CHAPTER 2

REVIEW OF LITERATURE

2.1 SOCIAL EXPLOITATION

Wright Erik, O (2005) described exploitation as a problem linked to domination, a social situation where a person’s life is directed and controlled by another. This means that exploitation happens when there is unequal power between the exploiter and the exploited. Wertherimer, Alan (1999) considers exploitation as a wrongful human behavior that put strain on human morality. From its origin exploitation has always been seen as an action that happens between unequal parties, where one party dictates and the other obeys.

Nancy Holmstrom (1977) conceived exploitation as necessarily involving profits of some kind to the exploiter. She depicted exploitation as a zero-sum game because the exploiter gains what the exploited loses. Profit making is identified as one of the main motive behind exploitation of vulnerable workers by some employers. It is also a pull and push factors for people engaged in human trafficking which is also a form of labor exploitation. When employers purposefully withhold or cut the salaries and wages of the workers, or when the employers refuse to pay for holidays, extra work allowances and other worker’s entitlements. Two workers can be given work meant for five workers. In this kind of situation, the company gains while the workers earn less salary than the quantity of work they do.
Jokinen et al (2011) explained that in some cases of labor exploitation, it is so common that the bosses do not pay evening, night, Saturday and Sunday allowances, as well as overtime allowance and holiday payment which are stated in various collective agreements.

Saima Nazir (2011) study was aimed to investigate the working conditions, wage structure, impact of internal migration of Domestic workers are hired to work in a private sphere upon their lives and various other dimensions of this neglected segment of society. Domestic workers who often migrate from one area to another particularly from rural to urban areas sometimes urban to well developed urban areas to upgrade their socio-economic conditions. Young married women who migrate from distant places with higher number of children and low wages of other family members give preference to domestic work to support their families. The researcher selected Lyallpur town Out of four towns of Faisalabad in Pakistan. Where out of 38 Union Councils one UC # 185 was selected and From UC # 185 four localities were selected randomly and selection of 120 respondents (FDWs) as convenient random sampling. The data were analyzed and the researcher concluded that a large number of these migrant women are often illiterate or lack of other technical skills, so they find no alternative of domestic work for earning. Higher number of unemployed adult family members and higher expenditure upon medical and other needs sometimes compel them to work more than one house . Majority of FDWs (Female Domestic Worker) work more than eight hours within one house, but they are exploited and deprived from their proper wages.

Manikamma Nagindrappa & Radhika (2013) brought out the Indian perspectives of women exploitation in modern society. Their study reveals that women in modern society are not safe. Violence and harassment against women is not a recent origin and they have been the victims of exploitation.
since long time. Women are facing problems in every sphere of life whether at employment, society or at home by physically, mentally, socially and economically. They are victims of crime directed specifically at them, rape, kidnapping and abduction, dowry-related crimes, molestation, sexual harassment, eve-teasing, acid throwing etc., and their article attempts to understand the stages and different forms of women exploitation in present society and suggest to Create healthy environment for women and girls everywhere by supporting efforts to end violence and exploitation against them through the education and make strong laws to punish perpetrators immediately.

Ralph Raico (1977) discussed the social thought and doctrine of Marx’s “bourgeoisie” which is the main exploiting and parasitic class in modern society. The researcher discussed about "bourgeoisie" in two different ways. In England and the United States, it has tended to suggest the class of capitalists and entrepreneurs who make their living by buying and selling on the (more or less) free market. The mechanism of this exploitation would involve the classical Marxist conceptual apparatus of the labor theory of value, the appropriation of surplus value by the employer, and so on. On the Continent, however, the term "bourgeoisie" has no such necessary connection with the market. It can just as easily mean the class of "civil servants" and rentiers off the public debt as the class of businessmen involved in the process of social production. These former classes and their allies are engaged in the systematic exploitation of society was a commonplace of 19th century. there were two theories of exploitation within Marxism: there is the customarily discussed and very familiar one, of the state as the instrument of the ruling class and the concomitant theory which locates exploitation within the production process. The author found that the marx historical analysis completely ignores the massive use of state-power by segments of the
capitalist class, and limits itself to the exploitative activities of those directly in control of the state apparatus.

Khanna Shantanu (2012) In the development of the economy, the informal sectors are growing fast. There is a possibility of engagement of female workforce in the informal sector. Women are also traditionally associated with the service sector jobs. Formal sector service employment of women remains quite limited. Even in the emerging service sectors such as IT, the share of women is quite low. In the software industry, for example, the share of women workers is estimated to be around 27 percent. On the whole, in the emerging sectors, women's work tends to be concentrated in a low end-low skilled job (Ghosh 2004). Agriculture continues to register highest share of female employment (Khanna 2012).

Karan et al (2008) study focused on the effect of economic development on the women participation in economic activity. They have concluded that female participation rate falls with the economic development (Reilly & Dutta 2005). Another study examined the effect of certain development variables like marital status, income, literacy on female participation rates and concludes that socio-cultural factors have a significant bearing on the levels of female participation (Ghosh 2004).

Kuno Schedler et al (2003) based on empirical data which examines knowledge sharing processes in digital government projects (DGPs). The study conducted from four DGPs in two different countries, as Switzerland and the United States of America. A theoretical model for knowledge sharing in DGPs is proposed. The model ties together processes and content of knowledge sharing through two task dimensions, each of them subdivided into two phases: (1) Conception and implementation of the project, and (2) Exploration and exploitation of knowledge. The researcher
showed that the implementation of DGP requires a balanced mix of exploration and exploitation of knowledge, where exploration is more important in the conceptual phase, and exploitation becomes more fruitful in the implementation phase. They found that different configurations of knowledge networks in DGPs are related to different stages in the advancement of the project. DGPs rely on sparse networks during the conceptual phase of the project, and tend to employ teams or tightly-bound groups when the project moves towards implementation.

Devanathan Sevilimedu Veeravalli (2010) study explore that the women employee through Sumangali scheme and the mismanagement of human relations are repressed legally and morally by the employers in Tamil Nadu. Unmarried young women below the poverty line had under gone worst form of exploitation in their working environment especially in Tirupur textile and garment industries.

2.2 BONDED LABOUR

Baak (1999) studied as a case study of Indian agricultural debt bondage in a wider context and practices in Asia, and employing plantation labor in southwest India. In this article it discusses about and ‘unfree’ labor in a long-term historical context, from pre-colonial years (early 1500s) to the post-colonial period (the 1990s). The author critiques two approaches that have emerged in the literature—that plantation work was beneficial to, and knowingly chosen by laborers, and conversely, that workers’ debt contracts and highly regulated labor environments prove that coercion and poor conditions defined their plantation experiences. The author adds a third perspective that estate workers were, and are, simultaneously free and unfree, due to the often conflicting strategies of laborers, planters, and the government. A multi-faceted, historical understanding of agricultural forced
labor requires a willingness to concede that abolition of slavery in India and other legislation did little to clarify or improve laborers' status and conditions.

Bardhan & Pranab (1983) based on empirical data and econometric analyses of rural India, it is determined in this piece that agrarian bonded labor may intensify with the growth of capitalist agricultural development. Technological advances in agriculture and the tightening of labor markets may increase voluntary labor-tying contracts. However, the mechanization of some agricultural processes, and the introduction of seasonal migrant labor, may help reduce employers' dependence on bonded labor. Data collection problems may weaken the empirical evidence of this study, such as a failure to recognize those who have entered into implicit contracts with employers as bonded laborers, as well as a failure to recognize semi-attached (short-term) laborers as bonded laborers. The article provides an alternative analysis to existing development literature—in which supply and demand models fail to address significant segments of the labor force—and challenges economists' treatment of bonded labor as a signal of economic stagnation.

Brass Tom (1999) examines the relationship between bonded labor and economic growth in the agricultural sector, through case studies of bondage in northeastern and northwestern India, and in eastern Peru. The occurrence of unfree labor is much greater than generally estimated, and it may be increasing in specific contexts, in certain scenarios rural employers prefer a bonded workforce. The author focuses on how bonded labor contributes to workforce composition and addresses the implications for the kinds of political action undertaken by rural laborers. He does so by applying Marxist and neoclassical economic theories to the role of bonded labor, and by looking at unfree labor in the context of debates over capital, modes of production, and class struggle.
Breman, Jan (2007) studied the Contracted slavery during the British colonial era in the Gujarat State. The characteristics of a patron-client regime that can be fairly described as “bondage” and not as a relationship based on “indebtedness.” Halipratha, or bonded servitude, can be explained as a relationship between master (dhaniamo) and servant (hali) that is motivated primarily by economics—the master needs more labor, and the laborer needs to achieve some degree of economic security, and to a lesser degree, the establishment of social status. Colonial authorities viewed bonded labor as a natural social force. Despite later advances in the Gujarat economy toward a more capitalist system, an increase in migrant labor, and the monetization of economic exchange. A deeply embedded hierarchical culture of debt payment and domination governed the social and economic interactions of master and servant and ensured that those of low socioeconomic standing remained in that position.

Dreze et al (2002) study examined the role of democratic practice in contemporary India, defining human rights as key to the integrity of democracy. The paper’s relevance to practices of bonded and child labor emerges in its discussion of human rights, violations of which compromise the integrity of democracy. The authors argue that while the quality of democracy is often compromised by social inequality and inadequate political participation, democratic practices are an important tool for eliminating the social obstacles. The authors draw particular attention to bonded labour and class discrimination as grounds for the violations, and to the difficulty of bringing human rights issues into mainstream politics due to class differentials.

Khan (2001) in his study asserts that current laws fail to recognize the inherent dignity of manual labor, and takes into account the realities of poor classes and lagging educational access in India. The deconstruction in
international law of “traditional, fatalist concepts” that exclude the working child from intellectual opportunities and confine children to manual labor is supported. The author presents an unconventional interpretation of children’s work, arguing that the new positive law should not seek to universalize the prohibition of manual labor for every child, irrespective of his caste, class, or race. Contemporary positive law should discard the ancient prejudice against physical labor and affirm the inherent dignity of labor. Furthermore, a manual labor ethic should be universalized and incorporated into primary and secondary education, so that children develop a respect for manual labor in their formative years. Inspired by the human rights movement, positive law in recent years has attempted to dismantle embedded Hindu ideologies that characterize child labor as a product of racial servitude and caste discrimination.

Lerche, Jens (2007) In their critique of the International Labor Organization’s (ILO) 2005 report, “A Global Alliance against Forced Labour,” the author analyzes the recent international focus on combating forced labor. The ILO’s treatment of the subject is evaluated through the results of empirical research in India and theoretical discussions of forced labor. Current unfree labor relations are best understood in the context of neo-liberal globalization, labor relations in general and country-specific conditions. The analysis includes an extremely valuable, detailed summary of various unfree labor practices in India and an insightful discussion of the influence of globalization on the development of India’s anti-labor policies since the 1970s. Distinctions must be made carefully among types of unfree labor relations, particularly in India. These types of unfree labor relations include bonded labor, child labor, and forced labor. The latter of which is defined by international (ILO) conventions as work “exacted from any person under the menace of any penalty and for which they said person has not offered himself voluntarily.”
Prakash & Gyan (1990) study connotes that the value of studying the history of bonded labor as a legitimate practice in India, and is an uncovering a colonial legacy of false freedom in the evolution and persistence of debt bondage. The British colonialists’ abolition of slavery in 1843 ostensibly stemmed from a worldly sense of progress and individuality, by that time guiding ideals in the minds of colonial administrators. However, the lack of freedom that abolition purported to end did not have a basis in the dependence between masters and slaves. The status of slaves was simply “reconstituted” through the British-approved contractualization of labor relations between landlords and laborers: the practice criticized as slavery nominally became debt bondage. The author’s reading of history points to the relationships between capitalism and the abolition of slavery, and between the appearance of legal rights and actual freedom.

Singh Manjit (1997) According to their study, the capitalist system takes advantage of the disparities in wealth and equality between the Bihar “hinterlands” and the productive Punjab, perpetuating a cycle of bondage and poverty. The author done field research undertaken in two Punjab districts in 1980-81 and revisited in 1990-91 and the article provides a clearly outlined case study within which to analyze common bonded labor practices. The author discusses the social relations of production and the use of migrant slave labor to finance the growth of capitalist agriculture and the “green revolution” in Punjab. The persistence of the system highlights an overall pattern. The tendency of the capitalist system to rely on rural, socio economically inferior areas for growth. The article is of value to those interested in the cultural and structural causes of agricultural labor and socioeconomic transformations.
Srivastava Ravi (2005) They comprised of a compilation and assessment of the contemporary evidence on bonded labor in India that has appeared in secondary sources. The report provides a clear and comprehensive overview and demonstrates that new forms of bondage have emerged in modern agricultural and informal sectors of the economy. Social movements, economic modernization, and state intervention have helped to engender a reduction of bonded labor in traditional agricultural settings and in caste-based, long-duration relationships. The report includes recent academic literature, data from the Government of India, the National Human Rights Commission, other human rights organizations, and press reports etc., all of which contribute to a widely varied bibliography. The review of Indian constitutional law and Supreme Court rulings on the nature of bonded labor is exceptionally specific. As an up-to-date survey of the incidence of labor bondage, a widely differentiated practice that is difficult to quantify and verify.

Thorner et al (1962) The authors discuss Indian bonded laborers as those whose bargaining power is virtually non-existent, and who do not possess the right to refuse to work under their masters’ terms. Their study provides a comprehensive survey of the relationship between agriculture and labor in India since 1760, and demonstrates its implications for the economy and for workers. The chapter on employer-laborer relationships in agriculture provides a detailed categorization of seven types of agricultural laborers (four free and three unfree, based on duration of work and type of contract), and articulates the importance of the distinction between free and unfree labor as critical to an analysis of the market for agricultural labor in India. This dry volume, considered somewhat seminal in its field, although outdated statistics and agricultural survey data. It is particularly helpful to the researcher of Indian labor and agriculture, placing forced labor in broad economic and historical contexts.
2.2.1 Bonded Labour in Agriculture

The Bonded Labour System Abolition Act (1976) identified a large number of traditional labour systems which reproduce bondage, with or without debt. The Gandhi-Peace Foundation - National Labour Institute survey of 1978 (Sarma, 1981) identified a large number of bonded agricultural labourers in the States surveyed. A study of farm servants in different areas of Uttar Pradesh by Srivastava (1989) showed that customary labour relations, which could result in attachment without any debt bondage, were undergoing change in some parts, with the hali labour system in Western Uttar Pradesh in India having become more contractual with wages reflecting individual and skill differentials. The decline of traditional labour systems which resulted in forced labour has been documented and analysed in a number of studies. At the same time, new forms of attachment have been arising in developed agriculture, leading Srivastava (1989, 1996) to assert that there was a ‘U’ shaped relationship between the existence of labour attachment and agricultural development, i.e. that it initially declines as agriculture develops, but starts to increase again at a later stage of development.

2.2.2 Sumangali Scheme and Bonded labour in India

According to CITU and the ILO (2007) most of the adolescent girls working under the Sumangali Scheme, come from families with incomes below Rs.2, 000 a month. The study also notes that most of the girls are from agricultural households and need additional income to day to day life and sustain their families. The distress and migration of young girls were discernible from the large number of school dropouts flocking to the mills. The report reveals that the Nagamalai near Madurai (TamilNadu) girls from Dalit colonies routinely migrated to textile mills in the Palani and
Dharapuram areas where the stipend was as low as Rs.15 a day. These girls came from families of sanitary workers or agricultural labourers.

Parvata Vardhini of Littles Trust (NGO) (2007), have visited several villages in the Tamil Nadu region. She said most of the girls were taken to mills by agents who were mostly jobless young men with contacts in mills or relatives of girls employed in mills. She said that upgrading government primary schools in the area into high schools might encourage girls to continue their studies because private schools were expensive and the government schools were limited and few and in far flung areas.

Prithiviraj, for Tirupur Peoples Forum have conducted study for Protection of Environment and Labour Rights. He stated that approximately 32,645 young women workers are employed in 1702 factories in two blocks covered under baseline survey and among them 8,890 adolescent girls and young women workers are employed under the Sumangali and hostel schemes at Tirupur Garment Industry in Tamil Nadu.

Education & Communication (CEC) 2007 “Report on Bonded Labour in Tamil Nadu” conducted the study by Centre for stated that all the Sumangali scheme workers (43 samples) stated that they had signed / put their thumb impressions on the agreements. Yet, no one seemed to have a copy of the same. Even after special efforts made by the field investigators no such agreement copies could be obtained. The harsh reality was that the parents were illiterate and the girls had put signatures or thumb prints on blank papers. Also, many of the girls were illiterate (53%). Out of 43 girls 25 (58%) were from the Scheduled Castes (SC), 15 (35%) from the Most Backward Caste (MBC) and only three were from the Backward Caste (BC).
Anti Slavery Board conducted study in 1997, as "Poverty, Discrimination and Slavery" to find the reality of bonded labour in India, Nepal and Pakistan. The study stated that bonded labour is not solely an economic issue. Governments in these regions must also ensure that all their citizens are treated equally in the economic, social and political spheres. The toleration of caste discrimination and all other forms of discrimination in these three countries is a betrayal by governments of their own citizens. The governments should take effective measures to ensure that programmes targeted to the poor and marginalized communities, the communities most vulnerable to bonded labour, reaches them. Particular focus must be placed upon chronically poor dalits, minorities and indigenous communities.

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Solidaridad-South & South East Asia 2012, The research was conducted research over a period of six months from September 2011 to February 2012 in Tirupur District, Tamil Nadu and interviews with key industry associations, representative sample of workers, their parents and relatives, and meetings with a number of brands and retailers. The research findings describes highly exploitative working conditions such as Hostel Room, Food, Water, Free Movement, Visitors Time Etc., in the textile mills and garment manufacturing units under Sumangali Scheme. This research highlights the fact that it is imperative to understand why the Sumangali Scheme is considered a bad practice and how it is in breach of local legislation and international standards. Similarly, it is important to outline
examples of good practices like how to attract employees and retain workers that are in line with local legislation and is mutually beneficial for employers and employees alike. This research identifies and confirms a range of labour law violations in the Tamil Nadu textile industry, who are contracted according to Sumangali or similar employment schemes. The sector has responded to these malpractices, by creating a range of initiatives.

Dutch newspaper De Volkskrant (2007) published a series of articles on bonded labour in Coimbatore, India. Young girls were reported to be trapped in hostels of textile mills working under hazardous conditions. Fair Wear Foundation (FWF) was asked to give an insight into the issue. According to a report published in 2007, the government of India identified and released 280,000 bonded labourers. 46% of them were from Tamil Nadu and Karnataka. During FWF's consultation of local stakeholders in July 2010, however, Social Awareness and Voluntary Education (SAVE), a local NGO in Tiruppur told FWF that the Sumangali scheme is still prevalent. Under the Sumangali scheme, girls parents, usually poor and from the lower castes, are persuaded by brokers to sign up their daughter(s). The scheme promises a bulk of money after completion of a three-year contract working in the factory. It - ostensibly - meets the need of poor families and provides stable workforce to factories in Coimbatore.

Narayanaswamy & Sachithanandam, 2009-2010, their report analysed that the poor children are most exploited and abused and face discrimination at the hands of the upper caste community and lag behind or outside the sphere of quality education, health, development and participation. According to the report, the Arunthathiyar children are not sent to school because of the poor socio economic status of this community. Many Arunthathiyar children having dropped out of school are part of the labour force in the industries, construction sites and brick kiln sites, many
children work as bonded agricultural labourers or rope makers, domestic labourers or work in restaurants or tea shops. The children face rampant discrimination and social exclusionary practices like the two tumbler system, forced to clean toilets in schools, calling them by derogatory names and treating them as untouchables takes these children deeper in the web of exploitation and marginalisation. The study to light that abuses were faced by the children from this vulnerable community. It was observed that the girl children were abused verbally, physically and faced sexual harassment. Due to the abuse, these are many who suffered mental agony, faced health hazards-losing their limbs, suffering illnesses of various kinds etc.

The report, ‘Maid in India’, follows the report ‘Captured by Cotton’, published by the Centre for Research on Multinational Corporations (SOMO) and the India Committee of the Netherlands (ICN) in May 2011. ‘Captured by Cotton’ revealed that a great number of workers were employed under the so-called ‘Sumangali Scheme’. Under the Sumangali Scheme workers were recruited with the promise that they will receive a considerable amount of money after completion of three to five years of employment. This amount can be used to pay for a dowry. This exploitative scheme is tantamount to bonded labour, because employers withhold part of the workers’ wages until they have worked there for three to five years. In addition to that, the study was found that workers are severely restricted in their freedom of movement and privacy.

Mohd Rizwan Rashmi Sharma 2011, in their study the examined, by corporate promises and a range of well-meaning initiatives, workers, mostly very young women, continue to suffer exploitative working conditions. Even today, thousands of women in the garment and textile industry in Tamil Nadu work under recruitment and employment plans that amount to bonded labour. Workers are recruited within as well outside of the
state of Tamil Nadu. The majority of the workers are Dalit (outcaste) girls less than 18 coming from poor families, who are lured with promises of a decent wage, comfortable accommodation and, in some cases a sum of money upon completion of the contract that may be used for their dowry. These recruitment and employment practices are often referred to as 'Sumangali scheme'. According to the study the young women from poor family exploited in many ways under the sumangali scheme.

Pauline Overeem & Marijn Peeper camp (ICN) 2012, their study reveals that, Workers in the textile mills and garment factories in Tamil Nadu, South India, suffer exploitative working conditions. In 'Maid in India', SOMO and ICN document that more than 100,000 girls - possibly up to 300,000 - work under employment schemes, often referred to as Sumangali, that amount to bonded labour. Workers make long hours, including forced overtime, under unhealthy conditions. Wages in the spinning mills are far below the legal minimum. Pressure from active brands on their suppliers has brought about some improvements in employment and labour conditions on the work floor and in workers hostels, but major labour abuses continue to occur.

2.3 WELFARE SCHEMES

Santhi (1975) explores the woman workers, welfare measures have a decisive role to play. Women workers contribute to the development of national economy. Women, apart from their work, usually spend more than 10-12 hours per day for childcare, household chores as well as collection of fuel, fodder, water etc. Women workers supplement the incomes of poor households. They have to face many problems due to family responsibilities, limited mobility and social restrictions. In almost every country women are responsible for a disproportionate share of work within the household. Some division of labour between men and women flows from the dominant role of
women in childbearing. But such a division becomes more inefficient as development and technological change result in longer working hours for women, fewer children, and a higher premium on skills. Thus, the study reveals that women play the double role of bearing the burden of the household work and job outside the family as a bread winner. Therefore, the existence of supportive services and welfare measures is important in the case of women workers.

Russell-Brown (2003) presents a case study of Jamaica’s export free zones (EFZs) that underscores the gap between the implementation and enforcement of labour regulations and the myriad of legal institutions that purport to protect labour rights. There were 13,900 workers in these zones, of whom 95 percent were women. Unlike manufacturing in other parts of Jamaica, the Export Free Zones are entirely non-union. Russell-Brown argues that one explanation for the lack of unions in the EFZs stems from the mismatch between a female workforce and male-dominated unions. Russell-Brown also points out that Jamaican trade unions have long been political allies of the elite so that the lack of organizing and labour regulation in the EFZs may be a result of that collusion. Russell-Brown argues that the suspension of worker rights in the EFZs violates Jamaican laws, international agreements, and U.S. trade regulations. Despite all of these legal regulations, no enforcement mechanisms have yet been mobilized to remedy the situation.

Goolsby John (2001) addresses the interplay between labour conditions in China, principles of national sovereignty, free-market labour theory, and global human rights. China's own municipal law, Section II offers a description of five possible approaches for addressing labor violations in China. Advancing labour rights through Permanent Normal Trade Relations (PNTR) [formerly Most Favoured Nation status] applying business codes of conduct implementing intergovernmental organizations' mechanisms for
promoting compliance with treaties and promoting greater awareness among Chinese workers of their own legal rights through communications media.

Joseph et al. In their study analysed among garment industry women workers Poor nutritional status. Taking into account the WHO recommended criteria of BMI 18.5, general physical examination of the employees in the factory revealed that more than 25 per cent of women were undernourished. The study analysis revealed that a large proportion of the workers were consuming a diet which was below the recommended intake of calories in carbohydrates and proteins; and surprisingly, their intake of fat was more than the recommended level. The findings of the study show gross anomalies in the dietary pattern of women workers in the garment industry and calls for a more detailed investigation into the same. Attempts were also made in the present study to identify methods by which dietary intake of the female workers can be improved both in terms of quantity and quality.

2.4 PHYSICAL CONDITIONS AND SAFETY MEASURES

Pratima et al. (2000) in their paper discuss the gender imbalance in the export garment industries in Bangladesh. It evaluates gender difference in conditions of employment and the work environment, and looked at differences among export-oriented garment industry and non-export industries. Naila Kabeer and Simeen Mahmud in their paper discuss the nature of female workers contracts and their terms and conditions, their rights & restructuring processes of garment industries. The problem of health and safety issues of female workforce in garment industries of Bangladesh is now very important regarding international workplace norms in the International Labour Organization (ILO) conventions and the UN’s Universal Declaration of Human Rights.
A number of previous studies reported that physical conditions and safety measures in garment factories were very poor (Hossain et al. 1990; Butler & Teagarden, 1993; Zohir & Paul-Majumder, 1996). Researchers suggested that most of the garment factories were inadequately ventilated. They had inadequate and unhygienic toilet facilities and were often missing canteen facilities. They did not have adequate safety equipment and medical care.

Siddiqi (2009) argues that buyers’ accountability to Northern consumers and labour rights groups accounts for their frequent visits to garment factories. Previously, garment production would take place in hired buildings, which had very poor physical conditions and safety measures. However, most of the recent factories have windows from all sides and adequate exhaust fans, which clean the air and keep the production floor cold. Working conditions in the RMG sector frequently violate international labour standards, and Codes of Conduct (Qudus & Uddin, 1993; Dasgupta, 2002). Recruitment policies are highly informal compared to western standards and there are no written formal contracts and appointment letters. They are therefore vulnerable to losing their jobs at any time. However, fear of losing their jobs and lack of alternative job opportunities compel workers to continue in unsatisfactory employment (Bansari, 2010).

Kumar (2006) focuses that garments workers are concerned with long working hours or double consecutive shifts, personally unsafe work environment, poor working conditions, wage and gender discrimination. Indeed, employers treat the RMG workers as slaves, exploiting workers to increase their profit margins and keep their industry competitive in the face of increasing international competition.
Alam (2004) explores about Continuous work schedule, wage penalties, physical and verbal abuse are common in Bangladesh garment industries. Woman workers face physical abuse and sexual harassment inside as well as outside the factories, but management does not ensure the security of women workers. Alam suggested regulatory measures and its strict implementation and monitoring by the government agency that could overcome work place in security problem of garments workers in Bangladesh.

Majumder (1998) in his study the Work areas are often overcrowded with limited workspaces, causing occupational hazards such as musculoskeletal disorders and contagious diseases to the workers in Bangladesh RMG sectors. Injuries, fatalities, disablement and death from fire and building collapses are frequent. The absence of labour standards monitoring system and ineffective building codes, poor enforcement and outdated labour laws, and a lack of awareness of labour rights among workers to offer to exploit the workers.

Raj kumar (2000) his study reveals that Women in developing countries are often in poor health and are overburdened with work, they are tired, most are anemic and many suffer from malnutrition and parasitism and chronic ill health especially, during pregnancy and childbirth Women’s special needs have often been ignored by health planners and women have thus had to bear a disproportionate share of unmet health needs.

Mafasul Islam (1990) An analysis of labour productivity in cotton textile industry in Bangladesh has been undertaken. The analysis carried out of two stages, the first stage involved explanation of labour productivity at an aggregate level. The second stage was concerned with productivity study of the inter firm level. It has been found at the aggregate level that the size of the firm, ratio together explains 80.25 percent of the variation of the labour productivity. Under nationalized management there were variables namely
man capital ration of an hours lose to actual hours and the size of the variation in labour productivity

Mala (1991) analyzed the economic contribution of women, working in the textile mills in Coimbatore district. Women contribute to the family economy by participating in the labour force and thereby earning an income and also by undertaking the primary responsibility for household maintenance, childcare and family health care. The time use pattern showed that male workers had 16 hours of leisure per day but the female workers however devoted 15 hours per day for discharging their domestic responsibilities of which two hours per day was spent on child care. Hence they had relatively less leisure time than that of their husbands, which meant lack of rest, or no time for any skill training if needed.

Archavanitkul (1998) studied the female labour force in Thailand by reported that most of the female labourers belonged to the age of 20-40 years. They were poor and had only elementary education. About 20 percent of those women had been exposed to the evil effect of pesticides which were due to the poor practices followed. The health problems reported included headache, nausea, vomiting and skin rash. The study also found that young children were exposed to pesticides residues on their mother’s clothes. The women workers were usually unaware of any minor symptoms and unlikely to seek treatment to change their behaviour.

National Institute of Occupational Health (1998), study discusses the work stresses of 107 women engaged in sewing in Small Scale garment manufacturing units found that 68 percent of the women complained of back pain. These problems had persisted over a long duration. WHO (1998) carried out a study on readymade garment workers in Bangladesh, on a sample size of 150 women who reported health problems like pain in the upper and lower limbs and other aches and pains. Around 80 percent of the workers
experienced this kind of illness quite often. This was followed by backache, which was reported by 47 percent. The major reason was the posture adopted while working.

2.5 MATERNITY LEAVE

Jutta Joesch (1997) According to her study, the University of Washington "Paid Leave and the Timing of Women's Employment Before and After Birth, published in The Journal of Marriage and the Family in 1997, new parents, in order to be able to fulfill their family responsibilities need to have access to paid leave, otherwise women from lower income households simply won't take adequate amount of time off. That obviously would not have good consequences for the baby. She also suggests that some employees may choose to remain away from the workforce for a shorter time when paid leave is available, because if it is not available the other option is to quit. She also states that women with access to paid leave stop paid work later during pregnancy. In fact O'Connel (1990) says that receiving maternity benefits was the factor that contributed most to the probability of starting work again within 6 months of giving birth. So in answer to the question of "does getting maternity leave increase women's chances of getting back to work or do they just take the leave and then stop working", getting (paid)maternity leave does definitely increase women's chances of getting back to work and they get back to work sooner. Thus offering paid maternity leave seems to be a win-win situation for employers and employees.

Trzcinski & Alpert (1990) their study reveals that the US larger companies, which are more likely to offer maternity leave. In most medium to large companies (100 workers or more), the protection offers between 50% to 100% of normal earnings. The amount of leave and the payment depended on length of service with employer. 74% of businesses with 1 to 15 employees had unpaid maternity leave plans. According to the US Department of Labour
in 1990, medium sized private firms offered on average 20 weeks of leave whereas for government employees time off was 51 weeks.

Marni Ezra & Melissa Deckman (1996) conducted a study in Balancing Work and Family Responsibilities Flextime and Child Care in the Federal Government. They concluded that the more satisfied both parents (and nonparents) are with their balance between works and family, the more satisfied they are with their jobs. They argue that because fathers were found to be significantly happier with work life balance than mothers (especially those with younger children), finding innovative ways to help mothers balance work and family better is increasingly crucial to a contented work force. They suggest the use of on-site child care and flextime to significantly improve mothers’ work-life balance and thus their overall satisfaction level.

2.6 WORKING HOURS

Addison & Demery (1988) studies in East Asian countries and concluded that working hours in the export sector were much higher than the government mandated hours. Interviews reveal that the majority of factories continue production for ten to fourteen hours a day and sixty to ninety eight hours a week, even more in some cases. During my entire employment period in the n-EPZ factory, they worked from 8am until 11pm with one hour lunch break (the only break in fifteen hours) and seven days a week. In the EPZ factory they had a weekly holiday and our working hours were from 7.30am to 8pm with thirty minutes lunch break, although the co-workers here articulated that previously they worked on holidays also. Overtime work is a regular phenomenon in a garment factory job and it varies between factories. Data reveal that after eight hours usual working time, EPZ factory workers frequently do two to four hours overtime every day, whilst in n-EPZ factories it is four to six hours and throughout the day workers can enjoy only a lunch break of thirty to sixty minutes.
Paul-Majumder & Begum (2006) argue that long working hours was a stress factor for the workers. They could not manage time for rest, recreation and adequate sleep.

Anxo et al. (1995) explains Shift-working may be defined as a situation where one wage earner replaces another at the same task within a 24-hour period. There are many different types of shift-working, and its incidence varies by sector, size and type of production process. It tends to be more common in larger firms and in those with a higher degree of capital intensity. Its characteristics tend to change over time. Anxo & Taddie (1995) conclude that where shift-work has grown, the increase is generally due to the growth of discontinuous, two-shift work patterns (two shifts per 24 hours), as opposed to more traditional, continuous and semi-continuous work patterns. International comparisons must be made with great caution, especially as the data sources vary considerably and have different types of bias.

2.7 VIOLENCE AND HARASSMENT IN AND OUT OF THE WORKPLACE

Lalaine Sadiwa Stormorken et al. (2007) discussed about the issue of harmful traditional practices which results in violence, cruel, inhuman and degrading treatment of girls and young women. In this publication, we have chosen to focus on girls and young women from 0-18 years old. It surveyed the various international treaties and instruments and regional agreements to determine whether they provide adequate protection to girls and young women from harmful traditional practices such as female genital mutilation and other violent practices which are done as part of customs, traditions and cultural, social and religious beliefs. A few harmful traditional practices from four selected countries such as Ethiopia, Malawi, Sudan, India are illustrated. Some of the findings and recommendations in the
UN Study on Violence against Children are highlighted in this publication. In many countries and contexts girls may be “children” in legal terms, but in practice many are leading lives as adult women. The study explains as Harmful traditional practices resulting in pain, suffering and humiliation for girls and young women originate from the deeply entrenched discriminatory views and beliefs about the role and position of females in many societies and communities.

Pollart (1981) found inappropriate sexual touching practices on female factory workers at their work places from supervisors in UK. The majority of female participants (69%) of this research expressed their disappointment at the behaviour from supervisors. Despite their dislike at facing such behaviour from men, for the majority of them (87%), the most annoying experience was frequent bad language from supervisors. The researcher has observed, and interviews reveal, that the common violence for women in garment factories was inappropriate verbal and body language from men. Verbal abuse and intimidation is a widely accepted mode of labour discipline in garment factories and the widespread use of gali or expletives is the most common form of harassment for women on the factory floor, to which they are subjected during working hours. (Siddiqi 2009) During his work in the EPZ factory once the researcher observed a supervisor used highly sexualised words and body language with a female operator who made some mistakes. The approach and words of the supervisor were so embarrassing that she cried on the floor. Another female co-worker expressed her antagonism, as evident from the following account, when the researcher asked her comments on that situation.

Savitri Goonesekeere (2001) in her study she documented and analysed the manner in which harmful traditional and cultural practices contributed to violence against women in the three South Asian countries of
Nepal, Bangladesh and Sri Lanka. The study used a human rights framework to determine whether traditional and cultural practices are harmful and constitute violence against women. The universality and indivisibility of women’s human rights and the norm of equality and non-discrimination as set out in international human rights standards provide the basis for identifying those practices which can be described as both harmful and contributing to violence against women. Early(child) marriage, son preference, forced marriage, dowry, re-marriage of widows, caste, dress code, honour killing, acid attack, female genital mutilation, are common traditional practices in three countries as Nepal, Bangladesh and Sri Lanka. The study examined as all three countries have ratified the Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women, efforts should be made to promote regional sharing and to strengthen national capacity to bring a test case to the courts where the law is in place and local remedies have been exhausted.

UNICEF (2005) The descriptive and multivariate analyses of data from the Demographic and Health Surveys related to child marriage allow for a clearer picture of who is married as a child. Girls married before they turn 18 are less educated, have more children and are married to men who are significantly older. Women who married as girls are more likely to experience domestic violence and believe that in some cases a man is justified in beating his wife. The countries such as Egypt, Eritrea, Nepal, Ethiopia, Bangladesh, India, Thailand, Sri Lanka, Colombia, Indonesia etc., have significant percentages of women who were married before 18 are in polygynous unions, and their partners are likely to be significantly older and more highly educated. In most countries, women who use traditional or folkloric contraception are more likely to have married before the age of 18 than those who used modern contraception when they are trying to avoid pregnancy. At
the descriptive level, they are more likely to come from poor families and from rural areas.

Begum et al 2010, in their study analyzed the different factors that are responsible for the harassment of women garment workers in Bangladesh. Three garment factories from Mirpur area under Dhaka district were selected purposively where garment factories are available. The sample consisted of 90 women workers taking 30 randomly from each of the three garment factories those who are mostly employed at the lower category of jobs like operator, finishing helper, polyer etc. The study reveals a large number of female workers received low and irregular wages which create their job dissatisfaction. Only 22 female workers earned salary between Tk. 2700 to Tk. 3000 per month. Female workers are sexually harassed by their co-workers in the factory or by police or by mastans in the street. Communication problem is a major problem faced by most of the female garment workers. A long distance travel is not only physical strenuous to the women workers but also mentally stressful. Long working hours result in a number of illnesses and diseases like headache, eye trouble, ear ache, musculoskeletal pain etc. Women are exploited easily due to lack of technical knowledge and training. The employers do not pay any heed to this exploitation.

Bivas Chaudhuri & Panigrahi (2013) in their study they look into the gender issues in terms of female work and wage differentials in the organized manufacturing sector in India. For the study they focused the major data source from the Annual Survey of Industries. Only female workers directly employed by the industries engaged directly in the production process are considered for their study. From their analysis they found around twenty percent of female workers are directly contributing to the production process during the year 2000-2001 to 2009-2010. Significance variation observed
with respect to female worker participation across gender discrimination in
different divisions and no uniformity, and also observe that significant wage
differentials exist. The authors found that around 20 percent of female are
participating in organized manufacturing sector as worker. However, there
are significant variations observed in female work participation with respect
to industry divisions. It is found that the industry related to tobacco products,
wear apparel, leather and related products, food products, post-harvest
crop activities and seed processing, there are significant proportions of
female workers. Again, there are some other industries related to coke &
refined petroleum products, repair & installation of machinery & equipment,
manufacture of furniture, fabricated metal products, waste collection,
machinery & equipment, basic metals, publishing activities, female
participation is low. It is observed that the female participations have
variation within the States in India. There are States namely Kerala,
Manipur, Karnataka, Tamil Nadu, Sikkim, Andhra Pradesh, Puducherry
where significant proportions of females workers are found as against the
States namely West Bengal, Chhattisgarh, Uttar Pradesh, Punjab, Rajasthan,
Haryana, Bihar, Chandigarh. Not only female work participation in
manufacturing sector is low but also wage differentials with respect to
industry divisions and States are also alarming. From the analysis, it is
found that industries with a comparatively higher proportion of female
workers are paying them lower than the average male-wages. Thus, wage
differentials may be one of the major reasons for less participation of
female workers in manufacturing sector. Exploitation or gender bias is well exhibited in the factory sector revealed through ASI.

According to Maid in India, SOMO & ICN 2012, in Tamil Nadu,
South India, textile and garment products for big brands and retailers are
being made by girls and young women from low caste backgrounds under
exploitative working conditions. Workers are recruited from poverty-stricken
areas within as well outside of the state of Tamil Nadu. A large number of
these labour migrants live in (factory) hostels where they have almost no
opportunity to interact with the outside world. Workers are expected to work
long hours of forced overtime, sometimes up to 24 hours a day under
unhealthy conditions.

2.8 WOMEN TRAFFICKING

Alison Dawn Jobe (2008) He explored the emergence of a
dominant sexual trafficking story to the ongoing and frequently polarised
feminist debates on prostitution / sex work. The researcher found a continuum
of experience in women’s accounts of prostitution/sex work from those
recount their experience as form of labour, or in a minority of cases an art
form, to those who would recall their experiences as violence. The spectrum
of experience should be, and can be, reflected in public and social policies on
sex work/prostitution and trafficking, as well as in theoretical discourse. The
researcher found that the current social and policy climate is one in which the
multifarious of women are not given discursive space within policy and
legislation, and often fail to be recognized by a number of social theories.
Further the study attempted to formulate a challenge to the one dimensional
polices currently being developed on trafficking by exploring the complexity
of trafficked women, and also to challenge one dimensional feminist position
on either side of the theoretical divide which fail to reflect the complexity of
women’s social realities.

Eleanor Turner-Moss et al (2013) This study analysed data from a
case series of anonymised case records of a consecutive sample of 35 men
and women who had been trafficked for labor exploitation in the UK and who
were receiving support from a non-governmental service between June 2009
and July 2010. According to the researchers report, Over three-quarters was
male (77 %) and two-thirds of women aged between 18 and 35 years are
committed to threat or use of forced and coercion or under deception, for the purposes of exploitation. Forty percent reported experiencing physical violence while they were trafficked. Eighty-one percent (25/31) reported one or more physical health symptoms. Fifty-seven percent (17/30) reported one or more post-traumatic stress symptoms. A substantial proportion of men and women who are trafficked for labor exploitation may experience violence and abuse, and have physical and mental health symptoms. They suggested that People who have been trafficked for forced labor need access to medical assessment and treatment.

2.9 MINIMUM WAGE

Wendy Olsen (2000) The study examines women’s work in India and how huge swathes of women are devoted only to unremunerated work. By contrast, being unemployed is rather rare among men. For women, the orthodox indicators of unemployment do not really apply. Instead it is nonemployment time that we need to focus upon. In India the National Sample Survey Organization (NSSO) has repeatedly given measures of women’s time spent on a variety of activities which broadly one can call the informal sector. The overall rate of labour force participation among women had fallen since 1989. Furthermore, measurement issues create doubt about the real rates of change of women’s self-employment. Women’s domestic and farming work can sometimes arguably be classified as self-employment. However many women instead report themselves as housewives.

Dube et al (2010) Probably the most important and influential paper written on the minimum wage in the last decade was Dube, Lester, and Reich (2010)'s study, which offered a comprehensive reappraisal of both the new minimum wage research and its critics. The study was built around a key methodological innovation, which essentially generalized Card and Krueger's New Jersey study to make it nationally representative, and identified a
significant weakness in much of the earlier minimum-wage research based on the analysis of state employment patterns, which had failed to control for regional differences in employment growth that were unrelated to the minimum wage.

The most convincing critique of Card and Krueger's (1994, 2000) study of the increase in the New Jersey minimum wage (relative to Pennsylvania, where the minimum wage did not go up) was that it is difficult to generalize from a single case study. Even a perfect experiment will have random error that could affect the results in a single experiment. Imagine that the minimum wage had a small, but real, negative employment effect. Random errors will lead the results of separate tests to be distributed around this hypothetical negative employment effect, sometimes producing a larger disemployment effect than the "true" level, sometimes producing a smaller disemployment effect than what is "true" - even zero or positive measured disemployment effects. By this thinking, Card and Krueger's experiment could have been perfectly executed, but still represent only one result from a distribution of possible outcomes. Absent other information, the best estimate of the true effect of the minimum wage would be Card and Krueger's actual results, but we cannot convincingly rule out, based on that single case, that the effects were in truth larger or smaller than what was observed in the case of New Jersey in 1992.

In recognition of this problem, Dube et al (2010) essentially replicated Card and Krueger's New Jersey-Pennsylvania experiment thousands of times, by comparing employment differences across contiguous U.S. counties with different levels of the minimum wage. The three economists carefully constructed a data set of restaurant employment in every quarter between 1990 and 2006 in the 1,381 counties in the United States for which data were available continuously over the full period 22 They also
matched these employment data with the level of the federal or state minimum wage (whichever was higher) in the county in each quarter of each year in the sample.

They then compared restaurant employment outcomes across a subset of 318 pairs of bordering counties where the prevailing minimum wage could differ, depending on the level of the federal and state minimum wage.

Barry Hirsch et al (2011) studied the impact of the 2007-2009 increases in the federal minimum wage on a sample of 81 fast-food restaurants in Georgia and Alabama. In principle, the size of the minimum-wage increase was identical across all the restaurants studied, but, in practice, the impact of the increase varied because there was significant variation in pay across the restaurants. Their paper makes an important contribution to the policy debate because it seeks to shift the discussion toward understanding why, in their words, "despite decades of research, pinning-down the labor market effects of [the minimum wage] has proven elusive." In particular, they propose looking at a range of possible "channels of adjustment" to minimum wage increases and examine evidence on some of these potential channels. Hirsch, Kaufman, and Zelenska have gathered two kinds of data. The first were electronic payroll data obtained from the three owners of the 81 establishments.

The data covered a three-year period from January 2007 through December 2009, increases in the federal minimum wage. These data allowed the researchers to conduct before-and-after tests of changes in wages and employment at the restaurants. If the minimum wage had a negative effect on employment, they would expect to observe larger increases in wages at the lower-wage restaurants, accompanied by bigger declines in employment. In fact, they found: ". . . in line with other recent studies, that the measured
employment impact is variable across establishments, but overall not statistically distinguishable from zero. The same absence of a significant negative effect is found for employee hours, even when examined over a three-year period.

Sabia Joseph et al (2012) Their analysis shows that the minimum-wage increases in New York raised the wages of less-skilled younger workers relative both to similar workers in the control states and to better-educated workers of the same age in New York state. But, they also found: "...robust evidence that raising the New York minimum... significantly reduced employment rates of less-skilled, less-educated New Yorkers." Their estimates implied "...a median elasticity of around -0.7, large relative to consensus estimates ... of -0.1 to -0.3 found in the literature." The Sabia, Burkhauser, and Hansen study, however, is subject to the same critique applied to Hirsch, Kaufman, and Zelenska (and Card and Krueger before them). Sabia, Burkhauser, and Hansen analyzed only one experience of the minimum wage.

As Doucouliagos and Stanley demonstrated in their large meta-study of employment effects through the middle of the 2000s, the minimum-wage literature on teenagers showed a range of positive and negative effects, but also a large spike of the most accurate estimates at, or very near, zero. Wolfson and Belman’s meta-study, which focused on the period from about 1990 through 2010, confirms Doucouliagos and Stanley’s findings with more recent research. Given how far the Sabia, Burkhauser, and Hansen estimates lie outside this consensus range, the burden of proof would seem to fall on Sabia, Burkhauser, and Hansen to explain why their study of a single experiment with the minimum wage should outweigh the cumulative experience of scores of studies of the U.S. minimum wage since the early 1990s.
David Neumark and William Wascher's book Minimum Wages brings together much of this critique, with an emphasis on their own work. In Neumark and Wascher's assessment, the most reliable recent research on the minimum wage has built on the earlier time-series analysis that informed the main conclusions of the MWSC. This new generation of time-series analysis typically applies modern econometric techniques to state-level data on teenagers (and sometimes less-educated workers). Neumark and Wascher's conclusion is that "...the preponderance of evidence supports the view that minimum wages reduce the employment of low-wage workers."

Rana Ejaz Ali Khan et al (2012) in their study they analyzed the economic exploitation of female teachers in private schools of Bahawalpur City (Pakistan) as a case study of working women in formal sector. It is based on 504 observations collected from 57 private schools (up to post secondary level). The exploitation of working women has been defined as the phenomenon of having wage lower than the recommended minimum wage by government of Pakistan. The determining factors of economic exploitation have been categorized into teacher's characteristics, household characteristics and school characteristics. The logistic regression results have shown that age of the teacher, her education and experience, household per-capita income, school age, school as a part of national chain negatively influence the probability of economic exploitation of teachers, while old-age members in the household and schools having ownership and management by the same person enhance the probability of exploitation. The study proposed the awareness of economic rights of women, implementation measures for minimum wages and labor policy concerns given by government of Pakistan.

2.10 MIGRANT WORKERS

Chukwu Dominic-Savior (2012) studied the issue of abuse and exploitation of migrant workers in Finland. The researcher found that a working contract which is often in written form is a binding agreement
between employer and Migrant employee which confirm them as reliable contract of both parties. The working contract in Finland is a legal document which is drawn in accordance to the collective bargaining. It protects both the employer and employee from unwarranted behaviors from each the contract party. However, the processes were not followed and some of them were employed without working contracts. And some were given contracts which did not specify the terms of agreement and which did not show their rights and privileges such as numeration, holidays, allowances and safety matters.

When an employer intentionally refuse to follow the stipulations as contain in labor and collective agreement in the case of migrant worker, that employer is taking undue advantaged of the migrant worker involve. Where employers assigned more work duties to migrant employees and give them insufficient working time to accomplish the assigned tasks and also they are not paid for extra work and work on non working days. Nevertheless, in a situation where an employer purposefully refuses to pay the work allowances to an employee because the individual is a foreigner who might be ignorance of his employment rights pertaining to holidays and allowances, or who might not have the will power to demand for his rights, can be taken as exploitation. The Finnish people, they give them easy job, they give them too much time to do the job, but Migrant workers are most vulnerable to workplace bullying.

Mohanraj & Arunkumar (2013) the study examines major causes of migrant workers for their interstate movement. The study conducted in two districts of Tamil Nadu namely, Erode and Tirupur and 1000 respondents were chosen from the two districts. The study reveals that, In recent years, to Erode and Tirupur districts of Tamil Nadu large migrant worker's inflow from different parts of the country like Bihar, Madhya Pradesh, Orissa, Kerala and Uttar Pradesh migrate to our state especially Tirupur and Erode districts for improving their family economic conditions where local economic conditions offer inadequate livelihood alternatives Erode and Tirupur districts
provide employment opportunity for those people in dissimilar sectors. Moreover the study clarifies that the labour migration has been a continuous phenomenon especially from poor regions of states to the industrially developed states. Major percent of migration based on job potential and economic reasons. Further the study discussed migrant workers who are facing some common problems like, poor accommodations, work without holidays, lack of health care, food problems, seizure of personal documents, contract substitution or irregular job placement, low wage rates and poor working conditions, irregular payment or lack of payment for overtime, work without holidays and lack of local language etc.,

Ban Ki Moon, the present UN Secretary, made similar calls in 2008, 2009 and 2010. He often used the occasion of the World Migration Day to remind the world about the conditions of migrant workers, and equally solicit for countries of the world to become parties to ICRWM, which he described as the most comprehensive international framework on the issue of migrant workers' rights. He urged the world community to save migrants from exploitation and accord them respect as members of the human family whose rights must be protected like everyone else.

In 2003, Kofi Annan, the then UN Secretary General, reminded the world that migrants faced hardship in their new countries and that they still remain vulnerable to exploitations and abuse at the hand of dishonest traffickers, smugglers and employers. And he have concluded that the best way to ensure the protection of the right of migrant workers and their families is by signing and rectifying the ICRWM, because the Convention provides for its ratifying countries the obligation to respect the core human rights and fundamental freedoms of migrant workers in their host countries. It is a vital effort to combat exploitation of migrant workers and members of their families. (Kofi Annan- UN, 2003) He made similar calls in 2004, 2005 and 2006.
In 2010 address to the world, the UN Chief said that migrant may face harsh living conditions, discrimination and low numeration in their host countries and members of their family can face economic and emotional problems that might expose them to the danger of human trafficking, child labor and violence. He renewed the calls for countries that have not signed and rectified the convention to do so in the interest of justice for migrant workers. (Ban Ki Moon - UN 2010)

Kreb (2009) reported that some group of Vietnamese migrant workers in Czech Republic faced discrimination in wages and in working conditions at their work places. Equally, there are some reports of workplace discrimination in some countries in Europe as well as South Africa, Singapore, Canada, China, the Middle East and other countries not mentioned here. It is pertinent to point out here that Non-Discrimination Act of 2004 prohibits any form of discrimination in all the work places in Finland. Employers are charged to uphold equality of all employees in their companies irrespective of their personal circumstances. Article 6 of the ICRWM stated that no workers should be discriminated against based on language, ethnicity, and nationality etc. Any proven act of discrimination in Finnish empowerment sector carries the penalty of 15,000 euro and more fine could be awarded depending on the gravity of the offence committed.

Brun & González (2009) made allusion to the fact that cleaning companies are in constant pressures from clients, and competition from other cleaning companies. They are forced to provide quality but cheaper services to their client in order to retain their clients, and most often at the detriment of the cleaners’ rights, health and wellbeing. Furthermore, European Federation of Cleaning Industries (EFCI) described cleaning as a work sector that is very competitive, and the competition arises due to subcontracting. Subcontracting allow companies to outsource their cleaning activities to cleaning companies
in an attempt to cut cost. The cleaning companies are pushed to a corner where they must provide quality work for the customers, provide working materials and pay their workers. In order to maintain the three and equally make profit, these cleaning companies shift the pressure to migrant workers who do not have bargaining power, by insisting that more task must be accomplished in a specified little amount of time, while the work quality must be of high standard (EFCI, 2000).

Seaworld (2012) viewed psychological stress as a condition of nervousness produced when events and responsibilities go beyond individuals’ capability. Physiological stress is seen as the rate of constrain on the body. Holistically, definition of stress indicates that it is a very difficult phenomenon which affects the entire human system and involved a lot of factors some of which have not been uncovered by researchers (Seaworld, 2012). However, I do not intend to go deeper into the concepts of work stress. But some authors are of the view that work stress could lead to psychological, physiological and behavioral problems. Psychological strain could produce the negative effects such as depression, anxiety and burnout. Physiological strain could equally produce the following reactions; coronary heart or artery disease, twitching of muscles, sweating and perspiration, high blood pressure, and general itches and pain in different part of the body. And finally, behavioral strain could lead to alcoholic addition, misuse of substances and bodily harm (Barling Kelloway & Frone 2005). Job absenteeism and work apathy are equally linked to work stress. Work stress could equally produce emotional reactions in the workers such as anger.

Samal (2006) Research on seasonal migration conducted under the Andhra Pradesh Rural Livelihoods Project in two villages in Mahabubnagar district and two villages in Ananthapur found that most households did not save much but some did accumulate wealth and one
of the major factors leading to the accumulation of assets was the repetition of migration to the same destination. Long-term migration to places like Mumbai, Hyderabad and Bangalore enabled migrant households to accumulate because of the relatively higher wages and absence of middlemen. Migrants were predominantly from the lower social strata of SCs, STs and BCs (95%). They were mainly illiterate, landless labourers and marginal farmers.

Shah & Sah (2004) reported that on the whole migration among poor tribals in southern Madhya Pradesh may be helping the households to maintain their standard of living rather than breaking away from poverty. They collected qualitative data from 212 households in a village in Bhadwani district in southern MP shows that migration helped landless households to maintain their standard of living over a decade.

Deshingkar et al (2006) child migration from Purnia, Madhubani and Sitamarhi districts in Bihar to towns in Uttar Pradesh and Bihar for work in “dhabas” has been on the increase over the last 10 years. These are mainly children from SC families and they migrate for 8-9 months a year. They are paid Rs. 500-1500 a month with food. Often the payment is given directly to the parents as an advance and the child repays the debt. Empirical data suggest that those who were associational migrants and were married lived in a familial situation, while others lived with friends and relatives and thus, rural urban migration has caused different types of household patterns. Previous studies showed that the majority of migrants and migrated women in particular, lived with their family members and relatives (Kibria 1995; Zohir & Paul-Majumder 1996). Living with family members and relatives is a common practice among female migrant workers and those who are able to arrange such accommodation do so.
Rosanne Rushing (2006) his study explored various push and pull factors leading to the migration and sexual exploitation of young women in Vietnam. The study found the major factor young migrated women and sexual exploitation in Vietnam was the parents expected monetary support from their child and are waiting for money to arrive. Parents reported that their daughters would stay in the city as long as they needed the money, or “for a few years”. In one commune, the decline in youth migration was allegedly because “the children who do migrate to work in the city do not bring money home thus the parents do not find profitable. Throughout the literature survey, the early researcher in India and Foreign found the different forms of exploitation in various places. No researcher focused empirical study especially at Tirupur garment women workers exploitation and their problems.

Sundari (2005) migration for construction work has brought economic gains and freedom for many but has also brought incredible hardship and personal risk. Many analysts have concluded that it is coping at best and does not result in any long term accumulation for the poor.

Dubey (2006) argue on the basis of the 1999-2000 rounds of the NSS that individuals from scheduled castes and scheduled tribes and those with little or no education are less likely to migrate to urban areas.

Saima Nazir (2011) This study was designed to examine the causes and effects of migration of domestic workers and to investigate the problems of domestic workers. Age, marital status and education were used as independent variables. Age was found strongly associated with migration. The relationship between age and facing problems was found strongly positive and association was significant. Education was found to be positively related with the problems of migrant domestic workers. This relationship was found to be very strong and association was highly significant. It was found to
be positive relationship between marital status and the migrant domestic workers. There was a highly significant association between marital status of the respondents and they facing problem due to their work. It was found negative relationship between monthly income and they facing problems due to their work. Its mean if the income was high than their problems was low.

Shah & Sah (2004) reported that on the whole migration among poor tribals in southern MP may be helping the households to maintain their standard of living rather than breaking away from poverty: he collected qualitative data from 212 households in a village in Bhadwani district in southern MP shows that migration helped landless households to maintain their standard of living over a decade.

ILO (2004) reported, more than 2 million children are found in domestic labour in South Africa, 559,000 in Brazil, 250,000 in Haiti, 200,000 in Kenya, 264,000 in Pakistan, 100,000 in Sri Lanka, 300,000 in Bangladesh, 62,000 under the age of 14 in Nepal, and 20% of all children under the age of 14 in India.

Ford (2004), described that with cross-national unionisation rates in the domestic service sector at barely 1% (ILO, 2004), domestic workers are not only unorganised, but widely regarded as ‘unorganisable’. In Pakistan many researchers have made valuable contribution to the literature on migration. The population censuses, labour force surveys and special surveys such as population surveys, migration and labour force surveys, have been the major data sources for migration studies, which have covered a wide range of issues including the impact of human capital on migration decision, impact of migration on well-being of migrant households the patterns of migration and inter and intra-provincial migration.
Research on seasonal migration conducted under the Andhra Pradesh Rural Livelihoods Project in two villages in Mahabubnagar district and two villages in Ananthapur found that most households did not save much but some did accumulate wealth and one of the major factors leading to the accumulation of assets was the repetition of migration to the same destination. Long-term migration to places like Mumbai, Hyderabad and Bangalore enabled migrant households to accumulate because of the relatively higher wages and absence of middlemen. Migrants were predominantly from the lower social strata of SCs, STs and BCs (95 per cent). They were mainly illiterate, landless labourers and marginal farmers.

The export of labor in Indonesia has become part of the country’s development plan in addressing poverty recorded remittances sent by Indonesian migrant workers were up to U.S$ 5 billion. Despite this large contribution, Indonesian domestic workers’ rights are neglected both in their home country and abroad. Reports have surfaced that domestic workers are routinely underpaid, overworked, confined to the workplace, and subject to verbal, physical, and sexual abuse. In theory, human rights are supposed to be universal and applicable to all regardless of race and citizenship. However, political and economic interests, rooted in the legal and social structures of countries, have led to the rights violations, discrimination and exploitation of migrant domestic workers.

Nayak (1993) study in southern MP also found that migration earnings were an important source of income. He studied 550 households in 60 villages in Jhabua district in 2000/1 it was seen that households in the three poorest quartiles earned 65-70% of their total wage income from seasonal migration. In contrast, households in the top quartile earned the
largest share of total labour income (63%) from regular jobs in the private or public sector and only about 30% from off village labour.

Pervez (1994) reported from a survey that on child domestic labour in Islamabad, the children engaged as domestic servants were pushed into this activity by poverty. Most of them had rural background. Their family size comprised of 8 -12 members. Most of them were uneducated. Parents of all the children were illiterate. Strong gender discrimination was evident, as mostly boys in the family were attending school, and girls were working as domestic servants. Child domestic servants also complained about job insecurity and harsh behavior of the employers. About 20% of the children were below average in health and their appearance reflected the neglect and lack of love. The employers abused verbally and physically many child workers, the former more frequently. They also suffered abuse at the hands of employers’ children and their own parents.

2.11 SEXUAL HARASSMENT

Elizabeth Ferris (2007), “In her study, total of 1,500 people were interviewed intended to investigate sexual violence and exploitation in the region, including its extent, causes, and consequences, and to make recommendations for future action. The study based on interviews with and focus groups of refugee and displaced children, as well as adult refugees, community leaders, and humanitarian workers, in three countries such as Liberia, Guinea, and Sierra Leone (UK). The researchers found that not only was sexual exploitation widespread, it was also perpetrated by aid workers, peacekeepers, and community leaders. Humanitarian workers traded food and relief items for sexual favors. Teachers in schools in the camps exploited children in exchange for passing grades. Medical care and medicines were given in return for sex. Some forty-two agencies and sixty-seven individuals were implicated in this behavior. Parents pressured their children to enter
sexually exploitative relationships in order to secure relief items for the family”

Themeli Eleni (2011) Study explores that to highlight the health risks of sex trafficking exploitation in women that impact the physical sexual and mental status. Intends of the study to demonstrate the reasons because of which trafficking in persons constitute a criminal offence against human rights of the victims. The major objective is to provide information on women’s health to develop policies and women health and human rights. The findings also highlight the importance of medical care and psychological support for sexually trafficked women.

Janja Lalich (1997) has conducted study in CULTS and found that the female subservience is sexually exploited. He states that approximately 5000 CULTS active in USA and an estimated 185,000 new members being recruited each year. In his study, he had met 29 female subservience joined in cults with only crazy, unstable, or in weird. The research has shown that most cult members are of above-average intelligence, come from stable backgrounds, and do not have a history of psychological illness.

Janice Raymond & Donna Hughes (2001) they carried out project by the Coalition against Trafficking women both international and domestic for sexual exploitation in the United States. The research broadly investigated the international and domestic trafficking in women in the United States on sex. They conclude that the women are trafficking from abroad to the USA on demand created by the sex industries in terms of violence, crime, health and other human costs.

Begum et al (2010) Their study analyzed the different factors that are responsible for the harassment of women garment workers in Bangladesh. The researcher purposively selected three garment factories from Mirpur area.
under Dhaka district where garment factories are available. The sample was consisted of 90 women workers taking 30 randomly from each of the three garment factories. From the study they have identified Female workers are mostly employed at the lower category of jobs like operator, finishing helper, polymer etc. These jobs are very monotonous in nature. A large number of female workers received low and irregular wages with Long working hours and their overtime rate is also very low. Only 22 female workers earned salary between Tk. 2700 to Tk. 3000 per month. Moreover, major percent of Female workers are sexually harassed by their co-workers in the factory frequently or by police or by mastans in the street. Communication is also a major problem faced by most of the female garment workers in Bangladesh, women workers those who are travelling long distance creating physical strenuous and mental stress, and result in a number of illnesses and diseases like headache, eye trouble, ear ache, musculoskeletal pain etc. Women are exploited easily due to lack of technical knowledge and training. The employers do not pay any heed to this exploitation.

Rubenstein (1992) variety of behaviour is designated as sexual harassment in the different measures which proscribe it. This range from some of the most egregious behaviour prohibited by the criminal law rape, sexual assault to conduct which can, in certain circumstances, be an innocuous part of day-to-day interaction, comments, jokes, physical contact. The kinds of conduct characterized as sexual harassment in the measures reviewed in in his study.

Physical contact, for example, may be strongly objected to, tolerated or encouraged; jokes offensive to one person may be appreciated by another; the same comment may be welcomed, tolerated, or considered offensive depending on the relationship between the individuals involved, the context in which it was made, or even the tone in which it was delivered.
Additionally, the kinds of behaviour considered sexually harassing appear to vary among different cultures. (Pryor et al 1997).

Carmen Galiana (2000) The European Parliament working paper reveals women trafficking and sexual exploitation in European countries. According to the paper, trafficking in human beings and the sexual exploitation of children now constitute a major form of organized crime in recent developments. Women trafficking and prostitution become a lucrative business in European countries such as Hungary, borders in the Czech Republic, Bulgaria, Great Britain and Northern Ireland, Portugal, Sweden, Finland, Denmark, Netherlands, Luxembourg, Italy, Ireland, France, Greece, Germany and Austria etc. There is an estimated total annual profit of US$ 7 billion in the market in trafficking in women for purposes of sexual exploitation, and these profits are used by traffickers to finance other types of crimes such as drug trafficking and money-laundering. Organized criminal gangs have discovered how easy and profitable it is to move women across Frontiers. Recognition of these women’s status as victims would bring about major advances. To ensure that these women are not caught up again in the trafficking circle, they should not be deported against their will from the country where they find themselves.

There are good humanitarian reasons not to oblige them to return home, since they may fear reprisals and are likely to have nowhere to go. Having worked as prostitutes, they will not be accepted in their communities of origin, and may be harassed or persecuted by the police. The report suggests that the European countries to develop their economies and fight poverty will make it possible to tackle the problem of trafficking in women and children at its root and achieve real progress in the fight against organized crime.
2.12 WORKPLACE DISCRIMINATION

Workplace discrimination is a practice in which the easy tasks and more working hours are given to the citizens, while difficult tasks and lesser working hours are given to an immigrant person in the same workplace. It also includes reducing the amount of working time allotted to a particular task when a job is taken from a citizen and given to an immigrant. The ILO reports showed that in some countries migrants are often discriminated in employment sectors even when they are more qualified or have more expertise than the host country's citizens (ILO, 2004).

The Honorable Ellen Sauerbrey (2005), the major essence from his lecture in International Organisations regarding women exploitation and disparity is the United States has been the world's leader in helping to free women from exploitation and despair. Guaranteeing the human rights of women and children is essential to the creation of stable, democratic, and prosperous societies. This is not only in keeping with the deeply held values of the American people, it is strongly in the United States' and national interest as well. As Americans, we take our rights for granted. We cannot conceive of being sold into sexual slavery, forced into an arranged marriage at age 5, subjected to female genital cutting as a rite of passage, systematically raped as a weapon of war, or killed with impunity in the name of honor--by a father or brother. Women, they are often single-handedly responsible for the survival of their children, even when their own survival is at stake. Every day provides challenges that increase the risk of physical danger, finding cooking fuel, carrying water (often for miles), obtaining sufficient food at distribution sites, and accessing primary health care for themselves and their families.

In addition to that, Internationally Sexual violence and exploitation, associated psychological trauma, and the risk of sexually transmitted diseases, are among the terrible dangers. Violence takes many forms--trafficking in
persons, domestic violence, rape, and harmful traditional practices such as female genital mutilation and honor crimes. It shatters the most fundamental human right to which every woman is entitled: "the right to be safe". Women are particularly vulnerable in post-conflict societies with economies in shambles. Faced with lack of opportunity at home, they are easily lured by false promises of well-paying jobs abroad. Many are then coerced into lives of prostitution, domestic servitude, or other types of forced labor.

Further he added that, As President Bush told the U.N. General Assembly in 2003, "Nearly two centuries after the abolition of the transatlantic slave trade, and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive in our time." The Bush Administration has provided more than $295 million to support anti-trafficking programs in more than 120 countries, including a special $50 million initiative that the President announced at the U.N. This funding helps countries to develop laws, investigate cases, rescue and voluntarily repatriate victims, build emergency shelters, run awareness campaigns, and mount rehabilitation and vocational training programs.

Glenn (1992) said that domestic workers have always been amongst themost exploited workers. They are channeled into paid domestic work on the basis of several axes of differentiation-race, class, and gender which are reflective and generative of social stratification more broadly.

2.13 WORKING CONDITIONS AND LABOUR STANDARDS

Padmini & Venmathi 2012 in their empirical study explores the work environment in the garment industries in Tirupur is unhealthy and unsafe for the workers resulting in several health problems. The researcher interviewed Five hundred and fourteen workers employed in 13 large, medium and small scale
garment industries in Tirupur. The interview schedule comprising the workers' details of socio economic background, personal details, occupational health, body parts that experience discomfort and other health problems. The study measured work environment parameters such as lighting, noise, temperature and humidity and also to assess the safety measures practiced in garment industries using a checklist. The study revealed that the congested work area, unergonomic workstations, poor illumination, improper ventilation, excessive noise, dust and use of personal protective equipments not in practice were the major problems faced by the workers in these industries.

The Women Working Worldwide (WWW) 2011 project is to support women workers in taking an active role in improving working conditions of employment in textile and garment industries in Tirupur district, through support and training. The project team working with two NGOs namely SAVE - (Social Awareness and Voluntary Education), based in Tirupur, at the centre of the garment industry and READ Foundation( Rural Education and Development), based in Pudukkottai, Both organisations have been actively involved for a number of years in campaigns to support women workers. Recently they have been focusing on the conditions of employment of the young women employed in sumangali schemes, or in camp labour, during which time they are paid low wages on the basis that at the end they will receive a lump sum to help towards marriage expenses. Both these young workers, and those working in the camp labour scheme, live in company controlled premises.

The Home Workers Worldwide (NGO) 2011, conducted study in pudukkotai district, TamilNadu, and examined that the Young women, poorest families, often dalits, from the villages are recruited by agents for garment work in many places in tamilnadu. The agents targeting girls who are living in great poverty with difficulty in meeting basic living expenses. The
HWW at time of Village meeting with women garment workers in Pudukkottai found the women work is heavy and sometimes they have to work 24 hours non-stop. The food is not good and frequently they are facing health hazards. Read Foundation is working in villages in Pudukkottai to contact women workers and raise awareness of rights through training develop basic organization.

Khan (2006), his literature review indicates that most garments factories in Bangladesh pay little attention to labour standards and labour rights, disallow trade union activities, unsafe working environment, and ineffective laws and discard fair labour practices, and compliance enforcement is limited and limited role of stakeholders. This has led to the labour unrest in the RMG sector. Consequently, many international buyers now demand compliance with their own Codes of Conduct before placing import orders for Bangladeshi garments. Therefore, an effective initiative by the Government in this regard can provide a basis for negotiating with buyers for a unique set of Codes of Conduct, based on national laws and core labour standards. At the same time, significant reform of the relevant agencies along with sufficient strength and skills to perform their duties and responsibilities is a prerequisite to monitor Social compliance.

Morshed (2007), the study examines labour standard in RMG industry workers in Bangladesh. The study reveals that Labour unrest is common in the RMG sector. In most cases, employers do not draw attention to workers’ rights and ignore labour standards and discarding fair labour practices. Formation of a trade union is often thwarted by severe repression, dismissal, arrest, assault by hooligans hired by employers, and other practices which are in violation of the international labour standards and Codes of Conduct (ILO, 2003). Morshed advocates the key role of Cambodian labour unions in the clothing sector and as mediator’s between
workers and factory owners to settle disputes and discuss wages (Morshed, 2007). To avoid unrest in the RMG sector, Khan (2006) argued for strengthening Social compliance issues and labour standards to improve wages, working hours, overtime, job security, the right to form trade unions, social security and also occupational health and safety.

Bivas Chaudhuri & Panigrahi 2013, in his paper an attempt has been made to look into the gender issues in terms of female work force participation and wage differentials in the organized manufacturing sector in India. The major data source for this paper are from the Annual Survey of Industries (ASI). Only female workers directly employed by the industry and engaged directly in the production process are considered for the study. From the analysis, it is found that around twenty percent of female workers are directly contributing to the production process during the year 2000-01 to 2009-10. However, there is significant variation observed with respect to female work participation across different industry divisions. Similarly, it is observed that female participation rates have no uniformity within the states. It is also observed that significant wage differentials exist with respect to industry divisions and states.

ILO 2004, states that RMG factories in Bangladesh poor practices include the absence of trade unions informal recruitment, and irregular payment, sudden termination, wage discrimination, excessive work, and abusing child labour. Moreover workers suffer various kinds of diseases due to the unhygienic environment and a number of workers are killed in workplace accidents, fires and panic stampedes. Absence of an appropriate mechanism to ensure the enforceability of the available laws for protecting workers' rights and maintaining workplace safety continues to be a concern in the RMG sector.
2.14 INTERNATIONAL GOVERNMENT RESOURCES

The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, G.A. Res. 55/25, annexes II, U.N. GAOR, 55th Sess., Supp. No. 49, at 60, U.N. Doc. A/45/49 (Vol. I) (2001). This is one of two protocols that was part of initial international efforts to combat human trafficking. It declares a need for comprehensive international approach and measures to prevent and punish traffickers and to protect victims. It requires each state to criminalize trafficking, protect victims, and exchange information and training. Through this source, we can understand the obligations of each signatory. We also have a foundation for the requisites of international legislation and approach to fight human trafficking.


Mohamed Y. Mattar, Incorporating the Five Basic Elements of a Model Antitrafficking in Persons Legislation in Domestic Laws: From the United Nations Protocol to the European Convention, 14 Tul. J. Int’l & Comp. L. 357 (2006). Article gives a comparative study of various antitrafficking legislations and provides a model framework for trafficking legislation. It gives five requirements: 1) criminalizing all forms of trafficking, 2) identifying victims and guaranteeing basic human rights, 3) adopting comprehensive prevention, protection, provision, prosecution, and participation approaches, 4) targeting all actors in human trafficking organization, and 5) acknowledging human trafficking as an international crime. It is a great article for a basic framework of anti-trafficking legislation, with a broad overview and evaluation of the various legislations already in place in the international system. Furthermore, its model framework idea is extremely helpful as a launch pad for a more comprehensive recommendation to the international community.

Note, Remedying the Injustices of Human Trafficking Through Tort Law, 119 Harv. L. Rev. 2574 (2006). The note explores a novel idea about the potention for civil redress for human trafficking victims under tort claims in the United States. The paper first gives an overview of tactics used by traffickers to bring victims into the United States and then examines the forced labor conditions. It then critiques the protections afforded to victims under the current legislative framework and argues for civil causes of action, using California law as a model. The article helps the research in understanding how traffickers lure their victims and the conditions of forced labor within the United States. Additionally, the argument for tort claims is an interesting and new idea that can possibly be explored further to determine its feasibility in the international legal framework.
Linda Smith & Mohamed Mattar, Creating International Consensus on Combating Trafficking in Persons: U.S. Policy, the Role of the UN, and Global Responses and Challenges, 28 WTR Fletcher F. World Aff. 155 (2004). The paper gives a general overview of the United States’ and United Nations’ approaches to combating human trafficking. It identifies several problems in the international community that contributes to the proliferation of human trafficking. It also gives fairly broad recommendations for countries to take preventive, protective, and legislative measures to fight trafficking. This paper is good for research because it focuses more on the United Nations protocols and international framework.

Mohamed Mattar, Trafficking in Persons: An Annotated Legal Bibliography, 96 Law Libr. J. 669 (2004). It begins with general information about human trafficking, giving an expansive definition. The bibliography itself covers a broad array of what the author considers to be human trafficking, and it also focuses on international human rights law and trafficking legislation in various countries including the United States, China, and Southeast Asia. This is an extremely comprehensive resource tool with annotations on dozens of articles in the field. It cuts out half of the research work. Great source to use for further research on human trafficking, although some of the articles are a bit old.

Shaheen Torgoley, Comment, Trafficking and Forced Prostitution: A Manifestation of Modern Slavery, 14 Tul. J. Int’l & Comp. L. 553 (2006). The paper looks at specific experiences of victims who were trafficked and forced into prostitution. It looks at the historical development of trafficking and prostitution, and then the modern recruitment of women for trafficking and prostitution. The conclusion explores a legal framework to combat the problem under the Thirteenth Amendment outlawing slavery and indentured servitude. This is a good source for information about prostitution and
indentured servitude. It provides the Thirteenth Amendment as a unique argument and method for the legal fight against human trafficking.

Robin Rumpf, Reports, The New Slavery: The United Nations Interregional Crime & Justice Research Institute’s Global Program Against Trafficking in Human Beings, 19 N.Y.L. Sch. J. Hum. Rts. 879 (2003). This report provides an overview of the U.N.’s Global Program against Trafficking in Human Beings. It discusses the four phases that will be implemented to track organized crime involvement in human trafficking. This is a good resource for more detailed information about the GPAT’s method to track organized crime.


Amy Fraley, Note, Child Sex Tourism Legislation Under the Protect Act: Does it Really Protect? 79 St. John’s L. Rev. 445 (2005). The article explores the problem of child sex tourism and focuses on the evolution of United States legislation including amendments adopted as part of the Prosecuting Remedies and Tools against the Exploitation of Children Today Act of 2003. It then discusses a comparative analysis of the United States approach to the problem measured against approaches in several other Western countries. The paper concludes with “benchmarks” for effective legislation and calls for international collaboration and unity to prosecute child sex tourism. Although the article is not generally about human trafficking, it focuses on a very big effect of trafficking—child exploitation.
This is an in-depth study of this particular area, which is perhaps the most dangerous and byproduct of human trafficking. Furthermore, it provides a great comparative analysis of methods utilized by the United States and other countries. It is a good starting ground for further research and recommendation for approaches to combating human trafficking and child exploitation.

2.14.1 United States & Mexico

Government Resources

Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000). This legislation is the foundation of the United States’ legal framework in protecting victims of human trafficking. It establishes an office within the State Department to monitor trafficking and publish annual reports on human trafficking. It also provides a means for victims to remain in the United States if they satisfy certain requisites including cooperation with law enforcement and proof of specific hardships if returned. When analyzing the United States’ legal efforts to fight human trafficking, we must look to this statute to determine how it is treating victims. This will be our main source in the comparison analysis with other countries.


146 Cong. Rec. H2675 (daily ed. May 9, 2000) (statement of Rep. Smith). The debate is from the House’s consideration and passage of bill H.R. 3244, which ultimately was enacted as TVPA 2000. The record shows
the text of the original bill, and the representative’s speech on the floor of the House highlights all of the important concerns during deliberations and passage of the Act. Knowing the legislative history is important to understand the particular methods the United States has chosen to take in combating human trafficking.

United States of America Department of State, Trafficking in Persons Report (July 2001). The first report by the State Department was 102-pages black and white, shedding light on the “severe forms of trafficking in persons” into the United States that had been mostly ignored by law enforcement officials and unnoticed by the general public. That year, the State Department estimated at least 700,000 persons were trafficked across international borders each year, and specifically, 45,000 to 50,000 people were trafficked into the United States annually. The report set out the minimum standards for eliminating trafficking, and evaluated every country according to a three-tier system. This is a great resource to compare country conditions at the beginning of the millennium and see if progress has been made.

2.14.2 United States of America Department of State, Trafficking in Persons Report (June 2006)

The State Department’s latest report is 293-pages of color with comprehensive information about not only country evaluations, but also victims’ stories and international programs and campaigns. This report provides a great depth of information to understanding the current state of human trafficking and the United States’ perspective and active role in the situation.
Salvador A. Cicero-Dominguez, Assessing the U.S.-Mexico Fight against Human Trafficking and Smuggling: Unintended Results of U.S. Immigration Policy, 4 Nw. U. J. Int’l Hum. Rts. 303 (2005). The article focuses on the U.S.-Mexico relationship with particular emphasis on the Mexican legal system and law enforcement cooperation between the two countries. It criticizes the United States’ unilateral deportation policies and more stringent immigration rules, which may contribute to the increased criminal activity in human trafficking. The paper also reviews new developments and proposed social and policy measures to address the situation. This article is probably the most recent evaluation of the U.S.-Mexico relationship and human trafficking situation, so it provides current information about the policies both countries are pursuing to stop human trafficking. It also has an evaluation of the current state practices and the effects and impacts of those practices on each country. This information is probably difficult to discover elsewhere.

2.14.3 China & Vietnam

Government Resources

Decision of the Standing Committee of the National People’s Congress Regarding the Severe Punishment of Criminals who Abduct and Traffic in or Kidnap Women or Children, Sept 4, 1991, available at www.lawinfochina.com. The 1991 criminal law is designed to protect “personal safety of women and children and maintain the public security order.” It proscribes 5-10 years imprisonment and fines of up to 10,000 yuan for certain offenders, and the death sentence and confiscation of property for ringleaders and other more severe crimes related to trafficking and kidnapping of women and children. This seems like a very powerful domestic law to deal with human trafficking.
Supplementary Provisions of the Standing Committee of the National People’s Congress on the Severe Punishment of the Crimes of Organizing or Transporting Other Persons(s) to Illegally Cross the National Border (Frontier), Mar. 5, 1994, available at www.lawinfochina.com. The law proscribes 2-7 years imprisonment and fines for offenders who transport people across China’s borders illegally. It provides the death sentence for offenders who engage in more serious crimes (e.g. murder, rape, etc.) during the commission of the transport. The law also punishes fraudulent documentation. This is another good law to deal with human trafficking, especially through the China-Vietnam border.

Vietnam Penal Code. The English translation shows that Vietnamese domestic laws have various sections that may be pertinent to human trafficking. Sections 114 and 115 is on sexual abuse of children, and section 120 is prohibits the trade or fraudulent exchange of children. Section 119 deals with trafficking in women, and section 128 makes forced labor illegal. For the research, it is helpful to know what domestic laws are available to prosecute traffickers and protect victims.

Temporary pact between China and Vietnam on border control, July 18, 2003, requiring visas and valid travel documents for Vietnamese citizens who enter China to visit friends, relatives, or for medical or trade purposes. The law specifically calls for people under 16 years of age to produce valid documentation. The text of the law is in Chinese. The law is evident of China’s growing concern regarding trafficking and border security with Vietnam.

UNODC, Press Release, Viet Nam, China and UNODC Meet in Ho Chi Minh City for Cross-Border Cooperation to Fight Human Trafficking, June 21, 2006. The press release discusses a 2001 bilateral agreement that Vietnam and China signed on cooperation to combat crime and human
trafficking. An English source of the agreement has not been found, but the press release is a secondary source to show such agreements have been signed between the two countries.


Combating Human Trafficking in Asia: A Resource Guide to International and Regional Legal Instruments, Political Commitments and Recommended Practices (U.N. Publications: New York City 2003). This resource guide identifies the international and regional legal instruments that can be used to combat the trafficking in persons and other related forms of exploitation such as human rights, slavery and slavery-like practices, migration, labor and gender. It also provides recommendations to governments in strengthening and improving their law enforcement response to meet the requirements of international instruments. Important United Nations conventions on human rights, slavery, transnational organized crime, migrant workers, women, labor, wages, and child welfare examined. The guide is mainly targeted to governments in the Asia region and law enforcement officials in order to increase their capacity to effectively combat trafficking in persons.
Yi Wang, Trafficking in Women and Children from Vietnam to China: Legal Framework and Government Responses, Anti-Human Trafficking Program in Vietnam (Oxfam: Quebec 2005). This study is the profile overview of the human trafficking situation from Vietnam to China. It discusses the various international treaties the countries have or have not signed, and it also looks at the bilateral treaties between the two countries to combat human trafficking. Research information on the Vietnam-China cross-border trafficking problem is difficult to come by as most sources are in Chinese or Vietnamese. This study publication is a wonderful asset for the researcher to understand the China-Vietnam situation and see the types of bilateral efforts sustained in the process. Furthermore, the study leads to specific treaties and agreements to aid the research.

Nancie Caraway, Human Rights and Existing Contradictions in Asia-Pacific Human Trafficking Politics and Discourse, 14 Tul. J. Int’l & Comp. L. 295 (2006). The article examines debt bondage, prostitution, and forced labor human trafficking in Asia, particularly Southeast Asia. It looks at the supply-and-demand reason for trafficking, and argues complicity by Western nations as a reason for increased human trafficking. The author sees free market effects create a lack of punishment for trafficking because the market sees it as no crime committed. It is a great new concept and reasoning for human trafficking. The new concept is wonderful to read and look at it from an economics perspective, and seeing how the need by rich countries is actually proliferating the trafficking of the most vulnerable human beings. This is another reason to consider in the research for understanding push and pull mechanisms of human trafficking.