

REPORT

Trafficking, South Asia and Pakistan

by *Shafqat Munir*

Employment is often seen to be empowering for women, and various agencies and individuals have advocated the unrestricted movement of women to enable them to find employment in other countries. In Nepal, for instance, where until recently women were debarred from going abroad to perform informal sector jobs, there was vociferous demand that women be given the freedom to migrate in the pursuit of a vocation. Ironically, as a recent study by the United Nations Economic and Social Commission for Asia and the Pacific highlights, such freedom of mobility often leads to servile forms of domination and abuse that rival and surpass the conditions of domestic servility at home. In many instances, women after migrating to foreign labour markets could either find themselves in the sex industry or become practically enslaved or bonded domestics in elite households. Illusions of emancipation and empowerment are best discarded where the question of female migrant labour is concerned.

This is not to suggest that the economic options provided by migration should be foreclosed. But we must address the issue without preconceived notions about its emancipatory potential and to focus instead on the regulatory aspects of the process. While the ethical attitude to female labour migration may vary, the inescapable fact is that migration of women in South Asia is burgeoning and is happening under a regime of globalisation which is not particularly benign in its attitude to labour, and even less so towards women.

As one of the most used and perhaps most abused terms of times, 'globalisation' refers to the transition towards a global community with common norms and institutional frameworks that facilitate international cooperation. Pitched as the next best thing to happen to the world after the United Nations, it promises the free flow of capital, technology, information and people. It is as well to remember that definitions that promise so much in principle, seldom live up to the expectations entertained of them. The flow of people has not become as free as the flow of capital has become. Barriers are being erected to the free movement of workers at a time when loss of livelihood both in the farm sector and in manufacture in the developing world has created an enormous reserve of labour.

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The process of globalisation has created industrial zones and huge business subdivisions that threaten food security and livelihood options, owing to the limited number of groups that benefit from the process. The pursuit of neo-liberal policies has resulted in the loss of jobs, 'casualisation' and 'contractualisation', and an inordinate and precipitate decline in the conditions and remuneration of

wageworkers. Simultaneously, the insecure conditions of the workforce are a strong incentive for the creation of localised zones of production in favoured parts of the developing world to which labour seeks to migrate, as an escape from their own degraded conditions of living. For women, the pressure to find jobs outside one's community and country is especially strong since the earlier means of sustenance are shrinking. And this pressure to migrate has been building up at a time when gender bias and discrimination in opportunities in the global labour market has become rather more pronounced. Under such circumstances, when the male workforce has lost its few privileges, it is unlikely that migrant women workers will find emancipation at the workplace.

The wages of traffic

The larger number of migrant wo-men workers from South Asia find themselves trapped in a labour market that operates clandestinely and outside the law. Human trafficking is a well-established conduit of labour supply in the region, with an entrenched and effective system of providing women and child workers not only to the sex trade but also to other over ground sectors of the economy, which exploit their extreme vulnerability to ensure that wages are kept to the barest minimum. Globally, human trafficking has increased in scope and with an annual turnover of USD 7 to13 billion. Indeed, human trafficking is now the third largest trade around the world after drugs and weapons.

Traffickers acquire their victims in a number of ways. Sometimes women are kidnapped outright in one country and taken forcibly to another. In other cases, victims are lured with job offers. At yet other times, the victims are enticed to migrate voluntarily with false promises of well-paying jobs in foreign countries as au pairs, models, dancers, domestic workers and so on. There are also numerous cases of women who are trapped into servitude through the promise of more lucrative marriage opportunities abroad. Information about these job and marriage opportunities is often advertised through local newspapers in the 'catchment areas' of such labour. In the case of recruitment for the sex trade, women are generally deceived into joining with offers of jobs like child-care, house-keeping or restaurant work.

In South Asia, major trafficking routes are known to exist between Pakistan and Bangladesh via India, between Nepal and India and Sri Lanka and different parts of India. There are said to be close to 160,000 Nepali women in Indian brothels. Trafficking to the Gulf countries takes place from Sri Lanka, Pakistan and the Maldives, while Nepali girls also find their way to Hong Kong, Thailand and the West. As many as 200,000 Bangladeshi wo-men have been trafficked to Pakistan in the last 10 years. Between 100 and 150 women are estimated to enter Pakistan illegally every day according to the Karachi based Lawyers for Human Rights and Legal Aid (LHRLA), which supports victims of trafficking who cannot afford the expenses of litigation.

Temporary

wives

Bangladeshi and Burmese women are kidnapped, married off to agents by unsuspecting parents, trafficked under false pretences, or otherwise enticed by prospects of a better life, into brothels in Pakistan. A Bengali or Burmese woman will be sold in Pakistan for USD 1,500 to 2,500, depending on age, looks, docility and virginity. Bangladeshis are estimated to make up 80 percent, and Burmese 14 percent of Kara-chi's undocumented immigrants. There are about 1,500 Bengali wo-men in jail and about 200,000 women and children who have been sold into the slave trade, according to LHRLA. This is a grey market that Karachi's police use as a source for making money. For each woman or child 'sold', the police claim a 15 to 20 percent 'commission'. Border police and other law enforcement agencies are well aware of the trafficking through entry points into Pakistan like Lahore, Kasur, Bahawalpur, Chhor and Badin.

On arrival, in Pakistan the girls are auctioned off to the highest bidder. The auctions are arranged primarily for three kinds of buyers: rich visiting Arabs (sheikhs, businessmen, visitors, state-financed medical and university students), the rich local gentry, and rural farmers. According to the Coalition

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Against Trafficking of Women – Asia Pacific (CATW-AP), a non-governmental organisation that promotes wo-men's human rights, orphaned girls are sold as 'wives' to men who may resell them. Some Arabs stationed in Pakistan for short periods take "temporary wives", abandoning the women and resulting children, if any, afterwards. A farcical "nikah" (registered marriage) is conducted to legalise the temporary marriage and since the buyer actually marries the purchased woman, the enslavement has the appearance of being legal. When the time comes for the 'husband' to move, he either sells her to someone else, making a tidy profit, or keeps her in a brothel so that she becomes a permanent source of income. If the husband is a local farmer or businessman he also has the option of simply making the woman a labourer in the farm or a domestic worker to run the house.

In the last 26 years, the Government of Pakistan has established three commissions of inquiry into the sexual exploitation of women. However, successive regimes have failed to implement, in total, the recommendations of these commissions. With the passage of time, trafficking has become a more and more entrenched and institutionalised fact of life that is carried on with such impunity that there are few countervailing forces to restrain the exploitation of the victims. The police and the legal system only compound the victimisation of trafficked women, by treating them as criminals. When they are caught, the women are booked under Pakistan's controversial Hudood Ordinance, which criminalises Zina, defined by law as extra-marital sex. Sex outside marriage is deemed to be a crime against the state.

The Hudood Ordinance defines Zina and Zina-bil-jabr on the basis of the assigned criminal punishment. Thus, there is Zina and Zina-bil-jabr which are liable to Hadd or punishment as ordained by the holy Quran or Sunnah. Then there is Zina and Zina-bil-jabr that are liable to tazir, that is, any punishment other than Hadd. The Hadd punishment is stoning to death, and the tazir punishment for Zina is up to ten years of imprisonment and whipping up to 30 lashes and/or a fine. The tazir punishment for Zina-bil-jabr is up to 25 years of imprisonment and whipping up to 30 lashes. These provisions are invoked against trafficked women, leaving them at the mercy of men and the law. Once taken into custody, most women are either charged under the Foreigners Act prohibiting illegal entry and/or incorrectly charged under the Zina section of the Hu-dood Ordinance. Either way, they have to spend long periods in prison. For illegal immigration, the sentence is four years, but many women end up serving three or four years extra, either waiting for trial or to clear immigration formalities.

For the arrested women and children, the process of getting justice is long and arduous. While in jail the victims do not have access to lawyers, while the brokers, with the aid of jail authorities, manage to see them regularly, harassing and directing threats at them. Confined in deplorable jail conditions where they are frequently abused and with no access to any other source of help, the women submit to the brokers' offers to get them released. Under duress and in sheer desperation, the women agree to the terms and conditions set by them. Once released, they are forced to comply with these conditions, since non-compliance will mean further encounters with law enforcement authorities because of the broker's threat to revoke bail. Further, social shame, fear and poverty force them to remain trapped by the tentacles of this trade, preventing them from returning to their country of origin.

Practical

solutions

The issue of migration, trafficking and women's condition of work has received a great deal of attention in the South Asia seminar circuit, as manifested in the number of conferences and workshops that have been conducted and the reports that have been put out. While all this is no doubt very useful, all these activities have merely reduced the problem to the status of an abstract problem to be dealt with in ritualistic ways. It is imperative that governments of countries from where mass trafficking takes place, the recipient countries as well as the transit countries should, in conjunction with international, national and regional organizations, take up the issue in more concrete ways than they have done so far. The first step lies, always, with the government, since the laws need to be changed to ensure that the prevailing bias against the victims of trafficking is removed and stricter punitive measures and more efficient enforcement mechanisms are put in place to prosecute traffickers and their accomplices in the state machinery.

Trafficked women and children must be recognised as victims of trafficking and not as criminals. The provisions of the law must be changed to provide protection to them for offering testimony. This is the primary requirement for ensuring that the agents of trafficking are prosecuted. Additionally, ways have to be found to foot the costs of repatriating and rehabilitating the victims of trafficking. The current system of forced repatriation does not serve any purpose in the absence of rehabilitation since the victims, having no other option, simply fall prey to the trafficking cycle all over again. And in the case of victims unwilling to be repatriated, governments must provide at least temporary amnesty and help in rehabilitation, with the option of permanently legalising their status in the recipient country.

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Most importantly, pending these long-term changes to prevent trafficking, governments may as well accept the reality of the situation and formulate clear guidelines on job-related contracts to prevent abuses and unfair practices against labour. In particular, it is necessary to declare illegal the current contracting practice of businesses and to support an increase in the social wage or non-wage benefits of workers. These should include social security, hospitalisation, pension plans, and so on. The need to ensure compliance with minimum labour standards and working conditions in special industrial zones (where the overwhelming majority of the workers are women) is also important. Laws and codes to monitor sexual harassment at the workplace and stricter sanctions for non-compliance need to be strictly put in place and where they already exist, it should be overhauled for quick and time bound relief.

Till such time as such basic reforms are introduced, it is more than likely that labour contractors, traffickers, brokers and their accomplices in the enforcement apparatus of the state will continue to rule the roost. In the process a greater impetus will be provided for organising more conferences and releasing more updated reports. Meanwhile, women from impoverished South Asian families will continue to provide the labour for the sweatshops and the sexshops of every boom town, that market-led globalisation spawns.