

Caste Oppression, Gender Discrimination, Poverty Linkage to Human Trafficking in India

Abstract

Acts of gender-based violence – including social discrimination, harmful cultural practices and family violence – are committed throughout countries of varied cultural and religious traditions, political systems and socio economic development. Trafficking in Human beings, one of the worst forms of gender based violence, is often preceded and caused by the inferior position of women and girls in families, communities and societies. In India where poverty rates are high and gender inequality is pervasive, gender based violence can lead to the abuse and isolation of women and girls and increase their vulnerability to being trafficked.

Discrimination is any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. Discrimination violates the fundamental human right to freedom from discrimination. Freedom from discrimination is indispensable for workers to choose their employment freely, to develop their potential to the full and to reap economic rewards on the basis of merit. The different forms of discrimination impact severely on vulnerable individuals of society. Discrimination is also associated with trafficking in human beings. The recent rise in human trafficking, which disproportionately affects women and children, is related in part to gender-based discrimination. Racism, racial discrimination, caste oppression and related intolerance are so often the causes of trafficking of human being. Racial Discrimination continues to manifest itself in many contemporary conflicts and injustices. Racial Discrimination has been one of the major causes leading to the increasing rate of illegal migration leading to the problem of Human Trafficking. Human Trafficking is a complex development issue. It is an economic problem as the vast majority of people seeking to escape poverty are lured into trafficking by the false promise of economic gains. Human trafficking has become a heinous transnational crime undertaken by highly organized syndicates. Human trafficking is inherently demeaning, harmful and violates fundamental human rights to life, liberty, dignity and freedom from discrimination. Human trafficking is incompatible with the worth and dignity of human beings. What is equally distressing is the fact that human smuggling and trafficking are some of the fastest growing areas of international criminal activity. Trafficking in human beings must not be seen primarily or exclusively from the perspective of national security; it must not be viewed merely from the point of view of national protective interests; it must not be seen only as a fight against organized crime and illegal migration. Human trafficking is first and foremost a violation of human rights. In many countries, important steps have been taken to combat racism, exclusion and intolerance, and to buttress democracy and pluralism. The purpose of this paper is to examine the extent of the problems of human trafficking and Racial Discrimination, caste oppression and consider some of the most important elements of an effective anti-trafficking strategy at the domestic level. The paper attempts to highlight the challenges faced by India in this regards. Human trafficking, especially the trafficking of women and girls for forced prostitution, is a serious problem in India. Therefore, India's model of dealing with this extensive trade in women and girls for forced prostitution provides many important insights as to how a developing country like India can adequately respond to this challenge. Some recommendations have been suggested to achieve long-term success in overcoming these problems

Amit Malik
Research Scholar,
Kurukshetra University,
Kurukshetra

Keywords: Human trafficking, caste oppression, gender discrimination, racial discrimination.

Introduction

Caste discrimination is a chronic human rights condition, which involves massive violations of civil, political, economic, social and cultural rights. Several UN human rights bodies have expressed serious concern about the human rights situation of Dalits and other persons affected by similar forms of discrimination based on work and descent. Over the years, a substantial number of observations have been issued as documented by this compilation. It is the first of its kind to provide a comprehensive overview of references made by the following bodies: UN treaty bodies (1997-2013), the Universal Periodic Review (2008-2013), and the UN Special Procedures (2005-2013). The aim of this compilation is to create an instrument for enhanced monitoring and follow-up to UN recommendations on the issue of caste discrimination at international, national, and local level, and to make such information easily accessible to all concerned stakeholders. The compilation reflects the overwhelming body of recommendations on a significant number of countries across regional groups. It provides a unique opportunity to document how and to what extent the issue has been addressed by different UN bodies.

The compilation is intended for use by governments, UN agencies and experts, international organizations, donors, civil society, researchers, and media. By providing an overview of concrete recommendations, it serves as an instrument for follow-up and implementation by governments, and for enhanced monitoring by civil society and other concerned stakeholders. Furthermore, this compilation may serve as a guide and inspiration for international agencies and organizations that wish to mainstream their interventions and programming in affected communities according to the recommendations issued by the UN human rights bodies.

Trafficking in Human being is a global phenomenon that is an attack on basic human rights, primarily of women and girls, across countries and cultures. Many forms of inequality are woven into what creates an enabling environment for trafficking in human being, including income disparities, location, ethnicity, age, sexual orientation, gender discrimination and gender-based violence. Notably, gender inequality and Gender based violence are frequently cited as major contributing factors to Trafficking of women and girls.

Trafficking in human being is a crime against women, men and children that takes many different forms depending on the country context. An enabling environment for Trafficking in human being is created when a country is poor, has a weak rule of law and high rate of corruption, and lacks understanding of or respect for human rights and labor rights. The specific form that Trafficking in human being takes in such an environment depends on the inequalities faced by its victims in the areas of income/wealth, location, ethnicity/minority status, age, sexual orientation and gender, including gender discrimination and Gender based violence.

India

In India, women and girls are faced with multiple forms of Gender based violence on a regular basis. These include public pestering (often accompanied by isolation), domestic violence, forced and child marriage, stigmatization of victims of sexual violence and marginalization of divorced women. Extreme forms of gender based violence in the region include acid throwing and bride burning. Public sexual harassment and molestation (previously referred to as "Eve teasing") is a growing problem, forcing young women to live secluded lives to avoid public humiliation, thereby interrupting their access to information and education. Public sexual harassment can also lead to early marriage: families marry off their daughters to prevent the risk of their molestation and rejection by the community. Families prefer to put daughters under the "protection" of a husband even if she runs the risk of being abused by him or his extended family. In early marriages, girls are often subjected to domestic violence and early pregnancies that can lead to severe health complications, both for the mother and the child, including death. Young brides can end up living in a slavery-like situation with no chance to be rescued. Even a divorce can worsen the situation of a girl, who is not economically independent who has few chances to remarry, and who the family will not take back. It has recorded many cases of girls who have run away from forced/early marriage and domestic violence, are taken advantage of by traffickers and end up in exploitative situations. Dowry, another form of Gender based violence, is a push factor in countries such as India. The value of the girl decreases with age; thus, the dowry payment the daughter's family must make to the husband's family is lower when the girl is young. As a result, family members (particularly males) will emotionally torment girls if they remain unmarried even at the young age of 16 or 17. The harassment can reach the point where girls feel they have no other choice but to run away from home without any means or skills to survive on their own, which leaves them vulnerable to trafficking. Another common way to traffic the girls are to promise the family a marriage without a dowry to convince them to leave their young girls with traffickers. Married girls and young women can also become vulnerable to trafficking if they lose their husbands, either to divorce or death. These women have difficulties finding a job and are seen as a burden by their families since it is difficult for the women to remarry, especially when they have young children and especially if these children are girls. Women are also afraid that in a second marriage, the husband will discriminate against or even refuse to support the children they had in their previous marriage. Again, a marriage arranged in a hurry can be an easy way to cheat the family and traffic the girl. Another risk is that these young women will be forced to migrate for work, and if they do not have access to the right information and legal channels, they can become victims of trafficking.

Even when marriage is not an explicit factor, rural families who need additional income will sell or send

off their children to be domestic workers with distant relatives or acquaintances in urban areas. These girls (and boys, to a lesser extent) are frequently put in extremely exploitative situations in which they are physically, sexually and psychologically abused by their host families. Some are sold to traffickers, while others run away and are ensnared by the same system of traffickers.

Similarly, in poor families often see girls as a good source of income. The family (in many cases the mother) sells her daughter to a trafficker knowing she will be forced to work as a prostitute. In many cases young girls decide to sell themselves to support their families and in some cases traffickers convince girls that it is their duty to do so. As noted, it is common for families to send their girl children to work, to be complicit in their sexual exploitation, or to be too unstable to care for the child in the first place. Rape in societies can be especially devastating for the victim, especially given that perpetrators rarely are punished. Girls who have been raped are rejected by their communities as a "polluting element" and further abused and publicly humiliated. Families often accept any proposals to send these girls away, even knowing they will probably end up in forced prostitution, to rid themselves of the shame the rape has brought to their families. In some cases young girls are also convinced to sell their virginity to help their families and end up being trapped in the sex trade, too young and helpless to find a way to escape.

Gender

Traditional gender roles increase vulnerabilities to different forms of trafficking. Women are responsible for childcare, and when men leave their family, fall ill, or lose work, women have very few ways to support their families. Such economic pressure leads many women to send their sons away to work, often resulting in their exploitation by traffickers. When they are paid, women are paid less than men for the same work, are paid in food grains rather than money, and have fewer economic opportunities to increase earnings. We earn 20 rupees [about 45 cents] for eight hours of work. Men do the work in agriculture but they make 35 rupees [about 80cents] for eight hours of work. But men can also do construction work, so then they can do that and earn 50 rupees [\$1.14] or more.(Mother of child laborer, Bihar, November 2004)

Women work at harvest time, though men consider plowing fields and planting too physically rigorous for women and typically do not allow them to do this work. Gender bias often means that girls are not allowed to attend school. Girls have constant and recurring domestic work obligations, such as caring for animals and collecting firewood and cow manure for fuel, leaving little time to attend school. In our community, girls don't go to school. A girl child should work at home. She must do what is her responsibility, collecting cow dung, taking care of animals, working on the harvest—taking care of all the domestic needs. (Mother of bonded child laborers, Bihar, November 2004)

Limited opportunities at home coupled with the substantial burden of household labor can lead to girls running away or being lured by young men who promise marriage. When girls are trafficked, it is often through taking advantage of a girl's aspiration for a life outside domestic drudgery. Because it is accepted that boys will migrate for work and girls will stay at home or be married off, there are far fewer incidents of girls recruited and trafficked to such work as carpet weaving. When a girl is trafficked, it tends to occur when a she runs away from home, or when she is sent away to be married. Traffickers manipulate girls by playing on the realities of gender based violence, sexual exploitation, or the fear of a repugnant marriage. Mechanisms to detect trafficking of girls and women or to help victims of trafficking are almost non-existent among law enforcement authorities, NGOs, and in the family. Families tend to deny atrocities against women to protect family honor. Female law enforcement officials are rare and are untrained in crimes against women.

In Bihar there are few shelters for women and girls. There is a great lack of awareness in the police force of crimes against women. In all of Bihar, there are only four women officers [who are] investigators. The rest are women constables. There is one remand home for juvenile offenders...for abused women there are also very few shelters. Jails and hospitals are not equipped to handle women victims.(Superintendent of Police, Bihar, December 2004)

NGOs without female staff struggle to reach and support women. Currently, most NGO anti-trafficking efforts are carried out by men. Yet gender segregation is the norm from rural areas of Bihar to Varanasi city. Women typically will not speak with a strange man and are less likely to speak out in a village meeting with men present. NGOs without female staff find it extremely difficult to reach out to women in rural communities.

This segregation applies to knowledge of trafficking as well. When interviewing villagers in Bihar about missing children, we found that male respondents, in most cases the fathers, step-fathers or uncles, knew their boys had been sold to traffickers. By contrast, mothers or female guardians such as step-mothers and aunts did not seem to be aware that the men of the family had taken money in exchange for their sons. Most women believed their boys had been kidnapped or run away.

In terms of female political participation, in many districts of U.P. and Bihar, the Central Government mandates that a woman fill an elected position. In interviews with female elected officials, however, we found that some men force their wives to run for elected positions to fill the government quotas, while manipulating the women to represent the men's interests.

We did see women successfully overcoming subordination with the help of NGOs who reach out to and organize women. The NGO Social Action Research Center (SARC), for example, teaches girls and women in the poorest urban neighborhoods of Varanasi about their rights and how to defend

themselves against abusive men. SARC uses participatory theater, street art, marches, and fora to engage girls and women in dialogue about their experiences. Through these interactive processes, women learn to organize into self-help groups through which they seek to overcome their subordination under male sexism. Sadly, in the rural areas such support is practically non-existent.

Caste and Religion

Although the caste system has been officially outlawed, it remains a strong social and cultural feature of Indian society. Uttar Pradesh and Bihar are considered "traditional" on the ideology of caste-social differences based on religion and station ascribed at birth, which continues to be practiced. Most child laborers who have been trafficked from Bihar come from the lowest castes. The backgrounds of trafficked children, and the families of missing and suspected trafficked children, include:

1. Scheduled Caste or Scheduled Tribe (predominantly Musahar)
2. Other Backward Caste (OBC) Muslim (Suni)
3. Other Backward Caste Hindu.

The backgrounds of most missing or trafficked girls matched this. However, NGO activists who assist trafficked girls and women reported that some of the survivors they have assisted come from higher castes, including Brahmin Hindus. As with girls from other castes, these girls tended to have been sexually exploited by family members, and in trying to escape had ended up being trafficked. We also found that the backgrounds of traffickers or slaveholders were the same or only slightly "higher" than those of the trafficked children. In Bihar, when guardians or relatives knew the trafficker or the person who "employed" the children, the caste of the perpetrator was reported. The caste status of traffickers and/or slaveholders included:

Scheduled Caste or Scheduled Tribe (Musahar)

1. OBC Muslim (Suni)
2. OBC Hindu (particularly Bariya and Yadav).

Poverty

Poverty in the abstract is worrying; true destitution confronted first-hand is shocking. The idea that poverty makes families vulnerable to trafficking was well understood by our researchers. The reality exceeded our understanding: women and children in Bihar living in huts clinging to roadsides that are washed away several months of the year, with no chance to build up assets, no resources to make a living except for their raw labor, subsisting on roots and snails. For such families, the possibility of money arriving from a family member who has gone to work in another state can mean the difference between life and death. High levels of poverty are linked to bonded labor and child trafficking, and poverty is pervasive and severe in the states of Bihar and Uttar Pradesh. In India, where 47% of children are under age five, and some 60 million children are malnourished, the states of Uttar Pradesh and Bihar are especially poor. (For 2004, from UNICEF, *State of the World's Children 2005* (New York: UNICEF, 2005).

According to UNICEF's measure of malnourishment as the percentage of children under five (1995-2003) suffering from moderate and severe underweight. Moderate - below minus two standard deviations from median weight for age of reference population; severe - below minus three standard deviations from median weight for age of reference population.) Uttar Pradesh, with its 166 million people, is the most populous state in India, with 8% of the entire world's poor within its borders. (1998 estimate from World Bank, *Poverty in India: The Challenge of Uttar Pradesh* (Washington, DC: World Bank, May 2002).

While there are few studies of child trafficking in the region, existing research on child labor explores a range of underlying causes of children's vulnerability to exploitation. Aside from the central role of poverty, there is no unanimity among Indian authors, policy makers, government officials, and activists about the causes of child labor. The questions are primarily those of emphasis—asking which of various factors are most important in predicting child labor.

Clear causal factors include India's rapidly growing population (now over 1.028 billion)(India's 2001 Census put the population at 1.028 billion. The United Nations projected in its 2004 revision of the *World Population Prospects* that India's population will swell to 1.592 billion in 2050, surpassing China's population. Reported in *The Hindu*, Feb. 26, 2005), poverty and unemployment (or underemployment) of parents, illiteracy, and lack of access to formal education. Significant inequalities of wealth result in a context of chronic poverty for some families in which children are compelled to work. The immediate pressure of family survival outweighs the educational needs of children. (Sunil Deshta and Kiran Deshta, *Law and Menace of Child Labor* (New Delhi, India: Anmol Publications, 2000).

One ILO-IPEC project evaluation noted that in their school-based intervention for working children aged 8-12 years previously not enrolled in school, 85% of the enrolled working children continued to work in hazardous occupations, while 10.5% dropped out of school—93.5% of whom dropped out because of the pressure of household work and because their parents would not allow them to continue school. (K. N. Bhatt, "Integrated Area Specific Program on Elimination of Child Labor from Hazardous Glass and Bangle Industry of Firozabad: An Evaluation Report," (Allahabad: G.B. Pant Institute, December 2003), 5-6. Clearly poverty is rooted in broad problems that to some degree affect all of society—unemployment, inadequate income when working, and the demand for children as cheap labor. (Deshta and Deshta (2000), 15-20; Lakshmidhar Mishra, *Child Labour in India* (New Delhi: Oxford University Press, 2000), 27-30.

Recommendations

Recommendations Regarding Land and Loans

1. Accomplish and monitor redistribution of agricultural land, with the help of appropriate central government agencies and NGOs,

ensuring it follows allocation schemes mandated in existing legislation.

2. Ensure rural poor communities understand how to claim their rights to different forms of land and have access to paralegals to assist them to pursue claims.
3. Amend land tenancy laws to create legal protections, regulation and monitoring of tenancies so that tenant farmers may access legal loans or credits, thus helping them avoid the usurious illegal loans from landlords.
4. NGOs should be encouraged and supported to assist in the formation of village self-help groups for the creation of small-scale savings and micro-credit schemes which can give access to fair credit.
5. NGOs should help loan recipients to understand their rights under the laws regulating credit.

Recommendations Regarding Economic subsistence

1. Give preference to women for the 100 days of employment under the proposed Act, with additional employment days for those with larger families.
2. Provide innovative non-agricultural work projects during flood seasons, with safeguards to prevent corruption.
3. Support the establishment of community-based savings schemes, whereby women can save small amounts during seasons when work is available and can then use these funds to survive during flood season.
4. Encourage rural development initiatives based on cooperatives, self-help groups and income generation schemes.

Recommendations Regarding Food and Food Supplies

1. Continue food supplies for impoverished families in drought, flood, and low-work seasons, including pulses and other proteins in addition to grains. NGOs and community organization in villages need to create systems for monitoring distribution—with access to district leadership to report abuses and corruption of middle level officials.
2. Ensure that ration IDs or ration cards for food relief are given to all people with incomes below poverty line.
3. Give food supplies directly to villagers, not to landowners or rural leaders to distribute.

Recommendations Regarding Education

1. Remove obstacles to schooling prioritizing villages that are known to be a source of trafficked children for improvement of educational access and teaching facilities up to age fourteen.
2. Ensure that education-promotion allowances reach all Scheduled Caste/Scheduled Tribe children and eligible rescued bonded child laborers.
3. Provide midday school meals to all children. Include in school curricula a variety of programs that increase the economic value of schooling for

villages, especially for the children of the most vulnerable ages.

The provision of midday meals in school needs special mention. Midday meal provision has emerged as a crucial anti-trafficking/anti-child labor approach, both in India and elsewhere. Parents who may not understand the value of education will send their children to school if they know they will be fed there—and conversely, they will not send to school a child who has not been fed. When parents are enlisted to help prepare midday meals, they are better able to monitor both their children and whether teachers are regularly in attendance. Teachers who suffer from irregular payment of their wages also benefit from access to midday meals. It goes without saying that better fed children are better able to learn and benefit from school.

Recommendations Regarding Gender

1. Through community outreach, reduce the power imbalance between the sexes through girls' education, rights training, and women's empowerment in family relationships.
2. Include female members in outreach teams so that women can be addressed separately.
3. Place more women in upper-level enforcement positions, such as supervising officers and investigators, with one women's police station or section per sub-district.
4. Introduce women's help contact points in police superintendent offices in each district. Create known points of contact including help lines for women under threat of violence or exploitation.
5. Place more women in positions of political power, including elected positions, and monitor to ensure that they are in fact the ones exercising power.

Conclusion

Trafficking is an increasingly important development issue, particularly for many of the poorest states and poorer regions of India. Trafficking in women and children is a major component of human trafficking, although the precise magnitude is not known due to the lack of accurate data.

Although anti-trafficking activities are largely focused on women and girls, and the national community is generally aware of the rights violations involved, trafficking projects, programs and interventions remain largely gender blind and are often incompatible with a rights based development perspective. This makes it important for practitioners to address trafficking from a gender and rights-based development framework.

The paper maintains that a gender and rights-based approach to development ensures fundamental human entitlements – social, economic and political – to expand choices, promote human well-being and empowerment in equitable and sustainable ways. The claim to human rights has a strong moral force and imposes an obligation on States to respect and ensure their realization. Women's rights as human rights must lie at the core of any meaningful development and anti-trafficking strategy. But women are differently and unequally situated in relation to men in terms of their different and less valued social

roles and attributes. This makes women and girls more vulnerable to trafficking and results in a host of abuses peculiar to and more commonly perpetrated against them throughout the trafficking process.

A gender and rights orientation to trafficking must address the different and specific needs of women and of children at all stages of the trafficking process. It must focus on realizing rights equally for men and women, girls and boys by empowering them to claim their rights and by ensuring enabling policy, institutional and social environments that are responsive especially to the concerns of women and children. This may include special provisions for women and for children to compensate for cumulative disadvantage and to ensure real equality.

Such an approach establishes that attention must be paid to both the individual and structural dimensions of human rights for women. Realization of the structural dimension of women's human rights is the key to both the prevention of trafficking in women and girls, and the integration of survivors of trafficking into their communities of choice. This recognition points to the need for an integrated and multi-sectorial approach to address trafficking as a development issue at national and local levels. Recognition of the global nature of trafficking and its prevention points to the need at regional and international levels for coordinated collaboration among countries of origin, countries of transit and countries of destination, as well as the international community as a whole.

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