

# SEX TRAFFICKING

The influence of cultures, socio-economic structures and law & order on sex trade in Asia

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## ABSTRACT

*Sex trafficking and prostitution are both matters of concern in today's world. Trafficking of human beings is a global phenomenon and has been a topic of increased discussion and attention. It is believed that the sex trade industry is considered to be the fastest growing criminal industry in the world, currently it is second to drug trafficking in terms of profits through an illegal industry.*

*Several initiatives have been made to prevent trafficking, through significant legislative and other actions provided to aid victims and those vulnerable in the world. However, the lack of systematic research is a big issue. Asia is known as the global hub of trafficking in persons. There is definitely a scarcity of reliable data that would help tackle this problem. I analyze how culture, socio-economic structures and law & order systems in these countries influence the sex trade and also provide possible solutions that would reduce sex trafficking.*

## INTRODUCTION

The United Nations Palermo Protocol defines trafficking in persons as “The recruitment, transportation, transfer, harboring or 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 giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.”<sup>1</sup>

In South Asia, there is a general lack of quantitative data on sex trafficking. Many countries in this region act as destination and source countries. India and Pakistan are the important source destinations for victims of trafficking below age of 16, with Nepal and Bangladesh being the principal source countries.<sup>2</sup> Most victims of trafficking are women and children from poor socio-economic backgrounds and are trafficked to relatively richer areas. India, has 1.3 million children in its sex-trade centres. According to the International Labor Organization or ILO, “43% of trafficked victims are used for forced commercial sexual exploitation, of whom 98% are women and girls.”<sup>3</sup> An important factor to keep in

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<sup>1</sup> United Nations (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

<sup>2</sup> Iijima, Masako. “S.Asia urged to unite against child prostitution,” Reuters, 19 June 1998.

<sup>3</sup> International Labor Organization, Forced Labor Statistics Factsheet (2007)

mind is that, “a majority of suspects involved in the process of trafficking are nationals of the country where the trafficking process is occurring.”<sup>4</sup>

In this paper I discuss the issues that make Asia such a big center for exploitation of women and children. Based on the scope and objectives of this research, four research methods were employed: a literature review, case studies, interviews and a legal framework, socio-economic and cultural analysis.

According to International Labor Organization, “An estimated 2.5 million people are in forced labor (including sexual exploitation) at any given time as a result of trafficking. Of these 1.4 million – 56% are in Asia and the Pacific region.”<sup>5</sup> It’s these numbers that compelled me to look into the trafficking problem that persists in Asia.

The roots of this problem are the lack of employment opportunities, low social status (more common for girls), low levels of education and general awareness, socio-cultural norms and gender and minority discrimination, political uprisings, poverty, widespread demand for cheap labor and sex, the role of government systems and the political regimes.

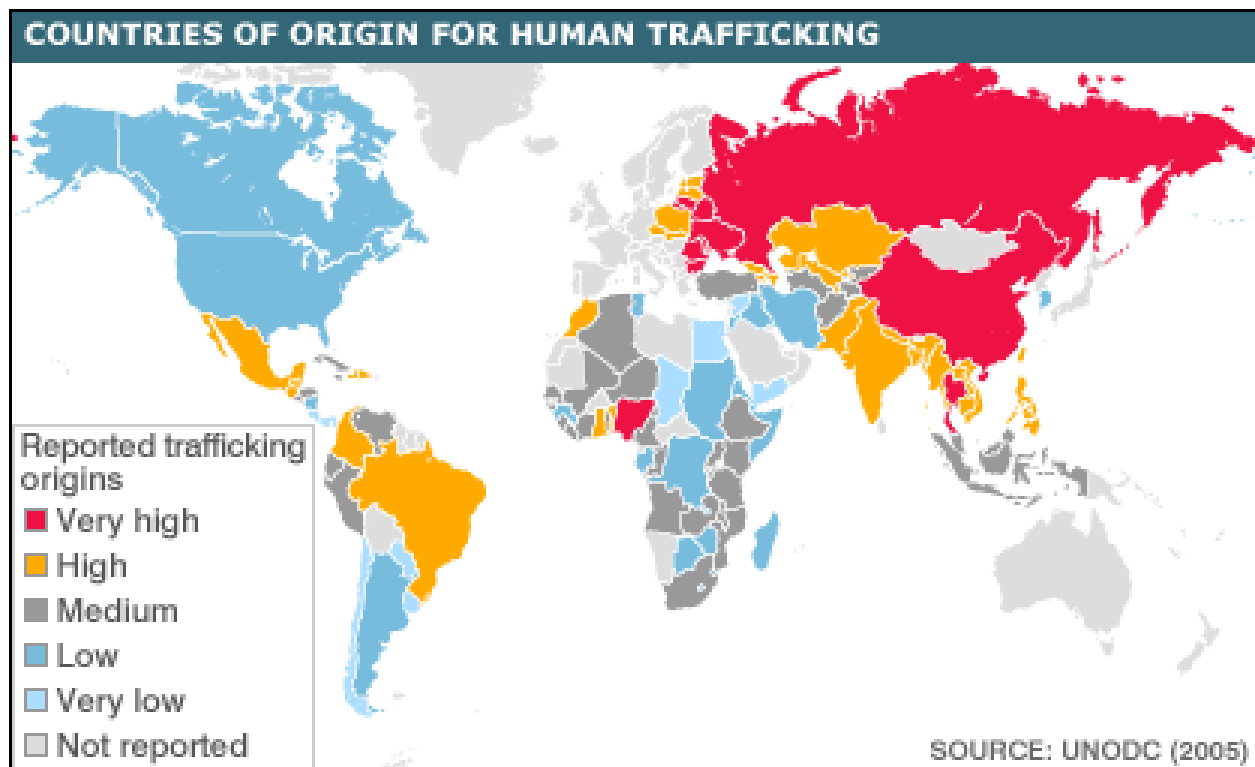
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<sup>4</sup> United Nations Office on Drugs and Crime, *Trafficking in Persons: Global Patterns* (Vienna, 2006)

<sup>5</sup> International Labor Organization, *Forced Labor Statistics Factsheet* (2007)

In my research, I have 13 countries used as case studies: Afghanistan, Bangladesh, India, Kazakhstan, Kyrgyzstan, Nepal, Pakistan, Sri Lanka, Tajikistan, Turkmenistan, United Kingdom, USA and Uzbekistan. However, the main countries I will be looking at would be the five South Asian countries- Bangladesh, India, Nepal, Pakistan and Sri Lanka. I will be using the Central Asian countries- Afghanistan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan as a compare and contrast medium of trafficking cases assisted within the Asian continent, and USA and UK as medium of trafficking cases assisted on a global level.

Map 1: Countries of Origin for Human trafficking



## LITERATURE REVIEW

The 2012 Trafficking in Persons Report from the U.S Department of State gives a very clear picture of how countries on a very individual basis tackle the problem of trafficking by providing country narratives. The Protection, Prosecution, and Prevention sections of each country narrative describes how the governments of those countries in question have addressed the relevant Trafficking Victims Protection Act (TVPA) minimum standards during the reporting period.

The country narratives in this report provide a more recent profile of human trafficking in the countries in question in recent years, using the countries tier ranking which is based on the government's efforts against trafficking as measured by the TVPA minimum standards. It also provides a synopsis of the efforts made by the government, and gives guidance on how the government could improve its performance and obtain a better tier ranking, explaining the legal structure and law enforcement efforts against trafficking and governments efforts to prevent trafficking.

### BANGLADESH (TIER 2)

Bangladesh is considered to be one of the main source countries for human subjected to forced labor and sex trafficking. Islam in his article states that, "Over the last decade, 200,000 Bangladeshi girls were lured under false circumstances

and sold into the sex industry in nations including Pakistan, India and the Middle (Tabibul, 1998).” According to the document provided by the U.S Department of State, “Many Bangladeshi migrant laborers are victims of recruitment fraud, which includes additional and illegal exorbitant recruitment fees often accompanied by fraudulent representation of terms of employment.” There is a very high risk amongst children of middle class families of being kidnapped from schools and homes and being trafficked to India or Middle Eastern countries. These victims can be subjected to physical or sexual abuse, often due to non-payment of wages, threats and restriction on their movement. According to the Social Welfare Board of India, “2.7% of prostitutes in India are Bangladeshi, the largest population of foreigners. The majority of these females are under 18.”<sup>6</sup>

The U.S Department of State report of 2012 trafficking in person suggests that Bangladesh is not fully complying with the minimum standards to eliminate trafficking, although it is making significant efforts to do so. As per this report, “The number of prosecutions in Bangladesh have increased, but the number of convictions have declined as compared to the previous year. Also, the government has not taken sufficient steps to protect trafficking victims.”

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<sup>6</sup> Social Welfare Board of India, Fawzia Karim Firoze & Salma Ali of the Bangladesh National Women Layer Association, " Bangladesh Country Paper: Law and Legislation"



The Report also suggests Bangladesh government to draft and publicize, the implementing rules for Human Trafficking Deterrence and Suppression Act; increase efforts to prosecute trafficking cases and convict trafficking offenders; use new trafficking law to prosecute fraudulent labor recruiters; become a party to the 2000 UN Trafficking in Persons (TIP) Protocol; take steps to address allegations concerning the complicity of public officials in trafficking, particularly through criminal prosecutions and punishment of those involved in or abetting human trafficking.

During the reporting period, the Bangladeshi government has reported convictions of 14 trafficking offenders and sentencing of eight of them to life imprisonment under Section 5 (prohibiting “women trafficking”) and Section 6(1) (prohibiting “girl trafficking”) of the Repression of Women and Children Act; six were sentenced to lesser prison terms. This is a decrease from the 42 convictions (2010), with 24 offenders sentenced to life imprisonment. The government prosecuted 129 cases involving suspected trafficking offenders and conducted 143 investigations during the previous year. 29 prosecutions resulted in acquittals.

#### INDIA(TIER 2)

Women and girls are trafficked within the country for purposes of forced prostitution. According to Indrani Sinha, “ In cross border trafficking, India is a

sending, receiving and transit nation. Receiving children from Bangladesh and Nepal and sending women and children to Middle Eastern nations is a daily occurrence.”<sup>7</sup> In India, children as young as 2 are bought for Rs. 2,500 to Rs. 10,000 ( US 50-200\$), depending on the number of middlemen involved.

As per Meena Menon, “In India, Karnataka, Andhra Pradesh, Maharashtra, and Tamil Nadu are considered "high supply zones" for women in prostitution. Bijapur, Belgaum and Kolhapur are common districts from which women migrate to the big cities, as part of an organized trafficking network.”<sup>8</sup> According to the U.S Department of State, “Women and girls from Nepal, Bangladesh, and an increasing number of females from Uzbekistan, Ukraine, and Russia, are also subjected to sex trafficking in India. 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.”

Although India fails to comply with minimum standards for elimination of trafficking, it’s making significant efforts to do so. The Ministry of Home Affairs (MHA) according to Trafficking in Persons reports suggests is making efforts to establish Anti-Human Trafficking Units (AHTUs), which are responsible for

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<sup>7</sup> Executive Director of SANLAAP, Indrani Sinha, Paper on Globaliation and Human Rights"

<sup>8</sup> Central Welfare Board, Meena Menon, "The Unknown Faces "

combining law enforcement and rehabilitation efforts. The Central Bureau of Investigation (CBI) has launched an anti-trafficking unit in reporting period and has given investigation authority under trafficking-related laws to all its officers.

The U.S Department of State recommended the government of India to make the same efforts as the Bangladeshi government in order to improve the situation of trafficking within the region. Under Immoral Traffic Prevention Act (ITPA) the penalties for trafficking range from 3 years to life in prison. However, the government had not reported any comprehensive law enforcement data. Most government prosecutions in India are supported in partnership with Non-Governmental Organizations (NGOs), and although trafficking rescues of cases have increased, convictions in India continue to remain low.

Corrupt law enforcement officers continue to pose a problem to efficient investigation in prosecuting trafficking criminals as they receive bribes from sex trafficking establishments and sexual services from victims. The Indian government according to U.S Department of State, reported no prosecutions or convictions of government officials for trafficking-related offenses during the reporting period due to lack of sufficient evidence. NGO- run hotlines play a major role in India to assist trafficking victims. Although the Ministry of Women and Child Development of allocated millions of dollars to fund several programs under Ujjawala program (seeking to protect and rehabilitate victims), NGOs have

expressed their concern over not receiving enough government funds and stating that many shelters are overcrowded and unhygienic with limited services available.

### NEPAL (TIER 2)

Nepal is mainly a source country of sex trafficking. According to McGirk, “The trafficking of girls from Nepal into India for the purpose of prostitution is probably the busiest 'slave traffic' of its kind anywhere in the world.”<sup>9</sup> In Nepal, trafficking has become a highly profitable business, with high profile political connections. Organizations such Maiti Nepal are working to help rehabilitate women that are rescued victims of trafficking, many of them are suffering from HIV/AIDS and other sexually transmitted diseases. One of the major problems faced by organizations like this are insufficient funding from the governments .

Nepal’s political system over the years has seen several flaws, political conflicts, economic and social inequalities have led people to move to countries like India to make a better livelihood. “In Nepal, India, Pakistan, Bangladesh and Sri Lanka child marriage is accepted, and considered the best method to procure girls for prostitution.”<sup>10</sup> A report produced by International Organization for Migration (IOM) suggests that, “in 54% cases of trafficking the recruiter was a stranger to the victim, while 46% of cases suggest that the recruiter was known to

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<sup>9</sup> Tim McGirk, "Nepal's Lost Daughters, 'India's soiled goods,'" *Nepal/India: News*, 27 January 1997

<sup>10</sup> Indrani Sinha, SANLAAP India, "Paper on Globalization & Human Rights

the victim.”<sup>11</sup> Every year between 5,000 and 7,000 Nepalese girls are trafficked into the red light districts in Indian cities. 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. “The girls are sold by poor parents, tricked into fraudulent marriages, or promised employment in towns only to find themselves in Hindustan's brothels. They're locked up for days, starved, beaten, and burned with cigarettes until they learn how to service up to 25 clients a day. Some girls go through 'training' before being initiated into prostitution, which can include constant exposure to pornographic films, tutorials in how to 'please' customers, repeated rapes.”<sup>12</sup>

According to the U.S Department of State the government of Nepal has developed two policy initiatives providing minimum standards for trafficking victim care and standard operating procedures for shelter homes. They have also endorsed a national plan on human trafficking and increased prosecutions although they still do not comply with minimum standard for eliminating trafficking. Nepal has been recommended to increase law enforcement, show evidence of efforts to investigate, prosecute and punish offenses related to trafficking.

## PAKISTAN (TIER 2)

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<sup>11</sup> International Organisation for Migration, Counter-Trafficking Database, 78 countries, 1999-2006 (1999)

<sup>12</sup> Soma Wadhwa, "For sale childhood," *Outlook*, 1998

According to the Sindh Police Report of 1993, “Bangladeshi and Burmese women are being kidnapped, married off to agents by unsuspecting parents, trafficked under false pretenses, or enticed by prospects of a better life, into brothels in Pakistan. 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.”<sup>13</sup>

Pakistan with India is a major destination country for trafficked victims. NGOs, international organizations and media have suggested that there has been an increase in trafficking during the past year, due to flooding and the country’s deteriorating security situation. “Orphaned girls are sold as ‘wives’ to men who may resell them”.<sup>14</sup> Reports have been made of child sex trafficking cases between Pakistan and Iran. Religious minorities, member of low socio-economic strata and Afghan refugees are particularly vulnerable to human trafficking.

The Pakistan government does not comply the minimum standard for elimination of trafficking but is making significant efforts to comply with the minimum standards despite the severe floods the country experiences in 2010-11. As per the report produced by U.S Department of State, “the government of Pakistan has incorporated information about differences between trafficking and

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<sup>13</sup> Sindh police report in 1993, "Rights-South Asia: Slavery Still A Thriving Trade," *IPS*, 29 December 1997

<sup>14</sup> CATW - Asia Pacific, *Trafficking in Women and Prostitution in the Asia Pacific*

smuggling but has not criminally convicted any offenders or officials who facilitated trafficking in persons.”

Pakistan has been recommended to impose punishments for sex traffickers, prosecute officials suspected of being complicit in trafficking and convict public officials at all levels who participate in or facilitate human trafficking and strengthen anti-trafficking laws within the country. Limited progress has been made in responding to human trafficking offenses as the government focused their attention primarily to disaster relief and recovery in 2010 and 2011.

#### SRI LANKA (TIER 2)

Sri Lanka is one of the favored destinations of paedophile sex tourists from Europe and the United States. According to Kannangara, “Initiation of girls into prostitution is done under the guise of religion. Devadasis, jogins and venkat sanis are young girls dedicated to goddesses and forced into prostitution for life under a priest or landlord.”<sup>15</sup> In the recent time Sri Lanka has made stricter laws on the exploitation of children, making paedophilia a non-bailable offense, with the maximum penalty of 20 years in prison, and victims being entitled to give

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<sup>15</sup> Wijaya Kannangara, Executive International Division Sarvodaya Movement of Sri Lanka, "Paper on Cultural Violation"

compensation. However, “Sri Lanka is a principal source of child pornography for the United States and Europe.”<sup>16</sup>

The government of Sri Lanka too does not fully comply to minimum standards for elimination of trafficking according to US Department of State, Trafficking in Persons report. The report suggests that a serious problem remains in protecting victims of trafficking in Sri Lanka and abroad. Sri Lanka has been suggested to improve efforts to investigate and prosecute trafficking offenses, and punish trafficking offenders.

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<sup>16</sup> Laura Lederer, "Sri Lankan children for sale on the Internet," Julian West, New Delhi, *London Telegraph*, 26 Oct 1997



## Preliminary Analysis

Table 1 Trafficking cases assisted, according to countries.

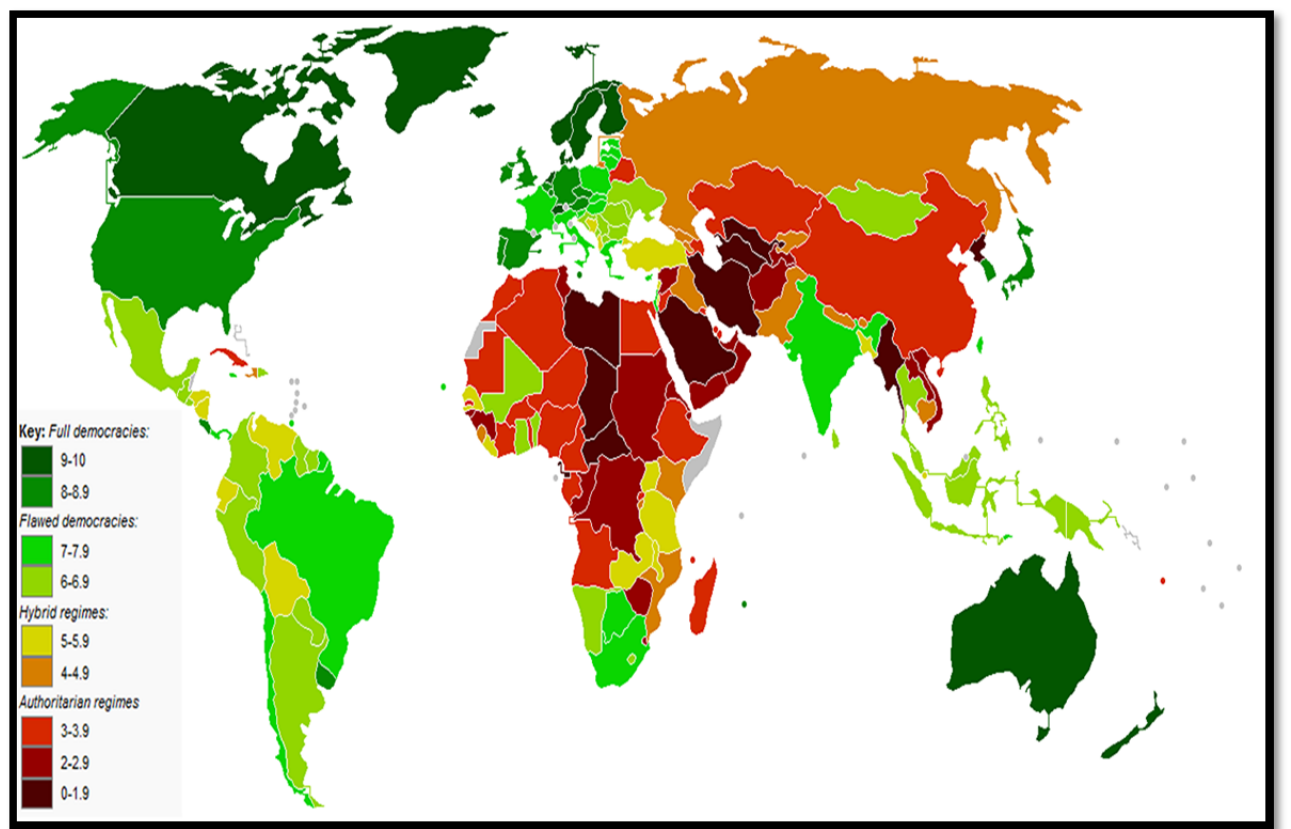
**Case Summaries<sup>a</sup>**

Country	trafficking cases assisted from 2000 to 2010	trafficking cases assisted in 2010	trafficking cases assisted in 2011
Afghanistan	293.00	107.00	199.00
Bangladesh	625.00	37.00	15.00
India	741.00	15.00	53.00
Kazakhstan	610.00	134.00	141.00
Kyrgyzstan	1130.00	266.00	202.00
Nepal	188.00	178.00	113.00
Pakistan	5.00	2.00	3.00
Sri Lanka	45.00	13.00	7.00
Tajikistan	315.00	90.00	62.00
Turkmenistan	71.00	38.00	50.00
United Kingdom	123.00	36.00	13.00
United States	270.00	89.00	65.00
Uzbekistan	2844.00	248.00	204.00
Total	13	13	13

Table 1 shows the data of assisted trafficking cases of 13 different countries from South-Asia, Central Asia and USA & UK within 2000-10 as well as the most recent data available from 2011 IOM research.

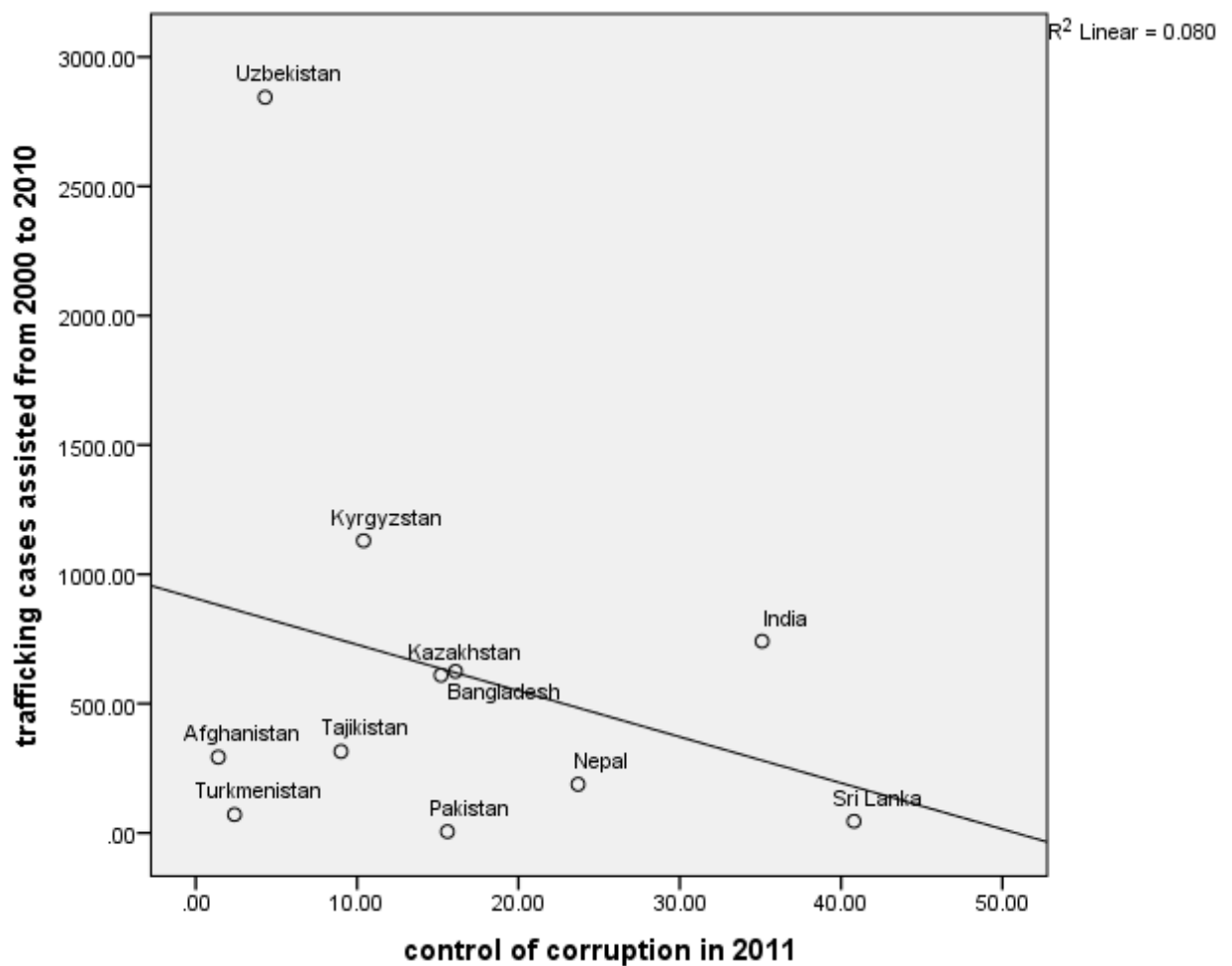
This data helps draw a comparison between the number of cases assisted by an International based organization within these countries. Countries in Central Asia that do not have democratic forms of government show that they need more assistance from International based organizations to carry out the trafficking prevention work for them in comparison to those that are democracies. USA and UK have been used to show comparison between countries within the Asian country and the western world.

Map 2: Government Regimes



In order to further understand why the difference in the cases assisted in these countries is so wide I decided to look at the affect corruption has on these countries.

Graph 1: Affect of corruption control in 2011 on the trafficking cases assisted by IOM in Asian countries.



Looking at this Graph gave me an idea to overlook all these countries and their policies more closely in order to understand the reason behind why a

developing country like Uzbekistan is placed so high in terms of cases being assisted despite having low governmental control.

Through my research I found that the US Department of State suggests that although the Government of Uzbekistan does not fully comply with the minimum standards for the elimination of trafficking and that they have not shown evidence of increasing efforts to address human trafficking over the previous year; Uzbekistan has been placed on a Tier 2 Watch List.

However, Uzbekistan was granted a waiver of an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan.

So in order to tackle the problem of sex trafficking in these countries, it is important to understand the background of each country involved and tackle with each of their individual problems as they may or may not exist in the same proportionality in another country from within the region. Cultures and legal systems are some factors that will possibly play a huge role in understanding these differences.

Table 2 Trafficking cases assisted by IOM in countries based on their political regimes

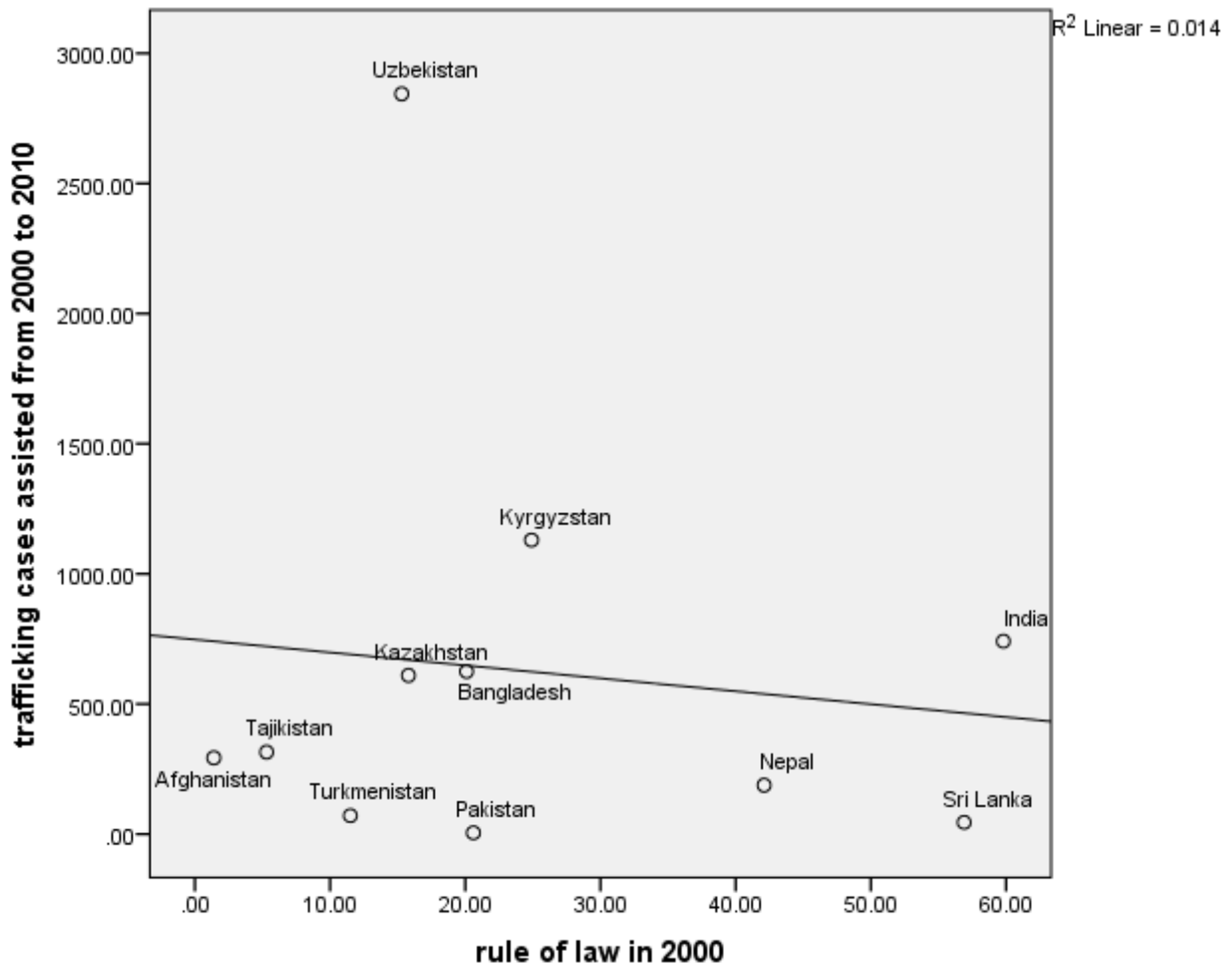
Group Statistics					
	Is regime a democracy?	N	Mean	Std. Deviation	Std. Error Mean
trafficking cases assisted	No	7	752.5714	996.90602	376.79506
from 2000 to 2010	Yes	4	399.7500	335.59636	167.79818
trafficking cases assisted in	No	7	126.4286	99.43483	37.58283
2010	Yes	4	60.7500	78.91926	39.45963
trafficking cases assisted in	No	7	123.0000	84.01587	31.75501
2011	Yes	4	47.0000	48.35976	24.17988

In order to understand the backgrounds of these countries the next most appropriate step was to look at their government types. As table 2 shows that the mean difference of assisted cases between non-democratic countries and democratic countries is huge. This could either mean that the non-democratic countries make more efforts to eradicate the problem of sex-trafficking or just that have far more trafficking cases than in democratic regimes. Or another way to look at this problem is that democratic countries could probably be using their own NGOs and governmental officers to help assist trafficking cases and do not need as much assistance in the process of assisting victims as do countries that are not democratic in nature.

I had mentioned earlier, that in order to tackle this problem we have to understand the background of each country, however, due to insufficient amount of quantitative data it becomes difficult to really analyze in depth the scope of how deep this problem is within the region. Although researchers in the past have inferred valuable indications into trends and implications of trafficking by examining data from a wide range of sources, much of the resulting analyses end up relying on informed judgements and educated guesses. Without focused and dedicated research, it is difficult to generate the hard facts that can force legislators to make often painful choices that can close legal loopholes that traffickers use, or to press politicians and law enforcement officials to vigorously enforce existing anti-trafficking laws.

So since I was trying to look at the legal systems of these countries I decided to run another graph that shows the relationship between the numbers of cases assisted with that of rule of law in year 2000.

Graph 3 The affect of rule of law on the number of trafficking cases assisted by IOM.



This Graph here too does not clearly explain why countries having a stronger law enforcing legal system have far less trafficking cases assisted in comparison to those with weaker law enforcing legal systems. Most countries that have a weaker legal system have a higher number of muslim population and they

are either non-democratic governmental regimes. Nepal, India, Sri Lanka, Bangladesh and Pakistan are the only countries here that are democratic; Pakistan is amongst the most recent ones.

Through these discrepancies in the co-relations it is important to look at these countries as individual units rather than a group cause drawing valuable conclusion would only get harder as each system in itself has a different influence, along with the cultural aspects, and with the way a society functions in these countries.



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