

# From Challenges



# to Opportunities

Responses to Trafficking and HIV/AIDS in South Asia



United Nations Development Programme

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*Responses to Trafficking and HIV/AIDS in South Asia*



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This monograph was prepared by a team of the UNDP Regional HIV and Development Programme, South and North East Asia, led by Sonam Yangchen Rana. The team comprising Rie Debabrata, G. Pramod Kumar, Clare Castillejo and Meera Mishra was supported by Ms. Patralekha Chatterjee, an independent journalist based in New Delhi, India. Photos are by Ms. Chatterjee.

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# Preface

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South Asia is a region marked by various forms of inequities and disparities, be they economic, social or political. Within this region, several forms of socially sanctioned violations and practices related to issues of sex and sexuality, reinforce discriminatory norms and values and intensify stigma and marginalization. Such norms and practices further influence masculine and feminine identities and socialise men and women into specific gendered-roles that are crucial determinants in exacerbating the multiple vulnerabilities of women and men to a plethora of developmental challenges, including unsafe migration, trafficking and HIV/AIDS.

It is estimated that the prevalence of HIV infection is the highest in women aged 15-25 years, while it peaks in men between five to ten years later. Almost 50 percent of those living with HIV/AIDS are found to be women (UNAIDS 2002). In order to comprehensively address the multiple vulnerabilities faced by young persons, especially young women, to HIV/AIDS, it is imperative to focus on existent gender relations and inequalities that define the lives and realities faced by women and men.

Factors driving the epidemic globally and more specifically within South Asia, are grounded in differential power relations that define gender specific roles both within the private and the public sphere. As both a cause and consequence of gender inequality, HIV/AIDS deepens the entrenchment of gender disparity, while skewed gender relations are a driving force in the spread of HIV/AIDS. Issues of power, human rights and socio-cultural identities are pertinent factors in approaching HIV/AIDS within a gendered framework. Such a comprehensive framework also necessitates the empowerment of women and

men as agents of change, leading a process of deep-rooted transformation through what are often termed, 'third generational responses' within development.

In South Asia, current processes are on the one hand creating new opportunities while also leading to diminishing choices for many, thus prompting greater human mobility driven by both 'push' and 'pull' factors. Such trends reflect underlying patterns of poverty, marginalisation and disempowerment and have impacted significantly on the wellbeing and human security of marginalised populations, feeding into processes of forced and/or uninformed migration, often leading into trafficking.

In tracing the continuum of vulnerabilities related to trafficking and HIV/AIDS, it is imperative to fathom and critically analyse the varying degrees and forms of disempowerment and exploitation that are faced by women. Areas from where women and children move out in search of livelihoods, alternatively termed 'source areas', are relatively underdeveloped. Existing gender and sexual norms, discriminatory practices and socioeconomic hardships force marginalised communities to move, a process that is often unsafe and carried out in the absence of both choices and information. An atmosphere of stigma and silence around issues of sexuality and HIV/AIDS has also been identified as an important factor in marginalising the survivors of trafficking and/or HIV/AIDS within source communities. While in transit, vulnerabilities to trafficking, sexual exploitation and HIV/AIDS are multiplied owing to the unavailability of official documents in the case of those migrating in distress. Within destination areas, it is found that a dearth of support services and redress mechanisms often lead into

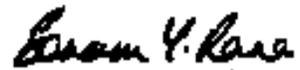
situations of trafficking and sexual exploitation, commercial or otherwise.

Responses to HIV/AIDS in the region have not yet accorded adequate importance to the interplay between trafficking and HIV/AIDS and the factors that accentuate women's unsafe mobility, particularly in the context of their rights to move in search of livelihoods. Neither have initiatives on issues related to trafficking effectively addressed the challenges of HIV/AIDS. Linkages between the two social issues create considerable challenges that must be understood if adequate responses are to facilitate radical changes. The mutually aggravating links between trafficking and HIV/AIDS pose serious challenges to the region, and demand expeditious and rights-sensitive responses that address the disempowering socio-economic situation of women. However, the emergence of such links, which the rapidly escalating HIV/AIDS epidemic has brought to the fore, also presents us with opportunities. Opportunities to address the climate of silence and denial within which trafficking and HIV/AIDS flourish, opportunities to challenge the disempowering norms and practices that make women vulnerable, and opportunities to empower women and girls to make choices about their lives and to protect themselves and others from trafficking and from HIV/AIDS.

This compilation is in essence a documentation of how such opportunities can be seized. Through this publication, the UNDP Regional HIV and Development Programme (South and North East Asia) aims to share some innovative and path-breaking initiatives led by a few civil society partners in responding to the complex nexus of vulnerabilities of women and children in South Asia. It highlights the border-

less nature of both the HIV epidemic and of trans-border human trafficking, which is becoming the third largest form of illegal trade after drugs and arms trafficking. In seeking to break through the silence and denial that surrounds such manifestations of violent and violative practices against women and young persons, this publication also analyses HIV/AIDS as a major developmental challenge that is closely interlinked with issues of socioeconomic inequity, stigma and human rights violations. These studies provide a regional and mutual learning-platform for various stakeholders who are at the forefront of anti-trafficking and HIV/AIDS-related issues, including civil society partners, sex workers' collectives, PLWHA (people living with HIV/AIDS) organisations, government officials, law enforcement agencies, judicial machinery, media personnel and so on.

The publication includes brief analyses of the organisations' successes, the challenges they face, the opportunities they open up, and the learning that emerges from initiatives ranging from sustained policy-level advocacy to groundbreaking grassroots-level action. The studies reflect considerable diversity in the scope of responses to the issues, be it in the field of safe mobility and informed migration, sustained media advocacy, rights-based recovery and repatriation, community-based care, support and reintegration or policy-level advocacy.



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# *Mobility and HIV/AIDS: The Context*

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The UN Protocol to prevent, Suppress and Punish Trafficking in Persons, 2000, defines trafficking as:

"The recruitment, transporting, transfer, harbouring or receipt of persons, by means of a 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 giving or receiving payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation".

It is estimated that over 200,000 persons are trafficked annually from South Asia. Trafficking is by and large a gendered phenomenon and evidence from major government and NGO sources indicates that the incidence of trafficking of women and girls over the past decade has escalated considerably. Inevitable correlations do not exist between trafficking and HIV/AIDS and while it is found that mobility can create conditions, which make migrating women, children and men more vulnerable, it would be alarmist to conclude that mobility or migration necessarily leads to trafficking or HIV infection.

Estimates of the number of people trafficked vary hugely, from tens of thousands to millions. Partly this is due to the clandestine nature of the activity and the inherent difficulty of tracking criminals, and partly due to different definitions/concepts of trafficking. The Massachusetts-based Coalition Against Trafficking in Women (CATW) estimates that 5,000 women are trafficked from Nepal to India yearly.

Importantly, trafficking should not be confused with sex work. In the broadest sense, trafficking includes sexual exploitations as well as domestic servitude, unsafe agricultural labour, sweatshop labour, construction or restaurant work. It therefore needs to be analysed in its broadest sense and complexity.

Human trafficking is not new. But today it is one of the fastest growing transnational crimes-trafficers; networks are more organ-

ized, there are better roads, communication facilities. And the catchments area is spreading beyond the traditional enclaves - ensuring constant supply. The demand side is also increasing. While there is no single 'victim' stereotype, the majority of trafficked women are under the age of 25, with many in their mid to late teens. The fear of infection from HIV has driven traffickers to recruit younger girls, some as young as seven, erroneously perceived to be young to have been infected.

Simultaneously, the number of those infected by HIV is spiraling. Asia is faced with a double emergency - a trafficked child or woman has greater chances of contracting HIV/AIDS because s/he is placed in the most vulnerable of situations with absolutely no control over his/her choices.

Studies show that brothel sex workers are most likely to become infected during the first six months of work, when they probably have the least bargaining power and are made to service more customers than others. These are often those that refuse to use condoms and whom the older and more experienced sex workers decline to service. Young girls are also subjected to abuse and frequent rapes to 'break them in', thereby increasing their exposure to HIV.

## **ABSENCE OF CHOICES: THE NEXUS OF VULNERABILITY**

The common factor linking HIV transmission and trafficking is the powerlessness to negotiate and the absence of choices. It is this 'nexus of vulnerability' which links the two phenomena. In South Asia, both trafficking and HIV/AIDS are occurring in a climate of denial and silence. It is this silence about violence against women and girls, and the silence and unwillingness to acknowledge that the HIV/AIDS is a major development challenge, which is allowing the epidemic to spread, and perpetuating trafficking.

Central to trafficking of women and children is a woman's inferior

status, deeply entrenched cultural biases which stand in the way of her realising her potential and the failure of the of the State to guarantee women's rights. In country after country from where large numbers of women and girls are being trafficked, one finds the same instances of female powerlessness.

Discrimination spawns the related phenomena of economic dependency, domestic violence, lack of access to resources and exploitation in all its forms. In Bangladesh, for example, the site for recruitment for trafficking is usually a poor area marked by food insecurity and unemployment - the country's northern districts, where women can only find seasonal work at very low wages and where parents are quick to accept offers of marriage or employment for women and children in lieu of payment.

### **GENDER AND MULTIPLE BURDENS**

The average age of girls trafficked from Nepal to India dropped from 14-16 years in the 80's to 10-14 years in 1994, according to a report by the Human Rights Watch. The notion that young girls are 'virginal' less sexually experienced and hence 'disease-free' and safe, has fuelled increases in the demand for younger sex workers.

Gender-based discrimination is compounded by discrimination based on forms of "otherness" such as race, ethnicity, religion and economic status. This forces the vast majority of women into precarious marginalisation. In South Asia, "the Rohingya women of Myanmar's Northern Arakan state have been rendered stateless by the fact that Myanmar denies the Rohingya citizenship. Their undocumented status and lack of access to official papers is one of the factors impeding their free and informed movement across borders. The Rohingya women, in particular, become soft targets for traffickers who prey on their predicament," points out a January 2000 report by Radhika Coomaraswamy, the Special Rapporteur on Violence against Women.

Asia is home to some of the world's most affluent. It is also home to two-third of the world's poor. The increasing feminisation of the region's poverty makes the situation complex. Two-thirds of the region's poor are women and about 20 to 40 percent of the households

lessness and lack of work in the village are pushing tens of thousands to move to towns and cities with breakdown of communities and traditional knowledge. Factors that compound such movements also lie in what can be termed, 'socially sanctioned violations' (such as widespread caste segregation, violence based on gender and class and caste). Situations of conflict and calamities are additional 'push' factors. Even for those who live in cities, employment options in the formal sector are severely limited. As the economy undergoes rapid changes, there are new opportunities. But for those without education or the 'right' connections, it means growing inequalities.

For many people, mobility is an important survival mechanism and a freedom. But people on the move can be particularly vulnerable to HIV exposure due to long periods of separation from family, removal from familiar behavioural norms and expectations, social and cultural; isolation and lack of access to information and services. Many who start out as migrants end up being trafficked en route.

### **SAFE MOBILITY: A RIGHTS BASED OPTION**

Globally, there exists a new protocol, 'The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000)', which contains the first international definition of 'trafficking in persons'. It is a step forward from the 1949 UN Convention that focused only on sex work and considered all sex work, voluntary and forced, to be trafficking. Much work needs to be undertaken however and there remains no room for complacency.

Progress in movements against trafficking and HIV/AIDS is evidenced in the formulation of a human rights standard to deal with trafficked persons. The result of concerted efforts by GAATW and several NGOs, 'The Human Rights Standards for the Treatment of Trafficked Persons and Recommendations' is a lobbying tool at the national, regional and international level for human rights protection for trafficked persons and to promote their basic rights.

Through this publication some of the replicable practices in the region are being showcased that address trafficking and resulting vulnerabilities to HIV/AIDS, through approaches that empower women

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