

TRAFFICKING OF WOMEN IN SOUTH ASIA: A SKETCH

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This brief note seeks to draw a sketch of the regime of trafficking in South Asia, particularly in relation to the trafficking of girls and women for prostitution. To this end, it enters the theme by describing and examining the conceptualizations and interventions on trafficking, and explores "complicitness" in trafficking and the relationship between trafficking and prostitution. Above all, it sketches a preliminary "model" of the regimes of demand and supply of trafficking.

Introduction

Trafficking in persons, particularly women and girls, has received sporadic and intermittent attention from different states and interstate organs for quite some time. The 1895 treaty on the prevention of "trafficking in women" in Paris, the 1904 international agreement on the suppression of the "White Slave Trade", which aimed to "combat the procuring of women and girls for immoral purposes", the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others were some such steps. Of the many recent interstate initiatives for controlling trafficking, among others, are the 1979 Convention on the Elimination of all Forms of Discrimination Against Women and the adoption, by the UN, in 1994, of the resolution on the "traffic in women and girls" (see Wijers and Chew 1997: Chapter 2 for an extended treatment). Following a period in which trafficking had become nearly synonymous with prostitution, the 1995 Beijing Conference identified many *other* forms, aspects and conditions (e.g. false marriage, forced labor) of trafficking.

However, what constitutes trafficking of human beings has been a matter of much discussion and fairly heated debate and controversy. Definitions differ in the extent to which they are *inclusive*, the extent to which they are

detailed, the extent to which they are *gender specific* and the extent to which they are sensitive to the *regional context*. The UN Human Rights Commissioner Mary Robinson (UN 1999) views "debt bondage, forced prostitution and false marriage" as different expressions of trafficking, a definition which is a somewhat inclusive but sketchy, i.e. lacking in detail. Some definitions are relatively inclusive as well as detailed. The UN (A/Res/49/166 adopted on December 23, 1994), for example, views trafficking as "the illicit and clandestine movement of persons across national and international borders, largely from developing countries and some countries with economies in transition, with the end goal of forcing women and girls into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking such as forced domestic labor, false marriage, clandestine employment and false adoption". Still some other definitions are detailed in a legally oriented way: [Trafficking includes] "All acts and attempted acts, attempted recruitment, transportation within or across borders, purchase, sale, transfer, harboring or receipt of a person involving the use of deception and coercion including the use or threat of force or the abuse of authority or debt bondage for the purpose of placing or holding such persons, whether for pay or not, in involuntary servitude (domestic, sexual or reproductive), in forced or bonded labor, or in slave-like conditions, in a community other than the one in which such person lived at the time of the original deception, coercion or debt bondage (GAATW 1999: 11). Finally, some other definitions are somewhat more sensitive to the South Asian context and but at the same time much too restrictive. The South Asian Association for Regional Cooperation (SAARC), for example, agrees that trafficking in the region is of a specific character, shows great concern against trafficking and also agrees that combating trafficking in women and children remains urgent. But, at the same time, it views trafficking *solely* in the context of prostitution (see the SAARC convention on "combating trafficking on women and children for prostitution"). It is necessary, in any case, that trafficking should be viewed inclusively while at the same time remaining sensitive to its economic, political, cultural as well as regional and global contexts. Only such a conceptualization can be instrumental in paving the way for its eventual control.

As the SAARC formulation indicates, during the last two decades, the gendered context of human trafficking has received considerable attention in South Asia (also see Asmita 1998: 7-11). Within South Asia, the most

commonly discussed regime of trafficking is that of Nepali girls and women who are trafficked to India (IPEC, 1999: 1, Asmita 1998: 7-11). Nepal is often noted as the most fertile place for traffickers to play their game. The Indian Health Organization has noted, for example that there were 100,000 Nepali women and girls in Indian brothels and that 35 percent of them were trafficked [involuntarily] for various reasons (*Times of India*, January 2, 1989, cited in O'dea 1993: 7). In addition, the government of Nepal has officially announced that there were 200,000 Nepali women working in brothels in India (O'dea 1993: 7). Regionally, India is generally the destination of trafficking in South Asia (Asmita 1998: 10). In Bangladesh, the government has admitted that "a few thousand women and girls" have been trafficked to South Asian countries, particularly to India and the West Asian countries for labor, prostitution and other purposes (ILO-IPEC 1999)

The amount of literature on trafficking in girls and women far exceeds those on trafficking on infants, boys, men and the aged. But such trafficking does take place extensively. Trafficking in children is increasing in Cambodia, China, Laos, Myanmar and Vietnam. These children are apparently trafficked into Thailand (ILO-IPEC 1999) Similarly, trafficking of the aged is increasing in scale in the Sub-Mekong region (GAATW 1999: 7). Nonetheless, it appears from a survey of literature in trafficking, that trafficking on girls and women has been increasing within the recent decades within South and Southeast Asia and, much more recently, in Eastern Europe. As a consequence, agencies at various levels, such as local communities, non-governmental organizations in particular countries as well as inter-country levels, governments as well as inter-governmental agencies, e.g. the South Asian Association for Regional Cooperation, seem to be more aware of trafficking in women and taking preliminary, although as yet ineffectual, steps to control such trafficking. While trafficked girls and women are put to a variety of uses, e.g. at home as "wife" and domestic servant, helper at sweatshops and restaurants, illegal drug exporters, trafficking for forced prostitution has received much more emphasis both in the literature and in intervention programs. A widely shared belief is that women who are trafficked are, among others, sexually abused, even outside the domain of prostitution. While these concerns are to be welcomed, it is not entirely unlikely that at least some of these concerns arise out of the scare of HIV and its high communicability, rather than trafficking as such. In any case, many of these initiatives, particularly those taken by state and interstate organs, disproportionately rely on *immediate and direct* juridical and policing

and "awareness" measures rather than intervening in the specific features of the political, economic, educational, etc systems which make women an object of trafficking (also see Human Rights Watch 1995). The government of Nepal, for example, has officially restricted the migration of women to specific countries, regardless of the purpose of migration.

It must, however, be noted that it makes little sense to view trafficking as an *exclusively* cross-border, i.e. interstate, phenomenon. Trafficking is a regular routine *within* all of the South Asian countries. Thus, while interstate trafficking has received much of the attention, possibly because of its international implications, whether more women are trafficked inside or outside a given country and whether trafficked women suffer more inside their own country or outside remains an unanswered question.

Complicit and Forced Trafficking

Trafficking connotes involuntariness. A feeling is evoked that *all* persons being trafficked are either being duped into, forced, overpowered or kidnapped against their will (e.g. by means of physical threats, use of drugs, false marriage), or are otherwise totally unaware, like objects and commodities, that they are being trafficked. While such is indeed the case for a large, although indeterminate, proportion of those being trafficked, it is *doubtful* if all, or even an overwhelming proportion, of those being trafficked are similarly situated. At the psychological level, it would be more reasonable to assume that a significant proportion, rather than being forced and overpowered, may be "willing to be trafficked". Prolonged shortages of resources necessary for livelihood, short-term but severe contingencies, as well as seasonal scarcities may *force them to become complicit* to trafficking. (It is the specific character of this structural forcing that deserves far more academic and policy attention.) A larger proportion may be "complicit" to being trafficked as such but remain totally in the dark on the specific "end uses" they will be put to, e.g. they may be informed that they will "enjoy a better life", be "employed" at "high wage rates" but may not be aware that they will be forced into prostitution. They might even be pre-informed that the "work" might be "difficult" and even demeaning. Members of their family may also find themselves in a similar situation. Published instances of trafficking of children, boys, girls, men and women by very close relatives would indicate that *under extremely unfavorable structural conditions*, trafficking may take on a variety of *shades* between being forced and

overpowered on the one hand and complicity on the other. Clearly, considerably *different* sets of political, economic, legal, administrative, etc. *interventions* will be required at the interstate, state, community, familial and individual level in order to address trafficking of particular shades.

Trafficking and Prostitution

As noted, trafficking takes place for various purposes. As already noted, it is not only girls and women who are trafficked but also the elderly, men, boys and infants. (Indeed, we have come to "accept" even human organs, e.g. blood, liver, being trafficked.) Trafficking can also take place in disparate historical contexts, e.g. trafficking of slave labor in earlier periods. In more recent periods, trafficking of semi-slave, bondage, labor is prevalent in agriculture, crafts, manufacturing, etc. Those "manpower agencies" who illegally export labor from South Asia to developed and semi-developed countries, e.g. in East Asia, Southeast Asia, West Asia, Europe, North America, can be taken as examples. Nor do all "manpower agencies" specialise in across-border export of labor. There are many less known and unregistered "manpower agencies" which traffic persons *within* a given country, primarily from the rural to the urban areas.

The recent, "modern" regime of trafficking is also saliently directed toward girls and women. Part of this trafficking is certainly directed toward the prostitution industry. (Pradhan 1997) Not all trafficking of girls and women, however, is directed towards prostitution. Girls and women are trafficked for a variety of purposes. The legal and illegal opening of the menial and unskilled sector to international workers in developed and semi-developed countries in the last three decades has opened the floodgates to trafficking in girls and women. Even semi-skilled and highly skilled women are being trafficked from South Asia to such regions and countries. The trafficking of industrial workers, nurses, information technology workers are examples.

The Supply Side

The trafficking process can be analyzed in various ways. One way to cut through it is to reduce the trafficking process into an event characterized by specific conditions of supply and demand. This mode of analysis, as hinted, has the effect of de-emphasizing history; but it also has the effect of pointing

out the key links in the trafficking chain which can, in turn, generate insights for controlling it.

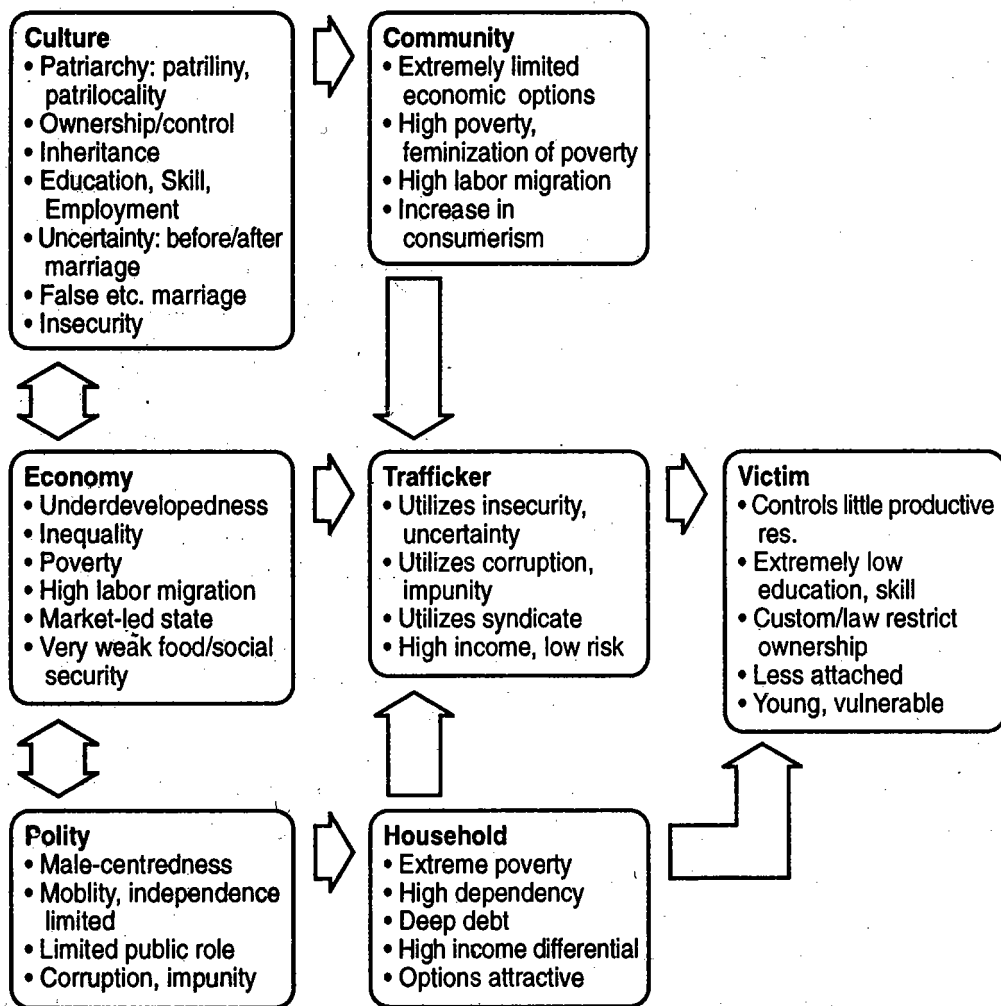
The supply and the demand sides can be analyzed in several ways. One such way is to map the major features of the political, economic and cultural spheres and of the social spaces specific actors inhabit within this larger structure. In the remainder of this discussion paper I propose to sketch one "model" each of the supply and demand sides of trafficking in women in South Asia.

The supply side model comprises the victim, her family, community, the trafficker and the larger social structure. The latter has been elaborated here as specific political, economic and cultural attributes of the "supplying state and society" (see Diagram 1).

The culture of the supplying state and society is patriarchal. Patriliney and patrilocality are the key features of such a system. That resources are *inherited* as well as *controlled patrilineally*, in turn, is the defining characteristic of patriliney. Girls and women, in such culture, personally experience and vicariously internalize in the present, as well as visualize a future, in which their access to productive natural resources, education, skill, remunerative employment, etc. remain extremely uncertain at the best and severely limited at the worst. In particular, absence of *inheritance rights to productive resources, agricultural land in particular*, renders their future highly uncertain. Marriage is nearly the only recourse that can be utilized for accessing such resources. But because the relative resourcefulness of the future groom's household is necessarily uncertain, the level of predictability of their future course of life remains extremely low. False marriage, for example, is often a response to this uncertainty regarding the future course of life. Under patriliney, nor are daughters socialized for pursuing an independent livelihood. Patrilocality, which is often associated with patriliney, disattaches, to various degrees, married women from their family of birth. It also generates, for a significant proportion of women, considerable physical and social hardship and insecurity, including in relation to matrimony. Uncertainty and insecurity, in turn, *create conditions* which, among others, encourage trafficking.

The economy of supplying state, region and society is highly underdeveloped as well as in constant interaction with larger and more developed "demand" economies. The economy is also characterized by a high degree of inequality. In addition, the economy comprises a large proportion of extremely resource and income poor households which can

Diagram 1: The Supply-Side Factors and Interrelationships



barely earn their livelihood through engaging in uncertain, low-wage, "informal" labor for others, most prominently in non-local and distant communities. Labour migration, including seasonal labor migration to towns and cities in neighboring countries, is a longstanding routine. Such a longstanding migratory pattern gives a certain historical *legitimacy* to the process of trafficking. In addition, the state has no social effective food and other social security system and fully relies on the market system.

The polity of the supplying state, region and society is male centered. Women's physical mobility is sharply circumscribed. Assertion of independence by women is highly restricted. The public sphere of participation by women, in particular, is highly restricted. Public decision-making is predominantly a male domain. This holds true from the local to the

state levels. Few women are empowered to seek access to electoral and other public offices; even fewer get actually elected or appointed. The polity of the supplying state is also characterized by a high level of *impunity* (that the guilty go unpunished) and *corruption*, right from the administrative to civil security to the judicial organs.

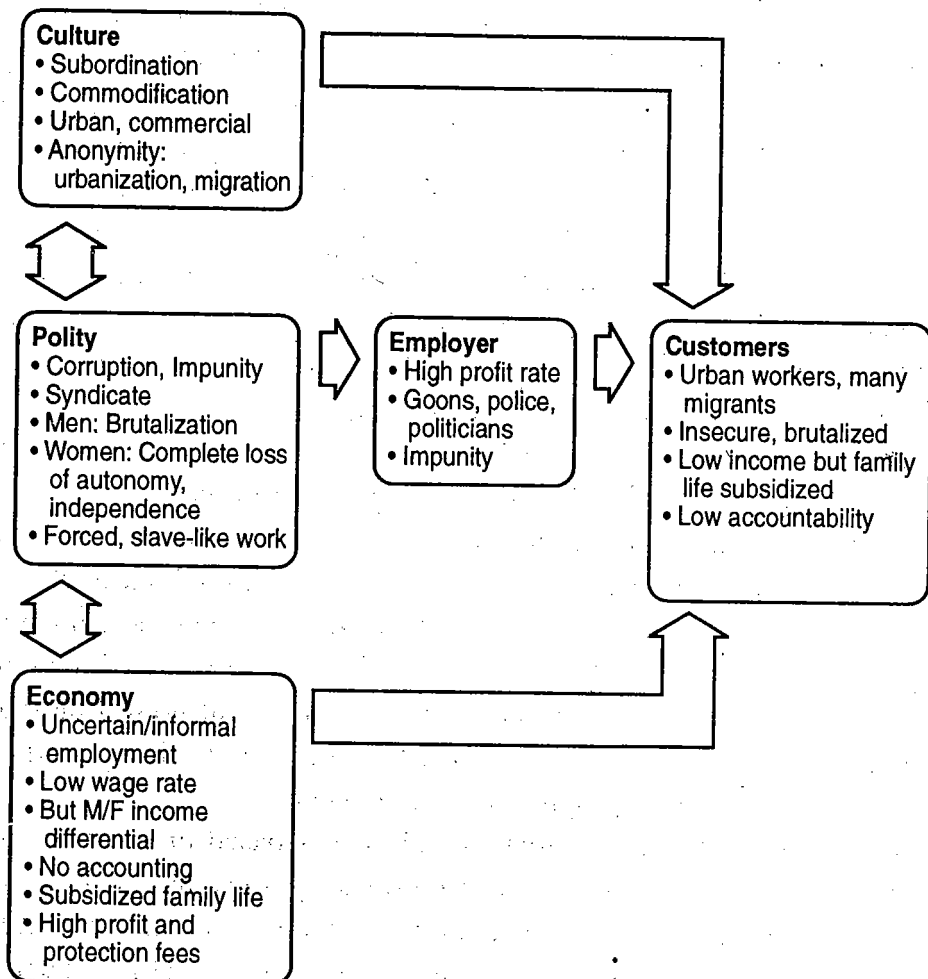
These characteristics of the larger structures shape the victim, her household and community and the trafficker in particular ways. The trafficker effectively and efficiently *utilizes* all these features in the crafting of his/her trade. Patriliney; patrilocality; girls' and women's uncertainty regarding the future, as well as their insecurity, absence of inheritance rights, resourcelessness, poverty and dependence is well internalized within the trafficker's strategic plan. In addition, political, legal and administrative setting of impunity and the high corruptibility of the officers drastically *lower the risks* involved in trafficking. Impunity and corruptibility also support a trafficker syndicate to thrive which, in turn, further empowers and protects an individual trafficker.

The community where the victim resides has limited economic options, particularly for girls and women, especially under conditions of widespread and rather intense resource and income poverty. It has had a fairly longstanding routine of seasonal and/or permanent labor migration and/or trade with larger market centers in and outside of the country. It is also a space where *consumerism* is making initial-to-considerable inroads.

The victim's household has very little resources to work upon and secure a stable livelihood. It is probably also at a specific stage of its lifecycle where there are a number of dependents, whether siblings, one's own children, parents or the sick. The household is probably deep in debt such that it cannot be paid back even with two or three future crops. Traffickers, in turn, promise much high rates of income than locally available. This is sometimes corroborated through examples of local individuals or households who had earlier taken hold of "similar opportunities".

The victim herself probably owns little productive resources. Customs and laws debar her from such ownership and even access. As such, she is, in a salient manner, unattached to the local society. She also probably had a very brief schooling, if at all. She cannot find ways to market the skill she might have. She is relatively young as well, sometimes in the pre-teens and the early teens, in which case she could not have had the opportunity to go beyond the primary grades.

Diagram 2: Demand-Side Factors and Interrelationships



The Demand Side

The literature on trafficking, it must be noted, is highly unbalanced: The demand side, compared to the supply side, *remains to be explored*. This note, in keeping with the limited literature that does exist (e.g. Human Rights Watch 1995, Wichterich 2000) sketches the demand side as comprising, once again, of the larger political, economic and cultural structure, in addition to the "employer" and the "customer".

The culture of demand for trafficking is based, among others, on female subordination as well as the commodification of women, most prominently of their bodies. While women's subordination has a long history, the commodification of women's bodies is much more recent. It is based on the capitalist organization of production and growth, industrialization,

commercialization and urbanization which, at least in the early stages, often *bypass* women as legitimate and legal migrants, laborers, wage earners, traders etc. (Wichterich 2000: 24). These specific characteristics, in turn, empower certain categories of men to commodify women's bodies.

The economy of the demand is comprised of the uncertain nature of employment (for many, especially seasonal and temporary unskilled and semi-skilled migrant workers), low wage rate and *pervasive insecurity* which discourage the worker's wife/family from joining the male laborer there (also see Schuler 1992: 122). On the other hand, the absence of the wife and other members of the family frees the male worker from having to account for wage and other income as well as personal expenditures. The *anonymity* of the industrial-commercial urban area and the rise of male ghettos (both in place of work and localities of residence) contribute to women's trafficking there. That other members of the family back home keep the household relatively intact by working on the family farm, raising of livestock, wage labor, petty trade, etc. also frees the male worker to keep the demand for trafficking alive. The economy of demand is also kept alive by a high rate of profit for the traffickers, the "madams" and high scales of protection money for the security staff, local goon squads, the police and other government officials as well as politicians in the areas of demand.

If the polity of the supply area (see above) is based on restrictions on women's autonomy, participation, decision-making roles, physical mobility, etc., the polity in the demand areas takes these to a *new height*. Here, at least at the early stage of their "careers", women remain as virtual prisoners who are rarely allowed to venture beyond the confines of their place of work. The place of work also serves as the living quarters, thus at one emphasizing the *inseparability* of their physical body and their work as well as the forced nature of their work. The polity of the demand area, beyond the "consuming" location of trafficking, occupies a theatre of an illegal and unholy relationships and operations constructed out of a powerful *nexus* among the employer, the local goons, the police, government officials and politicians who wallow in the protection money and work to further raise the demand for trafficking.

The employer, as the head of the "enterprise", manages the workplace and residence of the "workers" and the relationship with the customers. The employer also mediates with the trafficker and with the local "protectors". In addition, because the employer himself/herself and the workplace are also targets of various anti-trafficking and anti-prostitution forces, s/he seeks to

neutralize such forces through the use of the "*protectors*". "Connection" to the local police and politicians, cemented through the protection money, come handy in the fight against the anti-trafficking forces. Often, the victim's body is also utilized to procure protection and to ensure the security and continuation of the "enterprise".

The "customers" are primarily the urban workers, many of them seasonal or temporary migrants to the town. Most have undergone through bouts of the insecurity of remaining intermittently unemployed and underemployed, of isolation from home, kinship and friendship circles, and the *brutality* of unskilled or semi-skilled work and mechanical work routines. During periods when they are employed, however, these men do earn some income. This income is highly insufficient to maintain a family life at the location of work. But because they do not have to provide an account of the income and because the subsistence economy back home *subsidizes* family life, they enjoy a certain level of freedom regarding the disposal of the earned wage income. It is part of this income that is utilized to command access to the body of a woman. Such access is also utilized as a compensating mechanism for the brutality of unemployment as well as work.

Conclusion

Trafficking in girls and women has to be seen as an outcome of the *interaction* of patriarchy (especially in relation to its patrilineal and patrilocal features) with uneven development. The underdeveloped but market-dominant economy, which is characterized by impoverishment and consumerism on the one hand and expanding urbanization, industrialization on the other. It has also to be seen as a correlate of the absent or extremely weak status of women in relation to *inheritance rights and the general resourcelessness*, including in relation to education, skill, employability, financial capital. It has also to be seen as an outcome of a state and bureaucratic apparatus which is *weak*, and which is systematically *subverted* by its operatives for achieving personal gain (rather than for meeting systemic objectives).

Some of the processes described above are entrenched. Some others are becoming *stronger*. In this context, therefore, there is no easy path to controlling trafficking. *Cultural and legal openings* for women's access to property rights, inheritance rights in particular would go some way in controlling trafficking. Initiatives to make women resourceful, e.g. through

access to good-quality education, skill, employment, financial capital, etc. would be a great help. Measures which *breakdown* the regime of bureaucratic impunity would be very helpful as well. These, in turn, would demand *organized action* by conscientious legislators, women's associations and groups as well as more encompassing citizens' groups within and among countries.

Note

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