



Illegal Migration of Women Workers in South Asia

Economic migration within South Asia has historical roots. As the countries in the region have no agreement on legal migration, this continues in response to the dynamics of supply and demand. Women and children migrate in search of work. They become victims of trafficking because of their depressed status. However, the governments of this region, it is alleged, have not shown adequate concern for the

social, economic and political dimensions of the problem. It is also felt by the activists that the policies and procedures do not address the reality of the situation of illegal migrants and victims of trafficking. Given the importance of the issue, The Daily Star brings out this special feature to resolve the problem facing the women of the region.

Protection for Migrant Women Workers

GLOBAL changes have made labour migration a necessary part of national plans for revenue and employment. Some countries in Asia, such as Singapore, have introduced visas on employers. Amongst sending countries Philippines, Sri Lanka and Indonesia have introduced mechanisms in support of their migrating workers such as employment contract forms, training and even insurance schemes. They have also set up national machineries to address the problems of migrant workers in receiving countries. As a result a large number of workers, migrating legally, are provided with a measure of national support. In the nineties female migration from these countries is now overtaking male migration in response to the demand particularly for domestic maids and other sex stereotyped occupations.

In South Asia following the first wave of migration to Great Britain in the fifties, the oil boom induced large numbers of men particularly construction workers into the Middle East. Many of them went through the official channels and were instrumental in contributing to foreign exchange surplus in their home countries. Pakistan in particular owes a great debt of gratitude to the remittances sent by its migrant workers in the seventies and thereafter. Since the official permission for migrant workers was limited in numbers, it was usually accompanied by a small trail of illegal migrants, who worked for even cheaper rates.

The poor from the poorer South Asian countries were encouraged to seek employment outside the region. The Emigration Ordinance of 1982 provides guidelines for labour recruitment. The Manpower Office has also set up an elaborate chain of regional offices for purposes of supervision. Yet the governments have been averse to accept the demand and supply situation in the region itself. A network has developed in receiving countries to enable Bangladesh male workers to obtain identity cards to avoid legal battles with the administration.

Women, however, face a different regime. While they migrated as part of the family in the earlier wave, their right to seek work outside Bangladesh was curtailed through a governmental ban imposed in the eighties. This ban was lifted in 1992 to allow women to work in

the Middle East. The rights of migrant labour are now recognised in ILO conventions and apply equally to men and women. Within South Asia as well, women should be able to exercise their right to work.

The problem arises when they are lured by false offers into situations where they have no legal rights nor any form of defence. There is a demand for women in domestic service, informal sector production (for carpet weaving and fish drying) but they also fall victims to the demand from the sex industry in the richer areas of Pakistan and India. This has induced an illegal migration of women from Bangladesh. In the absence of bilateral agreements on migrant

immoral employment, while GOB representatives have generally disclaimed the women as Bangladeshi nationals.

More than moral outrage the problems of illegal women migrants and victims of trafficking need to be understood both from the perspective of the economic and legal implications. In its only reference to the issue of trafficking, GOB under the Cruelty to Women (Deterrent Punishment) Ordinance of 1983 has made the offence of trafficking subject to imprisonment for life or 14 years with fine. In practice it has been found that the accused are let out on bail, and when they are detained, the women victims are retained in

should serve to victimise the victim herself.

In another case 51 persons, including two dalals, women and little children have been detained in Savar police custody for over a month on suspicion of illegal migration and trafficking. Court directions for investigative reports have taken over a month, during which period the persons have not been allowed out on bail. The application of the law would appear to make no difference between the alleged accused and the victims of trafficking.

Occasional discovery of young Bengali women in Pakistan again exposes them to legal oppression when they are charged under zina. In a hearing in a Karachi court two young girls of 13 and 14 years (approximately) arrested along with their agent, pleaded with the judge to make arrangements to send them home to Bangladesh rather than release them on bail, which would only force them to go back to the dalals. Here again there is no attempt to defend the rights of the victim, instead the women are further victimised by the legal process.

Illegal migrants wishing to return to their country of origin are further victimised by the problems of providing their national identity, of procuring travel documents and facing immigration queries. While the problems faced by such individuals who transgress given national laws, may seem too minor for SAARC governments to enter into serious bilateral or regional discussions, the violations of their rights to work cannot be totally ignored. What is needed is a realistic recognition of the demand and supply for labour in the region. Pakistan has a responsibility to address its serious social lapses permitting polygamy, purchase of slaves etc, which clearly violate human rights. Bangladesh too has a responsibility to protect its citizens. Following from this clear cut policies need to be regulatory rather than prohibitive. We can draw upon the experience of the Filipinos and Sri Lankans to try to institute conditions which may to some extent protect the rights of migrant women workers, since economic compulsions rather than legal bans will continue to act as pressures for migration.

The writer is associated with Ain O Salish Kendra, a human rights and legal aid centre.

by Hameeda Hossain

Sahana Begum : 18 yrs old



I had 2 sisters and 5 brothers and we lived in Khulna. My father arranged my marriage to Surjan who worked in a cinema hall. Soon after settling me down with Surjan, my father and two of my brothers left for Pakistan to find a better job. I was very happy with my husband and contented with life. One day a close friend of mine came to my house with a man and said that he has come from Pakistan with a letter for me, from my father. The man was actually a pimp and he had paid my friend 15,000 Taka to do the job. I could not read so I took the letter to my uncle. He read that my father was very ill and he wanted to see me before he died. I panicked and agreed to go with this man called Anwar, the pimp. He brought me to India with 9 other women. The border guards made them cross at night into Pakistan. In Karachi I was given to Mohammed Ali Pasha where I remained for a few days. One day it was my turn to take a bath and I tried to run. But the guards tried to stop me and force me back into the house when an old man saw me fighting and intervened. He took me to the police station and from there to the Edhi home.

labour, this employment has been surreptitious, exposing the workers to oppressive conditions of work. It has also encouraged the growth of the business of trafficking through dalals.

There has been little attempt on the part of both the Bangladesh and Pakistan governments to recognise the de facto situation regarding the absorption of migrant labour and to promote protective conditions. Instead media discoveries of incidences of trafficking of women from Bangladesh to Pakistan have been accompanied by suitable expressions of horror at their exposure to criminal and

custody as well. In a case pending with the Godagari Police Station (Rajshahi) Case No 10, dated 10 March 1988, under section 366 (Kha) and Cruelty to Women Ordinance a young girl of seventeen or eighteen years, who had been caught along with the agent, has been detained in jail custody for the last five years, without any trial. She has not been released on bail on suspicion of her complicity, but this is hard to believe since she was only 12 years when she was caught. It is also reported that she has no home, and were she to disappear it would not be possible to make her evidence available at the time of the hearings. It is ironic that the process of law

Female Labour Migration

by Najma Sadeque

IT is necessary to understand the attitude of the locals (including border forces) in Bangladesh as well as the border terrain to understand why most illegals are able to get across with relative ease. Poverty makes them understanding of anyone wanting to migrate anywhere to earn a living and people there discuss prospects. Agents' claims and how much they have to save to pay to go, quite openly.

Unless smugglers are involved in high-profit goods, border guards are inclined to look the other way of obviously poor families are seen crossing over even if they have not already been paid to do so. They are aware they will not have much to gain financial by arrests as these people would not be able to pay having already sold off all they owned and given it to the agent. It would mean unnecessary crowding of jails with naive rurals who have not done anything anti-social. Some have even been known to guide on their way after having satisfied themselves that smugglers and criminals were not part of the group.

It was reported that during the years that the country was part of Pakistan, illegal crossings and smuggling were held to a minimum because the border forces were installed in heavier numbers and consisted of personnel mainly from West Pakistan who were indoctrinated in viewing the Bengalis as lesser citizens and therefore had no sympathy for and little rapport with them. Now fewer personnel guarded the borders and were inclined to be lax or indulgent.

Government attitude is only reflected in that of the border forces. Because of overpopulation, poverty, and high unemployment in Bangladesh, the Bangladesh government is said not to be averse to migration and prefers to turn a blind eye to it although they will not admit to this officially. The only cause of embarrassment to it is when cases of trafficking get exposed.

Arrangements for Travel

Arrangements for travel (from Bangladesh) are made with agents whose presence or 'contact person' was made known by word of mouth. Even if someone desirous of migration did not know who to get in touch with, he or she merely had to make such wishes

known by informing all acquaintances and leaving word at the local tea — shops and eating houses and paan and cigarette kiosks, where men always converged and which therefore served as ideal informal information dissemination centres.

Sooner or later, an agent or his contact was likely to get in touch with the intending migrant. Another sure way of attracting attention was to spread the word of girls or young women available to go as brides or workers or both to Pakistan.

To pay their way, migrants sold their lands if any and their personal assets such as jewellery. The sale of lands especially suggested that they had

lying farmland that are subjected to seasonal flooding, with the acreages crisscrossed by strips of higher land (some of it artificially raised) to form access paths, and short stretches of narrow highland where homes and huts are built. Bushes and small trees, particularly banana trees for drainage, grow particularly thick along the borders, and is reportedly allowed to design to make clandestine crossings less easy to observe. The only 'no man's land' are only narrow roads a few hundred feet long between the Indian and Bangladesh checkpoints that face one another. Elsewhere, it only takes a jump across a ditch or a

much of the land of the border village (call Shadipur) and who supervises in collusion with key border personnel the overall operations through hirelings and sub-agents, some of them from the village itself.

As an all-powerful group they have kept the villagers subdued but who are allowed and encouraged to go on with their lives (since they constitute a vital cover) in return for their silence. They are difficult to talk to, especially since they are watched when talking to strangers, and plead complete ignorance of any unauthorised goings-on in the village.

Actual crossing of the border is generally done by night, on foot. Peak seasons are at the end of summer, and during winter and spring. The monsoon season is avoided since travellers will be exposed to the open air most of the time and the slush makes a desired pace impossible. Migration tends to come to a halt during the floods.

At the Pakistan end, migrants enter from near Lahore, then take the direct train from Lahore to Karachi.

Surprisingly, almost no information is to be had about the actual period of crossing the borders at the Pakistan end. Memories of crossing the border at the India-Bangladesh end were slightly confused but this was mainly due to ignorance of geography; they did recall prolonged hours of walking and hiding, and hunger and thirst, but it was not a blank as at the end of their journey, probably because the terrain, at the exit end was similar to their own environment.

It is significant that with each and every one of them, recollections of their experience at the Pakistan border were particularly fuzzy except that it was invariably harrowing. They seemed to have lost all concept of time during that period. None could even roughly how many hours or days it took them. It can perhaps be attributed to extreme fear and tension, and suddenly being faced with the apprehensions of having arrived at their destination in a strange land and an unknown future.

The write-up contains the extracts from Asia-Pacific Development Centre sponsored Shirkat Gah Survey and Research Report.

Madhu Mala



I lived in Saadpur, Bangladesh with two brothers and one sister. I was the eldest. We had no source of income and relatives used to give us some food. I came to know an agent Abu Saeed who would arrange jobs outside of Bangladesh. When we came to Karachi Abu Saeed gave us to Noor-ul-Islam, who kept us for seven days.

Then I had a false nikah and was sold for Rs 80,000 to Osman. I had a high price because I was a virgin and the most beautiful. Usman's parents were in Saudi Arabia, and he kept me in Nazimabad where he lived with his sister. At first Usman was nice to me, but then his sister instigated him to ill treat me, and he began to beat me and abuse me. I tried to bear the atrocities because I had no one to turn to. In the meantime I had a son. But even then Usman's attitude did not change towards me. Usman's younger brother's mother-in-law was kind to me, and one day she helped me escape. I was eight months pregnant at that time. I was brought to the Edhi Centre.

Land in villages on the borders that make convenient smuggling and crossover points command premium prices. Consequently villages along the border are said to have grown somewhat and are actually thriving on either side of the checkpoints. Around Benapole, for example, there is very little land left to sell off as the strategic points have already come into the possession of border agents who have set up transit rest-houses for travelling agents and their groups. Here, the local councillor, said to have financed his election by his earnings through smuggling of people and goods, was named as the one who had bought

path that is usually shaded by thick foliage, to cross from one side of the border to the other.

Except for a few hundred feet on either side of the border checkpoint, there are no barbed wire fences or barriers of any kind. The landscape is the same as most of Bangladesh — low-

each other informal basis. Definitely, this issue must be brought up on the agenda. If some types of plan of action can be arrived in these informal meetings, only then should it be brought to the SAARC forum. And then measures can be set in motion. Right now there is a great need for dialogue on this issue. And the NGOs are playing the role of creating awareness, so that governments can take up from here. And start to build upon it.

DS: What can be the remedies?

Nafisa Hoodbhoy: We discuss this at length at our regional workshops and we feel that the most important thing for the Bangladesh government is to recognise that there are migrants who are going from here across the border. Until and unless such recognition comes, the Pakistani authorities cannot recognise their status.

Secondly, there should be an awareness about the types of dangers these women are exposed to. And I think it is the duty of the NGOs to pressurise the government about what is happening to their population. This is a regional issue. And when you learn sufficiently, only then the problem can be controlled.

Of course solutions are many. There should be changes in law as well. One single law should be enacted which should apply to the trafficking of women. Right now, the law does not recognise the existence of this issue. Much has to be done by the law enforcing agencies. There should be strict monitoring and greater surveillance.

Poverty Drives Women Out of Homes into the Trap

NADERA, 24, married a rickshawpuller without her parents' permission and later discovered that her husband had another wife. As her husband battered her, she left him and came back to her parents. To make a living, she went to Rajshahi.

After a while the father was told that she had gone to India with Saleha. The other day the mother was told that Nadera was living in Lucknow and was pregnant.

Although the parents appeared to be very upset, they were helpless. They could not get their daughter back and would not be able to provide financial support.

This is the dilemma for the woman in South Asia, who barters her labour in a new country for her survival. Her existence would have gone unnoticed, if she were not reported in the media.

Increasing landlessness, encroaching poverty and deteriorating living conditions are pushing women into the cruel world of demand and supply of the market economy.

As hundreds of families find themselves without minimal land or work to make a living, because of the existing social relations and inequality, a good number have had little choice other than leaving their moorings in search of work.

In Bangladesh, the supply holds with young, mainly deserted or single women forming the larger number of migrants. Demand in Pakistan is created by several factors: (a) Trafficking of women into prostitution or slavery, (b) a luxury need for domestic and

personal services, and (c) the competitive advantage of low cost manufacturing of export items such as dried fish and carpets.

As we understand, women and children migrate in search of work. But they become victims of trafficking because of their vulnerability.

It is alleged by the human rights organisations that governments of South Asia have shown reluctance to recognise the social, economic and political dimensions of the problem. They add that policies and procedures, therefore, do not address the reality of the situation of illegal migrants and the victims of trafficking.

The human rights and legal aid groups feel that there is an immediate need to build up a support system for women victims of illegal migration and trafficking which may be achieved through non-government, human rights and women rights organisations.

In line with that Ain O Salish Kendra arranged a workshop on 'Setting up support system for women migrant workers' in Dhaka on December 3-6, 1993. Representatives of non-government women rights, and human rights groups of India, Pakistan, Nepal and Bangladesh participated in the workshop.

The Daily Star talked to three Pakistani participants and one Nepali participant.

girls trafficking. She is also the president of Nepal Association for Women Studies and general secretary of South Asian Association for Women Studies.

Nafisa Hoodbhoy, now staff reporter for the Dawn of Pakistan, previously worked for two years in New York for the Guardian.

Nafisa Shah, a reporter with the News Line, a monthly from Karachi, has written several



Durga Ghimire

stories on migration in general. The excerpts of the interview follow:

The Daily Star (DS): Who are behind the girls trafficking?

Durga Ghimire: Girls trafficking is one of the lucrative business in Nepal and other region of the south Asia. So different segment of the society is involved in this business. Parents, close relatives, husbands, local pimps, so-called political activist, brothel keep-

ers of India all are involved in this business. There are cases to suggest that even parents knowingly sell their daughters, husbands willingly selling their wife, brothers are engaged in selling their sisters and close relatives are also selling young girls for prostitution.

DS: Would you please describe the process of girls trafficking?

Durga Ghimire: It has been observed that parents' intention is one of the important factors. There are some districts where parents themselves intend to sell their daughters. Abduction is another major factor of girl trafficking. Fake marriage, kidnapping are yet other factors for girls trafficking. Sometimes women lure young girls with promises of good jobs in the cities and take them to India for prostitution. Being uneducated and unexposed to the world, these girls easily believe the false assurances and end their lives in a dark, dingy room.

What is the legal provision for stopping this illegal trafficking of the young girls? It is a fundamental question. Though prostitution is illegal in Nepal and there is no red light area for prostitution like other countries of the world, yet this trade is flourishing in Nepal. Actually we have very strong laws related to illegal trafficking of the girls. According to our existing law, there are serious penalties for the trafficking of people.

DS: What has happened in

the case of Bangladeshi women?

Nafisa Hoodbhoy: When Bangladeshi women are caught by the police, they are charged on double counts — one is illegal entry, and the other is under the Zina Ordinance. Now, the Zina Ordinance means that you can be punished for sex out of marriage. The problem is that the women who are brought to



Nafisa Hoodbhoy

Pakistan had no previous idea that they could be taken to the prostitution. Therefore, the law should not be applied to these Bangladeshi women. But, instead they find themselves trapped by the law and punished. And under the Zina Ordinances, they have to serve sentences in the jails. So, hundreds of Bangladeshi women are languishing in the jails of Pakistan.

DS: What are the factors re-

sponsible for the flesh trade in the light of recently concluded workshop?

Nafisa Shah: I think it is interconnected with the whole migration issue. I think the flow of the people has been a natural outcome of the search for jobs with increasing tensions and political differences. As a result the whole underground network, as it is ruled by pimps and dalals, can make use of the situation to make big money on it. They can exploit women, child labour.

DS: What is your experience?

Nafisa Shah: I have not worked so much on this particular aspect. I have dealt mostly in general with the whole issue of migration. And I have worked on the kind of work the women migrant search for.

However, the stories are very common. Each story resembles the other. But what upsets me the most is, if you talk to them you feel a sense of total displacement. I think they are psychologically so affected that it is difficult to foresee that they will ever settle down. Because these women are taken from one place to another.

They have been left in the dark. And then they are on continuous move. It is impossible to get out of it. Even if they were placed into homes, they keep running away. The dalals find and confine them. And they keep coming back.

DS: Do you think the existing laws are adequate? If not so, what are the loopholes?

Nafisa Shah: There are two