

## SEMINAR IV

### **POLITICS OF TRAFFICKING AND SEX WORK**

*Speakers: Natasha Ahmad, Independent Researcher, Bangladesh, Dr. Jyoti Sanghera, GAATW and CFLR India, Reshmi Ghosh, DMSC, India*

#### **In Search of Dreams:**

#### **Study on the Situation of the Trafficked Women & Children from Bangladesh and Nepal-**

***Natasha Ahmed, Bangladesh***

During the course of the study it was found out that for every trafficked person there were hundreds of people who have migrated to India illegally and are subjected to human rights' violation and live in constant fear. The study therefore, broadened its sphere by including the undocumented migrants smuggled into India from Bangladesh. Some of the objectives of the study were:

- to study trafficking in women and children with a view to see how people from Nepal and Bangladesh are trafficked to India, what they do after their arrival, their present situation and future plans,
- to investigate into the socio-economic background of these people,
- the circumstances under which people decide to leave their country of birth and move to an unknown place and,
- to understand the pull and push factors and also the reasons why these migrants continue to live in India.

#### Reasons Behind Trafficking:

- Main reason for trafficking or illegal migration (among men and women) is poverty and lack of opportunities.
- Socio-political situation or the decision to migrate is also responsible for trafficking.
- Pressure on young girls in Bangladesh to get married also leads them to being trafficked.
- Divorced or widowed women also have limited options to live their own life.

Migration for a better life is a common phenomenon world wide, some are doing it legally and some illegally. People from Bangladesh living in India without any legal status are termed as illegal foreign nationals. India is a vast country and it has a lot of illegal foreign nationals from neighboring countries viz. Afghanistan, Myanmar, Iran, Tibet, who have been given 'refugee status.' Having legal status as refugees ensures they are not harassed by the law enforcing agencies nor asked to leave the country.

However, while conducting this study we found hundreds of Bangladeshi migrants living in constant fear. As illegal foreign nationals some had experienced brutal behavior from law enforcing agencies, some had been arrested and were in the

lock-ups, and no one was allowed to visit them.

Unfortunately, in the name of illegal migrants from Bangladesh, Bangla speaking Indian Muslims have often become victims of certain political parties/law enforcing agencies whose aims and objectives are communal. It is important for the countries concerned to create conditions through co-operation and a spirit of accommodation to enable the people - trafficked and/or undocumented migrants to return to the country of origin voluntarily and with dignity.

It is apparent that an organised network is actively engaged on both sides of the border – the network that exists operates for both trafficked or illegal migrants. The way money changes hands - often openly, from respondents to *dalals* to law enforcing personnel to other third party actors, transporting/smuggling people across borders evidently is a lucrative business. Women who are actually trafficked deserve separate treatment from migrants. It is also true that the situation for both the groups, trafficked and undocumented migrants are intertwined and their problems have often to be addressed simultaneously.

### **Conceptual Clarity on Trafficking**

**Jyoti Sanghera, India**

Trafficking is both a very complex and a very simple issue. We need to differentiate between trafficking and migration and between trafficking and prostitution in order to get a clearer understanding of what is exactly entailed in trafficking. The fact that the distinctions between these concepts are collapsed implies a certain political understanding. The theme of this seminar is globalisation and we need to examine its impact on women and communities.

One of the most important challenges facing the world today is how to deal with migration and immigration. There are no proactive, pro-people policies to deal with this and the only response has been towards stopping movement. This is a problematic position when there are so many people who want to move for a variety of reasons. Lack of food security and sustainable livelihoods are some of the reasons but there are many other reasons which propel men and women to move.

In this context of increased migration and increasing curtailment, why is there such a concern with trafficking today? It is an attempt to stop migration, to come up with legislation to stop the migration of certain kinds of people. Thus at the international level, the trafficking debates are focused on preventing free migration or immigration and at the national level, the debates have focused on prostitution.

As liberal, democratic minded people we need to question our responses to trafficking – millions of dollars have been sunk into anti – trafficking work and today there are many new NGO's working on the issue and many new laws being

contemplated in different countries. And yet in South Asia, nobody knows how many people have been trafficked. When men move, it is migration and when women do, it is trafficking. They are once again being seen as only victims. Internationally the language of violence has been co-opted and women are seen as needing protection.

Trafficking, by definition, is certainly a form of violence and abuse – a harm that people face in the process of migration. Sometimes they are forced into certain sites of work and held there under coercion or slavery-like conditions. But the question we need to ask is should we stop migration or should we work towards safety in the process of movement. Forced prostitution certainly should be stopped and women who want to leave should be given the options, but beyond that we must work towards protecting rights.

There are new anti- trafficking laws that are going to be passed which are seeking to criminalize prostitution. There are several women's groups who have also taken up this position and asked for more stringent laws and punishment. But more stringent punishment often only results in less conviction.

### **DMSC Perspectives on Trafficking and Sex Work**

***Reshmi Ghosh, DMSC, India.***

There are several reasons for increased trafficking - increasingly stringent anti-immigration laws and lack of access to information. Trafficking is a violation of fundamental rights. But this must be distinguished from sex work between consenting adults. In order to be legitimate, sex work has to get rid of all abuses. We feel that collectivising and organising of sex workers is the best strategy to monitor and prevent trafficking. They are in a position to find out whether any new girls have entered the trade much easier than social workers and police. DMSC has established three self-regulatory boards which is made up of 60% sex workers and 40% others such as lawyers, social workers and other professionals. The aim of these boards is to prevent the exploitation and violation of human rights in the profession.

### ***Discussion***

- How do we address the question of the choice to do sex work and what alternatives are there for women to leave the profession? We need to address the issue of choice in a larger perspective – what kinds of choices are available to women in general? Do we have a choice not to get married? If we look at the institution of marriage, there are many women who continue in a relationship in which they are not happy. But we do not speak about abolition of marriage. We have an analysis of marriage as a patriarchal institution and at the same time seek to protect women's rights within the institution.
- At this point, prostitution is not a criminal activity, but all the activities

surrounding it are - and thus prostitution itself tends to be regarded as a criminal activity. But during a raid, it is not the pimp, madam or clients who are picked up. If we look at decriminalising this, it would entail recognition of sex work as work – that they are in the market providing a service. All aspects of prostitution would then be removed from the purview of criminal activity. Legalisation on the other hand would also entail regulating the activity and would in effect, increase state control over the lives and work of sex workers.

- It is sometimes said that decriminalising or legitimising would lead to more women entering the profession. But in countries where decriminalisation has taken place, the numbers of women entering the profession has not gone up. It is easier for women to report abuse and violence when their activities are not seen as criminal.
- The issue of stigma has to be addressed by the whole society. It is the responsibility of society and not the individual, as these are all things created by society. It is important to make sure that rights are not violated. When a fundamental right becomes a privilege of a few, it is no longer a right.
- There is need to analyse debates on trafficking because it is such a loud debate today and there is tremendous polarisation. The debate is only allowing two possible positions for women – either as a victim of trafficking or as a criminal who is an illegal migrant.



**Day Four: 14- September, 2001**

### **CONCLUDING SESSION**

In the last session Kamla Bhasin made the concluding remarks and said, “ this has been a very successful conference because of the number and diversity of organisations who have participated - 90 organisations are present here from five countries of South Asia. Men and women from grassroots organisations, NGOs and movements are here. We have all learnt a lot from each other. This has been a joint effort from the beginning. We believe that the women and men present here will take this work forward. The biggest challenge before us, Kamla said, is to take forward human values.

Violence will stop only when inequalities end. Let us build on what has happened over the last few days and move ahead. Let us go back to our country groups and decide how to go ahead.”

SANGAT stands for togetherness, it is a dream, an aspiration. SANGAT was formed 5 years back in Bangladesh in a village. 25 women and men trainers from South Asia came together and created this network. Six months later we wanted to include activists too. Four South Asian conferences have been held before this, and this is the largest conference so far. The SANGAT Secretariat was first in Pakistan. Now it is in Delhi with JAGORI. It has been decided here that the Secretariat would move to Bangladesh in March 2002.

To summarise their concern and commitment, participants at the Conference issued a declaration which was given to the press and shared with all the participating organisations.



## ***Final Declaration***

We, 240 women and men activists representing 80 women's organisations, people's movements and NGOs, have come together in Kathmandu to reaffirm our solidarity and reassert our determination to continue our struggles against the unjust, inequitable and unsustainable development processes being imposed on us by vested interests.

**We challenge** the dominance of the market over all fields of human life and endeavor.

**We reject** development paradigms that are premised on the control and exploitation of the lives, labour and resources of the many by the few.





**We condemn** all forms of violence, whatever the cause that inspires them and regardless of whether perpetrated by men on women, countries on each other or by human beings on nature.

**We oppose** all forms of armed conflict and the legitimisation of military force as a mechanism for the resolution of disputes between and within countries and communities.

**We assert** our right to choose our own way of life and work, and to resist the displacement and takeover of our homes and habitats in the name of a mythical "larger public good."

**We reiterate** our faith in the strength and capacity of the women and men of South Asia to determine the course of their own development and take charge of their own future.

### **WE WANT:**

-  An immediate embargo on any further rounds of negotiations under the WTO regime, in view of its disastrous impacts on the majority of the global population, and a complete restructuring of global trade frameworks to protect the interests of developing countries.
-  A commitment from our governments and international bodies that the provisioning of basic human needs such as food, water, health and education shall not be left to the unscrupulous mercies of the market, and will continue to be seen as public goods and human rights of all citizens.
-  Immediate action to stop biopiracy and the plundering of people's knowledge and national resources, by debarring global corporate interests from gaining access to or encroaching on them.
-  Protection of people's rights (particularly the rights of poor and marginalized groups) over land, water, forests and other natural resources, so that they are not tampered with or undermined on the pretext of economic liberalisation.

- ♀ Decentralised and community-controlled mechanisms for conservation of biological resources including seeds, medicinal plants, animals and micro-organisms.
- ♀ A halt to militarisation, immediate action to declare South Asia a nuclear-free zone and redirection of military expenditure into sectors of human development.
- ♀ Realisation of people's right to information, and transparency and accountability in processes of economic decision-making and policy formulation at all levels, with space and time for broad-based consultations and for people (particularly marginalised and powerless groups) to exercise their veto power.
- ♀ A people's review of the impacts of emerging biotechnologies, and strong action to prevent their unregulated exploitation and abuse.

## **WE PLEDGE**

- ♀ To continue and expand our search for people-centred, equitable, gender-just and environmentally sustainable ways of life and work.
- ♀ To respect, nurture and build on the rich diversity of nature, culture and knowledge systems in our region, and to infuse them with the feminist values of equality, peace and collaboration.
- ♀ To shun violence of all kinds in our homes, organisations and communities, and to strive for dignity and equality in all our private and public relationships.
- ♀ To strengthen democratic values and ways of functioning within our families, communities, workplaces and social movements.
- ♀ To take a firm stand against communalism, religious fundamentalism and any other ideologies that pose a threat to the rights, identities and security of one or other group of people.
- ♀ To support processes that give voice and agency to women, Dalits, indigenous people and all other oppressed and marginalized groups who have so far been denied their rights to speak or act for themselves.
- ♀ To protect and promote the rights and interests of those who have been made invisible and who are denied their identity, like unrecorded migrants, bonded workers, women who have been imprisoned without cause or under fabricated cases, and women and children in refugee camps.

*AND*

**✿ To simplify our own lifestyles - to bring down our use of resources and levels of consumption to ecologically sustainable levels, and to adopt equality, non-violence and respect for nature as core values to be practised in our personal lives.**

**We are determined** to take forward the process initiated at Kathmandu – to strengthen our network and to work together to develop and implement a new paradigm of people-centred development that will bring peace, equality and prosperity to South Asia.

To sustain the unity we have forged, we must meet more often than we do at present. We will therefore bring pressure on our governments to ease the restrictions on inter-country travel in South Asia, not just for trade and diplomacy, but for FRIENDSHIP.



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