

Project Briefing

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Key points

- Most migrants experience violence, exclusion and harassment at transit, destination and, to lesser degrees, at home
- Their gender and origin influence the degree of harassment and violence, with female Bangladeshi migrants facing disproportionate risks
- It is vital to sensitise health staff, police, employers and landlords at destination on migrants' rights

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Stories of harassment, violence and discrimination: migrant experiences between India, Nepal and Bangladesh

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There has been a steady flow of people from Nepal and Bangladesh to India in recent decades in search of better work and livelihood opportunities. As they move to and fro, many face harassment, discrimination and violence. Many face these challenges during their journeys – particularly when they cross borders – at their destinations, and when they go home. Their experiences are affected by gender, country of origin and the process of recruitment to migration.

This Project Briefing explores the experiences of these people as they migrate, drawing on findings from a baseline study on their vulnerabilities, particularly to HIV and AIDS, as they move between their communities of origin in Nepal and Bangladesh to India. Although the baseline used quantitative and qualitative approaches, stories of harassment and violence emerge mostly from the qualitative elements. Respondents rarely speak about their own experiences of violence or discrimination, but talk about the experiences and behaviour of others. The term 'violence' is used in its broadest sense, ranging from harassment, bribery, threats and name-calling, to discrimination, stigma, exclusion and exploitation, to physical violence including beating, torture and murder, to sexual and gender based violence including sexual exploitation, coercion and rape. After exploring experiences of violence, this briefing concludes with recommendations, many of them already being operationalised in the three countries as a result of findings from this study.

Violence and coercion during transit

Migrants face violence during their journeys and at borders. Their origins influence these experiences, thus Nepali migrants face less harass-

ment and fear in part because of the Friendship Treaty between India and Nepal, though the respective governments are considering its revision (Samuels and Wagle, 2011). Nevertheless, there are stories of migrants hiding money when returning to Nepal from India (it is illegal to bring denominations of more than 100 Indian rupees into Nepal), having to show receipts for all their goods, and sometimes having to bribe border officials for smooth passage.

The main perpetrators of this harassment are border security personnel/guards and transporters, as one Nepali male in India explains: *'We have to pay money for the goods we take with us to Nepal. Since we do not have any bank accounts we carry a large amount of money we earned in the form of 500 and 1,000 Indian rupee notes. We feel sad and unhappy to hand over our hard-earned money in the form of bribes, saved under duress and sacrifice to ensure security of our families back home.'*

Nepali migrants rarely mention gender problems, but men travelling with women face greater interrogation, perhaps because border officials look for those trafficking women into India. *'Generally they ask for bills for the items we carry and their interrogations become more serious if we travel with a woman. They ask "Who is she?", "whom do you know in India and where does he stay?". Sometimes, they ask for ID proof (Nepali in India).'*

Things are different for Bangladeshi migrants. They need passports and visas to enter India, and most enter without documents. The whole process is imbued with fear and potential threats and violence from the start.

People try to cross the border at night or when there are no border controls, often spending some time in border areas where they are vulnerable to violence – even death.

A recent report states that 347 Bangladeshis have been killed by Indian forces along the 4,000 km border since 2006 (IRIN, 2011). According to a broker arranging migration to India in Bangladesh: *'the Border security forces (BSF) don't show any sympathy to migrants who have no visa. They can torture, cut the hands, legs and other parts of the body of the migrant. They kill them sometimes by crushing them under the propeller of a speed boat or by firing at them. There are both good and bad BSF officers, some just send them to jail and don't torture the migrants.'*

While most migration from Nepal is initiated by an individual, Bangladeshi brokers play a key role in the migration process, organising transit and employment once in India. This costs money, and women bear the brunt of frequent exploitation, paying almost twice as much as men (4,051 takka versus 2,426), most of this going to the broker.

There are also accounts of brokers arranging for women to provide sexual favours to the border guards without their prior knowledge or consent, of having sex with them as part of the contract, and arranging for the mostly young women and girls to work in bars and in the sex industry at destination. The evidence documented by returnees is usually denied by the brokers and law enforcers, who blame each other: *'I never harass or torture any of my clients, if I cannot ensure the security of my client why will they pay me? And if that happens, my business will be lost. But I know sometimes law enforcers on the India side sexually harass the women'* (Broker, Bangladesh).

For Bangladeshis, therefore, the perpetrators of violence during their transit or journey are border security staff/personnel, transporters, and, in contrast to Nepali migrants, the brokers.

Returning Bangladeshi migrants face harassment, violence and even death. A male spouse of a migrant in the source community says, *'[those who go to India] die every now and then when they try to take cows across the border from India to Bangladesh. The law enforcers don't hesitate to shoot them.'* Despite a 'no shoot' decree issued by India, a 15-year-old girl was shot dead on 7 January 2011 while climbing the wall into Bangladesh (IRIN, 2011).

Migrants have coping strategies, as one returnee female migrant in Bangladesh explains: *'... We hide money in the soles of our shoes, in our belt and in our hair. Sometimes we send money home through brokers before we return. Brokers take the commission for that.'*

Violence at source

Other studies show that spouses of migrants may face harassment and exclusion when their usually male spouse migrates (CARAM Asia, 2008; Smith-Estelle and Gruskin, 2003). Because of poverty, and

a lack of employment and remittances, women may have to sell sex to survive (CARAM Asia, 2008).

There are relatively few stories of violence or harassment in this study in source communities in Nepal, although other studies do report cases of abuse (e.g. Smith-Estelle and Gruskin, 2003).

In Bangladesh the story is different, with accounts of harassment, stigma and exclusion from different sources and for different reasons. For instance, wives of migrants who borrow money to support their husbands' travel face harassment from money lenders, reporting verbal abuse and threats to remove their property.

There is also a common belief that women who migrate to India engage voluntarily in commercial sex work once there (see, for example, Blanchet, 2002). They can be forced into this by brokers, who give them a choice of earning a little money for hard work or more money for sex work. They may, therefore, face stigma and exclusion on their return, as a female returnee explains: *'After coming back to Bangladesh I felt that people here don't like me, they hate me. They said that I came from Mumbai; they whispered that I am a sex worker. I lived in Mumbai, I should feel ashamed.'* Another states that she faces discrimination from health workers at source, presumably because they judge her based on what they think she did in India.

Many Bangladeshi women migrate to India without their husbands (21% of respondents in the quantitative baseline, compared to only 1% of Nepali respondents) (Wagle et al., 2011; Sultana et al., 2011). Their husbands also report discrimination as one man explains: *'I got money from my wife's income by which I can maintain my family including my children and parents. But I don't feel good about her migration to India. Still it is better to earn a handsome amount of money before returning to Bangladesh. I heard that most of the girls who migrate from Bangladesh to India are involved in commercial sex there. Sometimes I have to face foul comments from the community. I feel lonely without her. My neighbours say "now she is Mumbai and Mumbai girls are bad".'*

Harassment and discrimination at destination

There is widespread evidence of harassment, discrimination and violence in destination locations. This often relates to employment experiences and is confirmed by other studies in the region and beyond (IOM, 2004; Caram Asia, 2008; Bhattarai, 2007; Barnett et al., 2000; CARE and IOM, 2003).

The workplace. Migrants' experiences are often coloured by the gendered nature of occupations and the different treatment of workers according to their gender. Many women from Bangladesh (23%) work as housemaids (Sultana et al., 2011) and depend on their employers for wages and security. They are

Box 1: Forced into sex work for survival

When her husband died, Amina (pseudonym) had to migrate to India to earn money and escape sexual harassment from her neighbour. In India she worked as a construction labourer, moving from place to place with strangers and often sexually harassed. She was often denied her wages unless she had sex with her employer or the person who paid the wages. She was compelled to become involved in the sex trade to support her family: so she is both a construction labourer and a sex worker.

often unaware of their rights, have no written contracts, work extra hours and carry out extra duties for which they are rarely paid. If they fall sick there is no guarantee their employers will send them to the doctor or pay for treatment, so ill-health may mean returning to Bangladesh for health care.

As mentioned, many female migrants end up in the sex industry (see Box 1). The conditions are harsh and they have to pay large debts to brokers who brought them to India, leaving them little to live on. According to a sex worker in Bangladesh: *'The young girls can delay the payment to the broker for some time but, if they are not able to pay even after they reach Mumbai, the broker arranges for them to work as sex workers under a pimp'*.

Many male migrants, particularly Nepalis, work as restaurant/bar workers, construction workers, watchmen and casual labourers, with many holding more than one job to make ends meet. Like women, they also face discrimination in the workplace, but this takes different forms: a Nepali watchman in Delhi reports verbal abuse and denial of services by residents of the apartment he guards: *'... they are cruel and also misbehave with me. They do not allow me to do other part-time work. They also used to verbally fight with us.'*

While migrants do not perceive significant discrimination in the way they are treated by their employers relative to Indian co-workers, they report discrimination from those co-workers that limits their interactions. According to one Nepali migrant: *'In my work place the Indian workers want to dominate calling us names such as Bahadur or Gorkha [meaning strong, but used in a derogatory way]. They don't behave well.'*

Many male migrants voice the fear that they will lose their jobs if they get sick or go home for a visit. One Nepali migrant recounts his lack of security as he juggles two jobs: *'I feel insecure that I will lose my job and my employer will employ another person because I am working at two places – as a guard and a car cleaner – and at the same time I find difficulty in getting leave from both of them. I get stressed in this situation; I have to provide a replacement. But at the same time I also get worried that if my employer likes my substitute's work more then I will lose my job.'*

Landlords. Many migrants face discrimination from landlords and sometimes face verbal abuse, as a male Nepali migrant in Delhi explains: *'... the landlord takes Rs. 600 from Indians whereas we have to pay a rent of Rs. 1,000 for the same room'*. Others feel that their living conditions are worse than their Indian counterparts: *'We are discriminated in this regard in that we have no water supply or toilet/sanitation facilities and if the landlords feel that we are using too much electricity, the line is disconnected'*. Other migrants speak of being coerced to buy from their landlords' shops, even if goods are cheaper elsewhere.

The police. Both Bangladeshi and Nepali migrants face harassment and violence from police – often just for being migrants. One Nepali migrant says he only needs to return home late for the police to question him as if he was a thief. Migrants are the first to be taken in for questioning after any crime, and their slums are often raided. They have to pay regular bribes to the police or local thugs to live in peace.

Accessing health services. Migrants visit government health services for family planning and pregnancy-related services. They report discrimination when accessing health services and some migrants, particularly Bangladeshis, are unable to access health services because they lack an ID card and fear disclosing their identity. Many turn to private doctors or hospitals, despite their high costs, where staff are friendly and offer impartial treatment and where Bangladeshis do not need to disclose their identity. When the costs of private care are beyond their means, migrants self-medicate and delay treatment until they go home. A case study with an HIV-positive Nepali migrant in Delhi finds that they are unable to access HIV-specific care like antiretroviral treatment unless they have a valid ID card – which most migrants lack.

Communication and language barriers. Language barriers are a form of exclusion, leading to potential discrimination and harassment. Although 99% of Nepalis can speak Hindi and a similar percentage of Bangladeshis can speak Bengali (Wagle, et al., 2011; Sultana et al, 2011), their accent and lack of fluency sets them apart.

Unwillingness to disclose their identity also stops many Bangladeshis communicating or standing up for their rights. Bangladeshi housemaids, for example, often refrain from communicating with neighbours because they fear disclosure. Nepali women report staying in their rooms and not interacting with anybody. Male factory or construction workers report that as they do not speak good Hindi, they avoid talking to others for fear that their identity will be disclosed.

Hence stories of harassment, violence and discrimination continue to be found in source, transit and destination areas. Although experienced differently by different people, these stories lead to fear, lack of freedom and unwillingness to access services and claim rights more broadly.



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Recommendations

It is critical to increase awareness amongst migrants of their rights through the provision of information. Similarly, migrants need to be empowered to seek redress if their rights are violated. Some specific recommendations are proposed for different locations:

At source locations:

- Form women-led support groups, in particular in Bangladesh, to end the exclusion of returnee female migrants and their families, to change attitudes towards female migration.
- Develop a safe mobility package, with information on services available at destination, particularly for women, links to support groups and how to obtain identity cards in India.

During transit:

- Set up or build capacity of watchdog groups at borders, particularly for the India-Bangladesh border, to document violence, including sexual violence or coercion, ensuring that such cases get immediate attention.
- Sensitise border personnel and strengthen their supervision so that they are aware of the rights of Nepalese migrants and illegal migrants, and the principles of safe repatriation, to reduce the exploitation of migrants.

At destination:

- Sensitise health staff, police, landlords, employers and neighbours to increase their awareness of the rights of migrants, to end discrimination and exclusion.
- Set up or build the capacity of migrant solidarity groups to monitor and document discrimination and violence and share their findings in wider forums and for advocacy.
- Provide safe spaces and support structures for migrants so that they can discuss experiences of violence and increase community cohesion and solidarity.
- Foster communication and interactions between host communities and migrants to decrease stigma and discrimination at destination.

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