



# NTS ALERT

# Human Trafficking in South Asia

*This edition of NTS Alert is part 3 of our recent coverage on Human Trafficking in Asia.*

## Issues in Human Trafficking

Trafficking in women and children is a matter of great concern all over the world. In South Asia, cross-border trafficking, sourcing, transit to destination is a big problem. Children are reported to be trafficked from India to the Middle East and Western countries such as the United States and Europe; into India from Bangladesh and Nepal; and through the country to Pakistan and the Middle East. Even more prevalent is the movement of persons within the countries for exploitation in various forms. Statistics on definite figures of trafficked victims are scarce but are steadily increasing.

Trafficking for commercial sexual exploitation is the most virulent form in South Asia. Mumbai, Calcutta and New Delhi are major destination cities for young girls trafficked from Nepal and Bangladesh for the purpose of commercial sexual exploitation. Children are also trafficked within India for sexual exploitation and forced or

bonded labor. Organized crime and police corruption were common factors that contributed to the overall situation of trafficking in India. According to a study funded by United States Agency for International Development (USAID) with the assistance of United Nations Development Fund for Women (UNIFEM) in August 2004, out of the estimated 500 victims of child trafficking that were interviewed, almost half of the victims were between the ages of 11 to 14 years.

The movement of young girls from Nepal and Bangladesh into Indian brothels is common. (see “Armed Conflict Breeds Human Trafficking”). However, most of the trafficking takes place within India itself. There is further movement of these women and girls to the Middle East as well as other destinations. Similar movement from Pakistan and Sri Lanka has been observed. In times of hardship, this starts out as illegal migration and ends up as trafficking. Internal displacement due to conflict in some of these countries, poverty and lack of employment opportunities, increase the vulnerabilities to being trafficked.

The response to combat the crime of human trafficking by the countries of South Asia has been inadequate. There is limited awareness and although knowledge of and the willingness to speak out against trafficking has increased significantly in the past half decade, it is still only at minimal levels. In addition to the lack of awareness, existing anti-trafficking legislation in

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most countries is inadequate. The law enforcement response – which is meant to provide an effective deterrent to traffickers – is also weak, irresponsible and not victim-friendly.

For instance, in India, a recent survey by the country's National Human Rights Commission, states that only 7 percent of the police personnel have received any kind of training whatsoever. The number of cases registered or the percentage of convictions of traffickers is low. The victims are often 're-victimized' when brought in contact with the law, because they are arrested on charges of soliciting. In cases where the women and girls have been rescued, rehabilitation and repatriation is not possible as the resources to do this are inadequate (even within NGO sectors) to support them. There is also an immense need for better shelter facilities for the victims.

In addition to this, South Asia is home to one of the largest concentrations of people living with HIV. Female sex workers (FSWs) – as a group – are an important driver of the epidemic. As has been shown in very recent research involving repatriated FSWs in Nepal, many of the FSWs who have been trafficked are at a significantly higher risk than "average" women of contracting HIV. With the exception of Sri Lanka, none of the other countries of South Asia have signed the UN Protocol on Trafficking – a supplement of the UN Convention against Transnational Organized Crime (UNTOC).

Nonetheless, sustained efforts have been made to increase the lack of data pertaining to human trafficking and HIV/AIDS. A new independent regional research study commissioned by the United Nations Development Programme (UNDP) with financial support from the Government of Japan has revealed an alarming trend of trafficking of girls and women and HIV infection in South Asia. South Asia accounts for more than half of the 300,000 to 450,000 people estimated to be trafficked in Asia each year.

The study also found that a large number of those at the risk of being trafficked in South Asia are young girls and women and they also run the risk of getting infected with HIV. The highest reported incidence of this double burden is in

Nepal, Bangladesh and India, the study said. Factors such as gender inequality, violence and lack of economic opportunities for women increase their risk to both trafficking and HIV. Younger girls are at higher risk of trafficking as well as HIV.

According to recent studies by Harvard School of Public Health; one quarter of the trafficked

### **Armed Conflict Breeds Human Trafficking**

Armed Conflict and the effects of it only serve to generate greater pools of resources for human traffickers. This section takes a look at how armed conflict has propelled rising incidents of human trafficking in the region.

#### **India**

Human traffickers are increasingly turning to India's poor and insurgency-wracked northeastern states in their search for young girls to work in big city brothels. Police note that at least 700 girls from the region have been reported missing from 2001 – 2006, 300 of whom disappeared in 2005 alone. Activists, however, estimate that thousands of northeast Indian girls disappear every year — most of whom are not reported by families due to the stigma associated with being part of the sex trade.

According to Ajit Joy from the United Nations Office on Drugs and Crime (UNODC) in New Delhi, the traffickers are mostly women, often well-known in their respective villages, who promise poor, rural families good jobs for their daughters, most of whom are between 12 and 16. But in reality, they sell the girls to brothel owners in towns and cities like New Delhi, Pune, Mumbai and Kolkata, earning between 20,000 (\$440) and 40,000 rupees for each girl. Police estimate that around 20 percent of the girls in India's big city brothels come from the northeast.

The UNODC also notes that at least one million Indian girls and women work in India's sex industry which is estimated to be worth around 400 billion rupees (\$9 billion) annually. The rise in the number of girls disappearing from northeastern states like Assam, Meghalaya and Arunachal Pradesh is partly due to tighter surveillance on India's northeastern border with Nepal, where most girls were being trafficked from before.

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individuals in Mumbai tested positive for HIV while in Nepal, it was close to 40 per cent. The study in Nepal also showed that almost 60 per

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### **Nepal**

Many innocent Nepalese village girls have been lured by traffickers with false promises of high salaries in foreign countries. Anti human-trafficking activists have implored local Nepalese police, especially those stationed near the open Nepal-Indian border, to be on the lookout for any underaged girls leaving the country.

Within a week in August 2007, a prominent local non-governmental organisation (NGO), Maiti Nepal, intercepted around 15 girls, half of whom were underage. According to Maiti Nepal activist Keshab Koirala, the girls were carrying fake passports and didn't even know where they were travelling to. Despite measures by the government and NGOs to protect girls from being trafficked, the situation has barely changed, according to activists, who said hundreds of Nepalese girls still get trafficked to India every year where they are forced into prostitution.

NGOs suspect that one of the reasons for the steady number of trafficked girls is that mobility restrictions imposed by Maoist rebels during the armed conflict situation in Nepal, no longer exist. As such, human traffickers are now better able to exploit the Nepalese girls increased mobility. Particularly vulnerable are girls who have become internally displaced persons (IDPs) due to growing political violence in southern Nepal's densely populated Terai region.

According to Maiti Nepal, most of the vulnerable girls are under 16. Investigations by the NGO have revealed that the Nepalese brothel owners in India use their strong networks at village and city level in Nepal to ensure a steady supply of girls. The local traffickers get a cut from the brothel owners. While the girls are sold at a high price to the biggest brothel owners.

Dealing with the situation remains difficult as corruption and political protection for traffickers further impede anti-trafficking efforts. One such case was when one of the most notorious brothel owners was released a few years ago due to her strong political connections.

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cent girls under the age of 15 years trafficked into sex work were found to be HIV positive.

Weak governance makes the poor vulnerable to the risk of being trafficked. The absence of effective legislation and policies as well as poor law enforcement and corruption contribute to this.

Increase the amount of data available on the issues is therefore vital as the lack of convincing data renders a lack of concern and priority on the part of national governments and other stakeholders. The study added that researchers need to look beyond sex work, since those who are trafficked for other purposes also find themselves in situations that increase their vulnerability to HIV. The clandestine nature of the phenomenon, criminal linkages and the cross-border spread mask the scale of the problem.

To address human trafficking and HIV/AIDS the study recommends better coordination in national efforts to address both issues, which are often dealt separately, by focusing on factors such as gender inequalities and violence, social marginalization, poverty, and education. Better conceptual clarity on the issues concerned; integrating trafficking and HIV interventions into key sectors; and laws and policies to address both HIV and trafficking are other recommendations of the Study.

South Asia has also shown that with modest amounts of funding and focused advocacy targeting law enforcement and the political establishment, dramatic changes can occur in the response of "governance structures" to improve the situation. For instance, through recent police training initiatives in five pilot states in India, year-on-year comparative statistics (pre-project and now) demonstrate that empowering the police to make informed decisions about the victims has led to:

- A dramatic increase in numbers of traffickers arrested
- A dramatic increase in numbers of victims rescued
- A reduction in the number of women/girls arrested for soliciting





- Greater involvement of NGOs in rescue operations and referral for treatment
- A greater willingness by the police to include such training and empowerment activities in the wider curricula of its law enforcement training academies
- An increase in the level of positive factual coverage (as opposed to sensationalized press stories) of human trafficking as a human security challenge in India

This initiative has encouraged other enforcement officers to counter human trafficking to a degree that was largely unheard of even two years ago. Such action, if extended and expanded, will underpin much of the tireless and positive work by the multitude of effective NGO operations already underway providing prevention programmes, protection and shelter.

Other initiatives include Pakistan's created Migration Management Cell. Launched by Pakistan's Interior Ministry, the Migration Management Cell would provide a national database on human trafficking and for creating links between different concern ministries. According to Interior Deputy Secretary and head of the cell Amna Imran Khan the database would serve as a resource centre on these issues and would facilitate to generate awareness among the masses on the negative implications of travelling abroad through illegal means. It would also provide credible information to counter damaging unsubstantiated and exaggerated figures relating to these issues quoted by the international organisations for downgrading Pakistan's status in the international areas.

In addition to this, a conference aimed at developing links between the various ministries in Pakistan was held in September 2007. Participants from the ministries of Interior, Labour, Manpower and Overseas Pakistanis, Foreign Affairs, Information and Broadcasting attended the conference in a bid to improve the sharing of information relating to human trafficking, smuggling and migration related matters.

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#### **Sri Lanka**

In Sri Lanka's war-torn north and east, where killings happen every day and work is nearly nonexistent, it doesn't take much to entice a man to leave. Many Sri Lankan men have pounced on opportunities to work abroad, often in Gulf Arab countries as labourers for a steady salary not often available in their home country.

However, not all have ended up in their dream destinations of Dubai. In the case of 32 year old Krishnan Piraitheepan, he and his companions were flown to Iraq and locked in a room guarded by a man with a pistol. They had been sold to another agency, they were told, for US\$1,200 apiece.

Such incidents are not uncommon. Since 2003, the International Organization for Migration (IOM) has evacuated more than 6,000 foreigners "in difficult situations" from Iraq. Interestingly enough, some of these Sri Lankan were willing to risk working in Iraq than to return home. According to Piraitheepan, who had managed to return with the help of the IOM, "we knew Iraq was dangerous, and Sri Lanka was dangerous, but at least we thought our parents will get to see our corpses if we die here".

According to Pratap Chatterjee, executive director of the California-based corporate watchdog CorpWatch, estimates only a small percentage of the 30,000 to 50,000 migrant workers in Iraq are there against their will -- but many more may not have realized what it means to work in a war zone.

What is of concern now is the workers' inability to leave. With some employers still holding employee passports -- a practice the US Defense Department has forbidden for its contractors since mid-last 2006 - - leaving a job can be extremely difficult.

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## **Strengthening Law Enforcement to Human Trafficking**

Several legislative initiatives (national and intergovernmental) have been adopted to improve the fight against human traffickers. In May 2007, **India** banned the emigration of women under 30 as domestic help to several countries in order to check the possibility of their sexual exploitation. The ban applies to countries for which workers need to obtain emigration clearance from Indian authorities before leaving India. These countries include the Gulf nations (Saudi Arabia, Bahrain, United Arab Emirates, Kuwait, Qatar, Oman) Malaysia, Syria, Jordan, Afghanistan, Thailand, Indonesia, Iraq, Brunei, Nigeria, Sudan and Libya.

According to government data, more than 500,000 people leave India for work every year while unofficial estimates put the figure at about a million. Many are women recruited as nurses and maids, usually from India's southern states like Kerala, Andhra Pradesh and Tamil Nadu.

Indian media regularly reports about lowly-paid Indian housemaids being physically and sexually abused by their employers. But complaints are rarely registered.

Such grievances were voiced when India's Women and Child Development Minister Renuka Chowdhury visited Kuwait where she received a number of complaints from women who had been brought in as domestic help only to be forced into trafficking after their passports and visas were impounded by their employers

Laws have also been established in countries at the receiving end of human trafficking. In the **United Arab Emirates**, the country's Ministerial Legislative Committee (MLC) approved an anti-human trafficking federal draft law. The law drafted in 2006 stipulated that a life-imprisonment term is to be slapped against anyone implicated in any of the crimes of human trafficking, such as sexual exploitation, forced labour, slavery, or any malpractices of the kind.

According to Mohammed bin Nakhira Al Dhahiri, UAE Minister of Justice and Head of the

## **Economics the key to tackling Human Trafficking**

Millions of humans trafficked around the world will keep falling victim to an insatiable demand for cheap labour unless countries put an end to the "darker side" of globalisation. This was the message given by the United Nations Office on Drugs and Crime (UNODC) at a recent interfaith forum on fighting human trafficking co-hosted by the UNODC and the Anglican Church of Southern Africa.

According to Jeffrey Avina, director of operations at the UNODC, it is no coincidence that most victims are from developing countries and are thus the most vulnerable to predators who exploit the dreams of poor and vulnerable people who are seeking a better life. The victims, mostly women and children, have high hopes working as domestic servants or in factories will open new opportunities. But many are coerced into forced labour or prostitution, unable to break out of a cycle of exploitation.

Although more than 110 nations have signed and ratified a U.N. protocol against human trafficking since December 2003, governments and their criminal justice systems have still not curbed the practice. Avina noted that relying solely on a moral approach to tackle the multibillion-dollar trade would fail to ease the suffering. Rather, economic leverage should be used to undermine the networks by lowering the incentives for trafficking.

Human trafficking affects virtually every region of the world and according to U.N. estimates, the trade could be worth some \$32 billion if both "sales" of individuals and the value of their exploited labour is taken into account. Avina said UNODC wanted to secure \$100 million (49 million pounds) from private sector donors and philanthropists to help fund a global drive against human trafficking. This would be an important step due to the lack of resources available to deal with the problem.

### **Source**

U.N. says tackle human trafficking with economics, AFP, 3 Oct 2007





MLC the anti-human trafficking draft law, incriminates all organised groups involved in such practices. All criminals or partners proved to be the sponsors of their victims — whether relatives or employees of public firms — who influence witnesses to conceal information or give false statements before courts or law will suffer punishment. The draft law is also aimed at penalising all companies and establishments implicated or proved to have been involved in any of the said crimes.

An anti-human trafficking national committee is to be formed as per the draft law, which will determine the committee's specifications and bodies. The cabinet is the official body in charge of forming this committee as per an official decree. The draft law will be referred to the cabinet to be endorsed within the forthcoming period. Dr Ali Al Hawsani, Assistant Undersecretary of the Minister of Justice for fatwa, legislation, and state cases affairs, said that the Technical Legislative Committee had carried out an in-depth review and endorsed the chapter relating to the liquidation of insurance companies in a bid to thoroughly endorse a draft law for the establishment of an insurance authority. The draft law is set to be debated by the Ministerial Legislative Committee at the earliest.

India has also worked actively with international organisations to address human trafficking. The United Nations Office on Drugs and Crime, Regional Office for South Asia in coordination with the Ministry of Home Affairs, Government of India, is implementing project IND/S16 on “**Strengthening Law Enforcement Response to Human Trafficking**”. The project aims to intensify efforts to combat trafficking through capacity building of law enforcement (police and prosecutors) in five states - Andhra Pradesh, Bihar, Goa, Maharashtra, and West Bengal. One of the major strategies of the project is to produce manuals, tools and resource books that can be utilised by the law enforcement agencies and all other stake holders in the process of anti human trafficking. There have been several initiatives by NGOs (including the civil society agencies, social activists), corporate, media, etc. in addressing the various dimension of human trafficking, including prevention, protection and prosecution.

Dissemination of such best practices can benefit other stake holders, facilitate replication where ever possible and strengthen the anti human trafficking initiative by all concerned.

The ‘Good Practices’ which will be compiled into a compendium, covering the following aspects:

- **Prevention** of trafficking - at Source – Transit – Destination, that is on all the routes of trafficking.
- **Prosecution** of offences – including investigation, identification of traffickers and other offenders, arrest and detention, interrogation, prosecution, conviction, post – conviction activities, confiscation of assets of offenders, etc.
- **Protection** of victims – including identification of victims, care and attention during rescue and post – rescue situations, counselling, networking with different

**The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT)**

The UN GIFT is organising an upcoming regional conference in New Delhi, India entitled “Responding to Trafficking for Sexual Exploitation in South Asia” on the 10<sup>th</sup> and 11<sup>th</sup> October 2007. The conference will focus on the fundamentals of law enforcement capacity building, partnership with the private sector to provide victim support, and organizational networking. Tourism, technology, manufacturing, and transportation industries are all impacted by human trafficking, and members of these and other industries have an incentive to combat it. Their commitment to Corporate Social Responsibility will be highlighted during a business leader panel, and a dedicated working group segment will the leaders space to discuss new strategies for combating human trafficking. Private businesses will also be encouraged to present examples of best practice to date in their efforts to counter human trafficking. The outcome of the conference will serve as a major arm in the platform for the Vienna meeting in the following month, as it would have raised the issue of trafficking in South Asia. Additionally, regional leadership will be attuned to the problem through the ‘**New Delhi Declaration**’ facilitating discussions and deliberations.

agencies for rehabilitation of victim, taking steps for rehabilitation, preventing trafficking, empowering vulnerable sections, addressing adolescents on trafficking, gender rights, HIV and other issues related to trafficking.

- Media reporting and its impact on NGOs in anti human trafficking.
- NGO partnerships with the corporates and how such 'Good Practices' have impacted prevention / combating trafficking.

The HAQ Centre for Child Rights, Shahpur Jat, New Delhi, had been tasked with preparing this compendium. A conference of NGOs working on Anti Human Trafficking (AHT) in New Delhi in early September 2007 was thus organised. A total of 24 NGOs from all over India participated at the conference. The conference was a success with about 50 case studies being discussed and shared thus demonstrating the significance of NGO – Corporate collaboration in the fight against anti human trafficking. The NGOs displayed enthusiasm in informing the participants of the initiatives undertaken by them in synergising their activities with corporates and other business houses. The gaps in the case studies and the topics for new case studies were identified and all participants committed to themselves that they would forward their case studies, in full, with all value additions, to the HAQ Centre.

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### **Anti-Trafficking Efforts Bearing Fruits**

Over 650 Indians, including 138 minors, who were victims to human trafficking, were rescued during the first six months of 2007. The UN Office on Drugs and Crime (UNODC) noted that 96 operations were carried out across India from January to June 2007, thus resulted in the rescue of 662 people trafficking.

The statistics revealed that 1,008 people were arrested for indulging in human trafficking while two persons were convicted for the same during the period. According to UNODC Representative Gary Lewis, majority of the victims were forced into sex trade and that 220 customers were also arrested for abetting human trafficking.

Lewis also noted that the average age of girls being trafficked in South Asia was dropping. In 1980, the average age of trafficked girls was 14 to 16 years. This has dropped 10-14 years in 1994 and has dropped further in 2006.

The UNODC statistics said 60 per cent of the trafficking cases were not reported while 9,500 such crimes were registered across the country every year. The agency, which ranks the trafficking industry only behind illicit drugs and fire arms trade, estimated that about 32 billion dollars change hands in the trade.

#### ***Other News...***

Human trafficking charges have also been slapped on pop stars. Indian prosecutors have charged Indian pop star, Daler Mehndi, his brother and two others in connection with human trafficking complaints.

A fraud complaint linked to human trafficking was first registered against Mehndi, known for his jolly demeanor and rollicking tunes, in 2003. A Punjabi villager said the two brothers took 450,000 rupees (11,250 dollars) from him and promised to take him abroad posing as a member of the star's dance troupe -- but failed to do so. At least 30 other similar complaints from other villagers surfaced soon after.





Local police cleared the star but the Patiala court would not allow them to drop the case. The court has now ordered charges to be filed under the forgery and cheating sections of the Indian penal code. Evidence will be heard in the case in the months ahead.

Recent arrests included the arrest of the sarpanch (elected head of a village level) of Bileisathi in Patnagarh. Rohit Patel and his brother Lalit Patel when they were sending 40 labourers, including women and children, illegally to Hyderabad.

On a tipoff, Patnagarh police, led by DSP (crime) N C Dandsena, rescued the 40 labourers when they were being taken to a nearby railway station to work in a brick kiln unit.

Police said the sarpanch had given some money to the labourers in advance and forced them to go to Hyderabad. They were to work in the brick kiln for five months.

After interrogation, it was revealed that the brothers did not have any labour licence. They

had contacted an owner of the Hyderabad-based brick kiln.

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