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**ILLEGAL MIGRATION BY SEA IN SOUTH ASIA: EVALUATING  
LAWS AND POLICIES TO COMBAT HUMAN TRAFFICKING**

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**Abstract**

South Asia is one of the most admired places in the world as it is much praised for its rich culture heritage with its divine nature but on the other hand it is also known for its rising rate of human trafficking. Although being an illegitimate act still considered it's an integral part for generating the traditional economy in regions of South Asia. If we look at a close eye of the entire world then we can surely understand that this problem of human trafficking is slowly getting a global problem which is found growing in numerous countries. In this abstract we will evaluate various laws and guidelines at combating the rising problem of human trafficking by the medium of sea in South Asia. We will also deal with the issue of human trafficking and how it's becoming more challenging with the passage of time. We will vividly analyze the existing laws practiced against the dangerous situation and what can be the effective measures that can improve its legal framework. We will point out the evils as how people practicing trafficking in South Asia and how hazardous it is becoming with the passing of time.

**An General Overview on Trafficking**

The illegitimate act of trading of people, goods as well as services is called Trafficking. We usually used this term in context of human trafficking, which consist of the recruitment, transport, transmission, harbouring, or trafficking of people by using power, pressure, or deception, with the prior aim of exploitation. The on-going act of human trafficking is considered as a serious act where human rights are violated plus it involves several exploitations like enforced labour upon people, being sexually exploited, plus spontaneous slavery. Throughout the periods of time, the act of human trafficking is considered as one of the gravest crime where the basic human rights are seriously violated. This serious crime can be combated only by the medium of global teamwork, enforcement of effective laws with several administrations working in order to spread the awareness with implementing effective measures, and various organizations working to raise awareness, inhibit trafficking, and

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supporting the victims. The primary push element which is increasing trafficking in such dynamic rate is poverty. Due to the leading problem of poverty it becomes quite challenging to fulfil the basic need and in order to accomplish all the needs one chooses the path to migrate. Apart from poverty, discrimination on the basis of gender and lack of social capital leads to such problems. There is a need for proper guidelines with programs in order to safeguard the migrants so the migration facilities need to be developed plus the societies needs to be aware of the ill effects of trafficking. The most challenging aspect is constructing the mechanism regarding refining targeting as well as identifying all the risks associated with it. There are several reasons for rising human trafficking, few prominent reason are:

- Poverty and Economic Defencelessness – There is a rising rate of economic hardships with rapidly growing poverty is resulting in creating a vulnerable situation leading to emergent of trafficking. We have very limited scopes for employment and due to the lack of financial matter one is pushed to be vulnerable and follow the path of exploitation via trafficking.
- Rising Illiteracy Rate - We are developing much but still there have been many regions where there is lack of awareness regarding education which is making man vulnerable. Because of the rising rate of illiteracy we fails to understand the risk associate with the problem of trafficking and this can lead to get caught in the trap of manipulation without recognizing its actual outcome.
- Growing Conflict with Political Uncertainty – There are wide number of regions were the population suffers because of political uncertainty as well as the growing conflicts which creates an environment which prone to rely upon human trafficking. Less scrutiny results in population becoming more vulnerable and criminalization taking advantage so, the political conflicts plays a crucial role in stopping of this problem.
- Discrimination – We are currently living at a very modernize world with advanced technologies and brilliance in skills but still we practice the unlawful act of discrimination where one is discriminated on the basis of gender, culture, tradition, and religion which can lead one to be vulnerable towards trafficking. The communities which are side-line usually face a higher risk as they have provided with a very little protection with limited resources.

	No. of Women	Nationality	Location	Time Frame	Source
70% of 1,000 to 10,000	Bangladeshi	Kolkata	Over last 5 years	Sanlaap, 2002	
800  (140 flying CSWs) 30,000	Bangladeshi	Kolkata	1990– 1992	Sanlaap, 2002	Trafficking Watch – Bangladesh Reuters, 1997
2,000	Bangladeshi	Various cities	—	CATW, Asia Pacific <a href="http://www.catwap.org/Ffacts.htm">Http://www.catwap.org/Ffacts.htm</a>	
10,000	Bangladeshi	Mumbai, Goa	—	Trafficking Watch – Bangladesh, Reuters, 1997	
200,000	Nepalese	—	—	Ghimire, 1996	
27,000	Bangladeshi	—	—	Shamim, 2001	
a 2.7% of women	Bangladeshi	Kolkata	—	Central Social Welfare Board, India 1991	

Table: Depicting Number of Trafficked Women in India

Many trafficked women in India are forced to work as a labour, which includes native work, farming, and manufacturing. They are usually seen suffering in harsh atmosphere for a very lengthy duration and at very little amount. Some women are also forced to get indulge in money-making sex business and they also have to experience physical as well as sexual abuse plus compelled to practice activities which are against their will. The trafficked women are often in a situation of bonded labour where they are seen stuck in a debt cycle and therefore the only medium left to repay the money is by serving them. These women are also suffered from psychological abuse which includes beatings, imprisonment, bullying, and several other forms of violence.

### **South Asia and its Growing Human Trafficking by the Medium of Sea**

Human trafficking is a serious problem which has affected several regions worldwide and mostly South Asia with the medium of the sea. In this region human trafficking has been exercised since a long duration of time where the traffickers are rapidly exploiting the routes of seafaring in regards to accomplishing their own illegal activities. South Asia serves as a hub for this offence and it's because of its permeable borders, extensive coastlines, with its

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vulnerability in socio-economic factors. The traffickers have adopted several methods which include following deception, domineering, and using abusive threats makes it a little challenging to maintain the laws firmly in this particular place. When human trafficking is practiced with the help of maritime routes it is efficiently dependent on transportation where individuals are transported from one end to another in order to exercise exploitation like sexual exploitation, contemporary slavery and forced labouring. The rising problem of it can get in control only when there is collaboration with the international zones, efficient laws are enforced and awareness camps are promoted widely in different regions. Trafficking of persons and intra-regional trafficking is practiced most in the Southern Asian regions. The Asian region is prior source for human trafficking in world wide range. Predominately the highest level of trafficking by the medium of migration is still practiced the most in South Asia since the time of 1980s and this level has been driven by the ups and downs of several political as well as socioeconomic factors.

- Mobility through South Asia – The problem of trafficking with its several exploitations are vividly growing because of the well-worn maritime ways. While trafficking, the offenders' primary objective is exploiting the person in course of fulfillment of labor plus services for the desired destination. Even though smuggling and trafficking are quite similar processes as both of them contain the movement of people but in smuggling once the delivery is placed in the destination only then the transaction ends. Countries like Brunei, Thailand, Singapore, Malaysia, Vietnam, Cambodia, Indonesia and Philippines are the primary destinations for labor migrants.
- Feminization of Labor Migration – This was predominating by the men in order to seek employment for sectors which are 'undesirable'. But in recent time the flow of intraregional migration is dominated by the females regarding fulfilling of domestic services. In particular regions like Indonesia and Philippines the female migrant workers are in majority. The significant hub for female workers has been recognized in this particular region only, where the trafficking of women with children is seen most vulnerably.
- Undocumented Immigration – In the area of South Asia there has been a rapid rising of immigration without proper documents. This is practiced especially in Malaysia as well as Thailand. Insufficient instruction of migration methods and absorbent borders can assist the measure of traffickers and sufferers. The deficiency of suitable documents and inaccuracy makes it easier for traffickers to function undetected.

- Routes and Vulnerability in Coastline: The coastlines are the primary reason for extensive human trafficking by sea in the South Asian regions. Due to commencement of several new routes and ports the traffickers have got an opportunity and via this they have spread high exploitation. The victims are transported from one place to another by the medium of routes and the traffickers exploit it. The transportation is sometimes conducted via cruisers, large vessels, and viable containers plus the traffickers are usually seen from the remote area and the primary reason for this can be lack of awareness and proper education.

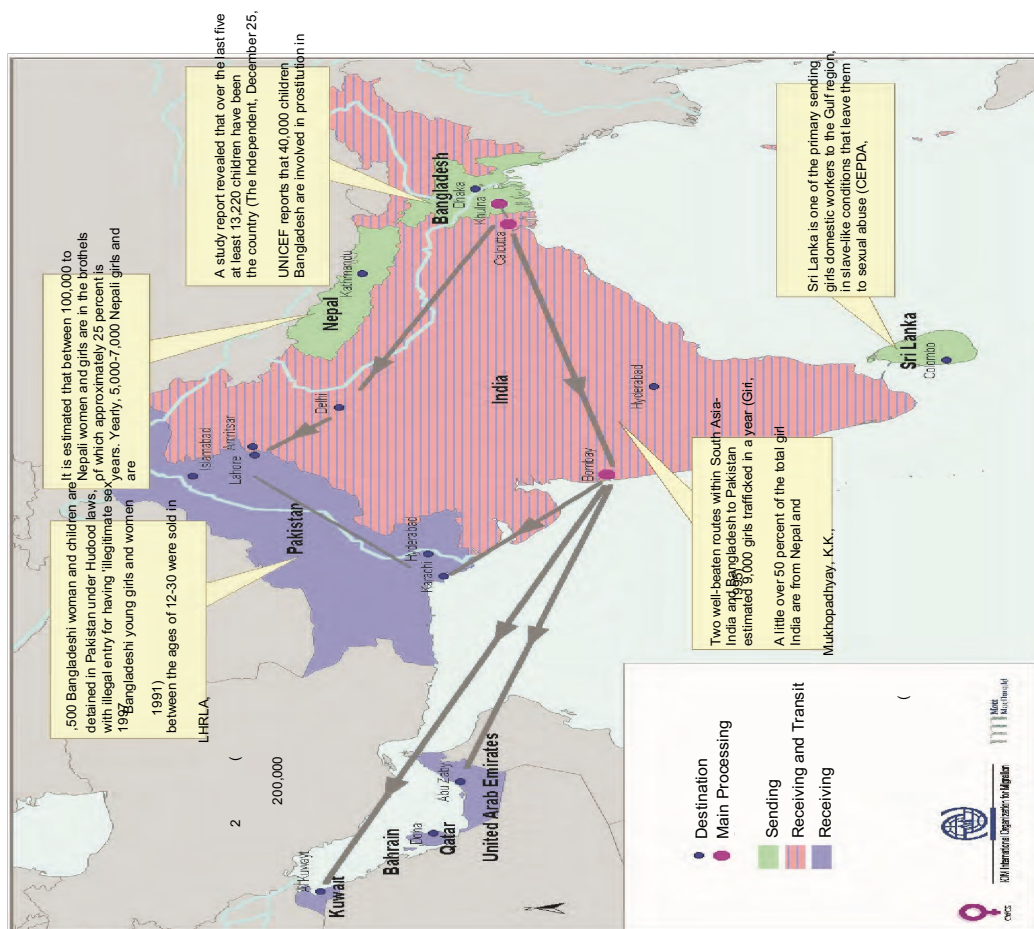


Figure 1: Popular Routes in South Asia for Trafficking  
Source: Shamin, 1.2001.

The above mention figures demonstrates several routes which are vividly used for the purpose of human trafficking. The figures depicts that Sri Lanka is one of the country where girls who works as domestic workers are send to Gulf as slave. Reports suggest that in last 5 years 13,220 children are smuggled out of the country. As mentioned in the figure around forty thousand children from country of Bangladesh are indulging in prostitution in the

country of Pakistan. Survey suggests that in a year more than five thousand Nepali girls as well as women are trafficked. Bangladeshi children plus woman are enslaved in Pakistan against the charge of practicing 'illegitimate sex'. The figure also exhibits that in a year more than 9000 girls are trafficked and the prominent routes chosen to follow this illegal offense are South Asia to Nepal and India to Pakistan.

### **Strategies adopted to reduce Human Trafficking by Sea in South Asia**

The prevention from these problems can be overcome only by inclusive steps which could be resolved only by cooperation by the government, administrations following appropriate laws, collaborating with several NGOs, and by making strong association with international groups. The South Asian countries need to work with improving its relations with its neighboring countries so that jointly they can take initiatives to combat with the problem of human trafficking. Other than this, the government needs to make strict rules and regulations for anti-trafficking which can include giving harsh punishments, imposing high penalties on the practitioners, etc. Conducting camps to increase awareness among people with the aim of educating communities regarding the risks associated with human trafficking. Another very important step is by strengthening the victims by giving them adequate supports by the medium of therapy, providing medical facilities, and conducting rehabilitation programs also provide safe environment to the victims by collaborating with the NGOs.

### **Conclusion**

Human Trafficking is a grave crime which is expanding day by day with the course of time. The Southern Asian region is considered as a substantial source for human trafficking and is also an originating place for this major illegal act. In order to combat the trafficking in the South Asian region evaluating laws as well as policies and undertaking it is a complex but essential process. The first major step need to be undertaken is to provide education especially to the girls and women, no laws and policies should support discrimination, law and policies should primarily be on the basis of social safeties and protection of children, the laws should focus on promoting income, development of rural areas, plus providing training for women regarding their safeguard, the policies should predominantly focus on promoting small-scale business and policies focusing on encouraging women empowerment with establishing child organizations. Apart from this there should be major focus on the international laws, large number of criminal laws and policies regarding the rights for the migratory workers, laws should primary deal with welfare and treatment for victims, it should also provide medical facilities, basic services and accommodation for them, plus the one who have survived from



the trafficking should be given social support and proper job to sustain their lifestyle as they have return to their country. They should also recognize the formal laws plus the traditional laws with providing incentives like proper tax benefits can help the children and the women. If proper laws and policies are ensuring this can enable to build up a civil society with NGOs which will work freely and people based society can be formed plus the policies regarding the cross border collaboration should be made which can include extra- territorial laws, anti-trafficking laws, and strategies for international zones. Therefore, we can sum up that more and more holistic approach should be effectively used in order to reduce this unlawful act and it should emphasis on providing full protection plus reintegration. The most prominent loophole present in our legal system is ensuring prior support to our victims so that the survivors can regain the strength to rebuild a new life plus recover their lost courage. Henceforth, we can say that the government has made much progress but still there is a demand for collective efforts which can be only ensure when national as well as international regions are working together respectively. One needs to focus on embracing the technological progression and develop robust strategies which can successfully eradicate the challenge of human trafficking which is practiced at the sea plus ensure to maintain the welfare of vulnerable inhabitants of the region.

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