

# Migration Gone Wrong

**Linkages between  
Trafficking and HIV**



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## About UNDP-TAHA

The United Nations Development Programme (UNDP) - Trafficking and HIV/AIDS project (TAHA) is working to prevent the trafficking of women and children. The TAHA secretariat is in Delhi. In addition, State Project Management Units (SPMU) have been set up and housed within the State AIDS Control Societies (SACS) in 10 (except Orissa) of the 11 states where TAHA implements its programme. The anti-trafficking goal of the programme is located within a

HIV and AIDS and safe mobility framework. TAHA is supported by NACO, DWCD and DFID and is implemented in partnership with more than 70 local and national partners.

UNDP-TAHA derives its political commitment to address issues related to trafficking, safe mobility and HIV and AIDS from several UN declarations including the most recent UNGASS declaration in which Section 31 includes a commitment on the part of national Governments “to strengthen legal, policy, administrative and other measures for the promotion and protection of women’s full enjoyment of all human rights and reduction of their vulnerability to HIV/AIDS through the elimination of all forms of discrimination, as well as all types of sexual exploitation of women, girls and boys, including for commercial reasons, and all forms of violence against women and girls, including harmful traditional and customary practices, abuse, rape and other forms of sexual violence, battering and trafficking in women and girls.” In addition, the Millennium Development Goals (MDGs) coupled with India’s commitment to achieve zero level increase of HIV /AIDS prevalence by 2007 provide the overall context within which TAHA has been designed and is being implemented.

The TAHA programme is conceptualised within a rights based framework where it seeks to protect the right to safe migration while at the same time addressing trafficking which is one of the most profound violations of the rights of an individual. Trafficking of persons for sexual exploitation has been identified as one of the drivers of the HIV and AIDS epidemic. It is recognised that those being trafficked are vulnerable to HIV and lack support systems, autonomy and choice to be able to protect themselves from getting infected. TAHA therefore sees its anti-trafficking goals as contributing toward developing models for a long-term response to HIV. In addition, the emphasis is on a community based approach for partnership building with those who are most vulnerable to HIV and most affected by the epidemic. In addition, TAHA integrally addresses the structural issues - gender-based inequity and economic disempowerment - that result in women being disproportionately infected and affected by HIV and AIDS as well as being trafficked in large numbers.



“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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. 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.”

*- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (2000)*

“Human trafficking is defined as the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion, for the purpose of subjecting that person to involuntary servitude, peonage, debt bondage, or slavery.”

*-Trafficking Victims' Protection Reauthorization Act of 2005.*

## Foreword

The linkages between trafficking and HIV, on the face of it, are obvious; both in terms of risk and vulnerability of trafficked victims to HIV infection. However, these linkages have only just been explored; till very recently, trafficking and HIV have been dealt with separately, neither mainstreamed into the other.

The legal and policy framework within which we engage with the issue of internal trafficking in India is, at the very least, a very limiting one. It is based on a narrow understanding of trafficking, namely trafficking equals commercial sexual exploitation. The current legal framework tries to regularize and control sex work in order to reduce trafficking; and in doing so addresses the outcomes of trafficking through increased policing and a 'crime' reduction strategy. The existing policy and legal framework still does not address trafficking that occurs due to increased demand for cheap labour, for instance. It also does not take into account trafficking as a function of unsafe migration.

During the implementation of the UNDP-TAHA project we learnt that most key stakeholders also have a simplistic and linear understanding of trafficking. This affects the way the issue is addressed through programmes. Any root cause problem analysis of trafficking will demonstrate beyond doubt that the issue needs to be addressed at the fundamental level of development, lack of adequate livelihoods opportunity at the source, unequal gender relations, increasing gap between the rural hinterlands surrounding rapid urban growth. However, if the problem is not analyzed in the above context, then the programmes designed to address the issue remain limited to either policing or rescue and rehabilitation strategies; in addition, the programmes, willy nilly, hold the existence of sex work itself responsible for trafficking of women and girls... a simplistic derivation of the demand and supply construct.

As is amply evident from this study, the linkages between trafficking and HIV have to be increasingly addressed within the complex framework of unsafe migration. Internal migration is a growing phenomenon in India, in need of policy and legal frameworks that support the rights of internal migrants in order to make their journey safe. Migration is a human right; and it is indeed the state's duty to provide an enabling environment within which this right is exercised and upheld. However, much needs to be done in this regard.

Mona Mishra

## Introduction

Human rights are inherently linked to gender issues. The Universal Declaration of Human Rights states unequivocally that men and women have equal human rights. Women and men, boys and girls, experience poverty and deprivation when they are denied the right to livelihoods, water, education and health, protection and security, a voice in public life, or freedom from discrimination. The definition of poverty goes beyond the purely economic to encompass capabilities, powerlessness and inequity.

Addressing gender-based violations of human rights is a crucial aspect of any government development and anti-poverty work. Institutions and structures are predominantly shaped around men, and therefore both reflect existing inequalities and gendered power relations in society, and help to constitute them. By excluding women's voices, they work to the advantage of men as a group and the exclusion and disadvantage of women. Whilst recognizing the many different ways in which women and men across the world are influenced by race, class, caste, colour, sexuality, age, religion, politics, disability and other elements of identity, we can say that women's overall access to and power within institutions and structures is systemically limited because of gender inequality and discrimination.

Human trafficking is one of the most critical human rights abuse issues of our times which in turn makes it a significant area of intervention for those trying to address gender, HIV and poverty issues. "Human trafficking is defined as the recruitment, harboring, transportation, provision, or obtaining of a person for labour or services through the use of force, fraud, or

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