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## **Illegal Labor Markets: A Case Study of Trafficking of Women and Children in South Asia**

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**Abstract:** *In most countries, human trafficking is acknowledged as a serious crime, punishable by law. Yet, owing to dramatic improvements in transportation and communication technologies, women and child trafficking has developed into a transnational crime, and appears to be on the rise worldwide (US State Department 2003). Human traffickers target mostly women and children because they are vulnerable and most wanted for sex industry, forced or false marriages and adoption. In the present study we have analyzed different aspects of women and child trafficking in South Asia, i.e. characteristics, magnitude, determinants and regulations existed. We have sorted out the shortcomings of the procedures which are necessary to eliminate the phenomenon. In the last policy proposals are made.*

### **1. Women and Children in South Asia**

South Asia accommodates one fifth of the world's population and two fifth of the world's poor individuals. The region is fairly poor in terms of social indicators and human development. The range of Human Development Index (HDI) ranking for South Asian Countries is between 134 to 159 except Sri Lanka being ranked at 89. but the trafficking of children for commercial sex work is associated to the expansion of tourism, particularly in coastal areas of Sri Lanka, though the extent of cross-border trafficking of Sri Lankan children is less as compared to other South Asian countries (ILO-IPEC 1998b). Out of the total population of 1.2 billion of South Asia, around 500 million people are in the category of absolute poverty so the region faces severe human deprivation. Haq (1997) has put the Human

Deprivation Value (HDV) of 44 for South Asian nations. The burden of this human deprivation falls heavily on women and children. “To be a women is to be a non-person in South Asia. Women bear the greatest burden of human deprivation. Poverty in South Asia, as in other low-income regions, has a women’s face” (Haq 1997).

There are 74 million women missing in the region due to victims of social and economic neglect from cradle to grave. It reflects their, among other social and cultural disadvantages, unemployment, under-employment, lower wages, lower skill development opportunities, inhuman working conditions, long working hours, slavery like employment contracts, and sale and trafficking. As concerns the children in South Asia, about 50 million and 100 million children are out of primary and secondary schools respectively. Only 68 percent of children are immunized in the region and 27 percent are under-weight. An estimated 134 million children are working<sup>1</sup> and living in inhumane conditions and one group of them is trafficked children. According to one estimate, there are around 10,000 street children in the cities of Lahore and Karachi having the risk of abuse, violence, discrimination and trafficking. One should distinguish between child trafficking and hazardous child labor. Child trafficking underlines a sense of abuse and deception, and slavery like labor. Not all hazardous child labor involves deception and abuse. The development economists are concerned with trafficking of women and children from the perspectives of poverty, employment, market mechanisms and human resource development.

## **2. Aspects and Definition of Trafficking**

Trafficking in human being is a serious and multiple human rights violation, infringing a person’s human dignity, personal liberty, freedom of movement, privacy, and self-

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<sup>1</sup> Child labor force participation rate (in the age group of 10-14 years) is 16 percent in South Asia varying from 2 percent in Sri-Lanka, 13 percent in India, 16 percent in Pakistan to 29 percent in Bangladesh and 43 percent in Nepal.

determination. It furthermore violates the prohibition of slavery, slavery-like practices and compulsory work. Trafficking is to be equated with cruel and inhuman treatment. All mentioned areas are related to basic principles of the most important human rights documents, like the Universal Declaration of Human Rights (1948) or the International Covenant on Civil and Political Rights (1966). The trafficking of human being involves economics as: it obeys the laws of supply and demand; there exists market imperfections; wage discrimination; and non-implementation of labor laws. We would focus on women and children as they are particularly vulnerable to becoming victims of the crime of trafficking. There is a series of aspects of trafficking of women and children like the human rights, migration, labour, organized crime, trafficking and most of all poverty, unemployment, and social and economic disparity. To evaluate, whether or not trafficking is being adequately, it is necessary to combine and use all of these approaches.

There are as many different definitions of trafficking as there are organizations and governments concerned with addressing the issue (Kelly and Regan 2000: IOM 2000). United Nations General Assembly in 1994 adopted the definition as: "The illicit and clandestine movements of persons across national borders, largely from developing countries and some countries with economies of in transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations for profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labor, false marriages, clandestine employment and false adoption". This definition of trafficking is seemed to be incomplete because it does not include boys and men who are also victims of trafficking. The victims of trafficking are also used as beggars, slaves and agents of crime. There is often a linkage with debt bondage whereby the services of victims are pledged by parents and others in payment of latter's debt. One should thus be concerned with countering not only trafficking but also forced labor and slavery-like practices. Global Alliance Against Traffic in Women defined the trafficking in women is as: "All acts involved in the recruitment and/or

transportation of a woman within and across national borders for work or services by means of violence or threat of violence, abuse of authority or dominant position, debt bondage, deception or other forms of coercion”.

A common normative definition on trafficking in human being, approved in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (1994) is as: “Trafficking in Persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs”. The Protocol includes a specific definition of trafficking in children: “Trafficking in children shall mean the recruitment, transportation, harboring or receipt of a child 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Generally, smuggling and trafficking of human being are intermingled because both are forms of irregular migration while they differ. There are shared and common elements. Often both smuggled and trafficked individuals leave a country of origin willingly. Additionally, as their status in the country of destination is that of an illegal alien, both smuggled and trafficked persons are at risk of being exploited. There are four elements that differentiate smuggling from trafficking (Bajrektarevic 2000:16):

1. Smuggled persons always travel voluntarily while trafficked persons can either begin their trip voluntarily or may have been coerced or kidnapped
2. Trafficked persons are used and exploited over a long period of time

3. An interdependency occurs between the trafficked persons and organized crime group
4. Trafficked persons are eligible for further networking (recruitment for criminal purpose)<sup>1</sup>

### **3. How the Women and Children are Acquired by Traffickers**

Women and children are being bought and sold across national borders by organized network. Almost all the countries in Asia are counties of origin and source, but most lucrative routes of trafficking in women and children are within South Asia and from South Asia to Middle East and further abroad (ILO 1998:13; BNWLA 1998b).

Traffickers usually prey on women and children seeking paid employment away from their home, and their parents/guardians, who are aware of the risks associated with it, but have imperfect information over the outcome of this decision (Lim 1998; ILO-IPEC 2002). Traffickers acquire their victims in a number of ways depending upon the situation of household belonged by the women and children. Following are the most prevalent techniques:

- Kidnapping (women and children) and adaptation of children (ASI 1989:24)
  - Offering travel cost and job opportunities
  - Advertising marriage opportunities for women
  - Using marriage agencies for women
  - Offering sightseeing and adventurous tours to women and children
  - Deceiving women with love and friendship (Human Rights Watch/Asia 1995)
  - Offering visit to holy places of Muslim women and children
  - Offering highly paid professions and jobs
  - Purchasing women and children from relatives/parents (Rozario 1988)
  - Giving advance to the relatives/parents of the women and children

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<sup>1</sup> See, Shelley (2003) for smuggling vs trafficking in the context of formerly Soviet Union and Eastern Europe

- Offering good nurture for the children

#### **4. Characteristics and Implications of the Phenomenon**

Trafficking of women and children is not a new problem. It has occurred throughout the history. What is new is the growing involvement of organized crime and the increasing sophistication of its methods (Warnath 1998). The trafficking of women and children have specific characteristics and implications. It is found that:

- The phenomenon is widespread and increasing rapidly in South Asia. It is a national concern, but also a cross-border issue with regional and global dimensions. It is closely linked to, but distinct from, illegal labor migration.

- Trafficked women and children flow from poorer to rich countries. The receiving countries are all wealthier on a per capita basis than source countries. In South Asia, Nepal acts as a source country for India, with a per capita GDP of roughly twice that of Nepal<sup>1</sup>.

- It involves a web of hidden, profitable, efficient and expanding trade networks and movements of traffickers and agents between the countries of origin, transit and destination (ASI 1989:11).

- It is characterized by the use of violence, force, threat, deprivation of freedom of movement, confiscation of identity papers and travel documents, deceit, and debt bondage.

- The traffickers have the knowledge of about key locations in destination country and weakness in border or immigration control (IOM 2000) or the ease in crossing borders (Kelly and Regan 2000).

- Trafficking is a major source of both activity and income for organized criminal networks. It was estimated that in 1993, smuggling and trafficking of human beings generated earnings of between US \$5 billion and US\$7 billion. Some researchers think the figure reaches US\$12 billion (Aronowitz 2001:7).

- Trafficked individuals are considered “commodities” by traffickers as they become renewable resource. The

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<sup>1</sup> Nepal’s GDP in PPP is 1400 and that of India is 2540. See, Dessy (2005:25) for Bangladesh to Pakistan and India.

traffickers can constantly generate profits from them by repeated exploitation unlike the one time profit in a drug delivery.

- Trafficking of women and children for prostitution is the major objective of the traffickers (Alam 1995), but other forms of exploitation are also focus of the international organized crime.

- Trafficking gives intrinsic threat to the psychological and social well-being of women and children. Majority of the trafficked are physically abused. Moreover they are at high risk from contracting HIV/AIDS and other diseases.

- Women and children are the most vulnerable victims of trafficking, because of their unequal status in society and powerlessness, often linked to social discrimination, communal and caste structures in society.

- Trafficked persons have no opportunities to seek redress as victims of abuse. They often face criminal charges, are treated as illegal immigrants and wrong doers, while clients and profiteers escape consequences.

- A legal framework to prevent trafficking, protect victims, penalize traffickers is inadequate at national (Human Rights Watch/Asia 1995) and South Asian regional level. Implementation and enforcement of existing laws is ineffective.

## **5. Magnitude of victims in South Asia**

Due to clandestine nature of the phenomenon, accurate statistics on the magnitude of the problem is elusive. In fact, it is not possible with any level of accuracy (Kelly and Regan 2000). Experts in government agencies and international non-governmental organizations estimated the number of women and children trafficked internationally at between 700,000 and 2 millions annually. This figure does not include trafficking within internal borders (Richard 1999). Globally 2 million children are abused and trafficked every year (DWCD, MHRD, UNICEF and UNIFEM 1998). According to the US Congressional Research Report (2000), 150,000 trafficking victims come from South Asia each year. The existing studies in the South Asia provide only a partial picture of the extent and magnitude of the problem, often limited to numbers involved in commercial sex work. The

data on the number of women and children trafficked in and from Pakistan is specifically scant. Some estimates about South Asian countries are as follows:

### ***Bangladesh***

- About 300,000 Bangladeshi women and children have been trafficked to brothels in India over a period of 10 years, almost 200,000 of them were women (BNWLA 1998a)<sup>1</sup>.
- More than 50,000 Bangladeshi women and girls are doing prostitution in India. In Calcutta more than 20 percent of the prostitutes are Bangladeshi women and girls<sup>2</sup>.
- Over the last five years 13,220 children have been trafficked out of country, and only 4700 of them were rescued (BNWLA 1998b).

### ***India***

- More than 2 million women are doing commercial sex work of which 25 percent are below 18 years. Almost 5 percent of them are from Bangladesh and Nepal (DWCD, MHRD, UNICEF and UNIFEM 1998).
- Indian Health Organization reports that 90 percent of the prostitutes in Mumbai are from Nepal, Bangladesh and different States of India (Pradhan 1992).
- Approximately 5,000-20,000 innocent girls are trafficked to India annually (Discourse Issue No.9)

### ***Nepal***

- About 200,000 Nepalese women and girls have been sold into prostitution in India, and 10 percent of them were in the age group of 14-18 years (CWIN 1987; O'Dea 1993).
- At least 50 percent of the 100,000 commercial sex workers in Mumbai are Nepali girls (ILO-IPEC 1998a).
- About 40,000-45000 Nepalese women and girls are working in brothels of Mumbai alone and an equal number

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<sup>1</sup> See also, SPARC Issue No.22 March 2000. Society for the Protection of Rights of Children, Islamabad.

<sup>2</sup> Ibid.



of girls in Calcutta's Sonargachi red light area (Pradhan 1992).

- Committee on the Rights of Child reported that in 1995 an estimated 100,000 to 150,000 Nepalese girls and women had been trafficked into India for sexual exploitation (cited in Dessy et.al. 2005:4).

### ***Pakistan***

- In the last 15 years 10,000 children were smuggled into Dubai for camel racing<sup>1</sup>.

- There are 500 kidnapped child workers and 1000 Kharkar camp children in NWFP (UNICEF and Govt. of NWFP 1993).

- Around 40,000 kids in the age group of 3-7 years have been kidnapped, sold and smuggled from Pakistan to take part in camel racing in the gulf states<sup>2</sup>.

- About 4500 women and children from Bangladesh are trafficked to Pakistan annually (SAARC and UNICEF 1996).

There is much variation between estimates for different countries, due to micro studies, non-systematic collection of data, and lack of coordination among the researchers. There is a great deal of need for material to analyze the matter and to conclude its different levels and aspects. To evaluate, whether or not trafficking is increasing, in specific areas, country, industry, and profession, systematic data is required which is lacking in all the South Asian countries.

## **6. Targets of Trafficking**

The individuals identified as most frequent target of trafficking in the region are:

- Poor women and children, because of their marginalization, limited economic resources and predominance in the invisible informal sector.

- Persons from impoverished households in rural areas and urban slums, poor women migrants to urban areas seeking

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<sup>1</sup> SPARC Issue No.25 Dec 2000. Society for the Protection of Children. Islamabad.

<sup>2</sup> Cited in The Daily "The News International" (Lahore) August 21, 2001

jobs, those engaged in marginal economic activities and in other low status work and services.

- Unmarried, divorced, separated women and girls or widowed.
- Ethnic minorities, scheduled casts or other backward classes, indigenous people, hill tribes, refugees, and illegal migrants.
- Young children running away from home, girls and women from sex industry, children from disrupted and poor families, and those financially supporting their families.
- Persons with low level of education, or the illiterate and persons who lack awareness of their legal rights, exploited situation, and have no channel for seeking redress<sup>1</sup>.

## **7. Objectives of Trafficking**

There is a wide range of purposes but they vary within South Asia according to the demand of individuals in destination country. General objectives may be some of them:

- Work as prostitutes/sexual slaves in the brothels of hotels (Rosario 1988), in private houses and in several upcoming resorts in the so-called tourist areas and other entertainment industries.
- Work as cheap labor in a variety of industries and informal enterprises and in the metro cities staying as wives but forced to be sexual slaves.
- Work as domestic work, house maids, in towns and metro cities.
- Work as beggars, drug traffickers, camel jokeys and other exploitative forms of work.
- Being sold to provide organs in return of large amounts.
- For forced marriages, mail-order brides, illegal adoption of children<sup>2</sup>.

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<sup>1</sup> See also, Shelly (2003) for Former Soviet Union

<sup>2</sup> See also, Widgen (1994) who has given five basic factors responsible for increasing and expanding markets in the smuggling and trafficking of human beings; UNICEF (2000) for child trafficking in west and central Africa; Shelley (2003) for Former Soviet Union; Aronowitz (2001); and

## 8. Victimization and Exploitation of Trafficked

The trafficked women and children face victimization before trafficking and exploitation after trafficking. There are varying degrees of victimization which can be viewed on a continuum. Complete coercion exists when victims have been abducted. Secondly, deception occurs when individuals have been promised jobs in the legitimate economy only to find themselves forced into sexual slavery. The third level involves those individuals deceived through half truths where they are told they will be working in the entertainment industry or as dancers or strippers. The fourth category involves those women who were aware, prior to departure, of their work as prostitutes but were unaware of the extent to which they would be intimidated, controlled and exploited (Kelly and Regan 2000).

The trafficking is distinguished from smuggling by the degree of coercion, deception and exploitation. The exploitation can take several different forms like forced labor, prostitution and in some cases forced conscription. Trafficking is a crime involving the movement of persons and their exploitation. After having been trafficked women and children are extremely vulnerable to continued exploitation. They face:

- Deplorable conditions, physical facilities below acceptable standards, slavery-like practices, prison-like environments, and no access to health and medical facilities.
- Long working hours, little rest, no recreation, exposure to hazardous work and physical and sexual abuse.
- Low wages or no wages, earnings are often unknown to workers and are withheld by traffickers or employers
- Prolonged indebtedness to traffickers, employers, brothel owners, and lack of knowledge of debt terms

## 9. Hazards to Trafficked Women and Children

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“Children Sent to Middle East to Beg” in *Child Workers in Asia 13 (4)* Oct-Dec 1997. Hong Kong.

Victimization and exploitation of trafficked women and children result into a series of hazards. Some of the serious hazardous may be as:

*Health Risk:* Women and girls risk pregnancy, frequent abortions, maternal mortality, sexually transmitted diseases, HIV/AIDS, trafficked children often contact tuberculosis, malnutrition (Human Rights Watch/Asia 1995).<sup>1</sup>

*Drugs and other addictions:* Associated physical and mental deterioration.

*Threat to emotional well-being:* Deprivation of family life and social support systems, humiliation and abuse result in serious emotional scars and trauma.

*Threat to physical safety:* By unscrupulous agents, police, employers and others.

*Apprehension by authorities:* Detention, Prosecution, deportation.

*Difficulties in social integration:* For those returning to their communities, and social ostracism of women.

*Psycho-social Hazards:* Lack of proper spouse, parental and first blood love, lack of interaction with peers, which leads to extreme frustration and loss of self-esteem.

## **10. Determinants of Trafficking in Women and Children**

The root causes of trafficking of women and children are complex and often interrelated. Poverty, unemployment, lack of social security, weak governance, armed conflicts or lack of effective protection against discrimination and exploitation are some examples. Bales (1999) using multiple regression

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<sup>1</sup> HIV is mainly related to commercial sex. In South Asia, over five million people are estimated to be HIV positive and India has 97 percent of the HIV/AIDS population of South Asia. There are 120,000 HIV positive children in the country.

identified the following predictors, ranked ordered of trafficking from a country: government corruption, the country's infant mortality rate (an indicator of population pressure), the proportion of the population below the age of 14, the country's food production index (an indicator of poverty), population density and conflict and social unrest. The factors predicting trafficking to a county were government corruption, particularly within border control or immigration agencies (an indication of permeable border). Other factors, rank ordered, predicting trafficking to a country were: the male population over the age of 60, food production, energy consumption and infant mortality. (Aronowitz (2001) has described the factors as: lack of awareness of problem and a common definition, insufficient and non-existent legislation, lack of, or insufficient co-operation between agencies both at the domestic and international levels.

Generalization about the causes of trafficking for the South Asia, however, is misleading. It is important to understand that each county and even regions and provinces in the countries represent specific factors or different combinations of multiple factors that are unique to each situation. Also, any analysis of trafficking flows must take into account the rapidly changing environment that can alter the trafficking patterns at local and international levels. However, the general and most common, identified supply and demand side factors of trafficking in women and children are as:

### **10.1 Demand Side Factors**

- Development policies and pattern of development promoting tourism, industrialization, rural urban migration, and demand for commercial sex.
- An expanding commercial sex industry in the region employing a large number of minors, as client prefer for younger women and virgin girls because of the fear of HIV infection (Kelley and Regan 2000).
- Demand for prostitution in the host countries and demand by employers and enterprises for cheap labor of children and women. Women's labor is often in low status

work such as in the domestic and entertainment spheres, which places them at considerable risk.

- Male dominated value system in society, and women's unequal and low socioeconomic status maintain demand for women and children for house-maids, domestic work and cheap labor.

- Inadequacy of laws and law enforcement in most origin, transit, and destination countries make easy and low priced availability of trafficked individuals, which resulted in to high demand for trafficked persons.

- Prostitution is legal or tolerated in South Asian countries (except Pakistan) and is widespread as the trafficked women and children are cheaply available, which results into increase in demand.

- Economic disparities within countries, and between countries and regions fuel the demand for trafficking form low-income areas.

## **10.2 Supply Side Factors**

- Women and children are trafficked into exploitative labor through their experience of poverty and deprivation, disadvantage, lack of information and alternative source of income. They are often uneducated and unskilled. They come from dysfunctional families and/or single parent households. They have family debts, and are socio-economically excluded. Work is often preferred to education, even when schooling is affordable. They normally lack the power to express themselves effectively, or to secure their rights.

- The globalization and liberalization of the world economy has relaxed the control and increased the movement of people across borders, legally and illegally, especially from poorer to wealthier countries. International organized crime syndicates have taken advantage of the free flow of people, money, goods and services to extend their own international reach.

- The low status of women and girls in society is a key push factor. The continuing subordination of women in many societies is reflected in economic, education and work opportunity disparities between men and women. The societies still favor sons and view girls as economic burden.

Desperate families sell their daughters to brothels or traffickers for the immediate pay off and to avoid having to pay the dowry to marry off daughters.

- A lucrative business with low investments but high monetary returns is attractive to crime syndicates, facilitators, and even brings some financial gains to families.

- Traditional and religious practices in some communities of South Asian countries (specifically in India and Nepal) of dedicating girls to gods and goddesses, and social acceptance of prostitution encourage the trade. A sense of gratitude or “repayment of debt” by children to parents as in some societies compels many young women and girls into the sex industry.

- Social conventions such as child marriages, polygamy, dowry, and social stigma against single, unwed, divorced women and girls, and those sexually abused, are important contributing factors.

- Erosion of traditional family systems and values, and the pursuit of consumerism encourage the sale of women and children.

- The growth of transnational crimes, and the expansion of drug trafficking networks act as producers of mechanisms for other forms of trafficking.

- Lack of strong political, administrative and military will to enforce rules of entry, political corruption at certain levels, weak law enforcement mechanisms and measures to penalize offenders, exploitation by corrupt law enforcers and officials, allows the trafficking trade to flourish. Moreover export of labor is a strategic response of governments in the current socioeconomic situation in the region which exacerbate trafficking. The insufficient provision of educational and employment opportunities and social safety nets by government are also responsible for the issue.

- The lack of opportunity and the eagerness for a better life abroad have made many women and girls especially vulnerable to entrapment by traffickers.

- The apparent ignorance of society and lack of cooperation among actors who are doing something and lack

of inter-governmental cooperation are also causing factors<sup>1</sup>.

## **11. Regulations to Combat the Trafficking of Women and Children**

Various international and national conventions, and regulations exist to combat the issue.

### **11.1 International Conventions**

- Convention on Exploitation of the Prostitution of Others 1949. The convention has been ratified by 71 countries but has not attracted widespread support.
- United Nations Convention for the Suppression of the Traffic in Persons and of Exploitation of Prostitution of Others (1950). Pakistan is a signatory to this convention.
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979. The convention obliges states to enact legislation to suppress all forms of trafficking of women. It has been ratified by 155 countries.
- The United Nations Convention on the Rights of the Child (CRC) 1989. Articles 34, 35, 39 of the convention are most relevant. All the countries in South Asia under study are signatory to the convention.
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956.
- Forced Labor Convention No.29 (1930). All the countries under study except Nepal are signatory to the convention.
- Abolition of Forced Labor Convention No.105 (1957). Within South Asia only Pakistan has signed the convention.
- The Minimum Age Convention No.138 (1973) and its accompanying recommendation No.146. None of the countries under study have signed the convention.
- The Migrant Worker (Supplementary Provisions) Convention No.143 (1975).

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<sup>1</sup> “Trafficking in Children, Bangladesh” in *Child Workers in Asia 12 (3) Jul-Sep.* 1996. Hong Kong.



- Worst Forms of Child Labor Convention No.182 (1999). Article 2 and 3 (d) are relevant.

The Convention, even have flaws, for example, none of the Conventions gives a precise definition of trafficking. United Nations Convention for Suppression of the Traffic in Persons does not cover the trafficking activities for purpose, other than prostitution (like forced domestic or industrial labor, forced marriage etc.). it does not differentiate between voluntary and forced prostitution, but its language and philosophy expressing the view, that prostitutes are regarded as victims.

The enforcement and monitoring mechanisms of the convention is elaborated, but not functioning adequately in the practice. Since 1974, the State parties are required to submit reports regarding slavery and trafficking to the UN Sub-commission on Prevention of Discrimination and Protection of Minorities. It is missing however an independent body to supervise and monitor the implementation of the convention.

According to Article 18 of the CEDAW, the state parties are required to submit reports on measures taken by them, in the interest, to implement the provision laid down in the Convention. Most of the countries are regularly fulfilling their reporting obligation, even if there are some overdue reports. Universal ratification of this convention had not been achieved till now.

The Convention on the Right of the Child in several articles contains provisions on protection of the children, among others from abuse, violence, maltreatment, exploitation, including sexual violence, too. In Article 34 of the Convention, protection of child, from all forms of sexual exploitation and sexual abuse is declared. State parties in particular shall take all appropriate measures on national, bilateral and multilateral level to prevent: inducement or coercion of a child to engage in any unlawful sexual activity, exploitative use of children in prostitution or other unlawful sexual practices, exploitative use of children in pornographic performances or materials. The provision of Article 35 is

binding the State parties to prevent the abduction of, the sale, traffic in children for any purpose or in any form. The monitoring mechanism of this, the implementation of the rights, according to the Convention similarly to the CEDAW is the regular state reporting procedure.

### **11.2 Declarations of International Conferences**

There are several further documents, which are addressing trafficking in women and children, and forced prostitution, as human rights violations, and violence against women as gender-based violence.

- The World Conference on Human Rights, Vienna (1993). It stresses the importance of working towards the elimination of violence against women in public and private life, “*the elimination of all forms of sexual harassment, exploitation and trafficking in women, ....(II.B.38)*”

- The International Conference on Population and Development Cairo (1994). It urges that “*countries should take measure to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children.....(4.9)*”

- The Beijing Declaration and the Platform for Action of the Fourth World Conference on Women held in Beijing (1995). Its Strategic Objective D3, aims to “*eliminate trafficking in women and assist victims of violence due to prostitution and trafficking*”.

- The Stockholm Congress Against Commercial and Sexual Exploitation of Children (1996). It adopted a declaration and agenda for action to “*assist in protecting child rights, particularly the implementation of the convention on the rights of the child .....to put an end to the commercial sexual exploitation of children worldwide*”

- The Universal Declaration of Human Rights, is categorically stating in its Article 4. “*no one shall be held in slavery or servitude, slavery and slave trade shall be prohibited in all their forms*”

- The Resolution of the UN Working Group on Contemporary Forms of Slavery in 1974, was expressing the view, that the trade of women is a new way of slavery. Trafficking in women and children is recognized as a form of

slavery, which means, that anti-slavery treaties also cover efforts against trafficking.

- The International Covenant on Civil and Political Rights (ICCPR) in 1966, according the Art. 8 is declaring: “*no one shall be held in slavery: slavery and slave trade, in all their forms shall be prohibited*”. The State parties are obliged, to submit reports to the UN Human Rights Committee on the implementation of the Covenant. The Optional Protocol at the same time enables individuals (from the State parties) to submit complains, concerning their human rights violations to the Committee, if domestic remedies are already exhausted.

### **11.3 Regional Convention**

The Rawalpindi Resolution (1996): It urges member states to combat inter and intra-country trafficking in children. At the SAARC Summit in Male (1997) member states agreed to work together to eliminate trafficking.

### **11.4 Legislation in Pakistan**

- Under Article 11 of the Pakistan Constitution, “all forms of forced labor and traffic in human being are prohibited”.

- Bonded Labor System (Abolition) Act 1992.

- Section 13 of the offense of Zina (Enforcement of Hudood) ordinance 1979

- Pakistan Penal Code 1860, section 366 A prohibits enticement or procurement of minor girls, section 366 B importation of girls from foreign countries, section 367, 370 and 371 wrongful constraint and section 339 and 340 confinement.

## **12. Policy Proposals**

The fight against trafficking of women and children can only be won by effectively combining legislation with other policy measures including appropriately targeted poverty alleviation programs, awareness raising, taking international cooperation and involving NGOs (see also Dessy and Pallage 2003 for child trafficking). The only implementation of

legislation cannot show desirable results (Dessy and Pallage 2002 for children). A comprehensive approach is essential to address the political, economic, social, legal, and institutional aspects of trafficking<sup>1</sup>.

### **12.1 Political will and commitment of governments.**

(a) Political will and commitment of government is foremost and critical in combating trafficking. It should be articulated in coherent national policies and strategies.

(b) The governments in conjunction with national, regional and international NGOs must wage a sincere campaign against agents involved in trafficking including border guards and other law enforcing authorities.

(c) The governments must train law enforcement authorities to be ready to prosecute the trafficking agents under criminal and civil laws.

(d) The victims of trafficking must be considered witnesses to the crime of trafficking and not as criminals. If victims testify against the agents, they must be afforded protection and their right to privacy must be upheld. The rights of women and child victims must be protected.

(e) The repatriation costs of victims of trafficking who wish to return to their country of nationality must be shared by the sending and receiving countries. Moreover, the trafficking agents must be financially liable for all costs incurred in rehabilitating the victims of trafficking.

(f) Governments of sending, receiving and transit countries must fulfill their obligations under international instruments. Trafficked women and children as migrant workers must be protected by relevant conventions.

(g) The Governments of destination countries must provide temporary, if not permanent, amnesty to those

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<sup>1</sup> Warnath (1998) has given three pronged approach: prevention; protection and assistance to trafficked victims, and enforcement and prosecution of traffickers.

victims unwilling to be repatriated, with the option of permanently legalizing their status in their countries.

(h) Improve procedures at international border, notably airports, to stop the illegal transport of women and children and thus enforce existing international standards prohibiting the trafficking of women and children.

### **12.2 Definition, Collection of Data, and Research**

(a) Consensus on a definition of trafficking is required to clarify legal framework, develop systematic research and guidelines for intervention, and reach agreements between countries for coordination and mutual assistance.

(b) Collect and update data and improve the research methodology on trafficking, as a sound basis for policy and program formulation.

(c) Prepare a directory on national and regional organizations working in trafficking.

(d) Disseminate data and information, including in national language, to concerned government, NGOs and other institutions in the region.

### **12.3 Legislation and Enforcement**

(a) Review and strengthen the legislative framework, ratify international conventions, and ensure efficient implementation and enforcement of legal provisions to protect women and children from being trafficked.

(b) Accelerate training of law enforcement agencies and personnel, including gender-sensitization and maintaining the privacy of trafficked women and children.

(c) Strengthen law enforcement mechanisms and penalize offenders, the sellers and traffickers, child pornographers, and other illegal service providers.

(d) Establish a network between the police, departments of justice, government agencies and NGOs in sending and receiving countries, to rescue and repatriate sex workers and their offspring.

(e) Promote legal literacy and improve access to affordable legal assistance (see also Bales 1999; Warnath 1998).

#### **12.4 Prevention**

(a) Address the issue of poverty, improve access to education, training and employment opportunities, and improve women's equal access to productive resources.

(b) Implement programs for sustainable livelihood and poverty alleviation, among families most at risk, such as small enterprise development. Old-age parents, the disabled and others not able to engage in productive employment should be provided with adequate social protection programs.

(c) Increase vigilance by police especially at borders, and in partnership with local communities, and local committees.

(d) Mobilize the business community, including the tourism industry against the commercial sexual exploitation of women and children (see also Warnath 1998; Richard 1999).

#### **12.5 Rehabilitation and Reintegration**

(a) Develop guidelines and strengthen multidisciplinary reintegration programs (e.g. health care, counseling, education, training and employment, social integration)

(b) Strengthen rehabilitation programs with the provision of adequate funds, upgrade infrastructure facilities, train personnel, and orient interventions to be sensitive to the needs of privacy of trafficked persons.

(c) Release and rehabilitate all children currently employed as camel jockeys, making every effort to return them to their country of origin and homes and providing them with compensation.

(d) End employment of children under 14 years of age as camel jockeys. Camel Jockey Associations should regulate the races and prosecute child abuses and ensure implementation of law.

(e) Removal and rehabilitation measures are needed for women and children who are trafficked. The aim is to free them from trap. Care needs to be taken, however, that such measures do not drive

them underground or result in their taking another job, which is just as demeaning or dangerous.

(f) Women and children successfully removed need assistance in various areas. This is particularly so if they have been stunted in their development, suffering from an occupational or sexually transmitted disease, or completely illiterate. They therefore require special assistance, intensive follow-up, counseling and often legal aid (see also Warnath 1998).

### **12.6 Awareness Raising and Advocacy**

(a) Success may be achieved through various awareness raising initiatives, which sensitized communities on trafficking in women and children.

(b) Conduct intensive awareness campaign about trafficking at local, national and regional level to mobilize diverse groups, from women and children at grassroots to policy makers, schools, police officers, employer's and worker's organizations, government and non-governmental agencies at all levels.

(c) Make strategic use of the media and make it an effective ally, to provide national and international coverage of the issue, generate public opinion and pressure to stop trafficking.

(d) Strengthen advocacy efforts to reduce demand, and include a strong component of gender sensitization on issues pertaining to women and girls.

(e) Support campaigns against industries utilizing trafficked children, in particular the entertainment sector.

### **12.7 Coordination and Partnership**

(a) Promote coordination and partnership between the key players, i.e. government and NGOs, the United Nations system, private groups and local communities in increasing the impact of intervention

(b) Institutionalize and strengthen coordination mechanisms at regional, intercountry, national and local level to prevent trafficking, and provide safe and protective reintegration programs

(c) Built and strengthen the capacity of national and local communities and institutions to effectively tackle the trafficking issue.

### **12.8 International Cooperation**

(a) Poverty alleviation, legislation and education have an important and necessary role to play (Dessy and Pallage 2003), but they will fail unless the international community is committed to combating poverty through supportive action.

(b) Appoint an independent international/regional monitor to report to the police and the government, on steps taken by the camel racing unions, frontier police and other immigration authorities to prevent trafficking in children<sup>1</sup>.

(c) Governments should make and operationalize joint agreements to check trafficking across borders, harmonize laws to deal with trafficking syndicates and networks, and implement a monitoring system.

(d) Establish collaborative efforts for law enforcement and repatriation of trafficked, and develop a joint plan of action and effective coordination mechanisms with various partners, to prevent and combat trafficking (see also Aronowitz 2001).

### **12.9 Non-Governmental Organizations (NGOs)**

(a) NGOs of sending, receiving and transit countries must institute an education campaign to minimize the social stigmatization of victims of trafficking.

(b) NGOs must provide training, job placement and financial assistance to rehabilitate survivors of trafficking to prevent further exploitation and to facilitate their self-determination.

(c) NGOs must approach the special reporters on violence against women and children with documented cases of being trafficked.

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<sup>1</sup> See also, "Child Camel Jockeys in the Gulf States" in *Child Workers in Asia* (13) 2-3, Apr-Oct 1997. Hong Kong.



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