COMBATING TRAFFICKING OF WOMEN AND CHILDREN IN SOUTH ASIA

Guide for Integrating Trafficking Concerns into ADB Operations

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CONTENTS

TABLES

ABBREVIATIONS

ADB	Asian Development Bank
CAREC	Central Asian Regional Economic Cooperation
COPP	Project Coordination and Procurement Division
CSP	country strategy and program
CSWDMC	commercial sex workerdeveloping member country
GMS	Greater Mekong Subregion
HIV/AIDS	Human immuno-deficiency virus/acquired immune deficiency syndrome
ILO	International Labour Organization
IPSA	initial poverty and social analysis
NGO	nongovernment organization
NPAOGC	national plan of actionOffice of the General Counsel
OGC	Office of General Counsel
PPA	poverty reduction partnership agreement
PPSA	program poverty and social analysis
PSA	poverty and social analysis
RETA	regional technical assistance
SAARC	South Asian Association for Regional Cooperation
SASEC	South Asia Subregional Economic Cooperation
SCSP	subregional cooperation strategy and program
SMESTDTA	small or medium enterprisesexually transmitted diseasetechnical assistance

EXECUTIVE SUMMARY

Human trafficking in South Asia is not a new phenomenon. For hundreds of years cycles of movement of kidnapped or bonded labor have taken place, and in some communities have been the sole source of income beyond subsistence agriculture. While human trafficking may have been an integral part of the traditional economy and the cycle of movement of people within South Asia, it has only recently been recognized as a global concern as trafficked persons are found in a growing number of countries. Recent studies and analyses are demonstrating changes in the process and economy of trafficking in the South Asia region as it becomes more integrated into transnational criminal activities, and the demands for trafficked labor adjust to globalizing economic structures. In order to understand the phenomenon and hence develop strategies to combat a vicious and harmful criminal activity for trafficked persons and communities alike, some definitions and descriptions of the basic process have to be outlined.

In July 2001, a regional technical assistance (RETA) was undertaken for India, Bangladesh, and Nepal, with the following broad objectives:

- to increase the Asian Development Bank's (ADB) understanding of how its existing country programs and regional policy dialogue can be used to support and strengthen antitrafficking efforts in South Asia; and
- to contribute to capacity building and other efforts by stakeholders to develop and implement policies and programming that will effectively combat trafficking of women and children in South Asia.

These objectives were framed around the ongoing activities of a wide range of stakeholders, including government departments and nongovernment organizations that have developed specific expertise and capacities in different areas of programming. The recommendations of the RETA therefore seek to make a contribution to these ongoing efforts in a complementary and collaborative manner. There has also been a

series of events associated with combating trafficking of women and children anticipated in the region, including:

- the preparations for the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama in December 2001, which included reviewing/establishing national plans of action to combat trafficking; and
- the signing of the South Asian Association for Regional Cooperation (SAARC) *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* (the SAARC Trafficking Convention) in January 2002.

During international and regional meetings associated with these events, many stakeholders concluded that, as poverty has such a strong connection with trafficking, poverty reduction programming of large development agencies should target those most at risk to trafficking more effectively. Given ADB's extensive involvement in poverty reduction programming, its particular contribution can be to mainstream antitrafficking initiatives into the country program strategies and programs and regional policy dialogue, and hence ensure that those most at risk to being trafficked benefit from these efforts.

The findings of the RETA demonstrate that there is considerable potential for collaboration by ADB with existing stakeholders to address trafficking concerns through poverty reduction programming, particularly in the area of preventing and reducing vulnerabilities of those most at risk. The challenge lies in creating mechanisms to improve targeting and identification of risks. As ADB policies and guidelines are already in place to address specific aspects of poverty reduction, for example concerning gender equality, governance, resettlement, and social protection, they utilized and expanded to incorporate trafficking concerns. There are also several areas of research and dialogue where ADB's expertise and unique position in the region can be used to make progress, for example, to curb the demand for trafficked labor, to encourage collaboration among governments regarding trade and migration policies, and to assess the impacts of trafficking on regional development and economic integration efforts.

There is potential for ADB operations to address trafficking in the following ways:

- target those most vulnerable to trafficking, especially women and children;
- assess the impacts of ADB operations to take up opportunities to prevent, minimize, and mitigate development-induced risks;
- rebuild social and human capital among mobile (or potentially mobile) populations through emergency loans and assistance in postconflict reconstruction;
- encourage safe migration through, for example, incorporating safe migration messages in social mobilization components of ADB-supported projects in source areas, ensuring that migrants have access to basic needs such as shelter in urban slum areas, and extending benefits of social protection to mobile populations; and
- stem demand for trafficked labor, especially in the informal sector and among small and medium enterprises.

These concerns can be addressed through mainstreaming trafficking concerns into all levels of ADB operations including regional and subregional cooperation, country programming in most sectors, project designs, and legal frameworks. The RETA has developed several tools to assist in mainstreaming including entry points during poverty and social assessments, and steps to guide the process in most sectors. These guidelines are based on the findings from the RETA and presented in the country papers for Bangladesh, India, and Nepal and a synthesis paper of the regional findings presented at a regional workshop in Manila in May 2002, as well as an exchange program to Thailand. A separate study on legal frameworks and issues was also included.

PART A

INTRODUCTION

1.   Overview

The alarming numbers of women and children being trafficked for forced labor or slavery-like practices (including commercial sexual exploitation) is a development concern for the Asian Development Bank (ADB). Although available statistics are limited and contested, the existing data has served to highlight the issue as evidenced by increased national attention to trafficking issues. An important dimension of inclusive development and a key focus area for ADB involves strengthening the participation of vulnerable groups in mainstream development, reducing gender discrimination, and promoting the development of social capital. ADB's involvement in combating trafficking of women and children directly addresses its strategic goals: poverty reduction and promoting gender equality.

Following initial investigations in the South Asia region and discussions with the governments of Bangladesh, India, and Nepal the following objectives were developed for the ADB regional technical assistance (RETA), which started in July 2001:

> (i) to increase ADB's understanding of how its existing country programs and regional policy dialogue can be used to support and strengthen antitrafficking efforts in South Asia; and
> (ii) to contribute to capacity building and other efforts by stakeholders to develop and implement policies and programming that will effectively combat trafficking in women and children in South Asia.

As the challenge of combating trafficking is far beyond the capacity and resources of individual organizations alone, ADB sought a collaborative approach for this RETA to learn from the experiences of its member countries and to ask what it can do to address trafficking. The RETA Team (made up of six members, national consultants in each country and an international consultant/Team Leader) recognized that ADB should seek to bring specific value-added initiatives to an already active field of

stakeholders by analyzing where the strengths and expertise of the organization lie and how to engage, as partners, those with technical experience in addressing trafficking concerns.

The approach to achieving the RETA objectives was based on carrying out a comprehensive analysis of the factors that induce and facilitate trafficking on the demand and supply side, and the potential for addressing vulnerabilities created by these factors in the context of ADB's policies and ADB-assisted projects. This analysis sought illustrations of how different types of antitrafficking activities already underway could be used in the context of sector activities such as road improvement, microfinance, women's empowerment, or other mainstream poverty reduction projects to combat trafficking of women and children. The findings of this assessment can be used not only by ADB staff, but also by other agencies and organizations seeking to draw on a broader base of resources available through mainstream poverty reduction programs.

The objective of this Guide is to assist ADB staff, consultants, and other individuals and agencies that seek to integrate antitrafficking concerns and initiatives into a broader context of development programs and projects. For example, how can we practically link source-area antitrafficking operations with a new highway project that may accelerate the mobility of people in the impact area? What issues need to be looked at during the poverty and social analysis when preparing various projects? How can regional cooperation efforts potentially address the issue of human trafficking, in addition to promoting economic integration? The Guide makes the first attempt to answer these questions, although it should be used as a working document rather than a fixed one. Feedback to ADB (e-mail: **gender@adb.org**) will be appreciated.

Part A of the Guide summarizes key findings of the RETA. PART B provides ideas for issues to be addressed at regional, country, project, and legal assistance levels, and how. The Guide can be read in conjunction with the *Regional Synthesis Paper for Bangladesh, India, and Nepal*. Guidelines in specific operational sectors are provided in the Appendixes. ADB staff and consultants working in **all** operational regions (not only in South Asia) are encouraged to use them.

2.   Findings of the RETA

The findings of the RETA confirm that the dynamics of trafficking reach across the South Asia region, where, despite specific and different

historical and cultural circumstances, similarities are clear. Extensive consultations verified that there is a **severe lack of concrete data** from which to build an accurate picture of the scope of trafficking. Traffickers go to great lengths to avoid monitoring of their illegal activities and any available data must be treated with caution. However, it was stressed very strongly that while concrete data is limited, this does not mean that government and international agencies should discount the magnitude of the trafficking problem. Trafficking appears to take place **within each of the three countries, and across South Asian borders.** India and, to a lesser extent, Bangladesh also serve as transit countries for traffickers moving people to other destinations. Trafficked persons may also be **regular migrants** from Bangladesh or Nepal in India who are then trafficked either to further destinations in India or elsewhere. Each RETA country paper includes an overview of the data currently available to provide at least an indicative view of the scope and magnitude of the trafficking process in South Asia.

The lack of data and solid body of research has also led to the building of certain **myths and assumptions** about trafficking that need to be questioned, for example, that trafficking is usually for the purposes of prostitution, when there is evidence of the use of trafficked persons as domestic workers, or in factories. An assumption that most trafficking incidents start with kidnapping is also false, as coercion or deception by traffickers frequently occurs as part of a migration experience. Understanding why those vulnerable to trafficking migrate in the first place, and how to make migration a positive experience is key to addressing the risks mobile populations face.

It is also frequently assumed that all trafficked persons desire to return home, whereas they may have initially left home before being trafficked to escape an abusive environment. Stigmatization by other community or family members might also make return difficult if not impossible. Adopting a rights-based approach to rescue and reintegration is vital if such efforts are to be positive and effective for the trafficked person. The complexity of trafficking, the links with visceral issues such as commercial sex work and exploitation of children, and the politics of migration management have meant that there is much contention over the definition of trafficking and the types of policies and programming that would effectively combat this serious crime and affront to basic human rights.

3. Definition of Trafficking

Consensus is evolving through United Nations international mechanisms on a working definition for trafficking. In this context it is important to clarify that this RETA employed the following definition:
"Trafficking in persons means:

1. The recruitment, transportation, purchase, sale, transfer, harboring or receipt of persons by threat or use of violence, abduction, force, fraud, deception or coercion (including the abuse of authority), or debt bondage, for the purpose of:
2. Placing or holding such person(s), whether for pay or not, in forced labor or slavery-like practices, in a community other than the one in which such person lived at the time of the original act described in 1."[1]

Another area of consensus is that gender-based differences and attitudes play an important role in both the supply and demand dynamics of trafficking. From what data is available in South Asia, it appears that the "worst forms" of trafficking relate to the illegal movement of women and children for the purposes of exploitation in sectors such as commercial sex work and child labor of all forms,[2] and the low status of women increases their vulnerability as targets of traffickers and limits their options as survivors seeking a new life. ADB's strong commitment to redress gender imbalances and to contribute to women's empowerment through its operations provides a strong rationale for the RETA to consider the issues associated with combating the trafficking of women and children, as those most frequently harmed by and vulnerable to its effects.

4. Dynamics of Trafficking

In order to explore entry points to address trafficking through poverty reduction initiatives, the RETA analyzed the complex factors that push or pull the vulnerable into situations of high risk to be recruited by traffickers, and those that create a demand for exploitable labor. The most commonly

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[1] Coomaraswamy, Radhika. 2001. *Addendum Report to the Human Rights Commission regarding Mission to Bangladesh, Nepal and India on the issue of trafficking of women and children* (October-November 2000).
[2] Skeldon, R. 2000/1 Trafficking; A Perspective from Asia, *International Migration*, Special Issue.

identified push factor driving the trafficking process is poverty. The necessity to meet basic needs, *in combination with* other factors, is the most commonly identified motivation to migrate or to encourage a family member to leave. An understanding of the noneconomic elements of poverty—lack of human and social capital, gender discrimination—the development process and, simultaneously, to trafficking. Governance issues also play a role in allocating resources and services in a community and those living in poverty tend to have limited access to these development opportunities, reinforcing their vulnerability to trafficking.

Pull factors, such as images drawn from the media and stories from returning migrants, entice many into migrating under ill-informed and risky circumstances. Macro factors such as the impacts of globalization, employment, trade and migration policies, and conflicts and environmental disasters can set into motion circumstances that increase vulnerabilities. Development-induced risks also play a role. The demand for exploitable labor in sectors where harsh and criminal working conditions go undetected also creates a pull effect on those already vulnerable. For example, the demand for younger and younger sexual partners—girls and boys frequently as young as 10-11 years old—in the commercial sex sector is linked to many clients seeking human immuno-deficiency virus/acquired immune deficiency syndrome (HIV/AIDS)-free partners. For as long as these demands exist, opportunistic traffickers will fill each niche.

As quoted by Coomaraswamy: "traffickers fish in the stream of migration"[3] and can easily identify those who are most easily deceived or coerced, so building resistance among migrants to ensure that these experiences bring positive outcomes is another important aspect to addressing trafficking concerns. The negative impacts of trafficking on all communities are also considerable. No information or analysis is currently available but it would seem undeniable that the negative social, economic, and health impacts are undermining development efforts at many levels.

A theme that emerged from the RETA research, which was strongly endorsed through the consultations with stakeholders, is the need for clarity and caution when developing operational steps to address aspects of trafficking. Challenges exist when developing programming in many areas, for example:

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[3] Coomaraswamy, Radhika. 2001. op. cit.

- *Migrants* need protection through policies and programs to facilitate safe migration, but such activities have been used to exclude women from migration opportunities or to limit the inflow of migrants, thus stagnating the important role of migration in development. New immigration policies might also create new niches for opportunistic traffickers to exploit.
- *Communities* need to be made aware of the harm traffickers cause when they arrive in their midst, but without causing suspicion of newcomers or marginalizing those already considered "different."
- *Labor standards* must be addressed to curb the demand for trafficked labor, but this is very challenging in the informal sector and can create suspicion from within the formal sector as measures by developed countries to limit trade from economies with cheap labor.
- *Targeting* the vulnerable and source areas is difficult as the modus operandi of traffickers must be flexible to fill demand niches as they emerge and be ready to change their routes or source areas to evade prosecution.

The findings of the RETA demonstrate that there is considerable potential for collaboration by ADB with existing stakeholders—both government and nongovernment organizations (NGOs)—to address trafficking concerns through poverty programming, particularly in the area of preventing and reducing vulnerabilities of those most at risk. The challenge lies in **creating mechanisms to improve targeting and in identifying risks**. ADB policies and guidelines are already in place to address specific aspects of poverty reduction, for example concerning gender equality, governance, resettlement, and social protection. These can be used and expanded to incorporate trafficking concerns. There are also several areas of research and dialogue where ADB's expertise and unique position in the region can be used to make progress, for example, in curbing the demand for trafficked labor, to encourage collaboration among governments regarding trade and migration policies, and to assess the impacts of trafficking on regional development and economic integration efforts.

As stated in the closing remarks of the Director General, South Asia Department at the RETA Regional Workshop, ADB is committed to addressing trafficking concerns. Since the adoption of the Poverty Reduction Strategy there is greater rationale and potential to incorporate

such concerns, and new funding sources are now available. The mandate of ADB also directly includes the promotion of regional cooperation. Trafficking is a serious limit on the positive forces of development, and bringing additional resources from broad-based poverty reduction projects to address the root causes of vulnerabilities and risks must be encouraged. ADB will continue the commitment expressed through the RETA and now seek other opportunities and means to combat trafficking in all its operations.

PART B

RELEVANCE OF TRAFFICKING TO ADB

1. Overview

A complex range of factors influences the dynamics of trafficking. In recent years, ADB has developed and adopted an array of policies that provide both the mandate and instruments to engage more effectively in addressing many of these issues.

- *Policy on Gender and Development* provides guidance and measures to adapt operational designs to improve the status of women and girls and, in so doing (among many other benefits), build their resistance to the risks of being trafficked.
- *Social Protection Strategy* sets out specific considerations that may need to be built into ADB operations to ensure that vulnerable groups can be protected from factors that cause and sustain their poverty—and their risks to being trafficked. The Strategy also identified how labor markets can be used to strengthen social protection through implementation of core labor standards, which will have additional impacts on the demand for trafficked labor.
- *Promoting Good Governance, ADB's Medium-Term Agenda and Action Plan*[4] includes guidelines for improving the effectiveness of antitrafficking initiatives as well as other programs to combat poverty.
- *Policy on Involuntary Resettlement* and accompanying guidelines such as the *Handbook on Resettlement*[5] provide guidance on limiting vulnerabilities and risks of those living in and around project areas as well as stress the importance of building or maintaining social capital to limit risks, such as trafficking.

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[4] ADB. 2000. *Promoting Good Governance, ADB's Medium Term Agenda and Action Plan.*
[5] ADB. 1998. *Handbook on Resettlement: A Guide to Good Practice.*

- *Handbook on Poverty and Social Analysis*[6] provides guidance on ensuring that project impacts do not increase vulnerability to being trafficked and in identifying opportunities to prevent, minimize, and mitigate development-induced risks.

However, if ADB is to make a contribution to combating trafficking, **specific measures have to be taken within its operations.** The following sections outline where the links exist between ADB operations of different kinds (regional and subregional cooperation, poverty reduction partnership agreements (PPAs), country strategy and program (CSP) development, project preparation, policy dialogue, etc.) and potential entry points to address trafficking. Overall, ADB operations have the potential to address trafficking in five key ways:

   (i) **Target those most vulnerable to trafficking.** In many cases a subgroup within those targeted for poverty reduction as relative and absolute poor. Ensuring that this subgroup has their basic needs met to limit migration or mobility under stressful and hence most vulnerable situations—for example for families who send away children/girls who then end up being trafficked.

   (ii) **Assess the impacts of ADB operations.** It is imperative to ensure that ADB-supported activities do not push people into unwanted migration and hence vulnerability to trafficking. As identified in the ADB *Handbook on Poverty and Social Analysis* and *Handbook on Resettlement*, ADB operations have opportunities to prevent, minimize, and mitigate development-induced migration. Where involuntary displacements is unavailable, adequate and appropriate livelihoods restoration is key to minimize risks of being trafficked.

   (iii) **Emergency loans and assistance in postconflict reconstruction.** These activities usually take place among mobile populations, such as refugees, or in areas where communities are returning from involuntary displacement. It is important that ADB activities provide adequate scope to rebuild social and human capital through community-based activities to ensure that physical and social dislocation does not lead to vulnerability

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[6] ADB. 2001. *Handbook on Poverty and Social Analysis – A Working Document.*

to trafficking, especially for women and girls, in already high-risk situations. Disaster early-warning mechanisms can also incorporate antitrafficking and safe-migration messages as communities and individuals plan for possible displacement.

(iv)   **Encourage safe migration.** Reduce the risk of being trafficked of those already mobile through various policy or social protection measures:

- Access by migrants to basic needs, e.g., urban improvement schemes take special measures to identify specific needs of migrant communities where social and community networks do not exist;
- Social protection measures extended to migrants (e.g., insurance schemes, social security schemes). This is challenging as migrants generally work in the informal sector and many are squatters without official residence status; and
- Governance strengthened to ensure entitlements to protection from criminal activities extended to those migrants most vulnerable to being trafficked; specific activities to increase community and government accountability to protect children, women, labor force, etc.

(v)   **Stem demand for trafficked labor**

- Core labor standards implemented and monitored in partnership with the private sector, International Labour Organization (ILO), etc., particularly among small and medium enterprises and in the informal sector; and,
- Encourage activities with indirect impacts in key areas of demand, for example monitoring effects on demand for commercial sex workers (CSWs) along highways by changing the behavior of transport workers through implementation of safety standards such as reduced driving time, days away from home, etc. These kinds of activities also have links with HIV/AIDS prevention activities.

2.   Approaches to Addressing Trafficking

2.1   Mainstreaming

While all outcomes of ADB operations that contribute to reducing poverty can be **indirectly** linked to reducing vulnerability to being trafficked (Appendix 1), there is ample scope to incorporate specific measures that can have more direct impact on reducing risks. The practical approaches adopted by ADB in the *Handbook on Poverty and Social Analysis* to guide the implementation of the Poverty Reduction Strategy provide ideas and the *Handbook on Resettlement* provides guidance for identifying opportunities to incorporate trafficking concerns and entry points. Appendix 2 provides additional guidelines and information on links between trafficking and ADB operations, including tables that identify links to combating trafficking based on the approach to poverty reduction set out in the *Handbook on Poverty and Social Analysis* and the *Handbook on Resettlement.*

Furthermore, if mainstreaming trafficking concerns into ADB's operations is to be successful, it will also be necessary for staff with appropriate expertise to assist in preparing analysis of vulnerable groups and specific risks as well as designing specific components that directly or indirectly address trafficking concerns to provide leadership and take up these issues; these would include social development, social protection, and poverty reduction specialists.

The legal implications of strengthening codes of conduct and other contractual arrangements with ADB-financed contractors and suppliers also need to be investigated by Office of General Counsel (OGC) staff. These mechanisms could be used to curb the use of trafficked or child labor. Monitoring indicators also have to be developed and assessed over time and there is potential to link with work already underway by ILO. Support from the Project Coordination and Procurement Division (COPP) will also be required if these approaches to limiting and monitoring the demand for trafficked labor are to be effectively implemented in ADB operations. Specific technical support and guidelines will be needed if these areas are to be fully effective.

There is increasing interest among many experts to understand how these and similar mechanisms can be used to address trafficking, as several ADB member countries have already put in place legislation or conditionality in their development assistance policies related to child labor and trafficking issues. For example, under the United States

Government's *Victims of Trafficking and Violence Protection Act of 2000*,[7] beginning in January 2003, the President may authorize the suspension of nonhumanitarian, nontrade-related assistance to any country that does not meet certain minimum standards for the elimination of trafficking and is not making significant efforts to bring itself into compliance with these standards.[8]

Steps for Mainstreaming Antitrafficking Measures into ADB Operations

- Where possible, flag the issue of trafficking in subregional strategies (e.g., Subregional Cooperation Strategy and Program (SCSP)) and country analysis and strategies (e.g., country poverty analysis, country strategy and program (CSP) and CSP updates, and country gender analysis and strategy).
- Include the analysis of groups that are particularly vulnerable to trafficking in the initial poverty and social analysis (IPSA) and poverty and social analysis (PSA). In particular, include mobile populations into the analysis as well as women and children.
- Develop project designs that would directly and indirectly combat and reduce human trafficking.
- Identify and work with partners (e.g., ministries, NGOs, members of the private sector including contractors, donors, etc.) to develop and implement antitrafficking project components.
- Where nonlending products and services (e.g., technical assistance and sector and thematic works) provide opportunities, consider addressing trafficking.
- Raise awareness among relevant ADB staff including dissemination of findings of the reports produced under the RETA through various means such as (a) publications, external website, and relevant committees and networks; (b) developing pilot projects with the initiatives of regional departments in collaboration with the Poverty Reduction and Social Development Division; and (c) developing guidelines and good practices on contractors' codes of conduct and loan covenants in collaboration with COPP and OGC.

2.2   Regional and Subregional Cooperation

For many years, ADB has recognized the benefits of cooperation among countries in the Asia and Pacific region, and has supported both regional and subregional cooperation through various initiatives. The oldest of these initiatives is in the Greater Mekong Subregion (GMS), which includes Cambodia, People's Republic of China, Lao People's Democratic Republic, Myanmar, Thailand, and Viet Nam. More recent initiatives have supported various groupings of countries in Southeast

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[7] Pub. L. No. 106-386, 114 Stat. 1464.
[8] See additional discussion of this mechanism in ADB. 2002. RETA 5948: *Supplemental Study on Legal Frameworks Relevant to Human Trafficking in South Asia*, page 12.

Asia and the Pacific, as well as Central Asian Regional Economic Cooperation (CAREC) and South Asia Subregional Economic Cooperation (SASEC). Both ADB's Poverty Reduction Strategy[9] and Long-Term Strategic Framework[10] have identified regional cooperation as a key vehicle for promoting poverty reduction and economic development.

ADB's commitment to regional and subregional cooperation is reflected most recently in a special thematic chapter in its *2001 Annual Report*. The chapter notes the increasing importance of regional integration and cooperation on shared issues to address the forces and consequences of globalization. The chapter also highlights the various dimensions of regional cooperation in Asia and the Pacific, which include not only economic integration, but also cooperation in the areas of social development and social protection, environmental protection and natural resource management, and crime prevention—including regional efforts to combat trafficking of people, especially women and children.

2.2.1 South Asia Subregional Economic Cooperation

Since 1997, ADB has been promoting subregional cooperation in South Asia, most recently through technical assistance for SASEC, involving Bangladesh, Bhutan, India, and Nepal.[11] Through SASEC, ADB has supported the formation of working groups composed of government officials from the four countries to identify possible subprojects in several sectors selected by the participating governments: tourism, transport, trade/investment/private sector cooperation, energy/power, environment, and information and communication technology. Through the working group process, potential subprojects for bilateral or subregional cooperation have been identified in the transport and energy sectors, and proposals are being formulated for the tourism, trade/investment, and other sectors.

2.2.2 Recommendations

- ***Integrating Trafficking Concerns.*** Although SASEC is a fairly young initiative, opportunities are already apparent for

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[9] R179-99: *Fighting Poverty in Asia and the Pacific: The Poverty Reduction Strategy of the Asian Development Bank,* 19 October 2001.

[10] Sec.M17-01: *Long-Term Strategic Framework of the Asian Development Bank (2001-2015),* 21 February 2000.

[11] TA 6010-REG: *South Asia Subregional Economic Cooperation II,* for $500,000, approved on 13 December 2001.

mainstreaming trafficking and related social development concerns into the design of subprojects and other forms of subregional cooperation. In the transport sector, for example, the good practices supported by ADB, other development agencies, and NGOs in recent highway projects in South Asia can and should be extended to regional transport projects under SASEC. For example, these good practices have included an assessment of the needs of female road workers—who constitute 40% of the road construction workforce in Bhutan—to improve their working conditions and access to basic services for them and their children.[12]

In highway projects in India, ADB has partnered with executing agencies and donors such as the United Kingdom's Department for International Development to support information campaigns about the risks of sexually transmitted disease (STD) transmission for road construction workers and road users.[13] Such risks also appear to have been abated by changes in state government regulations of truckers' work hours by decreasing the number of hours that truckers can work in a given period, the state government of Maharashtra improved highway safety and also reduced truckers' time away from home (and therefore the likelihood that the truckers would patronize commercial sex workers along the trucking route).

The country reports for this RETA[14] also include examples of innovative NGO programs to establish and manage information booths at border crossings, bus terminals, and other transit stops to provide safe-migration information and assistance to travelers, especially women. Likewise, in the manufacturing and tourism sectors, there are opportunities to develop and promote recruitment guidelines and codes of conduct for industry associations to encourage fair labor practices and address the problems of trafficking and sexual exploitation of workers. These examples point to the possibility of addressing concerns about human trafficking through both subregional policy dialogue and subregional project development in key economic sectors.

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[12] Loan No. 1763-BHU: *Road Improvement Project*, for $9.6 million, approved on 3 October 2000.

[13] Loan No. 1839-IND: *Western Transport Corridor Project*, for $240 million, approved on 20 September 2001; Loan No. 1870-IND: *West Bengal Corridor Development Project*, for $210 million, approved on 11 December 2001.

[14] RETA Country Reports are available at: www.adb.org/gender/reta5948.asp.

- *Assessing Impacts on Vulnerabilities.* The findings of this RETA illuminate the extent of migration and trafficking of persons within South Asia, and identify a number of vulnerabilities of high-risk groups, including in particular women and children from ethnic minorities and lower castes or classes, to trafficking. Under these circumstances, the preparation phase of any subregional construction project should include careful consideration of the possible impacts of the project on local populations—including employment opportunities for both men and women, but also the risks that adolescent girls and children may be trafficked into the project area for sex work or child labor. Where it appears that migrant workers will be hired under the project, steps should also be taken to ensure that they are treated fairly and are not subject to exploitative conditions. The terms of reference of the construction supervision consultant could be expanded to include monitoring of these aspects of the project. A code of conduct for construction workers under the project could also be useful. Social impact analysis and development of mitigation measures should also be carried out for investment projects in service sectors, such as tourism.
- *Links to Social Development Issues in South Asia Subregion.* The findings of this RETA also suggest that ADB could play a valuable role in supporting subregional cooperation in the areas of social development, social protection, and migration management, which could address some of the factors that encourage trafficking. For example:

  – A regional study could be designed to assess the technical skills needs in selected sectors, to identify appropriate technical schools in the region, and to harmonize accreditation requirements for technicians across countries. Particular attention could be paid to ensure that the skills training programs would be accessible to young women, and that the resulting accreditation would satisfy emigration requirements (such as Bangladesh's current policy of restricting emigration of unskilled women workers).
  – In the area of social protection, a regional study could also be commissioned to examine gaps and disparities in the social safety nets established for workers and their families in South Asian countries, and to recommend public and

private mechanisms for strengthening and harmonizing these protections.

– In the area of migration management, a regional study could be developed to analyze worker migration patterns within the subregion (including both regular and irregular migrants), and to recommend mechanisms for regularizing migration and improving migration safety.

These proposals are based loosely on regional studies that have been commissioned through the Working Group on Human Resources Development for the Greater Mekong Subregion. Although a social or human development working group has not yet been established under SASEC, similar initiatives could be supported through the general allocation of grant funds for subregional cooperation activities in South Asia. These initiatives could form part of a social protection strategy for the subregion. There are also opportunities for mainstreaming trafficking concerns in an ongoing RETA,[15] for example, by encouraging locally elected women representatives to promote community awareness of trafficking and "safe migration" training.

2.2.3 Comparative Experience in the Greater Mekong Subregion

The GMS, like South Asia, has been confronting the problem of trafficking in persons, particularly women and girls, for several years. Its approaches to the problem are closely linked with concerns about the sexual exploitation of children and the vulnerability of mobile populations—such as seasonal workers and CSWs—to HIV/AIDS and other STDs. As in South Asia, the GMS is composed of smaller countries that are primarily sources of trafficking (such as Cambodia, Lao People's Democratic Republic, and Myanmar) and a larger country that serves as a source, transit point, and destination for trafficking (Thailand). ADB's support for subregional studies in the GMS on HIV/AIDS and other health risks, population mobility, and employment promotion and training point to opportunities for comparable technical support in South Asia.

ADB's support for subregional economic cooperation in the GMS includes investments in energy, transport, telecommunications, tourism,

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[15] TA 6008-REG: *Gender and Governance Issues in Local Government*, for $600,000, approved on 4 December 2001.

trade, and environment. At the same time, through the GMS Working Group on Human Resources Development, ADB has supported a number of RETAs to address the social impacts of economic integration. These included an initial study on preventing and controlling HIV/AIDS in the GMS,[16] which led to several follow-up RETA projects, including one on HIV/AIDS in mobile populations.[17] This RETA included a specific study of population mobility in the six GMS countries as it relates to HIV/AIDS transmission.[18] It examined both internal and crossborder movements; the behavior of mobile groups such as fishermen, construction workers, transport workers, traders, and sex workers; and human trafficking, especially of women and children. Other RETAs have included a study of the health and education needs of ethnic minorities in the GMS,[19] studies on malaria prevention[20] and drug eradication,[21] and a study on cooperation in employment promotion and training.[22] The latter recommended developing a subregional labor information network; harmonizing vocational skills standards, testing, and certification; and evaluating and accrediting vocational and technical schools across the subregion.[23] Topics that have been raised in working group meetings and other GMS gatherings, and which may be taken up in the future, include human trafficking, migrant worker rights, and harmonization of visa requirements.[24] ADB's experience in the GMS reinforces the importance of considering the social impacts of economic integration, and identifying priority social issues and impacts for further study.

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[16] TA 5751-REG: *Prevention and Control of HIV/AIDS in the GMS,* approved in September 1997.

[17] TA 5881-REG: *Preventing HIV/AIDS Among Mobile Populations in the Greater Mekong Subregion,* approved in December 1999.

[18] Chantavanich, Supang, with Allan Beesey and Shakti Paul. 2000. *Mobility and HIV/AIDS in the Greater Mekong Subregion.* Report submitted to ADB under TA 5881-REG.

[19] TA 5794-REG: *Study of Health and Education Needs of Ethnic Minorities in the GMS,* approved in December 1999.

[20] TA 5958-REG: *Roll Back Malaria Initiative for the Greater Mekong Subregion,* approved in December 2000.

[21] TA 5970-REG: *Small-Scale RETA for Drug Eradication in the GMS,* approved in December 2000.

[22] TA 5681-REG: *Cooperation in Employment Promotion and Training in the GMS,* approved in April 1996.

[23] ILO East sia Multidisciplinary Advisory Team. 1997. *Cooperation in Employment Promotion and Training in the Greater Mekong Subregion.* Final report submitted to ADB under TA 5681-REG.

[24] See for example Minutes of GMS Mid-Term Review cum Senior Officials Meeting, 30-31 May 2001, Bangkok, Thailand. Available: http://www.adb.org/Documents/Events/Mekong/Proceedings/mtr.asp.

2.3   Country Programming

2.3.1   Country Poverty Analysis and Poverty Reduction Partnership Agreement

The country poverty analysis is a diagnostic tool used to provide a set of strategic options to assist in determining the mutually agreed goals of ADB assistance with a partner developing member country (DMC)[25] as set out in the poverty reduction partnership agreement (PPA) and is used to guide CSP preparation. As such, this analysis identifies the characteristics and causes of poverty in a specific country, as well as opportunities and constraints for poverty reduction initiatives. The findings also assess where there are gaps in information and suggest where specific studies can be carried out or areas where government might be required to develop and provide additional information.

This process provides an opportunity to bring trafficking issues into the analysis as potential outcomes from vulnerabilities faced by the poor—particularly women and children. The interplay between policies such as trade, labor, and migration/mobility issues can be incorporated into the overall assessments (for example, in the labor market profile), as well as the risks and vulnerabilities profiles suggested in the *Handbook on Poverty and Social Analysis* and *Handbook on Resettlement.* Despite the scope of trafficking and its harmful impacts on the development process in South Asia, governments do not ordinarily establish these links in their own policy processes, and ADB's analysis could provide leadership in mainstreaming trafficking into this type of overall poverty assessment.

The following table identifies some of the high-vulnerability groups associated with different types of risk areas that could be incorporated into the risk and vulnerability profile. Quantitative and qualitative data regarding these groups should be incorporated into the analysis of the incidence of risks by population group, as well as by type of risk, together with some linkage to the dynamics that drive the trafficking cycle in each country (macro policies, and economic, social, and governance factors).

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[25]   Drawn from *Handbook on Poverty and Social Analysis,* Section II, pp. 2-4.

Identification of Risks and Vulnerabilities to Trafficking

Type of Risk to the Poor	Subset Associated with Risks/Vulnerabilities to Trafficking
Lifecycle	• Street children with no guardians; • Adolescent girls, adolescents in general; • Children from families in crisis (e.g., alcoholic parents, traumatized from war or civil conflict); • Single women with children (unmarried, divorced, widowed, or abandoned); • Single women (often traumatized through stigmatization e.g., rape victim, suspicions regarding morality, etc.); and Women/girl migrants—either alone or with families.
Economic	• Family that cannot meet basic needs, e.g., large number of dependents without assets; female-headed households; families where one or more member out-migrated; • Livelihood based on arduous labor, especially for women and girls; • High unemployment or long-term under-employment; • Sudden economic shocks, e.g., climatic, erosion, market-driven, change in prices of basic needs; • Indebtedness of family—girls living in communities where dowry payments required upon marriage that divert scarce resources; and • Income disparities between rural/urban or between countries.
Environmental	• Long-term lack of sustainable livelihood from erosion, drought, etc., and • Sudden disaster victims, e.g., cyclones, earthquakes, floods.
Social/Governance	• Social capital: recently arrived migrants have few if any social contacts and cannot benefit from, or may be excluded from, existing social capital; development initiatives and projects may disrupt existing social capital networks and fail to build replacement mechanisms; some groups or individuals may be excluded or marginalized and unable to benefit from existing structures—see below; • Security: those living in violent or abusive families/households; living under conditions of civil unrest or war; children living without parents or guardians; street children; • Status: women and girls unable to control their lives or seeking other options outside their communities as conditions are limiting—often results in women choosing to remain in highly exploitative conditions following trafficking episodes; • Stigmatization: women abandoned, divorced, raped; pressure of community following inappropriate behavior (but not necessarily illegal or immoral) such as inappropriate friendships, seeking to challenge traditional inequalities etc.; difficulties for women migrants or trafficked persons returning to communities where stigmatized leads to re-victimization;

Cont'd...

Type of Risk to the Poor	Subset Associated with Risks/Vulnerabilities to Trafficking
	• Emotional stability: dysfunctional families from addiction or war/civil conflict trauma; absence of caring guardians etc.; and • Adventurers: new technologies, access to information and education and improved transportation systems facilitate migration of those dreaming of better life, but still at risk when have few assets or experience with outside world; traffickers use returned migrants to demonstrate validity of false promises.

The PPA formalizes the joint commitment to effective poverty reduction between ADB and a particular partner government. PPAs have been signed with Bangladesh and Nepal that identify among their priorities social development and good governance—both areas that have potential to be linked to reducing trafficking. Even if trafficking is not identified as an explicit development objective in the PPA, ensuring that vulnerable groups (such as women and children) are specifically targeted will provide entry points for more direct efforts as the CSP is developed.

In the recent Cambodia PPA, both parties specifically pledge to **end illegal human trafficking as an objective** under the Human and Social Development sector. "Control trafficking of women and children" is identified as a mutual agreed objective, with indicators/targets of "Implementation of National Five-Year Plan against the trafficking and sexual exploitation of women and children by 2004" to be monitored annually through the Ministries of Labor (MOSALVY) and Women's Affairs (MWVA). This issue is also linked to improving labor conditions and protecting those vulnerable to negative impacts from development and policy reforms. Similar links could be established in Bangladesh in the context of increased vulnerability of retrenched garment factory workers to trafficking as they seek alternative employment. Many of these workers are young women, and sole-income earners from rural families, who are now forced to migrate to seek work under highly insecure circumstances. Similarly, in **Nepal**, trafficking issues could be linked to the women's empowerment targets.

The PPA also identifies monitoring indicators to assess progress against the shared objectives. Social and human development indicators that provide information on changes associated with risk factors—narrowing gender gaps, education, health, available housing and shelter, migrant/mobile populations—for both poverty and trafficking can be used for

future analysis. Such indicators are basic building blocks for increasing understanding of the dynamics of the impacts of trafficking on development in **Bangladesh**.

2.3.2   Country Strategy and Program

While combating trafficking is not articulated as a specific objective in any CSP in South Asia or within any project, as discussed in the preceding sections, strategic approaches to poverty reduction can make effective contributions through **targeting** those most vulnerable to trafficking and ensuring they benefit from project activities; ensuring that ADB operations **do not contribute to pushing people into unwanted migration,** and hence vulnerability to trafficking; encouraging **safe migration**; and assisting in efforts to **stem demand for trafficked labor**. Achieving progress on poverty reduction and equitable economic growth goals will reduce vulnerabilities to trafficking identified in this RETA— particularly a reduction in the degree of social exclusion faced by women and other disadvantaged groups.

Project implementers might not have the technical capacities or contractual flexibility to add components suggested in the sections below. **NGOs specializing in combating trafficking** are active in many areas of South Asia and can be approached to partner with ADB projects for awareness-raising activities or to assist project implementers in identifying who is the most vulnerable to trafficking within a specific community. ADB project components can be used as a platform to broaden the scope of existing activities without additional funds required. Government counterpart agencies and departments can be encouraged through dialogue with ADB to consider potential links with trafficking, and how these concerns can be mainstreamed into their operations.

ADB's current goals of the CSP in **Bangladesh** and **Nepal** are to promote sustainable pro-poor economic growth, support inclusive social development, and improve governance.[26] These goals will be achieved through support for the following thematic priorities:

(i)   Pro-poor economic growth,
(ii)   Human development,
(iii)   Gender and development,
(iv)   Good governance,

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[26] ADB. 2001. *Country Strategy and Program Update, Bangladesh*, page 2.

    (v)   Private-sector development,
   (vi)   Environmental protection, and
  (vii)   Regional cooperation.

Based on ADB's previous experience and comparative advantage, and the priorities of the Government of Bangladesh, ADB's 2001 CSP has identified the following sectors for operations in **Bangladesh:**

    (i)   Agriculture and natural resource,
   (ii)   Transport and communications,
  (iii)   Energy,
  (iv)   Social Infrastructure, and
    (v)   Finance and industry.

and for **Nepal:**

    (i)   Agriculture and rural development;
   (ii)   Transport;
  (iii)   Energy;
  (iv)   Finance;
    (v)   Education, water supply, sanitation, and urban development; and
  (vi)   Environmental management.

Entry points for antitrafficking activities can be identified in the range of ADB operations in **India**, including sector and thematic studies; advisory technical assistance for capacity building of selected government institutions; regional-level technical assistance activities such as the Labor Standards RETA; and through loans to key sectors. In India these sectors are:

- Energy,
- Transport, and
- Telecommunications.

To illustrate how trafficking concerns can be integrated into the preparation and design of projects, the following issues might be considered for the roads and road transport subsector:[27]

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[27] Additional guidelines for entry points in other sectors of ADB's operations are included in the appendixes.

- Demand side: Roads are the frequent sites for CSWs and hence demand for trafficked victims with truck drivers as the prime customers. Privatization and regulation of this sector (which takes into account working conditions and safety standards) could also incorporate awareness messages concerning various trafficking concerns, for example the harm caused to child CSWs who have been trafficked; dispel myths about child CSWs "curing" HIV/AIDS; and other measures to change the behaviors of clients. HIV/AIDS prevention programming has also explored behavior change education to control the spread of the disease among this high-risk group.

- Supply side: Short-term impacts of road construction may involve the involuntary resettlement of residents and businesses along the roadside. ADB's involuntary resettlement policy makes provision for compensation and resettlement of these affected groups. However, in many cases children are employed in the squatter teashops and *dhabas* along the roadside, and may be concealed from project staff when surveys are carried out. These children are in a high-risk category for trafficking when they move from the road site and may become influenced by others that CSW is the only option for survival. Resettlement plans should take extra care to ensure that these high-risk groups are included in their planning and have easy access to support and resettlement options.

- Girls may also be coerced into becoming CSWs as the construction crews arrive in a particular area. Other ADB projects have introduced codes of conduct for contractors providing labor for such projects, which could be applied in India and incorporate clauses to discourage the use of child prostitutes, address health concerns, and generally raise awareness of the impacts of trafficking on the surrounding community.

- Baseline studies concerning the social impacts of road construction should also incorporate indicators of changing patterns of migration and disappearances within affected communities. Local community leaders can be encouraged to set up surveillance groups to gather this information and at the same time link with NGOs in the area providing trafficking-awareness programming. Similarly, local law enforcement officers and police can be used along the highway corridor to provide additional information and participate in community surveillance groups.

ADB is also developing new initiatives to address social dimensions of poverty reduction at the state level in India in selected sectors/areas, particularly through links with other funding agencies. The strategy is to improve incomes and reduce poverty by promoting a higher sustainable economic growth path and efficiency gains. In parallel, ADB will integrate social concerns within state-focused operations. ADB will help achieve these aims by supporting the development of:

- Urban infrastructure, including provision for housing finance to upgrade slums; provision of low-income housing and sanitation, water supply, solid waste management, etc.;
- Sustainable financing for social services, and
- A social safety net.

ADB also strongly supports gender and the empowerment of women as a key facet of poverty reduction. As the work to combat trafficking has demonstrated, gender-based exclusion from development resources and basic needs creates great vulnerability for women and girls to being caught up in trafficking. These same factors also perpetuate the conditions that limit their life options and increase their difficulty to move out of poverty. Empowering women through economic and human capital investments can also facilitate their participation in shaping governance mechanisms to protect women and children from trafficking (e.g., police protection and prosecution of traffickers). All ADB project planning and policy dialogue can benefit from the good practices identified in the India Country Paper that provides details on operational mechanisms for programming which have proven successful in addressing trafficking concerns. These examples can be used to identify where linking with government (national and state) and NGO partners can be built into projects. Such partnering might require the creation of space and entry points within an ADB project, for example by providing access to those involved in resettlement planning for antitrafficking NGOs to build awareness regarding trafficking risks.

2.3.2 Project-Level Poverty and Social Analysis

Some general guidelines can be applied during the project preparation process to ensure that links to trafficking and safe migration and any potential to contribute to combating trafficking are identified. The TA fact-finding stage of project preparation provides an opportunity

to incorporate trafficking concerns in the initial poverty and social analysis (IPSA). The box below provides examples of the types of projects or initiatives with potential to contribute either directly or indirectly to combating trafficking. Additional information and data under the risk and vulnerability profile should be incorporated concerning those most exposed to trafficking. This will point to areas for more detailed investigation during the full poverty and social analysis (PSA) at the project design stages.

**Projects with Potential to Contribute Directly or Indirectly
to Combating Trafficking**

- Urban infrastructure project, including small and secondary towns;
- Poverty reduction project covering known source areas for trafficking;
- Large-scale infrastructure project that would cause the influx of outside construction workers and opportunities to build facilities to assist antitrafficking efforts— information booths, shelters;
- Crossborder road corridor project that develops new routes and incorporates improved border facilities that might include safe migration and antitrafficking information booths, etc.;
- Social protection project targeting the population vulnerable to being trafficked;
- Women's empowerment project;
- Legal awareness-raising/legal reform;
- HIV/AIDS project;
- Governance/policy reform/capacity building of local and national government; and
- Regional cooperation.

Trafficking issues can be incorporated into the PSA as follows:

- Vulnerabilities and risks of beneficiaries and communities where project will be implemented are fully investigated;
- Monitoring indicators that will track changes and impacts of project activities are developed;
- Links and partnerships with trafficking NGOs and other experts are investigated—not necessarily as direct components of the project, but analysis of links might provide insights into how ADB project components could be used as platforms for antitrafficking messages or initiatives, e.g., HIV/AIDS prevention awareness might be extended to include trafficking and safe migration messages, social mobilization activities could be linked to trafficking prevention activities; and

- If direct contributions can be made to combating trafficking, partnerships can be developed with other funders or through international nongovernment organizations to identify how these components might be supported and how they would link into ADB operations. Alternative sources of funding might also be available, for example, the Japan Fund for Poverty Reduction.

Guidelines that cover ADB-supported sectors that provide opportunities to directly or indirectly address trafficking concerns are enumerated in Appendixes 2-9. These sectors are:

- Agriculture and irrigation;
- Transport and communications;
- Energy;
- Education;
- Urban Governance and Infrastructure Improvements;
- Women's empowerment;
- Water Supply and Sanitation; and
- Social protection

The guidelines provide examples of how sector-based ADB-supported activities might contribute to combating trafficking and facilitating safe migration, including suggestions for specific components often incorporated into each sector of activity. These potential contributions can be considered during the feasibility and preparation stages of projects, or links can be made with NGOs or government programming already underway in areas where the project is being implemented. Other funding agencies are also actively involved in many similar activities where ADB is already implementing operations. Components to combat trafficking might be directly linked to existing project activities.

2.3.3 Policy Dialogue

Policy dialogue concerning trafficking and safe migration can also be incorporated into thematic priority areas.

(a) Gender and Development

As identified in the analysis of the dynamics of trafficking, the low status of women and their exclusion from development opportunities

intensify the risks women face. Any support that is provided by government or other development programs to increase women's access to and control of assets and other resources can contribute to reducing their risk not only to trafficking but also to many other harmful situations—for example, gender-based violence.

As identified in the **Nepal** CSP, all efforts to close the gender gap "are likely to remain limited unless the gender bias in the social system is reduced, if not eliminated."[28] Consequently, it is proposed that the gender strategy for Nepal and other South Asian counterparts include not only integration of gender and development concerns into projects, but also into assistance to policy support, capacity building, and awareness raising.

ADB could take leadership in demonstrating how poverty reduction programming that is built on women's empowerment can have impacts that include reducing risks to harms such as trafficking. This could be done by tracking trafficking risk indicators in ADB's loan projects and bringing this information into policy dialogue on many issues. Links can be made between women's empowerment in the workplace and safe migration policies that facilitate women's migration without negative impacts (such as trafficking and poverty reduction).

(b)   Private Sector Development

Improving corporate governance and corporate responsibility for labor conditions within their operations could be incorporated into capacity building and policy development in these areas. This has already been identified in the recent ADB/ILO RETA on Labor Standards. As identified in the sections above, while many agencies and organizations are investing a great deal of funds and efforts in preventing trafficking and addressing its effects on the survivors, few are seriously addressing the demand for trafficked labor. ILO is working with their private sector partners to reduce the use of child labor, and trafficked labor is a specific category in their campaigns and awareness programs.

Support to ILO from ADB would contribute to combating trafficking, especially associated with ADB projects to support small and medium enterprises (SMEs). Increasing an understanding of mechanisms that could be used to discourage the use and exploitation of trafficked labor in the informal sector and among SMEs could contribute significantly to combating trafficking. Leadership can be taken by ADB by visibly monitoring codes of conduct incorporated into contracts with construction

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[28] *ADB Country Strategy and Program Update (2002-2004), Nepal,* July 2001, page 4.

contractors and other supplies for ADB operations. These examples could be used to illustrate how other mechanisms might be adopted to strengthen corporate responsibility to limit illegal labor exploitation and to build capacities among appropriate government departments to monitor these issues in sectors such as export-processing zones, garment and carpet manufacturing, etc. Skill training in nontraditional areas for women can also provide additional opportunities to ensure that women can enter expanding sectors through formal entry points rather than being forced to take low-skilled, casual employment opportunities in informal sectors.

(c) Governance

ADB's continued support for the implementation of the decentralization process offers great potential to build accountability from all levels of government to address human trafficking. Support could be extended in areas such as:

- Capacity building for women elected officials at local and national government levels to encourage their leadership in combating trafficking and understanding links between poverty reduction and building resistance to trafficking;
- Capacity building with municipal government to develop and implement measures to ensure migrant and mobile populations have access to services and economic opportunities and hence reduce their vulnerability to risks such as trafficking;
- Implementing government-sponsored programs to increase birth and marriage registration—a key step in enabling rights of children to be protected, to improve delivery of basic services, and to track and monitor population movements through issuing identity cards and/or passports; and
- Promoting improved enforcement of existing legislation to combat trafficking. Other funders are supporting police training and awareness among community political leaders, but ADB could reinforce these efforts by raising human trafficking concerns at higher levels in discussions regarding accountability and transparency of local government mechanisms.

(d) Regional Cooperation

Links exist between vulnerabilities to trafficking and regional cooperation activities supported by ADB. These include the impact of

improved road networks across borders between Bangladesh, India, and Nepal, along which the vast majority of trafficking women and children travel. Some of the road corridor improvement project activities already underway in **Bangladesh** have considered additional activities such as including information booths at bus shelters close to the border for those seeking help to return home. Other activities like this could be considered along the Bangladesh-India border crossings.

Some activists argue that improving road connections actually drives traffickers further off to rural and remote roads, so the assumption that if the road and transport services improve, so will the flow of traffickers does not necessarily hold true. However, ADB might consider carrying out a more detailed analysis of what the impacts might be along these major transportation corridors.

Consideration also needs to be made of the impacts of freer movement of labor, along with greater access to markets on the trends of human trafficking.

Support can also be provided to the Government of Bangladesh, through policy dialogue at a regional and subregional level, for the implementation of the recently signed SAARC Trafficking Convention. ADB's recognition of this step in combating trafficking has already been recognized through the RETA facilitating the exposure visit to Thailand for government representatives from each of the three countries. Continued communication with these same ministries regarding progress since the exposure visit would assist in maintaining momentum.

(e) Aid Agency Cooperation

At the recent South Asia Regional Consultation prior to the Second World Congress Against Commercial Sexual Exploitation of Children held in Yokohama in 2001, many stakeholders raised the importance of development programming—at national levels and among funding agencies—targeting poverty reduction programming to areas known to have high incidence of trafficking, or to the specific needs of those most vulnerable. One way to improve a targeted approach is to increase aid agency cooperation. As has been demonstrated in **Bangladesh** and **Nepal** through the Inter-Agency Coordination Group on Trafficking, the exchange of information is an important first step in this direction.

ADB could participate more fully in this type of forum, and in identifying aspects of the national plan of action (NPA) it could provide support, not necessarily through stand-alone antitrafficking projects, but

through the linking of existing poverty reduction programming, e.g., rural credit programs, water and sanitation projects, etc. Other agencies and international NGO/local NGO networks could assist ADB in identifying NGOs with capacities to bring ongoing antitrafficking activities to project areas and to coordinate with project implementers on suitable timing and locations for activities.

2.4   Approaches for ADB Regarding Legal Frameworks

ADB and other development agencies can play a constructive role in supporting some or all of the following antitrafficking initiatives at a subregional or national level:

- Support for improved monitoring of complaints, prosecutions, convictions, and sentences relating to trafficking offenses to identify enforcement patterns and gaps;
- Support for development of a bilateral or regional database on trafficked persons, and bilateral arrangements to facilitate exchange of information and repatriation;
- Support for a regional study, perhaps by a technical expert group under the *SAARC Trafficking Convention*, to make recommendations for harmonizing national laws relating to trafficking, in order to facilitate regional cooperation in investigating and extraditing traffickers and providing assistance to trafficked persons;
- Support for NGOs working on legal literacy/empowerment of women, including paralegal training;
- Support for capacity building of local government officials, especially elected women, to promote community awareness and monitoring of trafficking;
- Support for training of police investigators, magistrates, prosecutors, and judges on trafficking and women's/children's rights;
- Support for establishment of effective birth and marriage registration systems; and
- Support for monitoring and enforcement of labor standards in workplaces, including the development of codes of conduct by private sector industry associations and enterprises.

In addition, there are a number of opportunities for ADB to address legal issues related to trafficking and trafficking prevention within its regular programs of assistance to the three countries. These opportunities are

particularly apparent in ADB's support for public service reform, anticorruption efforts, local governance, strengthening of social safety nets, law reform, legal empowerment, and access to justice. ADB's recent study of legal empowerment activities of NGOs in Bangladesh and other countries found a number of positive outcomes, for example, in addressing domestic violence, restraining the practice of dowry, and encouraging women to seek legal redress and participate in local-level decision making.[29] ADB's support for the legal empowerment of women and girls—for instance, through grants to NGOs involved in this work—could also reduce their vulnerability to trafficking. ADB's recent loan to Pakistan for its *Access to Justice Program* is also an important precedent.[30] Through this loan, ADB is supporting criminal justice reform, including gender-sensitivity training for police forces and the establishment of a legal empowerment fund to advocate for the rights of women and other disadvantaged groups. Similar program lending could be provided to improve the effectiveness of law enforcement agencies in combating human trafficking, including measures to reduce police corruption and protect trafficking survivors. In addition, through its support for private sector development and corporate governance, ADB could promote codes of conduct among firms and business associations to encourage better compliance with core labor standards and national labor laws, and thereby address one of the strong demand factors in the human trafficking equation.

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[29] TA 5856-REG: *Legal Literacy for Supporting Governance*, for $500,000, approved on 24 August 1999.
[30] Loan No. 1897-PAK, for $243.2 million, and Loan No. 1898-PAK, for $86.8 million, approved on 20 December 2001.

APPENDIX 1

SUGGESTED ADB APPROACH TO ADDRESS POVERTY REDUCTION AND LINKS TO COMBATING TRAFFICKING

ADB Approach to Poverty Reduction	Example of Link to Combating Trafficking	
Extend opportunities to increase access to and control over assets to poor and excluded groups: • Building assets • Ensuring access • Develop affordable basic services • Employment of the poor • Redress asset inequalities • Private investment	Outcomes that increase life/livelihood options: • Most vulnerable to trafficking/forced migration benefit from activities: e.g., girls in school, marginalized families participate fully (female heads of household, tribals, etc.) • Affirmative action codes of conduct in place to employ women and build skills among adolescents	Outcomes that facilitate safe migration: • Education, skills, and information to build capacities to resist traffickers • Basic services offered to migrant populations (including internally displaced persons and refugees) in destination points, e.g., education, health services in squatter communities • Core labor standards respected in private investments to discourage employment of trafficked labor
Facilitate empowerment of the poor and excluded: • Political/legal • Good public management • Decentralization • Social capital development • Gender equality • Address social barriers	Outcomes that increase life/livelihood options: • Increased status of women and girls through empowerment (political, legal, economic) and ensure their needs are addressed • Increased access to decision makers at community level to build mechanisms to resist activities of traffickers	Outcomes that facilitate safe migration: • Government policies more responsive to needs of migrant women, e.g., domestic workers permitted to migrate legally across borders, and support services developed • Decentralized municipal governments responsive to needs of newly arrived migrant families

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ADB Approach to Poverty Reduction	Example of Link to Combating Trafficking	
Reduce risk and overcome vulnerabilities: • Preventative • Self-reliance • Labor market programs • Pro-poor social expenditure • Secure social assistance • Disaster relief	Outcomes that increase life/ livelihood options: • Community surveillance mechanisms in place through social mobilization to limit traffickers' activities and increase accountability for community protection of most vulnerable, e.g., orphaned or street children • Disaster relief targets those with limited assets to restart livelihoods, e.g., no savings, uneducated or no skills, including women and children with no guardians	Outcomes that facilitate safe migration: • Governments adopt policies that recognize long-term development benefits from safe migration, e.g., encourage settlement of entire migrant families; provision of services to new migrants • Regional labor market integration identified as policy dialogue concern in Association of South-East Asian Nations, South Asian Association for Regional Cooperation, etc. to facilitate improved and safer migration management • Address demand for trafficked labor, e.g., road transport driver behavior changed through work practices standards, enforcement of child labor standards, especially on construction projects

Source: Based on *ADB Handbook on Poverty and Social Analysis – A Working Document,* 2001.

APPENDIX 2

SECTOR GUIDELINES: AGRICULTURE AND IRRIGATION

1. Rationale/Links with Combating Trafficking

Projects in this sector have the potential to target the poor and vulnerable and seek to increase access to productive resources to those most marginalized. Ensuring that those most vulnerable to being trafficked also benefit from and participate in project activities will increase their capacities to resist risks associated with migration under unsafe conditions and temptations of traffickers. Loss of livelihood and an inability to maintain basic needs are the two most frequently identified push factors for those who become caught up in trafficking episodes.

Addressing trafficking and commercial sexual exploitation of children may be a priority of the developing member country (DMC). For example, in South Asian countries, national plans of action (NPAs) have been adopted that identify reducing poverty and increasing women's choices as significant contributions to the NPA objectives. Asian Development Bank (ADB) efforts to mainstream antitrafficking concerns into project activities can support the implementation of government NPAs or similar commitments to combat trafficking.

2. Steps to Consider in Project Design

Step 1

Identify and target those most vulnerable, including female heads of household, marginalized groups, adolescents who may require special efforts to be encouraged to participate in project activities—but they are also often excluded from community decision making and are vulnerable to risks such as inability to meet basic needs and trafficking.

Assess whether or not the project will be located in an area particularly prone to trafficking or out-migration during periods of environmental disaster (flood, erosion) or hungry seasons. An analysis of

the factors that cause out-migration or trafficking will assist in identifying who is most vulnerable and whether or not those factors could be addressed directly or indirectly by the project.

Step 2

When designing project components, identify links and entry points with potential to combat trafficking (directly or indirectly). These might include:

- efforts raising public awareness of trafficking operations could be incorporated into community and social mobilization activities—as well as other mechanisms to build social capital in general;
- those most vulnerable should be encouraged to participate in project activities to increase access to productive resources and extension/technology information; and
- employment opportunities should be provided for the most vulnerable groups and labor standards should be followed by contractors and suppliers during the construction phase of infrastructure projects.

Step 3

Identify NGOs or other organizations/government departments operating in the project area that have expertise and experience in addressing trafficking concerns. Consult with these stakeholders to identify potential linkages or partnerships.

Step 4

Indicators can be incorporated during the design of the monitoring baseline and used to track issues such as effectiveness of incorporating those most marginalized and vulnerable to trafficking into project activities and benefits; progress of social mobilization efforts to address issues of priority to project beneficiaries; and changes in levels of out-migration from the project area.

Table 1 enumerates examples of entry points for initiatives that will directly or indirectly combat trafficking in the agriculture and irrigation sector.

**Table 1:   Agriculture and Irrigation Sector –
Suggested Entry Points for Antitrafficking Components**

Type of Initiatives Project Component /	Suggested Actions
Community managed flood control and irrigation schemes	• Ensuring that most marginalized and at risk to trafficking are part of community organizations managing and operating water control structure, for example female-headed households. Participation will increase access to decision makers in the community for those most at risk and increase their status; • Building social capital through inclusive community organizations can strengthen resistance to temptations for the marginalized to migrate under unsafe conditions, and increase a sense of belonging to a community; and • Ensure more equitable access to resources through inclusive community management schemes for those most at risk to being trafficked.
Agricultural improvement through more equitable access to inputs	• Ensuring those most at risk to trafficking have greater access to key productive resources will build their resistance. • Increased income and livelihood security for those most vulnerable to trafficking will assist in their empowerment in their communities.
Increasing access to microcredit facilities	• Microcredit delivered through community-based organizations (CBOs) can provide opportunities to those most marginalized to benefit from social mobilization process. • CBOs can be encouraged to extend their scope of activities to take leadership in other areas of concern to their communities, e.g., discouraging the operations of traffickers or discussing safe migration options. Community trafficking surveillance groups, seeking to protect those most vulnerable in their community to resist traffickers, are most effective when built into activities of existing community-based groups, e.g., microfinance self-help groups, etc. • Where NGOs and government programs are supporting the return of trafficked persons into their communities, special efforts can be made to ensure that microfinance facilities are extended to these individuals/groups.

APPENDIX 3

SECTOR GUIDELINES: TRANSPORT AND COMMUNICATIONS

1.   Rationale/Links with Combating Trafficking

Projects in this sector have the potential to directly benefit the poor through increasing their physical access to productive assets and markets, but these gains may be made over the longer term. There is potential also to increase access to social services, such as health and education, perhaps reducing the need or motivation for some to leave the community and hence avoid risks of being trafficked.

The links to migration with improved road networks are also clear. Better roads facilitate movement away from communities that offer few employment or livelihood options and this can be a positive gain, if the migration process is safe. However, such migration experiences might end up in exploitative circumstances in the hands of traffickers. Awareness-raising efforts concerning the dangers of trafficking and providing safe migration services will prevent negative outcomes from increased mobility from areas with improved roads.

Subregional and regional road corridor projects are not only improving access of communities to wider markets, but also building infrastructures that will facilitate goods and people to cross international borders. Facilities include improved customs and immigration services, as well as other infrastructures for transport services such as bus stands, services for truck drivers, etc. Many trafficked persons pass through border crossings and safe migration and shelter/help can be provided to them by antitrafficking NGOs and hence curb trafficking through these areas.

Construction phases of road projects generally bring large numbers of temporary laborers into the surrounding area and involve significant physical disruption for those whose property is expropriated or through temporary resettlement. These activities have several impacts on the existing communities including increased demand for CSWs from construction workers, introduction of new ideas as well as employment opportunities, increased demands on existing health services from construction workers, disruptions and involuntary resettlement for some

community members that might lead to increased vulnerability to being trafficked, and disintegration of social networks.

2. Steps to Consider in Project Design

Step 1

Identify and ensure that those most vulnerable to being trafficked participate and benefit from the project, including the following:

- those living along the roadside—especially squatters and poor female-headed households who may be liable to involuntary resettlement or income loss through road improvements;
- marginalized groups—ethnic minorities, single women (widows, divorced women, migrants) who would benefit directly from employment opportunities and less directly from overall reduction in poverty; and
- children, adolescent girls, and others likely to be coerced or duped into commercial sexual exploitation by traffickers, either in the community or encouraged to move away.

Assess whether or not the project will be located in an area particularly prone to trafficking or out-migration during periods of environmental disaster (flood, erosion) or hungry seasons. An analysis of the factors that cause out-migration or trafficking will assist in identifying who is most vulnerable and whether or not those factors could be addressed directly or indirectly by the project.

Step 2

When designing project components, identify links and entry points with potential to combat trafficking (directly or indirectly). These might include:

- raising public awareness about trafficking operations that might be taking place around construction camps and expanded bus and transport facilities;
- constructing appropriate infrastructure to provide services to trafficked persons or those vulnerable to being coerced by

traffickers, such as information booths in bus stands or truck stops/ dhabas, border crossings;
- capacity building with community and municipal elected officials and governments to raise awareness regarding trafficking and developing prevention programs—this is especially important for police and immigration officials at border crossings;
- associated poverty reduction operations that reach those most vulnerable to being trafficked; and
- providing employment opportunities during construction phases of the project for most vulnerable groups and implementation of labor standards by contractors and suppliers.

Step 3

Identify NGOs or other organizations/government departments operating in the project area that have expertise and experience in addressing trafficking concerns. Consult with these stakeholders to identify potential linkages or partnerships.

Step 4

Indicators can be incorporated during the design of the monitoring baseline and used to tract issues such as effectiveness of incorporating those most marginalized and vulnerable to trafficking into project activities and benefits, progress of social mobilization efforts to address issues of priority to project beneficiaries, changes in levels of out-migration from the project area.

Table 2 cites examples of entry points for initiatives that might directly or indirectly combat trafficking in the transport and communication sector.

Table 2: Transport and Communications Sector – Suggested Entry Points for Antitrafficking Components

Type of Initiative/ Project Component	Suggested Action
Infrastructure Components	• Link with antitrafficking NGOs operating in the area to ensure that needs of migrants, trafficked persons, and other vulnerable groups are addressed in infrastructure components, e.g., construction of information booths, temporary shelters at road intersections, major bus stands, etc. then managed by anti-trafficking NGOs. • Income-generating opportunities provided by project are extended to most vulnerable groups while building awareness regarding application of core labor standards and avoiding exploitative labor practices.
Employment Opportunities	• Short-term project benefits include employment opportunities for all members of a community, including women, during construction phases. Several ADB projects have already successfully encouraged contractors to include a quota of women among construction workers. Women construction workers tend to be from the most destitute in the community and benefits from employment may prevent children of these women being "moved out" or trafficked from the community to relieve pressure on scarce family resources. Also employment for women in the formal sector builds status and confidence of young women, who are then better able to resist the coercion and deception of traffickers. • Loan agreements for many ADB-supported projects have included covenants on labor and health issues (e.g., use of child labor, women's employment). These loan covenants or codes of conduct should be considered for all ADB-supported projects to indirectly contribute to combating trafficking by limiting the use of trafficked child labor from surrounding communities. Monitoring these agreements will facilitate identification of trafficked labor and how they might seek help. • Apprenticeship opportunities that build skills of adolescents in surrounding communities will bring longer-term benefits to this high-risk group from the employment component of construction projects.

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Type of Initiative/ Project Component	Suggested Action
Social Impacts of Road Construction	• Agreements and covenants signed (and consistently monitored) with the ADB-financed contractors, that include expectations of responsible behavior from construction gangs regarding commercial sex workers (CSWs), and reporting the presence of children who are being sexually exploited to local authorities will benefit all surrounding communities. • Resettlement of those disrupted by road construction, such as squatter small businesses along roadsides, can be monitored to assess changes in out-migration patterns—and hence increasing risks of trafficking. Children working in small businesses are often without guardians and are especially vulnerable when resettlement takes place. Awareness of these vulnerabilities can be raised during meetings with those affected by resettlement schemes, and other safe migration supports might be considered for those considering permanent migration away from the community, e.g., dangers of advances from traffickers. • Roadway improvements will increase the flow of people through the community, including some of those with high risk of being HIV-positive, e.g., truck and bus drivers, some migrant construction workers. HIV/AIDS awareness messages with CSWs and those using the highways can be combined with antitrafficking and safe migration messages. • All social mobilization activities should include awareness-raising messages concerning the dangers of trafficking along with other issues such as environmental protection, community involvement in maintenance component, etc.

APPENDIX 4

SECTOR GUIDELINES: ENERGY
(Rural Electrification and Hydropower)

There are no direct links between the current projects in this subsector and combating trafficking. However, any measures that bring greater economic opportunities to rural communities can reduce vulnerabilities to trafficking. It is especially significant for women if project benefits reduce their arduous workload. Equitable distribution of these benefits is of course important.

During the construction phase of these projects, as identified in the section above on rural roads, there are many opportunities to target those most vulnerable to trafficking with benefits such as job opportunities with construction work. Construction phases also generally bring large numbers of temporary laborers into the surrounding area with impacts on the communities such as increased demand for CSWs from construction workers, introduction of new ideas as well as employment opportunities, increased demands on existing health services from construction workers, disruptions and involuntary resettlement for some community members that might lead to increased vulnerability to being trafficked, and disintegration of social networks.

Mitigating social impacts of construction phase should include:

- Direct and indirect impacts of the project activities (such as resettlement) can take into account how this will also affect migration patterns and provide opportunities for traffickers to become active in the project area. Safe migration packages need to be included in resettlement planning;
- The incorporation of awareness messages into project components already addressing community impact issues, and codes of conduct for construction workers that raise concerns about CSWs and child prostitution can also be a means to address some trafficking issues; and,
- Migrant construction workers are a high-risk group for HIV/AIDS. Awareness messages with CSWs and construction workers can be combined with antitrafficking and safe migration messages.

APPENDIX 5

SECTOR GUIDELINES: EDUCATION
(Primary, Secondary, and Nonformal Education)

1. Rationale for Combating Human Trafficking

- Teachers are community leaders and have potential to influence and inform children and adolescents and warn these vulnerable groups about the dangers of trafficking and build confidence of young people to resist coercion and deception of traffickers;
- Literacy and other basic educational attainments help build confidence of girls and empower women so they are less dependent and vulnerable to risks, such as trafficking;
- Increased educational levels will assist those most marginalized to access development resources more effectively and hence reduce their vulnerability to risks such as trafficking;
- Investments made in education and other human capital development activities are lost when the labor of trafficked persons is exploited. Trafficking may also cause great physical and psycho-social harm, which places additional demands on already stretched health and social services; and
- Addressing trafficking and commercial sexual exploitation of children may be a priority of the DMC. For example, in South Asian countries, NPAs have been adopted that identify reducing poverty and increasing women's choices as significant contributions to the NPA objectives. ADB efforts to mainstream antitrafficking concerns into project activities can support the implementation of government NPAs or similar commitments to combat trafficking.

2. Steps to Consider in Project Design

Step 1

Identifying and targeting those most vulnerable, including the following:

- Ensure that those most vulnerable and marginalized have access to new education opportunities being offered through the project, including street children without guardians, children from female-headed households, ethnic minorities, adolescent girls, and single women, particularly those who are migrants and are generally excluded from government-run and formal schools; and

- Assess whether or not the project will be located in an area particularly prone to trafficking or out-migration during periods of environmental disaster (flood, erosion) or hungry seasons. An analysis of the factors that cause out-migration or trafficking will assist in identifying who is most vulnerable and whether or not those factors could be addressed directly or indirectly by the project.

Step 2

When designing project components, identify links and entry points with potential to combat trafficking (directly or indirectly). These might include:

- Awareness raising regarding trafficking operations can be built into curriculum;

- Teacher training components can be used to raise awareness of trafficking and provide teaching modules that will build confidence among those most vulnerable;

- Ensuring that facilities are constructed in areas that will encourage those most vulnerable to attend (e.g., urban slum areas), among ethnic minorities, providing facilities to NGOs working with children of CSWs and street children or providing nonformal education to female factory workers, domestic workers—especially children—and destitute women;

- When construction is carried out, efforts can be made to offer employment to those most marginalized in these communities which will indirectly reduce their vulnerability to being trafficked; and

- Capacity building in cooperation with the Ministry of Education to raise awareness of impacts of trafficking and loss of investment in human development and other services. Assist in the development of analysis of these impacts and potential for education policy and programs to reduce and overcome the

impacts of trafficking. Provide support through links with NGOs and other experts for the development of trafficking prevention and awareness messages for inclusion in teacher training, and formal and nonformal curricula.

Step 3

Identify NGOs or other organizations/government departments operating in the project area that have expertise and experience in addressing trafficking concerns. Consult with these stakeholders to identify potential linkages or partnerships.

Step 4

Indicators can be incorporated during the design of the monitoring baseline and used to track issues such as effectiveness of incorporating those most marginalized and vulnerable to trafficking into project activities and benefits; progress of social mobilization efforts to address issues of priority to project beneficiaries; and changes in levels of out-migration from the project area.

SECTOR GUIDELINES: URBAN GOVERNANCE AND INFRASTRUCTURE IMPROVEMENT
(Including large centers and secondary towns)

1. Rationale for Combating Human Trafficking

Those most vulnerable to trafficking—especially new migrants—are concentrated in urban areas. Projects in this subsector improve environmental conditions, municipal institutions, and infrastructures. Slum improvement is also a component of some projects, which has great potential to improve the security of new migrants and increase their access to basic needs, for example, through including temporary shelter homes for different high-risk groups such as children, single adolescent girls, and young women in housing finance projects; and upgrading existing vagrant and temporary shelter homes in slum rehabilitation components.

Economic changes and industrial retrenchment influences urban populations first, and can rapidly undermine stability of these communities. Without adequate social networks, many unemployed will take desperate decisions—including migrating under unsafe conditions—in order to survive. Urban development projects have the potential to provide assistance and support to these groups through social protection measures, and hence limit potential for traffickers to profit from the desperation of others.

Considerable social disruption and disintegration is caused in slum and squatter settlements by activities of organized crime, including traffickers.

Addressing trafficking and commercial sexual exploitation of children may be a priority of the DMC. For example, in South Asian countries, NPAs have been adopted that identify reducing poverty and increasing women's choices as significant contributions to the NPA objectives. ADB efforts to mainstream antitrafficking concerns into project activities can support the implementation of government NPAs or similar commitments to combat trafficking.

2. Steps to Consider in Project Design

Step 1

Identify and target those most vulnerable, including the following:

- Almost all migrants go first to urban centers where there is limited affordable housing so most migrants end up in slum or squatter settlements—these areas are habitually targeted by traffickers seeking vulnerable newly arrived migrants;
- Street children without guardians, adolescent girls, and single women, particularly those who are new migrants, have limited access to social networks or protection; and
- Families, particularly female-headed households, living in slum and squatter settlements may be unable to meet basic needs and are willing to "hand over" their children or female dependents to traffickers on the promise of better jobs.

Step 2

When designing project components, identify links and entry points with potential to combat trafficking (directly or indirectly). These might include

- Awareness raising regarding trafficking operations that might be taking place within the slum or urban community; provide safe migration information for those newly arriving or considering leaving the community;
- Constructing appropriate infrastructure to provide services to trafficked persons or those vulnerable to being coerced by traffickers if living on the street;
- Capacity building with municipal governments to understand links between poverty reduction, trafficking, and vulnerabilities of migrant/mobile populations;
- Poverty reduction operations that reach those most vulnerable to being trafficked; and
- Providing employment opportunities during construction phase of the project for the most vulnerable and implementation of labor standards by contractors and suppliers.

Step 3

Identify NGOs or other organizations/government departments operating in the project area that have expertise and experience in addressing trafficking concerns. Consult with these stakeholders to identify potential linkages or partnerships.

Step 4

Indicators can be incorporated during the design of the monitoring baseline and used to track issues such as effectiveness of incorporating those most marginalized and vulnerable to trafficking into project activities and benefits; progress of social mobilization efforts to address issues of priority to project beneficiaries; and changes in levels of out-migration from the project area.

Table 3 gives examples of entry points for initiatives that might directly or indirectly combat trafficking.

**Table 3: Urban Governance and Infrastructure Sector –
Suggested Entry Points for Antitrafficking Components**

Type of Initiative/	Suggested Action
Slum Improvement Components • Community-based planning • Construction of physical infrastructure • Poverty reduction • Women's empowerment • Delivery of services (health, education, skills training, etc.)	• Ensure that vulnerable groups, especially new and marginalized migrants, are included in any social mobilization and planning activities. • Special efforts may also need to be taken to ensure that the needs of street children and other young people (especially girls) living without guardians are included. • Encourage communities to discuss physical security issues for most marginalized, e.g., street children. • Employment opportunities during the construction phase are offered to those most at risk of being trafficked, including adolescent boys and girls. • Loan covenants or codes of conduct are developed and monitored to ensure that ADB-financed contractors and suppliers do not exploit trafficked labor. • Identify specific income-generating activities that can be carried out by those most vulnerable to being trafficked, e.g., adolescents, women, other marginalized groups.

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Type of Initiative/ Project Component	Suggested Action
	• Seek partnerships with existing NGOs and provide support to establish shelter homes, health centers, etc. that cater specifically to children living under difficult circumstances and others vulnerable to trafficking; also build shelter homes for trafficked persons seeking to return to urban communities. • Link with and provide platforms for HIV/AIDS prevention programming as these organizations generally target the same groups as those most vulnerable to trafficking. • Safe migration and legal awareness components can be incorporated into health, education, and community mobilization initiatives.
Capacity Building of Municipal Institutions • increasing accountability and transparency • improving client-responsive service delivery	• Introduce links between poverty, migration, and trafficking to encourage use of urban planning tools to address trafficking concerns (e.g., providing shelter homes for street children, building social capital within communities to counter trafficking operations). • Encourage women elected officials to take leadership in combating trafficking and increasing physical security of urban areas for young single women. • Increase capacity of municipal governments to develop infrastructures that provide security and protection to those most vulnerable and to develop services that will reduce their economic and social vulnerability. • Encourage government officials to take up programs to improve birth and marriage registration, especially among migrant populations. • Increase capacity to incorporate needs of marginalized informal sectors into economic and physical planning, i.e., commercial sex sector and other sites of exploitation of trafficked labor.

APPENDIX 7

SECTOR GUIDELINES: WOMEN'S EMPOWERMENT

1. Rationale/Links with Combating Trafficking

Many ADB projects have supported social empowerment of women through microfinance initiatives, delivered along with other programs, such as health, nonformal education, etc. through self-help groups. Women beneficiaries have also been economically empowered through borrowing for income-generating activities from group savings and external funds with the help of NGOs and savings and credit cooperatives. These outcomes are examples of steps that build resistance to being trafficked among those most at risk.

The basic needs of these women can now be met more effectively, and they are no longer forced to send away some of their children or move themselves to seek other employment options. Membership in community-based organizations has assisted these women to increase their status and capacity to interact more confidently with public institutions. Increased empowerment can also facilitate safe migration for these women, should they choose to move. Trafficking operations undermine these efforts to empower women and the harm caused to women and children limits not only each individual's potential, but also that of their families and communities.

Addressing trafficking and commercial sexual exploitation of children may be a priority of the DMC. For example, in South Asian countries, NPAs have been adopted that identify reducing poverty and increasing women's choices as significant contributions to the NPA objectives. ADB efforts to mainstream antitrafficking concerns into project activities can support the implementation of government NPAs or similar commitments to combat trafficking.

2. Steps to Consider in Project Design

Step 1

Identify and target those most vulnerable and marginalized, so that they have access to project activities, including young women and

adolescent girls, women and girls from ethnic minorities and other excluded groups, women who may be stigmatized through divorce, abandonment, etc.

Assess whether or not the project will be located in an area particularly prone to trafficking or out-migration during periods of environmental disaster (flood, erosion) or hungry seasons. An analysis of the factors that cause out-migration or trafficking will assist in identifying who is most vulnerable and whether or not those factors could be addressed directly or indirectly by the project.

Step 2

When designing project components, identify links and entry points with potential to directly or indirectly combat trafficking (see Table 4). These might include

- Awareness raising regarding trafficking operations can be built into different project components, e.g., social mobilization, legal awareness/literacy;
- Income generation and other poverty reduction initiatives that benefit those most at risk of being trafficked;
- Legal literacy and women's rights awareness incorporates messages concerning safe migration, resistance building to trafficking operations, and information on reporting and claiming protection from existing antitrafficking legislation; and
- Capacity building with women elected officials to raise awareness of the impacts of trafficking in the community and how to take leadership in combating vulnerabilities.

Step 3

Identify NGOs or other organizations/government departments operating in the project area that have expertise and experience in addressing trafficking concerns. Consult with these stakeholders to identify potential linkages or partnerships (e.g., to develop awareness and prevention messages).

Step 4

Indicators can be incorporated during the design of the monitoring baseline and used to track issues such as: effectiveness of incorporating

those most marginalized and vulnerable to trafficking into project activities and benefits; progress of social mobilization efforts to address issues of priority to project beneficiaries; changes in levels of out-migration from the project area.

Table 4: Women's Empowerment Sector – Suggested Entry Points for Antitrafficking Components

Type of Initiative/ Project Component	Suggested Action
Institutional development of women's community organizations	• Members of community organizations encouraged to participate on community-based antitrafficking task forces set up under government mandate. Capacities to take up leadership on issues such as trafficking through the task forces can be strengthened through ADB projects. • Women's organizations can be encouraged to participate in community surveillance to limit trafficking operations and to provide safe migration information for those women migrating to seek employment. • Awareness of trafficking issues can be incorporated into social mobilization messages, e.g., women's right to protection under the law, and safe migration. • Women elected officials at community level may already be working in some areas with NGOs to increase awareness of trafficking—these women leaders could be encouraged to participate in the ADB project.
Micro credit component	• Ensure that those most at risk to trafficking in the community are encouraged to access micro credit services. • Social mobilization used as a platform for antitrafficking awareness raising, strengthening community surveillance—this could be achieved through linking with NGOs already working in the project area, and no additional funds may be required.
Legal literacy component	• Incorporate specific antitrafficking modules, including how and where to report suspected cases of trafficking; if approached by a trafficker, how to resist and report incident. • Increase skills of legal awareness trainers to incorporate antitrafficking component.

SECTOR GUIDELINES: WATER SUPPLY AND SANITATION

1. Rationale for Combating Human Trafficking

The focus of this subsector is providing access to safe water in order to have a direct impact on the living standards of women and children. It is intended that these improvements will free up more time for women to participate in income-generating activities and for children to stay in school. These same improvements will also help to reduce the vulnerability of women and children to trafficking. The enticement of promises of easier ways to earn a living are readily believed by a young girl when she faces extreme drudgery, such as searching for and carrying water for the rest of her life.

Addressing trafficking and commercial sexual exploitation of children may be a priority of the DMC. For example, in South Asian countries, NPAs have been adopted that identify reducing poverty and increasing women's choices as significant contributions to the NPA objectives. ADB efforts to mainstream antitrafficking concerns into project activities can support the implementation of government NPAs or similar commitments to combat trafficking (see Table 5).

2. Steps to Consider in Project Design

Step 1

Identifying and targeting those most vulnerable, including the following:

- Women, particularly female household heads: Although women are primary users of potable water, special efforts make have to be made to ensure they participate in project and community planning exercises, e.g., meetings may have to be held at times that suit women, special incentives to attend might be required as women are generally extremely occupied with productive and

domestic tasks. Local community leaders may also be reluctant to encourage women to attend and this resistance has to be addressed;

- Migrants and new arrivals in a community, who may not have regular access to water or other services, but are seeking means to build networks and relationships with other community members—social mobilization activities provide additional benefits to these groups beyond consultation regarding their needs;

- In an urban context, street children without guardians, adolescent girls, and single women, particularly those who are new migrants, who have limited access to social networks or protection; and

- Marginalized ethnic groups may also require special efforts to be encouraged to participate—but they are also often excluded from community decision making and are vulnerable to risks such as inability to meet basic needs and trafficking.

Assess whether or not the project will be located in an area particularly prone to trafficking or out-migration during periods of environmental disaster (flood, erosion) or hungry seasons. An analysis of the factors that cause out-migration or trafficking will assist in identifying who is most vulnerable and whether or not those factors could be addressed directly or indirectly by the project.

Step 2

When designing project components, identify links and entry points with potential to combat trafficking (directly or indirectly). These might include

- Awareness raising regarding trafficking operations can be incorporated into community mobilization activities—as well as other mechanisms to build social capital in general;

- Constructing appropriate infrastructure to provide improved water and sanitation facilities for all community members that will indirectly build resistance to increased poverty and need to move away, and hence become vulnerable to being trafficked;

- Poverty reduction operations among those most vulnerable; and

- Providing employment opportunities for most vulnerable and implementation of labor standards with contractors and supplies during construction phases of the project.

Step 3

Identify NGOs or other organizations/government departments operating in the project area that have expertise and experience in addressing trafficking concerns. Consult with these stakeholders to identify potential linkages or partnerships.

Step 4

Indicators can be incorporated during the design of the monitoring baseline and used to track issues such as effectiveness of incorporating those most marginalized and vulnerable to trafficking into project activities and benefits; progress of social mobilization efforts to address issues of priority to project beneficiaries; and changes in levels of out-migration from the project area.

**Table 5: Water Supply and Sanitation Sector –
Suggested Entry Points for Antitrafficking Components**

Type of Initiative/ Project Component	Suggested Action
Community-based Planning Components	• Community-based planning committees, especially those which are made up entirely or almost entirely of women, and other mobilization opportunities can also be used to raise awareness about trafficking and women's entitlements to protection from threats trafficking presents. • NGOs working on these issues in the region could be brought in to raise awareness and provide advice on other activities these groups might want to undertake, such as surveillance, raising awareness among their neighbors, etc. • These opportunities can also be used to encourage communities to accept trafficked persons back into their community.
Construction Component	• Some employment opportunities can be offered to women in the communities, as well as opportunities to improve skills of adolescents and others vulnerable to trafficking risks. • Loan covenants and codes of conduct entered into with ADB-financed contractors can incorporate issues such as curbing commercial sexual exploitation of children, child labor, and offering equal pay to women and men. • Health services for construction workers and affected communities may be incorporated into the construction components, which can also be used to transmit trafficking awareness and safe migration messages. • Many of the workers who come into communities for construction phase are migrants themselves, and would benefit from safe migration tips.

APPENDIX 9

SECTOR GUIDELINES: SOCIAL PROTECTION

1. Rationale for Combating Human Trafficking

- The ADB *Social Protection Strategy*[31] states that modernization has been accompanied by social mobility, migration, urbanization, and disintegration of family and community networks—all identified by the RETA as leading causes of vulnerability to trafficking in South Asia. Furthermore, globalization has increased risks from economic downturns to those with fewest skills and alternative income options. The target groups identified as in greatest need of social protection are therefore the same target groups for antitrafficking initiatives.
- Social risks and measures to reduce those risks are identified in the ADB *Social Protection Strategy*. These risk groups correspond to those identified for trafficking. It should be noted that migration is identified as a frequent coping mechanism against all types of risk; mobility also brings increased risk of being trafficked.

2. Steps to Consider in Project Design

Step 1

Identify and target those most vulnerable, including the following:

- All migrants and mobile populations—including recent arrivals from rural areas, those looking for seasonal work in rural and urban areas, displaced workers moving to find employment opportunities elsewhere, those displaced by disasters, civil conflict, or other development programs—have few social networks or access to existing social protection programs. Traffickers seek these highly vulnerable groups in areas where they are most likely to seek

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[31] ADB. 2001. *Social Protection Strategy*, page 1.

temporary shelter, e.g., urban slums or squatter areas, refugee camps, highway intersections, and bus stands;

• Street children without guardians, adolescent girls, and single women, particularly those who are new migrants, have limited access to social networks or protection; and

• Families, particularly female-headed households, living in very poor rural regions or urban slum and squatter settlements may be unable to meet basic needs and are willing to "hand over" their children or female dependents to traffickers on the promise of better jobs.

Step 2

When designing project components, identify links and entry points with potential to combat trafficking (directly or indirectly [see Table 6]). These might include

• Awareness raising regarding trafficking operations that might already be taking place; provide safe migration information for those newly arriving or considering leaving the community;

• Constructing appropriate infrastructure to provide services to trafficked persons or those vulnerable to being coerced by traffickers if living on the street or in other highly vulnerable situations;

• Capacity building with government departments involved in social protection program delivery, concerning the dangers of trafficking for this highly vulnerable target group, e.g., health services, child protection;

• Poverty reduction operations that reach those most vulnerable to being trafficked;

• Seeking partnerships with private sector, NGOs, and governments to develop alternative options than those offered by traffickers such as employment opportunities, build and manage shelters, etc.;

• Raising awareness among informal and formal sector enterprises of impacts of using trafficked labor as part of overall efforts to implement core labor standards and other labor market initiatives; and

• Providing employment opportunities during construction phases of the project for most vulnerable and implementation of labor standards with contractors and supplies.

Step 3

Identify NGOs or other organizations/government departments operating in the project area that have expertise and experience in addressing trafficking concerns. Consult with these stakeholders to identify potential linkages or partnerships.

Step 4

Indicators can be incorporated during the design of the monitoring baseline and used to track issues such as effectiveness of incorporating those most marginalized and vulnerable to trafficking into project activities and benefits; progress of social mobilization efforts to address issues of priority to project beneficiaries, etc.

Table 6: Social Protection Sector – Suggested Entry Points for Antitrafficking Components

Type of Initiative/ Project Component	Suggested Action
Labor Market Programs	• Integrate assessment of those most vulnerable to trafficking in labor market assessments, e.g., mobile populations disaggregated by sex and age. • Help improve capacities and skills of those most vulnerable to trafficking so they may enter the formal labor market and resist coercion/deception of traffickers. • Ensure that as unemployment insurance, income support, and similar programs are being developed, mobile populations and temporary labor can also benefit—alternative programs may be necessary to ensure these groups are not further marginalized from the formal labor market. • Build capacities to design and implement appropriate legislative frameworks and core labor standards that incorporate an understanding of the links between labor rights protection and trafficking (c*ore labor standards* include recognition of the right to collective bargaining; abolition of all forms of forced or compulsory labor (a key characteristic of trafficking); the elimination of discrimination in respect of employment and occupation; and the elimination of child labor. All South Asian countries, by virtue of being members of ILO, are held to respect, promote, and realize the fundamental core labor standards.). • In initiatives to strengthen core labor standards, build protection for those most vulnerable to trafficking if they are forced out of employment as a consequence of compliance

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Type of Initiative/ Project Component	Suggested Action
	with these standards—including offering education and skills to children and adolescent girls, vocation training to women, etc. • Ensure that safeguards are developed with ADB-financed contractors to comply with existing labor standards as well as core labor standards, including explicit covenants associated with trafficked labor.
Social Insurance and Social Assistance	• Ensure that those most vulnerable to trafficking can access programs developed, especially mobile populations. This might be achieved through links with micro and area-based schemes. • Assist in building capacity of government and private sector partners to develop and monitor indicators to ensure that the needs of these vulnerable groups are incorporated into policies and programs associated with social insurance and social assistance.
Protecting the Informal Sector: Micro and Area-Based Schemes	• Ensure that those most vulnerable can access these schemes. Successful examples exist of schemes that have benefited those in the informal sector where many trafficked persons are already working and mobile populations are disproportionately employed. • Social funds that are managed at the community level have potential to also empower and build resistance to trafficking among those most vulnerable, e.g., women, adolescent girls, etc., if they are involved. • Disaster preparedness programs incorporate trafficking awareness and safe migration messages as traffickers frequently recruit among displaced populations and involuntary migrants.
Child Protection	• Children are the most at risk of being trafficked when they are living or moving without parents or guardians. Components of projects that provide temporary shelters, nonformal education, and skills training opportunities, and build social networks for these children will reduce their risks of being trafficked. • There is an acute shortage of safe temporary shelter for street children and those living in difficult circumstances. Innovative programs are required to replace what are often substandard institutional care facilities. • Antitrafficking messages could be included in other programs such as school feeding programs, youth programs, etc. • Components that reach out to address basic needs of parents of those children most vulnerable to being handed over under risky circumstances can be incorporated into family allowance, skill building, and microfinance programs.

APPENDIX 10

INDICATIVE CHECKLIST OF LAWS AND POLICIES RELEVANT TO TRAFFICKING

Following is an indicative checklist of the types of laws and policies that could be relevant to antitrafficking strategies in the areas of prevention, protection, recovery and reintegration, participation, cooperation, and information. The checklist borrows heavily from a similar checklist developed by Professor Vitit Muntarbhorn and included in his paper, "The Trafficking in Women and Children in the Mekong Subregion: Law and Policy as Effective Countermeasures," which is included in the *Proceedings of the 1997 Regional Conference on Trafficking in Women and Children, Bangkok, Thailand*, published in Bangkok by the Office of the National Commission on Women's Affairs of Thailand and the Mekong Region Law Center.

1. Laws and Policies as Means of Prevention

- laws and policies on access to education, particularly for girls
- laws and policies against discrimination (including constitutional guarantees)
- laws and policies on social security
- laws and policies on community mobilization and decentralization
- laws and policies on child protection
- laws and policies to grant nationality to those who are stateless and treat aliens humanely
- laws and policies to promote income generation, rural development, and vocational training, particularly for women
- laws and policies facilitating access to credit and other financial services, particularly for women
- laws and policies to promote small-scale industries accessible to localities
- laws and policies empowering women's organizations and youth/child organizations

2.   Laws and Policies as Means of Protection

- laws and policies against trafficking, forced labor, child labor, and sexual exploitation (including general criminal laws)
- laws and policies to punish traffickers and exploiters but not trafficking survivors
- extra-territorial laws
- extradition, repatriation, and other arrangements
- migration laws that do not punish trafficked persons
- criminal procedure laws and migration procedures that do not victimize trafficked persons
- temporary residence laws, policies, and visas to allow trafficking survivors to stay in the receiving country to prosecute the trafficker
- labor laws against debt bondage that enable trafficked persons to sue the traffickers and exploiters in employment situations
- labor laws and policies recognizing the rights of migrant workers (even those regarded as illegal under immigration laws)
- laws and policies for humane treatment of those with HIV/AIDS and other diseases
- laws and policies on prostitution that do not criminalize trafficked persons

3.   Laws and Policies as Means of Recovery and Reintegration

- laws and policies, especially criminal codes and procedures, that do not victimize the trafficked person and that facilitate access to judicial and other remedies
- laws and policies for legal aid, assistance, and translation
- laws and policies that provide for shelter, health, and other services
- laws and policies to confiscate the proceeds of trafficking and provide compensation to trafficked persons
- laws and policies for safe voluntary return of survivors of cross-border trafficking
- laws and policies concerning migration that do not punish trafficked persons, including on return to the country of origin
- laws and policies to provide social support and livelihood assistance to trafficking survivors upon their return to the country of origin, in cross-border cases

- laws and policies that not only sanction traffickers but also promote positive behavioral changes (e.g., psychological interventions)

4. Laws and Policies as Means of Participation

- laws and policies to promote the participation of the community, family, men/women, child/adult—linked to democratization
- laws and policies to enable NGOs to intervene in cases and rescue operations
- laws and policies recognizing not only formal law enforcers (such as police) but also traditional law enforcers (such as community leaders, women and youth leaders, and NGOs)
- laws and policies that give incentives to the operations of civil society (e.g., tax benefits for projects to help women and children)

5. Laws and Policies as Means of Cooperation

- laws and policies that enable civil society and NGOs to operate freely and to network (e.g., a people-based, participatory constitution or freedom of expression and association laws)
- laws and policies to promote crossborder cooperation (e.g., mutual assistance treaties, extradition treaties, extra-territorial laws, antitrafficking laws with extra-territorial reach, exchange of information and strategies by police and border officials)

6. Laws and Policies as Means of Information

- laws and policies to promote access to and collection, analysis, and dissemination of information (e.g., a people-centered, participatory constitution; freedom-of-information law; and liberal mass media law)

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