

Forced Labour, Trafficking and Migration of Women in South Asia

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The aim of this paper is to comment upon and interpret recently published evidence and opinion on forced labour and migration in South Asia in the light of changing global circumstances and perceptions of the nexus between the two. The focus is on the relationship between trafficking, migration and forced labour of women on the subcontinent, so theoretical questions concerning several other dimensions of trafficking that are part of the wider discussion are excluded. Human trafficking, according to recent estimates, has now acquired equal second ranking in terms of profits with the trade in illegal armaments (Hunter 2006, 1), though almost certainly this includes people smuggling in the calculations, as the boundaries between human trafficking and smuggling are often blurred, especially in the popular media.¹ Migration in South Asia has contributed enormously to this illegal trade, as globalisation has created dramatic shifts in the world labour market, and more women than ever before are leaving their traditional occupations in search of work.

Setting the scene

“Women” is chosen in the title because the focus is on adult women who may be perceived to have some element of choice in the decision to migrate, or at least who might have the maturity and life experience to understand what is ahead of them. In other words, it concerns the processes in which women have been engaged from the very beginning of their migration. A distinction between women and children is made in this discussion, because debates treating them as one category overstate the notion of women’s dependence and create a false impression of women’s fragility, or lack of choice in the decision to migrate (Sen and Nair 2004, 24). This study is essentially about the problems women encounter if their migration began with the intention of making a better life for themselves and their families and ended in their trafficking; even though much of the data inevitably and properly includes females under the age of eighteen.

Trafficking in South Asia is inevitably related to global experience. The accent in the past decade has been on hypermobility of capital, but the phenomenon often neglected is mobility and sometimes hypermobility of people as well, because irregular migration and its anomalies open the door to exploitation and trafficking of women. Yet the work of women migrants contributes enormously to the economies of the countries of the subcontinent, and in the process enriches a whole series of people connected with women’s exploitation.

Framing the Migration-Trafficking nexus

Labour migration takes two forms, legitimate and irregular, and may be intra-national or international. In the case of women on the subcontinent, both are intended to be temporary, unless it is connected with marriage. What began as a process previously dominated by men in search of work is now part of the phenomenon of “feminisation of migration” (Skeldon 2000, 8), which has been going on at an increasing rate globally in the twenty-first century. Forced labour also takes two forms, sexual and non-sexual, and women can be subjected to both. In the case of South Asia, they are often related to a greater or lesser degree, depending on the work for which the woman was trafficked. Given that for women in Asia generally “it seems to be more economical and quicker to proceed through informal and often illegal channels to obtain regular labour than to pass through legitimate official channels” (Bruckert and Parent 2002), and because women have fewer resources financially than men on the

subcontinent, this term has also been extended to “feminisation of poverty”. The poorer the migrants, the more the correlation is with women and, as will be seen, this has implications in terms of trafficking, whether on the subcontinent or globally.

Another term needing clarification is people smuggling, in order to make the distinction between this form of smuggling and trafficking. People smuggling tends to be only across international borders, with the consent of the smuggled persons, for a limited profit and with a characteristically ephemeral relationship between smuggler and those smuggled. Once the people smuggled get to their destination, the contract between the smuggler and those smuggled is probably finished, though the former may have linkages with others whose interest is in trafficking. Both men and women are smuggled, initially more men than women, but increasingly the reverse is the case, especially as avenues of legal immigration are typically denied to women. For that reason especially, debates concerning trafficking are much more likely to involve women than men. In the case of women, what may start out as a smuggling operation ends in trafficking if and when the woman is placed in circumstances from which she cannot, or believes she cannot, escape.

Even though the term “trafficking” has been used in international legal agreements, its precise definition has been comparatively recent. Regardless of legal definitions, the majority of trafficked people are exploited migrants (Baruah n.d., 6). The standard definition of trafficking is part of the UN Protocol on this subject, to which the following should always be appended: “The consent of a victim² of trafficking in persons to the intended exploitation ... shall be irrelevant where any of [these] means are used.” (Fergus 2005, 4.)

The channels for regular, legal and safe migration channels are being more rigorously monitored than ever before throughout the world, as security demands increase and the search for paid labour by migrants becomes more desperate. “The growing demand for cheap labor in high growth countries has given rise to a growing market for irregular migration processes and trafficking as an outcome of this mismatch between demand and supply conditions in the global market” (Baruah n.d., 10). It is possible to make a correlation between trafficking and other areas of investigation, but the one with migration provides an intersection at every level, physical and structural, and this means that if migration patterns are understood, then trends in trafficking can be monitored at the same time. Trafficking routes go from Bangladesh and Nepal to India and Pakistan, which are staging points for the Middle East and East Asian trade in human labour.

It is necessary to ascertain what conditions the woman is leaving before trafficking occurs. Her plight as a trafficked person may be less precarious than if she were returned to her previous condition. – e.g., an abusive family. If the alternatives for women to undertake legitimate migration are made progressively more difficult for them, as has been the case in the past decade, the outcome is a higher level of people smuggling, which may lead to trafficking. Trafficked women are thus placed in the role of criminal by authorities, thereby restricting even further their capacity to control their lives once they have undertaken an attempt at illegal migration.

There are a whole range of approaches to trafficking, all of them useful in their own way. Recently, the trend is towards a migration-based approach to trafficking, which focuses on such issues as regional cooperation, policies on migration and migrant labour, availability of work opportunities in various countries, globalisation of the economy, aid programmes and development strategies. Others, such as human rights and feminist approaches, seek to address what is usually invisible in the equation, “the ‘demand’ side: the men who buy trafficked women” (Fergus 2005, 32.) Dealing with this side of the equation has never been much in evidence in South Asian approaches to trafficking of women. As observed by one commentator (Chuang 2005, 138) with respect to power relationships between men and women, “More often than not, trafficking is labor migration gone horribly wrong in our globalized economy”. As may be deduced from the combination of the above sentiments, there is an opportunistic element in the link between trafficking and migration, but the opportunity for benefit lies far more with men, who are overwhelmingly the traffickers, than women, who in such an environment have very little bargaining power.

The other definition that needs to be made is one between an exploited migrant and a trafficked person. The boundaries are grey, as the notion of informed consent is critical to separating the two. If a village woman in South Asia has no opportunity to make an informed decision about her migration plans, and is placed in an exploitative situation from which it is difficult or impossible to extract herself, then this is a case of trafficking, but it is a matter of degree rather than essence. Exploitation involves some degree of choice on the part of the woman to remain in those circumstances. An exploited migrant rather than a trafficked one can possibly choose to leave the exploitative situation if it becomes intolerable, although there are powerful forces stopping her from considering her own interests first. A trafficked person has no choice, the difference being between what a woman may be told at the beginning of the migration and what happens at the end. Yet another factor complicating the notion of choice is that she may remain in an exploitative situation because it is still a better arrangement for her than what she has at home, or where her sense of duty to family outweighs her concern about herself. Women may consent to certain types of exploitation. "However, a person can never consent to trafficking" (Sen and Nair 2004, 177). Where exploitation involves violence which they cannot escape, as it usually does with women and children, then there is no doubt about when to apply the label to their plight.

Trafficking of persons in South Asia

International reporting on trafficking around the subcontinent now plays a more significant role than ever before in activities by the South Asian governments directed at combating trafficking. In June 2006, the US Department of State released the latest in a series of reports on trafficking around the world – the Trafficking in Persons 2006 Report (US State Dept 2006). Essentially, this document is a report card for each country around the globe, judged by a series of criteria which have been made known since 2000 under reporting mandated by the US Congress. It follows a series of reports beginning in 2001 to a wider one in 2003, updated in 2004, all of which were subject to strong criticism from countries nominated in these reports, on the grounds of inaccuracy and political bias.³ Nevertheless, none of the countries of the subcontinent can afford to ignore its conclusions. While it is obvious that the political atmosphere in the US has again played its part in the conclusions of the 2006 report, it represents a comprehensive overview of much of the material on trafficking globally to date. As in previous reports, it has a three tier system which ranks countries according to their efforts and accomplishments in alleviating trafficking within their country. The 2003 included only a limited range of countries in these observations, but the 2006 report is much more comprehensive and reflects the fact that every country in the world is touched by trafficking in one way or another.

These reports, which focus almost exclusively on women and children, have significant implications for the countries included, both political and economic. As noted in the TIP Report 2006 (Report, 5), "A country that fails to make significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking in persons, per U.S. law, receives a 'Tier 3' assessment in this Report". Such an assessment could trigger the withholding of supposedly non-humanitarian, non-trade-related assistance from the United States to that country. Even without such qualification, it is in the interests of countries with a significant dependence upon US aid or trade to show that they are complying with the 2000 Act to the utmost of their capability. They have put into place programmes that allow for ticks against the various portions of their report card. In this respect, what is referred to as the "three Ps" – prosecution, protection, and prevention – are the check boxes on one side, and the "three Rs" – rescue, rehabilitation, and reintegration on the other. Generally speaking, the countries of the subcontinent have made it into the categories where their foreign aid allocation from the US is not in danger; i.e., into Tier 2 Categories, but conforming to these demands has been more an exercise in public demonstration of intent than the achievement of genuine progress.

It is notable that a number of countries which have no interest in US aid or little regard for what the US Department of State thinks of their efforts in regard to trafficking are on the lowest tier, because they have failed to provide the required data, and this includes several of the Gulf states where international trafficking is an identified problem. Nevertheless, this reflects the fact that these states

cited in the Third Tier are places where large scale temporary labour migration from the subcontinent have produced conditions conforming to the definition of trafficking, but little has been done to alleviate those conditions, because they are systemic. Except for the women who are in the most desperate of circumstances as a result of their conditions, it suits the interests of all the other parties involved (governments, employers, and families) to ignore the problem.

Trafficking takes place within and between the countries of the subcontinent, with India and Pakistan acting as transit countries for wider international trafficking. Trafficked persons may set out as legitimate migrant labour from Bangladesh or Nepal to India, but may end up far from where they intended, either in India or elsewhere in the world. In South Asia, Bangladesh and Nepal are the main originating countries for trafficking, although India and Pakistan are countries of destination or transit to other regions, and trafficking is rife in both.

The scale of trafficking is difficult to assess, because collection of data on trafficking is hindered by the clandestine nature of the trade, especially for the Commercial Sex Industry (CSI). “The trade is secretive, the women are silenced, the traffickers are dangerous and not many agencies are counting” (Hughes 2000). The scale and the comparative ease with which international borders on the subcontinent can be crossed is indicated by the fact that even in 2001, an estimated 12 million Bangladeshis were illegal immigrants in India’s north western states (Mehta 2003, 62). This leaves a very large number of women and girls in circumstances in which traffickers thrive.

The reasons women take this risk and the choices they are discarding in favour of those with unknown risks attached are vital questions and, in the case of the subcontinent, with several dimensions. There is internal migration from one region of each of the countries concerned, usually from rural areas to the cities. It also involves migration from one country to another within the subcontinent, usually to India and Pakistan from other areas; Bangladesh and Nepal in particular, but Sri Lanka is linked into this network as well. The third layer is work migration by women from all these countries to international destinations such as the Gulf states and East and Southeast Asia. Consequently, notions of women and migration on the subcontinent extend from the most rural of villages to the luxurious homes of Riyadh or Singapore to the brothels of Taipei or Tokyo – involving a range of women with different qualities who migrate or are trafficked because they possess those particular qualities. The global position of women in regard to labour is that they now easily outstrip men as targets for work, because women are prepared or can be made to take on roles men will not, as they are the poorest, least skilled and most vulnerable of migrant workers. The other side of the coin is that women have skills that men do not, or are finding employment in work for which women are preferred – domestic service in particular. In Sri Lanka, for example, women out-migrate men for this latter reason.

The assumptions in some of the earlier studies were that the more remote the area within the countries of the subcontinent, the more likely it was to be exploited by traffickers, but this is not the case. Because of the mobility factor and the comparative invisibility of traffickers in the more anonymous circumstances of larger villages and towns, the latter tend to be favoured as trafficking points. Nevertheless, eighty per cent are from among landless labourers and families that depend upon wage labour. This also shows that economic circumstances at both the micro and macro levels affect the potential for traffickers to move in and exploit the desperation of people for any sort of income. These people are less likely to know their rights and more used to obeying orders – especially rural women used to a traditional patriarchal society. In that respect, nothing has changed. When they know they are migrating illegally, then they have no choice but to abet the trafficker. In fact, they may choose positively to do so.

The growth of labour agencies promoting their ability to find work for women seeking wage labour also increases the possibility of trafficking where a proportion of these are unscrupulous enough to ally themselves with traffickers (Mehta 2003, 60). The most vulnerable of targets – women and children who have come from fractured and dysfunctional families – are more likely to rely on agencies or strangers than those coming from a conventional family, and are thus prime targets for

entrapment in trafficking networks. In migration which ends up in sex work, the transitional element can be identified through an analysis of commodification of the process, and this applies both internationally and on the subcontinent. A figure in cash can be placed on the various stages of the process, all designed to put the woman concerned into debt bondage and thus make an enduring investment out of her. She will be charged for procuring her travel ticket and documents, an agency fee, bribes to officials, her food and accommodation on the journey, and additional costs which may be labelled as security expenses. The debt incurred for a job that does not materialise at the other end of the journey will be presented to her in the form of an ultimatum to work in the CSI. If she has arrived illegally at the brothel where her traffickers had always intended that she be employed, then she has even less choice in the matter than when under a purely monetary debt. The law in India relating to prostitution has been described as “ambiguous and conflictual [*sic*]” (Dirghangi 2005), and is often directed at sex workers and not those who profit most by their labour. That debt is “sold” to the brothel owner who recompenses the trafficker for the amount of the debt reckoned, which is then added to the fee for the trafficker and her new debt to her employer, to become the bonded debt she has to work off before she can hope to free herself. She may be “onsold” to another brothel or owner if she proves to be a commodity in the brothel that has acquired added value for her services.

This is the most publicised form of trafficking in South Asia, but its newsworthiness sometimes obscures the fact that women not involved in the CSI may encounter similar problems to those who are. In South Asia, in terms of the sheer numbers involved, it is not the more sensational forms of migration that are as relevant as domestic service. In the conditions of domestic service, changes are comparatively recent, and it is certainly where the lines between migration and trafficking become very blurred. In terms of domestic service, debt bondage may occur, but it is more likely that women are placed in circumstances of exploitation rather than bondage, making it difficult to determine in some cases where the line in the sand has been crossed. An investigation of the migration of women for domestic service in South Asia (ADB 2003) indicates changed underlying assumptions about the migration of women. There has been a significant increase in the numbers and ratio of women in domestic service in India particularly compared with that of men, and this reflects generally increasing patterns of labour mobility amongst women on the subcontinent. With that comes the attendant potential for migration to end in circumstances of trafficking.

An underlying factor is the continuing presence of what Nabila Kabeer defined in 2000 as “the seamless patriarchal discipline of family, community and capitalist work relations” (Kaur 2004.) In 2002-03, nothing in the descriptions had changed a great deal (Sen and Nair, foreword). Yet in the short space of six years, that seamlessness is not as apparent as it was, as women become the breadwinners for families – sometimes the sole breadwinner, and this is a phenomenon occurring all over the subcontinent. Even so, this does not shake to the foundations the patriarchy that still exists, and the fragility of women workers’ security in domestic service. They can still be dismissed at short notice, can still be subjected to physical and mental abuse by their employers, can be subject to sexual abuse by male members of the household, and may still be dependent upon debt bondage to remain in a situation which comes under the definition of trafficking. The debt may not be to her employers, but if it is to an organisation that arranged for her migration and placement, or to other family members for financial support, the effect is the same. She may have no choice but to remain in an environment of coercion, which becomes a risk to her health and perhaps her life. Migration develops into exploitation which, at its worst, degenerates into circumstances that conform to the definition of trafficking. Added to this is the fact that investment in its women workers on the subcontinent as a whole is tiny compared with that in its working men, which weakens their capacity to bargain over the value of their labour, especially in conditions where the pool of labour is virtually inexhaustible.

A chronic problem in dealing effectively with traffickers in South Asia is being able to identify them effectively, especially when they are actively assisted by new technologies. Those who do the recruiting are linked with local criminal groups who act as a shield for the operators and big-time beneficiaries of the process. The structure is pyramidal, with a director of trafficking overseeing all elements of the process, and doing so in such a way as to be relatively immune from prosecution even if his identity is known. That has not really changed since the beginning of this century, although

the greatest profiteers from the exploitation of trafficked women increasingly have to be more sophisticated in keeping their identities hidden. This is mainly because the “kingpin” figures are now subjected to a more intense kind of scrutiny than in the past; and that is from outside organisations, international police agencies and international support groups for trafficked people committed to putting them in the glare of global publicity. It may be possible for local criminal elements to protect themselves from prosecution by local police forces, but if the most important of them are identified in the international press, then national governments are under greater pressure to take action against them, and their position is less secure. Even the courts that they can normally manipulate by interfering with witnesses and the judicial process in general cannot be absolutely controlled by such figures when governments decide that it is politically expedient to prosecute them. At the micro level, identifying exactly who is a trafficker is made difficult by the fact that heterogeneous groups of individuals play their small parts in a complicated operation where migrants receive help from a diverse range of intermediaries, most of whom seek to profit from the operation (Dottridge 2004, 33).

The character of organising trafficking has been changing over the past decade, given the increase in the use of new technologies on the subcontinent. In the more sophisticated operations, not only are newspaper advertisements used through apparently legal shopfront organisations, but the internet and mobile phones can provide quick and precise linkages for all the people involved, and victims can be moved fairly seamlessly through a series of hands that make the process of identification of individuals very difficult. It may of course be argued that the technology itself is neutral and that it can also be used by those detecting criminal operations in trafficking, but given a lack of will officially to deal with trafficking, the advantage is with the traffickers. An added dimension to the electronic side of trafficking is that pornography assumes a new importance as images and movie footage can be transmitted over the internet quickly or easily captured on cams and put on CDs and DVDs. Pornography distribution is a lucrative trade, and women and children in South Asia both become victims of it and have even less chance of being recompensed financially for their part in it than in forms of prostitution.

The right and opportunity of women to migrate legally has become a well publicised issue in South Asia, with the minor players, Bangladesh and Nepal offering the least possibility for women to do so. There seems to be conflicting evidence of improvements in the right of Bangladeshi women to migrate, or in the attitude towards women who do so. On the international level, women who have done so come under suspicion because of the sheer distance from home they have travelled and the unsavoury reputation of some Arab employers. Internally, given the numbers of women, both married and single, who have migrated at some stage for work in garments factories and other export zones, and the considerable impact their wages have had on family security, there has been some reconciliation at least by male members of their families to women’s working in remote urban environments. The fact that networks of women workers are strong and that they share accommodation provides some degree of security for rural families that the virtue of their migrating women is protected by their lifestyle. Nevertheless, the disastrous effect of the post 9/11 decline in importing garments from Bangladesh meant that some women who had entered into debt to win wage-earning jobs by migrating faced severe pressures to take jobs which placed them in danger of becoming trafficking victims. Offers of jobs in domestic service or what are regarded as unskilled occupations often turned out to involve employment in the commercial sex industry and thus placed women in a position to be trafficked. And when a Bangladeshi woman is trafficked over the border into India, she is subjected to a new set of threats to her health and her life. She may end up in a brothel where she is abused by her employer, punished by the law if the brothel is raided, subjected to further abuse in jail, and then either returned surreptitiously to her employer or repatriated through deportation with no health care or physical and psychological support. Without intervention from support groups, women have no chance of exposing their abuses or identifying the traffickers, because every step of the way they are powerless in these circumstances. Pressure from international groups has certainly raised consciousness of this problem, but the number of trafficked women who have access to their assistance is very limited, and both supply and demand for their services does not slacken.

Trafficking in Nepalese women and girls has been described by Deepa Mehta in the office of the Director General of Police in Delhi, as “less risky than smuggling narcotics and electronic equipment into India” (Mehta 2003, 67). There seems to be little impediment to sending groups of girls at a time over the border with no problems about documentation or police checks. As Mehta observes (Mehta 2003, 67), “The procurer-pimp-police network makes the process even smoother”.

A preference for women of a certain race or ethnicity constitutes another factor playing an important role in creating vulnerability for women stereotyped in this way (Sen and Nair, 176-7). More than forty per cent of prostituted girls rescued during major raids on brothels in Bombay in 1996 were from Nepal (Mehta 2003, 66). Bangladeshi women also figure prominently in Kolkata brothels. This links migration with trafficking although many Nepali and Bangladeshi women are trafficked in circumstances far removed from what is normally understood as migration. It is also true that a preference for one nationality – as Nepali women are in the international trade, not only in India but in East Asia – also contributes to trafficking. As well, there are instances where male migrant labour in other countries contributes to trafficking of women and girls of their own nationality. The phenomenon of the highway sex worker is now documented – where long distance haulers in South and Southeast Asia seek familiar company, and trafficked women end up in truckstops servicing this demand. Men who use people smugglers are more likely to get jobs at the end of their journey, but fewer women by comparison get any form of legitimate work, which means that they are even more a prey for traffickers and have less choice in the sort of work they are offered or can do.

Travel restrictions have had a negative impact on Bangladeshi women over the past decade, but newer restrictions, supposedly to protect women in Nepal, also ended up acting against their interests. Women who seek work outside their place of residence have had to resort to those offering illegal migration opportunities, which inevitably bring them into direct contact with smugglers and traffickers. An appeal on constitutional grounds against these restrictions was quashed in the Nepali Supreme Court in 2006, playing very much into the hands of traffickers. Women in Nepal may thus be denied an individual identity, in terms of the migratory tools they need in order to keep them away from traffickers – for bank accounts or job applications, or to leave the country legally (Author Unspecified 2006, 116).

In Sri Lanka, domestic work is another fate that trafficked females face at an earlier age than ever before, with recruiters often deceiving parents about working conditions to gain their consent in the enterprise (Tumlin 2000, 6). As a result, girls who are then employed as domestic servants may be abused physically and sexually. This begins a downward spiral for the abused girl, because she may be stigmatised, or run away from her workplace and be forced into street prostitution. Young girls thus represent a special case in terms of women’s labour migration in Sri Lanka, with local demand for domestic workers resulting from the unavailability of mature women, who are often working abroad (due to comparatively successful international labour migration schemes for women in Sri Lanka) or in safer areas, away from the country’s recently re-energised armed conflict. The result is that young girls can become trafficked victims as an unexpected result of overseas migration of mature women for work.

Differing views on what constitutes trafficking have had a vital impact on the action that governments and other agencies take to deal with it. As long as the idea persists that trafficking is only about recruitment into the CSI, this “still makes it difficult to get the message across to governments, police and the general public that trafficking involves a wide range of unacceptable forms of exploitation, many reminiscent of slavery but which are nevertheless condoned or accepted by the public” (Dottridge 2004, 19). While the problem of combating trafficking has been approached in a number of ways, many traditional views predominate. Although it is recognised as a phenomenon requiring legislation and enforcement, the evidence would suggest that much of this has been gone about in the wrong way and has led to the opposite result from what was intended, with the women concerned made more vulnerable by the effect of the laws designed to protect them. For both international and intra-national trafficking on the subcontinent, the potential for failure is increased when stronger immigration measures are invoked and enforced. The problem is simply driven further

underground, as those who are trafficked are at least as afraid of the enforcement officers and the civil authorities as they are of the traffickers.

Receiver countries such as India usually adopt a legalistic immigration approach, and this gives little consideration to the fact that the woman trafficked is a victim. For a country like India, with many thousands of recent illegal immigrants from Bangladesh, men as well as women, governments have taken a tough stance on this matter because they do not want to be perceived as being soft on immigration that might lead to an uncontrolled rush into India from neighbouring states such as Bangladesh. The rights of the trafficked woman or child simply gets lost in this process, and it does not matter whether the person has been trafficked for prostitution or forced labour; there is not much sympathy for the victim and it is generally left to NGOs to try to sort out the resulting disaster for the women concerned.

The other problem is not that there are too few laws promulgated in regard to trafficking, but that the ones that are genuinely helpful to women are not being invoked with sufficient determination to make them effective. On the contrary, the illusion that something is being done through legislation is probably as harmful as the fact that too many laws result in negative consequences for the women they are supposed to be protecting, and little deterrent to those profiting from migrating women's labour. "In a region where the official policy restricts female migration (except Sri Lanka), women move anyway, but they so clandestinely, or they are trafficked" (Asis 2004.)

Until recently, feminist views have tended to take an uncompromising approach to the question, and their issues with the term "trafficked woman" have been well documented, as is their case against women's support groups cooperating with those engaged in profiting from the CSI. Those who understand the practical realities of commercial sex make the valid point that the label of trafficked person "erases many women's active participation in the daily survival of their families and themselves. It renders their labour invisible" (Sharma 2003, 62). This is especially true when linked with their predominance in informal sector work (Wright 2004, 175-203). As mentioned previously, calls for an end to trafficking, especially in women and children, inadvertently criminalise migration of women moving without official permission. This in turn reinforces restrictive immigration practices and leaves women stranded in places from which they cannot escape. As the data from India shows, in terms of the CSI, it leaves women with no option but to continue working in an industry that poses grave dangers to their health and lives. As noted by Sharma, the framework of anti-trafficking actually has made their clandestine journeys more expensive and more dangerous (Sharma 2003, 60). There is nevertheless evidence that feminist views are far from uniform on this question, and there is an increasing awareness that debates over what constitutes violence towards women sometimes have little relevance for the women directly affected.

It has been observed that migration- and globalisation-based analyses add to an understanding of how international economic patterns have contributed to the increase in trafficking generally, but cannot alone explain why the majority of victims continue to be women, nor why prostitution is the "work" into which they are most often trafficked (Fergus 2005, 34). The implication here is that the demand factors need as least as much attention as those of supply, and certainly a good deal more than has been given them until very recently. The demand factor is critical, and the best report on trafficking in South Asia written so far maintains consistently that it is the root cause of trafficking. "Unless the demand is tackled, it is not possible to prevent trafficking" (Sen and Nair, 121). Obviously, there is a nexus between migration and trafficking in South Asia. Migration provides the environment for trafficking, and migrants who are willing to take risks or are not sufficiently informed of the dangers they face are most vulnerable. Traffickers are well aware of these vulnerabilities and are highly skilled in exploiting them, making willing and unwilling accomplices of family members of the trafficked woman and supposedly neutral agencies to achieve their ends. They are also very willing to exploit women's sense of duty and loyalty to family and notions of family honour. Yet it is also true that trafficking cannot be addressed in isolation; it is linked inextricably with issues of poverty, gender disparity, unsafe migration and increasingly, national security.

Finally, it must be said that the debate about trafficking of women, not only in the subcontinent but all over the world, is constantly about disempowerment; through poverty, through legal and gender discrimination, and by the entrapment of women in the process being treated as minors because of a patriarchal system and the difficulties in defining a suitable age of majority. If that is the problem, then clearly an important part of the solution is in empowerment, and this is the point at which the solution to trafficking on a global basis must begin. Empowerment aims at reinforcing the agency of a woman and how her role reflects broader structural and societal patterns, and to understand the nature of the powerful forces she faces, and how to try to deal with them by strengthening individual and collective strategies that give her genuine choice. This implies recognition that women who are domestic workers are not merely commodities, and those who are CSI workers are able to make decisions for themselves and thus to increase their power of negotiation. It means respect for their choices rather than acts of charity on the part of others wanting to assist the process of empowerment, in order to break dependence on those who exploit her labour and her person.

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¹ The UN Definition of human trafficking is the best known and most widely accepted as a starting point for explaining the meaning of the term. Article 3, paragraph (a) of the UN Protocol defines trafficking as follows:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs...”
http://www.unodc.org/unodc/trafficking_convention.html.

² It has been argued that the use of the word ‘victim’ in cases of trafficking is so disempowering for women that observers should be wary of using it. “Combating trafficking of women and children in

South Asia.” Regional Synthesis Paper for Bangladesh, India, and Nepal, April 2003.
www.adb.org/Documents/Books/Combating_Trafficking/Regional_Synthesis_Paper.pdf, p. 7, fn. 4.
This may well be the case, but the term does have its application and every study of the subject uses it.

³ It is notable, for example, that Bangladesh, ranked in the lowest tier of complying states in 2003, had its status upgraded to Tier 2 Watch List per President George W. Bush, by Presidential Determination No. 2004-46, September 10, 2004. IV. Country Narratives_ South Asia.pdf.