

Globalization and its Links to The Crisis In India,

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Cet article explore la manière dont la mondialisation, en tant que force émergente, est en train de changer sur place, les modèles de moyens d'existence et contribue à l'émigration qui à son tour augmente la vulnérabilité des femmes face au trafic dans trois contrées d'Asie du Sud : l'Inde, le Népal et le Bangladesh. L'auteure décrit aussi des mesures qui pourraient être instaurées par les gouvernements à l'échelle locale, nationale et régionale afin de protéger les droits de ce groupe particulièrement vulnérable.

In the last three decades migration as a consistent pattern has seen an unprecedented growth and is being increasingly linked to economic growth. According to an International Labour Organization (ILO) publication, *Workers Without Frontiers*, the total number of migrants around the world now surpasses 120 million—up from 75 million in 1965—and continues to grow (Stalker). As a macro factor, globalization has a profound effect upon international labour migration. Increased technological development is also linked to a heightened movement of goods, services, and capital across international boundaries. This revolution in information technology and the advancement in transport systems also means that people have more access not only to information but also to opportunities for movement. As more and more multinationals shift their industries to less-developed nations, the numbers of those willing to migrate in search of work from rural areas into cities or countries where these industries are based will only increase. However, the downside is that while rich, developed countries

are profiting from the “trade without boundaries” phenomenon, workers from poor nations—often the least-

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skilled and most vulnerable are the ones who are being exploited both in their own countries or as migrants to industrialized countries. In fact, Peter Stalker states that while governments support the flows of trade and finance, they do little to take action when it comes to human beings.

This is one of the main reasons why migration patterns have become so complex in recent decades and has spawned an entire industry of illegal trafficking. Though not all migration as a consequence of globalization or loss of livelihoods can be called trafficking, there have been increasing instances of migrants being trafficked both as a cause or consequence of these factors. As an enterprise, trafficking is very lucrative. For instance, smuggling a person by boat from Morocco to Spain costs

about \$500 but a sophisticated travel package for an undocumented Chinese migrant to the United States can cost up to \$30,000! (Stalker). Trafficking of persons, especially of women and children, has thus reached endemic proportions around the globe. With an estimated one to two million people trafficked each year into sexual subjugation, coerced prostitution, domestic servitude, bonded sweatshop labour and other slavery-like conditions, almost no country in the world has been left unaffected. Southeast Asia alone is the source region of nearly one-third of the global trafficking taking place and recent research suggests that as trafficking in South Asia is rising, the average age of those being trafficked is falling. Trafficking is now believed to be the third largest source of income for organized crime—behind narcotics and firearms—and has become a source of funding for, or is otherwise connected with, other criminal activities like forgery, visa fraud, money laundering, bribery of public officials, drug use and gambling. Trafficking of undocumented migrants brings in US\$5 billion to US\$7 billion a year.

This paper explores how globalization, as an emergent force, is impacting local livelihood patterns and contributing to migration, which, in turn, is increasing women's vulnerability to trafficking in three South Asian countries—India, Nepal and Bangladesh. As I discuss the interconnections between globalization, migration, and trafficking, I am doing so more in the context of intra-country migration than inter-country. I will also list some prescriptive measures that could be undertaken

Migration and Trafficking Nepal And Bangladesh

by national, local and regional governments and to protect the rights of these vulnerable groups.

Impact of Globalization on Migration and Trafficking of Women and Children in South Asia

The accelerated pace of globalization associated with trade liberalization in the last decade has had far-reaching effects worldwide and nowhere have the effects been more pronounced than in South Asia. Loan conditionalities coupled with structural adjustment programs have rapidly disintegrated rural communities in South Asia and the impacts have been felt the most by women and children. While privatization policies have been depriving people of their customary rights over common property resources, the “green” revolution technologies, introduced to increase agricultural productivity in developing countries, have resulted in serious ecological damage and many countries of South Asia have reached alarming stages of agricultural stagnation.

Global policies such as the Agreement on Agriculture of the World Trade Organization (WTO) have tremendously negative consequences in rural areas and have further exacerbated inequities. Agreements like the Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Trade-Related Investment Measures (TRIMS) rob women’s control over seeds and the land, devalue their position in agriculture, and accelerate their commodification. The introduction of biotechnology and genetic engineering in agriculture and

particularly food production will destroy farming communities and give control to the multinational corpo-

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rations. Already, many multinational corporations are gaining entry into South Asian countries with the help of their governments and even NGOs working with micro-credit programs.

Thus, livelihoods, especially within the rural communities, have systematically been destroyed by unregulated market forces and inefficient government policies. With increases in poverty, food insecurity, and insecurity of livelihoods, people have been forced to migrate out of their villages into neighbouring towns and cities. An increasing number of South Asians are migrating legally or illegally both internally and to other countries in search of employment. In many cases, such forms of migration have crossed international geographical boundaries. As elsewhere in the world, such migration has also taken the form of

trafficking, especially trafficking of women and girl children. Trafficking in women and children cannot therefore be separated from globalization and livelihood issues. Though trafficking as a cause or result of migration has been visible in all seven South Asian countries, it has been most pronounced in three countries in this region—India, Nepal and Bangladesh.

Migration and trafficking are also related to the emerging feminization of the work-force (Siddiqui). The number of women migrants increases as they are compelled to take on more responsibility in supporting their families financially. Promises of better paid jobs, in some cases even the promise of a new experience and exposure, act as “pull factors” in this process. Although not all migrant workers face difficulties, there are many instances of workers trapped in highly exploitative conditions—e.g., low salaries or non payment of salaries, unreasonably long hours of work, abusive employers, more or different work than was in a contract, broken contracts or non-employment, and lack of leave. These migrant workers are not covered by the labour laws or by social security safety schemes in the labour receiving country nor may they know how to access such services. They become powerless, trapped in their jobs, and unable to leave. Or, upon leaving an abusive workplace situation they become illegal migrant workers and are then subject to arrest, imprisonment, fines or other punishment, and deportation.

Before I go further, I would like to define the term “trafficking”. The most commonly quoted definition of trafficking was provided by the

United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children passed in November 2000. It defines trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (in particular, labour and sexual exploitation). Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Trafficked migrants are dependent on agents and employers and are extremely vulnerable to exploitation in an insecure and unfamiliar working or living environment. They are prevented from escape by retention of passports and other travel documents, violence or threat of violence. Exploitation can be economic, but sexual, psychosocial and other oppressions also violate migrants' human rights. Contrary to the common belief that trafficking happens only in the case of irregular migrants, it can also happen to persons who are initially regular migrants but may later find themselves trapped in extremely exploitative jobs, misled about the purpose of their travel at the time of recruitment, or become targets of traffickers while looking for employment upon arrival in the receiving country. Women workers, who are most likely to find low-status and low-paid jobs in the unorganized sectors, are extremely vulnerable in such instances.

The Magnitude of the Problem in South Asia

There has been a substantial increase in the trafficking of women and children within and across South Asian countries. The highest number of those who are trafficked are women and children from Nepal and Bangladesh into India and from India into Pakistan and then on into the Gulf countries. India, a vast and strategically located country copes with a

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high number of internal trafficking too.

UNICEF estimates that there are at least a million child prostitutes in Asia alone with the highest numbers present in India, followed by Thailand, Taiwan and the Philippines (Chernikoff). India has one of the highest rates of sexual exploitation of children, mostly through prostitution. Most of these abuses are committed on the girl child. Studies reveal that there are particular areas within the country which are the primary source areas for women and girls brought into red-light areas of cities with the lure of jobs. The borders along Nepal and Bangladesh have a similar story to tell.

The Indian Situation

Globalization, coupled with dis-

placement and increasing poverty, has resulted in a massive increase in the numbers of women and girls migrating or being trafficked across the borders of Bangladesh and Nepal into India. Unlike Nepal and Bangladesh, however, substantial migration and trafficking also occurs within the Indian sub-continent. Within the country, commercial sex work among girl children has its origins mostly in the rural areas. Religious sanction and customs/traditions as well as the patriarchal structure of society are factors that promote this profession in the rural areas. The Devadasi system, the Basavi system, the Jogin system, prostitution amongst the tribals (Bancharas, Rajnat, Dommara and Bedias tribes)—all these are traditional, ritualized and socially organized forms of prostitution.

However, the organized trafficking network run by professional, experienced individuals accounts for the greatest number of individuals brought, transported, and sold within and outside India. Family members of the women and girls destined for the flesh market also execute a sizeable percentage of the total trafficking operations. Sometimes, the traffickers are also women who have retired from sex work and recruit other girls from their native villages. Daughters of prostitutes are also more likely to enter prostitution while still young.

Some of these girls are also found in cities operating from brothels, hotels, or guesthouses, etc. These are either street children or girls organized through systemized racketeers. Most of them are children of families who have migrated to cities in search of jobs. Inadequate support systems are largely responsible for creating an environment that is conducive to the abuse of women and children of migrant families. Most of the girls found in brothels based in Mumbai, Chennai, Hyderabad, Goa, and other major urban centres have migrated from other Indian states.

Fear of AIDS has also contributed to an increase in trafficking and the

demand for young virgin girls. India serves as a transit point through which young women from Nepal, Myanmar and Bangladesh are taken to the Middle East, mostly Dubai. Once there, they are forced to lead a life of sexual slavery and domestic drudgery.

The Nepal Case

Nepal is the most significant source of migrant and trafficked commercial sex workers, with Sindhupalchowk district providing the highest number of sex workers. Organized networks identify vulnerable families and girls in Nepal, especially those from the rural areas. They are offered a glimpse of a better future in Indian cities. Ultimately, the girls are moved to red-light districts through a network of safe houses and transit points.

Economic hardship and a history of oppression are significant factors in the flow of Nepali women and girls to India in particular. For example, an additional factor that makes Nepal a reliable source for young sex workers is the Kamayani system, a ritualized and century-old form of prostitution practiced among the Tamangs in particular. The Tamangs traditionally supplied concubines to the Nepalese monarchy and when the monarchy ended in the 1950s, they were forced to find an alternate source of income. The trafficking of girl children that originated with the Tamangs has thus established a strong precedence enabling other communities to seize on the traffic of women and girls to India as a source of income.

A considerable percentage of trafficking or migration, which leads to sex work, occurs at the intra-country level too. Many women and children migrate or are trafficked into Kathmandu city and work in manufacturing industries (like carpet factories) in sweatshops, hotels, and restaurants, as domestic workers and as sex workers.

The Bangladeshi Scenario

The under-developed economic situation in Bangladesh combined

with the oppression many Bangladeshi women and girls suffer at the hands of their husbands and families makes them migrate and hence, become potential targets for traffickers. Unlike India and Nepal, international migration for the labour market and its economic impacts (in the form of remittances) have been recognized by the Bangladesh government for sometime now and it is therefore notable that many of these migrant or trafficked women work under

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“regulated” conditions, for instance, registered to work in factories and industry without, however, access to social benefits. In India, 2.7 per cent of the women involved in the sex trade are from Bangladesh. Like many of their Nepali counterparts, they are tricked and deceived into accepting false offers of jobs and marriages by the traffickers.

According to a report published by UBINIG, a Bangladeshi NGO, Bangladeshi women are trafficked into India through the bordering districts of Satkhira, Jessore, Jhendiah, Meherpur, Rajshahi, Nababganj and Joypurhat. Another report by UNICEF and the South Asian Association for Regional Cooperation (SAARC) states that every year, about 4,500 children are trafficked for bonded labour or marriage to Paki-

stan. Sometimes, entire families are trafficked and while in some cases it is voluntary, it remains illegal and exposes them to severe exploitation. Moreover, Rohingiyas (an ethnic group from Burma persecuted by the Burmese military regime) are recruited from refugee camps and brought to transit camps like Dhaka or Chittagong from where they embark on buses and boats for India.

Along with the Nepalese, Bangladeshi women and girls constitute identifiable groups that form an elaborate chain of operations set up by traffickers and family members who sell and transport women and girls across the sub-continent. Some of them are trafficked to Pakistan and at times, from there to the Middle-East countries. The chain includes organizers in remote areas, brokers who take the women and girls to Indian cities, border police, owners and managers of brothels and transit houses and their accomplices. And, all along this tedious route, there are a series of powerful protectors, sometimes politicians, who are difficult to identify and arrest.

Satellite towns in the Indian states of Bihar and Uttar Pradesh such as Begusarai, Dhaulpur and Gorakhpur are “market centers” for transporting women and girls from Nepal and Bangladesh. After being clandestinely shipped across borders, they are auctioned off. Then, they are taken by the next round of middlemen to New Delhi and Mumbai and sold to brothel owners.

From the above accounts of the three countries, a common thread can be identified—that of economic depression, coupled with the low status of women in South Asia due to a long history of illiteracy, and patriarchy. These factors, coupled with increasing globalization have led to increasing migration and trafficking. And unlike their Sri Lankan counterparts who mostly migrate to the Gulf countries for work (where they are also often sexually harassed), these trafficked women often cannot send remittances back to their home coun-

tries or villages (if trafficking occurs within the country) since their earnings are often barely enough to meet their own needs.

Government Laws and Policies on Migrant Labour and Trafficking

India, Nepal and Bangladesh have signed/ratified international and regional conventions and treaties on trafficking, migration and related policy instruments: The 1948 Universal Declaration of Human Rights; the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the 1966 International Covenants on Human rights; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979; the 1989 Convention on the Rights of the Child; the 1990 UN International Convention on the Protection of Rights of all Migrant Workers and their Families; the 1990 World Declaration on the Survival, Protection and Development of Children and its Plan of Action; the 1992 Program of Action of the UN Commission on Human Rights on the Sale of Children, Child Prostitution and Child Pornography; the 1993 Vienna Declaration and Program of Action of the World Conference on Human Rights, the 1994 Cairo Declaration and Program of Action of the World Conference on Population and Development; the 1995 Copenhagen Declaration and Platform for Action of the Fourth World Conference on Women; the (draft) Program of Action of the UN Commission on Human Rights on the Traffic in Persons and the Exploitation of Prostitution of Others; the recommendations of the Committee of the Rights of the Child and the UN Special Rapporteur on the Sale of Children; the ILO Convention on the Worst Forms of Child Labour, 1999; the Outcome Document of the Beijing Plus Five UN General Assembly Special Session, 2000; the UN Protocol

to Prevent, Suppress and Punish Trafficking in Persons, 2000; and, the U.S. Victims of Trafficking and Violence Protection Act, 2000. These are some of the instruments in place to protect rights of migrant workers and trafficked peoples, including the rights of children, yet they appear to be irrelevant in the context of these three countries.

Trying to cope with the increasing menace of child prostitution, all the South Asian Association for Regional Cooperation (SAARC)¹ countries have legal provisions regarding minimum ages for admission to employment and provisions to safeguard children's rights have been embedded in their respective Constitutions. Of particular importance is the recent SAARC Convention signed on January 4th, 2002, on "Preventing and Combating Trafficking in Women and Children for Prostitution" and the SAARC Convention on "Regional Arrangements for the Promotion of Child Welfare in South Asia" signed on January 5, 2002. Under both of these Conventions, the heads of all seven South Asian countries jointly agreed to combat trafficking in all its forms during the recent SAARC Summit held in Nepal.

India, Nepal and Bangladesh also have their own domestic laws to curb trafficking and Bangladesh even has a national legal framework in place to regulate migration. But, in general, these laws do not protect the interest of the victims.

Along with the Juvenile Justice Act of 1986 (recently amended in 2000), which can be used to release young girls (under 18 years old) from brothels, India has also signed the *Suppression of Immoral Traffic in Women and Girls Act* (SITA), 1956. This Act was amended in 1978 and again in 1986, under the new name of *Immoral Traffic Prevention Act* (ITPA) to rectify some of the inadequacies in the implementation of the earlier Act. The ITPA retains the clauses in the SITA used to penalize women in prostitution but leaves

much to be desired in its provisions for rehabilitation and general implementation.

In Nepal, a framework exists to prevent and suppress prostitution of children and trafficking of women and children. As recently as January 2002, a Bill was forwarded to amend the existing *Child Protection Act* to deal with all forms of sexual abuse and trafficking. A National Task Force coordinated by the Ministry of Women and Social Welfare is responsible for implementing a National Plan of Action against trafficking in women and children. Nepal also has Child Welfare Boards at district levels. However, inconsistencies remain. Human and financial resources of these organizations are limited. Moreover, the open border between Nepal and India through which Indians and Nepalis can move freely without the necessary travel documents has further exacerbated the problem.

Bangladesh has the Penal Code (Act XLV of 1860), which deals with the issue of trafficking of women. Article 18 (2) of the Constitution states that the State shall adopt effective measure to prevent prostitution and gambling. Article 366 demands severe punishment of those forcing women into the sex trade. Article 366(a) and Article 372 prohibit the prostitution of women below the age of 18 years. The country also has a national policy on child labour and the Ministry of Women and Social Welfare and the Department for Women and Child Development has taken the lead in addressing child trafficking issues. However, in Bangladesh, anyone 18 years old or older can choose to become a prostitute in accordance with law by applying to a notary public for an affidavit. This document has amounted to the equivalent of a license, effectively encouraging the practice of prostitution. Such affidavits legalize the illegitimate deeds of the brothel owners, protecting them from the police and judiciary. Bangladesh also has the Emigration Ordinance of 1982 to

regulate migration.

Despite these national and international instruments, the numbers of trafficked women and children in South Asia continue to grow.

Challenges Ahead

India, Nepal and Bangladesh face numerous challenges in dealing with trafficking. Most importantly, governments in the SAARC countries must demonstrate the political will needed to successfully establish and implement global, regional and national instruments dealing with migration and trafficking. Since globalization and its impacts persist it is imperative that these countries take measures to reduce the vulnerability of women migrant workers. A welcome development has been the recognition of trafficking as one of the worst violations of human rights for women and children in South Asia by the SAARC countries during the last SAARC Summit in Kathmandu. SAARC member countries must now put in place appropriate mechanisms to address the issue of trafficking in terms of both prevention and protection on a regional level. This is especially significant to ensure the extradition of criminals to countries, bringing them to court and, through agreements, to facilitate the return of trafficked persons to their country of origin.

However, it is a known fact that gaps between policies and practice has often been the norm in South Asia. In such a scenario, it remains a daunting challenge to actually lobby at a grassroots level for implementation of the recommendations made at the two recent SAARC Conventions. The challenge becomes even greater as they involve governments and citizens of not one or two but seven South Asian countries.

Many observers in South Asia believe strongly that there is a direct link between trafficking in persons, particularly women and children, and the ongoing insecurity of food and livelihood crises (which is the whole

question of macro-economic policies, globalization and agrarian policies). Hence, a lot of attention must be paid to linking anti-trafficking programs at the international level with intensive anti-poverty programmes at the local/national level.

Given the increasing feminization of migration and the overwhelming presence of women among those who are trafficked, often for sexual exploitation, an urgent focus needs to be put on ending gender discrimination which cuts across all South Asian countries. This is especially important considering the low status accorded to women in the social sphere and their lack of access to and control over economic resources.

The international aspect of the problem is exacerbated by inadequate vigilance being exercised on the land borders between India and Nepal, India and Bangladesh and India and Pakistan. In this context, the training of police personnel to handle this issue becomes imperative. Moreover, the Indian Ministry of Home Affairs with 1) the collusion of the Indian Border Security Force and the Indo-Tibetan Border Police and the Nepal Border force (in the context of the Indo-Nepal border); and 2) the Indian Border Security Force and its Bangladeshi counterparts (in the case of the Indo-Bangladesh border), need to introduce joint patrolling to keep vigilance on the entry and exit of young girls to and from India. They need to pay particular attention to women and girls who have questionable travel documents or who have relatives and persons accompanying them with whom they cannot prove any familial relationship. Effective coordination and cooperation between the Governments and NGOs of the SAARC countries is essential in this regard.

There are also arguments given by academics, researchers and activists working on migration and trafficking issues about the need for migration reform, which would create an atmosphere conducive to legal migration, thus reducing the dangers of

trafficking. For many migrants, the opportunity to migrate legally and the provision of pre-departure training could significantly reduce the dangers of trafficking.

And this is where the roles of NGOs, trade unions, lawyers, teachers, religious groups, etc. are required alongside active cooperation and collaboration with the governments in effecting change. Often when it comes to promoting and protecting rights of marginalized or vulnerable groups, it has been these groups in South Asia who have been the most active. This holds true even in the context of issues surrounding trafficking, migration and rights. NGOs, in particular have always played an important role in providing direct services such as organized planning relating to the rescue and rehabilitation of sex workers; efficient functioning of non-institutional services, half-way houses and juvenile homes; community institutions run in collaboration with the state; primary education; skill training; community education; free legal services; health care packages; rehabilitation and treatment of HIV/AIDS victims; and, provision of pre-departure training and post-departure services. This is because in general, South Asian Governments have not been able to address effectively the rehabilitation needs of victims or prevent trafficking. In recognizing the systematic causes of prostitution, the onus of responsibility is shifted from the women in prostitution to the social system and the controllers of prostitution, so much so that in the words of activist and writer Kathleen Barry, "pimping becomes the oldest profession and not prostitution."

Thus, while these grassroots organizations (who often have a more popular mandate than governments) can work simultaneously on different levels—providing direct services, influencing public opinion and acting as lobbyists for change. However, they must also work in tandem with state bureaucracies to train their representatives to reform legal and regu-

latory frameworks, as well as the systems for implementing them. Public awareness and social mobilization through citizen/social action groups are necessary in effecting change.

The role of the media in highlighting and preventing incidents of trafficking is also very important. In this age of electronic media, there can be no better way to raise public awareness and encourage effective policy orientation and solutions to deal with this issue. For example, in Nepal, especially in the interior villages which have been most affected by vast exoduses of people who have either migrated or been trafficked, community radio has played a major role in reducing vulnerabilities by educating and sensitizing people about the dangers of trafficking

However, while grassroots, activist and social organizations can help in targeting deep-set patriarchal and societal mores, they will require help from governments in bringing about changes in terms of overall poverty reduction.

In the end, in whatever nation where foreign nationals are caught in the web of trafficking, the women must not be the ones to pay the price.

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The 7 SAARC (South Asian Association for Regional Cooperation) countries are India, Nepal, Bangladesh, Pakistan, Bhutan, Sri Lanka and the Maldives

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