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UNDER THE SURFACE OF SEX TRAFFICKING: SOCIO-ECONOMIC AND CULTURAL
PERPETRATORS OF GENDER-BASED VIOLENCE IN INDIA

by

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B.A. May 2012, King's College

A Thesis Submitted to the Faculty of
Old Dominion University in Partial Fulfillment of the
Requirements for the Degree of

MASTER OF ARTS

INTERNATIONAL STUDIES

OLD DOMINION UNIVERSITY
May 2016

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ABSTRACT

UNDER THE SURFACE OF SEX TRAFFICKING: SOCIO-ECONOMIC AND CULTURAL PERPETRATORS OF GENDER-BASED VIOLENCE IN INDIA

Karmen Marie Matusek
Old Dominion University, 2016
Director: Dr. Jennifer N. Fish

In this work, I will focus on the act of sex trafficking as it exists in the country of India. Specifically, I will focus on sex trafficking as a gendered representation of three distinct dimensions of India's existing conditions: 1) gender inequality, 2) historic and current cultural scripts, and 3) socio-economic conditions. I contend that these three dimensions are at the heart of sex trafficking and serve as forms of violence against women. Furthermore, in adding to the literature, this paper proposes a victim-focused/human rights focused approach, which will assist India in successfully combating trafficking within its own borders and lend new levels of analysis in understanding systemic responses to this global circumstance so central to the context of globalization.

In supporting these claims, this thesis analyzes a combination of qualitative and quantitative data sets, primarily categorized as secondary sources, which have been compiled throughout several years on the topic of sex trafficking. Furthermore, in supporting a victim-focused/human rights focused approach, information gathered from interviews with two employees of the South African organization Activists Networking Against the Exploitation of Children (ANEX), as well as South African service provider guidelines to assisting victims of trafficking, will be detailed and analyzed.

ACKNOWLEDGEMENTS

As a runner, it has become natural for me to compare the many mountains and obstacles I must work my way through in life to races, whether it be a 5K, 10K, or half marathon. In thinking how best to tackle these acknowledgements, I realized that comparing them to a race was where I was most comfortable. For by far, the research and writing of this thesis has been the half marathon of my life. Furthermore, just like any race, there are those supporters on the sidewalks that cheer you on and those who are right next to you in the heat of the race. There has certainly been no shortage of supporters throughout this race.

First, I would like to thank my parents, Jack and Alida Matusek, who made sure to instill the values of hard work and dedication from a very young age. You both have always made me, a small town girl from Pennsylvania, believe that I could do and be anything or anyone I wanted to be. Without your support and never ending love, I would not be where or who I am today. Next, I would like to give many thanks to two particular friends, Rebekah Joyce and Jenna Marcinko-Smithwick. You never failed to listen to me when I felt like I did not have it in me to finish this and you also never failed to offer words of support and encouragement, even when they were not expected. Your friendship and the experiences I have had with you both throughout my time at Old Dominion are always in my heart and I look forward to the many experiences the future holds in store for us. For the individuals at ANEX, Claudia Smit and Matipa Mwamuka, whose willingness to sit down and speak with me and whose passion on this issue has been extremely valuable to my work. Without your insight, this thesis would have merely been a secondary analysis. The work you do is beyond measure, may it continue to change people's lives. To Dr. David Earnest and Dr. Angelica Huizar, thank you for your

continued academic support. The knowledge I have gained from your classes is indispensable. It has served me well in researching and writing this thesis and I know it will continue to serve me as a young professional.

To the last two individuals, who have both figuratively and literally run this race with me, Dr. Jennifer Fish and David Brown. Jennifer, when I met you three years ago I never thought our professional and personal relationships would lead us to the tops of mountains and the end of rainy half marathons together. You have truly been a feminist inspiration and have encouraged me every step of the way, throughout not only my thesis but many other endeavors. Words fail to truly express all that I have learned and gained from you, but I know that it will continue to follow me through life. Thank you, soul sister, for all that you have and will continue to do for me. Last but certainly not least, David Brown, my running partner and (hopefully one day soon) lifelong partner. You never hesitated to read a paragraph I was convinced made no sense or lend me a shoulder to cry on when my days were just too long. My feminist ideals can often be overwhelming for you, but you never turned away and, in fact, you have continued to challenge me and help me grow. The amount of support you have given me cannot be quantified. If these past few months while I have been writing my thesis are any indicator of our future together, I cannot wait to get to the next mile with you.

These acknowledgements are by no means exhaustive. Thank you to all of my family and friends who have continually shown their interest and support in my endeavors. To all of the professors I have had the opportunity to learn from, thank you for your continued work. Also, to the staff of the Old Dominion Women's Center, who have fueled my passion on these topics, which I hope is evident in this thesis. To all who are reading this, thank you for taking the time to learn about these very real and important issues.

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CHAPTER I

INTRODUCTION

“Every time we go into the field, we have to deal with a case of a young 12-15 year old girl who was raped by seven-eight men, and then you just start wondering: Are they human beings or are they animals? How could they do this to a girl – and a girl who is completely powerless because of her age, her size, her mind and her caste and everything?” (International Dalit Solidarity Network 2012, 9). This quote, given by Asha Kowtal, the General Secretary of the All India Dalit Mahila Adhikar Manch, is not an uncommon story. Unfortunately, situations such as these are all too present in not only India, but across the world. With issues such as sexual assault on college campuses, rape as a weapon of war, and an increase in women’s migration gaining significant focus, violence against women has become an issue of global significance within the past decade or so. While it is difficult to mark a certain time in history as to when this violence was first seen, it can be argued that violence and inequality against women is as old as civilization itself. However, its prevalence on the global stage has only recently become notable, with organizations, governments, and individuals creating policies, conferences, and an array of other tools to prevent violence against women. Despite these advances and efforts, women still endure and are victims of exorbitant amounts of violence. According to a World Health Organization (WHO) study, “35% of women worldwide have experienced either physical and/or sexual violence” and “as many as 38% of all murders of women are committed by intimate partners” (World Health Organization 2013, 2). Furthermore, one of the most significant forms of violence against women, the act of sex trafficking, still thrives in our world today. The United Nations estimates that trafficking for the purpose of sexual exploitation

accounts for 53 percent of all detected trafficking cases across the globe (United Nations Office on Drugs and Crime 2014, 9). Within this larger context, one country continually struggles with the act of sex trafficking, while it strives to attain a second tier status in the global sphere of development.

While it debuts Bollywood and customer service mega-industries, illicit trade, poverty, and informal/unregulated labor still constitute daily life in India. Human trafficking, and sex trafficking in particular, continue to plague India as a developing country. This thesis sets out to explore sex trafficking as a gendered representation of three distinct dimensions of India's existing conditions: 1) gender inequality, 2) cultural scripts, and 3) socio-economic conditions. I argue that these three dimensions are at the heart of sex trafficking and serve as forms of violence against women. By looking closely at the Indian context, the particular layers of state and transnational connections to this global industry surface in ways that link this pressing global issue to social and cultural circumstances.

Before delving into the dimensions of sex trafficking discussed above, I overview the theoretical framework. The analyses throughout this paper are focused within a feminist frame of thought, as defined in Chapter Two. Let us begin by outlining the terms sex trafficking and violence against women in the context both terms will be used. To begin, while trafficking can be used for both sexual and labor purposes, this paper will focus solely on trafficking for sexual purposes and the dimensions of sex trafficking. The definition of trafficking which will be referred to is that of the United Nations Trafficking Protocol, which will be defined in greater detail in Chapter Two. In regard to the definition of violence against women, this concept is often considered to be purely physical in nature; however, violence against women is much more complex. In the terms of this paper, violence against women will include physical/sexual,

psychological, and financial abuses that women endure as victims of sex trafficking as well as at the hands of the society in which they live in.

Throughout this paper I will focus upon gender inequality, culture, and socio-economic dimensions which facilitate sex trafficking and subsequently serve as forms of violence against women. Chapter Three will focus on gender inequality, a widespread concept which presents itself in societies across the world in a plethora of ways; ranging from women's rights to women's access to property, ownership, and education. India has a long standing history of gender inequality, granting men and women different rights and access to what could be considered basic life needs and this inequality is still present in Indian society today. Indian society is one that has been, and continues to be, true to tradition and traditional gender roles. One of the most prominent effects of these traditional gender roles is the power and control paradigm which accompanies them. There are several practices which exist on the local, state, and transnational levels which instigate this paradigm in India, including a general disregard for women's rights, which is based upon a highly patriarchal society (International Organization for Migration 2001). This paradigm is not only present in gender relations in India, but also in the sex trafficking which takes places throughout India. In this section, the power and control paradigm will be analyzed as it exists in India, by observing two aspects of it; the demand for sex as well as the willingness by those involved in the government, prosecution positions, and law enforcement to fulfill this demand by trafficking women for sexual purposes. Furthermore, this gender inequality present in Indian society and sex trafficking serves as a form of violence against women in two different ways; physical/sexual and psychological.

Chapter Four will focus on dimensions of Indian culture. India has a strong and diverse culture that has existed for several hundreds of years. However, within Indian culture there are

many factors which contribute to the victimization of women. Three of the most prominent dimensions at play in regard to Indian culture are the greater value that is placed on men's lives than women's lives, family dynamics including marriage and the practice of dowry, and the caste system that remains in existence in India. In combination, these elements, to a certain extent, justify the underlying beliefs of sex trafficking and make women more susceptible to becoming victims of trafficking. For example, due to the class divisions of the Indian caste system, "many of the women [who are trafficked] come from disadvantaged castes [and] men of more noble castes see the exploitation of these girls as natural and deserved" (Lamm 2013). It is tendencies such as these, which have become so engrained in Indian culture and society, that women are put in danger. In this section, these dynamics of India's culture will be analyzed in more depth as well as how these historical and contemporary cultural norms have contributed to the problem of sex trafficking in India. Furthermore, as a form of violence against women, I show how these cultural tendencies, which put women in a disadvantaged position, serve as both a psychological and physical/sexual form of violence against women.

Chapter Five focuses on the socio-economic conditions that exist within India and how these affect the significance of sex trafficking within the country. In the simplest of terms, women in India are not afforded the same social and economic opportunities in terms of education and available jobs. These opportunities, or lack thereof, result in the push and pull of women in sex trafficking. "Socio-economic factors in source countries such as poverty, gender inequality, and lack of employment opportunities are seen as 'push' factors that not only encourage the migration of women, but also support a profitable market for trade in human labour. 'Pull' factors in destination countries typically include the promise of a more affluent lifestyle, the availability of employment opportunities and the demand for cheap labour"

(O'Brien et al 132, 2013). These socio-economic conditions and push and pull factors have forced women to either seek out participation in the sex trade as a viable option for money or fall prey to the dangers of sex trafficking. When viewed in this sense, socio-economic factors serve as a form of violence against women in a financial sense due to the inability for women to become financially sound in the environment they are in.

With all of this in mind, Chapter Six focuses on an applied approach in confronting the gender, cultural, and socio-economic inequalities women endure, as well as in combating trafficking. I argue that by taking a victim-focused approach, India will increase its ability to successfully combat sex trafficking, while at the same time lessening the chances that a woman will become a victim of some form of violence, whether that be due to gender, cultural, or socio-economic determinants. In making this argument, I will provide an outline and analysis of a South African organization which has adopted a victim-focused approach in their work toward combating and eliminating trafficking.

CHAPTER II

FRAMING HUMAN TRAFFICKING: DEFINITIONS, SCOPE, AND RESEARCH

A FEMINIST FRAMEWORK

In the context of this paper, the framework which I have focused upon is feminist theory. I focus primarily upon feminist theory because of the marginalization of gender in prominent international relations theories. As J. Ann Tickner states,

“in spite of the substantial growth and recognition of feminist scholarship in the last ten years, it still remains quite marginal to the discipline, particularly in the United States, where neorealism and neoliberalism, approaches that share rationalistic methodologies and assumptions about the state and the international system, predominate” (Tickner 2001, 3).

This lack of focus on gender is also one of the core elements of feminist theory. In a broad sense, Everett and Charlton provide a definition of feminism that is worth noting, stating “we maintain that without feminist analysis, our understanding of both development and globalization is incomplete. The result is flawed or distorted policies that fail to improve the lives of millions of people around the globe. Put differently, we ask what is missing when gender is not included in research and policy on these topics” (Everett and Charlton 2014, 2-3). In essence, feminist theory questions why gender is not taken into consideration when analyzing issues and, furthermore, aims to include gender in its analysis. By questioning why gender is not taken into consideration, feminist theory focuses on “economic inequality, marginalized populations, the growing feminization of poverty and economic justice” (Tickner 2001, 4). Furthermore, feminist theorists do this within the framework of North/South relations and take a bottom-up approach, with a primary focus on the local level and individuals within social structures (Tickner 2001, 4).

However, not only does feminist theory aim to look at and include gender, it also considers human rights in its approach.

In this regard, feminist theory “is a vision and practice of development that ensures fundamental human entitlements – social, economic and political – in ways that expand human choices and promote human well being and empowerment” (Heyzer 2006, 112). However, it is not just the recognition of human rights in general, but the recognition that women’s rights are human rights. Tickner argues that the “discourse around women’s human rights has revealed the gendered distinction between public and private and the gender biases of definitions of human rights, as well as the selective enforcement of violations more generally (Tickner 2001, 115). One of the issues that has consistently been involved in the struggle between public and private is that of violence against women. Violence against women stands as one of the most pervasive human rights violations against women, however, because it was considered a private issue the state did not consider it a basic human right. “Claiming that states must be held accountable for actions of private individuals, feminists have argued that violence against women is not a ‘private’ issue but one that must be understood as a structural problem associated with patriarchy” (Tickner 2001, 113). Taking into account the human rights aspect of feminist theory brings a victim-centered approach to the forefront in how best to support women who have suffered these private human rights violations.

As seen in the above definitions, feminist theory takes into account gender as well as basic human rights in its analysis of international issues. In regard to sex trafficking, feminist theory is an important aspect if scholars are to understand the causes of sex trafficking, how this affects women who are trafficked, as well as how to help victims who have been trafficked for sexual purposes. This comes from the significant link between gender and trafficking, which is

“as a cause, trafficking results from gender inequality, which creates this vulnerability. As an effect, trafficking affects women disproportionately more than men because women are more vulnerable to exploitation than men” (Ruchti 2013, 89). With feminist theory as my framework, I situate human trafficking within larger gender dynamics that lead to the vulnerable positions women find themselves in as well as how these dynamics make women more susceptible to exploitation.

THE HISTORY OF SEX TRAFFICKING

As stated previously, sex trafficking is not a new issue on the global stage. Indeed, women have been victims of trafficking for sexual purposes since before history began to record these occurrences. However, it was in the late 19th century that volunteer groups recognized the significance of sex trafficking and began to focus their efforts on the act. The first organization to approach the issue of sex trafficking was the National Vigilance Association (NVA), which was founded in 1885 in London. The NVA was one of the first organizations known to deal in the issue of sex trafficking; focusing its efforts on law enforcement and prevention on the local level, legislation change on the national level, and its fight against White Slave Trafficking on the international level. As is the case with many volunteer organizations, the NVA ceased to exist because of financial difficulties. However, at this point in time, many of the duties that the NVA were responsible for, such as law enforcement and legislative change, were beginning to be taken on by officials within the United Kingdom (Cree 2008, 765-770). While the NVA may have ceased to exist their work became the foundation of a continuing fight against sex trafficking.

The trafficking of women was first institutionalized as an international crime by the League of Nations in the 1920s during the period between World War I and World War II (Knepper 2013). From this point forward the League of Nations was responsible for many studies of the trafficking of women, focusing primarily on Europe and the Americas. One of the most significant groups to come out of the focus of the League of Nations on sex trafficking was the Women's International League for Peace and Freedom. The founding of this group was led by Danish feminist Henni Forchhammer who led the charge on the establishment of an international conference to approach and research the issue (Knepper 2013). The first Conference was held in 1921 and recommended establishing an advisory committee, which came to be known as the Advisory Committee on the Traffic in Women. In 1923, at their second meeting, the committee agreed to go forth with a worldwide study on the trafficking of women (Knepper 2013).

The decision to research the trafficking of women by the League of Nations as well as the creation of such groups as the Women's International League for Peace and Freedom and the Advisory Committee on the Traffic in Women not only served to gain more information regarding trafficking, but made it recognizable as a global issue. As Stephen Legg states, "The League helped to institute a change in mindsets and practices regarding prostitution and trafficking by de-racializing the 'white slave trade' rhetoric in an attempt to force a recognition of the complexity of global trafficking and its impacts on women" (Legg 2012, 648). Furthermore, the "interventions went beyond the domain of sovereign juridical commands, legally binding conventions, and clear territorial borders. Rather, they etched out the possibilities for international, *consensual*, regulation in an increasingly globalized world" (Legg 2012, 648).

While the League of Nations was at the forefront for recognizing sex trafficking as a global issue, several organizations approach and combat sex trafficking today. On an international level, organizations such as the International Labor Organization (ILO), the United Nations Office on Drugs and Crime (UNODC), and the International Organization for Migration (IOM) are active in approaching and combating sex trafficking. Nationally, the United States Department of State and the United States Department of Homeland Security have taken steps to combat sex trafficking. In April of 2015, the United States Department of Homeland Security launched their Blue Campaign, which serves as “the unified voice for the U.S. Department of Homeland Security’s (DHS) efforts to combat human trafficking”. Through the Blue Campaign, the Department of Homeland Security works with law enforcement, government, non-governmental, and private organizations to raise public awareness of human trafficking, educate the public on how to recognize trafficking and what to do in these circumstances, and train officials on investigating trafficking, protecting victims, and prosecuting offenders (United States Department of Homeland Security 2015). Along with these government organizations, there has been a significant rise in the number of private organizations and campaigns focusing on sex trafficking, including The Polaris Project and the National Human Trafficking Resource Center. Despite the work these organizations are performing, sex trafficking continues to increase in magnitude.

The act of trafficking for sexual purposes has become a lucrative business, attracting more individuals and putting more individuals in harm each day. One complication that often arises when analyzing issues such as sex trafficking is definition. In order to recognize, analyze, and understand any given act, one must know what that act entails. With this in mind, the next section of this paper will focus on the definition of sex trafficking.

DEFINING SEX TRAFFICKING

As stated previously, we must define sex trafficking before delving into the deeper questions this paper asks in order to understand the context in which it is used. While many definitions of trafficking exist, I will focus upon the definition provided by the United Nations. In this section, I will provide and analyze that definition in order to further understand the concept it provides us with. This definition, according to the United Nations Trafficking Protocol, defines trafficking as,

“the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation...” (United Nations 2000).

This definition, while complex, offers a definition of trafficking that arrives at the heart of the act of trafficking. The definition itself can be divided into three sections, each defining a step in how trafficking becomes a process.

The first section, and by far the lengthiest section, focuses on the act or acts of the trafficker(s) and how these acts are often performed. This section reads “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person...” (United Nations 2000). An individual becomes a trafficker by aiding, assisting, or leading any of the acts that initially involve an unsuspecting person in the act of trafficking. They could be responsible for finding, arranging travel or passage, or housing any individual they feel would fulfill the ultimate intention. They

perform these acts, and are often successful in performing these acts, because they use certain techniques, such as force, deception, and abduction, which put them in positions of power. It is important to recognize that not all methods used to traffick individuals are physical, they are often psychological or monetarily-based. What becomes most important in this section of the definition is the understanding that through different techniques and means the trafficker gains power they did not previously have and furthermore, uses this power towards unsuspecting and vulnerable individuals with the intention of taking advantage of them.

The next section of the definition is short, but arrives at the heart of trafficking. This section reads "...for the purpose of exploitation" (United Nations 2000). When a trafficker uses their power to take advantage of a vulnerable individual they have at the heart of their reasoning, exploitation. To exploit someone is defined as "the endeavour to gain advantage or mastery over (a person or place); an attempt to capture or subdue" (Oxford English Dictionary 1894). In the context of trafficking, traffickers use individuals in order to gain something for themselves, without any concern of how the exploitation will affect the other individual. What is gained often varies depending on the deal that has been made, but there is always a gain on behalf of the trafficker. One of the most significant gains to be made is that of money. Siddharth Kara states that "just like most law-abiding citizens, criminals are rational economic agents, and when a near risk-free opportunity to generate immense profits emerges, they will flock to it. Modern-day slavery is immensely more profitable than past forms of slavery. This is the key factor driving the demand for new slaves through human trafficking networks" (Kara 2011, 69). Rather than recognizing the illegality and immorality of trafficking, traffickers see the profit to be gained in trafficking and choose to benefit from the act.

The final section of the definition focuses on the form or forms of exploitation traffickers engage in. This section states “exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation” (United Nations 2000). As stated previously, even though trafficking exists for different purposes, this paper will focus solely on the act of trafficking for sexual purposes. Trafficking for the purpose of sexual exploitation involves a range of acts, including prostitution, escort services, brothel and non-brothel based services, and mail-order brides. At an estimated two-thirds of those trafficked transnationally and domestically, women and young girls are the most vulnerable to being trafficked for sexual purposes (Brysk 2011, 261).

With this definition in mind, it is simple to observe why sex trafficking has become such a focused on issue within the past decade. However, what is fairly new when it comes to the context that sex trafficking is viewed within, is the view that the factors which cause women and girls to be more vulnerable to being trafficked for sexual purposes serve as forms of violence against women. The next section will focus on defining violence against women and making the connection between the causal factors of sex trafficking and viewing them as a form of violence against women.

DEFINING VIOLENCE AGAINST WOMEN

As stated previously, violence against women is a more complex concept to define. In the past, violence against women was thought to comprise the act of hurting a woman in a physical manner and was usually thought to be perpetrated by an intimate partner, thus making it a private affair.

“It is private because it frequently takes place in the private sphere of intimate relations between men and women, husbands and wives, and in the physical locations of those

relations, notably the home. Violence against women has sociospatial characteristics as well. Even when a man attacks a woman in a public space, the private patriarchal boundary around them may serve to keep others from interfering if he is perceived to be her intimate partner” (Youngs 2003, 1212).

This interpretation would lead to the violence being disregarded by those in the relationship as well as authorities, believing there was no place for interference within a private and intimate relationship. Due to this classification of violence against women as a private issue, it was not a priority in regard to policy and enforcement. However, during the 1970s and with the rise of the feminist movement, violence against women found its place on the national, and eventually international, agenda. “An important component of this movement was women discussing their life experiences and identifying the personal, legal, and societal barriers to greater opportunities and fulfillment for women” (Kilpatrick 2004, 1209). Not only did these discussions bring violence against women to the forefront, they also allowed others to begin to recognize that violence against women encompassed more than physical violence. While this movement brought to light the complexity of violence against women, there is still much debate on what acts can be considered violent toward women.

In the terms of this paper, violence against women will be referred to in the context of reports from two international organizations. The first report, from the United Nations encompasses a broader definition of violence against women, while the second report from The World Bank encompasses a more narrow definition of a form of violence against women which is often not focused upon.

The first definition, provided by the United Nations, was decided upon at its 85th Plenary Meeting held on December 20, 1993. In the “Declaration on the Elimination of Violence Against Women” the United Nations defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm in

suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private” (United Nations 1993). The Declaration goes into more detail in Article 2 stating,

“Violence against women shall be understood to encompass, but not be limited to, the following: (a) physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; (c) physical, sexual and psychological violence perpetrated or condoned by the State, where it occurs” (United Nations 1993).

This definition, while its primary focus is on physical and sexual violence, brings to light several other aspects related to violence that were previously not considered, such as psychological abuse and abuse occurring in work and educational environments. Furthermore, as can be seen in the definition, several cultural and traditional practices once considered normal are now viewed as forms of violence against women. While the United Nations definition brought to light new aspects of violence against women not previously considered, one aspect the definition lacks is from a financial perspective. This is where the second definition, provided by the World Bank, becomes significant. In the “Violence Against Women & Girls (VAWG) Resource Guide: Finance and Enterprise Development Brief”, the World Bank includes a definition of violence against women which they term “economic violence”. Economic violence, according to the World Bank, is defined as

“...acts perpetrated by systems and structures, as well as by individuals. At the interpersonal level, economic abuse is defined as making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one’s access to money, or forbidding one’s attendance at school or employment. At the structural and institutional level, women might experience economic violence as limited access to funds and credit; controlling access to health care,

employment, or education; discriminatory traditional laws on inheritance and property rights; and unequal remuneration for work” (The World Bank 2015, 2).

The definition breaks down financial and economic violence into two levels, the interpersonal and the structural or institutional. However, at both levels the significance of power and control is clear. On the interpersonal level, controlling a woman’s finances leaves that woman in the position of complete dependency on the controller. This control strips away a woman’s agency to spend her money the way she sees fit. On an institutional or structural level, not providing women with the same employment and education opportunities relegates women to certain jobs, which typically do not earn as much money, once again stripping away a woman’s agency to fulfill her basic needs. Similar to the definition of violence against women provided by the United Nations, there is a cultural aspect to the definition provided by The World Bank. Engrained in cultural traditions are financial aspects that further limit the agency a woman has to earn finances or control any finances she may have, simply because she is a woman.

As seen in the above definitions provided by the United Nations and The World Bank, violence against women can no longer be interpreted as it once was. Rather, it must be viewed as a complex term consisting of many different aspects, including physical, sexual, psychological, and financial abuses. When violence against women is viewed in this aspect, categorizing the dimensions that lead to sex trafficking as a form of violence against women becomes ever more significant. While it is obvious that sex trafficking would be considered a form of violence against women simply because it promotes sexual and physical violence against women, these are not the only forms of violence present in the act of sex trafficking. Psychological and financial abuse is also extremely significant in the act of sex trafficking. At the core of these different types of abuse is inequality, which “can be described as discrimination in opportunities and responsibilities and in access to and control of resources that is rooted in the

socioculturally ascribed notion of masculinity as superior to femininity” (Krantz and Garcia-Moreno 2005, 818). This inequality that is at the core of violence against women is the same inequality which not only stands at the core of sex trafficking, but also stands as one of the primary driving forces of the transnational industry.

THE SCOPE OF SEX TRAFFICKING IN INDIA

In general, trafficking in persons is a 32 billion dollar industry, affecting 12.3 million individuals, and is estimated to be one of the fastest growing enterprises in our global world today (Mishra 2013a, 1). Furthermore, it is estimated that at least 510 trafficking flows, or “imaginary lines that connect the same origin country and destination country of at least five detected victims” exist in the world today (United Nations Office on Drugs and Crime 2014, 7). As is the case with most countries today, India has not been able to escape the grasp of trafficking. India is a country that has developed in aspects such as film and movie, technology, and the service sector; however, despite these advances, India still struggles with issues such as poverty and illicit trade, including trade in human beings. Each year millions of individuals are trafficked in India, “it is estimated that 10 percent of India’s trafficking in persons is international, while 90 percent is domestic, a pattern that differs from the more common paradigm of trafficking across international borders” (Hameed et al 2010, 1-2). Within these statistics it is estimated that “India’s sex industry includes some more than 2 million sex workers, 20 percent of which are under age 16 and considered children” (Hameed et al 2010, 2). Trafficking within India however, is not a new issue. Rather, trafficking within the country has strong historical roots that have led to the significant presence the issue has in India today.

These historical roots stem from three forms of social practices, which are over three millennia old. The first historical root can be found in the act of slavery, which was extremely common in ancient India. Kings and their armies, upon defeating different populations, would enslave the defeated individuals, primarily young women and boys, and house them in large harems. Not only did outsiders enslave individuals, the Indian nobility took part in this form of sexual exploitation, as well, as it was considered a right of the aristocracy. This prompted the presence of slave markets, which existed in major Indian cities, and continued until the nineteenth century when slavery was legally abolished. However, while slavery was no longer legal, reports of female family members being sold to pay off debts were still common and the act still continues today (Verma 2010, 102). Along with the common practice of slavery, two historical roots stem from ancient Indian practices. The first practice is that of “devadasi” which is over two thousand years old. Devadasi, or servants of god, were young girls who were dedicated at puberty to the goddess Yellamma.

“European missionaries denounced these artistic performances as vulgar and castigated the women (for maintaining sexual relations outside the formal marriage system) as prostitutes. The British abolished this system resulting in pushing the practice underground and becoming associated with the flesh trade” (Verma 2010, 102).

In India today, the practice still exists, with around fifty thousand devadasis. However, lacking institutional support for the ancient practice, most devadasis are targeted by pimps and ultimately end up in the red light districts of India (Verma 2010, 102). The second ancient practice is known as “begar”. Begar results from the inability of an individual to pay off a debt and in doing so, “mortgages” their family until the debt is paid. This relationship has become significant in rural and commercial transactions and has been a prominent driver of trafficking in children (Verma 2010, 103). These historical practices, while not legal or in Indian society today, set the stage for trafficking within the country.

In a study conducted by the Institute of Social Sciences, National Human Rights Commission, and the United Nations Development Fund for Women (UNIFEM), researchers focused on the trafficking of women and children in India between the years 2002-2003. The researchers focused on the Indian states of Pradesh, Bihar, Delhi, Goa, Karnataka, Maharashtra, Meghalaya and Assam, Rajasthan, Tamil Nadu, Uttar Pradesh, and West Bengal. Between the years 2002-2003, the number of victims rescued from trafficking into commercial sexual exploitation was 561 and the number of non-rescued victims of trafficking into commercial sexual exploitation was 929, amounting to approximately 1,490 victims of trafficking into commercial exploitation (Nair and Sen 2005, 28). While this number shows the greater breadth of the issue of sex trafficking in India, the degree of sex trafficking varies dependent on the Indian state individuals are being trafficking to and from. In fact, there are several Indian states which are known for their high numbers of interstate and intrastate trafficking.

To begin, the researchers interviewed a total of 1,402 individuals who had been trafficked for the purpose of commercial sexual exploitation. The number of interviewees is: Andhra Pradesh – 194, Rajasthan – 106, Uttar Pradesh – 133, Assam and Meghalaya – 41, Goa – 89, Karnataka – 113, Delhi – 169, Tamil Nadu – 181, West Bengal – 94, Maharashtra – 181, and Bihar – 101 (Nair and Sen 2005, 40). While the researchers recognize that the results from these interviews will not be wholly representative, due to reasons such as individuals not being able to name the state they were trafficked from or to and multiple transits for individuals, they do provide an accurate snapshot of trafficking within India (Nair and Sen 2005, 40). The results from the interviews are as follows. The states with the greatest number of interstate trafficking, or trafficking from within their borders to other states, are as follows: Andhra Pradesh - 25.9 percent, Karnataka - 15 percent, West Bengal - 12.5 percent, and Tamil Nadu - 12.3 percent

(Nair and Sen 2005, 40). In the following paragraph, each of these states is analyzed more in depth, with details on which Indian states they are trafficking to and the numbers of individuals they are sending to each state.

Between the years 2002-2003, the state with the highest number of interstate trafficking, Andhra Pradesh, trafficked 329 individuals from within their own borders to seven other Indian states. The states trafficked to and the number of individuals trafficked to them are as follows: Andhra Pradesh – 191 (58.1%), Goa – 49 (14.8%), Delhi – 41 (12.4%), Maharashtra – 30 (9.1%), Tamil Nadu – 14, Bihar – 2, and Karnataka – 2 (Nair and Sen 2005, 55). The next state, Karnataka, trafficked a total of 190 individuals to seven other Indian states; Karnataka – 108 (56.84%), Maharashtra – 29 (15.26%), Goa – 26 (13.68%), Delhi – 22, Tamil Nadu and Uttar Pradesh – 2, and Andhra Pradesh – 1 (Nair and Sen 2005, 61). The next state with the greatest number of interstate trafficking is West Bengal, with 159 individuals trafficked to nine other Indian states. The details are as follows: West Bengal – 58 (36.5%), Delhi – 33 (20.8%), Maharashtra – 29 (18.2%), Bihar – 20 (12.6%), Uttar Pradesh – 11 (6.9%), Goa – 4, Tamil Nadu and Rajasthan – 2, and Assam and Meghalaya – 1 (Nair and Sen 2005, 69). The final state is Tamil Nadu with 156 individuals trafficked to five states; Tamil Nadu – 148 (94.8%), Uttar Pradesh and Delhi – 3, and Goa and Karnataka – 1 (Nair and Sen 2005, 66). What is most interesting when analyzing these statistics is the fact that, while these states are considered the highest areas for interstate trafficking, each state is listed as its own highest trafficked to area.

This brings into question the significance of intrastate trafficking within India. Intrastate trafficking is when individuals are taken from one area in the state and transported to another area within the same state. While the above listed states clearly have a significant amount of intrastate trafficking, most do not comprise the list of the Indian states with the greatest amount

of intrastate trafficking. In fact, the states with the greatest amount of intrastate trafficking are as follows: Tamil Nadu – 94.8%, Rajasthan – 88.5%, Assam and Meghalaya – 88.4%, Bihar – 80.26%, and Uttar Pradesh – 73.5% (Nair and Sen 2005, 40). As can be seen in the above analyses of interstate and intrastate trafficking, some Indian states have a more significant presence of trafficking while others do not struggle with the issue as much. However, no matter the degree of trafficking, individuals are still put at risk of becoming victims and those who are already victims are at risk of further harm. This raises the question, “who are the victims and what makes up their profile?”.

The group most significantly affected by trafficking in India is women and children. The following statistics comprised by researchers who interviewed formerly trafficked individuals from 12 different states, amounting to a total of 561 interviews, represent the number of women and children involved in commercial sexual exploitation. The age group and percentage of victims are as follows: 0-15, 6.4%; 16-17, 14.3%; 18-20, 28.7%; and 21 and over, 50.6% (Nair and Sen 2005, 72). From these statistics, it is clear that the majority of individuals trafficked are over the age of 21, with 50.6% of the total number of trafficked individuals. However, another significant statistic is that 20.7% of individuals trafficked are under the age of 18. With all of this in mind, it is important to observe in brief how the Indian government is attempting to combat the sex trafficking trade within its borders.

According to the United States Department of State, India is a Tier 2 country in regard to trafficking. Tier 2 classifies countries as ones where the “governments...do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves in compliance with those standards” (United States Department of State 2015, 47). The government of India funds shelter and rehabilitation services for women and children who were

trafficked, trains prosecutors and judges, and, under the order of the Supreme Court, states have launched searches to locate lost and abandoned children, many whom they believe are victims of trafficking (United States Department of State 2015, 185). Furthermore, the Constitution of India prohibits trafficking in persons as supported by the Immoral Traffic (Prevention) Act or PITA (Dewey 2008, 22). While these efforts show progression in working to combat trafficking, the government of India still has significant issues in regard to their response to trafficking. Among the issues preventing India from successfully combating trafficking, the government and law enforcement play a significant role. First, law enforcement does not often know what constitutes trafficking. Furthermore, there is a lack of will to address the issue not only because law enforcement does not know what it is, but because, among the many other issues law enforcement must deal with, trafficking is not high on the priority list (Mishra 2013b, 275-277). However, one of the most significant issues is the complicity found among the government and law enforcement.

This complicity takes two different routes, government officials and law enforcement are “unknowingly” and “knowingly” complicit in human trafficking. Government officials and law enforcement are unknowingly complicit in the sense that sometimes they do not recognize that a crime has taken or is taking place. This is where illiteracy about trafficking comes into play. “They presume, in many instances, that it is a simple case of migration, movement for better life. The gratification received from the traffickers is viewed as a courteous friendly gesture” (Mishra 2013b, 281). While law enforcement may truly not recognize a trafficking case, often they do recognize trafficking and “knowingly” comply with the situation. Government officials and law enforcement have been known to collude with traffickers and give them a pass, compromising rescue, prosecution, and investigation processes. This complicity on behalf of the government

and law enforcement gives traffickers a sense of impunity. “It emboldens traffickers, discourages victims, jeopardizes stakeholders’ involvement, widens the ‘trust deficit’ and fans a ‘suspicion syndrome’ of the victims” (Mishra 2013b, 282). Among many other factors, it is this complicity, both unknowingly and knowingly, which has placed India on the Tier 2 list of countries.

In the end, as seen in the above statistics, the issue is one that has managed to spread throughout Indian society and has become engrained in the everyday functions of the country. The issue of sex trafficking within India is primarily one that stays within its own borders, affecting women and children of various ages and backgrounds. Furthermore, the lack of law enforcement and government intervention, along with complicity, has allowed the act of sex trafficking to flourish. Rather than acknowledging the problem and creating plans and protocols, the government of India is in a reactive state. This reaction method ignores many of the gender, cultural, and socio-economic elements that feed into sex trafficking as well as the victim-focused approach that is needed to effectively combat sex trafficking in India.

RESEARCH AND METHODOLOGY

The research methodology used in this work relies upon a combination of qualitative and quantitative data sets, primarily categorized as secondary sources. The information and data discussed in relation to the gender, cultural, and socio-economic elements that promote and encourage sex trafficking have been gathered throughout several years of research on the topic of sex trafficking. As stated previously, these resources are secondary sources such as scholarly journal articles, books, and reports.

Furthermore, in supporting my argument for a victim-focused approach, I will provide information on and analyze the anti-trafficking approaches taken by the South-African based organization ANEX (Activists Networking Against the Exploitation of Children). More specifically, I will focus upon two programs which ANEX is involved in, STOP (Stop the Trafficking of Persons) and CTC (Combating Trafficking in Persons Coalition). In this section of my thesis, I will use information from an interview with two employees of ANEX as well as secondary resources focused on the rights of trafficking victims in South Africa as well as service provider guidelines to assisting victims of trafficking.

CHAPTER III

“WHY WOMEN?”: THE IMPACT OF GENDER INEQUALITY

DEFINING GENDER INEQUALITY

In analyzing sex trafficking, one of the most important questions to consider is “Why women?”. According to the 2014 *Global Report on Trafficking in Persons*, 49% of trafficked individuals are adult women and 21% of trafficked individuals are girls (United Nations Office on Drugs and Crime 2014, 5). To answer this question, one of the prominent dimensions at the heart of facilitating sex trafficking is found in the gender inequality that exists in our world today. Many argue that gender inequality is a dynamic of the past. However, gender inequality exists in both developed and developing states and is embedded in societies throughout the world. This embeddedness is what makes attempting to identify actions and inactions as representative of forms of gender inequality. Gender inequality can be observed in cultural, societal, and economic aspects, with each of these inhabiting their own causes and effects. This section of my thesis focuses specifically on providing a concept of gender inequality, which will be continually referred to throughout my thesis. Furthermore, I observe how gender inequality is inherent in relations which take place at the local, state, and global levels and how this inequality promotes dynamics of power and control and serves as a form of violence against women in both physical/sexual and psychological terms.

In order to understand gender inequality, it is important first to understand gender. It is a concept that is often misunderstood in society today, causing it to take on several different meanings. In the terms of this paper, I will refer to gender as it is defined by Candace West and Don H. Zimmerman. West and Zimmerman refer to gender as “...not a set of traits, not a

variable, nor a role, but the product of social doings of some sort” (West and Zimmerman 1987, 129). What West and Zimmerman state in their definition refers to the idea that gender is based on social actions, the interpretation of those actions, and how those interpreted actions fit into social processes. Therefore, gender is not natural, but rather something that is socially organized and displayed. It is also important to recognize that gender is fluid. While gender is often thought to be static, it is actually ever-changing. As Raewyn Connell explains, “gender arrangements are reproduced socially (not biologically) by the power of structures to shape individual action, so they often appear unchanging. Yet gender arrangements are in fact always changing, as human practice creates new situations and as structures develop crisis tendencies” (Connell 2009, 11). Gender is a social process, therefore, as society changes, gender changes as well. With this definition of gender in mind, it is possible to apply it to gender inequality and the underlying gender structures from which it emanates.

Gender inequality emanates from what are known as “gender regimes” which amount to “gender orders”. A gender regime is a pattern of gender arrangements within organizations, institutions, or any other structure. More specifically, it is “...a regular set of arrangements about gender: who was recruited to do what work; what social divisions were recognized; how emotional relations were conducted; and how these institutions were related to others” (Connell 2009, 72). These gender regimes are a part of wider patterns termed “gender orders”. In the relationship between these two concepts, gender regimes typically correspond to the gender order, however, it is possible for the gender regime to depart from the gender order. Furthermore, gender orders and gender regimes represent gender relationships, which are “ways that people, groups and organizations are connected and divided” (Connell 2009, 73). Essentially, this framework argues that the gender orders and gender regimes that exist in our

world today have led to specific power relations between men and women. It is a micro-macro approach to the concept of gender, observing that the idea of gender at the smallest level (e.g. workplace, school) affects the idea of gender at the largest level (e.g. society). While Connell's construction of gender inequality provides a base understanding, there are other ways in which women experience discrimination based on their gender. Another construct which is important to detailing gender inequality is that of materialist feminism.

Materialist feminism emerged as a concept in the 1970s as a response to Marxist feminism. During this time, feminists began to recognize that Marxism could not "adequately address women's exploitation and oppression unless the Marxist problematic itself is transformed so as to be able to account for the sexual division of labor" (Hennessy 1993, xi-xii). Furthermore, Marxism had yet to analyze the patriarchal systems at play in class and economic biases (Hennessy 1993, xii). However, materialist feminism was not only focused upon the division of labor and class and economic biases. At its core, materialist feminism was the joining of several discourses, including historical materialism, Marxist and radical feminism, and postmodern and psychoanalytic theories of meaning and subjectivity (Hennessy and Ingraham 1997, 7). In joining these discourses, materialist feminism did not see culture as the whole of social life, which had been the general focus of feminism, but rather viewed culture as "one arena of social production and therefore as only one area for feminist struggle" (Hennessy and Ingraham 1997, 7). As described by Judith Newton and Deborah Rosenfelt,

"a materialist-feminist criticism, in short, a criticism combining feminist, socialist and anti-racist perspectives, is likely to assume that women are not universally the same, that their relations are also determined by race, class and sexual identification; that social change cannot be conceived of in terms only of women who are white and privileged; that integration into existing social structures is not likely to liberate even white middle-class women; and that unequal relations of power in general must be reconstructed, not only for women but for all the oppressed" (Newton and Rosenfelt 2013).

Most important in this excerpt is the idea that women experience things differently from one another, that no one experience is the same. When materialist feminism is taken into account, along with the basic understanding of gender inequality as a set of relationships, it is observed that gender inequality can play out in many different ways in several different settings.

At the local level, gender inequality stems from family and community dynamics. In many countries with patriarchal households, daughters are seen as a liability. Families are obliged to ensure several different aspects of their daughters lives, including providing substantial marriage expenses and continuing to offer material resources to the daughter's marital family on certain occasions. For poor households, these obligations begin to strain the overall functioning of the household. Therefore, "if an opportunity arises families may trade undervalued females with little thought for their rights or future well-being, hence sales into prostitution or marriage to men who make no monetary demands – thus predisposing them to trafficking" (Heyzer 2006, 110). These patriarchal households and the norms that are associated with them plague India and its gender relations today. Women are often relegated to secondary status within the household and workplace, a position that significantly affects women's health, financial, and education status.

"Women are commonly married young, quickly become mothers, and are then burdened by stringent domestic and financial responsibilities. They are frequently malnourished since women typically are the last member of a household to eat and the last to receive medical attention. Only 54% of Indian women are literates as compared to 75% of men, women receive little schooling, and suffer from unfair and biased inheritance and divorce laws" (Rahi 2015, 171).

Simply put, women's place in the family and society is not deemed important enough to provide them with the necessary resources to live even a basic life. In the family, the financial responsibilities for women are often too much for the household to endure, leaving women vulnerable to being sold off by their own families. In society and the community, women are not

afforded the same opportunities as men, because they are not deemed valuable enough as individuals, a concept that will be explored in more depth in the following chapter.

GENDER AND THE STATE

The state stands at the core of the structure of power relations in gender due to the well-embedded internal regime that exists within the state. This internal gender regime presents itself in several ways. The first significant presentation of this gender regime is that at the center of state power, in decision-making and top positions, stand men. In these top positions, men choose to represent their own interests, while the majority of women's interests are represented by organizations on the periphery of the state, with not nearly as much power. Next is the fact that the state, as the primary policy creator, puts policies into place that are concerned with gender issues and therefore, regulates and constitutes gender relations in the wider society (Connell 2009, 120-121). In both of these instances, the state is supporting the patriarchal system present in the household. These factors hold true in India, due to the type of legal system in place. The Indian legal system is a common law system, based on the British legal system originally put into place during colonization. However, while the British legal system has updated itself throughout the years, the Indian legal system has failed to do so. Therefore, certain legal proceedings, such as religious personal laws (RPLs), are still in place (Parashar 2008, 104). These religious personal laws present themselves in several different ways in India.

To begin, within India's legal system there is the traditional role of panchayati raj. Under the Indian Constitution, the state took steps to appoint and uphold already existing certain village elders as panchayats. In this role, panchayats oversee one village and within this village are endowed with the power and authority necessary "to function as units of self-government" (Rai

2007, 66). Within this legal system, women have no social safety net. Panchayats “are all-male groups of self-proclaimed guardians of caste interests and ‘honour’ which have the support of the richer sections and enjoy political patronage [and] it is through these caste panchayats that the most regressive social views are sought to be implemented” (Baxi et al 2006, 1243). Due to these factors, the legal support system women would typically rely upon turns on them for breaking even the slightest social custom. Unfortunately, this is common due to the fact that, under the religious personal laws, women have significantly less rights than men. Furthermore, the state often uses these RPLs to block the passage of other laws that might improve the status of women. “The state has selectively used the argument of religious sanctity of these laws but at other times introduced legislative changes” (Parashar 2008, 105). Despite the legislative changes that might be made, women lack the basic rights within their own communities to benefit from those legislative changes. This inequality does not only occur at the local level of government but also at the national level of government as well, as evidenced by one of India’s anti-trafficking policies.

This policy is India’s “Immoral Traffic (Prevention) Act, 1956” which identifies trafficking for the primary purpose of sexual exploitation as a major problem in India. While the intent of the policy does not provoke any type of gender inequality, the policy itself does. To begin, the policy assumes that the individuals trafficked are women. While the majority of trafficked individuals in India are women, men have been and continue to be victims of trafficking as well. However, throughout the policy there is continual reference to women being trafficked, without any reference to the threat of men being trafficking victims. Furthermore, on an individual level, the policy states that “promiscuous is indiscriminate” (Parliament of the Republic of India 1950). Both of these assumptions specifically target women. More

specifically, when analyzing the second assumption, any woman, whether or not she is actually involved in sex work or is a trafficked individual, is taken into consideration by law enforcement simply by appearing promiscuous. Another assumption in the policy is that any person who knowingly allows another person to participate in or knowingly participates in the act of sex work, whether it be a brothel or in public, shall be considered compliant with the act of trafficking (Parliament of the Republic of India 1950). This assumption becomes problematic because, with a focus on stopping sex work, the policy, whether it be intentional or unintentional, incriminates trafficked individuals, rather than protecting them. Connecting this with the fact that the policy focuses primarily on women, women will most often be targeted and incriminated.

GENDER ON A TRANSNATIONAL LEVEL

Not only are women subject to gender inequality in their own communities and countries, these gender regimes and orders influence and are influenced by gender regimes and orders on a global level. At the heart of this exchange is the concept of “meta-power”, or relational control, which

“is control *over* social relationships and social structure. [Furthermore], relational control is used by particular groups to promote or stabilize their advantages or dominance over others to ensure the effective functioning of a social system. Relational control constitutes, in part, the ‘historical forces’ underlying the given institutional structure of societies and the dynamics of new institutional forms continually struggling to emerge” (Baumgartner et al 1975, 49).

Within this relationship exists a system of interactions encompassing political, economic, as well as other bases of power differences.

“The interaction system, involving actors A, B, C, ... can be conceptualized as consisting of at least three system components: their action and interaction possibilities, the likely outcomes or payoffs of their interaction in specific exchange situations, and a culture of

normatively defined as well as emergent values and orientations among the actors which, among other things, define qualities of their established or anticipated social relationships” (Baumgartner et al 1975, 51).

In combination with meta-power, certain conceptual values have come to exist on a global level that reinforce the interlocking relationship among gender, class, and nation. The first is the concept of the “devalorized feminine”, which “privileges masculinity and all that is associated with masculinity” (Young 2015, 31). In privileging masculinity in the cultural and symbolic realm, power relations in the material and economic realm become naturalized and further cement the already existing gender and social hierarchies. Just as the transfer of inequality exists between different areas of individual societies, a transfer of inequality occurs between these individual societies. Through imperialism, neo-colonialism, and current world orders there has been a “transnationalization of gender” (Connell 2009, 126). This transnationalization of gender has caused gender orders of individual societies to come into contact with one another.

These interactions are the first level of a global gender order, that comprise a global society with gender as a central structure. Furthermore, globalization has created institutions that function primarily on the international scale. Embedded within each of these institutions is a gender dynamic, consisting of the institutions own interest, gender politics, and processes of change (Connell 2009, 129). Jan Aart Scholte argues that while globalization has had positive effects on gender inequality, the negative effects, which primarily amount from neoliberalist structuring, are more prominent (Scholte 2005, 338). Scholte states,

“the contraction of state services in line with neoliberalist prescriptions has tended to hurt women more than men. As the principal homemakers and carers, women have suffered disproportionately when the state has cut benefits for vulnerable citizens, reduced spending on health and education, decreased subsidies on food, lowered maternity and child care entitlements, and so forth. Likewise, the privatization of pension provisions has tended to disadvantage women, since they generally have lower incomes and shorter earning lives” (Scholte 2005, 338).

Not only does globalization cause a transfer of consistent gender dynamics across societies, there is the creation of new gender dynamics that result from the creation of more institutions functioning on the global level.

As seen in the above account of gender inequality, it is certainly not a thing of the past. Rather, it is a dynamic that has been consistent within individual societies, transferred across societies, and reinforced by institutions on every level. It has become one of the most significant underlying forces within our globalized society. The significance of gender results in the fact that gender inequality is identified as a facilitating factor within many different issues. Sex trafficking stands as one of those issues. This gender inequality has come to be one of the primary facilitating dimensions of sex trafficking because of the power and control paradigm that is contained within it, as well as the belief that women's lives are expendable and available primarily for the use of and by men. The power and control paradigm will be discussed more in depth in the next section.

THE POWER AND CONTROL PARADIGM

At the core of gender inequality is the concept of power and control between men and women. This concept stands as one of the defining aspects of gender relations and provides one of the most direct responses to core questions about why women experience such disproportionate levels of violence.

“Pervasive discrimination continues to deny women full political and economic equality with men. Violence against women feeds off this discrimination and serves to reinforce it. When women are abused in custody, when they are raped by armed forces as ‘spoils of war’, when they are terrorized by violence in the home, unequal power relations between men and women are both manifested and enforced” (Amnesty International 2001, 2).

While the above acts of violence make inequality, in terms of power, evident; this is not always the case. On an individual level, power relations between men and women are more visible; however, on a structural level, these power relations are not as easy to detect.

“Mr. Barrett the Victorian patriarch forbids his daughter to marry... a bank manager refuses a loan to an unmarried woman; a group of youths rape a girl of their acquaintance. It is often difficult to see beyond individual acts of force or oppression to a *structure* of power, a set of social relations with some scope and permanence. Yet actions like the ones just listed are not intelligible without the structure” (Connell 1987, 107).

As Connell explains, violence perpetrated on an individual level is often a result of power inequalities deeply embedded in social structures. In fact, these power inequalities are so embedded in society that the actions, namely violence, which accompany them have become normalized. “That sexual violence is so pervasive supports the view that the locus of violence rests squarely in the middle of what our culture defines as ‘normal’ interaction between men and women” (Johnson 1980, 146). In fact, an example of this normalization of power and violence in India can be seen in the actions carried out by the panchayats discussed earlier in this chapter.

As discussed previously, the role of the panchayats is one of protecting honor. More specifically, panchayats will be called upon when a woman’s actions are believed to threaten the honor of a particular caste or community at large. An example of this would be a woman’s marriage to an individual of a different caste or community, who her family, caste, or community does not approve of. In cases such as these, panchayats “make pronouncements about the honor of their caste and carry out actions designed to preserve it, including revenge rapes, burning down houses, lynchings and beatings” (Merry 2009, 131). This individual and community level violence is then reinforced by institutions, namely the government of India.

“Because there are close links between caste *panchayats* and government-sponsored *panchayats*, the state makes few efforts to control the actions of caste *panchayats* even when their actions violate the constitution. Moreover, there is a widespread belief that

social issues should be left to caste leaders rather than handled under state law, which has different criteria for social justice” (Merry 2009, 131-132).

Power relations are continually at play in these gendered interactions, with women having to hand over control of their own lives to male family and community members. Furthermore, the individual and institutional acceptance of violence reinforce one another, resulting in the normalization of violence. Within this normalization of power and violence, a demand for sex is presented as another facilitating factor of sex trafficking. The underlying assumption is that women are to provide for the needs of men in this insatiable area.

The demand for sex present in our global society today emanates primarily from the gender inequality discussed in depth previously, which amounts to the privileged position of men. While the buying of sex by men is seen primarily in the buying of prostitution, the buying of prostitution further drives the demand for women and therefore the trafficking of women for sexual purposes. “Male sexual demand has promoted the commercial sex industry for centuries and it will probably continue to do so for centuries to come. Whether for entertainment, violence, or other purposes, male sexual demand drives men into sex establishments in almost every country in the world” (Kara 2009, 33). However, one of the most interesting facts when it comes to this male demand that exists is that it is not often focused upon in research. “Despite the proliferation of scholarship...men who buy sex have been largely unseen – they are in many ways the ‘shadow partner’ of the sex industry” (Coy et al 2012, 121). This demand for sex has underlying motivations which stem from the gender inequality which already exists.

“Although motivations provided by male sex buyers are multiple and varied, at the core, they draw on notions of biological imperative and/or the rights of purchasers. These are typically articulated through a male ‘sexual drive/need’ discourse; more colloquially expressed as a physical ‘need’ for release/relaxation; and/or that paying means they can choose which women and what kinds of sex without responsibility” (Coy et al 2012, 123).

Having the ability or desire to buy sex is seen as being an inherent male right; a right that emanates from a man's social and biological belief that they can have any woman at any time for any reason. In India, it has been observed by those directly involved in the business of sex, as well as individuals on the outside, that this demand for sex has a direct relation to the amount of trafficked individuals as well as who those trafficked individuals are.

In a study conducted by several organizations, there was a focus on brothel owners within India as well as the clients who frequented these brothels. In regard to demand, "all the brothel owners interviewed asserted the fact that trafficking is demand-driven and that it fluctuates with the demand patterns" (Nair and Sen 2005, 110). More specifically, 73.8 percent of brothel owners stated that clients demand particular women and girls and only 26.2 percent stated that clients do not have any specific preferences when it comes to the women and girls they will engage with. Within these responses, 34.9 percent of brothel owners stated that their clients demand girls who are virgins or are believed to be virgins and furthermore, if this type of girl is not available, they request a girl who is young or looks young (Nair and Sen 2005, 110). These statistics enforce the previously analyzed data focused on the age of the women and girls who are trafficked, which has the greatest amount of trafficked women and girls between the ages of 16 and 20. In analyzing these statistics, it can be said that there is a direct correlation between the demand that is coming from the clients and the women and girls who are being trafficked. Furthermore, if brothel owners desire to make more money, they will be more willing to house trafficked individuals within their brothel. This is due to the willingness of women and girls who are considered "free" and "unfree". "Unfree prostitutes may not always be cheaper than their 'free' counterparts, but they are often less able to set limits on the nature and terms of their encounters with clients than their 'free' counterparts, and so may be more compliant as regards

the acts they will perform” (Anderson and Davidson 2002, 31). In this case, women and girls who enter into sex work willingly, or those who are “free”, are considered to have more agency than women and girls who have been trafficked into sex work, or who are “unfree”. These “unfree” women and girls are thought to do more with and for clients, due to the control over them, as compared to their “free” counterparts, therefore the demand for trafficked women and girls will increase due to the demand for services and profit.

GENDER INEQUALITY AS PHYSICAL/SEXUAL AND PSYCHOLOGICAL FORMS OF VIOLENCE AGAINST WOMEN

As evidenced by the above analysis of gender inequality at the local, state, and global level, it is clear that gender inequality has a significant effect on sex trafficking. Gender inequality helps to answer the question “Why women?” and brings to light several ways in which it serves as a facilitating factor of the trafficking of women and girls for sexual purposes. The connection between gender inequality and sex trafficking is an important one to make, not only in regard to recognizing gender inequality as a facilitating factor of sex trafficking, but also how gender inequality, and therefore sex trafficking, serves as a form of violence against women. This section will focus upon how gender inequality serves as both a physical/sexual and psychological form of violence against women. However, before analyzing these forms of violence against women, it is important to keep in mind that any type of violence against women is severely underreported to authorities. While this occurs for several different reasons, this fact becomes important because any statistics representing the amount of women who have experienced violence in their lives may be viewed as representing the minimum number affected.

With this in mind, I will begin by analyzing how gender inequality serves as a form of physical/sexual violence against women. In a 2004 study, it was found that the higher the status of women in a country, the lower the rates of sexual violence (Yodanis 2004, 668-669). On an institutional level, in terms of occupational and educational status, “the more that women and men share space and positions of power and influence in the workplace and institutions of higher education, the less likely men are to use sexual violence against women” (Yodanis 2004, 669). These statistics have a basis on power and who essentially is in power or holds the most power.

“...When women represent nearly more than half of those participating in institutions of higher education or workplace settings, men may accept women as equal and competent peers and colleagues that belong in those institutions beside them. Women may no longer be a threat to men, and thus, men will not use forms of sexual violence, such as sexual harassment, to deter women from participating in those institutions” (Yodanis 2004, 670-671).

As seen in the above statement, when there is no threat to men’s power, sexual violence is less likely to occur. However, when there is a potential or believed threat to men’s power, sexual violence is more likely to occur as a method of protecting and keeping one’s power. This exchange on an institutional level is the same exchange that occurs on an individual level, between intimate partnerships or familial relations.

On an individual level, not only is power at play, but men’s vulnerability. “Violence against women is thus seen not just as an expression of male powerfulness and dominance over women, but also as being rooted in male vulnerability stemming from social expectations of manhood that are unattainable because of factors such as poverty experienced by men” (Jewkes 2002, 1424). Violence will often occur in situations when the male partner has lower status or fewer resources than the female partner. “An inability to meet social expectations of successful manhood can trigger a crisis of male identity. Violence against women is a means of resolving this crisis because it allows expression of power that is otherwise denied” (Jewkes 2004, 1424).

Once again, if men feel threatened, their first reaction is using violence to reassert their authority and power. While this assertion is clearly a form of sexual/physical violence against women, it also serves as a psychological form of violence against women.

In a psychological sense, women are “trained” to believe that they are lesser than men. This relationship amounts from a set of cultural norms, the first being that relations between men and women should be unequal, the second being that husbands should be in charge, and the third being that women should submit (Jakobsen 2014, 551). Furthermore, these norms are reinforced by the patriarchal system that governs almost every aspect of our society. Hunnicut argues that when patriarchy and violence against women are thought about in the same context they fall within the theory of conflict, which focuses on dominance and power in relationships.

“The core assumption of conflict theory is that humans are engaged in a constant struggle for status and are continually working to maximize their advantage. If individuals are pursuing self-interest, then people will necessarily be engaged in struggles over power. This basic conflict principle helps us understand both the stratification of society and why violence is an outgrowth of dominance hierarchies” (Hunnicut 2009, 558).

When applied to men and women, the theory of conflict argues that men and women will be engaged in a constant struggle with one another revolving around status and power. However, when focusing on the patriarchal aspect, the theory further argues that men will more often overpower women in this struggle for status and power. This has indeed been the outcome, historically and contemporarily, and it can be argued, has been engrained in the mind of men and women as normal gender roles.

CONCLUSION

Gender inequality is inherent in relations at the local, state, and global levels and has become embedded as a core influencing factor in our world today. Not only is gender inequality present, but there is a micro-macro and macro-micro relationship between the local, state, and global levels; with the local affecting the state and global just as significantly as the state and global affects the local. For example, on a macro-micro level, the transnationalization of gender has brought societies into contact with one another, creating the first level of a global gender order, comprised of a global society with gender as a central structure. Vice versa, on a micro-macro level, the gender dynamics present in a family or community affect how those individuals carry out other gender relations on a larger scale. Furthermore, this inequality has promoted dynamics of power and control, as illustrated in the above detailed account of a family's willingness to sell off their own daughter, the Indian panchayats and their ability to overpower a woman's own agency, and the demand for sex that exists in India. In the end, all of these occurrences not only serve as severe forms of physical/sexual and psychological forms of violence against women, but also as inherent drivers of sex trafficking.

The following chapter will take into consideration the previously detailed concept of gender inequality and the power dynamics which accompany it, and observe and analyze how these aspects are evident within cultural practices in India.

CHAPTER IV

CULTURAL NORMS AS FACILITATING FACTORS

WHAT IS CULTURE?

Culture is an extremely ambiguous concept; one that has several different definitions, which are often not connected or are at odds with one another. "...One can place kinship systems into social contexts and label these the basis of culture, or one can generalize the identification of specific groups into good and bad cultures, such as a drug culture at war with an FBI culture. One can also study ethnic cultures, gendered cultures, organizational cultures, national cultures, and community cultures, to name but a few" Reeves-Ellington 2010, 11). In fact, culture is not something that is commonly defined, but rather identified and labeled by those who come into contact with it. Because of this variety in regard to what culture is, it is often a very difficult concept to broach. However, considering the importance it holds within our global society and in culturally rich locations such as India, it is important to come to a conclusion on the definition of culture in terms of this paper. First and foremost, "culture is a form of knowledge gained through engagement with people; it is characterized by openness and is ever-evolving" (Reeves-Ellington 2010, 17-18). Through this engagement, culture becomes "a community envirosystem comprising the five interactive environments (envirosapes) of climate, leadership, knowledge, ethos, and time that provide community boundaries and energy" (Reeves-Ellington 2010, 21). Culture becomes the bedrock of societies, providing a basis for appropriate and accepted norms and values.

With culture at the core of how societies and their citizens function on a daily basis, culture comes to play a significant role in the behavior of individuals. In general, "cultural

values, based on a person's race or ethnic identity, also impact on vulnerability to trafficking as these values may make a person more or less likely to consider certain actions or conditions as acceptable, more or less likely to migrate for work and more or less vulnerable to traffickers' deceptions" (Cameron and Newman 2008, 45). Not only do certain cultural values play a role in whether an individual is more or less likely to be trafficked dependent on their life choices, what are termed "traditional" cultural values play a role on whether actions are considered right or wrong. Essentially, there stands a rift between contemporary international human rights standards and values which individuals hold true to as "traditional". When certain values or actions are classified as "traditional", it is less likely that the individuals who believe in these traditional values or actions will see those same values or actions as wrong, specifically in regard to the lives of women.

"These practices are normatively supported. They are seen as socially desirable acts that constitute moral and modest behavior for women. Most are designed to safeguard, restrict, and control women's sexuality. Although some individuals and groups fight against them or covertly resist them, these 'cultural practices' are often energetically defended by political leaders who define them as central to their national or ethnic identity" (Merry 2009, 127).

The mindset associated with traditional practices leads to the generalized acceptance of the values or actions throughout generations, leaving women with little opportunity and creating facilitating forces for trafficking for the purpose of sexual exploitation.

In terms of culture, India has one of the richest and most diverse cultures in our world today.

"Once famous for holy men in sackcloth and ashes who renounced the world, and also known for its elephants and sacred cows, today India is equally as well known for having one of the largest pools of educated scientists and engineers in the world and it is a base for R&D for leading multinationals. This is a country where millions of Hindus, Muslims, Sikhs, Christians and Buddhists have lived in relative harmony for several decades" (Gannon and Pillai 2010, 494).

As a second-tier country, India is a prime example of the previously discussed mix between contemporary life and traditional life. However, much more than ethnicity and lifestyle, religion plays the greatest role in the diversity of India. As the birthplace of four major religions, Hinduism, Buddhism, Jainism, and Sikhism, religion plays the greatest role in the diversity of India. This wide breadth of cultures within India has amounted from its long history of embracing other religions and their characteristics.

“Through extensive trading relationships over the centuries, India has been able to absorb characteristics of foreign cultures and also to share the best of her culture with other nations of the world in an early version of globalization. Thus, not only has India witnessed the birth of several world religions but has also absorbed and integrated other faiths” (Gannon and Pillai 2010, 495).

All of this has led to India being referred to as a kaleidoscope, presenting “an ever changing set of colorful images not only to foreigners who flock to do business there and the nonresident Indians who return every year for quick visits but also to the people living in the country” (Gannon and Pillai 2010, 494). Each of these groups of individuals has contributed to the transformation of India from a third-world country to an Asian superpower, however, each group also has its own culture, lending to the diversity seen within India.

While this diversity has catapulted India into the 21st century, the mix of cultures has also become a facilitating factor of trafficking for sexual purposes and serves as a form of violence against women. Most prominent of these cultural facilitating factors are those that have stemmed from the religion of Hinduism. Approximately, 81% of the Indian population identifies as Hindu, accounting for an extremely significant number of practicing individuals (Gannon and Pillai 2010, 495). While Hindus account for the largest group of religious followers in India, as stated previously, India has a history of religious tolerance and therefore embraces the existence of many other religions within its borders. It is important to keep in mind that each of these

religions have their own practices and furthermore, that any discussion focused upon Indian culture is not representative of the entirety of culture within India, but rather a snapshot of a particular group or groups. In the following sections I will outline three cultural values that have stemmed from the Hindu religion, as the predominant group within India. While the norms, beliefs, and practices described illustrate a majority religion within India, they are by no means reflective of the massive diversity of Indian cultural norms. Within this focused discussion of Hinduism, I focus on: the prioritization of men's lives over women's, marriage customs, and the caste system within India, all which play a significant role in the gender dynamics present in India as well as women's vulnerability to becoming trafficked individuals.

THE VALUE OF MEN'S LIVES OVER WOMEN'S

“We have the best culture. In our culture, there is no place for a woman” (Udwin 2015). This quote was taken from the controversial documentary film, *India's Daughter*, that documented the gang rape which took place in 2012 in Delhi. The man who was quoted saying this was M.L. Sharma, one of the defense attorneys for the five Indian men accused and found guilty of the rape and murder of Jyoti Singh. The belief that men's lives are more valuable than women's lives is a consequence of the patriarchal belief systems which continue to dominate India's diverse landscape. In speaking of the birth of her daughter, Jyoti, Asha Devi stated, “In many homes, they celebrate when a boy is born. But when a girl is born, people don't rejoice as much. We gave out sweets and everyone said, ‘You're celebrating as if it's a boy.’ So we said we're equally happy having a boy or girl.” (Udwin 2015). This attitude toward the female sex in India is not an uncommon one and is clearly visible in the country's birth ratio.

In the 2011 Indian census, for every 1000 male children there were 940 female children registered. This ratio was a decline compared to the past two censuses conducted in India, where in 1991 for every 1000 male children, 945 female children were registered and in 1981, 962 female children were registered for every 1000 male children (Office of the Registrar General & Census Commissioner, India 2011, 78). This significant drop in the number of girls can be attributed to several different occurrences, including different allocation of care to girls and boys, cases of infanticide and feticide, and the advancement of modern medicine to include prenatal sex selection (Mukherjee 2013, 1). This “son preference”, as it is typically referred to, is the result of social and economic organization within Indian society. “Very early in life the son learns that women are lower in status than men. The position of women in this hierarchical society means that they must constantly be making demands and pleading with superiors for one thing or another. The son soon develops an attitude of superiority” (Gannon and Pillai 2010, 480). This pervasive inequality has deep roots in India’s kaleidoscopic culture, amounting specifically from the significant place religion holds within India’s culture. When discussing the lack of value attached to women’s lives, it is important to observe where the belief that men are more valuable as human beings has emanated from.

As discussed previously, India has sets of religious personal laws that have been kept in place throughout the continual reformation to serve as a tool of social organizing. The laws, which are meant to recognize differences among the many religions and their followers, focus on several different practices of a personal nature, including marriage, divorce, marital separation, alimony, property division upon separation and divorce, adoption guardianship, and inheritance (Subramanian 2014, 3-4). While the laws are meant to encourage religious tolerance, inequality often amounts from these laws, primarily meant to afford peoples of different religions their

rights. “While recognition is particularly important to represent culturally inflected interests in diverse societies, multicultural institutions and policies often provide unequal rights to citizens, and impede individual liberty, policy change, and cultural exchange” (Subramanian 2014, 3). In direct relation to gender, the enforcement of these personal laws “support unequal rights for the genders in various ways because they are shaped according to understanding of group norms, and the norms of most groups that these systems govern give the gender unequal rights in family life...” (Subramanian 2014, 4). However, these group norms are not the only forces that upheld the religious personal laws, in fact, British colonial rule was also a significant force in upholding these laws and their gendered inequality.

When the British held rule over India as a colony, their mission was one cemented in religious and gendered terms. “The colonial state constructed its legitimacy in terms of a civilising mission that simultaneously (and contradictorily) claimed non-interference: that it would avoid interfering in native religious affairs even as it sought to civilise Indians and Indian society by ameliorating the condition of Indian women” (Williams 2013, 712). In attempting to keep with their promise to not interfere with native religious affairs, the British colonizers decided to apply each community’s own family laws to that community, rather than implementing uniform family laws (Williams 2013, 713). While the decision to uphold the religious personal laws fulfilled one part of the British colonizer’s mission, the action also played a role in the British failing to fulfill their intention of modernizing India by ameliorating the conditions of women. In fact, this improvement only took place on paper, to uphold the mere appearance of some form of gender equality.

“Civilisation, progress and modernisation did not, and need not, correspond to material changes in the lives of real women: for change and reform to remain abstract, on paper and in the law books, was sufficient to demonstrate the onward march of civilisation and

modernisation. Change and progress were enacted more for the sake of enacting them rather than actually achieving them” (Williams 2013, 712).

As these religious personal laws became institutionalized, there was little attempt to reform them. As British colonizers created uniform civil, criminal, and penal codes, the personal laws had yet to be codified, meaning they could be interpreted and enforced as individuals within communities felt necessary. In an attempt to make some effort toward codifying the personal laws, the British government in place at the time decided to take a piece-meal approach to the laws, implementing legislative or judicial decisions on certain topics. Upon independence, the Indian government decided to retain the personal laws as a form of “multicultural protection of group or community religious rights” and the laws still exist in India today (Williams 2013, 713). In fact, the laws “have become gendered symbols for religiously defined community rights and identity in Indian politics” (Williams 2013, 713). The religious personal laws not only serve as one of the foundations for the lack of consideration for women, but are also a prime example of the value attached to the life of a woman. The personal laws themselves are inherently gendered.

One area that is greatly affected by personal laws, specifically Hindu personal laws, is that of a woman’s right to property.

“There is a resilient, cultural hegemony which defends the preference for sons as a necessary survival strategy for the maintenance of lineage, property and the continuation of the (male-headed) family household. Implicit within this, of course, is the understanding that girls and women do not offer the same qualities or social positioning that men do in securing these goals. Feminist, as its counterpart, represents negative connotations of vulnerability, risk of honour and weakness to predatory male pursuits within a masculine world” (Purewal 2010, 48).

This viewpoint is outlined in the 174th Report of the Law Commission of India in “Property Rights of Women: Proposed Reforms Under the Hindu Law”, in which there are several distinctions made in regard to inheritance and the right to property. The report outlines several traditional Hindu legal doctrines. Of these legal doctrines, the report focuses on one of the

primary governing doctrines for Hindus, that of *Mitakshara*. The report then determines the two primary types of property Hindu possessions are divided into. The first is ancestral/joint family property and the second is separate/self-acquired property. The report then outlines the gendered division of ancestral/joint family property under the two laws.

“Under the Mitakshara law, on birth, the son acquires a right and interest in the family property. According to this school, a son, grandson and a great grandson constitute a class of coparceners, based on birth in the family. No female is a member of the coparcenary in Mitakshara law. Under the Mitakshara system, joint family property devolves by survivorship within the coparcenary. This means that with every birth or death of a male in the family, the share of every other surviving male either gets diminished or enlarged. If a coparcenary consists of a father and his two sons, each would own one third of the property. If another son is born in the family, automatically the share of each male is reduced to one fourth” (Law Commission of India 2000).

As seen in the first portion of the above excerpt, the son automatically acquires a right to any family property upon birth and this line of inheritance extends through the family down to the great-grandson. However, upon birth, a daughter does not acquire any rights. Therefore, under Mitakshara law, women do not have the right to inherit any family property. In the second portion of the excerpt, which focuses on joint family property, daughters are not even mentioned, completely eliminating them once again from inheriting even joint family property.

The religious personal laws serve as the basis for the belief that men’s lives are more valuable than women’s lives. Throughout India’s history, more focus has been given to the rights of men, disproportionately affecting women. This is clearly outlined in the personal laws focusing on the rights of men and women to inherit property, under which women are largely left out of the picture. With no property of their own, or very little evidence of tangible ownership, women are left with little opportunity to create a life for themselves. This dynamic pushes families, and their daughters, to seek a suitable partner for marriage, allowing the daughter to

create and live a sustainable life. However, as will be discussed in the next section, marriage often serves as another status indicator, further labeling women as undervalued individuals.

FAMILY DYNAMICS: MARRIAGE AND DOWRY

Family life in India is one based on tradition and reputation. “A man’s worth and recognition of his identity are intimately bound up in the reputation of his family. Lifestyle and actions are rarely seen as the product of individual effort but are interpreted in light of family circumstance and reputation in the wider society” (Gannon and Pillai 2010, 481). Furthermore, while women lead very restricted lives within their families, they are responsible for unity and continuity within the larger family and life in general (Gannon and Pillai 2010, 482). Due to the significant role the family and women within the family play in Indian society, marriage proposals are not taken lightly. Rather, the potential wife and husband, as well as their families, are taken into lengthy consideration before a proposal is made. In India, marriage has traditionally been about caste and class above romantic love. For these reasons, arranged marriages are still very much the traditional norm in Indian society, as well as the dowry that accompanies these marriages.

As described by Srinivasan, “if the primary role of marriage is to create a bonding among families and among groups (caste kinship) to ensure the protection and perpetuation of property, ground identity, and social status, that of dowry is to secure a high status marriage” (Srinivasan 2005, 595-596). Traditionally in India, dowry is referred to as *stridhana*, or wealth, commonly jewelry and gifts, given to the bride, which, upon marriage, technically belong to the woman and which she is to have complete control over. In some texts, dowry is referred to “as compensation

for lack of women's earning capacity" (Mukherjee 2013, 7). However, dowry refers to much more than just exchange of goods and wealth.

"It is important to emphasise...that local understandings regard dowry as inseparable from other outlays faced by the bride's family: particularly hospitality during the wedding festivities and the patterns of gift-giving from a bride's natal kin to her affines that are initiated at the wedding and endure throughout the marriage and beyond. The dowry is usually the most substantial of these transfers, but the continuing giving sustains a bride's links with her natal kin. When a married daughter visits her parents she should return to her husband's home with gifts, and festivals, harvests and family events (births of sons, marriages, etc.) are also marked by this unilateral flow of goods, which may comprise clothing, jewellery, livestock, and/or portions of grain crops" (Jeffery 2014, 174).

As seen in the above description of how dowry is understood on a local level, these material exchanges embed a life-long commitment. While dowry is a traditional religious practice, "instead of waning with modernization and rising women's employment, contemporary reports indicate the metamorphosis of dowry into a compulsory coercive payment..., extracted from the bride's parents in a variety of monetary and nonmonetary forms" (Mukherjee 2013, 8).

Furthermore, dowry is no longer practiced only among certain classes within society.

Indian law officially prohibited the practice of dowry in 1961 with the enactment of the Dowry Prohibition Act, which made the taking or giving of dowry a crime punishable by fines and potential imprisonment. The Act was further amended in 1984, with an increase in fines and potential imprisonment, in the hopes of increasing its effectiveness. "However, the Dowry Prohibition Act has had little impact in quelling the system. Only a miniscule proportion of Indian society refuses to be associated with dowry in any of its manifestations" (Chacko 2003, 55). In fact, the practice of dowry has spread rather than subsided. "In modern India, the practice of giving and taking dowry is no longer confined to the upper castes. Since India achieved independence, the dowry system was increasingly embraced by all religious and ethnic groups through a process called Sanskritisation – that is, the adoption of the cultural values of

upper castes by groups from the lower echelons of the caste hierarchy” (Chacko 2003, 55).

Reporting on a survey conducted in 2002 by the All India Democratic Women’s Association (AIDWA) and the Indian School for Women’s Studies and Development, Indu Agnihotri discusses the results of the workshop that focused on dowry and the spread of dowry within India.

The survey reached 18 Indian states and approximately 10,000 respondents, including parents and guardians and adolescent girls considered to be of marriageable age. One of the most significant results from the survey was the idea of “mainstream” cultural practices. Through the survey it was found that the plethora of traditional cultural practices were being replaced with more mainstream, or widely practiced, cultural practices.

“It is in this process of mainstreaming that ‘dowry-free’ states or regions today report a shift towards the practice of dowry. Thus, *ga-dhan* in Assam and *jamai khatan* in Tripura where the groom had to literally ‘work his way’ into a matrimonial alliance, and bride price appear to fading out just as the ‘bridegroom’s bazaar’ in Madhubani, Bihar, seems to be undergoing changes. A similar shift seems apparent amongst the Warli tribals in Maharashtra. Thus, Muslims, Adivasis, and Dalits, communities who had not earlier identified with dowry as a custom, now seems to be adopting and perhaps inventing versions of dowry” (Agnihotri 2003, 312-313).

With this rise in the practice of dowry, “incidents of violence against brides who were unable to pay the dowries demanded of them (bride burning and dowry deaths) also became increasingly commonplace at this time” (Maitra 2008, 441). The violence and discrimination that women experience due to the practice of dowry, in combination with the lesser value attached to their lives, not only strip away their ability to have control over their own destiny, but make them more vulnerable to trafficking.

In regard to the value of men’s lives over women’s lives, women are simply not considered a worthy sex. If the family has the opportunity to gain money from the selling of their daughter, most families will not hesitate to do so, as long as they gain the money needed to

keep their household running smoothly. In connection with this, the exorbitant expense a family must undertake when it comes to the marriage and dowry of their daughter also plays a role in the willingness of a family to sell their daughter. If a family can avoid the cost of marriage and dowry, in turn evening out the finances of the household, the fate of their daughter may not even be considered in the transaction for her life. These discriminatory practices, along with the focus of the next section, the caste system, create the ultimate storm of vulnerability for women and girls across India.

THE CASTE SYSTEM WITHIN INDIA

Along with the value attached to men's lives compared to women's lives and marriage and dowry dynamics, the caste system within India plays a significant role in the status of women. The caste system is one of the oldest cultural practices within India and while discrimination based on the caste system has officially been outlawed, it is still a strong source of discrimination and class tension. The system is primarily followed by those of the Hindu faith and

“is both a structural system and a cultural one. The structure consists of a hierarchy of in-marrying groups, organised into hereditary occupations. The cultural system comprises belief in karma (that the circumstances of birth depend on previous actions), commitment to caste occupation and lifestyle, belief in the hereditary transmission of psychological traits associated with occupation, tolerance of distinct lifestyles for other castes, and belief in a hierarchy of values along a scale of purity and pollution” (Liddle and Joshi 1986, 58).

Simply, the caste system entails the belief that individuals belong to a certain caste upon birth and must perform the appropriate honors and duties that accompany belonging to that caste.

Prior to analyzing the discrimination and violence that is carried out due to the caste system, it is important to understand the historical place of the caste system and what it entails.

Similar to the religious personal laws, the caste system has great historical significance in Indian society. “Like a black spot on a white shirt, the Indian caste system is a dark shadow on the rich canvas of Indian culture. No one born in India or connected with civic life in India, can escape its cultural, social and political influences” (Vallabhaneni 2015, 361). This statement sheds light onto the hold that the caste system had, and still has, on Indian society today. To begin, the caste system is broken down into four primary groups, otherwise known as *varna* or *jati*, with an unofficial fifth group. The first group are the *Brahmins*, which includes intellectuals, teachers, and priests. Following this group is the *Kshatriyas*, or the warriors. The next class is that of the *Vaishyas*, which includes individuals involved in trade, merchant, and commercial occupations. Finally, the *Shudras*, or the service class, are at the bottom of the caste system (Vallabhaneni 2015, 362). The final group, which is placed below and outside of the caste system, is the *Panchama* or *Dalits*. The word *Dalit* is of ancient origin, technically meaning “ground” or “broken in pieces”. These people are more commonly known as the “Untouchables” of Indian society and “have deliberately been broken or ground down by those above them. Members of this group are engaged in work that is considered socially undesirable and unclean” (Gannon and Pillai 2010, 485). The four primary groups of the caste system date back to Ancient India, with Hindu texts mentioning the hierarchy as early as 1750 B.C. (Vallabhaneni 2015, 363).

The most prominent text to mention the caste system is the Hindu *Rigveda*, which recognizes that each group has a function within society that upholds civic life. However, the description was misinterpreted leading to the hierarchy that exists today. “The caste structure came to be considered as divine in origin and the status of the priestly class was elevated to that of human gods whereas the position of *Shudras* was profoundly degraded” (Vallabhaneni 2015, 363-364). Following the original creation of the caste system, several other Hindu texts led to

other beliefs that surround the system today. For example, text from the *Upanishads*, which date back to about 800 B.C., led to the belief that one's caste grouping was determined upon their actions in a prior life. "According to this theology, a particular soul's corporeal form in the next birth depends upon the good or bad behavior in the previous life. There is no relief within a given cycle of life and a soul can only get the reward in the next birth (Vallabhaneni 2015, 364). While several Hindu texts led to the creation of the caste system, it was during British colonial rule that the caste system was significantly enforced. The British used the caste system as a basis for their method to "divide and rule" India and would partner with particular princes and landlords of the upper groupings (Vallabhaneni 2015, 366-367). During the final years of British colonial rule, there was much upheaval about the discriminatory practices accompanying the caste system and at the beginning of Indian independence, actions were taken to include individuals from the lower groupings in areas typically reserved for individuals from the higher groupings and assist those who were victims of the discrimination (Vallabhaneni 2015). While action has been taken, as stated previously, discrimination based on the caste system is still prominent, particularly for women.

As seen in the above description of the caste system, no particular group exists within the caste system which women are put into due simply to the fact that they are female. However, this does not eliminate women from experiencing caste-based discrimination and violence. In fact, "gender within caste society is thus defined and structured in such a manner that the 'manhood' of the caste is defined both by the degree of control men exercise over women and the degree of passivity of the women of the caste" (Kannabiran and Kannabiran 2005, 254). Furthermore, "this power could have many dimensions: it can be simple and direct in its assertion; it can be complex in not permitting the space for the raising of issues outside the

parameters it creates” (Kannabiran and Kannabiran 2005, 253). At its core, the caste system is inherently gendered and based upon power, which, since power is allocated to the men, can ultimately be asserted in whatever way a man sees fitting. With that said, women are affected by caste in primarily two ways; domestically and economically, both of which are intertwined.

As mentioned previously, rules and behavior that follow those rules are of great importance within Indian society. Furthermore, these rules are specific to one’s social position and are deeply tied to the family and household systems. As described by Leela Dube, “we find then that the punishment for transgression of rules and norms of caste leads to the ostracism of the domestic group of the offender unless s/he is disowned by the household. Women’s lives are largely lived within the familial parametres. The centrality of the family and the household in their lives cannot therefore be over-emphasized” (Dube 2005, 224). In fact, in regard to family and the household, women within the caste system are controlled in terms of marriage, divorce, sexuality, and their occupation which is relegated primarily to household duties. Family and household caste-based discrimination varies dependent upon the place a woman holds in the overall caste system. Structures such as arranged marriage, child marriage, the prohibition of divorce, strict monogamy for women, and a ban on widow remarriage were enforced primarily by the Brahmins of the higher castes (Liddle and Joshi 1986, 59). While some lower castes adopted these same strictures, women in lower castes experienced different types of discrimination.

With women’s work being so closely tied to their family and domestic lives, their work contributes significantly to the occupational community of a caste group. In many occupations held primarily by the lower classes, “the work of women, carried out as members of households

– the basic units of production – is indispensable” (Dube 2005, 225). This importance has not gone unnoticed.

“The cultural recognition of the significance of women’s work in the continuity of caste-linked occupations is clear. At the same time, in order that women pursue these traditional occupations, they have to be trained in them from childhood and have to be socialized into accepting them as proper work which, within limits, is ‘destiny’. It has been found that parents may restrict the education of girls to avoid a potentially uncomfortable situation in which the daughter develops a distaste for the traditional occupation of her caste. It then becomes difficult to get her married into an appropriate family. Not formal education, but the capacity and willingness to do traditional work tends to make a girl useful in the husband’s family. The necessity of continuing with occupational work is an important basis for marrying within the caste” (Dube 2005, 226).

While it is evident that women play a significant role in their lives and surrounding societies, these duties relegate them to the domestic sphere. If they are not “trained” properly or rebel against their “destiny”, they are considered not worth marrying. Coupled with the fact that most young girls have little schooling, there is little opportunity for advancement or success in women’s lives. This combination affects women not only in a domestic sense, but in an economic sense as well, leaving women with very little resources to survive on their own.

Another domestic and economic factor within the caste system, which has had great discriminatory effects on women, has been the creation of the middle class. Under British colonial rule, the middle class was created due to a need for English-educated Indians who would be responsible for administering the country under British superiors. In the beginning the middle class consisted of already existing public officials, primarily individuals from the Brahmins, Kshatriyas, and Vaishyas, with some individuals from the Shudras. The British educated these individuals and the middle class came to be educated professional groups, combined with some industrialists and merchants. As the middle class developed further, women began to take advantage of the opportunities that became available with the creation of this class. While women were not allowed to enter into the newly created administrative positions, women began

to move into professions such as medicine and teaching, which were now in high demand, as well as government and public sector positions (Liddle and Joshi 1986, 71-72). However, while women were gaining slightly more independence economically, they were still required to fulfill their domestic duties. For example, in the Indian city of Chandigarh, “despite the fact that the number of women taking outside employment increased towards the top of the occupational and educational hierarchy, the vast majority of educated middle-class women are still confined to domestic activities...Studies such as these suggest that the class structure, rather than destroying the gender divisions within the caste system, may be building upon them, whilst changing their form” (Liddle and Joshi 1986, 72-73). Rather than changing with the times, society adjusted to the creation of this middle class and the independence it was offering women, to fit the caste system as it already existed.

The forms of discrimination outlined in the previous paragraphs focus only women who are considered a part of the “formal” caste system. As described previously, this system does not include the group of individuals known as the *Dalits* or Untouchables. Men and women who are considered Untouchables experience some of the most severe forms of discrimination within the caste system. However, “Dalit women in South Asia experience multiple forms of discrimination – as Dalits, as women, and as members of an impoverished underclass. They are particularly vulnerable to verbal abuse, physical assault, rape, sexual exploitation, forced prostitution and bonded labour. The combination of caste and gender discrimination leaves them at the very bottom of society” (International Dalit Solidarity Network 2012, 19). In fact, their place in society is so low that it is estimated that 90 percent of crimes in India are committed against Dalit women and most of these crimes go unreported due to fear of ostracism and reprisal (International Dalit Solidarity Network 2012, 21). Not only are Dalit women subject to and

suffer from severe physical crimes due to their three-pronged status as Untouchables, poor individuals, and females, women in this group also experience and suffer from unequal access to services and lack of employment opportunities (Human Rights Watch and the Center for Human Rights and Global Justice 2007, 6). While the plight of individuals considered to be Untouchables has found its way to the international stage within the past several years, a significant battle continues to be fought to gain equal rights and protections for Dalits.

When we put the discriminatory practices which accompany the caste system together, another major force for vulnerability to trafficking is created. This vulnerability is two-fold. The first dimension is that of gender. As briefly discussed above and further detailed in the following section, women experience discrimination and violence if they fail to fulfill their duties as a woman of a particular caste. These punishments range from verbal humiliation to physical harm, both of which would take place in front of not only the woman's family, but her community as well. A woman committing such a wrongdoing would much rather leave her family and community rather than undergo the "required" punishment and accompanied shame that would be brought unto her and her family. Thus, with no family or home, and very little options, a woman becomes extremely vulnerable to the throes of trafficking in the attempt to survive. This vulnerability is not only gendered, but most definitely a class issue, greatly affecting those who are found at the bottom. Women in the upper-castes do not experience the same type of vulnerability to trafficking as women in the lower-castes. These are often the poorest of the poor, whose families have little choice when it comes to survival. These families will not hesitate to sell their daughter if it means putting food on the table. Women at the bottom of the caste system find themselves the most vulnerable due to their position both as women and as less fortunate individuals.

CULTURAL NORMS AS PSYCHOLOGICAL AND PHYSICAL/SEXUAL FORMS OF VIOLENCE AGAINST WOMEN

As outlined in the previous three sections, women experience a great deal of discrimination and violence due to cultural norms within their own society. In India, women primarily experience this violence due to the value of men's lives over women's, marriage and dowry norms, and the place of the caste system within Indian society. Each of these cultural norms serves as a psychological and physical form of violence against Indian women. The following paragraphs will outline how the aforementioned cultural norms serve as forms of violence against women, in both a psychological and physical/sexual sense.

To begin, the value attached to men's lives as compared to that of women's is very obviously a form of psychological violence against women. From a very early age, young boys and girls understand that they are not equal, in fact, they understand quite the opposite, that one sex is more worthy than the other. This is not only a cultural norm that is understood in Indian society, but one that is taught.

“The ‘coming of age’ of adolescent girls and boys marks yet another series of acts which signify the hierarchical nature of social relations which cuts across the two genders approach. While mothers and other female relatives in Punjab generally look after the well-being and socialization of children, both boys and girls, once boys reach a stage where it is thought they need to be taught the ways of ‘becoming a man’, fathers and other male relatives begin to play more of a role in the lives and socialization of boys” (Purewal 2010, 53).

This segregation of activities and spaces is meant to gender both young boys and girls to adhere to the societal spheres, and the norms within those spheres, it is believed they are meant to live their lives as two separate genders. Several practices, such as the wearing of a dupatta by young girls and the pulling of young boys out of the feminized space of the home, are “made to seem

normal, a part of the lifecourse and something to be emulated” (Purewal 2010, 53-54). However, these practices, while normalized, reinforce gender roles in India.

“...The archetypal Punjabi woman is seen as a strong and unyielding figure. Yet while the public fury and media-hype about son preference and female foeticide echo around her, we find that women are not only part and parcel of the social milieu which practices sex selection but they are also active agents. This is not a contradiction, per se. It is a symptom of the elevated status that women who collude with the patriarchal project can come to attain in their lives once they have committed themselves to a certain degree of loyalty to the status quo of the patriarchal family unit, thus make them *appear* as strong women but firmly positioned within the unit and not without (Purewal 2010, 119).

While many women are outraged by the patriarchal system that rules their lives, others have become active participants in its methods. Women have come to believe their place in society is below men and that the acceptance of this hierarchy provides them with power. However, this power is limited and positions the woman further down in the hierarchical system. Therefore, while women have the outward appearance of being strong and formidable figures, this figure has been molded by the patriarchy which exists. The value of men’s lives over women’s, which has been created by the patriarchal system, also serves as a form of physical violence against women, which is much easier to observe than the psychological violence.

One of the most obvious forms of physical violence against women in the sense of the value attached to their lives is the practice of sex selection which has become popular in India. “Killing a fetus because it is female is illegal in India, although it is legal to have a test of a fetus’s sex and legal to have an abortion. The disparity between the birth rate of boys and girls has been growing, however, suggesting that the kinship-based preference for sons remains strong and that parents are still choosing to abort female fetuses” (Merry 2009, 128). Despite the laws that prevent abortion of a fetus simply because it is female, advancements in technology have made it possible to find out the sex of the fetus several different ways. The first of these methods, which was discovered in the 1970s, was amniocentesis. Originally used to determine

whether the fetus had any genetic abnormalities, the test was eventually used for the primary purpose of finding out the fetus's sex. After banning use of amniocentesis for the purpose of sex selection, ultrasound machines were used for sex selection. "Ultrasound machines have become ubiquitous, with clinics in various parts of the country openly advertising their availability for sex determination. There are many reports of enterprising technicians carrying portable ultrasound machines on their vehicles going into rural and harder-to-reach areas" (Arnold et al 2002, 763-764). Unfortunately, no amount of illegality can stop some individuals from finding a way to perform sex selection. Not only is the female sex targeted before birth, but also during life as well.

The practice of *sati*, or widow immolation, is a prominent cultural practice that revolves around the place of the female sex within society. The ancient ritual of *sati* is the practice of burning or burying a widow alive with the remains of her husband. It is a practice that dates back to the 4th century, which became associated with social prestige and affluence. "Since it was associated with high rank, the performance of a *sati* became of itself a claim to social status, and, by the nineteenth century, the custom had been imitated so far down the social scale it seemed that no caste felt itself too low to aspire to the distinction it was believed to convey" (Stein 1988, 466). While the practice of *sati* is ancient and thought to have societal and class significance, it is also a significant form of physical violence against women.

"Thus the spectacularity of widow immolation lends itself to a double violence: we are invited to view *sati* as a unique, transhistorical, transgeographic category and to see the burnt widow as a woman with special powers to curse or bless, as one who feels no pain, and one who will be rewarded with everlasting marital bliss...Paradoxically but necessarily, this process also casts the burning widow as a sign of normative femininity: in a diverse body of work, she becomes the privileged signifier of either the devoted and chaste, or the oppressed and victimized Indian...woman" (Loomba 1993, 209).

Women who perform widow immolation may be viewed as strong and powerful, however, the other role they take on is one of weakness. A devoted and chaste woman who performs widow immolation is viewed as not being able to live without her husband and in performing widow immolation she becomes a woman of oppression and victimization. Similar to the acts of violence committed against women in regard to the value of men's lives compared to women's lives, women endure similar acts of violence in regard to married life and the practice of dowry.

The violence that women endure in regard to familial life stems primarily from the practice of dowry, which takes on both the psychological and physical forms of violence. To begin, physical violence associated with dowry primarily stems from the unsatisfactory response of man's family to a bride's dowry. "When dowry demands made by the groom's family are considered unsatisfactory, the bride's journey into a world of daily humiliation, harassment, and verbal and/or physical abuse begins, often ending in murder or suicide" (Banerjee 2014, 36). Dowry-related violence includes bride burning, drowning, poisoning, and often suicides. In the National Crime Records Bureau's "Crime in India 2014" Report, dowry deaths totaled 8,501 victims, a 4.6% increase from the previous year (National Crime Record Bureau 2014, 89). Furthermore, according to the report, there was an overall 10,050 incidences which fell under the Dowry Prohibition Act (National Crime Record Bureau 2014, 90). While the significance of physical and life threatening dowry-related violence is evident, it is not the only type of violence associated with the practice of dowry.

The physical violence associated with dowry and described above also leads to significant psychological violence perpetrated against women as well. A study published in 2010 focused on the association of different lifestyle factors with the appearance of common mental health disorders in women. The population-based study included already married Indian

women between the ages of 15 and 39, amounting in a total of 5,703 women. Overall, the study determined that 609 women, or 10.7%, suffered from a common mental health disorder due to one of the following factors: higher age, low education, low standard of living, recent intimate partner violence, husband's unsatisfactory reaction to dowry, husband's alcohol use and women's own tobacco use. Of these 609 women, 26% of them suffered from a mental health disorder due to the fact that their husband was not satisfied with their dowry (Shidhaye and Patel 2010). Another study published in 2005, surveyed 9,938 Indian women between the ages of 15 and 49 with one resident child under the age of 18. Of these women surveyed, 40% reported poor mental health. A statistical analysis showed that harassment by in-laws on issues related to dowry was one of the primary factors of poor mental health in women (Kumar et al 2005).

While these statistics are not overwhelming, they do recognize the correlation between dowry related issues and mental health disorders in women. While the violence described above in regard to the value of women's lives and dowry is significant, it does not account for all of the cultural norms and values that perpetuate violence against Indian women. The final cultural norm that plays a role in perpetuating violence against women is that of the caste system. As discussed previously, women experience discrimination no matter where they may find themselves within the patriarchal caste system. The caste system itself is meant to discriminate against women and often does this through the means of power and violence. One of the most prevalent forms of caste violence is that of upper-caste violence against a lower-caste. "Castes are clearly ranked, with different social status and power allocated on the basis of caste status. It is common for upper-caste men to use violence against lower-caste people, including women, in order to reinforce the hierarchy" (Merry 2009, 104). While caste discrimination and violence is ever-reaching, women who are considered *Dalits* experience the most significant forms of

violence, specifically physical violence. Several examples exist of this type of caste-based gender violence. One example of this type of violence is the Haryana rapes, which occurred in September and October of 2012, where numerous Dalit women and girls were raped. Another example, one which was highly publicized, was the rape of a 16-year old Dalit girl for three hours by seven men, all from a dominant caste, in the village of Dabra. The men had even gone so far as to record the incident on their cell phones, which caused the girl's father, upon learning what had happened to his daughter, to commit suicide (International Dalit Solidarity Network 2012, 21). Unfortunately, while this type of violence is common against women of the lower castes, particularly *Dalits*, as stated previously, little has been done to protect these women from the violence perpetrated against them.

CONCLUSION

As outlined above, cultural norms and values such as the value of men's lives as compared to women's, marriage and dowry dynamics, and the caste system play a significant role in the psychological and physical/sexual violence that women endure. Most relevant to this study, these cultural norms also play a significant role as facilitating factors of sex trafficking. The combination of the lesser value attached to women's lives, marriage and dowry expenses that accompany being a woman, as well as where a woman stands in the caste system all work together and draw stark lines of vulnerability to trafficking for girls and women who fall into the least privileged groups.

Overall, cultural norms and values play a very significant role in the lives of women and their potential to becoming trafficked individuals. However, culture is not the only factor that can be considered a facilitating factor of trafficking. The socio-economic context in which most

women in India live plays a central role in the prevalence of this heavily gendered human trade, where women and girls often pay the associated costs with their lives. The next chapter focuses on these factors in relation to the prevalence of human trafficking for sexual exploitation in India.

CHAPTER V

SOCIO-ECONOMIC FACILITATING FACTORS

THE PUSH AND PULL FACTORS OF SEX TRAFFICKING

While gender inequality and cultural norms and values play a significant role in driving sex trafficking, they are not the only factors that facilitate the sex trade. Along with the factors discussed above, socio-economic conditions in Indian society play a significant role in the vulnerability of women and girls to being trafficked for sexual exploitation. The focus of this chapter will be first, to describe, in general, the push and pull factors of sex trafficking. Following this analysis, I will outline three primary push and pull factors in India, which include the lack of education for women and girls, the lack of economic opportunities, and the promise of a sustainable economic opportunity.

In general, socio-economic push and pull factors are also structural factors that make individuals desperate to find opportunities for income or lifestyle betterment. In introducing his concept of structural violence, Johan Galtung made a distinction on the definition and dimensions of violence. In this assessment, Galtung raised the question on “whether or not there is a subject (person) who acts” or more specifically, “can we talk about violence when nobody is committing direct violence?” (Galtung 1969, 170). In answering this question, Galtung stated that “we shall refer to the type of violence where there is an actor that commits the violence as *personal* or direct, and to violence where there is no such actor as *structural* or indirect” (Galtung 1969, 170). Galtung goes on to state that,

“In both cases individuals may be killed or mutilated, hit or hurt in both sense of these words, and manipulated by means of stick or carrot strategies. But whereas in the first case these consequences can be traced back to concrete persons as actors, in the second case this is no longer meaningful. There may not be any person who directly harms

another person in the structure. The violence is built into the structure and shows up as unequal power and consequently as unequal life chances” (Galtung 1969, 170-171).

Structural violence is caused by “the unequal distribution of power and resources, or, in other words, is said to be built into the structure(s)” (Weigart 1999, 2005). This unequal distribution of resources and power are what lead to push and pull factors.

Push factors are those that are already existent in an individual’s life, such as lack of education or lack of economic opportunities, which force the individual to look for new ways to generate income or some form of livelihood. Pull factors are those that exist outside the individual’s current lifestyle, such as the promise of a better life. “The causes that propel people to leave their country either through legitimate or illicit channels are the same. Traditionally, countries of origin are developing nations or those in a state of transition. Migration takes place from poorer countries to wealthier, more stable states. The ‘pull’ of promises of a better future are powerful” (Aronowitz 2001, 170). While the push and pull of trafficking typically focuses primarily on the migration and trafficking of individuals from poorer countries to wealthier countries, it can be applied to in-country trafficking as well. In the case of India, individuals migrate willingly or are tricked into moving from the rural, poorer villages and towns to the larger urban centers in the hopes of achieving a more stable life. No matter the context of the trafficking, these push and pull dynamics are forces which traffickers feed off of. While traffickers are engaging in unthinkable acts, the profitability of their acts have come from globalization, which is built upon the spread of capitalism.

Globalization has impacted the world significantly, restructuring daily life across geographic locations. As Jan Aart Scholte states, “...The past half-century of heightened globalization has involved important reconfigurations of geography, economy, polity, identity and knowledge [and the] recent speedy growth of global relations has, next to some important

benefits, also significantly undermined human security, social equality and democracy” (Scholte 424). In the most general sense,

“globalisation creates ‘people out of place’ who are unable to enjoy the resources of citizenship, whether or not they cross borders... Those who stay at home are often displaced by globalising forces from their former productive niche, traditional community relations, or physical location within the country. In most of the developing world, people who are unemployed, landless, work in the informal sector, single mothers, street children, rural-urban migrants, and ethnic minorities are also all second-class citizens subject to exploitation and enslavement” (Brysk and Maskey 2012, 42).

Victims of trafficking stand as “people out of place.” Individuals who have been trafficked, for any purpose, have been witness to the effects of globalization, experiencing the second-class status which globalization creates in several different ways. To begin, this second class status is often what expels an individual into a trafficking situation. Their status as unemployed, a migrant, an individual with little or no education, is often the cause for the effect of becoming a trafficked individual. Once a victim of trafficking, their second-class status becomes even more prevalent, as an individual who has no control over their own life and, in general, is disregarded as a human being.

The effects of globalization on an individual’s livelihood are widespread, however one of the greatest effects globalization has had on individuals’ lives and on the sex trade in general is in regard to economics. Essentially, globalization has created a market around sex, otherwise referred to as the “industrialization of sex”. As Kathleen Barry described,

“industrialization has typically referred to mass production of manufactured goods and of services for exchange on the market. I am using the term ‘industrialization of sex’ here to refer to the production of a product – sex – that involves making or manufacturing that product from and in the human self, constructing it into that which it was not (selves are not originally sexed or prostituted) for the purpose of market exchange. Sex industrialization is a *massive* commodity production” (Barry 1995, 122).

This industrialization has caused the sex industry to become a major player on the economic stage. “The sex industry, previously considered marginal, has come to occupy a strategic and

central position in the development of international capitalism. For this reason it is increasingly taking on the guise of an ordinary sector of the economy” (Poulin 2003, 38). It has not only been the effects of globalization that have caused the sex industry to become a major force in the global economy, but also the spread of capitalism central to globalization’s reach.

Capitalism has become a system that has considerable hold on our global market today. Individuals, whether acting alone or in a group, look to make a profit and maximize that profit. As a major player in the global economy, trafficking for sexual purposes has become a “business.” “The acquisition, movement, and exploitation of sex slaves form an industry that generates billions of dollars in profits each year, at a profit margin greater than almost any industry in the world, illicit or otherwise” (Kara 2009, 16). In fact, “the sale of trafficked sex slaves to brothel owners and pimps generated revenues of \$1.0 billion in 2007, or a global average sale price of \$1,895 per slave. After costs, these sales generated approximately \$600 million in profits” (Kara 2009, 19). At this point in time, the profit from trafficking for the purpose of sexual exploitation was exponentially higher than legitimate companies. The global weighted average net profit margin for sex trafficking in 2006 was 70%, compared to companies such as Google (29.0%), Microsoft (28.5%), Intel (14.3%), General Electric (12.8%), AT&T (11.7%), and Exxon Mobil (10.8%) (Kara 2009, 19). Furthermore, these profits have not decreased or become stagnant; in fact, they have continued to grow. In 2011, the implied annual revenues from trafficking for the purpose of sexual exploitation amounted to \$56.7 billion, while the implied annual profits from sexual slavery amounted to \$38.3 billion. On a micro level, the average annual profits for an individual trafficked for the purpose of sexual exploitation was \$28,357 per slave (Kara 2012). As can be seen in the above data, the sex trade is one of the world’s most lucrative businesses, and it continues to grow.

As is evidenced above, push and pull factors, or structural violence, are primarily consequences of globalization and the spread of capitalism. The following sections will outline three distinctly gendered push and pull factors in India, which have the greatest significance in the vulnerability of young girls and women to being trafficked. The first two, the lack of education and the lack of economic opportunities are push factors, while the final, the promise of an economic opportunity or better life, is a pull factor.

THE LACK OF EDUCATION

Recent development in India has allowed for more educational opportunities for many women, primarily those belonging to the upper-class, urban locales. However, for the majority of women in India, education is a significant problem. In a historical sense, the education of women in India has been lacking. “For a starter, imagine classrooms filled with boys. Metaphorically, that was the status of girl’s education in India in colonial time, even at the turn of independence. For girls, the tryst with education began from this starting point of non-inclusiveness” (Sahni and Shankar 2012, 240). While during colonization as well as early independence women were seldom involved in education, there was an effort made to include them in the educational system. This effort began with the enactment of the National Policy on Education in 1986, further amended in 1992, in which part four was specifically focused on education for equality, stating “the new Policy will lay special emphasis on the removal of disparities and to equalise educational opportunity by attending to the specific needs of those who have been denied so far” (National Council of Educational Research and Training 1992, 7). Furthermore, the policy stated that “education will be used as an agent of basic change in the status of woman. In order to neutralise the accumulated distortions of the past, there will be a

well-conceived edge in favour of women. That National Education System will play a positive, interventionist role in the empowerment of women” (National Council of Educational Research and Training 1992, 8). Indeed, the National Education System made attempts to erase gender bias by redesigning curriculum, textbooks, those involved in the education system such as teachers and administrators, and encouraging women’s studies to take place within the classroom (National Council of Educational Research and Training 1992, 8). However, despite these efforts and more, a significant disparity still exists within India today.

One statistic this disparity is evident in is the literacy and illiteracy rates of Indian women. Overall, according to the 2011 Census, India has a literacy rate of 74%, which is an increase from the 2001 census data which recorded that 65% of the population was literate. Furthermore, the 2011 Census recorded that 26% of the population is comprised of illiterates, as compared to 35% in 2001 (Office of the Registrar General & Census Commissioner, India 2011, 98). While the literacy rate of India is climbing and the illiteracy rate is declining, not the same could be said for that of statistics directly referencing women. On the one hand, women are beginning to outnumber men in regard to literacy rates. The 2011 Census recorded that of the 217,700,941 literates added between the years 2001 and 2011, 110,069,001 are females while 107,631,940 are males. However, this standing is similar in regard to illiteracy as well. According to the 2011 Census, of the 31,196,847 illiterates, 17,122,197 are female while 14,074,650 are male (Office of the Registrar General & Census Commissioner, India 2011, 100). This puts the national gender gap of literacy rates at 16.68 percentage points. However, the 2011 Census also showed that 11 States out of the 24 States and Union Territories in India are higher than the national average, indicating a greater gender gap in literacy rates (Office of the Registrar General & Census Commissioner, India 2011, 115). While there is evidence that women in India

are progressively increasing their literacy rates, as illustrated above, there is still a significant nationwide gap, as well as a local gap existing in individual States and Unions. Not only is the literacy and illiteracy rate one evidentiary tool in recognizing the disparity of education, but the enrollment rate of men and women serves as one as well.

A country profile created by the United Nations Educational, Scientific and Cultural Organization (UNESCO) Institute for Statistics details the gross enrollment rate for the year 2011 for male and female students in the following school ages: pre-primary, ages 3-5; primary, ages 6-10; secondary, ages 11-17; and tertiary, ages 18-22. Surprisingly, at the pre-primary stage females comprised 57.25 percent, while males comprised 54.01 percent. This trend continues through primary education, where females comprise 111.73 percent of students enrolled and males comprise 108 percent. However, beginning with secondary education, the trend begins to change. The percentage of females enrolled in secondary education was 64.42, while the percentage of males enrolled was 68.23. This gap grows even larger in tertiary education, where 19.98 percent of students enrolled are female, while 25.49 percent are male (United Nations Educational, Scientific and Cultural Organization Institute for Statistics 2014). According to the statistics, females are more likely to be enrolled in school between the ages of 3 and 6 at the pre-primary and primary levels, while males are more likely to continue on with school through the ages of 11 and 22, in the secondary and tertiary levels. There could be several reasons for this trend, one which was discussed previously, is the cultural norm that once females are of age, they begin to stay at home and learn the workings of the household. Another significant practice can be seen in the disparity of the household expenditure of money toward a child's education.

Between 2007 and 2008, the National Sample Survey Office conducted a survey focused on the participation and expenditure of education in India. A portion of the survey details the

average expenditure, or Rupees spent, on education for students between the age of 5 and 29, further breaking the data down into female and male students and rural and urban students.

When analyzing the data for both rural and urban students combined, it is clear that more is spent on education for males than it is for females. The average expenditure data is as follows:

primary school, 1,308 for females and 1,501 for males; middle school, 1,959 for females and 2,193 for males; secondary/higher secondary, 4,140 for females and 4,503 for males; above higher secondary, 7,324 for females and 7,386 for males (National Sample Survey Office 2010, 59). As seen in the above data, it is not until secondary/higher secondary and above higher secondary that the average expenditure for females begins to even out with the average expenditure for males. This could be due to the fact that any female still enrolled at this point has the support of her family in attaining her education, since they have allowed her to stay in school.

While the right to education is a basic one, it is clear in the above analysis that females suffer from a significant amount of disparity and discrimination in regard to education. This disparity can be attributed to the cultural preference of male over female children or simply the belief that males are to be educated because they work outside of the home, while females who work inside of the home do not need as much education. No matter the reason, lack of education is a significant push factor in regard to sex trafficking. Without proper education, young girls find themselves with very few options in creating a sustainable life for themselves. A young girl can succumb to cultural norms and marry and become a mother. However, as discussed previously, this position is often accompanied by its own discrimination and vulnerability. If a young girl chooses not to take this route, another option is to enter the workforce. However, as will be discussed in the next section, which is focused on the lack of economic opportunities for

women, legal workforce positions are difficult to obtain and opportunities in the informal or illegal workforce often do not have incomes sufficient to fulfill even basic needs.

THE LACK OF ECONOMIC OPPORTUNITIES

The disparity that exists between education for males and females and the lack of the education of women caused by this disparity leads to a significant lack of economic opportunities for women in India. Despite the economic growth which India has experienced, there is still a significant difference in the percentage of females employed compared to that of males. According to the National Sample Survey 68th Round, which focused on employment and unemployment in India, the labour force participation rate (LFPR) for females was significantly less than for males. The first group of statistics are focused on individuals of all ages and broken down into rural and urban areas. In rural areas, 547 per 1000 males were considered participatory in the labor force, while 181 per 1000 females were considered participatory. In urban areas, these numbers were in even greater disparity, with 560 per 1000 males considered participatory and only 134 per 1000 females. The second grouping of statistics focuses on individuals between the ages of 15 and 59, which are considered the prime working ages, and broken down into rural and urban areas. Within this grouping there is considerable disparity as well. In rural areas, 827 per 1000 males were considered participatory in the workforce compared to only 271 per 1000 females. For urban areas, 806 per 1000 males were participatory, while only 193 per 1000 females were in the same category (National Sample Survey Office 2013, 9). Not only is the employment rate of males and females an important statistic, the type of work that is held by an individual is significant as well.

When looking deeper into the employment rates of males and females, into the type of work that is held, even more disparity is found. The National Sample Survey 68th Round focused a portion of their study on the type of work held by employed individuals. The category was separated into three categories of work, self-employed, regular wage/salaried employees, and casual labor, and then further broken down into rural and urban, and male and female identifiers. For men in the rural areas, 54.5% were self-employed, 10% were regular wage/salaried employees, and 35.5% were casual laborers. For women in the rural areas, 59.3% were self-employed, 5.6% were regular wage/salaried employees, and 35.1% were engaged in casual labor. In regard to the urban areas, 41.7% of men were self-employed, 43.4% were regular wage/salaried employees, and 14.9% were involved in casual labor. Finally, for women in the urban areas, 42.8% were self-employed, 42.8% were regular wage/salaried employees, and 14.3% were casual laborers (National Sample Survey Office 2013, 18). Most significant about these statistics are that women are more likely to be employed in the informal sector as compared to the formal sector. In both the rural and urban areas, more women than men were considered to be self-employed. Furthermore, in both the rural and urban areas, men held more regular wage/salaried jobs than women. While the difference in percentage between men and women was greater in rural areas than in urban areas, the statistic is still significant. Together, these statistics show that, because of where they are located in the employment sector, men generate a steadier income as compared to women. While the rate of employment among males and females, as well as where they are located in the employment sector, are important statistics to observe, it is also important to recognize the disparity which exists between males and females in regard to unemployment.

According to the same National Sample Survey cited previously, there is a significant amount of disparity in terms of unemployment between males and females. Similar to the statistics for employment, unemployment statistics are broken down into the same categories. The first set of groupings focuses on individuals of all ages, both rural and urban, who are considered unemployed or usually unemployed. For the rural areas, 21 per 1000 males are unemployed, as compared to 29 per 1000 females unemployed. In the urban areas, 32 per 1000 males are unemployed while 66 per 1000 females are considered to be unemployed. The second group of statistics, once again focuses on individuals from both rural and urban areas, between the ages of 15 and 59. In rural areas, 23 per 1000 males were considered unemployed as compared to 30 per 1000 females. In urban areas, 34 per 1000 males were unemployed, while 55 per 1000 females were in the same category (National Sample Survey Office 2013, 15). Across the board, women are more likely than men to be unemployed, often making them desperate to find a source of income.

As seen in the above statistics, employment rates, location in the employment sector, and unemployment rates represent great disparity between men and women. These rates become extremely important because the desperation that is often associated with not having the proper job, or any job at all, necessary to leading a sustainable life, becomes a primary push factor in sex trafficking. This desperation caused by the lack of economic opportunities also feeds into the lies and promises women will believe in order to create a better life for themselves, which is the focus of the next section.

PROMISES, PROMISES

According to the United Nations World Economic and Social Survey 2013, global income inequality has receded slightly in recent years, however, inequalities within individual countries has been rising (United Nations 2013, 9). The report estimates that there are still approximately 1 billion people living in extreme poverty and in 2010, 22% of the population was still living on less than \$1.25 a day (United Nations 2013, v-vi). These inequalities, which lead to extreme poverty among certain groups, are a major driver of trafficking. In fact, Jaime M. Turek argues that

“poverty is one of the two main causes of human trafficking. Severe poverty often drives people into situations where they are at risk of becoming victims of human trafficking. Families living in extreme poverty may sell their children in order to bring money into the family or to give their children what they believe will be a real opportunity to escape the poverty of their family and community” (Turek 2013, 78).

However, poverty becomes even more dangerous when the promises made in these situations are false, which is often the case.

Traffickers will make promises to families or to individuals, guaranteeing they can provide a job with a steady and sufficient income. For individuals who have little hope in supporting their families or themselves, the offer seems to solve all of their problems.

“Traffickers prey on poor and otherwise vulnerable people by luring them into fraudulent employment contracts and assuring them that they will be better off economically if they work abroad or in a different area of the country. Victims are also told that they will be able to send money home so their families can afford to live a life free from poverty. Unfortunately these are false promises; instead these individuals become victims of human trafficking, paid and enslaved” (Turek 2013, 79).

The promise of economic opportunity is often most attractive when an individual finds themselves in a situation where they have no place else to turn and become extremely desperate.

In a study conducted in 2008, 48 female sex workers from Mumbai were interviewed in the hopes of gaining a better understanding of their experiences related to their entry into sex

work. In their study, the researchers found that there were often extenuating circumstances that would lead individuals to such desperation as to believe other who are promising them such economic opportunities. These circumstances included poverty, marital abuse, sexual abuse, and the death of a parent or a husband (Karandikar et al 2011, 506). Despite the extenuating circumstance, several of the respondents had been trafficked into sex work, primarily by being tricked into believing there was an economic opportunity awaiting them. One individual, who is referred to as Chandra, was sold into sex work by a relative. Chandra had been married at the age of 15 and one year after her marriage, her husband left her. With no other options and poverty being a major factor in their lives, Chandra's family decided to sell her (Karandikar et al 2011, 506-507). In another situation, where the victim was escaping from marital abuse, the victim was told she would be entering into one type of work, and upon arrival of her new place of residence, was forced to participate in sex work. Shanta describes:

“He [Shanta's husband] was an alcoholic...[and] he started abusing me again. I decided to run away again, but this time I decided to go to my sister's house. While on my way, three men took me to a forest nearby and raped me...I left for the railway station. At the station I met two women and one man. They lured me to Bombay...They asked me to work as a housemaid. They brought me to Kamathipura's bungalow number 3 where I spent three years serving the customers” (Karandikar et al 2011, 507).

Gauri's situation is similar to that of Shanta's, however, as a child, Gauri was raped by a neighbor. She informed her sister, who would not believe her. Her story continues, “having lost both of her parents as an infant, she had nowhere to go except the streets. It was then that she met a couple who told her they would help her find a job. They subsequently sold her in the ‘17th lane of Kamathipura for 5000 rupees’” (Karandika et al 2011, 508). The death of a parent also caused Susham to be trafficked. With both of her parents gone, Susham stayed with her older sister. She was eventually lured to Mumbai by a business man, who then sold her

(Karandika et al, 508). All of the individuals referenced to in the above accounts, except for Chandra, were made promises that were ultimately false.

The combination of poverty and promising an individual some sort of economic opportunity stands as a major driver of sex trafficking. The promise that a trafficker makes to an individual who is in a desperate situation, with no sure way of surviving, becomes a very real and rational option. Each individual in the above accounts stated that they had no other choices and were desperate to find a way to survive. Traffickers feed off of this desperation, knowing that their promise needs to be just enticing enough to lure the individual. An unsuspecting individual, in dire circumstances, automatically sees a solution to their problems and is pulled into the promise. However, traffickers know full well that whatever promise they make is not one which needs to be fulfilled. In combination with a lack of education and a lack of economic opportunity, false promises complete the perfect storm of push and pull dynamics which contribute to making individuals vulnerable to being trafficked. In the next section, I will detail how these push and pull factors serve as a financial form of violence against women.

SOCIO-ECONOMIC FACTORS AS A FINANCIAL FORM OF VIOLENCE AGAINST WOMEN

While it is not often focused upon as a form of violence against women, financial violence is just as serious as physical/sexual or psychological violence. As discussed in Chapter Two, financial violence, or economic abuse, against women revolves around the idea that a woman's agency to control her own finances has been taken away, therefore, she no longer has the financial or economic resources to survive on her own. On an individual level, according to a study which created a Scale of Economic Abuse, there are approximately 120 methods which

can be used by individuals to impede or take away “a woman’s ability to acquire, use, and maintain economic resources” (Adams et al 2008, 569). In terms of economic control, individuals can take certain actions to prevent a woman from getting a job or from having any money of her own. There is also economic exploitation, which includes actions such as stealing property or pawning one’s own property or shared property. Furthermore, as detailed earlier in this section, abuse can also be perpetrated by structures as well. In this case, actions are not as evident due to the fact that they are built into the structures that are present in our everyday lives. As evidenced above, both individual and structural financial or economic abuse are detrimental to a woman’s livelihood. A lack of education, lack of economic or job opportunities, and the existence of false job or economic promises detailed above are all factors which serve as financial or economic abuse against women.

To begin, in regard to the lack of education of Indian women, there is a strong correlation between a woman’s education and her chances of being trafficked. In studying the profile of individuals rescued from trafficking for sexual purposes, it was found that 65.1 percent were illiterate or barely literate. Furthermore, of the 34.9 percent who were literate, 14.6 percent had studied up to primary school, 10.7 percent to middle school, 8.7 percent to secondary school, and 0.9 percent higher than secondary school (Nair and Sen 2005, 72). According to these statistics, the more education a girl has, the less vulnerable she is to being trafficked and vice versa, the less education a girl has, the more vulnerable she is to being trafficked. These statistics show how important education is, specifically from a young age, in reducing the chances of an individual to being trafficked. A lack of education acts not only as an individual factor in making girls and women more vulnerable to trafficking, but it also prompts another vulnerability factor, that of a lack of job and economic opportunities.

With little or no education, it is difficult to find a sustainable job. This becomes even more difficult when there are very little sustainable job and economic opportunities available to women. One study, which focused on the background of female individuals who had been rescued from sexual exploitation, looked at the monthly familial income of each individual before they were trafficked for sex work. The greatest percent, 38.1, stated that they were unsure what their family income had been. Of the rest of the respondents, 5.4 percent had a monthly income of up to R 500 (7.39 USD), 17.8 percent with a monthly income of up to R 1,000 (14.78 USD), and 22.8 percent with a monthly income of up to R 2,000 (29.56 USD). Furthermore, 15.9 percent stated that they had a monthly income of more than R 2,000 (Nair and Sen 2005, 73). As evidenced in the monthly incomes before entering sex work, women and girls did not have a monthly income on which they could sustain even a basic lifestyle. This lack of economic opportunities and lack of income leads to the false promises that girls and women will fall prey to.

In two separate studies, the tactic of luring an individual in with a false economic promise accounted for over half of the recruitment strategies used by traffickers. The first study, which was conducted in 2002 and 2003 and spanned several territories and states in India, reported that 62.4 percent of the survivors interviewed had been lured by the promise of money or a job (Nair and Sen 2005, 74). In the second study, similar results were found. The study, conducted in 2006, involved residents being housed at a non-governmental organization which provided rescue, shelter, and care of sex trafficked women and girls who had been rescued in raid operations from eight major red light districts located in Mumbai, as well as individuals who were held involuntarily in the brothels. The study concluded that over half of the rescued women and girls, approximately 55%, had been lured into sex work by traffickers promising

economic opportunity (Silverman et al 2007, 222). It is evident in these statistics that the majority of individuals trafficked for sex work were lured by a false promise, illustrating the effect poverty has on the vulnerability of an individual has to being trafficked.

CONCLUSION

As outlined in the above sections, socio-economic push and pull factors play an extremely significant role in the vulnerability of women and girls to being trafficked. A lack of education and lack of job or economic opportunities are both push factors that not only have an effect when viewed as individual factors, but are also intertwined. As an individual push factor, a lack of education serves as a form of financial or economic violence. Education is often the cornerstone of a successful and plentiful life, without it a young girl is left with very little promise of a future. The lack of job or economic opportunities also serves as a form of financial or economic violence due to the fact that without these opportunities, it becomes very difficult for a woman to earn her own money and therefore, survive on her own income. This makes a women highly dependent on the individuals around her. When viewed as factors that are intertwined, without proper education a woman's ability to find a sustainable job is lessened. Furthermore, both factors, which leave women in positions of poverty and desperation, lead to the ultimate pull factor, which is the belief of false promises. As evidenced above, the promise of a job or economic opportunity is the number one tactic used by traffickers to lure girls and women into sex work. Traffickers prey upon the desperate circumstances girls and women may find themselves in and take advantage of the vulnerability that has been created. These socio-economic factors work alone and together as causal factors in creating and preying upon young girl's and women's vulnerability. Overall, these dimensions, which have ultimately been

heightened by the spread of globalization and capitalism, have become some of the most significant factors in trafficking for the purpose of sexual exploitation.

CHAPTER VI

CONCLUSION: THE CALL FOR A VICTIM-FOCUSED APPROACH

Throughout this paper, I have argued that the illicit trade in human beings, otherwise known as trafficking, is an extremely gendered practice. The primary focus of this paper is that at the core of trafficking for the purpose of sexual exploitation exist gender, cultural, and socio-economic dimensions that serve as forms of violence against women in physical/sexual, psychological, and financial forms. In illustrating these factors, I chose to perform a case study of India. This choice was based upon India's status as a diverse country with an extremely rich history and the potential to become a global economic force, but continues to struggle with issues such as human trafficking.

In terms of gender, I have argued that India's long standing history of gender inequality stands at the heart of several of the issues India faces today, trafficking being one of them. This gender inequality, which serves as a form of psychological and physical/sexual violence against women, grants men and women different rights and access to what could be considered basic life needs. This inequality amounts from the tradition and traditional gender roles which are present in current Indian society and promote a system of power and control between men and women. Practices which exist on the local, state, and transnational levels instigate this paradigm in India, including family and community dynamics, state law, the complicity of government officials in the act of trafficking, and the global demand for sex. When put together, these dynamics create a vulnerability experienced solely by young girls and women. This vulnerability is built upon and exacerbated by other dynamics in India, including cultural norms and values and socio-economic inequalities.

The next dimension, cultural norms and values, have a historically prominent place in India. As stated previously, India has a strong history, with many traditions. However, these traditions serve as psychological and physical/sexual forms of violence and have contributed to the vulnerabilities women experience as well as the victimization of women. In detailing how cultural norms and values victimize women, I detailed and analyzed three aspects of Indian society, the greater value that is placed on men's lives as compared to women's lives, marriage and the practice of dowry, and the Indian caste system. As both standalone and intertwined factors, these tendencies place women in dire and extreme circumstances. Women are often thought to not have enough worth or their future may be too expensive, leading a family to make rash decisions which put their daughter at risk of being trafficked. Furthermore, the caste system, which is inherently gendered, leaves those women at the very bottom with little opportunity to sustain a life, further heightening the possibility of trafficking.

The final dimension focused upon in this paper is that of socio-economic inequality, which serves as a form of financial violence against women. In general, women in India suffer from a lack of education as well as a lack of job or economic opportunities. When coupled with the economic promises many women are made by traffickers, this lack of opportunities results in the push and pull of women in sex trafficking. Furthermore, these socio-economic conditions and push and pull factors have been heightened by globalization and the spread of capitalism, two forces which continue to dominate our world. In the end, this lack of opportunities for women once again place women in dire circumstances. Without an education or hope of a sustainable job, women are left with very few options. When faced with starvation or believing a stranger who offers a well-paying job, girls and women in vulnerable situations will take the stranger's offer in order to survive.

Overall, these gender, cultural, and socio-economic dimensions serve as forms of violence against women as well as factors which feed into the vulnerability present in individuals who are trafficked. While India continues to make an effort in combating trafficking, this effort has yielded few positive results. In an attempt to offer an approach which has the greatest potential to successfully combat trafficking in India, I detail and offer evidence in the concluding sections on a victim-focused approach.

WHAT DOES IT ENTAIL?

As detailed above, many physical/sexual, psychological, and financial abuses against women exist to create vulnerability to being trafficked. In taking a victim-focused approach, these abuses, as well as other push and pull factors, which play a vital role in women and girls being trafficked, become a main focus in combating human trafficking. India captures these underlying factors, while adding layers that perpetuate the vulnerability of women and girls in this gendered capitalist trend. In order to address the macro issues I have presented, I will now move to the applied level.

A victim-focused, or human rights-focused, approach to trafficking is a framework that, while still fairly new, is being recognized and used more commonly by states and organizations to combat trafficking. Essentially, this type of approach takes into consideration international standards of human rights and is used when an issue or phenomenon is thought to incur severe human rights violations. The approach itself “requires an analysis of the human rights violations that occur during trafficking as well as of States’ obligations under international human rights law. It seeks to identify and redress the discriminatory practices and unjust distributions of power that underlie trafficking, that maintain impunity for traffickers, and that deny justice to

victims of trafficking” (Haddadin and Klimova-Alexander 2013). Furthermore, this approach is based upon “victimology”, which is “the science of preventing crime, protecting the victims from crime, prosecuting the crime, allowing them representation in such prosecution on their behalf, and punishing the offender taking into account the perspective of the victim in terms of the aftermath of the crime upon such victims (Dalvi 2013, 242). In claiming a human-rights focused approach, states and organizations vow that their initiatives and responses will be anchored in the obligations of international human rights standards and laws. One of the most common victim-focused/human rights-focused frameworks for combating trafficking is that of the “3 Ps” approach.

This approach was outlined by the United Nations Office on Drugs and Crime (UNODC) in response to the implementation of the 2000 United Nations “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime”. The “3 Ps” referred to in the approach are prosecution, protection, and prevention. As a framework for combating human trafficking “there is a need for an integrated approach involving all three components, prevention protection, and prosecution in effectively addressing trafficking” (Mishra 2013b, 282). While each of the sections could very well address trafficking on its own, it would only be confronting one aspect of trafficking. Therefore, in order to confront trafficking as a whole, the three P’s must intertwine.

The first, prosecution, recognizes that human trafficking is a crime in which perpetrators go significantly under punished. In attempting to assist governments in developing and/or strengthening their legal frameworks against trafficking, the UNODC requires that governments ensure human trafficking is classified as a criminal offense as well as the criminalization of

crimes related to trafficking, that penalties and sanctions are appropriate to the gravity of the crime, that legal frameworks ensure the rights of victims, and that relevant institutions to assist governments are established (United Nations Office on Drugs and Crime 2009, 10). While the prosecution section mentions the rights of victims only briefly, it is a vital part of prosecuting traffickers. “Due to limited knowledge, experience, apathy toward issues and complicity, appropriate laws and sections are not applied, which protects traffickers” (Mishra 2013b, 286). In protecting the traffickers, victims are given the impression that their suffering was justified, leaving them unprotected. In order to avoid leaving victims unprotected, should the legal system fail them, the next section is focused explicitly on the protection of victims.

The protection of victims is a significant element of the 3 P’s approach. One reason for its significance is because of the role a victim plays in prosecuting a trafficker.

“The attention for victims of THB [trafficking in human beings] came only with the realisation that testimonies of victims seem to be indispensable when bringing a suspect of THB before the court and that the testimonies play a decisive role in a successful prosecution of the perpetrators, as other hard evidence is often not available. At the same time, it was realised that victims are in a particularly vulnerable position, as the perpetrators often know the victims and their relatives very well, which makes them an easy target for reprisals if the victims testify” (Rijken 2009, 217).

In detailing the protection of victims of human trafficking, the UNODC recognizes that victims are often not identified, which often means that they go unprotected. Furthermore, the report states that governments need to develop and/or strengthen the identification process, referral mechanisms for victim protection and assistance, and ensure the application of a human-rights based approach including, access to assistance services, access to compensation, possibility of temporary or permanent residency, and non-liability of victims for the unlawful acts they may have become involved in as a result of being trafficked (United Nations Office on Drugs and Crime 2009, 10-11). The protection detailed above focuses only on individuals who are victims

of trafficking. Through this process of protection after exiting trafficking, victims are meant to be ensured that their basic rights, which had gone ignored during their time as a trafficked individual, are recognized and will be granted. In attempting to protect individuals from being trafficked, the final section is that of prevention.

The UNODC refers to prevention as “one of the most important aspects of an effective anti-human trafficking response” (United Nations Office on Drugs and Crime 2009, 11). Furthermore, they recognize that prevention is one element that is often not included in policies and frameworks. In including prevention as an element of their framework, the UNODC declares to ensure effective national child protection systems, coherence among policies related to human trafficking to include, education, employment, economic development, protection of human rights, and gender equality, and to develop and/or strengthen measures which focus on reducing the vulnerability of individuals to being trafficked by addressing the root causes of trafficking (United Nations Office on Drugs and Crime 2009, 11). Prevention focuses primarily on causes and is therefore proactive in its approach. “It is important to understand that in most instances trafficking begins from home – the victims’ abode. The traffickers exploit the vulnerability of the victims and their parents or guardians. Traffickers work on the greed of the mediator who facilitates the traffickers in identifying the victims and collude in crime” (Mishra 2013b, 284). The vulnerability of the victims and their families can stem from many factors, such as gender inequality, poverty, cultural norms, and socio-economic inequality. These factors represented as vulnerabilities show the importance of ensuring basic human rights to all individuals. When basic human rights are ensured, vulnerabilities are lessened, and the likelihood of an individual being trafficked because of gender inequality or socio-economic inequality is no longer a major factor.

As evidenced above, the “3 Ps” approach includes human rights in each element of the framework. In providing an outline for a victim-focused framework, as well as support and assistance, the UNODC has encouraged governments and organizations to implement this approach in combating human trafficking on both a national and international plane. This is evidenced in the adoption of the “3 P’s” approach by several governments and organizations. In the next section, one of these organizations will be outlined and analyzed.

EXAMPLE: ACTIVISTS NETWORKING AGAINST THE EXPLOITATION OF CHILDREN (ANEX)

In terms of trafficking, South Africa is a country similar to India and therefore provides a model of social change that has the potential to reshape factors that perpetuate human trafficking in India. South Africa and India are both countries with extremely rich and diverse histories that have led to particular gender, cultural, and socio-economic dimensions at play within their respective societies. Furthermore, both countries are burgeoning societies on the global stage, but suffer from significant disparities and issues, such as human trafficking, within their own borders. In regard to human trafficking, similar to India, South Africa is also considered a Tier 2 country, serving as a source, transit, and destination country for men, women, and children, primarily South African-born individuals, trafficked for both forced labor and sex work. Children are often recruited from poor rural areas to urban areas such as Cape Town, Johannesburg, and Bloemfontein, where girls are forced to participate in sex work or domestic work and boys are forced to participate in menial jobs such as street vending, food service, and agriculture. In regard to girls and women specifically, due to cultural traditions, girls are often married extremely young, making them more vulnerable to being trafficked. Furthermore, due to

the presence of crime syndicates in South Africa, girls and women are often more vulnerable to being forced into sex work, domestic servitude, and smuggling (United States Department of State 2015, 309).

Recognizing the significant problem South Africa faces in regard to human trafficking, many organizations have begun to focus on combating trafficking. One of these organizations is Activists Networking Against the Exploitation of Children, or ANEX, which is a South African organization, located in Athlone, outside of Cape Town. According to their mission, ANEX strives “to protect children from exploitation by strengthening communities through developmental needs based programs for children, youth and families in vulnerable communities, preventative and responsive training and awareness raising on different forms of exploitation, and advocacy, research and legal reform” (ANEX 2016). The organization has several programs in place including their Combating Trafficking in Persons Coalition (CTC) and their Counter Human Trafficking programme named Stop the Trafficking of Persons or STOP (ANEX 2016). While ANEX focuses primarily on the exploitation and trafficking of children, their framework can be applied to trafficking as a general issue.

During a recent trip to Cape Town, South Africa, I had the opportunity to sit down and speak with the Director of ANEX, Claudia Smit. During this interview, Claudia discussed how many institutions and shelters do not take an approach which is focused on the victim, therefore causing the victim to lose control of their situation and make them vulnerable to potential retraumatization. Furthermore, she recognized and discussed the significance which the patriarchy, culture, and resources play in the vulnerability of individuals to being trafficked. For example, Claudia discussed the presence of cultural influences such as the acceptance of men having many women, particularly young women, and the ability to take advantage of them

(Claudia Smit, personal communication). Mirroring the victim-focused viewpoints of the Director of ANEX are those of Matipa Mwamuka, who is the Counter Trafficking Project Coordinator. Mwamuka began working with victims of human trafficking in 2008 with the National Trafficking Hotline in South Africa. She then became involved in awareness raising and public outreach, focusing on providing information to individuals on the many elements of trafficking. In her role as the Counter Trafficking Project Coordinator, Matipa facilitates training focused on educating individuals on how to recognize trafficking in everyday life, as well as how to take a victim-focused/human rights-focused approach to trafficking.

During my interview with Matipa, it became very clear that her passion for educating individuals on human trafficking as well as how to best assist victims of human trafficking is extremely strong. When asked the question “Do organizations offer services to those who have been trafficked to help put their lives back together?”, Matipa’s response was,

“there are no organizations that help women to gain a life back, economic sustainability does not exist. What victims are being taught in the organizations that do try to help them is not helping them to become a survivor, it often cycles them back through the system because they find that they made more money doing the previous job or that they simply cannot find a job” (Matipa Mwamuka, personal communication).

Despite the fact that there are very real issues with the assistance and services victims of trafficking receive, Matipa does believe there is a way to assist victims and provide the services to help them reform their lives. In response to the question, “What do you feel is the most important thing(s) individuals need to recognize when working with victims of trafficking?”, Matipa responded,

“No one talks about what happens once victims are repatriated, no one looks at ensuring that they are no longer vulnerable. We need to equip them with the tools or skills to help them in their community to survive economically and financially. Sewing, cooking, etc. are not the skills that are going to help, they need skills such as how to use a computer, how to make a business plan. Many women end up back in the system because they do

not have the skills necessary to provide for themselves” (Matipa Mwamuka, personal communication).

The type of response which Matipa is referring to is a victim-focused/human-rights focused response, one in which individuals are provided with the basic resources needed to live a sustainable life. As an educator who recognizes the important of this type of approach, Matipa formed the Counter Trafficking Project around several key Government of South Africa publications.

The Government of South Africa, while not fully complicit with the minimum international standards for combating trafficking, is making significant efforts to do so, specifically in regard to efforts in terms of law enforcement measures and the assistance and protection of victims (United States Department of State 2015, 309). The Government of South Africa also took a big step in combating trafficking with the implementation of the “Prevention and Combating of Trafficking in Persons Act” (PACOTIP) on August 9, 2015. Taking a specific focus on assisting victims, the several Republic of South Africa Departments have created publications which discuss and outline the rights of victims of trafficking.

The first, created and published by the Department of Justice and Constitutional Development is the “Service Charter for Victims of Crime in South Africa: The Consolidation of the Present Legal Framework Relating to the Rights of and Services Provided to Victims of Crime”. The Charter details the rights all victims of crime, including those individuals who have been trafficked, are entitled to. In the preamble, it is stated that the Charter was created in order to

“eliminate secondary victimisation in the criminal justice process; ensure that victims remain central to the criminal justice process; clarify the service standards that can be expected by and are to be accorded to victims whenever they come into contact with the criminal justice system; and make provision for victims’ recourse when standards are not

met” (Republic of South Africa Department of Justice and Constitutional Development, 2).

Furthermore, the Charter guarantees the following rights as a victim of crime, the right to be treated with fairness and with respect for dignity and privacy, the right to offer information, the right to receive information, the right to protection, the right to assistance, the right to compensation, and the right to restitution (Republic of South Africa Department of Justice and Constitutional Development, 2-4). While the Service Charter focuses specifically on any individual who may become a victim of a crime and their rights, another publication focuses specifically on victims of trafficking.

One of the most important aspects for individuals who become victims of crime to know is that they have legal rights as victims. However, it is also extremely important for individuals from the government, law enforcement, or organizations who come into contact with these victims to understand how to assist them in the best manner possible. In attempting to help these individuals to better understand and assist victims of trafficking, the Republic of South Africa Department of Social Development created and published the “Guidelines for Service Providers to Victims of Trafficking in Persons in South Africa”. In the “Principles for Service Delivery to Victims of Trafficking” section, two principles directly focus upon the victim and their rights. The first, principle 13, states “positive developmental experiences, support and capacity building should be ensured through regular developmental assessment and programmes which strengthen victims of trafficking”. Directly following this is principle 14 which states “the Rights of Victims as reflected in the South African Victim’s Charter and the South African Constitution should be protected” (Republic of South Africa Department of Social Development, v). The booklet also provides a detailed outline of understanding trafficking and its trends, causes and consequences of trafficking, the traffickers themselves, and the Victim Empowerment

Programme in place in South Africa. In sum, the booklet provides the education necessary so that service providers can better understand the experiences of victims of trafficking and take a victim-focused/human-rights approach to assisting these individuals.

While the approach taken by South Africa is not perfect, they have made strident efforts to include the rights of victims into their approach to combating trafficking. In beginning to incorporate this framework, the Government of South Africa, as well as law enforcement and organizations, recognize that there are serious human rights violations at hand in regard to human trafficking. Furthermore, they recognize that it is often not the fault of the victims but the presence of certain factors in society which cause individuals to become more vulnerable. The approach of South Africa to combating human trafficking is one that India should look toward as an example. The argument for why India should take this approach and how it would benefit them in combating trafficking will be discussed in the next section.

HOW CAN THIS APPROACH BENEFIT INDIA?

As stated elsewhere in this paper, India has a significant problem in combating the trafficking taking place within their own borders. This is due to several obvious reasons, such as participation by law enforcement in the act of trafficking, a lack of knowledge in regard to what constitutes trafficking, and a serious lack of resources to combat the issue. However, the greatest shortcoming is in regard to India's "Immoral Traffic (Prevention) Act, 1956", which has been said to be a policy against the act of prostitution, rather than that of trafficking.

"The Act does not recognize trafficking in persons as a specific or separate crime. Instead, trafficking under the act is addressed merely as a prostitution-related activity including procuring, inducing, or taking a person for the purpose of prostitution...The Act focuses on criminalization and punishment and does not say anything about preventing trafficking, so falls short of combating trafficking. The Act is basically an

anti-commercialization of prostitution law and not an anti-trafficking law, per se” (Chauhan 2013, 258-259).

In short, India’s primary policy in regard to trafficking has little to do with trafficking.

Furthermore, not only does the policy not define or identify trafficking in detail, it says little about preventing trafficking.

“The Act provides, under Section 21, the provision to establish protective homes, institutions by governments to home women and girls in need of care and protection. It encourages private partnership for the same as well, but a victim-centered approach to trafficking in persons requires more than just protective homes. The trafficking person must be recognized as a victim who is entitled to basic human rights including the right to be heard at all stages” (Chauhan 2013, 259).

In recognizing the policy’s shortcomings, rather than revising the policy to include trafficking, many scholars, activists, advocates, and other individuals who seek to successfully combat trafficking have begun to call for and include a victim-focused approach in their work. In taking a victim-focused or human rights-focused approach, India is not being reactive to trafficking, but rather proactive. Furthermore, this approach will allow India to directly confront factors such as gender inequality, cultural norms, and socio-economic inequality that cause vulnerability. This is evident in the implementation and success of two separate victim-focused programs piloted by organizations in India.

The first of these programs, the Economic Rehabilitation of Trafficked Victims (ERTV), was developed by the International Organization for Migration (IOM) India. The program had a specific focus on finding alternative sustainable economic methods for girls and women who had been trafficked. “One of the foremost principles of the ERTV program is that women who have been coerced into prostitution often, in order to survive, develop inner strength and resiliency that can be productively channeled into other, more self-empowering avenues that could provide a long-term, sustainable source of income” (Dewey 2008, 157). Furthermore, the ERTV

program was designed with one primary factor in mind, “that victims of trafficking do not share a monolithic set of circumstances that can be remedied with a single set of solutions” (Dewey 2008, 160). Knowing and understanding that the vulnerabilities which have led an individual to being trafficked varies, as well as the skills an individual may hold, is extremely important to successfully assisting a formerly trafficked individual.

With this in mind, the ERTV program provided three options for girls and women, ranging in terms of skills needed and difficulty sustaining, of which they could participate. These options are creating a corporate franchise, working at an already existent production center, or developing and implementing a personal business plan (Dewey 2008, 160). With this plan, the ERTV program benefited over 300 victims of trafficking within its first year alone. This success was due to the fact that the ERTV program enlisted the work of not only other non-governmental organizations, but also corporations and the Government of India, which allowed for a multi-layered response. Furthermore, the program recognized one of the main factors, socio-economic inequality, which plays a vital role in causing vulnerability to being trafficked and created a diverse plan in response to that issue.

The second program, which also focused on socio-economic inequality, was that of “Swift Wash”. Swift Wash, which was created by the non-governmental organization, Arz, based in Goa, India, began in the year 2006.

“After working for nine years on the issue of combating HT [human trafficking] for CSE [commercial sexual exploitation], it was realized that the lack of economic alternatives was hampering the work in the area of prevention of vulnerable population, prevention of re-trafficking of rescued victims and the exit of victims and perpetrators of CSE. It was also felt that the rescue of the victim was fruitless in situations where the absence of respectable earnings forced the victims back in CSE” (Pandey 2013, 341).

In response to this, Arz set up a mechanized laundry unit, which was a nonresidential economic rehabilitation unit which provided rehabilitation to vulnerable victims and perpetrators

specifically of commercial sexual exploitation. The rehabilitation services provided at the unit were psychosocial support, health services, family and community level interventions, child care and educational support, access to resources, legal assistance, support at the time of admission, and finding shelter (Pandey 2013, 342-343). Furthermore, Swift Wash partners with the government as well as other non-governmental organizations in providing the services they offer. With these partnerships, Swift Wash has employed 50 females and 15 males who work in three shifts to provide 24/7 coverage and to which they provide a minimum salary of 4,000 rupees (58.11 USD) for eight hours of work. Overall, Swift Wash has benefited over 180 individuals (Pandey 2013, 344). The success of Swift Wash can be attributed to not only its focus on socio-economic inequality as one of the main factors of vulnerability, but also its unique approach to assisting individuals vulnerable to commercial sexual exploitation. The multi-pronged approach provided by Swift Wash allows individuals to benefit from resources they otherwise may not have access to.

While the ERTV program and Swift Wash are only two examples of victim-focused programs at work in India, they stand as success stories. It is clear in the results both of the programs have yielded that individuals within India have benefited from their presence and resources. Both of the aforementioned programs focused solely on socio-economic inequality, however, other programs do not simply need to focus on economics to be successful. Along with economic empowerment, other victim-focused strategies include the creation of livelihood opportunities and the transformation of gender-biased attitudes. With these examples in mind, it becomes evident that India's overall current policies and work are not taking the approach needed. "When the focus is not victim-oriented, the victim is just packed as baggage sent to protection homes run by government or government-aided organizations, which unfortunately

are not equipped” (Mishra 2013b, 291). This is why taking a victim-focused approach becomes vital. In incorporating these types of programs into a comprehensive victim-focused approach to combating human trafficking, India would directly challenge the issues that stand as vulnerability factors. Furthermore, they would be providing resources to victims that are truly assisting them rather than just band-aiding the issues. In doing so, India would take a two-fold, victim-focused approach to human trafficking, providing resources to victims of human trafficking and taking a strong stance in the prevention of trafficking within its own borders.

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