. When migrants know the type of difficult and dangerous work they will be required to perform, they still become victims of trafficking if they are held in confinement through coercion and are deprived of their freedom of movement and choice.

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**Tips for Safe Migration**

- Know the address of the embassy or consulate.
- Learn the name, telephone number, and address of the place you are going to and verify that you will be working there.
- Check NGOs, especially those that specialize in women’s issues in your own country to find out whether the overseas company that is hiring you is valid and legitimate.
- Do not sign a contract right away. Read through the document, ask for legal advice if it is difficult to understand.
- Watch out for the language where the employer says he will hold all money in trust until your contract is completed.
- Be suspicious if your prospective employer obtains a tourist visa for you.
- Do not give your passport to anyone for safekeeping. Keep a copy of your passport pages in a safe place that no one else has access to.
- Learn the local language if you do not know it ... at least basic phrases.
- Verify the visa validity with your embassy /consulate.
- Do not send any money through *hundi* (money laundering).
- Know about the rights of migrant workers.
- Obtain mandatory predeparture training.

Source: *Migration Information Kit*, WOREC and INHURED leaflet (both in press).

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In situations where labor conditions are no worse than those expected by the worker and the worker is not deprived of her or his freedom of movement or choice, the abuser or exploiter remains criminally liable for other crimes (such as assault and labor abuses) and for other administrative and civil offenses. The existence of consent to work under such conditions does not excuse the abuser or exploiter from being subjected to the full force of domestic laws that prohibit such practices. But these circumstances do not include all the characteristics of trafficking.

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<sup>66</sup> Ibid.

### 3.5 Demand

The demand for trafficked labor comes from a wide range of sectors, including **commercial sex work**, where trafficked persons are required to provide sexual services in their own country, but some distance from their homes, or are transported to India or other destinations such as Pakistan, the Gulf States, etc. There is also a demand for CSWs in South Asia in sites other than brothels or dance bars, such as along highways, in small communities, and in temporary construction worker camps.

There is a growing demand for **trafficked labor in factories** where trafficked persons become debt-bonded to factory owners or coerced into work under slave-like conditions. Asia has become a center for low-cost, labor-intensive, manufacturing operations. Competition between countries in South Asia has driven down the cost of labor even further, encouraging some employers to use illegal practices such as bonded labor to access cheaper and cheaper labor sources.

There are anecdotal accounts of trafficked child labor used as **domestic workers**, but this sector is poorly understood as a locus of child and trafficked labor abuses. There is resistance in many Asian countries to address the issue, as middle-class professionals are strongly implicated in hiring child labor in their homes, whether trafficked or not. Children are also trafficked into the control of begging syndicates, camel jockeying in the Gulf States, and other sectors of entertainment (such as circuses in India).

Addressing these demand factors are as important as the measures to address push or supply-side factors. According to many reports (e.g., United States Agency for International Development [USAID], ILO) **India** has the largest number of child laborers in the world. Government of India estimates range from 17.5 million to 11 million,<sup>67</sup> many of whom are highly vulnerable to being trafficked. Furthermore, persistent acceptance of the use of child labor in some sectors of work creates demand for trafficked children. Many studies have identified that high proportions of children involved in the worst forms of child labor (as defined by ILO Convention on the Worst Forms of Child Labor No. 182) have been trafficked. It should not be assumed, however, that all these children are working under conditions of forced labor or are trafficked, and the Indian Government is actively seeking to eliminate all forms of exploitation of children.

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<sup>67</sup> USAID India website <http://www.usaid.gov/in/specialfeatures/womensday.htm> for International Women's Day, 2002.

The working and living conditions of migrant construction workers (especially females and their children) are very poor with a highly hierarchical and exploitative organization of the industry that limits enforcement of basic labor laws. The mason-helper relationship is a point of coercion in the experience of several NGOs working with these migrants, and illustrates the extra sexual favors demanded of female workers and frequent debt-bondage organized through traffickers and labor brokers. Stipulation of minimum wage payment by contractors, crèche/other benefits, secure shelter, and medical facilities should be part of policies for construction tenders while building highways.

Source: RETA interview with Jananeethi, Kerala, India.

There has been some effort made to improve labor standards in **Nepal**, which are most successful when involving private-sector partnerships and increased corporate responsibility. The demand for CSWs can also be tackled, for example through links with HIV/AIDS programming and awareness-raising among contractors and in construction camps in infrastructure projects.

During the RETA's National Consultation, WOREC recounted that in a region where a cement factory was being built, their enquiries uncovered that the CSWs operating inside the camp were all women who clearly chose to remain in this sector. However, some distance from the construction site, at least one VDC distant, traffickers had set up operations coercing adolescents and young women into providing sexual services for construction workers, but at sufficient distance from the camp so as to avoid detection. This implies that any efforts undertaken to address demand conditions, such as those presented by temporary construction camps, need to be carefully monitored and impacts assessed beyond the immediate confines of the camp.

There is remarkably little research on the demand conditions for trafficked labor. As governments and international agencies are starting to pay more attention to illegal and irregular migration patterns, the demand conditions that create profits for human smugglers and traffickers should be examined and understood more carefully. There is potential for ADB to play a role in these efforts, as labor-market conditions form a key area in poverty analysis and policy dialogue at regional and country levels.

Increased awareness among local-level governance structures can also play a role in shaming those using trafficked labor into changing their practices. Governance projects could take up these issues as areas where rule of law and respect for labor practices has the potential for longer-term outcomes of reducing the demand for trafficked labor. Another

### Demand Conditions for Commercial Sex Workers Along India's Highways

A major demand for commercial sex workers is from those who work (35 lakh<sup>68</sup> truckers work for private/public companies) and travel along highways. Road traffic has increased over recent years in India, and now accounts for 55% of freight and 80% of passenger traffic, whereas rail traffic has decreased to about 40% of freight and 20% of passenger traffic.<sup>69</sup>

This has resulted in a range of impacts for those living and doing business along the highways. It can be presumed that as the demand for CSWs increases, traffickers and organized crime syndicates will bring children and young women to meet this demand. In Mandla District of Madhya Pradesh, for example, several scheduled-tribe villages are located on the Mandla-Raipur national highway, which are centers for organized trafficking of adolescent girls. There are also grave concerns about the links between highway routes, mobile populations, and the spread of HIV/AIDS.

Recent work carried out in Maharashtra with HIV/AIDS prevention organizations has demonstrated that it is possible to curb the demand for CSWs by changing the high-risk behavior of truck drivers using multiple sex partners while away from home. The State government has enhanced working conditions for the 50,000 truck drivers by regulating the maximum number of hours spent on the road and limiting days away from home. The results have included improved safety on the highways as well as lowered demand for CSWs.

The highways are also the intersections where female migrants arrive (in interstate bus stations) and where protection from harassment and shelter is minimal. Depending on whether they arrive with families or singly, the process of luring and coercion often begins here by gangs of contractors/ brokers working with traffickers.

Sources: RETA team interviews and documentation from STHREE and Prerna.

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option is to work in partnership with the private sector (as encouraged in ILO projects) to strengthen corporate responsibility for implementing core labor standards.

For example, a micro study is currently being conducted by Jaggory on the use of trafficked labor in sectors such as the fish-processing industry in Gujarat in **India**. Most trafficked labor is concentrated in sectors rarely subject to monitoring of core labor standards, and it is advocated by many stakeholders that if existing labor standards were implemented more effectively the demand for trafficked labor would be reduced. There has been some effort made to improve labor standards in **India**. The most effective in other countries have been based on partnerships between government and the private sector to increase corporate responsibility for respecting workers' rights. Care should be taken by advocates of

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<sup>68</sup> Lakh is equivalent to 100,000.

<sup>69</sup> ADB. 2001. *India: Country Operational Strategy*.

strengthening core labor standards from outside India, as there is suspicion from many government and private-sector stakeholders that these mechanisms will be used to restrict trade.

Most of the limited research on the demand for trafficked labor in **India** has been carried out in the commercial sex sector. The demand for trafficked commercial sex workers is evident across the country in hotels, brothels, lodges, cinema halls, parks, and along major roads and highways. Many types of clients demand services from commercial sex workers: politicians, students, bachelor employees, pensioners, migrant populations, officers, businessmen, tourists, coolies, vehicle operators (auto, taxi, truck, and bus drivers and cleaners), uniformed forces, caretakers, street children, and drug users.

### 3.6 Impacts of Trafficking

The impact of trafficking is another area where little or no research or data collection has been undertaken. The following are general areas suggested for further investigation:

#### 3.6.1 Social Impacts

Trafficking, as manifested in South Asia, exploits and perpetuates patriarchal attitudes and behavior that in turn undermine efforts to promote gender equality and eradicate discrimination against women and girls. The continued tolerance for human rights abuses against women and children in their own families and communities also hinders efforts to address these concerns and to promote the rule of law.

There are conflicting aspects, however, to the social impacts of trafficking, since for many women trafficking episodes, while causing harm, also provide opportunities to remove themselves from otherwise oppressive circumstances. As stated in Blanchet's recent study for USAID,<sup>70</sup> women who have returned remained silent about their experiences, especially concerning CSW, and brought home with them not only some savings, but also more experience of the world. Some of these women have managed to turn these experiences into personal empowerment within their communities. These cases can be termed "self-integrating" trafficked persons without assistance from NGO or

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<sup>70</sup> Blanchet. 2002. op cit.

government programs. In many other cases, however, the return home has proved too restrictive and they return once more to a migrant life. These experiences again point out how safe (or less harmful) migration experiences can be empowering for women, calling for more understanding of how trafficking can be curbed while the positive elements of migration are enhanced.

### **3.6.2 Economic Impacts**

Economic losses to communities and governments are enormous if considered in terms of lost returns on human or social-capital investments. The cost of countering criminal trafficking activities puts additional strain on already limited government resources for law enforcement. Vast amounts of potential income from trafficked labor is lost in “hidden” sectors such as CSW or is expropriated by criminal traffickers and diverted out of the formal economy. There are many sectors of the Asian and Middle Eastern economies that rely upon low-cost and often trafficked migrant labor, but—if reasonable returns could be made on this labor by the migrants themselves and mechanisms put in place that facilitate remittance and reinvestment of such savings to improve livelihoods in a sustainable manner—poverty conditions could be alleviated and the vulnerability to trafficking (as an outcome from risky migration) could be reduced. As sending, transit, and receiving countries seek to stem trafficking and human smuggling activities, the economic benefits of safe migration should not be ignored.

### **3.6.3 Health Impacts and HIV/AIDS**

Trafficked persons have often faced extreme psychological stress that in turn leads to trauma, depression and, in some cases, suicide. A trafficked woman or child may have been exposed to isolation, fear, sexual abuse, rape, and other forms of physical and mental violence. Emotional stress is usually compounded by constant fear of arrest and public stigmatization, making the thought of returning home fearful. These harms are both short term and long term. Mental health experts understand more about the enormous impact of posttraumatic stress over many years that might influence the capacity of a woman to care for her family or negotiate through future emotional challenges once the original harm has stopped.

Women and children located in the commercial sex sector, either trafficked or otherwise, face higher risk of contracting sexually transmitted

diseases (STDs), HIV/AIDS, tuberculosis, and other diseases. Mobile populations in general face greater risks of contracting STDs as their family and community lives are disrupted. Many of the children most at risk of being trafficked, particularly urban street children, are also considered to be high-risk groups for contracting HIV/AIDS through drug use, sexual contacts, and other behaviors. Stakeholders seeking to combat trafficking and to address HIV/AIDS are therefore working with similar risk groups and there are many examples of combined programming or collaborative approaches (e.g., UNDP HIV and Development Program for South and Southwest Asia) that have ensured women and girls are empowered to protect themselves from HIV infection and resist (or leave) trafficking experiences.

Increased incidence of HIV/AIDS is also believed to have led to an increasing demand for younger commercial sex workers, who have higher probability of being free of disease. There remains strong resistance among many men to recognize they are HIV carriers. There have also been reports of myths circulating that having sex with a virgin will actually cure STDs. Tragically these false notions are creating a market demand for younger girls even below 12 years of age. There are many highly innovative programs already in place in South Asia seeking to change high-risk behavior, particularly among mobile male populations, that can curb demand for some of the most exploited commercial sex workers.

However, links between trafficking and HIV/AIDS have to be explored with caution. Many trafficking awareness-raising campaigns have inadvertently conveyed the message to fearful communities that all trafficked persons are infected with the disease, leading to further stigmatization of all women returning to their communities.<sup>71</sup> There is also often tension between the public health objectives of HIV/AIDS programming and attempts to combat trafficking. In some cases, the delivery of public health messages concerning HIV/AIDS risks among CSWs has been carried out by co-opting the support of pimps or brothel owners, who are also abusing and exploiting child labor. Forced testing of returning migrants as a public health measure has also considerably increased stigmatization as women have been humiliated by the procedures and attitudes of health officials.

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<sup>71</sup> WOREC in Nepal provided an example of this occurring in Nepal from their own early programming to combat health concerns among migrant women at the RETA Regional Workshop, 27-29 May 2002.