

GENDER AND THE RIGHT TO MOBILITY IN SOUTH ASIA

Changing the discourse around rights to movement, livelihood and decision making for women and sexual minorities



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The logo for the South Asia Women's Fund (SAWF) features the letters 'SAWF' in a bold, sans-serif font. The 'S' and 'F' are white, while the 'A' and 'W' are pink. The letters are set against a teal rectangular background.

SOUTH ASIA WOMEN'S FUND

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About South Asia Women's Fund

The South Asia Women's Fund (SAWF) was established in 2004 to promote and support women's rights in Bangladesh, Nepal, India, Pakistan and Sri Lanka. SAWF is guided by the principle that investing in leadership of women is essential to ensure sustainable solutions. SAWF currently has five thematic focus areas:

- Strengthening feminist voices;
- Promoting the right to mobility and right to work;
- Supporting young women's leadership with a focus on the right to physical integrity and choice;
- Access to justice; and
- Building feminist perspectives to influence philanthropy.

As the only women's fund in South Asia, SAWF supports women led initiatives by providing critical financial support as well as technical support. Using a range of strategic approaches, SAWF aims to facilitate development of feminist perspectives across our thematic focus areas. SAWF also supports effective program design and process driven strategic planning to strengthen organizations and the communities with whom they work.

SAWF Right to Mobility Thematic Portfolio

SAWF developed the Right to Mobility thematic portfolio in 2011 to support initiatives led by women who choose to migrate for employment. Within this thematic focus area, SAWF has also supported network and alliance building between and within Bangladesh, India, Nepal and Sri Lanka. The SAWF approach includes building rights-based perspectives among partners; strengthening national and regional networks as well as individual network partners; investing in translocal approaches; supporting survivor led initiatives; working in post-conflict zones; and supporting initiatives to destigmatize women's work.

Abstract

South Asia—including Bangladesh, India, Nepal, Pakistan and Sri Lanka—encompasses source, transit and destination areas for women who migrate for employment. In context of current migration patterns, this study identifies and analyzes sociopolitical restrictions on women's mobility; and highlights local, national and regional feminist perspectives, strategies and approaches to promote mobility, work and freedom from violence at all stages of migration. The strategies and tactics discussed in this report expand current discourses on migrant rights and provide insight that can inform local, national and regional policies and programmes to promote migrant rights.

Part I provides a brief overview of migration patterns, delineates the many restrictions on women's mobility and underlines the spectrums of violence faced by migrant women. Violence in this context includes economic, physical and sexual violence.

Part II documents the range of strategies used by South Asia Women's Fund (SAWF) partners. These social movement actors are committed to addressing all forms of migration related violence through an explicitly feminist, rights-based and regional approach. Key thematic areas of engagement include confronting defacto and de jure restrictions on women's right to mobility, right to work and right to information; and challenging social and policy practices that undermine and stigmatize women's work.

Finally, the study concludes with thematic recommendations grounded in grassroots experience to inform partner strategies, SAWF funding priorities and future directions of rights-based anti-trafficking initiatives. These insights are relevant to recent global initiatives to address the impact of uneven economic growth within and among countries, including the United Nations Sustainable Development Agenda, Habitat III Urban Agenda and International Labour Organization deliberations on Decent work in global supply chains and Violence against women and men in the world of work.

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Executive Summary

South Asia, including Bangladesh, India, Nepal, Pakistan and Sri Lanka, encompasses source, transit and destination areas for women who migrate for employment. Women migrate for employment within their home countries, within the region and to distant receiving countries—including the Gulf, South East Asia and Europe. Women's increasing mobility across the region is catalyzed by aspirations for a better life as well as precipitated by increasing economic, political and environmental vulnerabilities. By shifting roles and emerging as mobile economic actors, South Asian women are challenging gender relations on the ground. Colliding with the reality of women's increasing mobility, however, patriarchal social practices that are anchored in protectionist laws and policies restrict women's ability to migrate for employment.

This study documents grassroots, human rights and social justice approaches to promoting the rights of migrant women workers—perspectives that expand current discourses on migration. Based upon accounts from grassroots women's organizations and collectives, it analyzes the impact of sociopolitical restrictions on women's mobility in the context of current migration patterns. It also highlights local, national and regional feminist perspectives, strategies and tactics that promote mobility, work and freedom from violence at all stages of migration processes.

Part I presents an overview of migration patterns, details restrictions on women's mobility and underlines the spectrums of violence faced by migrant women. Violence in this context includes economic violence, physical violence and sexual violence. Violence associated with migration is exacerbated by distinct but related approaches to regulating women's mobility across South Asia. Patriarchal modes of organization seek to confine women

to narrow roles within the domestic sphere, control women's sexuality and stigmatize women who breach these norms. In these neighboring countries, protectionist laws and policies include minimum age requirements, family background reports, laws criminalizing sex work and preventive custody measures. Although South Asian countries share extensive borders, they have few shared formal support systems to safeguard the rights of migrant workers.

Despite significant shifts in international standards, transnational anti-trafficking discourses reinforce familial and social restrictions on women's mobility. Women, including domestic workers, entertainment workers and sex workers report facing stigma for breaching patriarchal norms that govern mobility, employment and sexuality. Directing near exclusive attention to sex trafficking, dominant anti-trafficking actors obfuscate other forms of labour trafficking rife with abuse. Raid, rescue and rehabilitation interventions promoted by the dominant anti-trafficking actors often further restrict women's mobility.

Part II documents a range of strategies used by South Asia Women's Fund (SAWF) partners. These social movement actors are committed to addressing migration related violence through an approach that is explicitly feminist, rights-based and regional. It shows how women workers, activists, collectives and feminist networks expose and challenge contradictions within institutionalized social and family structures that restrict women's mobility and undermine their rights. This section includes detailed discussions of a range of approaches that aim to safeguard the rights of migrant women, build the leadership of impacted communities and inform policy and practice. The local, national and regional feminist tactics documented in this study engage multiple

arenas of contestation. These include challenges to *de facto and de jure* restrictions on women's rights to mobility, work and information; and programs and practices to counteract social practices and policies that stigmatize women's work.

This report does not attempt to address the comprehensive range of interventions undertaken by migrant women and activists in South Asia to address migration related violence. Rather, it considers strategies used by South Asia Women's Fund (SAWF) partners, a particular regionally linked constellation of social movement actors committed to addressing the spectrum of migration related violence through an explicitly feminist and regional approach. SAWF facilitates multi-level engagement between partners. Program priorities include linking grassroots, national, regional and international mobilization and strengthening networks through material and capacity building support. Accordingly, the constellation of SAWF partners provides critical insight into regional collaboration that links women across borders to safeguard the rights of migrant workers.

This ground up account of migration patterns and practices acknowledges that women who

migrate make difficult but considered decisions. By foregrounding the voices of migrant women and their allies, it offers the strategic gain of recognizing women's autonomy and thereby opening up a space for collective action and resistance. Grounded in grassroots experience, the thematic recommendations presented in this report aim to inform partner strategies, SAWF funding priorities and future directions of rights based anti trafficking initiatives.

This report also seeks to influence the formulation and implementation of strategic action to address the impact of uneven economic growth upon fundamental human rights. Recent global initiatives to address the impact of uneven economic growth within and among countries include the United Nations Sustainable Development Agenda, Habitat III Urban Agenda and International Labour Organization deliberations on Decent work in global supply chains and Violence against women and men in the world of work. Promotion of the fundamental rights of migrant women workers are integral to achieving the goals of these emergent global agendas. This report aims to contribute the perspectives of migrant women workers, their collectives and allies in South Asia to global conversations that seek to inform policy and funding priorities.

Rationale

Since 2011, the SAWF Right to Mobility thematic portfolio has been supporting initiatives that are led by women who choose to migrate for employment. Over a period of five years, SAWF focused its grantmaking on supporting women's groups whose focus was rooted in the problem of trafficking; but only those that worked for women's right to safe mobility and labour. The interventions have ranged from sex workers rights, domestic workers rights, rights of migrant women and those working in garment factories, networks working on policy and advocacy around anti-trafficking and labour laws, amongst others.

"Between 2011 and 2015, SAWF supported the work of 27 women's groups under this thematic area in the region with a total grant amount of \$ 276724".

This approach was initiated following an in depth consultation by SAWF in 2010 on the impact of anti-trafficking funding priorities in South Asia. A response to fundamental flaws in the anti-trafficking approach, the SAWF Right to Mobility strategy stands in stark contrast to the predominant funding landscape that is dominated by a singular focus on rescue and rehabilitation responses to sex trafficking.

The SAWF Right to Mobility thematic portfolio address the spectrum of migration related violence faced by women who migrate for employment through an approach that recognizes that women who migrate make difficult but considered decisions. Accordingly, the SAWF approach emphasizes investing in the leadership of affected communities and fostering strategic alliances among partners. Guiding principles within the SAWF approach include: building rights-based perspectives among partners, strengthening national and regional networks as well as individual network partners, investing in translocal approaches, supporting survivor led initiatives, working in post-conflict zones and supporting initiatives to destigmatize women work.

This study is timed to reflect upon five years of SAWF investment in building the leadership of migrant women, their collectives, allies and networks. This engagement in reflective practice also provides an unparalleled opportunity to study issue framing, emerging feminist praxis and regional alliances among migrant women's collectives and organizations engaged in promoting mobility, work and freedom from violence at all stages of migration processes.

Objectives and methodology

Objectives

This study aims to understand key features, good practices and persistent challenges faced by South Asia Women's Fund partners engaged in promoting mobility, work and freedom from violence at all stages of migration processes. Primary objectives include:

- **Document the spectrum of interventions to promote migrant women's rights undertaken by SAWF Right to Mobility partners**, including working with women and their collectives, employers, local officials, national level government actors and other social movements.
- **Document good practices** to facilitate cross-learning between and among SAWF partners and other anti-trafficking initiatives.
- **Establish thematic recommendations grounded in grassroots experience** to inform partner strategies, SAWF funding priorities and future directions for rights-based anti-trafficking initiatives.

Methodology

Research was conducted between October 2015 and July 2016 in Dhaka, Bangladesh; Kathmandu, Nepal; Delhi, Jharkhand and West Bengal, India; and Colombo and Batticaloa, Sri Lanka. It proceeded in three tiered stages. Respondents selected for phase one and phase two of this research were identified and selected in collaboration with South Asia Women's Fund (SAWF).

Phase one field research included observation of regional meetings in Delhi, West Bengal and Kathmandu that brought together representatives from a range of organizations

and collectives engaged in supporting women's migration and addressing multiple forms of migration related violence. Meetings also included academics, activists and national and international private foundations and donors.

During phase two field research, regional meetings were conceptualized through nine focus group discussions with 45 migrant women and their allies representing 19 collectives, networks and organizations engaged in addressing women's mobility and rights at work in Bangladesh, India, Nepal and Sri Lanka. Focus group discussions lasted between 45 minutes and two hours. Participants in meetings and focus group discussions included migrant women leaders. These discussions and meetings were conducted in English, Bengali, Hindi, Nepali, Sinhala and Tamil with simultaneous translation into English.

During phase one and phase two research, the researchers participated in meetings as observers and led focus group discussions as facilitators. In both instances, participants were briefed about the objectives of this research project: namely, to understand migration patterns in their areas, detail the spectrums of violence, restrictions and challenges women face, understand their interventions to support migrant women to realize their rights, and trace the interrelation between local, national and regional strategies for contesting restrictions on women's mobility.

Phase three participatory research included five focus group discussions planned and conducted by phase two research participants. These focus group discussions included 52 programme recipients from Nepal and Sri Lanka. Discussions focused on understanding successes and challenges associated with programs and strategies identified in phase two.

In identifying grantee partners and developing strategies, the SAWF Right to Mobility portfolio takes a perspective that foregrounds considerations of autonomy, the right to mobility and right to work. To ensure that the discursive constellations captured here were not limited by the framework articulated by the SAWF Right to Mobility thematic portfolio, interviews and focus group discussions explicitly asked partners about how they define and use the concepts of right to mobility. Partners were requested to identify other meaningful constructs, principles and strategies they employed or thought would be useful in their work. In national and regional meetings and focus groups, study participants surfaced and described a range of themes addressing gender and migration.

Data analysis of phase one, two and three findings took place concurrently with fieldwork, using multiple phases of coding and memo

writing. The authors wrote a debrief memo for each focus group discussion and meeting observation based upon contemporaneous field notes. Then, they hand coded each debrief memo for key patterns, systematically kept track of definitions and applied codes to patterns. During this phase, key categories including references to right to mobility, right to work, de-stigmatizing women's work, restricted mobility for disabled women, right to information, police, law and alliances emerged. The following sections turn to an analysis of the principles and practices of resistance derived from this data collection process.

Informed by analysis of principles and practices of resistance, thematic recommendations were finalized through a collaborative review process. These recommendations aim to inform partner strategies, SAWF funding priorities and future directions of rights-based anti-trafficking initiatives.

PART I

Migrant women workers in South Asia: migration patterns, restrictions on women's mobility and spectrums of violence

The women who migrate for employment, activists and organizational actors who participated in this study articulate a narrative attentive to the complexities of migration. They direct attention to the local forces that precipitate distressed migration, the violence women face in transit and upon reaching destination areas and the stigma associated with migration for returnee women migrants. While trafficking figures within the complex of violence faced by women who migrate for employment, it is one of many forms of violence that women face. This section combines their accounts with desk research on migration patterns and detailed analysis of restrictions on women's mobility.

Migration patterns

Women migrate for employment within and among the South Asian countries of Bangladesh, India, Nepal and Sri Lanka. Over the last three decades, migration, and particularly women's migration in South Asia, has increased manifold. Millions of workers migrate to urban areas and special economic zones (SEZs) to work at the growing base of global value chains (GVCs) and enter global labour supply chains. Low income women from marginalized communities who travel from rural to more urban areas in search of employment are disproportionately concentrated in the informal sector. They find employment as domestic workers, in brick kilns, in the entertainment sector and in low skill positions within garment factories and at the production base of other global supply chains.

Factors precipitating migration

A range of factors compel women workers to migrate for employment. In addition to aspirations for better economic futures, significant push factors may include conflict-related displacement, development driven displacement, agricultural decline, natural resource erosion, natural disasters and household-level economic distress. Due to explosive development of urban economic hubs beginning in the mid-1980s and imbalance in economic growth, migrants pushed to relocate in search of livelihood and security frequently migrate to urban hubs and megacities including Kathmandu, Nepal; Dhaka, Bangladesh; Delhi, Mumbai and Kolkata, India.

Conflict-related displacement has fueled migration across the region. For instance, within Nepal's conflict and post-conflict environment, large numbers of women displaced by the Nepalese civil war (1996-2006) entered the entertainment sector, including working in restaurants, bars, massage parlours and as sex workers. Forced migration in Sri Lanka has also been associated with two decades of civil war and its aftermath that prompted Tamils to migrate across the world. While forced migration flows have slowed significantly in the last fifteen years, migration for employment from conflict-affected Eastern and Northern areas of Sri Lanka remains significant, particularly for widows and single mothers. In India, intense violence in states such as

Chhattisgarh and Jharkhand displaces communities and precipitates migration to neighboring states and urban industrial hubs.

Environmental push factors, including natural disasters and development-related displacement also fuel migration across the region. For instance, following the series of earthquakes that shook Nepal in 2015, migration—including among women—increased significantly. Maya Tulachan who works at the passport desk of Nepal's Foreign Employment Promotion Board explained:

"People's homes have been destroyed, they are in debt and they need to rebuild, which means they need money. Jobs are scarce here in Nepal so people need to migrate (UN Women 2015)".

These migration push factors have different impacts upon women and their communities that are related to particular intersecting vulnerabilities. For instance, tribal communities from remote areas in Nepal were severely impacted by the earthquake but often outside the ambit of relief efforts. Women with disabilities reported facing heightened difficulties in migrating from affected areas and seeking employment to rebuild, their lives.

Identity, vulnerability and migration

Caste, social and community identity has significant bearing on migration patterns, pathways and the risks migrant women are willing to take. Migrant workers traveling in search of employment tend to be from some of the poorest, most marginalized castes and social groups in South Asia. As a result, they confront multiple and intersecting axes of discrimination and violence. These include, but are not limited to, discrimination on the basis of gender, caste,

religious and tribal identity, marital status, sexual identity, class and disability.

Civil wars and more localized separatist conflicts not only fuel migration but also foster violent confrontation. In these situations women may face a gendered-continuum of violence. Conflict related violence has resulted in increased populations of disabled women. Lack of infrastructure and transportation severely limit the mobility of women with disabilities. Women with disabilities also face significant barriers to seeking alternate livelihoods, including discrimination in access to housing in destination areas and heightened risk of sexual violence in public spaces.

Migrant women workers from socially and economically more vulnerable communities are also more likely to fall prey to exploitation by recruitment intermediaries, traffickers and employers. These women have comparatively fewer options for employment and may therefore be willing to take more significant risks to meet their personal and family needs. They may also have fewer networks and less information to guide them in their migration processes.

Upon arriving in destination areas, migrant women from vulnerable communities largely work in low wage, unorganized and unprotected work. The term "unprotected work" describes a range of employment regularly traversed by vulnerable workers. Women workers also typically find employment in the unorganized sector where their work is, undervalued, unpaid and invisible. Unprotected workers are usually engaged in employment without proof of employment—either through company rolls or formal employment contracts. Undervaluation of women's work in the paid economy exacerbates the already precarious nature of women's employment.¹

For instance, Bijaya Rai Shreshta, Programme Coordinator for Pourakhi and the Nepal Right to

¹Policy Briefing: Balancing Paid Work and Unpaid Care Work to Achieve Women's Economic Empowerment, Issue 83, January 2015.

Mobility Network emphasized how wealth influences migration patterns from Nepal and available government support:

“The richest migrants go to Western countries, the poor go to the Gulf and the poorest of the poor go to India. Migrants to India represent the highest number of migrants from Nepal. They submit the highest remittances even though their work is seasonal. There is no support for them. Government focus is on migrants who go to the Gulf and Malaysia”.

Similarly, respondents from Chotanagpur Sanskritik Sangh in Jharkhand reported that migration patterns vary significantly by community and socioeconomic status. In Jharkhand, they report, migration is perhaps most significant among the Oraon tribe a politically influential and comparatively well off community that migrates through kinship networks. Women from more vulnerable tribal and caste communities are more likely to migrate for employment as domestic workers. Women from scheduled castes and Muslim communities in Jharkhand also migrate after marriage, including after forced and child marriages.

Distressed migration also places women at higher risk. As explained by Bijaya Rai Shreshta, migrant women workers displaced from their homes by the 2015 earthquakes are more vulnerable to trafficking, exploitation and abuse (UN Women 2015).

Young girls are also particularly vulnerable to exploitation since they may not even be given the option to affirmatively consent to migration. Saachi from Chotanagpur Sanskritik Sangh explained:

“Girls as young as 12 years old are leaving Jharkhand for Delhi and Punjab to work as domestic workers. We call this trafficking because they are underage girls. They are usually tribal and OBC”.

Bonded and other forms of coercive labour, prevalent across South Asia, also disproportionately impact women at the intersection of gender and caste or tribal identities. Bonded labourers are also particularly vulnerable to trafficking for labour and sexual exploitation.

Contradictory responses to women’s migration: reliance and stigmatization

Women who migrate for employment may face contradictory responses from their families and communities—ranging from increased dependency to stigmatization. These responses are also reflected in state policies and practices.

Increasing flows of remittances from women workers to rural and urban areas across the subcontinent are transforming women’s lives and the lives of their families and communities. These contributions may affect subtle but important changes in the gender balance of power at the household and societal levels (Thinmothy and Sasikumar 2012; Sassen 1996). While some migrant women report having an increased say in family decision-making as a result of their economic contributions, others report that their contributions are quickly absorbed but largely unacknowledged. Efforts to mask economic contributions from women may reflect either shame that a woman from the family has departed from gender circumscribed roles within the household or reluctance to recognize family dependence upon women as earning members of the household.

Due to their potentially significant economic contributions, women may be encouraged to migrate by their families, despite associated stigma. The value of their contributions is reflected in laws and policies that promote migration. For instance, Dr. Sepali Kottegoda, Executive Director of the Women and Media Collective, Sri Lanka, explained how state support for migration in Sri Lanka is manifested

through establishment of the Sri Lanka Bureau of Employment and 2008 national policy on migration.

Despite their role fulfilling family responsibilities and state initiatives that promote migration for employment, women who migrate often face stigma in their families and communities. Saachi from Chotanagpur Sanskritik Sangh explained how women's contributions are unacknowledged even as their earnings are absorbed to support the family:

"Women who leave are looked down upon and stigmatized. When men come back, they relax and enjoy themselves. Community members ask what they did and bought and what movies they saw. Women are never asked these questions—it is expected that the money they earn is not for them, it is for the family. They are never given time to enjoy themselves".

Members of the Jharkhand Anti-Trafficking Network (JATN), a network of migrant collectives in the Indian state of Jharkhand, reported that young women and girls who return from destination areas are tagged as "Delhi-returned." This label is loaded with a negative connotation that makes it difficult for them to find husbands from families considered to be "respectable."

In fact, respondents from Bangladesh, India, Nepal and Sri Lanka all identified stigma faced by women who migrate for employment as a significant challenge. Categories of stigmatized work in South Asia include domestic work, brick kiln work, entertainment work and sex work. Anuradha, Legal Advocacy Coordinator for Surya Women's Development Center in Batticaloa, Sri Lanka, notes:

"Women who migrate from this area migrate for domestic work but they do not want to admit that they are domestic workers. They face stigma from their families and harsh

working conditions because their work is not recognized or protected. Their contributions are discounted at home, social attitudes stigmatize their work and they face abuse at work, including non-standard rates, extended working hours and vulnerability to harassment in employers homes where they are isolated".

Stigmatization is heightened for women with intersecting vulnerabilities. For instance, restrictions on mobility for women with disabilities can be particularly extreme. Meena Paudel from Nepal Disabled Women's Association states:

"Many people view women with disabilities as a bad omen based upon societal prejudice, stigmatization and superstition. Sometimes women with disabilities are not even allowed to move around. Their families keep them within four walls. Sometimes they are even chained. Migrants with disabilities cannot get rented homes when they come to urban areas because landlords assume that they are unclean and carry diseases. Families are sometimes denied housing if they have a disabled child. When disabled women travel to cities and cannot find housing, this opens up chances for abuse and trafficking".

Patterns of stigmatization associated with women's mobility reflect cultural and ideological discourses that aim to restrict women's mobility, confine women to narrow roles within the household, control women's sexuality and stigmatize women who work outside the home.

The impact of stigmatization upon women's ability to protect their rights can be profound. For instance, respondents reported that the stigma associated with migration causes many returnee migrants to hide their experience of migration and forego efforts to pursue accountability in cases of workplace and transit related abuse.

Legal and policy restrictions on women's mobility

Within South Asia, social practices of control over women are informed by legal, political, cultural and ideological discourses (Mohanty 2003). Paternalist social norms are anchored in legal and policy frameworks, making these ideas politically and socially dominant. Together, social and political constraints manifest as restrictions on women's mobility.

This section highlights gendered laws and policies across the region that either explicitly or in their enforcement restrict women's mobility. These include minimum age requirements, family background reports, laws criminalizing sex work and preventive custody measures. This analysis does not claim to represent the comprehensive framework governing internal and external migration in South Asia but rather aims to shed light upon the institutional anchoring of paternalistic social norms.

Resonances between Bangladeshi and Indian laws and policies can be explained in part by a common British colonial history and shared penal code. Sri Lanka's legal system is also derived from common law while retaining Dutch legal provisions in the civil legal system. Nepali laws place fewer gender-based restrictions on migration. However, since Nepali migrants routinely migrate for employment to India through formal and informal channels, regional policies and policing practices have a significant impact upon Nepali migrants.

Restrictive laws and policies discussed in this section gain legitimacy due to high visibility cases of extreme violence against women who migrate for employment. For instance, in 2007, Rizana Nafeek, a seventeen-year old minor domestic worker from Sri Lanka, was beheaded in Saudi Arabia for allegedly smothering an infant in her care. Rizana's case captured

international headlines when heads of state, including then Sri Lankan President, Mahinda Rajapaksa, and Prince Charles appealed to the Saudi government for her pardon.

The policies discussed in this section, however, while ostensibly established with the intention of protecting women from abuse, in fact discriminate against women on the basis of gender and class by constructing significant hurdles to migration and employment. As explained by Anuradha Rajaretnam, Legal Coordinator at Surya Women's Center in Batticaloa, Sri Lanka:

Those who migrate for work are the poorest in Sri Lankan society. They have no access to any kind of resources—but yet are required to secure documentation from six government officials. Some give up in frustration and get forged documents instead. Without genuine documentation, they effectively migrate illegally. They cannot produce any legitimate documentation and therefore cannot seek relief for exploitation through the courts.

Across South Asia, restrictions on women's mobility prompt women to resort to irregular migration—moving under the radar of formal migration processes. As their departure and work is undocumented they are more vulnerable to abuse, including precarious working conditions, low pay and exposure to violence and forced labour (UN Human Rights Council, 2014).

Age limits

Since the 1990s, Bangladesh and India have set limitations on women's migration by imposing age limits for migration directed at low-skilled workers. In both countries, minimum age standards are based on the assumption that low skilled women workers are particularly vulnerable to abuse, a paternalistic justification for a discriminatory practice that elides fundamental questions of citizenship (Percot and Nair 2011).

The Indian Government (GOI) restricts emigration of low-skilled women younger than 30 for overseas employment by requiring clearance prior to permitting migration to any emigration check required (ECR) country.² These ECR requirements establish distinct standards for low-skilled emigrants in general and low-skilled women emigrants in particular. Whereas the GOI justifies this policy as a measure to ensure women's security, it is thinly veiled structural discrimination in India's migration policy (Percot and Nair 2011).

Similarly, in 1997, the Government of Bangladesh prohibited unskilled women, with the exclusion of domestic workers, from migrating for employment. The ban was lifted, however, after widespread protest from women's groups (Ramaseshan 2012).

Family Background Reports

Sri Lanka selectively regulates migration by requiring women to submit a gender-specific Family Background Report (FBR). FBRs are submitted to a Development Officer tasked with recommending prospective migrants for migration clearance. Those with children under five years old are subject to rejection on this basis. This procedure reinscribes a social script that confines women to narrowly defined caregiving roles. Violet Pereira from Act Form, Sri Lanka explained:

"Migration restrictions for women with children under 5 years old do not allow women to make choices about what is right for their families. Mothers with children under 5 years old have explained to us that despite restrictions, they have decided to migrate because their earnings will allow them to secure a better education for their children. The assumption that a mother must be there

to look after a child directly does not consider the responsibility of the father. Both parents must be held responsible for taking care of their children".

Further imposing patriarchal social norms, women are required to have the FBR signed by their husbands or another male family member. These legal requirements, migrant women report, may run entirely counter to actual decision making structures within the family. Pereira explained:

"Women may have to go through great efforts to meet these requirements—especially in women led households. I'll give you an example: in order to migrate legally, a forty-year-old woman had to obtain the signature of her 18 year old brother. She had been largely responsible for raising him and supporting him financially for the last ten years. These experiences can be deeply humiliating and undermining for women".

This requirement consolidates patriarchal control over the household by ensuring that a woman's mobility remains subject to the control of male family members.

Preventive custody

In Bangladesh, India and Nepal, women who are perceived to be victims of violence or trafficking are routinely held in preventive state custody. In many instances, study respondents report that police, state authorities and anti-trafficking initiatives—rather than the woman perceived to be at risk—hold primary authority in determining whether a woman should be taken into custody.

As a result, women who migrate for employment may be subject to protective custody on the basis that police, state authorities and anti-trafficking actors believe them to be unsafe. Detaining perceived victims of violence restricts their mobility on the grounds that holding them in custody will keep them safe. Study respondents reported, however, that women may in fact be least safe in state custody. Sex workers and their allies

²Ministry of Overseas Indian Affairs, Documents Required for Unskilled/Women Workers (Individuals), <http://moia.gov.in/services.aspx?IBID1=102&Ibid=m6&Ibidp=100&mainIbid=73>

interviewed for this study, for instance, reported facing violence at the hands of police and in shelter homes.

Medical clearance, bodily Integrity and reproductive health rights

Feminist groups in South Asia have been engaged in a long struggle with the State for women's autonomy over their bodies and reproductive health. Population control—or state control over women's fertility and especially the fertility of poor and vulnerable women—has been a key site of this struggle. In Bangladesh, India, Nepal and Sri Lanka, feminists have challenged sterilization abuse and the use of long-acting contraceptives. These procedures are routinely imposed upon women's who are denied the opportunity and information to make informed choices about their reproductive futures.

Study respondents reported that state migration clearance practices have emerged as an avenue for regulating bodily integrity and reproductive health. For instance, Act Form, Sri Lanka explained that migrant women in Sri Lanka have been administered Depo-Provera shots as a medical clearance requirement—without informed consent. Depo-Provera, a hormonal contraceptive, is banned in many countries due to significant adverse side effects, including: menstrual disorders, skin disorders, tiredness, headaches, nausea, depression, hair loss, loss of libido, weight gain and delayed return to fertility. Depo-Provera has also been associated with long term health consequences, including breast cancer, osteoporosis, abdominal pain, infertility and birth defects. Perhaps most alarming, once injected, Depo-Provera cannot be removed or reversed—no matter how extreme the adverse side effect. The impact of these health consequences may be exacerbated for migrant women women who travel overseas without adequate health and family support systems—and at times, without even knowing they have received the injection.

Respondents from the Nepal Disabled Women's Association (NDWA) reported that medical

clearance requirements function to circumscribe the rights of disabled women. Meena Paudel from the Nepal Disabled Women's Association (NDWA) explained:

"In Nepal, women with disabilities are denied the right to migrate internationally for employment because they are not given the required medical clearance. This is a violation of their right to work and mobility and undermines bodily integrity".

While some participants mentioned the impact of medical clearance procedures on reproductive health rights and bodily integrity, such modes of restricting the rights of migrant women workers require further investigation.

"Selective regulation of trafficking for sexual exploitation"

There is considerable debate among feminists regarding how to stop trafficking. Within feminist debates, these issues surface persistently around issues related to sexuality, sex work and trafficking. Some aim to regulate dangers to women in trafficking—including at the cost of a woman's ability to choose sex work or other stigmatized employment. Their interventions are circumscribed by a three-pronged strategy: rescue, removal and reintegration (Petchesky 1984).

Others within the feminist movement acknowledge that protection and rehabilitation should be available but cannot be enforced without the consent of the woman in question. They argue that protectionist, judgmental, policy responses guided by a disproportionate focus on trafficking for sexual exploitation manifest as interventions that undermine women's agency, mobility and right to work—including the right to choose sex work (Petchesky 1984).

A disproportionate emphasis on trafficking for sexual exploitation also threatens to obscure and deprioritize rampant trafficking for labour exploitation, including forced and bonded labour. Mona Mishra explains how flawed definitions of trafficking and sex work shape current discourses on trafficking:

“The debate assumes that women and girls are only trafficked into sex work. In doing so it ignores the fact that women and girls are trafficked into several other high absorption labour sectors - domestic work, construction, small-scale industry. Hence, theoretically, even if sex work was to be abolished and it indeed disappeared as an “option”, trafficking would be far from over, and women and girls would continue to be victims of it. On the other hand, the debate assumes, as does the law known as [India’s] Immoral Trafficking (Prevention) Act, that all women in sex work are trafficked and are in the trade against their wishes. According to the law they are in need of state protection to take them out of the trade and be rescued (and indeed rehabilitated). This definition ignores the fact that sex workers could have come into the trade of their own volition as adults (Mishra 2016)”.

As described by Mona Mishra, in South Asia, the deeply entrenched cultural and ideological discourses controlling women’s mobility are further reinforced by regional standards and Bangladeshi and Indian national laws that selectively criminalize trafficking for sexual exploitation—including penalizing women who engage in voluntary sex work. Consistent with regional standards the South Asian Association for Regional Cooperation (SAARC) defines trafficking circumscribed by the narrow framework of prostitution and does not address other manifestations of trafficking. The Bangladeshi Women and Children Repression Prevention Act, 2000 [amended in 2003] and Indian Immoral Traffic Prevention Act, 1956, are also directed exclusively at trafficking for prostitution.

Nepal and Sri Lanka take a more comprehensive approach to address trafficking that also criminalizes other forms of trafficking beyond sex trafficking. The Nepal Trafficking in Persons and Transportation (Control) Act, 2007, is a gender-neutral act that criminalizes all forms of trafficking. The Act also includes measures to protect informers and whistle blowers and exempt trafficking victims who submit written statements from cross-examination. Victims are entitled to appoint their

own lawyers in addition to a public prosecutor and to receive translation support during proceedings.

As in Nepal, under 2006 amendments to the Sri Lankan penal code, trafficking encompasses a spectrum of coercive labour such as conscription as a child soldier, removal of organs or any other criminal act in addition to trafficking for sexual exploitation.

Numerous international bodies have clearly articulated the need to decriminalize sex work in order to eliminate discrimination against vulnerable populations.³ Despite these human rights frameworks, the dominant legislative approach in Bangladesh, India and Sri Lanka persists in criminalizing sex work, functionally criminalizing consensual adult sex.

In Bangladesh, sex work is criminalized under the Suppression of Immoral Traffic Act, 1933, a gender specific act that explicitly addresses prostitution. While the act does not punish women, solicitation is an offense and landlords are prohibited from renting accommodations to women who engage in prostitution. Legally severing the maternal-child bond between women engaged in sex work and their children, the Immoral Traffic Act, 1993 does not permit a woman involved in sex work and living in a brothel to keep her child above four years old with her. The Bangladesh Children Act, 1974—enacted more than forty years after the Immoral Traffic Act, 1933—is similarly gendered. The Act prohibits girls under sixteen years old from engaging in prostitution but does not address instances in which boys may be forced into prostitution.

India’s Immoral Traffic Prevention Act, 1956, criminalizes sex work in a range of ways. These include criminalizing the following actions: keeping a brothel; living off the earnings of prostitution—including for a child who reaches the age of majority and lives with a parent sex worker; procuring, inducing or taking a person for prostitution; and soliciting. Many of these provisions are used to punish women engaged in sex work—whether voluntarily or involuntarily.

In Sri Lanka, the Brothel Ordinance, 1889 and Vagrancy Ordinance, 1889 are used to criminalize prostitution and vagrancy. Although sex work is not an offense, solicitation constitutes an offense under the Vagrancy Ordinance, 1889.

Sex workers and their allies critique laws and policies that criminalize sex work for increasing extortion and violence against sex workers. Kiran, a member of the National Network of Sex Workers, India, explained how laws criminalizing sex work exacerbate the vulnerability of sex workers.

“Trafficking, police raids, discriminatory healthy systems, petty criminals and law enforcement all create unsafe, exploitative environments for sex work. The law stands against us and not for us. Most of the sections used against sex workers are related to anti-trafficking and not to sex work”.

As explained by Kiran, laws criminalizing sex work are enforced through police raids. Criminalization of sex work increases clandestine engagement in sex work. Sex workers who are entirely off the public radar are more vulnerable to abuse from clients and report having to bribe law enforcement or offer sexual favors to operate. Furthermore, police raids are frequently violent and undermine rights. Sex workers are particularly vulnerable to custodial violence in police custody.

Recognizing the violence that attends police raids, in *Bangladesh Society for the Enforcement of Human Rights v. Government of Bangladesh, 2003*, the Supreme Court of Bangladesh upheld the rights of women who were assaulted and forcibly sent to government homes during a brothel raid. The court held that while the state was obliged to take measures to end prostitution, such measures could not violate the right to life and liberty of women engaged in prostitution (Ramaseshan 2012).

Spectrums of violence

Women migrants in South Asia are often from some of the poorest regions and social groups within the region. They face rights abuses in transit, at work and in urban destination areas.

Transit related violence

Restrictions on women’s autonomy and free movement have accelerated illegal, irregular, forced

and unprotected migration. Women who migrate for employment through informal migration channels are particularly vulnerable to unprotected movement and human trafficking for the purpose of debt bondage, forced labour, sexual exploitation and forced marriage (Ramameshan, 2012).

As rural-urban and cross-border migration increases, facilitating migration for employment has become highly profitable—leading to proliferation of recruitment intermediaries. Globally and regionally, the growth of unorganized labour forces and corresponding increase in temporary employment has created more opportunities for private employment agencies (PrEAs) to match workers to employers. As a result, contemporary labour markets operate in large part through a network of employment agencies and middlemen, often unregistered and unregulated.

The inadequate regulation of PrEAs, in South Asia and beyond, leaves workers more vulnerable to exploitation and multiple forms of violence by recruitment intermediaries. This includes uninformed or deliberate misinformation given to workers regarding their placement and working conditions that fall far short of decent work standards. Workers are often denied regular payment and subjected to physical and sexual violence. At the far end of the spectrum, exploitative recruitment practices by PrEAs have led to trafficking and forced labour. Workers facing abuse have few ways to seek redressal from agents and agencies that placed them in precarious situations or subjected them to violence.

Workplace violence

Since intermediaries match employees to employers, they frequently determine wages, hours and working conditions. This employment structure contributes to disregard for decent labour practices by diminishing accountability for offenses and eliminating direct bargaining between employees and employers to secure decent work. Upon reaching urban destinations, migrant women face dangerous workplaces and living conditions. At work, they face physical, sexual and economic violence (forced labour, discrimination in low wage work, withheld wages).

³Since 2008, the following international human rights mechanisms have articulated a need to decriminalize sex work: UN Human Rights Council, World Health Organization, UN AIDS, UN Population Fund (UNFPA).

Dangerous living environments

Entirely absent from urban planning, migrant women often live in dangerous slums, housing colonies and on worksites. For most migrants, wages for a standard workweek fall below the UN threshold for absolute poverty. Women have few choices on where they will live and often find themselves in situations akin to bonded tenancy. Bound by debt, they face physical and sexual violence at the hands of male residents and slumlords.

They are also excluded from civic amenities, including water and sanitation, public distribution systems and public safety protections. Migrant children are deprived of their rights to education and confront unsafe environments. Young girls left alone during family work shifts have been sexually assaulted and raped. Many others become child labourers.

Study respondents reported how operators prey on returning migrants. In Bangladesh and Sri Lanka, foreign returned migrants are subjected to elaborate schemes designed to extract their hard earned money—beginning from the moment they arrive at the airport. When they reach home they are also targeted to enroll in scams.

PART II

Transnational approaches to address migration related violence

Restrictions on women's mobility are reinforced by a transnational anti-trafficking discourse institutionally anchored by large donors and foreign policy actors. Recent discussions of shifts in the anti-trafficking field have tracked the emergence of "philanthrocapitalists"—a new generation of philanthropists that aim to apply business acumen to addressing global social problems. Deep resources and elite networks position these actors to engage directly in anti-trafficking policy making—reconfiguring the roles and policies of other international actors in the field. However, in their rebranding of forced labour and trafficking as "modern-day slavery," they deploy a uni-dimensional victim-survivor narrative that locates structural violence in individual deviance (Chuang 2015). As warned by Chuang, this approach risks marginalizing or even displacing less influential voices of resistance that are often led by women migrant workers, sex workers and their allies.

Countering the dominant anti-trafficking narrative, women who migrate for employment, activists and organizations that participated in this study articulate nuanced, contextual positions that challenge both paternalistic restrictions on mobility and migration-related violence. These positions are forged from their ground level experience working in partnership with migrant women and sex workers to advance their rights.

Networks of grassroots women's collectives and organizations both engage with specific, contextual challenges and build alliances on the basis of deep thematic resonances linked to common contestations of power. These horizontal alliances are weaving informal networks of resistance that promote women's mobility and systematically attend to migration related violence. Through local, national and regional efforts to integrate migrant women into a collective process of mobilization, moments of electricity are manifesting as organized challenges to power across South Asia.

Findings: Arenas and Practices of Resistance

The arenas of contestation, principles and practices of resistance described in this section are clustered around the following thematic areas:

- Promoting the leadership of affected communities
- Networks of resistance
- Destigmatizing women's work
- Right to mobility
- Right to decent work
- Access to information
- Access to justice

The first two subsections, promoting the leadership of affected communities and building networks of resistance, describe core strategies used by the women interviewed for this study to ensure the rights and safety of migrant women. These strategies deepen and strengthen thematic interventions—destigmatizing women's work, right to mobility, right to decent work, access to information and access to justice. None of these modes of resistance practices are discrete, static or monolithic. In fact, strategies articulated by migrant women and their allies routinely incorporated several if not all of these thematic elements to advance their cause.

Promoting leadership of affected communities

Study respondents consistently underline that the leadership of women affected by migration related violence is essential for lasting change. Elizabeth Khumallambam, Programme Director for Nari Shakti Manch [Women's Empowerment Platform],

Delhi-NCR and Haryana, India, explained that building leadership among migrant women is a core principle of their engagement:

“In order to build leadership among migrant women, Nari Shakti works with migrant women and their collectives to understand their rights and develop their capacity to take individual and collective action to protect their rights. The success of this approach is clearly demonstrated by the fact that numerous members of the Nari Shakti staff team have come from the communities where we work and emerged as leaders within the organization”.

In fact, many respondents reported that migrant women are actively engaged in identifying program priorities, planning action strategies and implementing initiatives. In reviewing the efficacy of past strategies, others reflected on the importance of involving migrant women during planning and implementation of future programmes. For instance, Susmita from the Kathmandu-based Media Advocacy Group (MAG) reflected on the importance of involving migrant women during planning and intervention:

“When we started local centres to train people on the Right to Information Act, academics and experts managed the information centres. We have since learned that it would have been more effective to have returnee and potential migrant women both design and disseminate these trainings”.

Respondents from the Bangladesh Sex Workers Network explained the importance of direct representation by sex workers in claiming a space in public discourse:

“Our network is led by sex workers who are very strong and able to raise our issues in civil society and government forums. The scope of our work is national. We work with sex worker organizations across the country—there are

many. We partner with civil society organizations as well. It is in this way that we have claimed a space in international and national policy spaces”.

Ensuring that women from affected communities have an opportunity to raise their own concerns in public forums directly counteracts one dimensional representations of stigmatized women workers in cultural and policy level discourses. The remainder of this section highlights the leadership of affected communities across thematic areas of intervention.

Networks of resistance

Study respondents include members of seven national and state-level networks. National networks include the National Sex Workers Network (India); Bangladeshi Ovibhasi Mohila Shramik Association (BOMSA) and the National Sex Workers Network (Bangladesh); Right to Mobility Network, National Alliance of Women’s Human Rights Defenders and Nepal Disabled Women’s Association (Nepal); and Act Form (Sri Lanka). State-Level networks include the Jharkhand Anti-Trafficking Network (India).

Strengthening networks among partners engaged in promoting the rights of migrant women workers is central to the South Asia Women’s Fund (SAWF) strategy. Support takes the form of strengthening both networks and individual partners within networks. Key strategies include supporting and convening national and regional meetings and providing financial and technical support to strengthen informal alliances.

This funding strategy has supported multi-site mobilization across the region. For instance, SAWF support facilitated the initiation of an anti-rape campaign in 2014 across 75 districts in Nepal, including 28 organizations and 2250 women human rights defenders, coordinated by the National Alliance of Women’s Human Rights Defenders (NAWHRD). Geeta Thapa, Chair of the National Alliance of Women Human Rights Defenders (NAWHRD) described the gains of this systematic mass mobilization:

“The activities of the campaign, including widespread information dissemination, outreach to local officials, demonstrations, media mobilization and rallies across Nepal, included women from a range of sectors—entertainment, women with disabilities and sexual minorities. The campaign was successful in drawing the attention of the government to this issue. Government Ministers expressed a commitment to make laws and policies protecting women against rape more effective. These promises have materialized in the 2015 Rape Law Amendments”.

Supporting the NAWHRD-led anti-rape campaign required strategic administration of financial support from the SAWF team. As an informal alliance, NAWHRD does not have the infrastructure to administer conventional funding. In this and similar cases, SAWF supports network activities through grants to individual organizations within networks that consider both individual institutional and network building needs. For instance, SAWF has supported robust range of national and regional networks by funding a secretariat position housed within a network member. Using a similar strategy, SAWF provided support to Act Form, Sri Lanka, to coordinate submission of a civil society shadow report to the UN Committee on Migrant Rights in 2010.

SAWF has also worked with mature networks to develop sustainable infrastructure through registration and systematic visioning. For instance, SAWF has supported ACT Form, Sri Lanka—a 16 year old network to formalize a draft constitution to facilitate coordinated action between member organizations. ACT Form currently includes district level member collectives and national level women’s and migrant women’s organizations. The network also engages strategically with international partners—especially in cross learning and perspective building. Formalizing this deep and well established network is designed to expand potential for leadership, increase network capacity and strengthen national and international recognition. Formalization enhances the capacity of the network to apply for and administer funding to support network activities.

Respondents explained that migrant women’s and workers’ networks allow women to link issues and build a more inclusive movement. Respondents also reported that networks allow them to build and maintain relationships with other rights based constituencies. This facilitates a mutually generative exchange of information: respondents described bringing issues of gender, labour and migration to other constituencies; and, in turn, learning about other human rights issues. For instance, the National Network of Sex workers described building alliances with labour rights groups in order to make the case to them that sex work is work too and needs to be recognized as such. Parichiti, a Kolkata, West Bengal, India-based, organization dedicated to supporting domestic workers, emphasized the benefits of membership in Maitri—a women’s rights network in West Bengal:

“Domestic workers like to attend events and demonstrations organized by Maitri. These are opportunities to engage in broader issues and participate in network activities. We have also been able to bring issues that are central to domestic workers to the network”.

Members of the Nepal Disabled Women’s Association explained the significance of these alliances:

“Meetings and networking events create positive change for persons with disabilities. We are organized. Persons with disabilities and women with disabilities face the same challenges as other women—we suffer from violence, it is not easy for us to get jobs. Coming together with other groups allows us to share our strengths and learn from others”.

In addition to facilitating cross learning, women also described the importance of networks in mobilizing resources in response to violence. As explained by the Bangladesh Sex Workers Network (SWN):

“We have a small fund for medical support that provides for sex workers in need. When they choose to register cases of violence SWN helps them by putting them in touch with organizations that can provide them

appropriate support. We have very good connections with civil society organizations. If a woman dies we help with the funeral expenses. Now the hospitals call the network if there is a sex worker that needs assistance”.

As explained by the Bangladesh Sex Workers Network, strong networks can both become a resource for other organizations and draw upon expertise from partners.

Partners also discussed network challenges including maintaining an inclusive forum despite the wide range of issues foregrounded by partner organizations. Susmita from WOFOWON, Nepal, explained:

“Within our Nepali network, the concerns of all network partners are not always reflected. Issues faced by sex workers and entertainment workers do not get as much attention. Groups focused on foreign migration outnumber the other groups. Issues of internal migrants, especially sex workers and entertainment workers, are invisible to the public. We fail to give these issues enough attention, even within our networks”.

Respondents reflected that these and other challenges will require thoughtful attention and reflection as national and regional networks evolve and mature.

De-stigmatizing women's work

Stigmatization of women's work refers to social and other processes that systematically devalue particular types of women's work, including domestic work, entertainment work and sex work. As discussed in the first part of this report, stigma may manifest as patterns of social exclusion; and policy level discourses that alternately victimize women engaged in particular types of work or render particular occupations invisible. Stigma against particular types of work can be mobilized to restrict women's mobility and livelihood choices and

undermine their rights at work. These restrictions, in turn, increase women's vulnerability to transit based violence and unregulated, unsafe and unprotected work.

Respondents interviewed for this study explained how evolution of their focus on rescue and rehabilitation evolved as migrant women asserted their agency. The Jharkhand Anti-Trafficking Network, formed in 2003, reported that between 2010 and 2013, their work was guided by a focus on rescue and rehabilitation of migrant women. However, this approach prompted resistance from the migrant women they sought to support. As described by one respondent:

“Seeing us at the train station, young girls would run away from us. They did not want the support we were providing. This led us to enter into a perspective building process aimed at building a more nuanced understanding of trafficking, migration and mobility”.

This perspective building exercise led to the formation of the Jharkhand Resource Centre. Stepping away from the rescue and rehabilitation approach, the Jharkhand Resource Centre and Jharkhand Anti-Trafficking Network (JATN) now focus on information collation and dissemination, alliance building and evidence based advocacy that foregrounds the agency of migrant women—including women engaged in stigmatized work.

Study respondents reported significant hurdles faced by stigmatized women who sought to assert their fundamental rights. Anchita Ghatak from Parichiti, based in Kolkata, West Bengal, India, highlighted how stigma associated with domestic work undermines reporting of sexual harassment:

“Domestic workers don't like talking about sexual harassment although they admit it exists. They are stigmatized for traveling to work because a classic form of patriarchal control relates to controlling women's mobility. Thus, women employed in domestic work feel that if they talk about sexual harassment, their work will be further stigmatized”.

In order to raise issues of sexual harassment amidst this culture of silence, Parichiti fosters safe spaces for domestic workers to discuss these and other experiences of violence. Anchita described:

"Women did role plays at our picnic. This is a safe place to discuss the sexual harassment they face. They opened up and spoke about these issues when they had the space to do so".

Linking stigma to exclusion from access to fundamental rights, the Bangladesh Sex Worker's Network described the challenges they faced in registering their network:

"Stigma against sex workers is so great that we are not even allowed to register ourselves under the name of a sex workers network. We were requested to change our name. We managed to register under this name when we threatened to go to the human rights commission. We have refused to take grants from USAID which made the grant conditional to us changing our name".

Networks of stigmatized women workers have been instrumental in intervening in cases of discrimination. Hena from the Bangladesh Sex Workers Network described:

"Sex workers are not accepted in public hospitals. There was a case where the baby of a sex worker was put out on the veranda in the cold and was shivering. Her mother was thrown out of the hospital. In cases like this one, the network was called and we demanded an apology for this treatment and were able to get the mother and child into another government hospital".

In addition to intervening in individual cases of abuse, the Bangladesh Sex Workers Network takes preemptive action to address stigma and violence faced by sex workers through rights awareness and employment negotiation trainings.

Respondents from across South Asia described working with stigmatized women to sensitize their

communities and destigmatize women's work. Chotanagpur Sanskritik Sangh describes addressing community stigma as a core program priority:

"We don't want returnees to be isolated so we work with the community to accept them. This is a core strategy of ours: to sensitize the community about the contributions of migrant workers and to take away negative attitudes especially towards women returnees".

In Nepal, the Media Advocacy Group works with women journalists across the country to transform discourses around women's migration through reporting in local newspapers.

Ensuring that the perspectives of stigmatized women workers are included in policy and public discourse, Dhaka, Bangladesh-based Partners in Population and Development (PPD) worked with stigmatized sex workers in Bangladesh to host a public hearing, raising the profile of rights violations faced by stigmatized sex workers. Jo Thomas from PPD described how this event catalyzed sex worker issues into public discourse:

The public hearing brought sex workers to testify at a huge event designed to look like the UN General Assembly, with the National Human Rights Commission chair validating their perspectives. They spoke in front of agencies, NGO representatives, journalists and film makers on the Dhaka University campus convocation hall. Here, their issues were mainstreamed. As a result of the work culminating in this intervention, a sex worker now sits on a 28-member policy committee and addresses the needs of sex workers directly in a policy forum.

Each of these interventions aimed at destigmatizing women's work share a common feature: in each case, stigmatized workers mobilize as rights holders. As explained by respondents from the National Network of Sex Workers, based in Bangalore, India, this approach has been critical to shifting discourses around sex work by positioning sex workers as claimants and rights holders rather than targeted beneficiaries of HIV programmes.

Right to mobility

"We believe that mobility is a woman's right. Mobility has long been a cultural practice in Jharkhand but it was never seen in terms of a fundamental right for women. Now we see mobility as a right. Our work is to make it safe and secure".

—Saachi, Coordinator, Chotanagpur
Sanskritik Sangh

For women who migrate for employment, mobility is regular and ongoing, including initial migration, travel between transient employment sites, daily commutes and return to native villages. Social, policy level and environmental restrictions on women's mobility impact not only the ability to seek and maintain employment, but also access to medical facilities, courts and other public resources. For migrant women, mobility is intimately tied to autonomy, security and access to a range of valuable services and resources. Accordingly, study respondents identified protecting and promoting women's mobility as a key area for strategic mobilization.

Responding to distinct restrictions on women's mobility

Restrictions on mobility have distinct manifestations and impacts upon diversely situated women. Patterns of restriction may be spatial, demographic, environmental or linguistic. For instance, Meena Paudel from the Nepal Disabled Women's Association explained the types of challenges and violations that disabled women confront to realize their right to mobility and the right to work:

"For us, the right to mobility includes the ability to move safely and efficiently from one place to another—including walking without tripping, being able to cross streets and use public transportation. On the way to work,

buses do not stop for blind women or women in wheel chairs. Roads are not accessible. There are so many obstructions. For deaf women, few people know sign language to help them find their way. Disabled women who take public transportation face sexual harassment, especially during office time commutes. Blind women are touched in sensitive parts of their bodies. Disabled women are forcibly taken off their routes and abused".

As described by Meena Paudel, lack of infrastructure and transportation severely impacts the mobility of women with disabilities. Accordingly, the Nepal Disabled Women's Association is engaged in advocacy to improve public transportation so that disabled women can effectively commute for employment.

The types of restrictions on mobility described by indigenous women living in remote areas, domestic workers confined to the homes of their employers and minority women restricted to areas ghettoized on the basis of religious identity are importantly different from the confinement Meena Paudel describes above. They are also, however, deeply similar in that in each of these scenarios restrictions on mobility are gendered and intersect with relationships of power that limit women's social interactions and autonomy on the basis of ethnic, religious and class differences.

Developing locally responsive approaches to migration related violence

Respondents discussed violence as both a looming threat used to justify limits on women's mobility and as a very real danger. On one hand, the potential for violence is used to justify paternalistic restrictions on women's mobility; on the other migrant women often face multiple forms of violence as they migrate in search of jobs.

This includes trafficking, deception by recruiters and physical and sexual violence on buses, trains and roads. Protecting women from violence, while ensuring their rights to mobility and work, demands a nuanced, fact-based approach attentive to risks associated with particular locations, professions and migration patterns.

In order to distinguish between trafficking, voluntary engagement in sex work and the range of scenarios that lies in between, women activists in Thailand have introduced a continuum including six gradations between totally forced labour and totally voluntary labour.

Totally forced labour

- Victims are forced and/or kidnapped, and trafficked
- Victims are given false information, and are trafficked into types of business other than promised
- Victims are aware of the kind of work and working conditions, but are not aware and/or are not able to foresee the difficult situations they may encounter
- Workers (who may have been trafficked victims before) are aware of the kind of work and work conditions, but are not given alternative work sites (cannot choose where they want to work)
- Workers (who may have been trafficked victims before) are aware of the kind of work and work conditions, have the freedom to stay or go with regard to the work concerned and are able to select their work-site

Totally voluntary labour

Meeting these challenges, Jharkhand Anti-trafficking Network (JATN) staff explained the need to understand where the distinction between migration and trafficking sometimes blurs at the district level:

"JATN is collecting evidence to understand where migration is turning into trafficking and

we are also consulting with the district administration to get their views on this matter. This information informs our advocacy and capacity building for partners in our network".

District-level information is used by JATN to improve information flows in two directions: information from district administrators informs capacity building for JATN member organizations; and the experience of migrant workers is used to inform evidence based advocacy at the district and state level to end trafficking but not undermine the right to mobility.

Parichiti, based in Kolkata, West Bengal, India, gained deeper understanding of violence faced by domestic workers during their daily commutes by conducting safety audits in train stations. Anchita Ghatak from Parichiti described this approach:

"We did a safety audit in collaboration with Jagori where we covered 4 local station, released a report and conducted meetings with railway authorities about key concerns. Key concerns related to need for better infrastructure, such as having accessible toilets. We also did a signature campaign demanding a shed at the station where women can sit when they wait".

In order to keep in touch with the needs of women domestic workers, Parichiti conducts ongoing outreach at commuter train transit junctures. Anchita explained:

"We work at commuter train stations in metro Kolkata places where women transit through as they move to and from suburbs to Kolkata for domestic work. We go at times when women are waiting for trains. They know they can find us there. They may come with complaints, information or seeking information. Our work is to listen and keep in touch with their lives and the challenges they face".

Advocacy to inform government migration policy

Study respondents also foregrounded the importance of responding to discriminatory laws and policies that restrict women's mobility. For instance, Bangladeshi Ovivhasi Mohila Shramik Association (BOMSA), based in Dhaka, Bangladesh, is actively engaged in challenging age-based restrictions on migration:

"For the last three years we have been learning from partners and working with the government to make sure age discrimination is not used to stop women from migrating. In 2014 - a year and a half ago - the Government Order prevented women who were under 35 from migrating. We have advocated to reduced the age restriction to 25. We are still working to have the age limit reduced to 18 - the norm for when a person is considered an adult".

In addition to policy advocacy, respondents highlighted the importance of informing government programs and their implementation. Both BOMSA and Act Form, based in Colombo, Sri Lanka, have leveraged their influence to institutionalize and shape the content of government pre-migration trainings for migrant workers.

"Where government pre-migration trainings fall short, BOMSA supplements the information migrants receive by providing additional training":

We address transit related violence by including this topic in pre-departure training. Governments conduct pre-departure trainings focused on employment skills. We add to this information with a three day rights-based training.

In Sri Lanka where women migrant workers face government restrictions and inadequate government

support, Act Form brings migrant women's perspectives into policy arenas through close collaboration with the Government Ministry and Foreign Employment Bureau. Violet Pereira explained:

"Our objective is to promote laws and policies that address the rights of migrant women workers. This includes a focus on the families of migrant workers and children who have been left behind. We focus on three main issues: malnourishment, inability to access education and extreme difficulties maintaining contact with family members who have migrated overseas for employment".

To raise these and other critical issues identified by women migrant workers and their families, Act Form uses a two prong approach: first, they maintain a complaint desk that works to facilitate communication between migrant workers and relevant government agencies—including the Immigration Bureau Welfare Offices and Ministries of Economic Affairs, Foreign Affairs and Higher Education; and second, they participate in a Migration Bureau committee, including 15 Sri Lankan government ministries, trade unions and non-governmental organizations, that determines policies on migration. These approaches are mutually reinforcing. The insight gleaned through direct engagement with migrant communities, in turn, informs policy level advocacy.

This national Act Form strategy has been replicated at the local level. Chandra, from Kegalle district, Sri Lanka explains:

"Two-three years ago, we formed a local committee to connect migrant workers to government services. This platform makes it easier to connect to Ministries, get information from the government and coordinate with NGOs at the local level. Using this platform, we have worked to raise issues around fake agencies".

These approaches draw upon the experiences of migrant women workers and use this critical information to inform policies and programmes.

Translocal mobilization

In order to address the needs of mobile women workers, study respondents reported developing approaches that engage women workers at multiple locations and stages during their migration journey. These approaches recognize the complex lived experiences of migrant women workers. For instance, MISSI, based in Gumla, Jharkhand supports seasonal adivasi women workers from Gumla by negotiating with brick kiln contractors onsite in migration destination areas to improve working conditions and address rights violations.

Utilizing translocal mobilization strategies to address international migration, Bangladeshi Ovivhasi Mohila Shramik Association (BOMSA) works to address working conditions in migration receiving companies through advocacy to inform Memoranda of Understanding (MOUs) between Bangladesh and labor migration destinations. Sumaiya from BOMSA explained:

“We are engaged in strengthening MOUs so that government-government agreements include perspectives of migrant workers. For instance, we challenged an MOU between Bangladesh and Saudi Arabia that penalized a woman for returning to Bangladesh within three months. This provision required women who returned to Bangladesh within three months to pay a penalty to recruiting agencies. Our advocacy helped to block this from becoming part of the MOU”.

While consistently recognizing the importance of translocal mobilization, respondents also highlighted significant challenges. For instance, Sumaiya from BOMSA explained particular barriers to supporting migrant workers in the Gulf due to questions of jurisdiction and the inadequate capacity of Bangladeshi Embassies in the Gulf:

“We need to support migrants at their destination but it is very tricky because there are rules that prevent us from taking action in other countries. We cannot rely on our Embassies abroad as they do not have the staff

to take this on nor do they have the necessary expertise to address violations faced by migrant worker violations. We need to have partners and links in the destination countries so when someone calls we can have follow up done there”.

As described by Sumaiya, in addition to regional networks, translocal mobilization to support the rights of women migrant workers requires robust networks including partners in source and destination areas.

Right to work

We are trying to create an environment that respects the dignity of all work. This is the orientation we provide.

—Pooja, Jharkhand Anti-Trafficking Network (JATN)

International human rights standards relating to the right to work include the right to gain a living by work that is freely chosen and accepted. Respondents reported using international standards as a benchmark to raise awareness among migrant women and government stakeholders about rights at work. Significant issues facing migrant women workers include unsafe workplaces, sexual harassment and wage related rights violations.

Workplace safety

Workplace safety surfaced as a key site of intervention among respondents. Strategies for addressing workplace violence include initiatives to activate legal protections against violence. For instance, as explained by Elizabeth Khumallambam, Programme Coordinator for Nari Shakti Manch, while most factories have established sexual harassment committees on paper these committees have not materialized in practice.

“The names of committee members are not posted, positions are not elected, we don’t know if there is an external member and meetings are not held. The composition of these committees is entirely unknown”.

Nari Shakti Manch addresses these implementation gaps by supporting women garment workers, through their collectives, to activate workplace protections under India's Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Strategies include: first, familiarizing women and their collectives about their rights and entitlements; second, informing them about the role of police and judicial processes in promoting workplace and public safety; and third, supporting women's collectives to building strategic partnerships with employers, police, judiciary and labour officials to enhance safety at work, home and in the community.

Where women engage in unprotected work—outside the bounds of legal protection—respondents reported using collective action strategies to address workplace violence. For instance, representatives from Veshya Anyay Mukti Parishad (VAMP), a member of the National Network of Sex Workers (India) discussed initiatives by sex workers collectives to promote safe working environments for sex workers through Conflict Resolution Samitis [forums]. As explained by Raju, the Conflict Resolution Samiti—an organized collective of sex workers—is able to effectively bargain with brothel owners:

Kopila was sold to a trafficker by her husband in Nepal. She ended up in a brothel owned by a Nepali brothel owner [in India]. One of the sex workers in the brothel realized that she had been trafficked. She was brought to a Conflict Resolution Samiti and we asked her what she wanted. She said that she wanted to return to her natal family home in Nepal. The Conflict Resolution Samiti intervened on her behalf with the brothel owner. The brothel owners do not want any trouble with the Samiti. They sent her home.

In this case, the Conflict Resolution Samiti intervened on behalf of Kopila to stage an intervention with the brothel owner in an identified case of trafficking. The resolution in this case was determined by Kopila and guided Samiti's advocacy.

The Bangladesh Sex Workers Network uses a multi-pronged approach to addresses workplace violence:

"We advocate with the police and take legal cases on issues of violence towards sex

workers. Due to our work with the police, women are no longer being arrested under the vagrancy act that could lock up women for years at a stretch. We also partner with other organizations that work on violence to whom we refer cases".

Wage related rights abuses

Migrant women workers, most often concentrated in unorganized sector employment, face a range of wage-related rights abuses. Wage theft takes the form of underpayment or non-payment of wages.

Approaches to addressing wage related rights abuses include educating migrant women about fair wages prior to migration for employment and in destination areas. The Jharkhand Anti-Trafficking Network (JATN) has developed information tools on fair wages that they disseminate through posters and among migrant networks. In Gurgaon, Nari Shakti Manch has developed rate cards for domestic workers, detailing fair wages for a range of household work. Rate cards are standardized across large housing associations and provide domestic workers with a platform to negotiate fair wages.

ChotanagpurSanskritikSangh highlighted their efforts to ensure that women receive equal wages for equal work:

"We work strongly on the issues of ensuring equal wages. We let people know that this is a right. On MGNREGA sites, we make sure that women get equal wages and have taken up cases of differential wages. We teach women construction workers how to calculate the hours they work and ask for the correct money".

In order to break gender-based wage ceilings, Chotanagpur Sanskritik Sangh also encourages women not to be confined by gender norms in pursuing employment.

In cases of abuse, the Association for Advocacy and Legal Initiatives (AALI)—a member of the Jharkhand

Anti-Trafficking Network (JATN)—takes a legal approach to addressing wage related rights violations:

“We address wage related rights violations through legal interventions supported by fact-finding missions. For example, in a recent case, we represented a trafficked survivor from Gumla. At age 13, she went to work as a domestic worker and stayed with that family for 20 years. After 20 years, she returned home with only rupees 20,000. We linked her with Association for Advocacy and Legal Initiatives (AALI) for support. We argued that she began work as a child laborer and was not paid adequate wages. We fought on her behalf and won rupees 5,20,000 from the employer family under section 370”.

Skill development

Training and capacity building are key strategies used by respondents to secure access to decent work for migrant women. Respondents described a wide range of training priorities that respond to the particular needs of women across diverse sectors. For instance, respondents from WOFOWON, a collective of entertainment and sex workers from Kathmandu, Nepal, explained:

“We hold dance trainings, trainings on negotiation with clients, trainings on self-defense. These approaches allow women to earn more and help to keep them safe”.

In Jharkhand, where tribal girls are, for the most part, limited to seeking employment in domestic work, the Jharkhand Anti-Trafficking Network has advocated for government skill development opportunities.

Meena Paudel, from the Nepal Disabled Women's Association (NDWA) identified lack of job opportunities for disabled women as a particularly significant challenge.

“Families do not support disabled women to obtain a livelihood. They do not want to invest in disabled daughters so they have less education and training than other family members. If women with disabilities want to start businesses, they cannot get loans from their families, or banks. For job posts like receptionists, we are not considered attractive enough. Companies do not want to spend the money to make their offices accessible. When women with disabilities are hired, they are paid far less than other women”.

Accordingly, NDWA programs focus on assisting disabled women to secure work through skill development training and self-employment programs.

Right to information

“When women make informed choices, their vulnerability to forced labour and trafficking decreases.”

—Bijaya, Kathmandu, Nepal,
December 14, 2015

Respondents reported inability to access information on rights, working conditions and government policies as significant challenges for migrant women workers across South Asia. They also described a range of interventions to address these critical information gaps, including: facilitating pre-departure trainings, fostering two-way information flows, promoting government transparency and guiding women on accessing rights and entitlements.

Pre-departure trainings

Respondents from the Jharkhand Anti-Trafficking Network (JATN), India, outlined the types of information migrant women need to make safe and informed decisions:

“When 18-year-old girls migrate, we want to make sure they go with information and choice. They need to know where they are going, under what conditions and on what terms”.

In order to facilitate access to information, members of the Jharkhand Anti-Trafficking Network (JATN) hold regular meetings at the village level, engaging returned migrants in educating other women who will migrate for employment:

“We go to the villages and have regular meetings about what migrants should know. We have returnee migrants speak to them on these issues. We also provide training to increase legal literacy. We inform them about wage rates in different states, state laws and compensation in cases of abuse”.

Other groups reported using similar information dissemination strategies—although training content for migrant women differed depending upon community needs.

Lakshmi, from the Actform network, based in Kandy Sri Lanka identified strategies for safe migration, precautions against trafficking, money management and health practices—including protection from HIV-AIDs—as particularly significant for women who migrate from her area.

BOMSA, based in Dhaka, Bangladesh teaches workers to understand contracts prior to migration and recognize fraudulent information about migration opportunities that are used to lure workers into exploitative working conditions. Chotanagpur Sanskritik Sangh (CSS), based in Jharkhand, India, prepares women for migration by providing them with a checklist covering key issues they may face, strategies to protect their rights and phone numbers they can call in an emergency.

Fostering two-way information flows

Chotanagpur Sanskritik Sangh (CSS) trainings with migrant women are informed by migrant

experiences and ongoing interaction with government officials and employees at the village level:

“We talk with the Panchayats, Anganwadi workers and school teachers to understand the status of migration in the villages since they have details of who is leaving. We also reach out to returned migrants and listen to the complaints they have. We use this information to create awareness about migration and gender discrimination”.

This active and ongoing dialogue with local government officials has positioned Chotanagpur Sanskritik Sangh (CSS) to foster two-way information flows between government actors and women migrant workers. This strategy has allowed them to identify major modes of trafficking and trafficking actors in the region. This information is communicated to both local panchayats and potential migrants.

The Bangladesh sex workers network also described cultivating two-way information flows, with a focus upon facilitating exchanges of information between workers and their employers:

“We work with street-based and brothel-based workers. For them, we conduct training through street fairs—we focus on making sure they have information on the law, their rights and how to negotiate with police when they are being harassed. We also work with brothel owners so we understand the challenges they face”.

Government transparency

Sushmita from the Kathmandu-based Media Advocacy Group (MAG), explained that in Nepal, despite policies designed to facilitate access to information, migrant women workers must be trained to use these procedures in order to access the information they need to make informed decisions:

“There is a critical lack of information on migrant rights and the violations migrants are facing in Nepal. Nepal has a Right to Information (RTI) Act that was passed in 2007 but it is not used enough”.

In order to facilitate access to information, in 2015, MAG set up grassroots centres aimed at expanding access to information under the RTI Act:

“We set up grassroots centres where we have been training district level coordinators to file RTI petitions to get information about recruitment agencies, employment agencies, wages and the actual payment required for entering a country”.

Bangladeshi Ovivhasi Mohila Shramik Association (BOMSA), based in Dhaka, Bangladesh also identified government transparency as a key area for intervention. In particular, BOMSA works to ensure government transparency in memoranda of understanding with other countries.

Challenges in accessing information for migrant women may be heightened by language and literacy barriers. For instance, Surya Women’s Development Center in Batticaloa, Sri Lanka, explained that language barriers prevent Tamil speaking women from accessing government information and relief:

“In the government inquiry process, migrants may be required to travel to Colombo. Language is also an issue. To break this language barrier, we are advocating for information in Tamil. We also work with migrant women to help them overcome language barriers, trace their personal records in the migration process and access relief for rights abuses through the Bureau of Immigration”.

Access to services

Access to current, accurate information for migrant women is also critical to their ability to access government services—whether at home or in

destination areas. This includes information on the implementation of relevant policies and programs and information on how to access services for individual women and their families. Respondents reported working with migrant women to secure access to a range of civic amenities and social services.

The Jharkhand Anti-Trafficking Network (JATN), for instance, is actively engaged in monitoring the implementation of government schemes designed to ensure access to health care for women who migrate between states in India. As one respondent explained:

“In order to monitor state level policies on migration, we filed a Right to Information petition in 24 districts. We wanted to monitor a 2012-2013 government scheme that provides access to health care for migrant workers in other states on the basis of their migration status, including whether they are recorded in Panchayat records as migrating with a red card (as individual) or with a green card (through agents)”.

This intervention aims to monitor accessibility in order to identify barriers to accessing entitlements. Saachi from Chotanagpur Sanskritik Sangh (CSS) in Jharkhand described their strategy for supporting seasonal migrants to access entitlements:

“We have created committees in 25 villages, including seasonal migrant workers and their families. By working together, these committees ensure that in each village family members can claim entitlements for those who are away. If a worker is away, a family member in the village with the right information can ensure that their land is not taken away”.

Access to information on civic entitlements is not, however, sufficient to ensure that migrants are able to avail themselves of these benefits. Accordingly, Chotanagpur Sanskritik Sangh (CSS) also links these communities to relevant police and government officials so they have access to support if they run into any problems.

Recognizing women's agency

At the core of these interventions is a recognition that given adequate information, migrant women are capable of making the decisions that are most appropriate for them. These decisions are likely to be different for different women, depending upon their personal aspirations and constraints. Saachi from ChotanagpurSanskritikSangh (CSS) provided a striking example of how, faced with the same circumstances, migrant women may choose very different paths:

"CSS was notified that 30 girls had departed by train from Ranchi. They were equipped with false certificates to show that they were over 18. They were split upon the train so they were less visible—so it didn't look like a case of trafficking. Our intervention was successful. We spoke to the girls. Those who did not want to go for work, we helped them to get off the train. Some did want to go. We provided them with the information they needed to be less vulnerable when they arrived at their destination".

Unlike uni-dimensional "raid, rescue, rehabilitate" approaches, the intervention described above foregrounds the right to information and right to choice for migrant women. Intervention began by speaking to the girls and informing them about their options. With this information, the girls were free to make their own decisions about whether to migrate in the circumstances they faced.

Chotanagpur Sanskritik Sangh (CSS) supported them regardless of the decision they made—either helping them to leave the situation or equipping them to more effectively make decisions upon reaching the destination area. Unlike judgmental, protectionist approaches, interventions guided by an emphasis on right to information respect women's agency to make decisions about mobility and employment.

Access to justice

Study respondents from across the region described initiatives aimed at securing access to justice and compensation in cases of abuse. In Bangladesh, India, Nepal and Sri Lanka, respondents reported building channels between migrant communities and government officials to ensure that complaints are recognized and addressed. For instance, respondents from Bangladeshi Ovivhasi Mohila Shramik Association (BOMSA) described taking referrals through a 24-hour hotline and then working with Bangladeshi Embassies to address rights violations abroad.

Relationships between BOMSA advocates and government officials have been instrumental in ensuring, for instance, that the families of migrant workers are adequately compensated when migrant workers die overseas:

"Bangladeshi government policy says that when a dead body is returned from a destination country, the family should receive Rs 3 lakhs from the Welfare Board. Before, it took much longer for families to receive this money. BOMSA and others have now been able to get this compensation within 6 months".

The Bangladesh Sex Workers Network described a similar process of supporting sex workers to raise rights violations in court. Respondents from the Network described:

"We find out what is happening in the brothels and do writ petitions to the court. For example, we did a writ petition when brothels were being evicted arguing that sex workers should not be displaced. We got a declaration from the court. We speak about these issues to everyone from the human rights commission to state officials. We are increasingly part of civil society discussions".

Promoting access to justice for women, girls and sexual minorities across South Asia is integral to the broader framework of SAWF thematic funding. Under the SAWF Access to Justice thematic portfolio, for instance, SAWF supports the Legal Fellowship Programme which promotes access to justice by investing in the capacity of women lawyers. The Legal Fellows Programme provides stipends to women lawyers to support pro-bono litigation; and provides training and mentorship to cultivate feminist legal advocacy. Grants support women lawyers working at the district level in Bangladesh, India, Pakistan, Nepal and Sri Lanka to facilitate access to justice for women in sexual violence and family law cases.

Facilitating cross-learning, networking and collaboration between Right to Mobility partners and Legal Fellows, SAWF has brought these partners together in a series of meetings and workshops. For instance, Legal Fellows and Right to Mobility partners from India came together in October 2015 in Kolkata, West Bengal, India to discuss issues at the intersection of gender and the environment. In March 2016, Right to Mobility partners and Legal Fellows from across the region came together in Kathmandu, Nepal for the "Our Rights, Our voices Feminist Regional Convergence for Collective Reflection and Strategizing. This three-day meeting provided SAWF partners across thematic areas with an opportunity to share experiences, challenges, strategies and good practices.

PART III

Challenges and future directions

The following thematic recommendations are designed to facilitate cross-learning between and among SAWF partners and other anti-trafficking initiatives; inform women-led intervention strategies; SAWF funding priorities and future directions for rights-based anti-trafficking initiatives.

Build capacity for long term investment in sustainable change

- The recommendations detailed below do not aim for quick results. Instead, they recognize that strong interventions are based upon realistic, locally grounded needs assessment and long-term investment in sustainable change. Such sustained focus requires donors to invest in building the capacity of organizations and networks to engage in long term change processes—including through adapting and responding to changing circumstances as needed. Core and flexible funding is integral to achieving these objectives.

Promote the leadership of affected communities

- Ensure that programmes for migrant women and sex workers include the judgment and lived experience of affected women. These nuanced, situational insights are a critical counterweight to discourses that victimize and stigmatize migrant women workers from a range of occupations.
- Document the lived experiences of migrant women and sex workers, including through

multimedia and other strategies. These personal stories humanize women workers who are routinely undermined and stigmatized in public and policy discourses.

Build networks of resistance

- Foster local, national and regional networks of migrant women and their allies.
- Include women workers, including sex workers, domestic workers and other stigmatized workers in labour rights alliances.
- Facilitate opportunities to revisit and debrief network initiatives to share outcomes, distill key learning and identify areas for improvement.

Destigmatize women's work

- Recognize categories of stigmatized work as work deserving of protection, including protection of the International Labour Organization fundamental principles and rights at work.
- De-link sex work and trafficking in public and policy discourse.
- Actively engage donors in rethinking anti-trafficking strategies and promoting interventions that recognize women's agency, right to mobility and right to work—especially for stigmatized women workers.
- Pursue full decriminalization of sex work and engage sex workers in policy making processes designed to protect their rights.

- Re-imagine narratives around sex work and stigmatized labour and project the voices and experiences of marginalized women into national and international policy and funding discourses.
- Invest in multimedia strategies including photography and video to capture the lived experiences of marginalized women workers.

Defend the right to mobility

- Grassroots, women-led initiatives have developed robust perspectives on addressing migration related violence while safeguarding women's agency and fundamental rights.
- Project this grassroots experience to inform policy level discourse.
- Scale up effective community level initiatives as multi-site, national and regional level interventions.
- While trafficking and violence can pose very real threats to women's safety, strategies for addressing migration related violence should not undermine women's rights to mobility and work.
- Cultivate reflection on how typical prevention, raid, rescue and rehabilitation approaches routinely violate safety, secure movement, physical integrity and right to livelihood for migrant women.
- Provide much needed support for survivors of trafficking and other forms of migration related violence.
- Interventions to address migration related violence should be informed by and responsive to local experience. Challenges facing migrant workers and sex workers across the region bear similarity but may also be significantly different depending upon the context.
- Conduct high quality research on recruitment in high migration areas—including research on the role of recruitment agents and

agencies, their structure and processes. This type of research is challenging due to clandestine nature of some recruitment intermediaries. Accordingly, research should be conducted in partnership with local organizations familiar with areas of investigation.

- Women who migrate for employment require access to benefits, social services and other entitlements.

Secure the right to decent work

- Support initiatives to ratify the International Labour Organization (ILO) Domestic Workers Convention, No. 189 which guarantees the fundamental rights of domestic workers to decent and secure work.

Facilitate access to information

- Foster awareness among migrant women and stigmatized workers on their rights and entitlements, including pathways to accessing civil entitlements.

Promote access to justice

- Facilitate access to justice for stigmatized women workers, including sex workers and domestic workers.
- Combat stigma at the community level to encourage reporting of rights violations by women engaged in stigmatized work.
- Sensitize local officials about the needs of stigmatized women workers.
- Demand accountability in cases when officials do not take steps to protect the rights of stigmatized women workers.

Support research initiatives

- Support migrant women's collectives and organizations to monitor implementation of government programmes and policies

designed to safeguard the rights of migrant women workers at all stages of the migration process.

- Investigate the impact of medical clearance procedures across South Asia on reproductive health rights and bodily integrity.



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