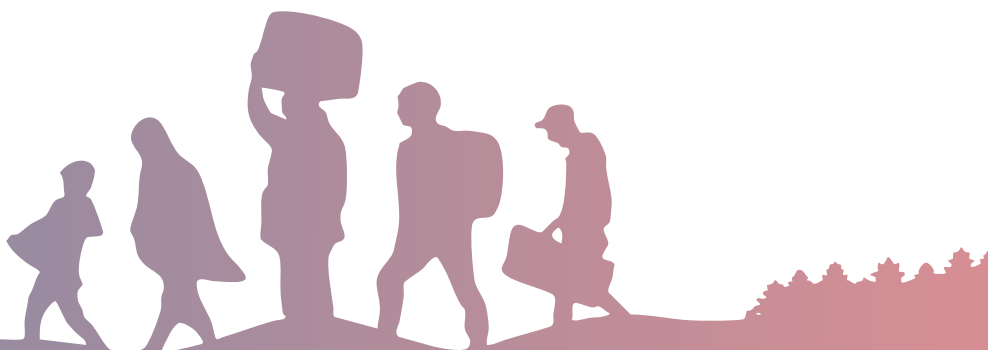


A DESK STUDY

STATUS OF MIGRATION & HUMAN TRAFFICKING IN SOUTH ASIA



Approximately 1.94 billion people currently reside in nine countries of Southern Asia: Afghanistan, Bangladesh, Bhutan, India, Iran, Maldives, Nepal, Pakistan and Sri Lanka.¹ The movement of people within South Asian countries and from South Asia to other parts of the world has been a common practice for decades. Among the 13.9 million migrants residing in South Asia by mid-2020, 10.9 million were from the sub-region itself. Likewise, nearly 43.4 million people from this sub-region reside in other parts of the world.² Furthermore, extra-regional migrants from South Asia have increased rapidly in the past two decades. Asian Economic Integration Report 2022 highlighted that the extra-regional migration shares of South Asia increased from 49.8 percent to 73.0 percent between the period of 2000 to 2020. Significant movement of South Asians is in the Middle East, where their population has tripled in the past two decades.³ The rapid population growth is due to an increase in youth population and an influx of migrant workers, which put countries like Kuwait and Oman into the top 10 fastest-growing populations.⁴

South Asia is also a region that hosts refugees and Internally Displaced Persons (IDP) as a result of conflicts, disasters, and extreme weather events occurring within and beyond the sub-region. Pakistan, Iran, and Bangladesh host the highest number of refugees, where 2.7 million Afghan refugees are currently residing in Pakistan, while Iran and Bangladesh host nearly 0.7 million Rohingya refugees from Myanmar.⁵

Many South Asian nations, such as Nepal, India, Bangladesh, Pakistan, and Sri Lanka are also important origins for labor migrants in the Gulf Cooperation Council (GCC) countries and many other countries around the world.⁶ Among the top 20 male-dominant migrant corridors stated in the World Migration Report 2024, 16 are connected to Bangladesh, India, Pakistan, and Nepal, with destinations of South Asians in the Gulf being Qatar, Oman, Bahrain, United Arab Emirates, Kuwait, Saudi Arabia.⁷ Likewise, among the top 20 female-dominant migrant corridors, two of them are related to India-Nepal and Nepal-India migration, and three others relate to Bangladesh and three other Southeast Asian countries, namely, Malaysia, Indonesia, and China.⁸

1 UN DESA, 2020

2 UN DESA, 2020

3 <http://dx.doi.org/10.22617/TCS220041-2>

4 The world's fastest-growing populations are in the Middle East and Africa. Here's why

5 UNCHR, 2020

6 <https://www.migrationdataportal.org/regional-data-overview/southern-asia>

7 <https://publications.iom.int/books/world-migration-report-2024>

8 <https://publications.iom.int/books/world-migration-report-2024>

Migration has always appeared as a coping or adaptation option for many people when households are confronted with the impacts of conflicts and climate hazards. The search for employment opportunities elsewhere has often been seen as the primary pathway to livelihood, leading to a consistent influx of migration from rural to urban areas, as well as from low-income to high-income countries, both short-term and long-term. While some of these migrations occur in a safe, dignified, and orderly manner, many others involve risky and irregular routes, increasing migrants' vulnerability to exploitation at every stage—from source to transit to destination.

Migrants are particularly vulnerable to human trafficking when the state and society are unable to protect them through policy and programmatic measures. Vulnerability further increases when people are fleeing from conflict, violence, and disasters, as they move in an unplanned and irregular manner in such situations. Those dislocated from community and family support structures, and without access to legitimate forms of employment, legal status and social protection are also at risk of trafficking. People working in areas or sectors that receive less or no attention from the state, particularly in informal sectors that are either not covered or may even be excluded from existing labor laws or social protection systems of the state.⁹ People from all segments of society are vulnerable to trafficking, however, children, adolescents, women, and girls are most vulnerable to human trafficking, forced labor and modern slavery. Women and girls are trafficked for domestic work, the sex industry and forced marriage, while men are more likely to be exploited in forced labour in the construction and manufacturing sectors.¹⁰

Human trafficking has become a highly profitable crime with minimal legal consequences, attracting numerous criminal networks that exploit migration under various pretexts. This has led to a rise in trafficking operations across different forms of migration, increasing the risks of exploitation at every stage—from source to transit to destination.¹¹ Globally, human trafficking ranks third most serious illegal crime behind drugs and arms smuggling, which is valued at around 32 billion USD.¹² Human trafficking has also stood as a glaring problem in South Asia and this is further justified by the 2021 data from the CTDC, which states that a total of 3.85 percent of all Asian trafficking victims are from this part of the world.¹³ In the past, it was assumed that women, men, and children with low socio-economic backgrounds are more prone to trafficking. Lately, trafficking dynamics have changed across the globe where people regardless of their socio-economic status are at risk of trafficking and that is largely influenced by the country's socioeconomic and political situation, the onset of

9 https://publications.iom.int/system/files/pdf/migrants_and_their_vulnerability.pdf

10 https://publications.iom.int/system/files/pdf/migrants_and_their_vulnerability.pdf

11 <https://www.unodc.org/toc/en/crimes/human-trafficking.html>

12 http://www.unodc.org/documents/data-and-analysis/tip/Global_Report_on_TIP_2023.pdf

13 CTDC, 2021

sudden crisis and disaster events, and people's heightened urgency to leave their country or community. Climate change and its subsequent impacts are also considered as one of the most recent phenomena contributing to migration and human trafficking across the region.

2 South Asian countries partnership at regional initiatives to manage migration and trafficking

One of the most significant international frameworks addressing human trafficking and labor migration is the United Nations Convention against Transnational Organized Crime.¹⁴ The convention provides a comprehensive foundation for global efforts to combat trafficking and promote safe migration. Following this, several regional and sub-regional processes have been established in the Asia Pacific region to facilitate the safe, orderly, and dignified labor movement of the people. The Colombo Process, for example, focuses on the protection of and provision of services to migrant workers and optimizing the benefits of organized labour migration for both sending and receiving countries along with the migrants and their families.¹⁵ Another process is called Abu Dhabi Dialogue,¹⁶ which focuses on action-oriented partnerships for development between countries of origin and destination of temporary contractual labour based on the notion of shared responsibility.

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime¹⁷ is another non-binding, international, multilateral forum to facilitate cooperation and collaboration, information-sharing and policy development on irregular migration in the Asia-Pacific region and beyond.

In order to facilitate the regional response to combat human trafficking, the South Asian Association for Regional Cooperation (SAARC)¹⁸ member nations signed a Convention on Preventing and Combating Trafficking on Women and Children for Prostitution 2002, which aims to promote mutual assistance between member states for prevention, interdiction, and suppression of trafficking in the region.

The Global Forum on Migration and Development (GFMD)¹⁹ is a global mechanism that provides a platform for dialogue on the contribution of migration to development, facilitates the sharing of knowledge and practices among countries and stakeholders and promotes international cooperation and partnerships.

14 UN Convention against Transnational Organized Crime and the Protocols thereto

15 colombo_process_brief.pdf (iom.int)

16 ADD - Research Papers_Theme 4.pdf (abudhabidialogue.org.ae)

17 Combatting Transnational Crime | About The Bali Process

18 Microsoft Word - SAARC Plan of Action on Labour Migration (ceslam.org)

19 Background and Objectives | Global Forum on Migration and Development (gfmd.org)

Global Compact for Safe, Orderly and Regular Migration (GCM)²⁰ focuses on forging a common understanding about migration and sharing responsibilities to make it safe, regular, orderly, and advantageous for everyone. It is guided by the vision of ‘common understanding, shared responsibilities, and unity of purpose regarding migration’ and is based on a set of crosscutting guiding principles of people-centred approach, international cooperation, national sovereignty, rule of law and due process, sustainable development, human rights, gender-responsiveness, child-sensitivity, whole-of-government approach, and whole-of-society-approach.

The table below provides an overview of South Asian nations’ participation and engagements in different regional and global processes;

Regional	Countries (by membership)								Iran
	Afghanistan	Bangladesh	Bhutan	Maldives	Nepal	Pakistan	Sri Lanka	India	
Colombo Process			NA	NA					NA
The Abu Dhabi Dialogue			NA	NA					NA
South Asian Association for Regional Cooperation									NA
The Bali Process on People Smuggling, trafficking in Persons and Related Transnational Crime									
The Global Forum on Migration and Development									

20 Global Compact for Safe, Orderly and Regular Migration (GCM) | OHCHR

Ratification of International Instruments from South Asian Nations

It is also imperative to understand the ratification of international instruments by different South Asian nations. The table below will provide an overview of the current ratification status.

Human Rights instruments on migrant rights/ trafficking	Countries (who ratified/ acceded)								
	Afghanistan	Bangladesh	Bhutan	Maldives	India	Nepal	Pakistan	Sri Lanka	Iran
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	N/A		NA	NA	NA	NA	NA		NA
United Nations Convention against Transnational Organized Crime - Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children	Acceded	Acceded	Acceded	Acceded		Acceded	Acceded		NA
- Protocol against the Smuggling of Migrants by Land, Sea and Air	Acceded	NA	NA	NA		NA	NA	Signed only	NA
UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)	Acceded		NA	NA					Signed only
ILO Forced Labour Convention 1930 (No.29)	NA		NA						
Protocol of 2014 to the Forced Labour Convention, 1930	NA		NA	NA		NA	NA		NA
Abolition of Forced Labour Convention, 1957 (No.105)			NA						
Worst Forms of Child Labour Convention, 1999 (No.182)			NA						

4 Current situation of human trafficking in South Asia

South Asia has been a cradle for trafficking activities. Between 2017 and 2021, the number of detected trafficking victims in South Asia reveals significant changes across different countries, reflecting diverse regional challenges (Table 3). India consistently reported the highest number of trafficking victims, with totals rising from 29,471 in 2017 to 31,548 in 2021, building up to a staggering sum of 146,745 over the five years. This figure far surpasses any other country in the region, highlighting India's serious trafficking issues. Bangladesh, though showing a dramatic drop in 2019 and 2020, still recorded a substantial 4,602 victims over the five years, marking it as another key area of concern. In contrast, Bhutan and Maldives reported relatively low numbers, with Bhutan reaching 2,257 and Maldives 69 over the same period, indicating less severe trafficking problems. Nepal, though experiencing fluctuations, reported a total of 14,279 victims, reflecting significant regional challenges. Pakistan and Sri Lanka, with totals of 2,212 and 625 victims, respectively, also contribute to the overall trafficking landscape, but on a smaller scale compared to the major players. Collectively, South Asia's total of 170,837 detected victims underscores a pressing regional issue, with India and Bangladesh being the most affected countries, revealing the need for targeted intervention and comprehensive strategies to combat trafficking in the region. It is to be noted that these figures only represent reported and recorded cases; the actual number of trafficking victims is likely to be much higher, as unreported cases sizably outnumber the documented numbers.

Table 3: Number of detected trafficking victims

Countries	Year					
	2017	2018	2019	2020	2021	Total
Afghanistan	12	12	12	8	4	48
Bangladesh	2718	1860	12	8	4	4602
Bhutan	52	60	640	1501	4	2257
India	29471	28718	33408	23600	31548	146745
Maldives	12	12	18	18	9	69
Nepal	1270	3272	1968	6918	851	14279
Pakistan	12	12	52	2132	4	2212
Sri-Lanka	52	212	117	123	121	625
South Asia	33599	34158	36227	34308	32545	170837

Source: dataunode.org.un

As per the Trafficking in Persons (TIP) report published by the US State Department in 2024, all South Asian Countries fall between Tier 2 and Tier 3 categories, reflecting the severity of the problem in the sub-region. The TIP report uses a tier system to rank countries based on their efforts to combat human trafficking. Tier 1 includes countries whose governments fully meet the minimum standards laid under The Trafficking Victims Protection Act (TVPA) for the elimination of trafficking. Tier 2 are those countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance. On the other hand, Tier 3 includes countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so, such as countries lacking strong anti-trafficking laws or which have failed to enforce existing laws effectively.

Tier 2	Tier 2 Watch List	Tier 3
Bhutan	Maldives	Afghanistan
Pakistan	Nepal	Iran
Sri Lanka	India	
Bangladesh		

5

Dynamics of migration and human trafficking in South Asia

The review reveals many interesting dynamics of migration and human trafficking in South Asia. The following are the major ones in this regard:

1. **South Asian nations as labor sending and receiving countries:** While assessing the migrant worker sending and receiving the status of the South Asian nations, seven countries, namely, Nepal, Bangladesh, Pakistan, India, Bhutan, Sri Lanka, and Afghanistan, can be considered as labour-source countries, whereas Maldives, Bhutan, Nepal and India can be considered as labor-destination countries. Notably, Bhutan, India, and Nepal are classified as both labour-sending and receiving countries. Interestingly, Nepal and India fall under the category of labour-receiving countries, simply because of the Nepal-India Friendship Treaty signed in 1950 allows people from both countries to travel from one country to another without a visa and even to get involved in various jobs without a work permit.

2. Cross-border movement as an influencing factor for unsafe migration and human trafficking: The migration and trafficking dynamics of South Asia can also be viewed from the cross-border point of view. Weak cross-border management initiatives is one of the key constraining factors behind the increased number of human trafficking in South Asia. Among the South Asian nations, Sri Lanka and Maldives have the least cross-border trafficking problem. However, for the rest of the countries, cross-border dynamics have played a greater role in increasing human trafficking and unsafe migration incidents in the region. In particular, the review reveals, four major migration corridors in South Asia, particularly crucial from the migration and trafficking aspects.

The Nepal-India cross-border movement is a critical one, as these two countries share more than 1400 kilometres long open borders, with limited checkpoints. Hundreds of trafficking cases are reported in this migration corridor, and thousands of them go unreported due to weak border regulation and management to minimise the trafficking incidents. Border guarding forces such as the Border Security Force (BSF) of India, the Bangladesh Border Guard (BGB), and the Sashastra Seema Bal (SSB) have a significant role to play in patrolling the border regions. Despite their efforts, the porous nature of the border and insufficient coordination often hinder the effective prevention of human trafficking across international borderlines. Also, there are no formal agreements between Nepal and India to combat human trafficking.

India-Bangladesh cross-border dynamics is also a crucial one. Although the border is not open and both countries have adopted some strict border protection and regulation measures, there are still thousands of cross-border trafficking and irregular migration cases between these countries. In particular, the irregular migration and trafficking of people from Bangladesh to the Indian side have been a continuous practice for a long, and this has stood as a critical threat to the migration and trafficking aspects.

- a. Afghanistan-Pakistan cross-border issue is another critical one in South Asia due to the mass movement of refugee populations from Afghanistan to Pakistan. Thousands of men, women, and children from Afghanistan who are desperate to leave the country have crossed the border through an irregular channel and with the support of traffickers. Many Afghan women and children have also been trafficked to Pakistan and third countries where the Afghanistan-Pakistan cross-border dimension has played a greater role. On the host country-side, the refugee camps in Pakistan and Bangladesh are prone to increasing incidents relating to human trafficking.
- b. India-Bhutan cross-border dimension is not so significant as compared to other migration corridors mentioned above, but lately, it has come out as an emerging cross-border problem from the trafficking and unsafe migration point of view. A

number of irregular migration and human trafficking cases are observed in the India-Bhutan border, where men, women, and girls from Bhutan are trafficked to India.

- c. India is at the centre of three out of four cross-border issues mentioned above has developed as a transit hub for South Asian nations involved in all forms of third-country human trafficking.²¹²² India, in itself, is a big market for engaging trafficked persons in forced labor, commercial sex work, organ trafficking, and many other illicit purposes. India serves both as a key market and a transit for third country transit point for human traffickers in South Asia.²³²⁴

3. South Asian nations as refugee hosting nations: Pakistan and Bangladesh are two major nations hosting a significant number of refugees from other countries, whereas other South Asian nations host a negligible number of refugees and asylum seekers. Pakistan hosts, nearly 3.1 million Afghan refugees, of which many of them are unregistered,²⁵ who entered Pakistan through the support of traffickers and corrupt border guards, rather than the regular crossing of the border with the completion of the due registration processes. Bangladesh hosts 0.7 million Rohingya refugees, who entered Bangladesh after the civil strife in bordering Myanmar. Lack of adequate management of refugee camps and inefficient protection mechanisms have put hundreds of refugees, particularly, women, girls, and children, at risk of human trafficking within and beyond the host nation. There are already several cases where refugees from these camps are either trafficked or attempted to be trafficked by smugglers. This shows a critical need to take the refugee protection issue seriously to prevent them from being trafficked.

4. South Asian nations sending and receiving women and girls for commercial sex purposes: When assessing the sex trafficking dimension, the review reveals that Nepal, Bangladesh, Afghanistan, and Sri Lanka are primarily source countries within and beyond the South Asia region. Maldives and Sri Lanka to some extent, are identified as destination countries of trafficked women and girls for commercial sex purposes, particularly to support their tourism industry. However, no concrete evidence of sex trafficking is found in the case of Bhutan and Pakistan, thus making it difficult to categorize them as either sending or receiving countries from the sex trafficking point of view.

5. Child trafficking and forced labor trafficking are everywhere in South Asia: Trafficking for forced labor and child trafficking are observed in all South Asian nations, and it has both internal and external dimensions.

21 <https://publications.iom.int/books/baseline-study-cross-border-migration>

22 https://www.unodc.org/documents/southasia/Multicountry_study_TIP_SOM_NEPAL_2019.pdf

23 <https://publications.iom.int/books/baseline-study-cross-border-migration>

24 https://www.unodc.org/documents/southasia/Multicountry_study_TIP_SOM_NEPAL_2019.pdf

25 Document - Pakistan - Afghanistan Situation Refugee Response Dashboard, as of December 2023 (unhcr.org)

Despite a few country-specific characteristics, most of the South Asian nations are more or less in similar situations in terms of their trafficking response status. Most of the legal framework adopted by South Asian countries is not fully in line with the existing international standards; implementation processes are poorly funded; operating with weak institutional structures and with several procedural lapses; and the main authorities lack an adequate understanding of this complex and intertwined issue. Some specific trends are as follows;

Causes of human trafficking and unsafe migration: One common trend observed in the region is that the vulnerability factors facilitating human trafficking and unsafe migration cases in all South Asian nations are more or less the same. In general, chronic poverty, illiteracy, debt bondage, economic hardship, livelihood crises, caste and gender discrimination, and domestic violence are found as some underlying causes leading to human trafficking and unsafe migration.²⁶²⁷ Climate change and extreme weather events, political crises, and protracted conflicts observed in almost all South Asian nations have also forced thousands of people to migrate through irregular channels and with the support of smugglers.²⁸ The rise of violent extremism in some countries, such as Pakistan, and Bangladesh, and especially the re-emergence of Taliban in Afghanistan, has also contributed to human trafficking and unsafe migration. The activities of these extremist groups in the region have either forced people to live in their usual place of residence or forcibly joined their group as militants or with other assigned roles. In such situations, they become vulnerable to trafficking as they may rely on smugglers or traffickers for safe passage. Additionally, extremist groups often forcibly recruit people, including children, as militants, laborers, or for other exploitative roles, which constitutes a form of human trafficking.

Despite the growing number of human trafficking and unsafe migration cases, preventive actions such as awareness-raising activities to adopt regular migration, comprehensive pre-departure orientation to minimize the risk of trafficking, and the campaigns against human trafficking among the most vulnerable audience seem ineffective or under-reached among the targeted groups.²⁹

More importantly, existing preventive measures have failed to protect women, children, refugees, and other vulnerable groups from being trafficked in almost all South Asian nations.

26 <https://publications.iom.int/books/baseline-study-cross-border-migration>

27 https://www.unodc.org/documents/southasia/Multicountry_study_TIP_SOM_NEPAL_2019.pdf

28 <https://publications.iom.int/books/world-migration-report-2024>

29 <https://www.iom.int/sites/g/files/tmzbdl486/files/country/AP/impact-of-covid-19-on-trafficking-in-persons.pdf>

Nature and characteristics of migration and trafficking in South Asia: While assessing the nature and characteristics of migration and trafficking in South Asian countries, one common and emerging trend we can observe is that a significant number of trafficking incidents in the most recent years occurred under the rubric of foreign labor migration. Misuse of travel and work permits, especially student and visit visas, and presentation of fake job contracts is other common trends in most of South Asian nations. The aftermath of disaster, the eruption of political and armed violence, and extreme weather events are particularly critical moments to bolster the unsafe migration and human trafficking incidents within and beyond the country. In particular, people displaced from climate change events, who are living in temporary shelters are at risk of trafficking, as these settings often attract criminal actors where affected families find ways to escape from the crisis.³⁰

The rise of entertainment sectors in many South Asian nations, such as Nepal, Sri Lanka, Maldives and India is also observed as a triggering factor behind the increased number of internal, cross-border and transnational human trafficking.³¹ Likewise, a high demand of South Asian women and girls in global entertainment industries has further contributed to transnational human trafficking through the misuse of visits as well as work visas.

The proliferation of online recruitment with the excessive use of use of technology and social media platforms to establish connection with potential migrants even from a remote distance and without giving adequate information about himself/herself have been a very common practice adopted by traffickers/smugglers in recent times.³² This trend is further reinforced by the expansion of smugglers' networks throughout the region. The easy availability of smugglers in all parts of the region has made things easier for desperate migrants to get connected with them and ask for their assistance to facilitate their travel abroad. It also noticed that migrants from Nepal, Bangladesh and India have normally followed the same routes and used similar smuggling networks to facilitate their travels abroad through irregular channels.³³³⁴

Trafficking of vulnerable groups: One common trend observed in South Asia is that individuals vulnerable to socio-economic and environmental conditions are more prone to trafficking. People living in vulnerable situations often look for opportunities to escape their present condition and hope to grab better opportunities in their lives. In 2015, the Nepal earthquake left thousands displaced, which led to a steep rise in trafficking cases, especially among women and children.³⁵ Similarly, the 2022 floods in Pakistan created heightened vulnerabilities, with traffickers exploiting displaced families under the guise of providing

30 https://publications.iom.int/system/files/pdf/mecc_infosheet_climate_change_nexus.pdf

31 https://asiafoundation.org/wp-content/uploads/2022/02/Sri-Lanka_Optimizing-Screening-and-Support-Services-for-Gender-Based-Violence-and-Trafficking-in-Person-Victims.pdf

32 <https://www.state.gov/reports/2024-trafficking-in-persons-report/>

33 <https://publications.iom.int/books/baseline-study-cross-border-migration>

34 https://www.unodc.org/documents/southasia/Multicountry_study_TIP_SOM_NEPAL_2019.pdf

35 <https://www.thenewhumanitarian-org.webpkgcache.com/doc/-/s/www.thenewhumanitarian.org/feature/2017/04/26/preying-disaster-how-human-trafficking-has-spiked-quake-shattered-nepal>

employment or aid.³⁶ In such conditions, traffickers take advantage of people's vulnerability and push them towards trafficking. In exception, South Asians belonging to wealthy and educated families, with an aspiration to live in affluent Western nations, are also trafficked.

Trafficking of children: The rise in child trafficking incidents for purposes such as bonded labor, child marriage, and illegal adoption, along with the increasing use of the Internet for exploitation, have been a common and emerging trend across all regions. In Bangladesh, traffickers often target children from flood-affected areas for labor exploitation.³⁷ In India, child marriage practices often get spiked up during festival seasons or disasters when dowry expectations are lower.³⁸

Response policies, strategies, and mechanisms for curbing human trafficking and unsafe migration: All South Asian nations have adopted anti-trafficking and migration management policies and strategies based on their own understanding of the context.

All South Asian nations have adopted anti-trafficking and migration management policies and strategies based on their own understanding of the context. For instance, for years Nepal has had mandatory pre-departure training for migrant workers awaiting labour permits.³⁹ India has established anti-trafficking units and initiated schemes such as Ujjawala for the rescue and rehabilitation of trafficking victims.⁴⁰ Sri Lanka has enacted legislation to monitor recruitment agencies and ensure safer labor migration pathways.⁴¹ Bangladesh has prioritized bilateral agreements with destination countries to protect migrant workers' rights and prevent exploitation.⁴²

However, many of those do not meet an international standard, in particular in defining trafficking as well as justice to the trafficking survivors in a comprehensive manner and in line with the Palermo Protocol⁴³ and evidence-based strategies for addressing the problem are often found missing in most of these policies and strategies.

It is also noted that every South Asian country has adopted fragmented migration governance frameworks dealing with each sector differently, but not allocating a strong and workable coordination space among those frameworks. For example, institutions and

36 <https://southasianvoices.org/pol-m-pk-n-climate-change-human-trafficking-03-20-2024/>

37 <https://theworld.org/stories/2015/09/01/after-floods-come-human-traffickers-these-girls-are-fighting-back>

38 <https://www.downtoearth.org.in/climate-change/extreme-weather-events-lead-to-increase-in-child-marriages-study-91520>

39 [https://pubmed.ncbi.nlm.nih.gov/39058192/#:~:text=Pre%2Ddeparture%20orientation%20training%20\(PDOT,migrant%20workers%20awaiting%20labour%20permits.](https://pubmed.ncbi.nlm.nih.gov/39058192/#:~:text=Pre%2Ddeparture%20orientation%20training%20(PDOT,migrant%20workers%20awaiting%20labour%20permits.)

40 <https://www.india.gov.in/ujjawala-scheme-prevention-trafficking-and-rescue-rehabilitation-and-reintegration-victims-trafficki>

41 <https://www.srilankalaw.lk/s/1153-sri-lanka-bureau-of-foreign-employment-act.html>

42 <https://www.ohchr.org/en/press-releases/2017/04/committee-protection-rights-migrant-workers-considers-initial-report>

43 <https://winrock.org/wp-content/uploads/2023/04/JDR-3-Topic-1-Final-Report.pdf>

policies dedicated to human trafficking response should be linked with the institutions and policies dedicated to foreign labor migration management. However, this is not the case in many instances, as all these different governance frameworks have more or less operated in isolation with limited coordination with each other.

Several South Asian nations, including Nepal, Sri Lanka, and Bhutan, have implemented gender-biased and gender-blind migration policies. Some of these policies include bans on women's migration for domestic or care work abroad or imposing age restrictions on workers, particularly women⁴⁴. Many times, these policies do not account for the broader implications, such as limiting women's economic opportunities, pushing them into unsafe migration channels, or exposing them to exploitation at the hands of traffickers or employers. It is not only the policies adopted by national governments of South Asia, rather the policies adopted by the destination countries have also put the migrant workers at risk of trafficking. For example, the Kafala system in the Gulf countries has made the women migrant workers working in domestic sectors more vulnerable to unsafe migration and human trafficking⁴⁵. However, the Bilateral Labour Agreements (BLAs) signed between different South Asian countries and GCC countries do not have exclusive provisions to secure migrants' rights, especially protecting women domestic workers from multiple vulnerabilities and exploitations. In this context, many of them are forced to work under the Kafala system, where they receive less or no support from the domestic labor laws, and they need to be more obliged to their employers.⁴⁶

Implementation gaps everywhere: Despite the existence of various policies and institutional measures to address the problems associated with trafficking and unsafe migration, the implementation aspects of the existing provisions were found weak in all South Asian countries for various reasons. One critical factor in this aspect is associated with the lack of trained human resources to investigate and prosecute the traffickers and extend adequate services to the victims of trafficking. The knowledge and attitude that are required among law enforcement officials to understand the complexity of the problems and an empathetic mindset towards the victims are also greatly missing while dealing with trafficking and unsafe migration cases.⁴⁷ The investigation and prosecution process is further impacted by the complex legal proceedings⁴⁸ and the frequent turnover of personnel

44 https://grfdt.com/Upload/JournalGallery/1_200104635_Anisur%20Rahman%20%20%20Niharika%20Tiwarei.pdf

45 The kafala system is a set of laws that place responsibility for migrant workers on employers, who control their entry, residency, work, and sometimes exit. Workers cannot change jobs or leave without employer permission, and those who do may face arrest or deportation for absconding. This system also restricts workers' access to justice.

46 <https://publications.iom.int/books/world-migration-report-2024>

47 https://asiafoundation.org/wp-content/uploads/2022/02/Sri-Lanka_Optimizing-Screening-and-Support-Services-for-Gender-Based-Violence-and-Trafficking-in-Person-Victims.pdf

48 https://asiafoundation.org/wp-content/uploads/2022/02/Sri-Lanka_Optimizing-Screening-and-Support-Services-for-Gender-Based-Violence-and-Trafficking-in-Person-Victims.pdf

involved in investigation and prosecution processes.⁴⁹ Some countries such as Afghanistan, Bangladesh and Sri Lanka have also experienced insufficient convictions of perpetrators of trafficking due to problematic identification of the victims of trafficking.⁵⁰

On one hand, traffickers have increased capacity and networks to continue their activities, whereas, on the other hand, many countries in South Asia fall short of allocating adequate financial resources and finding technology-based solutions to break the chain of transnational trafficking networks operated by criminal groups. This is further exacerbated by the rampant corruption within regulatory bodies, in particular the prevalence of a strong corruption nexus between the powerholders and poorly regulated recruitment agencies.

The implementation gaps are also seen on the protection front across all South Asian nations, yet such gaps range from severely inadequate to insufficient in different countries. Protection issues mainly revolve around the safety and security of victims and witnesses of trafficking during investigations and legal proceedings. Preventing the risk of criminalization of trafficking victims is also found to be quite important, as several South Asian nations such as Afghanistan, Sri Lanka, Bangladesh and Nepal have some legal provisions around this.

Rise of women migrant workers in care work in the Gulf: Although South Asian women migrant workers are scattered all over the world, they have become mostly concentrated in the Gulf region in the past 20 years due to the traditional and longstanding linkages of South Asia with this region from the trade and human mobility perspective.⁵¹ The majority of South Asian women in the Gulf are involved in care work and are considered cheap labor. Data gaps: Although each South Asian nation has some data relating to migration and trafficking of people, the accuracy and credibility of the existing data have been a critical concern. Data transparency and its public accessibility through a systematic migration database system is seen as another concern with regard to the data and this has made things difficult to predict the complexity of the problem and the most probable solution due to the lack of credible data related to the number of documented and undocumented migrants, disaggregated data of trafficked persons for various purposes and means, the number of trafficked persons and their origins and destinations, routes, economics of migrant smuggling networks and so on. Such a situation has made things complicated to come up with evidence-based policy solutions to this problem and minimize the risks.^{52 53 54}

The absence of sufficient economic opportunities, deepening employment crisis, socio-political tensions, poor governance, and the vicious circle of poverty are some of the common

49 https://asiafoundation.org/wp-content/uploads/2022/02/Sri-Lanka_Optimizing-Screening-and-Support-Services-for-Gender-Based-Violence-and-Trafficking-in-Person-Victims.pdf

50 <https://www.iom.int/sites/g/files/tmzbdl486/files/country/AP/impact-of-covid-19-on-trafficking-in-persons.pdf>

51 https://grfdt.com/Upload/JournalGallery/1_200104635_Anisur%20Rahman%20&%20Niharika%20Tiwari.pdf

52 <https://publications.iom.int/books/baseline-study-cross-border-migration>

53 https://www.unodc.org/documents/southasia/Multicountry_study_TIP_SOM_NEPAL_2019.pdf

54 <https://www.iom.int/sites/g/files/tmzbdl486/files/country/AP/impact-of-covid-19-on-trafficking-in-persons.pdf>

factors behind the increasing trend of women's labor migration from South Asia to other countries. Evidence also suggests that women desire to migrate to other countries with the prospects of a better income than their home country and also with a hope of a better future if not for themselves but at least for their children. In some South Asian countries, women have decided to go abroad for foreign employment to make their lives free from patriarchal norms and other forms of structural violence, in particular domestic violence, exist in the society.⁵⁵

Different restrictive measures imposed by different South Asian countries on women to do certain types of work in certain destination countries, have forced desperate women to use unofficial channels to travel abroad for work with the support of traffickers and pay higher prices for their migration.^{56 57} In South Asia, Bangladesh, Sri Lanka and India have restricted women under the age of 24 from migrating abroad for work, whereas the Nepal government has imposed a complete ban on women's labor migration in certain GCC countries to work as domestic workers.⁵⁸ Such conditions have motivated thousands of women to travel abroad for work with a visitor visa and even to use third-country airports, keeping them more vulnerable to abuse and exploitation. Several pieces of evidence suggest that women who travel abroad without an official work permit are smuggled to the countries against their choice and have also been forced to work without regular payment from the employer. Such women migrants also remain out of government records, which eventually keeps them away from several types of support in the country of destination as well as their return to their home country.⁵⁹

55 https://grfdt.com/Upload/JournalGallery/1_200104635_Anisur%20Rahman%20&%20%20Niharika%20Tiwari.pdf

56 https://asiafoundation.org/wp-content/uploads/2022/02/Sri-Lanka_Optimizing-Screening-and-Support-Services-for-Gender-Based-Violence-and-Trafficking-in-Person-Victims.pdf

57 https://www.gaatw.org/publications/WP_on_Migration.pdf

58 <https://www.iom.int/sites/g/files/tmzbdl486/files/country/AP/impact-of-covid-19-on-trafficking-in-persons.pdf>

59 <https://gaatw.org/publications/PolicyBriefingSouthAsia.pdf>

Mobility of people within South Asia and from South Asia to other parts of the world will remain a continuous practice until the underlying causes of migration are adequately addressed by the respective nations. Thus, each country's strategic priorities should be directed towards facilitating migration as a 'coping' and 'adaptive' strategy for people to secure their livelihood needs and develop mechanisms, policies, and programs that ensure safe, orderly, and dignified movement of people regardless of class, caste, and gender.⁶⁰ In this regard, the first and foremost priority of the South Asian state should be about reviewing their existing laws and policies, institutional mechanisms, and implementation status of the policies and programs, and making necessary changes as per the changed global, regional, and national dynamics of migration and human trafficking. In particular, they are required to pay attention to incorporating a broader definition of trafficking as written in the Palermo Protocol and it must also be defined as an organized crime in criminal procedure and substantive criminal law. Secondly, all South Asian governments, while developing new policies and programs, should pay attention towards striking a balance between prevention, protection as well as prosecution work to address the problem associated with human trafficking and unsafe migration. Third, South Asian nations should also pay special attention to developing strategies for addressing some unprecedented threats to unsafe migration and human trafficking such as the increased use of social media and other digital platforms, increased incidents of disasters and climate crises, pandemics such as the covid-19, and violent conflicts and mass displacement of people, including women and minors. Fourth, South Asian nations have to deal with the issue of unsafe migration and human trafficking from the domestic, cross-border, and transnational context and design specific policies and programs for each level. More importantly, improving labor governance within and beyond the country is key to addressing the problems associated with human trafficking.⁶¹ Following strategic recommendations are made in this regard:

- a. **Strengthening the national migration governance:** Considering the essence of stronger national migration governance, each nation in the region should pay attention towards strengthening them. In this regard, they first, need to introduce an integrated migration policy framework with clear pathways to deal with different issues such as domestic and foreign labor migration, sex trafficking, labor trafficking, child trafficking and other interrelated concerns. The migration governance framework should have a strong regulatory and oversight mechanism to monitor the work of recruitment companies and hold fraudulent labor recruiters criminally accountable. An adequate allocation of human and financial resources is equally needed to make the migration governance functional. Countries should also pay attention to curbing corruption involved in migration management and trafficking response processes.

60 https://publications.iom.int/system/files/pdf/mecc_infosheet_climate_change_nexus.pdf

61 https://www.gaatw.org/publications/WP_on_Migration.pdf

- b. Foster multiprong coordination and cooperation:** Addressing the problems associated with unsafe migration and human trafficking requires the active participation of stakeholders in the country of origin, transit and destination. Thus, there is a need for intra-country, cross-border, multilateral, regional, and transnational cooperation among the relevant stakeholders.⁶² One important need in this regard includes effective implementation of the existing SAARC mechanisms, and establishing joint task forces on countering the smuggling of migrants.⁶³ Another crucial need in this regard is revisiting the existing Bilateral Labor Agreements (BLAs), and Memorandum of Understanding (MoUs) as per the changing national, regional, and global context. Through these agreements and understandings, South Asian nations, among themselves and with other destination countries, can further develop policy measures and a better system of cooperation to make the migrants' mobility process more organized and systematic in major migration corridors. They can even put some more effort into border control and regulations and ensure better collaboration with the migrants (including trafficked persons) receiving countries. Likewise, there is also a need to strengthen the bilateral cooperation between the countries of origin, transit, and destination for better information sharing on the smuggling of migrants and the protection of the rights of migrants within foreign territories.⁶⁴ South Asian nations should also collaborate to improve labor standards in each country to discourage the demand for cheap illegal labour and the trafficking of individuals for labor.
- c. Gender sensitivity in the policy formulation and implementation processes:** All South Asian nations should prioritize formulating gender-sensitive safe migration and anti-trafficking policies. As a pre-condition, governments should lift restrictions on women's migration in foreign employment and focus efforts on promoting safe migration channels and fair recruitment practices.⁶⁵ Additionally, all sub-regional governments should adopt a comprehensive anti-trafficking policy with women and girls-centred policy provisions in the area of prevention, prosecution, protection, as well as reintegration.
- d. Technology-based solutions to prevent human trafficking:** All sub-regional governments should establish mechanisms that discourage the use of technology and online platforms for the recruitment and trafficking of men, women and children by criminal groups. But at the same time, governments should also proactively use the most recent technologies for the monitoring of traffickers' activities, investigation of suspicious activity, and prosecuting perpetrators.⁶⁶

62 <https://www.iom.int/sites/g/files/tmzbd1486/files/country/AP/impact-of-covid-19-on-trafficking-in-persons.pdf>

63 https://www.unodc.org/documents/southasia/Multicountry_study_TIP_SOM_NEPAL_2019.pdf

64 https://www.unodc.org/documents/southasia/Multicountry_study_TIP_SOM_NEPAL_2019.pdf

65 <https://gaatw.org/publications/PolicyBriefingSouthAsia.pdf>

66 <https://www.state.gov/reports/2024-trafficking-in-persons-report/>

- e. Strengthening the migration and human trafficking data:** This review suggests a clear need to work towards strengthening the human trafficking data with the establishment of a credible, comprehensive and disaggregated database system in each country. The database should be user-friendly so that the relevant policymakers and authorities can work towards the effective use of data for launching relevant prevention, protection, and prosecution initiatives.⁶⁷ One important way to further strengthen the database system is to register all foreign migrant workers regardless, of their current status in the destination countries.⁶⁸
- f. Need for preventive initiatives:** Unsafe migration and trafficking incidents cannot be stopped without addressing their root causes. However, the root cause of such incidents is also found distinct for different groups of people. In general, an enabling policy environment in the home country for enhancing livelihood opportunities and improving labor conditions⁶⁹ for all can be recommended as a primary solution in this regard. This can be further strengthened with the elimination of forced labor practices and a dignified work environment in the home country.⁷⁰ Other structural factors such as addressing social exclusion, discrimination, and domestic violence in the home country can motivate many women, men and children not to use irregular channels of migration. Mitigating climate change and addressing the onset of disastrous events responses are equally important preventive actions against unsafe migration and human trafficking.⁷¹ Improved quality and content of pre-departure training for migrant workers with some useful information about the country of destination, labor rights, labor laws, and access to justice and overseas assistance can also contribute to men and women remaining safe in the destination countries.⁷² Likewise, standardization of recruitment agencies and establishing mechanisms for controlling fraud incidents in the labor recruitment process are some other important initiatives for preventing unsafe migration and human trafficking.⁷³
- g. Facilitating the prosecution processes:** All national governments should increase their efforts to investigate and prosecute trafficking crimes, including those committed by labor traffickers and officials allegedly complicit in trafficking. They should seek adequate penalties for convicted traffickers, which should involve significant prison terms. South Asian nations should also closely collaborate to detect traffickers, arrest them, and bring them to justice under national law. Countries' efforts should also focus on breaking the cross-border and transnational network of traffickers through the exchange of information and facilitating their arrests.

67 https://publications.iom.int/system/files/pdf/mecc_infosheet_climate_change_nexus.pdf

68 <https://gaatw.org/publications/PolicyBriefingSouthAsia.pdf>

69 <https://www.state.gov/reports/2024-trafficking-in-persons-report/>

70 <https://www.state.gov/reports/2024-trafficking-in-persons-report/>

71 https://publications.iom.int/system/files/pdf/mecc_infosheet_climate_change_nexus.pdf

72 <https://gaatw.org/publications/PolicyBriefingSouthAsia.pdf>

73 <https://winrock.org/wp-content/uploads/2023/09/Topic-2-Policy-Brief.pdf>

- h. Facilitating the protection initiatives:** All national governments should develop or strengthen the existing mechanisms. to identify, protect, and provide integrated services to the victims of human trafficking and members of their families. They also need to increase efforts in identifying trafficking victims among vulnerable populations, including disseminating and implementing formal victim identification procedures and screening processes and referring victims to appropriate services. It is also suggested to develop different protection programs based on their current work destinations and mobilize the respective diplomatic missions in transit and destination countries to provide adequate services and consular assistance to the smuggled migrants and trafficked victims.⁷⁴ Other issues, such as victims' access to compensations and remedies, as well as ensuring protection measures for groups at heightened risk, are equally crucial actions to be taken by the national governments in their protection efforts.⁷⁵
- i. Capacity development:** The development of knowledge as well as skills for individuals and institutions working in the migration and anti-trafficking sectors is extremely crucial.⁷⁶ In particular, government officials, law enforcement officials, judges, prosecutors, and labor inspectors from the local to national level are found valuable on the implementation of the existing laws, policies and programs and use victim-centred approaches during investigations and court proceedings. Each national government should also pay attention towards strengthening the capacity of diplomatic missions, border protection forces, and immigration officials to detect trafficking victims, monitor the activities of traffickers, and provide necessary support for the victims at heightened risks. Furthermore, all national governments should allocate adequate budgets for anti-trafficking initiatives.
- j. Regional Collaboration and Coordination:** At the regional level, South Asian countries must also make efforts to prioritize the creation of a regional framework for cooperation and information sharing to combat human trafficking and unsafe migration. Among other things, steps should be taken to establish regional task forces, have regular dialogues among law enforcement agencies, and finally, the harmonization of migration policies in these countries. A coordinated regional response is indispensable to address the transnational nature of trafficking and the various challenges posed by migration corridors within South Asia. Lastly, the countries shall make a collaborative effort to establish a regional early warning system to predict and respond to emerging trends in trafficking and unsafe migration due to disasters, conflicts, or socio-economic shifts.

Thus, without a multi-faceted and coordinated approach that addresses both the root causes and immediate risks associated with human trafficking and unsafe migration, the perils of human trafficking will persist and prevail without any hurdle. The only way forward is to first strengthen the national laws, and then move towards building regional cooperation.

74 https://www.unodc.org/documents/southasia/Multicountry_study_TIP_SOM_NEPAL_2019.pdf

75 <https://www.state.gov/reports/2024-trafficking-in-persons-report/>

76 <https://www.iom.int/sites/g/files/tmzbd1486/files/country/AP/impact-of-covid-19-on-trafficking-in-persons.pdf>

Disclaimer

The content of this Country Analysis has been prepared by Mr. Prakash Bhattarai (GIZ Consultant). Association for Voluntary Action assumes no responsibility for the accuracy, completeness, or reliability of the information presented in this analysis. The views, research, and conclusions expressed herein are solely those of the author and do not necessarily reflect the position or endorsement of Association for Voluntary Action.