Human Trafficking in the South Asian Region: SAARC’s Response and Initiatives

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Abstract

Human trafficking is considered to be a serious violation of human security. Causes that contribute to human trafficking are commonly believed to be related to poverty, globalization and economic disparities among countries. Human trafficking is the modern equivalent to slavery. It presents a dangerous threat to the human rights and human dignity of many people each year. Despite this, it remains one of the least understood forms of transnational crime, with major gaps existing in both the data on the prevalence of the problem, as well as gaps in the ability of legislators to properly address the problem in their respective countries. Human trafficking is a serious violation of human rights because of the involuntary manner in which trafficked victims are recruited, entrapped, transported and subsequently subjected to the exploitation and abuses inherent in the act.

Keywords

Human Trafficking, Human Security, Women Security, South Asia, SAARC

1. Introduction

Human trafficking is one of the major crimes in the world after trafficking in arms and drugs and one of the fastest growing criminal enterprises because it holds relatively low risk with high profit potential. The awful aspect of this problem is that it mostly hits women and children as compared to men, who are also subject to trafficking. In modern days, it is a worst kind of slavery. Human trafficking is not only a cross border issue but it also occurs domestically. Trafficking can be seen in a form of various issues like moral, law-and-order or organized crime, human rights, migration, labour, poverty and development, gender, and public health issues.

Human trafficking in its widest sense includes the exploitation of the prostitution of others, forced labour or services, slavery or practices similar to slavery and the trade in human beings for the removal of organs. Human trafficking clearly violates the fundamental right to a life of dignity. It also violates the right to health and health care, liberty and security of person, and the right to freedom from torture, violence, cruelty or degrading treatment. Today human trafficking has emerged as a low risk high return well organised criminal activity. Human trafficking is the third biggest money earning illegal trade. There are at least one million child prostitutes in South Asia alone mostly, in India (Kacker Loveleen, Varadan Srinivas, Kumar Pravesh: 2007).

Economic and social inequalities and political conflicts have led to the movement of persons within each country and across the borders in South Asia. Globalization has encouraged free mobility of capital, technology, experts and sex tourism. Illiteracy, dependency, violence, social stigma, cultural stereotypes, gender disparity and endemic poverty, among other factors, place women and children in powerless, non-negotiable situations that have contributed to the emergence and breeding of the cavernous problem of sex trafficking in the entire region. This alarming spread of sex trafficking has fuelled the spread of HIV infection in South Asia, posing a
unique and serious threat to community health, poverty alleviation and other crucial aspects of human development. Although the SAARC (South Asian Association for Regional Cooperation) Convention on Trafficking in Women and Children has been an important breakthrough, most of the countries in the region don’t have anti-trafficking legislation or means to protect the victims.

2. What is Human Trafficking

Human trafficking is a form of modern-day slavery. Victims of human trafficking are subjected to force, fraud, or coercion for the purpose of commercial sex, debt bondage, or forced labour. They are young children, teenagers, men and women. Trafficking in persons occurs throughout the world, including in the United States. Human trafficking is an organized crime involving the overt or covert participation of several criminals at various places at different points of time. The major ingredients of the process of human trafficking are recruitment or hiring or transfer; exploitation and commercialization of human beings (Manna Freedom: 2011).

Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000):

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

A person is considered to have been trafficked even if they have given their consent to the above. And a child – anyone under 18 – can be considered trafficked if they have been recruited and transported into exploitive or slavery-like conditions even when they have not been deceived, forced, threatened, abducted or coerced. “The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if it does not involve any of the means set forth”. (Aronowitz A. Alexis: 2009)

According to the SAARC Convention on Preventing and Combating Trafficking in women and Children for Prostitution, 2002, ‘trafficking; means moving, selling or buying women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking. (SAARC Convention: 2002)

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery servitude or the removal of organs. The ‘consent’ of the victim of trafficking shall be irrelevant where any of the means set forth above have been used. ‘Consent’ is irrelevant in case of children even if this does not involve any of the means set forth above(Manna Freedom: 2011).

Figure 1. Approaches to Human Trafficking

Definition of Trafficking in Persons

The Trafficking Victims Protection Act of 2000 (TVPA) defines “severe forms of trafficking in persons” as follows: (Manna Freedom: 2012)

- Sex trafficking: the recruitment, harbouring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion. or in which the person induced to perform such act has not attained 18 years of age; and
- Labour Trafficking: the recruitment, harbouring, transportation, provision, or obtaining of a person for labour or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

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<thead>
<tr>
<th>Securitization Approach</th>
<th>Referent Object</th>
<th>Nature of Threat</th>
<th>Source of Threat</th>
<th>Security Challenges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deepener</td>
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<td>Non military Physical Psychological Gendered Livelihood Family</td>
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3. Responding to Human Trafficking: THE 4Ps

To be effective, anti-trafficking strategies must target the three dimensions of human trafficking: supply, demand, and the systems and structures that allow it to happen. This means taking action in countries of origin, transit and destination. The interventions to combat trafficking can are clustered under 4Ps - Prevention, Protection, Prosecution and Policy (Trafficking in Persons Report: 2010)

Prevention reduces the vulnerability of a person or community to becoming a victim of trafficking. To be effective, the factors that make a person or community vulnerable must be clearly identified. Tackling demand is another way to prevent trafficking - for example, educating consumers about how their lifestyle choices impact others. Protection begins when a victim is rescued and reunited with their family and continues when they are assisted to rebuild their lives. It may include keeping victims safe from threat, violence and abuse, counseling, help with income generation, education and vocational training.

Prosecution ensures the victim receives full justice, including meaningful prosecution of the perpetrator. It requires vigorous law enforcement, fighting corruption, identifying and monitoring trafficking routes, and cross border coordination. Policy is the framework, including government and NGO guiding principles, plans and strategies, which support all of the anti-trafficking initiatives described above.

Figure 2. Human Trafficking: The 4Ps

4. Human Trafficking in South Asian Region

Human trafficking has emerged as a social dilemma in the South Asian region. The region as a whole has made certain efforts to combat human trafficking but lack of information and statistics on the number of people victimized and pattern of trafficking made it more complex issue. According to the (International Journal of Gynaecology & Obstetrics’ 2006), every year 1 to 2 million women, men and children are trafficked worldwide, around 225,000 of them are from SAARC region (Concept Paper of Research Study on Human Trafficking: 2012). Other estimates show that over the last 30 years, trafficking for sexual exploitation alone has victimized some 30 million Asian women and children. SAARC Convention on “Preventing and Combating the Trafficking in Women and Children for Prostitution” is seen as a milestone on the path to coordinate interventions against trafficking at the sub-regional level (Concept Paper of Research Study on Human Trafficking: 2012).

South Asia is witnessing an alarming trend of increasingly younger girls being trafficked into the sex trade. The majority of trafficking in India, both trans-border and in-country, happens for the purpose of sex work, and over 60% of those trafficked into sex work are adolescent girls in the age group of 12—16 years (UNDP, 2005). In many Indian cities, girl children as young as eight or nine are sold at auctions. There are an estimated 2,000,000 prostitutes in India and 60% of these women in prostitution in Mumbai are HIV positive (Daily Times Monitor: 2007). One common myth fuelling the demand for young girls in South Asia is that sex with a virgin can cure sexually transmitted infections (STIs) and HIV/AIDS. In South Asia, women are now reported to constitute up to 35% of new HIV infections (UNAIDS, 2000). A complex web of socio-cultural and macro-economic factors affect women’s vulnerability to HIV, including poverty, migration, urbanization, gender inequalities compounded by women’s lack of autonomy, abuse within and outside families, insufficient access to healthcare services, violence and ethnicity.

Human trafficking has substantial social, economic and health impacts for instance deprivations from various assets and basic rights, loss of livelihood, suffering from HIV/AIDS etc. There are both, demand and supply side factors contributing to human trafficking. On the demand side poverty, social and cultural practices such as gender discrimination, impact of globalisation on livelihood (traditional jobs, caste/tribes, vulnerability of women children and men). On the other hand, supply side factors include demand of cheap labour and increased level of migrant workers. The worst of all factors is the lack of implementations of the anti-trafficking laws. Where laws are implemented, the punishments are not enough to put a positive effect on trafficking sensitization programs for general public and specifically for stakeholders. SAARC Governments should provide resources for training, technical assistance, and auditing to ensure that trafficking is fully eradicated from their supply chains. South Asia has shown that with modest amounts of funding and focused advocacy, targeting law enforcement could bring dramatic changes in the response of “governance structures” to improve the situation.

5. Country-Specific Trends and Patterns

The following sections highlight the current trend and practices relating to human trafficking in various South Asian countries.

5.1. India

India is a source, destination, and transit country for men, women, and children subjected to forced labour and sex trafficking. The forced labour of millions of its citizens constitutes India’s largest trafficking problem; men, women, and children in debt bondage are forced to work in industries such as brick kilns, rice mills, agriculture, and embroidery factories. A common characteristic of bonded labour is the use of physical and sexual violence as coercive tools. Ninety per cent of trafficking in India is internal (Trafficking in Persons Report: 2010, Trafficking in Persons Report: 2013), and those from India’s most disadvantaged social strata, including the lowest castes, are most vulnerable. Children are also subjected to forced labour as factory workers, domestic servants, beggars, agricultural workers, and to a lesser extent, in some areas of rural Uttar Pradesh as carpet weavers. There were new reports about the continued forced labour of children in hybrid cotton seed plots in Gujarat, and reports that forced labour may be present in the Sumangali scheme in Tamil Nadu, in which employers pay young women a lump sum to be used for a dowry at the end of a three-year term (Samu K.: 2012). An increasing number of job placement agencies lure adults and children for forced labour or sex trafficking under false promises of employment. Indian boys from Bihar were increasingly subjected to forced labour in embroidery factories in Nepal (2013 Trafficking in Persons Report – India: 2013).
Women and girls are trafficked within the country for the purposes of forced prostitution. Religious pilgrimage centres and cities popular for tourism continue to be vulnerable to child sex tourism. Women and girls from Nepal and Bangladesh, and an increasing number of females from Uzbekistan, Ukraine, and Russia, are also subjected to sex trafficking in India (Trafficking in Persons Report, India: 2012) There were increasing reports of females from north-eastern states and Odisha subjected to servile marriages in states with low female-to-male child sex ratios, including Haryana and Punjab, and also reports of girls subjected to transactional sexual exploitation in the Middle East under the guise of temporary marriages (Journalism of Courage-Archive: 2013). Maoist armed groups known as the Naxalites forcibly recruited children into their ranks. Establishments of sex trafficking are moving from more traditional locations – such as brothels – to locations that are harder to find, and are also shifting from urban areas to rural areas, where there is less detection. 2.5% of prostitutes in India are Nepalese, and 2.7% are Bangladeshi. In India, Karnataka, Andhra Pradesh, Maharashtra, and Tamil Nadu are considered "high supply zones" for women in prostitution (Menon Meena: 2011). Bijapur, Belgaum and Kolhapur are common districts from which women migrate to the big cities, as part of an organised trafficking network.

The number of women and children in sex work in India is stated to be between 70,000 and 1 million. Of these, 30% are below 20 years of age. Nearly 15% began sex work when they were below 15, and 25 per cent entered between 15 and 18 years (UN.GIFT:2008). News published in the Hindustan Times (11th October, 2012) states that around 20 children go missing in Delhi every day. Around eight of them- or 40% are never seen again. According to police statistics, “most children who go missing in Delhi end up in traffickers hands” (Hindustan Times: 2012) Children below eight years are forced into begging. The older ones are pushed into child labour. Organized gangs kidnap minors and transport them to other cities. A rough estimate prepared in 2008 by an NGO, End Children’s Prostitution in South Asian tourism, reveals that there are around 2 million prostitutes in India, 20% of them being minors.”

There are number of women from neighbouring countries trafficked to India. It has been reported that there are 1000 to 10,000 women found in Kolkata brothels, 70% were from Bangladesh (Daw Bianca: 2008). There is also 1, 00,000 to 1,60,000 Nepali girls in Indian brothels, with about 5,000 to 7,000 girls being sold every year(Coomaraswamy Radhika: 1997).

### 5.2. Pakistan

Many Pakistani women and men migrate voluntarily to the Gulf States, Iran, Turkey, South Africa, Uganda, Greece, and other European countries for low-skilled employment such as domestic work, driving, or construction work; once abroad, some become victims of labour trafficking. False job offers and high recruitment fees charged by illegal labour agents or sub-agents of licensed Pakistani overseas employment promoters increase Pakistani labourers’ vulnerabilities and some labourers abroad find themselves in involuntary servitude or debt bondage. Employers abroad use practices including restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Moreover, traffickers use violence, psychological coercion, and isolation, often seizing travel and identification documents as a means to coerce Pakistani women and girls into prostitution. There are reports of child sex trafficking between Iran and Pakistan. Pakistan is a destination for men, women, and children from Afghanistan, Iran, and, to a lesser extent, Bangladesh, who are subjected to forced labour and prostitution (Trafficking in Persons Report–Pakistan: 2012) Religious minorities, often in the lowest socio-economic stratum and Afghan refugees are particularly vulnerable to human trafficking.

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<th>Table 3. South Asian Cases assisted by IOM (Year) 2011</th>
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<td><strong>Country</strong></td>
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<td>Sri Lanka</td>
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The country’s largest human trafficking problem is bonded labour, in which traffickers or recruiters exploit an initial debt assumed by a worker as part of the terms of employment. Bonded labour is concentrated in the Sindh and Punjab provinces in agriculture and brick-making, and to a lesser extent in the mining, carpet-making, glass bangle, and fishing industries (Trafficking in Persons Report– Pakistan: 2012). Bonded labour also exists in the fisheries, mining, and agricultural sectors of Balochistan and Khyber Pakhtunkhwa provinces. Estimates of bonded labour victims; including men, women, and children, vary widely. The Asian Development Bank estimates that 1.8 million people – one per cent of Pakistan’s population – are bonded labourers, though many NGOs place the estimate much higher (Trafficking in Persons Report– Pakistan: 2012). In extreme scenarios, such as when bonded labourers attempt to seek legal redress, landowners have kidnapped them and their family members, holding labourers and their families in private jails. Children and adults with disabilities are forced to beg in Iran. Girls and women are also sold into forced marriages; in some cases their new “husbands” move them across Pakistan’s land borders and force them into prostitution in Iran or Afghanistan (Trafficking in Persons Report– Pakistan: 2012). Non-state militant groups kidnap children or coerce parents with fraudulent promises or threats into giving away children as young as nine to spy, fight, or die as suicide bombers in Pakistan and Afghanistan. The militants often sexually and physically abuse the children and use psychological coercion to convince the children that the acts the children commit are justified.

There have been 1 million Bangladeshi and more than 200,000 Burmese women trafficked to Karachi, Pakistan (Masako Iijima: 1998) 200,000 Bangladeshi women have been trafficked to Pakistan for the slave trade and prostitution (Institute of Policy Studies: 1997) India and Pakistan are the main destinations for children under 16 who are trafficked in south Asia (Institute of Policy Studies: 1997). 100 - 150 women are estimated to enter Pakistan illegally every day. Few ever return to their homes (Trafficking in Persons Report 2012). A Bengali or Burmese woman could be sold in Pakistan for US$1,500 - 2,500 - depending on age, looks, docility and virginity. For each child or woman sold, the police claim a 15% to 20% "commission." Women kidnapped at the Pakistan-Afghanistan border are being sold in the marketplace for Rs 600 per kilogram (William, A. Thomas: 2008) 19,000 Pakistani children have been trafficked to the United Arab Emirates (UAE). 160,000 Nepalese women are in Indian brothels (Sinha Indrani: 2013).

5.3. Nepal

Nepal is a source country for men, women and children. Cases of human trafficking occur mainly in three areas: cross border trafficking beyond India; cross border trafficking to India and internal trafficking mainly in entertainment enterprises, brick kilns, jari (embroidering) industries, and streets. Trafficking takes place for the purpose of organ transplant to India; to Korea and Hong Kong for the purpose of marriage. (National Report: 2012) Nepali migrants are smuggled to developed countries. Boys also are exploited in domestic servitude and trafficking of Nepalese minor girls to Gulf Countries and to Khasa, Tibet has been on rise. Nepali men are subjected to forced labour, most often in the Middle East and, to a lesser extent, within the country (Trafficking in Persons Report: 2012). Nepali women and girls are subjected to sex trafficking in Nepal, India, and the Middle East, and also are subjected to forced labour in Nepal and India as domestic servants, beggars, factory workers, mine workers, and in the adult entertainment industry. They are subjected to sex trafficking and forced labour in other Asian destinations, including Malaysia, Hong Kong, and South Korea. The Chines e district of Khasa on the border with Nepal is an emerging sex trafficking destination for Nepali women and girls (The Trafficking in Persons Report: 2012). Nepali boys also are exploited in domestic servitude and – in addition to some Indian boys – subjected to forced labour in Nepal, especially in brick kilns and the embroidered textiles industry (The Trafficking In Persons Report: 2012). Bonded labour exists in agriculture, brick kilns, and the stone-breaking industry, often based on caste. Traffickers generally target uneducated people, especially from socially marginalized and traditionally excluded groups.

Every year between 5,000 and 7,000 Nepalese girls are trafficked into the red light districts in Indian cities (Rescue Foundation: 2007). Many of the girls are barely 9 or 10 years old. 200,000 to over 250,000 Nepalese women and girls are already in Indian brothels (Rescue Foundation: 2007). The girls are sold by poor parents, tricked into fraudulent marriages, or promised employment in towns only to find themselves in Hindustan's brothels. Trafficking in women and girls is easy along the 1,740 mile-long open borders between India and Nepal (Ibid: 2007). Trafficking in Nepalese women and girls is less risky than smuggling narcotics and electronic equipment into India. Traffickers ferry large groups of girls at a time without the hassle of paperwork or threats of police checks. The procurer-pimp-police network makes the process even smoother. Bought for as little as Rs (Nepalese) 1,000, girls have been known to fetch up to Rs 30,000 in later transactions (Urmila Chamam: 2012). Police are paid by brothel owners to ignore the situation. The areas used by traffickers to procure women and girls are the isolated districts of Sindhupalchow, Makwanpur, Dhading and Khavre, Nepal where the
population is largely illiterate (Ibid: 2012).

Many Nepali migrants seek work in domestic service, construction, or other low-skilled sectors in Gulf countries, Malaysia, Israel, South Korea, and Lebanon with the help of Nepal-based labour brokers and manpower agencies. They migrate willingly but some subsequently face conditions indicative of forced labour, such as withholding of passports, restrictions on movement, non-payment of wages, threats, deprivation of food and sleep, and physical or sexual abuse. A recent Amnesty International study found that migrant workers who reported experiencing problems during their migration paid an average of up to the equivalent of approximately $1,400 in fees to recruitment agents before their departure, almost three times the average annual income for Nepalese, and the equivalent of 10 to 12 months’ worth of average wages in the Gulf labour markets (William, A. Thomas: 2008). However, some Nepalese have paid as much as up to the equivalent of $12,000 to recruitment agencies. Many workers migrate via India; this is illegal under the 2007 Foreign Employment Act that requires all workers to leave for overseas work via the Kathmandu airport.

5.4. Afghanistan

Trafficking within Afghanistan is more prevalent than transnational trafficking. The majority of victims are children, and during the year, IOM (International Organization for Migration) reported that younger boys and girls were increasingly subjected to forced labour in carpet-making factories and domestic servitude, and in commercial sexual exploitation, forced begging, and transnational drug smuggling within Afghanistan and in Pakistan, Iran, and Saudi Arabia (Country Narratives: 2012). Some families knowingly sell their children for forced prostitution, including for bachabaazi – where wealthy men use groups of young boys for social and sexual entertainment (Trafficking in Persons Report – Afghanistan: 2014). Other families send their children with brokers for employment but the children end up in forced labour. Opium-farming families sell their children – especially girls – to settle debts with opium traffickers. According to the government and the UN, insurgent groups forcibly use children between 12 to 16 years old as suicide bombers. Some Afghan families, including children, are trapped in debt bondage in the brick-making industry in eastern Afghanistan (Country Narratives: 2012). Some Afghan women and girls are subjected to forced prostitution and domestic servitude in Pakistan, Iran, and India. There were reports of women and girls from the Philippines, Kyrgyzstan, Pakistan, Sri Lanka, Iran, Tajikistan, and China being forced into prostitution in Afghanistan (Country Narratives: 2012). Under the pretence of high-paying employment opportunities, labour recruiting agencies lure foreign workers, including those from Sri Lanka, Nepal, India, Iran, Pakistan, and Tajikistan, to Afghanistan, and traffickers lure Afghan villagers to Afghan cities or to India or Pakistan, and then sometimes subject them to forced labour or forced prostitution after their arrival. Afghan men are subjected to forced labour and debt bondage in the agriculture and construction sectors in Iran, Pakistan, Greece, the Gulf States, and possibly Southeast Asian countries. During 2011, one Azerbaijani victim was identified in Afghanistan and two Afghan victims were identified in Serbia (Trafficking in Persons Report – Afghanistan: 2014).

![Different Routes for Human Trafficking](image_url)

5.5. Bangladesh

Bangladesh is primarily affected by modern slavery for sexual exploitation, forced labour and bonded labour, both within its borders and overseas. (Interview with Prof. Md. Zakir Hossain: 2009) Bangladeshi people are enslaved overseas in the Middle East, in neighbouring Southeast Asian countries, and Europe, amongst others. (Human Rights Report on Trafficking in Persons: 2010) It is estimated that in the past 30 years, more than one million Bangladeshis have been enslaved in these countries. (Interview with Prof. Md. Zakir Hossain: 2009) Bangladeshi men and women migrate willingly to Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates (UAE), Qatar, the Maldives, Iraq, Iran, Lebanon, Malaysia, Singapore, Europe, and other countries for work, often legally via some of the more than 1,000 recruiting agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA) (Bangladesh - Global Slavery Index: 2013). These agencies are permitted legally to charge workers recruitment fees that are the equivalent of a year’s salary, but these recruiting agencies often charge additional amounts in contravention of government regulations. These exorbitant fees place migrant workers in a condition of debt bondage, in which they are compelled to work out of fear of otherwise incurring serious financial harm. Many Bangladeshi migrant labourers are victims of recruitment fraud, including additional and illegal exorbitant recruitment fees often accompanied by fraudulent representation of terms of employment. These victims may also experience restrictions on their movements, non-payment of wages, threats, and physical or sexual abuse. There are reports of an increased number of Bangladeshi transiting through Nepal to obtain Nepalese visas and work permits for employment in the Gulf; some are trafficking victims.

Bangladeshi children and adults are trafficked internally for commercial sexual exploitation, domestic servitude, and forced and bonded labour, including forced begging. In some instances, children are sold into bondage by their parents, while others are induced into labour or commercial sexual exploitation through fraud and physical coercion. Girls and boys as young as eight years old are subjected to forced prostitution within the country, living in slave-like conditions in secluded environments. Trafficking within the country often occurs from poorer, more rural regions, to cities. Internationally, women and children from Bangladesh are trafficked to India and Pakistan for commercial sexual exploitation or forced labour (Chowdhury Mohammad Barad Hossain: 2012). Some Rohingya refugees from Burma have been subjected to human trafficking (Bangladesh Country Narrative: 2013).

5.6. Sri Lanka

Sri Lanka is primarily a source and, to a much lesser extent, a destination country for men, women, and children subjected to forced labour and sex trafficking. Sri Lankan men, women, and some children (16 to 17-year olds) migrate consensually to Saudi Arabia, Kuwait, Qatar, the United Arab Emirates, Jordan, Bahrain, Lebanon, Iraq, Afghanistan, Malaysia, and Singapore to work as construction workers, domestic servants, or garment factory workers (Country Narratives: Countries N Through Z: 2012) Some of these workers, however, subsequently face conditions of forced labour including restrictions on movement, withholding of passports, threats, physical or sexual abuse, and threats of detention and deportation for immigration violations. Before their departure, many male migrant workers go into debt to pay high recruitment fees imposed by unscrupulous licensed labour recruitment agencies and their unlicensed sub-agents. These agencies and agents also commit recruitment fraud by engaging in contract switching: defined as the promising of one type of job and conditions but then changing the job, employer, conditions, or salary after arrival. Women migrating abroad for work generally are not required to pay recruitment fees in advance, although many report paying off such fees through salary deductions. Some Sri Lankan women are promised jobs or began jobs as domestic workers, mainly in Singapore or Jordan, but were forced into prostitution. A small number of Sri Lankan women are forced into prostitution in the Maldives (Country Narratives: Countries N Through Z: 2012). Internally-displaced persons, war widows, and unregistered female migrants remained particularly vulnerable to human trafficking. In 2011, Sri Lankan victims were identified in Egypt, Poland, and the United States (Country Narratives: Countries N through Z: 2012). Within the country, women and children are subjected to sex trafficking in brothels. Boys are more likely than girls to be forced into prostitution in coastal areas for domestic child sex tourism.

Table 4. Push and Pull Factors of Human Trafficking

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<td>Economic Disparity</td>
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<td>Failure of Monsoon</td>
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<td>Mechanisation and Agriculture</td>
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6. Initiatives and Actions by South Asian Countries

In the recent years, various initiatives and programs in the countries of South Asia have begun addressing the problem of human trafficking, especially in women and children. Governments are becoming active, although most programs are carried out by non-governmental organizations (NGOs) with a focus on local communities. Concerted efforts have also been undertaken at the sub-regional level to combat human trafficking in South Asia. During the 11th SAARC (South Asian Association for Regional Co-operation) Summit, which was held in January 2002 in Kathmandu, the seven SAARC member States (Nepal, India, Pakistan, Bangladesh, Sri Lanka, Bhutan and the Maldives) signed the SAARC Convention on Preventing and Combating the Trafficking in Women and Children for Prostitution (Huda S.:2006). The scope of this Convention is to promote cooperation amongst member States to effectively deal with various aspects of prevention, interdiction and suppression of trafficking in women and children; repatriation and rehabilitation of victims of trafficking, and preventing the use of women and children in international prostitution networks, particularly where the SAARC member countries are the countries of origin, transit and destination.

In October 2004, all the eight governments in South Asia unanimously adopted Five Points for further actions as urgent imperatives. Briefly, these include:

- Conduct better research into the demand that underpins sexual abuse and exploitation of children, including the abuse that results from home grown demand.
- Reinforce protection measures through the adoption of National Action Plans covering sexual abuse, exploitation and trafficking.
- Develop compatible databases of abused, exploited and trafficked children with information on age, gender and nationality that would allow better identification of national trends and indicators.
- Work with NGO, UN and multilateral partners to develop indicators of impact and effectiveness and identify successful initiatives and good practices.
- Work with children and young people to ensure their insights in policy formation and actions.

6.1. Nepal’s Response and Initiatives on Human Trafficking

Nepali government increased its efforts to prevent human trafficking. Nepal prohibits most – but not all – forms of trafficking in persons, including the selling of human beings and forced prostitution, through its Human Trafficking and Transportation Control Act (2007) and Regulation (2008) (HTTCA). (Country Narratives: Countries N Through Z) The HTTCA also prohibits other offenses that do not constitute human trafficking, such as people smuggling and purchasing commercial sex. Prescribed penalties range from 10 to 20 years’ imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Bonded Labour (Prohibition) Act (2002) prohibits bonded labour but has no penalties. In August 2011, the National Committee for Controlling Human Trafficking established a secretariat and the government appointed a coordinator under the oversight of a joint (Trafficking in Persons Report: 2012). The Secretariat organized the government’s participation in the fifth annual national anti-trafficking day. NGOs state that the majority of the District Committees for Controlling Human Trafficking do not function well or are not active. The lack of political stability and resources has hampered translating commitments into actions. The prime minister visited a leading anti-trafficking NGO in October 2011. The government endorsed the National Plan of Action on Trafficking in Persons in March 2012.

Many Nepali girls are trafficked to India as forced labour. In order to combat this issue, a major step forward was taken to prevent and control human trafficking with both India and Nepal having ratified the United Nations Convention on
Transnational Organized Crime (UNTOC), while India also ratified the Trafficking Protocol, supplementing the UNTOC. In this backdrop, the first ever bilateral meeting was organized on 3 and 4 May 2012 in Kathmandu, to train law enforcement officials from India and Nepal on countering trafficking for forced labour (South Asia Newsletter: 2012). The workshop was organized by UNODC in partnership with the International Labour Organization (ILO), under a project titled ‘Reducing trafficking of women and girls for domestic work in Nepal and India,’ supported by the Department of Foreign Affairs and International Development (DFID) (South Asia Newsletter: 2012).

6.2. Bangladesh’s Response and Initiatives on Human Trafficking

The Government of Bangladesh made clear anti-trafficking law enforcement progress over the reporting period by passing a comprehensive counter-trafficking law and increasing the number of investigations and prosecutions, although the number of convictions declined compared to the previous year. In December 2011, the president put the law into effect as an ordinance, and in February 2012 the parliament passed the ordinance as law: the Human Trafficking Deterrence and Suppression Act (Traffic king in approximately the equivalent of $600, and prescribed 12 years’ imprisonment and a fine of not less than Prescribed penalties for labour trafficking offenses are five to penalties for sex trafficking offenses range from five years’ imprisonment to the death (Trafficking in Persons Report -Bangladesh -2012). These penalties are sufficiently stringent, and commensurate with those prescribed for other serious crimes, such as rape. The new law supersedes sections of the Repression of Women and Children Act of 2000 (amended in 2003), which had prohibited the trafficking of women and children for the purpose of commercial sexual exploitation or involuntary servitude.

In January 2012, the Ministry of Home Affairs promulgated a new National Plan of Action for Combating Human Trafficking for 2012-2014, which includes plans to implement the new law (Chowdhury Mohammad Barad Hossain: 2012). The Ministries of Social Welfare, Women and Children Affairs, and Primary and Mass Education, continued to raise awareness on the trafficking of women and children. The Ministry of Expatriate Welfare’s Vigilance Task Force continued its work to improve the oversight of Bangladesh’s labour recruiting process ahead of a future merge with a Monitoring Wing (Chowdhury Mohammad Barad Hossain: 2012). This wing lacks the funding or professional capacity to address fraudulent recruitment.

There are a number of NGO’s in Bangladesh working to combat human trafficking. Among them are: Bangladesh National Women Lawyers Association (BNWLA), Ain o Salish Kendro of Dhaka, UNICEF, and International Organization for Migration (IOM). Bangladesh National Women Lawyers Association (BNWLA) provides information for female victims of violence, contact with law enforcement organizations, phone counseling through their various hotline numbers. (Bangladesh National Women Lawyers Association: 2008) Their main mission is to improve the social, economic, and legal status of women. (Agarwal, Indrani: 2008)

The Government of Pakistan does not fully comply with the minimum standards for the elimination of human trafficking; however, it is making significant efforts to do so despite the severe floods the country experienced in 2010 and 2012 (Rashid Shahid: 2012). The government incorporated information about the differences between trafficking and smuggling in its routine anti-trafficking training, but did not criminally convict any bonded labour offenders or officials who facilitated trafficking in persons. Under the government’s devolution process, which started in 2010 (Trafficking in Persons Report -2012), all civil labour issues became the sole responsibility of the provinces, necessitating provincial-level action plans against bonded labour.

6.3. India’s Response and Initiatives on Human Trafficking

India pays close attention to the problem of human trafficking through its Department of Women and Child Development as well as through the National Commission for Women whose past president was a fervent crusader for victims of trafficking into the sex industry. The Constitution of India states that the Right against exploitation is a fundamental right. Under Article 23, traffic in human beings and “beggar” (bonded labour), and other forms of forced labour are prohibited (Prabhu Devanand Prabhakar: 2012). Any contravention of this provision is a punishable offence. The Immoral Traffic (prevention) Act of 1956 (ITPA), supplemented by the Indian Penal code (IPC) prohibits trafficking human beings, including children and lays down severe penalties. The ITPA and IPC prescribe punishments for crimes related to prostitution (Ganguly Shreya, Sathpathy Raunak: 2011). It has been reported by that the states of Andhra Pradesh, Tamil Nadu, Karnataka, Maharashtra, and Delhi have been enforcing this Act with considerable efforts compared to other states in the country. Under Section 13 (4) of ITPA it was recommended that the Central Government...
appoint a number of police officers as trafficking police officers and they shall discharge such functions and exercise powers in the entire country. (Social and Development News: 2012)

In pursuance of the Supreme Court Directives of 1990, the Government of India constituted a Central Advisory committee on Child prostitution. The recommendations of this Advisory committee have been sent to the concerned Central Ministries/departments and state governments for appropriate action. A desk has been set up in the department of women and Child Development (DWCD) to implement the recommendations of the Advisory Committee. (William, A. Thomas: 2008)

The Ministry of Home Affairs (MHA) of the Government of India (Centre-State division), National Commission for Women (NCW), National Human Rights Commission (NHRC) and the National Aids control Organisation (NACO) are some of the government bodies engaged in activities to combat trafficking. Over 80 NGOs are working in the area of child trafficking and CS (Nair P.M., Sen Sankar: 2005).

Some of the prominent ones are Young Men’s Christian Association (YMCA), End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), Joint Women’s Programme (JWP), Sanlaap, Prerna, Stop Trafficking and oppression of children and women (STOP), The Campaign against Child Trafficking (CACT), Prajwala and Centre for Child Rights HAQ (‘Rights’).

This initiative was undertaken by ATSEC (Action against Trafficking and Sexual Exploitation of Children), a network of over five hundred non-governmental organizations (NGOs) operating mainly in India with chapters in Pakistan, Bangladesh, Nepal and Sri Lanka, as part of their community policing intervention along the India-Bangladesh border. Peer groups from sixteen schools in the Basirhat sub division of the North 24 Parganas district of West Bengal state were formed, consisting of school teachers and students, from the primary, secondary and senior schools (India Country Report: 2008). Through discussions, posters, films and other education-communication tools, they were trained to educate each other on human trafficking and how to protect themselves from being trafficked.

The Ministry of Women and Child has notified the Protection of Children from Sexual Offences Act, 2012 to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. For the first time, a special law has been passed to address the issue of sexual offences against children. Sexual offences are currently covered under different sections of IPC. The IPC does not provide for all types of sexual offences against children and, more importantly, does not distinguish between adult and child victims. (UNODC: 2013)

The Ministry of Home Affairs (MHA) continued to establish Anti-Human Trafficking Units (AHTUs), which were responsible for combining law enforcement and rehabilitation efforts. The Central Bureau of Investigation launched an anti-trafficking unit in 2011 and gave investigation authority under trafficking-related laws to its entire police officers (CB Bureau:2012). Challenges remain regarding overall law enforcement efforts against bonded labour and the alleged complicity of public officials in human trafficking. India prohibits most forms of forced labour through the Indian Penal Code (IPC), the Bonded Labour System (Abolition) Act (BLSA), the Child Labour (Prohibition and Regulation) Act, and the Juvenile Justice Act (CB Bureau:2012). India prohibits most forms of sex trafficking. Prescribed penalties for sex trafficking under the Immoral Traffic Prevention Act (ITPA) and the IPC, ranging from three years’ to life imprisonment, are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

The Central Bureau of Investigation established a dedicated federal anti-trafficking unit in January 2012 whose police officers have nationwide investigative authority (Trafficking in Persons Report – India: 2012). The government continued to implement its three-year nationwide anti-trafficking effort by disbursing funds to state governments to establish at least 107 new Anti-Human Trafficking Units in police departments during the reporting period, for a total of at least 194 AHTUs (Trafficking in Persons Report – India: 2012). The Ministry of Women and Child Development (MWCD) allocated the equivalent of $118 million for 2011-12 to fund 153 projects in 17 states under the Ujjawala program – which seeks to protect and rehabilitate female sex trafficking victims – and 58 new Swadhar projects – which help female victims of violence, including sex trafficking. Some Indian diplomatic missions in the Middle East provided services, including temporary shelters, medical care, legal assistance, and 24-hour hotlines, to Indian migrant labourers, some of whom were victims of trafficking (Trafficking in Persons Report – India: 2012).

The Ministry of Labour and Employment continued its preventative convergence-based project against bonded labour in Tamil Nadu, Andhra Pradesh, and Odisha, but not in Haryana. The government reduced the demand for commercial sex acts in the reporting period by convicting clients of prostitution. The government continued its multi-year project to issue unique identification numbers to citizens; more than 100 million identify cards were issued in 2011-12 (Trafficking in Persons Report – India: 2012). Training for Indian soldiers and police officers deployed in
peacekeeping missions reportedly included awareness about trafficking.

6.4. Pakistan Government Response and Initiatives

Several sections in the Pakistan Penal Code, as well as provincial laws, criminalize forms of human trafficking such as slavery, selling a child for prostitution, and unlawful compulsory labour, prescribing punishments for these offenses that range from fines to life imprisonment. Article 11 of the Pakistan Constitution prohibits slavery, forced labour and trafficking in human beings. (Constitution of the Islamic Republic of Pakistan: 1973) Section 2 of the Prevention and Control of Human Trafficking Ordinance, 2002 criminalises human trafficking, which is defined as “obtaining, securing, selling, purchasing, recruiting, detaining, harbouring or receiving a person, notwithstanding his implicit or explicit consent, by the use of coercion, kidnapping, abduction, or by giving or receiving any payment or benefit, or sharing or receiving a share for such person’s subsequent transportation out of or into Pakistan by any means whatsoever for any of the purposes mentioned in section 3.” The purposes listed in section 3 of the Ordinance are exploitative entertainment, slavery, forced labour and adoption, and a comprehensive focus establishes responsibility for such crimes. (Human Trafficking Ordinance: 2002) Most child abuse cases have been registered under the Offence of Zina (Enforcement of Hudood) Ordinance 1979. (Zina Ordinance: 1979)

In 2006, however, the Pakistan National Assembly and Senate passed a landmark bill and amended the Hudood Ordinance, with the Protection of Women (Criminal Laws Amendment) Act of 2006. (Pakistani.org: 2006) Pakistan prohibits all forms of transnational trafficking in persons, and appears to cover some non-trafficking offenses as well, through the Prevention and Control of Human Trafficking Ordinance (PACHTO); the penalties range from seven to 14 years’ imprisonment. Government officials and civil society reported that judges have difficulty applying PACHTO and awarding sufficiently stringent punishments, because of confusion over definitions and similar offenses in the Pakistan Penal Code. (Rashid Sahid: 2012) In addition, the Bonded Labour System (Abolition) Act (BLSA) prohibits bonded labour, with prescribed penalties ranging from two to five years’ imprisonment, a fine, or both. Pakistani officials have yet to record a single conviction under this law. Prescribed penalties for above offenses vary widely; some are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Other penalties are not sufficiently stringent.

Since 2009, the government, with the support of a local NGO, has operated a rehabilitation centre for boys who have been recovered from militant or extremist groups in the Malakand district. As of March 2010, 150 boys were staying at the facility. In 2010, a second similar facility for girls was opened; as of March 2010, five girls were staying in that facility. (Rashid Sahid: 2012) In 2010, the FIA reported that in partnership with NGOs, it provided some medical support, transportation, shelter, and limited legal services to some Pakistani victims of trafficking who were deported to Pakistan. The federal government, as part of its National Plan of Action for Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers, continued to provide legal aid to bonded labourers in Punjab and Khyber Pakhtunkhwa, and expanded services to Balochistan and Sindh provinces. The Sindh provincial government continued to implement its $116,000 project (launched in 2005), which provided state-owned land for housing camps and constructed 75 low-cost housing units for freed bonded labourer families. (Rashid Sahid: 2012)

On March, 2014 of a unique thematic group launch on human trafficking in Pakistan by the International Organisation for Migration (IOM) is intended to bring key stakeholders together so that a plan of action can be developed to combat the growing menace. (Humanitarian News and Analysis: 2014) The thematic group, which is being formed under the “Development of a Conceptual Framework and Strategies to Combat Trafficking” project funded by the Canadian International Development Agency (CIDA) and implemented by IOM in Pakistan, aims to bring all the stakeholders together so that a plan of action can be developed. One of the main service areas of the IOM is the fight against human trafficking which is an exploitative form of irregular migration involving the violation of migrant’s human rights. (Ibid: 2014) Other laws of relevance to child trafficking are the Prevention and Control of Human Trafficking Rules 2004, the Employment of Children Act 1991, the Bonded Labour System (Abolition) Act 1992 and the Bonded Labour System (Abolition) Rules 1995. (UNICEF: 2009)

6.5. Sri Lanka Government Response and Initiatives

Human trafficking and child trafficking are prohibited under Ordinance No. 2 of the Penal Code and the Penal Code (Amendment) Bill of 2005. (UNICEF: 2013) In addition to section 360c, several provisions of the Penal Code criminalize acts relating to the sexual exploitation of children. Overall, the 2005 amendment of the Penal Code has largely enhanced children’s legal protection from trafficking, exploitation and abuse, and includes increased protection from Internet-based sexual abuse. However, it does not
Sri Lanka prohibits all forms of trafficking through an April 2006 amendment to its penal code, which prescribes punishments of up to 20 years’ imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The National Child Protection Authority and Criminal Investigation Department (CID) investigated 44 reported cases of trafficking in 2011, and referred nine of these cases to the Attorney General’s office for advice. (Country Narratives: 2012) The government undertook law enforcement training. In August 2011, the Ministry of Justice and the Judges’ Training Institute trained 80 judges, in collaboration with the ILO, on issues such as the application of international standards within domestic trafficking legislation, and the trauma for trafficking victims during the judicial process. In December 2011, the Sri Lanka Bureau of Foreign Employment (SLBFE) organized a workshop for 80 district-level government officials on identifying victims and sending case information to relevant law enforcement departments. (Ibid: 2012) The SLBFE continued to operate, through Sri Lankan embassies in some destination countries, short-term shelters, as well as an overnight shelter in Sri Lanka’s international airport for returning female migrant workers who encountered abuse abroad.

The Sri Lankan government made progress in its efforts to prevent trafficking. The government worked on several awareness-raising initiatives with the ILO. In one initiative, the government, in partnership with the ILO, developed a handbook for migrants bound for Saudi Arabia and Kuwait, including information on the relevant labour laws, descriptions of forced labour and trafficking, and contact information. The SLBFE printed and distributed 40,000 copies of the handbook to all registered migrant workers heading to those two countries. The Government of Sri Lanka, working with the UNDP, continued to provide personnel time to conduct mobile documentation clinics for conflict-affected people. The Government of Sri Lanka did not report any efforts to reduce the demand for commercial sex acts during the reporting period. The Ministry of Defence provided anti-trafficking training to all Sri Lankan peacekeepers prior to their deployments abroad for international peacekeeping missions. Sri Lanka is not a party to the 2000 UN TIP Protocol. (Ibid: 2012)

6.6. Afghanistan Government Response and Initiatives

The Government of Afghanistan made some progress on victim protection; despite a late-issued formal decree on prohibiting punishment of victims, penalization of victims was widespread and victim protection inadequate. The government, particularly authorities from the Ministry of Labour and Social Affairs, Martyrs, and the Disabled (MOLSAMD) and the Ministry of Women’s Affairs, in practice referred victims to NGO-run shelters. The Ministry of Public Health reported it had created special forms for use by its health centres that could help to identify victims of human trafficking, but did not report whether these forms were used. Afghanistan has an NPA on child trafficking, developed in response to reports on child trafficking and national and regional commitments to combat the phenomenon. The plan adopts a comprehensive approach to protecting children from trafficking. This includes protective and preventive measures focusing on the creation of national laws consistent with the Convention on the Rights of the Child, and national strategies against trafficking that include education and information for children. (Afghan Independent Human Rights Commission (AIHRC):2004) Recovery measures include social, medical and psychological assistance. Measures are included for enhanced collaboration, coordination and capacity-building of institutions and professionals. Partnership-building with children and youth is emphasized, with a focus on the inclusion and participation of children and the evolving capacities of the child. (National Plan: 2004)

Afghanistan’s 2008 Law Countering Abduction and Human Trafficking/Smuggling, along with Article 516 of the penal code, prohibit many, but not all, forms of human trafficking. For example, the law does not cover sex trafficking of a child if coercion was not involved. (Country Narratives: 2012). Government officials, including law enforcement and judicial officials, continued to have a limited understanding of human trafficking. The 2009 Elimination of Violence against Women (EVAW) law and other provisions of the penal code contain penalties for most forms of trafficking. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The
Ministry of Interior (MOI) has an anti-trafficking in persons unit with approximately 20 officers, but they did not appear to be dedicated full-time to this unit and there was frequent turnover in their leadership. the Ministry of Labour and Social Affairs, Martyrs, and the Disabled (MOLSAAMD) owns four short-term trafficking shelters in Kabul, Herat, Kunduz, and Nangarhar, which were operated by International organization for Migration (IOM) and partner NGOs and paid for by other sources. (Country Narratives: 2012). The government increased its efforts to raise awareness on trafficking. The Ministry of Education reported that it asked all schools to spend the first five minutes of the school day on raising awareness about human trafficking/smuggling; there is no information confirming that this directive has been implemented. In collaboration with international organizations, the Ministry of Labour and Social Affairs, Martyrs, and the Disabled (MOLSAAMD) launched a series of TV spots in January 2014 warning against human trafficking. Afghanistan is not a party to the 2000 UN TIP Protocol. (Country Narratives: 2012).

6.7. SAARC Response and Initiatives on Human Trafficking

Presently, certain international and regional conventions are being invoked to address the rights of children and their labour in hazardous sectors within the region: many of these sectors include sites to which girls and children are trafficked. Heads of states of South Asian countries have committed to addressing the problem of trafficking with the objective of eliminating it within the near future. This commitment was first reflected in the 1997 SAARC Summit in Male, Maldives through a declaration which stated (Ninth SAARC Summit: 1997):

“Expressing grave concern at the trafficking of women and children within and between countries, the Heads of State or government pledged to coordinate their efforts and take effective measures to address this problem. They decided that this should include simplification of repatriation procedures for victims of trafficking. They also decided that the feasibility of establishing a Regional Convention on Combating the Crime of Trafficking in Women and Children for Prostitution be examined by the relevant Technical Committee.”

The SAARC Convention directs states to use criminal law to deal with the problem of trafficking and places trafficking as a crime against the state and a law and order problem. Parties to the Convention are required to provide for the punishment of any person who “keeps, maintains, manages or knowingly finances or takes part in the financing of a place used for the purpose of trafficking and knowingly lets or rents a building or other place for the purpose of trafficking”. If a person is kept against his or her will in any place, this can constitute abduction and/or kidnapping. Laws against such forceful confinement already exist in the criminal codes of all SAARC countries. (Agarwal, Indrani:2008)

The SAARC Convention sets out important provisions recognizing the need to support the human rights of those vulnerable to trafficking. Article VIII (7) calls on “preventive and development efforts on areas which are known to be source areas for trafficking”. States are thus called upon to take more initiative in preventing vulnerability to trafficking. In its aim to prevent and combat trafficking the SAARC Convention leads to the criminalization of prostitution. Prostitution per se is deemed an offence. Article 1 (2) defines prostitution as the “sexual exploitation or abuse of persons for commercial purposes” (SAARC Convention: 1997).

The SAARC Convention recommends that the signatories set up “protective homes and shelters for rehabilitation of victims of trafficking”. The SAARC Convention states that adequate legal advice and health care facilities are to be provided to persons who have been released from trafficking and are awaiting the voluntary return to their home countries. Upon input and feedback from concerned stakeholders and NGOs and SAARC Draft Convention of Trafficking was further discussed at the Colombo SAARC Summit in 1998 (Tenth SAARC Summit: 1998). Three major separate platforms have been discussing the Draft Convention and suggesting changes. The first one has been spearheaded by the Resistance Network currently sponsored by UBING in Bangladesh. The second forum is not an organized network but was put together to specifically address some of the glaring lacunae in the SAARC Draft Convention. The third initiative to affect changes to the Draft Convention was jointly spearheaded by the United Nations Development Fund for Women (UNIFEM) and the Concerned over the trafficking of women and children within and between countries in the region, SAARC adopted a Regional Convention on Combating the Crime of Trafficking in Women and Children for Prostitution in January 2002, during the Eleventh Summit in Kathmandu (Gender Info Base: 2012). The Convention calls for cooperation amongst Member States in dealing with various aspects of prevention, interdiction and suppression of trafficking in women and children for prostitution, and repatriation and rehabilitation of victims of trafficking. It also calls for prevention of use of women and children in international prostitution networks, particularly where countries of the region are the countries of origin, transit and destination.

Pursuant to a decision of the Eleventh Summit (Kathmandu, January 2002), the SAARC Autonomous Women’s Advocacy Group (SAWAG) was formed, to advocate
mainstreaming gender and make recommendation on gender related issues and programmes in the region (SAARC Gender Info Base: 2002). The Group convened its First Meeting in June 2004 in Islamabad, and decided to commission a Study incorporating issues such as women’s citizenship, women’s political representation, trafficking and sexual exploitation, gender and HIV/AIDS, female education and literacy, legal rights and economic empowerment and impact of globalization on women (SAARC Gender Info Base: 2012).

The Thirteen Summit (Dhaka, 12-13 November 2005) reiterated its pledge to continue to work in the next decade and beyond to address the formidable challenges faced by women and children, especially the girl child. That Summit noted that sustained efforts were needed on the part of the Member States not only to free them from all types of deprivation but also to make them full partners and beneficiaries of South Asian progress and development (Gender Info Base: 2012).

The SAARC countries reaffirmed their determination and renewed their commitment to end violence against children in all forms and all settings at the meet of the member countries at Colombo. They countries unanimously adopted the South Asia Call for Action on Ending Violence against Children. Representatives from SAARC countries were meeting as follow up on regional consultation on the UN study on violence against children, which was held at Colombo between 26-31 May, 2012 (Ministry of Women and Child Development: 2012).

The Colombo declaration signed by the member countries take stock of progress made since the Regional Consultation on Violence Against Children in South Asia, Islamabad, Pakistan, 19-21 May 2005 and the endorsement of the UN Study on Violence against Children by the General Assembly in 2006, in order to strengthen measures and processes aimed at ending violence against all children in all settings (Ministry of Women and Child Development: 2012). Held under the aegis of the South Asian Initiative to End Violence Against Children (SAIEVAC), an apex body of SAARC, the regional follow up reaffirmed their commitment made by Governments to the Convention on the Rights of the Child and its Optional Protocols, the Convention on the Elimination of All Forms of Discrimination against Women, the SAARC Social Charter, the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare, the SAARC Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution, the SAARC Framework for the Protection, Care and Support of Children Affected by HIV/AIDS, the SAARC Development Goals (SDGs) and the Millennium Development Goals (MDGs). They also renewed the commitment made by the Ministers in the Rawalpindi Resolution on Children of South Asia (1996) and the Colombo Statement on Children of South Asia (2009), and the recommendations endorsed at the Ministerial Meeting of South Asian Initiative to End Violence against Children (SAIEVAC) in June 2010 in Kathmandu. (Ministry of Women and Child Development: 2012)

The countries also recalled recommendations from the Regional Consultation on Violence Against Children in South Asia (2005) and the subsequent Recommendations from the UN Study on Violence against Children; the South Asia Forum (SAF) Regional Preparatory Consultation for the World Congress III against Sexual Exploitation of Children and Adolescents (2008), the Kathmandu Commitment to Action for Ending Violence against Children (2010); the Technical Consultations on Legal Reform and Corporal Punishment (2010) and Child-friendly Services and Care Standards (2011) including those made by children; the Beijing Declaration on South-South Cooperation for Child Rights in the Asia Pacific Region (2010) and the Assessment of Progress in the SAARC Decade of the Rights of the Child (2001-2010) presented at the 17th SAARC Summit in Addu City (2011). (Social and Development News: 2012)

7. Conclusion

Human trafficking is both a cause and a consequence of human rights violations. It is thus essential that all initiatives in combating sex trafficking be addressed through human rights based approaches. These common promises and understanding are expected to pave the way for a more intensive regional co-operation in preventing and combating sex trafficking in South Asia while protecting the human rights of the victims. Special attention is needed on legal, social, physical and psychological protection of people who are affected by trafficking. The SAARC Convention is seen as a milestone on the path to co-ordinate interventions against trafficking at the sub-regional level. The concern and interests of trafficked women and children and the need to provide them support and security must take precedence over the citizenship concerns of the member states regarding the legal identity of victims. All trafficked persons should be accorded standard minimum humanitarian treatment consistent with international human rights standards.

Sadly, in addition to the woes of the trafficked victims, some governments in South Asia impose punitive measures against the trafficked. Multiple cases have emerged in South Asia where government officials have failed to recognise the characteristics of the crime despite having heard the victim’s plea. Most of the officials also fail to recognise male victims of forced labour and associate trafficking crimes with women only. They fail to recognise that men can also be victimised
even when the latter describe the severe exploitation that they have endured. Officials also fail to recognise the indicators of human trafficking or simply do not view trafficking as under their authority or jurisdiction.

South Asia is the epicentre of such issues, and to combat the evils of trafficking in humankind, it faces several challenges from the process of victim identification to rehabilitation. To prevent lacunae in the system; government efforts must not cease but must go beyond laws guaranteeing such mechanisms, rights or status. Governments need to foster their efforts by implementing proactive strategies through which victims have been or might be found. Anti-trafficking training is a mandate to ensure that law enforcement regulations, prosecutions, the judiciary, responders, and other government officials develop a common understanding of trafficking crimes. Protocols and training curricula must align with this shared comprehension. Such training endeavours must bank on policies and procedures that provide the trainees and activists a clear understanding of action-oriented measures. What is also crucial is collaboration among agencies (social service agencies, non-governmental organisations, international organisations etc.) that have overlapping areas of responsibility to extend support to the trafficked persons. Access to comprehensive services must be a part of the policies for victim identification. In the context of South Asia, the major drawback that governments and policy-makers are facing is that they fail to go beyond awareness-raising. Governments and legal institutions bear the ultimate responsibility to identify victims, protect their rights and provide rehabilitation support and services to survivors. On the other hand, Non-Governmental Organisations (NGOs) and International Organisations (IOs) are skilled in victim protection and provide comprehensive trafficking victim assistance services. Thus, cooperation between the former and the latter leads to more effective delivery.

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