

# **COMBATING TRAFFICKING OF WOMEN AND CHILDREN IN SOUTH ASIA**

**Regional Synthesis Paper for  
Bangladesh, India, and Nepal**

APRIL 2003

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## ABBREVIATIONS

ACD	Association for Community Development (Bangladesh)
ADB	Asian Development Bank
APAC	AIDS Prevention and Control
ATSEC	Action Against Trafficking and Sexual Exploitation of Children
BNWLA	Bangladesh National Women Lawyers Association
CARE	Cooperation for Assistance and Relief Everywhere
CBO	community-based organization
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEDPA	Centre for Development and Population Activities
CeLLRD	Centre for Legal Research and Resource Development
CIDA	Canadian International Development Agency
CPCCT	Child Development: Coordinated Program to Combat Child Trafficking
CRC	Convention on the Rights of the Child
CSP	country strategy and program
CSW	commercial sex worker
CWCS	Centre for Women and Children Studies
DAM	Dhaka Ahsania Mission
DFID	Department for International Development (United Kingdom)
DWACRA	Department of Women and Child Rural Agency
DWCD	Department of Women and Child Development (India)
ESCAP	United Nations Economic and Social Commission for Asia and the Pacific
GAATW	Global Alliance Against Trafficking in Women
GMS	Greater Mekong Subregion
HIV/AIDS	human immuno-deficiency virus/acquired immune deficiency syndrome
ICDS	Integrated Child Development Services (India)
IEC	information, education, and communication
ILO	International Labour Organization

IPEC	International Programme for the Elimination of Child Labor
INCIDIN	Research and Services NGO in Bangladesh
IOM	International Organization for Migration
IPSA	initial poverty and social analysis
IRDP	Integrated Rural Development Program (India)
ITPA	Immoral Traffic (Prevention) Act of 1956 (India)
JWP	Joint Women's Programme
MOU	memorandum of understanding
MWCA	Ministry of Women and Children Affairs (Bangladesh)
MWCSW	Ministry of Women and Children and Social Welfare (Nepal)
NACO	National AIDS Control Organization (India)
NACSET	Network Against Commercial Sexual Exploitation and Trafficking
NATSAP	Network Against Trafficking and Sexual Exploitation and Trafficking
NCRB	National Crime Records Bureau
NCW	National Commission for Women (India)
NGO	nongovernment organization
NHRC	National Human Rights Commission
NNAGT	National Network Against Girl Trafficking (Nepal)
NORAD	Norwegian Agency for Development Cooperation
NPA	national plan of action
PPA	poverty reduction partnership agreement
PRI	Panchayati Raj Institution
PSA	poverty and social analysis
RETA	regional technical assistance
SAARC	South Asian Association for Regional Cooperation
SAFAHT	South Asia Federation Against Human Trafficking
SASEC	South Asia Subregional Economic Cooperation
SCSP	subregional cooperation strategy and program
STEP	Support to Training and Employment (India)
STHREE	Society to Help Rural Empowerment and Education
UP	union parishad
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund

## ABBREVIATIONS

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UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
VDC	village development committee
VHS	voluntary health service
WOREC	Women's Rehabilitation Centre

**NOTE:** In this report, "\$" refers to US dollars.

## FOREWORD

Every year, millions of Asian men, women, and even children, venture to new pastures—from the village to the city and sometimes to another country. They are driven by poverty, social exclusion or civil unrest. Their goal is to survive and earn money for their families. For many—disproportionately women and children—these journeys end tragically, as they fall into the hands of traffickers.

Trafficking in women and children is reported to be on the rise in Asia. Although accurate figures are hard to come by and that any estimates have to be treated with cautions, the United States' State Department, for example, estimates that between 1 to 2 million people are trafficked worldwide, including 150,000 from South Asia and 225,000 from Southeast Asia. In the scale of organized crime, human trafficking ranks third behind drugs and arms smuggling.

Trafficking involves gross violation of human rights. People suffer from physical and mental abuse and social stigmatization. They become isolated, losing ties with their former lives and families. On a large scale, trafficking subverts development efforts and raises social and health costs.

Trafficking in women and children, both as a root cause and manifestation of poverty and human deprivation, is a major challenge to Asian Development Bank (ADB) whose mission is to assist its member countries to accelerate poverty reduction. In response to the call for joint efforts to combat trafficking coming from governments, nongovernment organizations and the aid community in South Asia, ADB started in July 2002 a regional technical assistance (RETA). The RETA involved Bangladesh, India, and Nepal and had two main objectives: to help the countries better understand the dynamics of trafficking, and to identify and develop future ADB interventions that would contribute to reducing and preventing trafficking. To discuss the research findings and enhance knowledge exchange, five workshops and one exposure visit from South Asia to Thailand took place during the implementation of the RETA.

This two-volume report synthesizes the discussions and findings of the RETA, based on the three country reports and the supplementary report on legal framework. The main report, *Regional Synthesis Paper for Bangladesh, India, and Nepal*, contains the analysis of the nature and

extent of trafficking, contributing factors, legal framework, key stakeholders and their programs, and recommendations. The supplementary report on *Guide for Integrating Trafficking Concerns into ADB Operations* provides for possible steps to directly and indirectly address vulnerability to trafficking in regional and country programming and projects in various sectors.

We wish to acknowledge the support of numerous partners during the implementation of the RETA. It is only through the extensive and strong partnership that we can effectively combat the complex process of human trafficking.



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# EXECUTIVE SUMMARY

## Introduction

The alarming numbers of women and children being trafficked for forced labor or slavery-like practices (including commercial sexual exploitation) is a development concern for the Asian Development Bank (ADB). Although available statistics are limited and contested, the existing data has served to highlight the issue as evidenced by increased national attention to trafficking issues. An important dimension of inclusive development and a key focus area for ADB involves strengthening the participation of vulnerable groups in mainstream development, reducing gender discrimination, and promoting the development of social capital. ADB's involvement in combating trafficking of women and children directly addresses its strategic goals: poverty reduction and promoting gender equality.

Following initial investigations in the South Asia region and discussions with the governments of Bangladesh, India, and Nepal, the following objectives were developed for the ADB regional technical assistance (RETA):

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

The challenge of combating trafficking is far beyond the capacity and resources of individual organizations alone, therefore ADB sought a collaborative approach for this RETA to learn from the experiences of member countries and ask questions about what it can do to help assist and move forward to address trafficking. The methodology utilized by the RETA Team (made up of six members, national consultants in each country, and an international consultant/team leader) recognized that ADB

should seek to bring specific value-added to an already active field of stakeholders by analyzing where the strengths and expertise of the organization lie and how to engage, as partners, those with technical experience in addressing trafficking concerns.

The approach to achieving the RETA objectives was based on carrying out a comprehensive analysis of the factors that induce and facilitate trafficking on the demand and supply side, and the potential for addressing vulnerabilities created by these factors in the context of ADB's policies and ADB-assisted projects. This analysis sought illustrations of how different types of antitrafficking activities already underway could be used in the context of sector activities such as road improvement, microfinance, women's empowerment, or other mainstream poverty reduction projects to combat trafficking of women and children. The findings of this assessment can now be used not only by ADB staff, but also by other agencies and organizations seeking to draw on a broader base of resources available through mainstream poverty reduction programs.

## Findings

The findings of the RETA confirm that the dynamics of trafficking reach across the South Asia region, where, despite specific and different historical and cultural circumstances, similarities are clear. Extensive consultations verified that there is a severe lack of concrete data from which to build an accurate picture of the scope of trafficking. Traffickers go to great lengths to avoid monitoring of their illegal activities and any available data must be treated with caution. However, it was stressed very strongly that while concrete data is limited, this does not mean that government and international agencies should discount the magnitude of the trafficking problem. Trafficking appears to take place within each of the three countries, and across South Asian borders. India and to a lesser extent Bangladesh also serve as transit countries for traffickers moving people to other destinations. Trafficked persons may also be regular migrants from Bangladesh or Nepal to India, who are then trafficked either to further destinations in India or elsewhere.

The lack of data and solid body of research has also led to the building of certain myths and assumptions about trafficking that need to be questioned, for example, that trafficking is usually for the purposes of

prostitution, when there is evidence of the use of trafficked persons as domestic workers, or in factories. An assumption that most trafficking incidents start with kidnapping is also false, as coercion or deception by traffickers frequently occurs as part of a migration experience. Understanding why those vulnerable to trafficking migrate in the first place, and how to make migration a positive experience, is key to addressing the risks mobile populations face.

It is also frequently assumed that all trafficked persons desire to return home, whereas they may have initially left home before being trafficked to escape an abusive environment. Stigmatization by other community or family members might also make return difficult, if not impossible. Adopting a rights-based approach to rescue and reintegration is vital if such efforts are to be positive and effective for the trafficked person. The complexity of trafficking, the links with visceral issues such as commercial sex work and exploitation of children, and the politics of migration management have meant that there is much contention over the definition of trafficking and the types of policies and programming that would effectively combat this serious crime and affront to basic human rights.

Consensus is evolving through United Nations (UN) international mechanisms on a working definition for trafficking. In this context it is important to clarify that this RETA employed the following definition:

“Trafficking in persons means:

1. The recruitment, transportation, purchase, sale, transfer, harboring or receipt of persons: by threat or use of violence, abduction, force, fraud, deception or coercion (including the abuse of authority), or debt bondage, for the purpose of:
2. Placing or holding such person(s), whether for pay or not, in forced labor or slavery-like practices, in a community other than the one in which such person lived at the time of the original act described in 1.”<sup>1</sup>

Another area of consensus is that gender-based differences and attitudes play an important role in both the supply and demand dynamics

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<sup>1</sup> Coomaraswamy, Radhika. 2001. *Addendum Report to the Human Rights Commission regarding Mission to Bangladesh, Nepal and India on the issue of trafficking of women and children* (October-November 2000).

of trafficking. From what data is available in South Asia, it appears that the “worst forms” of trafficking relate to the illegal movement of women and children for the purposes of exploitation in sectors such as commercial sex work, and child labor of all forms,<sup>2</sup> and the low status of women increases their vulnerability as targets of traffickers and limits their options as survivors seeking a new life. ADB’s strong commitment to redress gender imbalances and to contribute to women’s empowerment through its operations provided a strong rationale for the RETA to consider the issues associated with combating the trafficking of women and children, as those most frequently harmed by and vulnerable to its effects.

## Dynamics of Trafficking

In order to explore potential entry points to address trafficking through poverty reduction initiatives, the RETA analyzed the complex factors that push or pull the vulnerable into situations of high risk to be recruited by traffickers, and those that create a demand for exploitable labor.

- The most commonly identified push factor driving the trafficking process is poverty. The necessity to meet basic needs, *in combination with* other factors, is the most commonly identified motivation to migrate or to encourage a family member to leave.
- An understanding of the non-economic elements of poverty—lack of human and social capital, gender discrimination—is also necessary, however, to 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 and those living in poverty tend to have limited access to these development opportunities, reinforcing their vulnerability to trafficking.
- Other pull factors, such as images drawn from the media and stories from returning migrants, entice many into migrating under ill-informed and risky circumstances.

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<sup>2</sup> Skeldon, R. 2000/1. Trafficking: A Perspective from Asia. *International Migration*, Special Issue.

- Macro factors such as the impacts of globalization, employment, trade, migration policies, and conflicts and environmental disasters can set into motion circumstances that increase vulnerabilities. Development-induced risks also play a role. The demand for exploitable labor in sectors where harsh and criminal working conditions go undetected also creates a pull effect on those already vulnerable. For example, the demand for younger and younger sexual partners (girls and boys frequently as young as 10 or 11 years old) in the commercial sex sector is linked to many clients seeking human immunodeficiency virus/acquired immune deficiency syndrome-free (HIV/AIDS) partners. For as long as these demands exist, opportunistic traffickers will fill each niche.

As quoted by Coomaraswamy, “traffickers fish in the stream of migration”<sup>3</sup> and can easily identify those who are most easily deceived or coerced, so building resistance among migrants to ensure that these experiences bring positive outcomes is another important aspect to addressing trafficking concerns. The negative impacts of trafficking on all communities are also considerable. No information or analysis is currently available but it would seem undeniable that the negative social, economic, and health impacts are undermining development efforts at many levels.

Challenges exist when developing programming in many areas, for example:

- Migrants need protection and policies and programs to facilitate safe migration, but such activities have been used to exclude women from migration opportunities or to limit the inflow of migrants, thus stagnating the important role of migration in development. New immigration policies might also create new niches for opportunistic traffickers to exploit.
- Communities need to be made aware of the harm traffickers cause when they arrive in their midst, but without causing suspicion of newcomers or marginalizing those already considered “different.”

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<sup>3</sup> Coomaraswamy, Radhika. 2001. op. cit.

- Labor standards must be addressed to curb the demand for trafficked labor, but this is very challenging in the informal sector and can create suspicion from within the formal sectors as measures by developed countries to limit trade from economies with cheap labor.
- Targeting the vulnerable and source areas is difficult as the modus operandi of traffickers must be flexible to fill demand niches as they emerge and be ready to change their routes or source areas to evade prosecution.

## Relevance of Trafficking to ADB

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, in curbing 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 in 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.

The following general steps can be used by ADB staff to mainstream trafficking into ADB operations:

- Where possible, flag the issue of trafficking in subregional strategies (e.g., subregional cooperation strategy and program [SCSP]) and country analyses and strategies (e.g., country poverty analysis, country strategy and program (CSP), CSP updates, and country gender analysis and strategy).
- Include the analysis of groups that are particularly vulnerable to trafficking in the initial poverty and social analysis (IPSA) and poverty and social analysis (PSA). In particular, include mobile populations into the analysis as well as women and children.
- Develop project designs that would directly and indirectly combat and reduce human trafficking.
- Identify and work with partners (e.g., ministries, nongovernment organizations [NGOs], private sector groups including contractors and donors) to develop and implement antitrafficking project components.
- Where nonlending products and services (e.g., technical assistance and sector and thematic works) provide opportunities, consider addressing trafficking.
- Raise awareness among relevant ADB staff including dissemination of findings of the reports produced under the RETA through various means such as: (a) publication, external website, and relevant committees and networks; (b) developing pilot projects with the initiatives of regional departments in collaboration with the Poverty Reduction and Social Development Division (RSPR) in the Regional and Sustainable Development

Department (RSDD); and (c) developing guidelines and good practices on contractors' codes of conduct and loan covenants in collaboration with the Project Coordination and Procurement Division (COPP) and the Office of the General Counsel (OGC).

At the regional and subregional level there is potential to integrate trafficking concerns into projects that are implemented in more than one country in the same key ways. These efforts could be supported considerably through the establishment of a working group on social development for South Asia subregional activities (including outcomes of the South Asia Subregional Economic Cooperation RETA). This working group could draw on the experiences of Greater Mekong Subregion where trafficking has been identified as a key element of cross-border movements. At the country and project levels the RETA also identifies types of projects with links to trafficking, as well as specific risk factors associated with these sectors of activity and potential entry points.

As stated in the closing remarks of the Director General, South Asia Department at the RETA Regional Workshop, ADB is committed to addressing trafficking concerns. Since the adoption of the Poverty Reduction Strategy, there is greater rationale and potential to incorporate such concerns and new sources of funding are now available. ADB's mandate also directly includes the promotion of regional cooperation. Trafficking is a serious limit on the positive forces of development, and bringing additional resources from broad-based poverty reduction projects to address the root causes of vulnerabilities and risks must be encouraged. ADB should continue the commitment expressed through the RETA and now seek other opportunities and means to combat trafficking in all its operations.