

## **The impact of Demand on the migration, trafficking and movement of women and girls**

Remarks by Ruchira Gupta, Founder President of Apne Aap Women Worldwide

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My name is Ruchira Gupta, and I am the Executive Director of Apne Aap Women Worldwide, an anti-trafficking organization based in India. It is a pleasure to be here today, and I appreciate the attention that the National Commission on the Role of Filipino Women and the Philippine Department of Labour and Employment is devoting to the intersectionality of gender, migration and development.

At the outset I would like to thank Prof. Aurora J. De Dios and UNICEF for enabling my participation at this conference. I would also like to acknowledge Dr Jean D’Cunha from UNIFEM, Ms Ndioro Ndiaye from the International Organization of Migration, Dr Dorchen Leidholdt from the Centre for Battered Women’s Legal Services, Sanctuary for Women and Ms Jean Enriquez from the Coalition Against Trafficking in Women-Asia Pacific, who have over the years taught me to understand and deal with this issue nationally and internationally.

Over the last 14 years I have studied the issue of gender, migration and development first as a journalist, then with the UN and now I represent an organization from India called Apne Aap Women Worldwide which has a membership of over ten thousand trafficked women and children. I have worked in India, Nepal, Bangladesh, Thailand, Cambodia, Kosovo and US both to influence policy and help individual migrant women. I first came to the Philippines in 1996 to speak about the intersection on AIDS and trafficking and on my second trip to interview Sara Balabagan, a young migrant woman, who had been abused as a domestic

worker, retaliated, was jailed, repatriated to her country-Philippines and was fighting for her rights.

My own country, India, is home to large scale internal and external migration of women, men and children every year. My own district in the state of Bihar has four trains everyday carrying migrant workers to the more prosperous cities of Ludhiana, Jullandar, Bombay, Delhi, Guwahati and Kolkata. It is the second-poorest district of India with a per capita income of \$ 38 a year, persistence of polio and the highest incidence of female foeticide.

It is also one of the most trafficking prone areas in the country with rows of villages reporting missing girls and a change in their demographic composition with the presence of more men than women. It neighbours both Nepal and Bangladesh.

Over the years and in the course of thousands of interviews with migrant and trafficked women, I have come to the conclusion that a multi-sectoral development approach has to be adapted to prevent the trafficking of women and protecting the rights of migrant women. Migration and trafficking are both a supply and demand phenomenon. Supply can be addressed by reducing vulnerability of women and children through education, economic empowerment and protection of legal rights in source villages and towns. These are absolutely necessary and urgent measures at a time when caste, class, race and gender inequalities are heightened due to natural disasters, war and conflict, lopsided development policies, HIV and AIDS, hunger and changing borders. My colleagues before me at this conference have discussed in depth the ways and means of addressing development needs in source areas.

However, I would like to add that while prevention through gender based development in source areas should remain a primary goal, this aim should not deprive women from the right to migrate or the choice to migrate. The right to movement is a fundamental right and in fact

those who are trafficked lose that right. I would also like to add that border management policies should not constitute the core of counter-trafficking strategies as in fact they prevention of women from migrating can accentuate their vulnerability to trafficking.

Another dimension of trafficking and the migration of women is the Demand that fuels the whole trafficking and human smuggling industry.

Demand for trafficked people –from end-users to those who make a profit of the trade has become the most immediate cause for the expansion of the industry. The invisible labour market such as the domestic sector and the entertainment sector have created a greater demand for women migrant workers, who can be paid less or not at all and controlled more. The demand for cheap sex has created a demand for young women and girls through trafficking. According to the National Human Rights Commission Study 82.5% of traffickers and smugglers stated that they supply women/ children to brothels on demand- from underage girls to fair-skinned women. When increased vigilance and new laws prevented traffickers and smugglers from sourcing women and children from Nepal to Mumbai and Kolkata, they simply shifted their area of operations to Bihar, West Bengal, the hill states of the northeast and Jharkhand in India because a demand for trafficked women and children continued to exist.

Trafficked women suffer from great abuse including lack of freedom of movement, extreme bodily violence, deprivation of food and sleep, no wages and mental and physical trauma. Women migrant workers can suffer from violence at different levels: from smugglers or traffickers and smugglers, from their migrant husbands, from their employers, from private recruiters, etc. These abuses can include violations of physical integrity (punishments, intimidations, ridicule, humiliations) and sexual exploitation.

Providing services and instituting preventive mechanisms among those at risk to trafficking has provided protection to pockets of vulnerable people but not detracted the traffickers and smugglers and human smugglers.

An increase in convictions against traffickers and smugglers and buyers will serve to make the trade in human beings untenable. Countries have to strengthen their law-enforcement response to trafficking and work across borders to tackle the organized nature of the crime bringing traffickers and smugglers to book, confiscating the illegal assets created out of trafficking, making the traffickers and smugglers compensate for the damages and penalizing them. All act as a deterrent to traffickers and smugglers and buyers and restores a sense of

justice to the survivor. Very often traffickers and smugglers commit the crime in one country and jump across the border and have a bank account or residential status in another country.

Countries and UN agencies can work together to investigate and prosecute these traffickers and smugglers across countries. The UN protocol has already laid out guidelines for this. While there is increased cooperation for the repatriation of victims of trafficking, we need more cooperating and collaboration between law-enforcement agencies to investigate, arrest and prosecute traffickers and smugglers and those who buy trafficked people. If the numbers of convictions go up, the costs of operations of human trafficking will become untenable and the business models of traffickers and smugglers will be disrupted. This will be the best way of countering trafficking.

Addressing the demand for human trafficking, use of the law and its full implementation can only be done by states individually and in collaboration bi-laterally and multilaterally. It is urgent that the UN and its members take the leadership on this. Article 9, paragraph 5, of the UN protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children states that: "State Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures to including through bilateral or multi-lateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking." We urge governments to enact domestic legislation that incorporates the standards outlined above.

An example is the Swedish government legislation passed and implemented in 1999 that stepped up measures against prostitution not only by directing strong penalties against pimps, brothel owners, and other sex industry entrepreneurs but by also directing criminal sanctions against customers. (The law also eliminated penalties against prostitutes, such as the penalty for soliciting.) After the passage of the new law, Sweden spearheaded a public education campaign warning sex industry customers that patronizing prostitutes was criminal behavior. The result was unexpected. Sex trafficking to Sweden has declined. The danger of prosecution coupled with a diminished demand made Sweden an unpromising market for global sex traffickers and smugglers. Based on the success of the Swedish model, country after country is following Sweden's example-Norway, Korea, Lithuania, Phillipine..., New York state.

My own country India, is a signatory to the protocol and is in the process of amending its anti-trafficking law to penalize buyers of trafficked people and severely punish traffickers and smugglers.

I will end my remarks with recommendations:

1. Actively investigating, prosecuting, and punishing those involved in the trafficking of persons in countries of origin and destination, and imposing penalties appropriate for the grave nature of the abuses they have committed. Particular attention should be paid to evidence of collaboration by government officials in the facilitation of trafficking abuses.
2. Exempting trafficking and smuggling victims from prosecution for any immigration violations or other offenses that have occurred as a result of their being trafficked.
3. Not preventing the migration of women but ensuring they have enough information about how to protect their rights overseas or destination they migrate to.

Over-regulatory policies for women migrant workers, however well-intended, trades one human rights problem for another by discriminating against women seeking to travel and limiting their freedom of movement. It also makes women who want to migrate even more dependent on the services of trafficking agents, because it is difficult for women to obtain travel documents by themselves.

4. Ensuring that trafficking and smuggling victims have the opportunity to seek remedies and redress for the human rights violations they have suffered, including compensation for damages, unpaid wages, and restitution. This requires guaranteeing victims' access to legal assistance, interpretation services, and information regarding their rights, and allowing all trafficked persons to remain in the country during the duration of any proceedings related to legal claims they have filed.
5. Taking strong precautions to ensure the physical safety of trafficked persons. This includes witness protection measures for those who cooperate with law enforcement efforts and asylum opportunities for those who fear retaliation in their countries of origin. Countries of origin, transit, and destination must also cooperate to ensure the safe repatriation of trafficked persons, working together with non-governmental organizations to facilitate their return home.
6. Protecting women's and girls' rights and addressing the inequality in status and opportunity that makes women vulnerable to trafficking and other abuses. States should support policies and programs that promote equal access to education and employment for women and girls.
7. Not treat human trafficking for prostitution simply as a health management or AIDS prevention programme. These programmes end up creating a vested industry around the manufacture and distribution of condoms without dismantling the process of the

trafficking or making a dent to the brothel systems which serve as a magnet for traffickers and smugglers and buyers of trafficked people. Protection includes preventing not simply mitigating its impact.

The UN *World Survey on the Role of women in Development (2004)* stated that “As long as gender inequality diminishes economic opportunities for women migrants, they will be vulnerable to the exploitation of traffickers and smugglers” and that “prevention requires empowerment of women migrants through fundamental changes in their roles and recognition of their rights”.