

**Human Trafficking and Displacement in Nepal: A Study of  
Jhapa District**

A Thesis Submitted

To

**Sikkim University**



In Partial Fulfilment of the Requirement for the  
**Degree of Doctor of Philosophy**

By

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This is to certify that the thesis titled "Human trafficking and Displacement in Nepal: A study of Jhapa District," submitted to the Sikkim university in partial fulfillment for the requirement of the Doctor of Philosophy, embodies the work carried out by Ms. Sapna Pradhan for the award of Doctor of Philosophy Degree in Peace and Conflict Studies and Management, School of Social Sciences. It is a record of the bonafide investigation carried out and completed by her under my guidance and supervision. She has followed the rules and regulations laid down by the university. The results are original and have not been submitted anywhere else for any other degree or diploma.

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## **Acknowledgements**

I gratefully acknowledge the support and guidance and would like to express my sincere thanks to my supervisor Prof. Sanghamitra Choudhury, HoD, Department of Political Science, Bodoland University, Kokrajhar, Assam. Without her thoughtful encouragement, careful supervision, and the valuable contribution to the direction and richness of the research, this Ph.D thesis would not have taken shape. I feel blessed and proud to have a mentor like her.

I wish to extend my special thanks to Prof N. K Paswan (HoD, Department of Peace and Conflict Studies and Management), Associate Prof. Dr. Vimal Khawas, Asst Prof. Dr. Salvin Paul and Asst Prof. Dr. Dinesh Kumar Ahirwar for their valuable comments, constant motivation and support. I am grateful to ICSSR for awarding me 'Doctoral Fellowship' and further providing me with 'Abroad Field Visit Grant' to complete my Ph.D thesis.

I am thankful to my family members for their constant motivation and support. I extend my special thanks to my mother Mrs. Kamala Pradhan for assisting in my field work.

I extend my special thanks to former Attorney General of Nepal Mr. Agni Prasad Kharel for providing me with special temporary office in Attorney General Office, Singhadarbur, Kathmandu for the review of the pending cases, which was very important part the research. I feel very indebted to Mr. Kharel for the kindness and help to the foreign scholar.

My profound thanks to NHRC Nepal and NGOs in Kathmandu Nepal (ATTWIN, Biswas Nepal, Asha Nepal, Shakti Samuha, CWIN, ABC Nepal, Saathi, KIN Nepal,

WORCE) Transit Monitoring Organizations in Kakarivitta, Jhapa Nepal (World outreach Mission Organization, KIN Nepal, Tiny hands and Sahashi Mahila,) Kakarivitta Police Station (Jhapa Nepal), Khoribari Police station (India), SSB (India) for their co-operation and sharing the valuable information which was very crucial for the research.

I would like to thank my friends Mr. Siddharth Rai, Mr. Shomit chowdhury, Dr. Waseem Ahmed Shah, Dr. Sabitri Mukhia and Ms. Reshma Lepcha for their presence and support. I would like to thank the local resident of Jhapa District Mr. Ayup Tamang for assisting me in my field work.

Without acknowledging the special contribution of my dear friends my research will remain incomplete. Therefore, I would like to express my sincere love and hearty thanks to Romu, Biman, Blue, Kanchi and Zimmi for being there always and cheering me up during research process.

- **Sapna Pradhan**

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## Abbreviations

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|        |   |
|--------|---|
| AATWIN | Alliance against Trafficking in Women and Children in Nepal                                       |
| ABC    | Agro-forestry, Basic Health, and Cooperative  |
| ADB    | Asian Development Bank  |
| BIPSS  | Bangladesh institute of Peace and Security studies  |
| BPFA   | Beijing platform for action   |
| CAT    | Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment |
| CATW   | Collation against Trafficking in Women  |
| CBO    | Community Based Organization  |
| CEDAW  | Convention on the Elimination of All Forms of Discrimination against Women                        |
| CeLRRd | Center for Legal Research and Resource Development  |
| CNN    | Cable News Network  |
| CPN-M  | Communist Party of Nepal Maoist   |
| CRC    | Convention on the Rights of the Child   |
| CREPA  | Center for Research on Environment, Health and Population Activities                              |
| CWIN   | Child Workers in <i>Nepal</i> Concerned Center  |
| DANIDA | Danish International Development Agency   |
| ECHR   | European Convention on Human Rights   |
| EU     | European Union  |
| FWLD   | Forum for Women, Law and Development  |
| GAATW  | Global Alliance against Trafficking in Women  |
| GDP    | Gross Domestic Product  |

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|           |  |
|-----------|--|
| HIV       | Human immunodeficiency virus infection   |
| HIV/ AIDS | Human immunodeficiency virus infection and acquired immune deficiency syndrome |
| HMG/N     | His Majesty Government of Nepal  |
| HTCA      | Human Trafficking Control Act  |
| HTTCA     | Human Trafficking and Transportation Control Act                               |
| IDPs      | Internally displaced persons   |
| IHRICON   | Nepal, Institution of Human Rights Communication, Nepal                        |
| ILO       | International Labour Organization  |
| IMDC      | Internal Displacement monitoring center  |
| INGO      | International non-governmental organizations                                   |
| IOM       | International Organization for Migration                                       |
| ITCJ      | International Center for Transitional Justice                                  |
| MCRG      | Mahanirban Calcutta Research Group   |
| MOF       | Ministry of Finance  |
| MoWCD     | Ministry of Women and Child Development  |
| MoWCSW    | Ministry of Women and Child Social welfare                                     |
| N.C       | Nepali Currency  |
| NCP       | Nepali Congress Party  |
| NGO       | Non Governmental Organization  |
| NHRC      | National Human Rights Commission   |
| NIDS      | Nepal Institute of Development Studies   |
| NNAGT     | National Network against Girls' Trafficking                                    |
| OHCHR     | Office of the High Commissioner for Human Rights                               |

|         |  |
|---------|--|
| ONRT    | Office of the National Rapporteur on Trafficking in Women and Children |
| PTSD    | Post-traumatic stress disorder   |
| SAARC   | South Asian Association for Regional Cooperation                       |
| SPA     | Seven Party Alliance   |
| SSB     | Sashastra Seema Bal  |
| STD     | Sexually transmitted disease   |
| UDHR    | Universal Declaration of Human Rights                                  |
| UN      | United Nations   |
| UNDP    | United Nations Development Program                                     |
| UNESCO  | United Nations Educational, Scientific and Cultural Organization       |
| UNHCR   | United Nations High Commissioner for Refugees                          |
| UNHRC   | United Nations High Commissioner for Refugees                          |
| UNHRC   | United Nations Human Rights Council                                    |
| UNICEF  | United Nations Children's Fund   |
| UNIFEM  | United Nations Development Fund for Women                              |
| UNODC   | United Nations Office on Drugs and Crime                               |
| UNOHCHR | UN High Commissioner for Human Rights                                  |
| UNTOC   | United Nations Convention against Transnational Organized Crime        |
| USAID   | United States Agency for International Development                     |
| WFF     | Walk Free Foundation   |
| WHO     | World Health Organization  |
| WOREC   | Women's Rehabilitation Centre  |



# CHAPTER I

## INTRODUCTION

### 1.1 INTRODUCTION

Human trafficking is a trade where a person is treated as commodities, sold like cattle, and exploited as slaves. Human trafficking is a worldwide issue in which thousands of men, women, and adolescents are dragged into slavery annually, devastating both industrialized and developing nations. Trafficking in person is the most argued topic regarding human rights violations. It has been analyzed from various perspectives, modern-day slavery, involuntary migration and smuggling of human beings, law and order problems and criminal activity by transnational organized crime (Lee, 2005, 8).

According to UNODC 2018, trafficking in person contains profound human rights infringement, and it is a severe offense against an individual, where their earning potential, mobility, and personal liberty are placed under the thumb of a third party via human trafficking (UNODC, 2018).

Like other forms of criminal activity, traffickers are dynamic, adaptable, and opportunistic and take advantage of the vulnerability of the people in the situation of crisis. Over the decades, due to the growing number of Human trafficking victims, the topic has received considerable attention in the national and international arenas as a worldwide issue and has been regarded ‘modern-day slavery.’

Although the practice of slavery and enslavement of human beings was abolished centuries ago, a closer look at our modern societies gives us a clear picture of the existence of slavery and the enslavement of humans in various forms. The practice of modern-day slavery, what we know today, was described earlier as forceful recruitment and enslavement and is still evidenced in our day-to-day life,

communities and societies as a traditional form of slavery. Conventional or old forms of slavery have been replaced by human trafficking, where an individual is exploited solely for economic exploitation (Bales, 2005).

For many years, there remained a problem of conceptual clarity on the phenomenon of human trafficking and ambiguity in defining what constitutes human trafficking, which failed to incorporate legislative measures and criminalize the act of human trafficking on a global scale and recognize it as a global problem. Many definitions varied from one country to the other, which indicated the failure of transnational co-operation between countries and lacked sheer commitment toward eradicating the global crisis.

The internationally agreed definition of what constitutes the elements of human trafficking is a very recent one. In the late 1990s, states started distinguishing human trafficking from other practices such as irregular and unsafe migration. The first transnational effort was joined by 80 countries, recognizing the urgent need for intervention and collaboration towards indentifying the indicators and formulating laws to check the problem (OHCHR, 2014).

In 2000, the U.N. protocol supplementing the UNTOC (Trafficking Protocols) emerged as the widely accepted international definition, and it has been adopted into several domestic laws and legislative and policy institutions.

**Table no 1.1 Definition on Human Trafficking**

(a) *“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;*

(b) *The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; ... (art. 3).*

*The three key elements that must be present for a situation of trafficking in persons (adults) to exist are therefore:*

- (i) *Action (what is done): recruitment, transport, transfer, harboring, receipt of persons*
- (ii) *Means (how it is done): threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability*
- (iii) *Purpose (exploitation): Prostitution of others, sexual exploitation, forced labour, slavery and similar practices, removal of organs and other forms of exploitation.*

*International law provides a different definition for trafficking in children (i.e., persons under 18 years of age). The “means” element is not required in this case. It is necessary to show only: (i) an “action” such as recruitment, buying and selling; and (ii) that this action was for the specific purpose of exploitation. In other words, trafficking of a child will exist if the child was subjected to some act, such as recruitment or transport, the purpose of which is the exploitation of that child.*

Source: UNODC, 2018; Shelly ,2011; OHCHR,2014

According to the above definition, human beings are trafficked for various purposes, including sex trafficking, labor trafficking and organ trafficking.

**Sex trafficking:** According to Amnesty International and Human Rights Watch, Women and young girls are perhaps the most commonly identified victims of the sex trafficking networks because and are typically exploited as sexual slaves (Merilainen and Marita Vos, 2015). SileNic Gabhan analyses that sex trafficking for sexual exploitation occurs in a variety of forced prostitution, in brothels, nightclubs, strip joints, spa treatments, escorts, and other sex-related leisure business sectors,

pornography, trafficking for forced marriages, including the trading activities in mail order brides (Gabhan, 2006, 528).

Women and Girls become easy prey to traffickers due to poverty, gender discrimination, deep-rooted patriarchy, lack of education, displacements due to conflicts and natural disasters and lack of other livelihood options. Women and girls are abused around the globe. However, the most considerable risk of trafficking arises when women and girls are prohibited ownership rights, education opportunities, financial entitlements and freedom, and political participation. Because of their poor social standing, females are especially susceptible to sex trafficking (Shelly, 2010). According to U.N., those vulnerable to human trafficking crimes are women between the age of 10-35, who are poorly impoverished, and uneducated (Davies and Benjamin, 2010).

**Labour trafficking:** Besides sexual slavery, men, women, and adolescents are trafficked and exploited for economic gain through forced labour. As a result of human trafficking, it has been reported that around 24.9 million are under forced labour (ILO, 2017, 9). Human trafficking for forced labour arises when individuals are exposed to bodily, mental and emotional pressure to do types of work for which they've never accepted or agreed with the terms. ILO convention no. 29 (1930) defines forced labour as "*any labour or assistance coerced from someone with fear, punishment and in which the individual did not willingly offer himself.*" ILO supervisory bodies clarified that the victim's consent would be irrelevant when deception and fraud have been used to achieve the victims' consent. Victims of trafficking for forced labour face low wages or poor working conditions but are also restricted from achieving freedom, human development and human rights and encompasses the situation as slavery, debt bondage and serfdom (Belser, 2005, 2-3).

Generally, victims are lured with the promise of employment via deception and fraud. Traffickers use newspapers, internet sites, and even individual contracts to advertise. In the destination country, victims include documented and undocumented migrants, and it is hard to discern between migrant labourers and individuals trafficked for forced labour. These victims are exploited both in the agricultural and non-agricultural sectors. The common sectors of exploitation include agriculture, mining, domestic servitude, construction, fishing, sweatshops factory (e.g., garment, packing, food processing), janitorial, food services logging, brick kilns, camel Jockeys etc. victims are also exploited in criminal activities like begging, pick pocketing, drug dealing and smuggling (Social Development Notes conflict, crime and violence No.122, 2009).

Generally, trafficked victims are subjected to work extremely long hours in unhealthy, harmful, and life-threatening conditions. People trafficked are exploited in unlicensed and illegal firms with minimal labour supervision. They are commonly wounded, tortured, threatened with guns and other weapons, and even made to consume narcotics to get a job. Men in Thailand's corporate fishing business work a minimum of 18 to 22 hours per day under rigorous and grueling situations (ibid).

**Organ trafficking:** Organ trafficking includes a broad range of alleged crimes aimed at marketing and selling human tissues and organs required for therapeutic transplantation (BOS, 2015, 16). The first successful organ transplantation was kidney transplantation, which was transplanted in 1954. Since then, solid organ transplantation extended to other organs, including liver, heart, lung, pancreas and bowel transplantations. Worldwide, in 2010, 1, 06,879 organ transplantation was performed. Of which 73,179 were kidney transplantation, 5,582 heart transplantations, 2362 pancreas, 21,602 liver transplantations and 3927 lung transplantation (Hott

Project, 2013, 20). Over the past few decades, the frequency of transplants done worldwide has surged to over 1, 15,000, fulfilling the requirements of only fifteen percent of all transplant recipients worldwide (BOS, 2015, 16).

The high rate of organ transplants conducted throughout the globe has driven the organ market, which is often not met through donors. The paucity of organs is the driving force behind organ trafficking. Many people are put on transplant waitlists each year, and most patients die while on the list. This circumstance has caused patients to seek criminal and morally reprehensible procedures to acquire human organs (Hott Project, 2013, 21). UNODC 2014 estimates that 3 % of the total trafficked victims worldwide are exploited for organ removal. The report estimates that trafficking for organ removal increased by 3 % in 2009 to 6% in 2010 and 7% in 2011 worldwide (UNODC, 2014, 11). The WHO estimates that 5 to 10 percent of the seventy thousand kidney transplants each year result from organ trafficking. China, India, Pakistan, Egypt, Brazil, Philippines, Moldova, Romania, and Colombia are identified as organ trafficking origin nations (Kidney International, 2008, 839).

**Table no 1.2 Regional pattern of Organ trafficking**

| <b>ORGAN RECEIPT COUNTRIES</b>  | <b>ORGAN DONOR COUNTRIES</b>  |
|---|---|
| <b>Middle – East</b> -Israel, Kuwait, Oman, Saudi Arabia  | India, Turkey, Islamic Republic of Iran, Iraq, Russia, Romania, Moldova, Georgia, Brazil and South Africa |
| <b>East and South East Asia</b> -China, Hong-Kong, Korea, Japan, Malaysia , Singapore, Taiwan , Europe, and middle-east         | China, Philippines, Laos, Vietnam, Indonesia  |
| <b>South Asia</b> - Bahrain, Kuwait, Oman, Saudi Arabia , United states Emirates, Malaysia, Singapore, Canada and United States | Nepal, Pakistan, India ( Andhra Pradesh, Karnataka, Tamil Nadu and Punjab)                                |
| <b>United States</b>  | India, Nigeria, Philippines and Russia  |
| <b>Europe</b>   | Bulgaria, Estonia, Georgia, Moldova, Romania, Russia, and Ukraine   |
| <b>Latin America</b> - Israel, United States  | Brazil, Colombia  |
| <b>Africa</b> – Botswana, Israel , Mauritius, Namibia,  | Brazil, Moldova, Nigeria and Romania  |

Source: Aronowitz, 2009



It has been observed that organ trafficking generally takes place in poor and underdeveloped countries, and recipients typically come from rich and developed countries. The organ recipients or buyers travel to a third country for organ transplantation. Voluntary health Organization, India estimates that 2000 Indian sell their kidney every year. The organ donors in Nepal and the Philippines are generally from the poor socio-economic background, with absolute poverty, where the organ has been removed, particularly kidneys but not paid in return. In the Philippines, children are sold by their parents and kidnapped for organ trafficking. Sind institute of urology and transplantation, Pakistan, estimates that every year around 2,000 kidney transplants are performed, of which 2/3 of transplants are performed on foreign patients, and 80% belong to unrelated donors. In some villages in Pakistan, 40% of the people had only one kidney. In China and Singapore, the executed prisoners' organs are sold for transplant to wealthy recipients. Russians and Eastern Europeans are trafficked and are forced at gunpoint to sell their organs; if they don't comply are often killed (Aronowitz, 2005).

## **1.2 DISPLACEMENT AND SEX TRAFFICKING**

Displacement refers to the forced movement of people from their habitual residence, locality, environment and occupational places. Human displacement is a global crisis caused by numerous factors, including famine, natural disasters, developmental programs, political strife, civil wars and armed conflict. Displaced people are categorized either as refugees or internally displaced persons. According to Wilson, *“Refugees are those who have passed an international boundary and are in distress or who have been ostracized in their native country. (IDPs) haven't entered an external boundary, but have escaped their homes for some cause”* (Wilson, 2015).

Both IDPs and refugees leave their homes and community for safety and survival. The prime distinction between IDPs and refugees is that refugees cross international and national borders, whereas IDPs remain somewhere within their own country for safety and survival. Further, refugees are entitled to international protection and given certain individual rights, but IDPs abide by their own country's jurisdiction and law and cannot claim the additional privileges such as those entitled to refugees. Refugees are protected by the UNHCR and have access to resources and funding from the U.N. Decades of research and news coverage highlight that the life of a refugee is a difficult one, but they have protection, access to food, camps, shelter, and school and even have programs to overcome PTSD, unlike internally displaced persons. When they leave their community, IDPs settle in a safe destination in their own country to avoid natural or manmade disasters, conflicts, human rights violations and violence. It is often assumed that they are in a better position than refugees, but in reality, they are forced and compelled to leave their community and live as migrants. They suffer from a loss of supportive social networks, disruption of family structure, marginalization and a hindrance to personal and family safety. IDPs are not protected by the international communities and are at risk of various vulnerable and difficult situations compared to refugees (Ibid).

IDPs belong to various multicultural and multi-ethnic backgrounds. When internally displaced, they settle in a destination where their language and culture differ from their place of origin. Due to ethnic differences and language barrier, many host communities adopt hostile attitudes toward IDPs and faces discrimination and further marginalization (Radoslaw L. Malinowski et al., 2016, 12-13).

Displaced people find themselves in a vulnerable situation, exploitation, poverty, violence and discrimination based on caste, creed, ethnicity and culture due to

externalities such as political and social turmoil, and are deprived form shelter, food, a safe environment and education. Vulnerability of the displaced people increases due to a lack of social, political, economic and legal mechanisms to protect the rights of such people. Hence, they experience deprivation of the legal rights of an individual owing to the economic and social structure. Human traffickers often exploit the vulnerability, desperation and uncertain future created by displacement and millions are exploited into forced labour, sexual slaves as prostitutes, and even forced into the growing trade in human organs.

The preponderance of displaced individuals who are trafficked is females. In most cases, women and adolescents are trafficked using deception and coercion. In terms of deception, human traffickers use methods such as fraudulent assurances of jobs, marriage, and academic prospects in the claimed destination to exploit victims as sexual slaves. Traffickers even apply force and coercion, where their victims are drugged, kidnapped, enslaved, and sold into the sex industry for sexual exploitation (Nagle, 2013, 1-3).

Millions have been unemployed, impoverished, homeless, and displaced due to the intensifying consequences of climate change. Instances include the famine in Sudan, the tsunami in South–East Asia, the earthquake in Haiti, Nepal, and Katrina in New Orleans, among others. Shelly argues that relief programs for calamity sufferers have frequently been inadequate, and irresponsible authorities have misdirected essential aid. Human traffickers often exploit destitute individuals who have lost their agricultural land and lack prospects in non-agricultural occupations. Due to their displaced status, women and girls are particularly and increasingly sensitive to sex trafficking (Shelly, 2010).

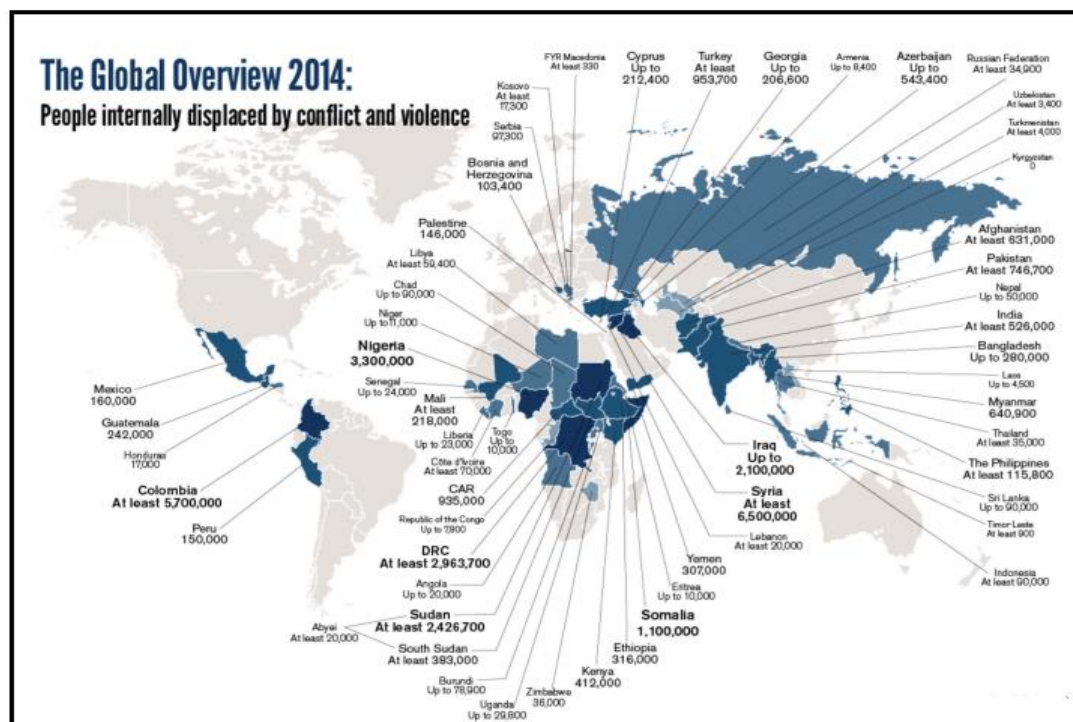
IDPs and refugees may face comparable hazards and difficulties when forcibly displaced. Nonetheless, IDPs are considerably more precarious than refugees since they lack international protection. Nevertheless, policymakers have been very concerned about the socio-economic position of IDPs for several years. The global community has paid little or no attention to internally displaced individuals due to war, conflict, and violence, so they have been subjected to several human rights infringements. After the cold war, political and socio-economic developments contributed to the growth of violence and internal strife in several nations. Which caused people to evacuate their place of birth; most of them were women and adolescents (Deng, 2004, 21).

Countries suffering from war lack the resources to aid their citizens. Moreover, these nations are vulnerable to global pressure to resolve humanitarian catastrophe and unrest. Furthermore, to achieve a balance between the violence and the crisis, IDPs are neglected and denied any relief such as food, shelter, health care etc. Thus, they become one of the most sensitive parts of the population, subject to various perils and challenges to their lives, including human trafficking.

More than sixty national and regional wars have occurred since 1990, leading to extensive internal displacement and destruction. UNDP reports that natural catastrophes and armed wars have resulted in millions of IDPs. However, most of the victims are the result of conflict-induced internal displacement. Since 2008, the UNDP estimates that more than 22.5 million individuals have been displaced owing to natural catastrophes; 70.8 million have been displaced due to armed conflict (UNDP, 2020). According to Tamang, *“Given the rising incidences of IDPs globally, the global community seldom meddles in cases of internal displacement”* (Tamang, 2009).

Women and adolescents internally displaced during armed conflict are more exposed to sexual assault and trafficking. Sex trafficking and sexual violence during armed conflict are broadly accepted as human rights violations. Women and adolescents are assaulted, tormented, and sometimes trafficked. Sexual violence has been identified as a form of warfare intended to punish women and communities, and such techniques have been branded a “weapon” of war. Sex trafficking during conflict has been documented in many conflicts in Colombia, Rwanda, Bosnia, and Kosovo, Herzegovina and is even reported in other conflicts in the Democratic Republic of Congo, Sudan, Sierra Leone and Nepal. In these nations, there have been accounts of savage rapes, and women have been enslaved, kept as sexual slaves, transformed into comfort women and prostitutes, and even sold to traffickers, organized criminal networks, and brothel-owners to fund the conflict (IHRICON, 2007, 12).

**Map no. 1.1 People internally displaced by conflict and violence (till 2014)**



Source: Radoslaw L. Malinowski, et.al 2016, 14

Nepal is among the impoverished country in the world with the highest incidence of human trafficking in the South Asian region. Nepal is home to millions of underprivileged people susceptible to many forms of human trafficking. However, sex trafficking by fraud, intimidation, and force is a significant problem and increasing criminal activity in Nepal. Due to the increasing number of internal and cross-border sex trafficking victims aged 11 to 25. The issue has become one of the country's most persistent problems. In terms of internal sex trafficking, major urban centers of the country such as Pokhara, Dharan, Nepalgunj, Kathmandu, Biratnagar, and Nepalgunj are the most promising sites, where the girls and minors are trafficked from the rural areas of the country and forced into prostitution and further trafficked to foreign destinations. According to Bishwo Ram Khadka, Director of Maiti Nepal, *“Due to Kathmandu's flourishing sex trade, brothels masquerading themselves as massage and therapy parlors or singing bars – there are approximately, or more than 600 such establishments and their proprietors seek for uninformed females in rural districts”* ( South China Morning Post, 2018).

According to Renuka Banjadee, executive director, NHRC, *“these urban centers have been recognized as the destination and transit areas where the innocent victims are exploited into various entertainment sectors like clubs, dance bars, strip clubs, Doheri<sup>1</sup> restaurants and bars etc., and further trafficked out of the country mostly to India”*( Personal interview, 27/07/2019)

Various pieces of the literature suggest that many women and children as young as 13-16 fall victim to cross-border trafficking in India. The trafficked victims are

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<sup>1</sup>Doheri is a Nepalese folk music that has its origins in rural marriage customs. Doheri denotes figuratively through both parties and an argument in Nepali. The argument and the discussion employ in a rhythmic flow and swift, hilarious lyrics.

bonded into debt, forced into prostitution, sold to brothels and red lights in Indian cities such as Kolkata, Mumbai, Bangalore, Chennai, Delhi, and Agra etc. (ILO, 2001, 14). The suffering of Nepalese women and girls does not cease in India alone. Recent trends in Nepalese sex trafficking have diversified and become transnational, including destinations such as China, Hong Kong, South Korea, the Middle East, Gulf Countries, South East Asia, US, UK and even Nigeria, in the name of overseas employment, education, and marriage (NHRC, 2017). Every year, between 5000-7000 women and girls are trafficked from Nepal, but according to a survey conducted by ILO (2001), more than 12,000 were trafficked to India, their ages ranging from 7-24 years with an average age of 15 (ILO, 2001).

There are many vulnerable factors for the presence of sex trafficking in Nepal, such as poverty and marginalization, gender discrimination, lack of women empowerment, domestic violence, dysfunctional family structures, deep-rooted caste system and patriarchal norms, poor governance, harmful traditional and cultural practices lack of investment and education on women and girls, child marriage, discrimination based on culture, ethnicity, caste and armed conflict (1996-2006).

The armed war in Nepal (1996-2006) resulted in severe instances of human rights abuses and humanitarian catastrophes, to which surrounding countries and global communities paid little or no attention. Ten years passed during the violent war between the Communist Party of Nepal (Maoist) and the Royal Armed security forces. Civil upheaval in the country resulted in internal mass displacement, forced migration, and breaches against human rights, including mass murder, kidnapping, disappearance, sexual slavery, and sex trafficking.

### Types of atrocities during armed conflict

1. Killed- 17,828
2. Missing persons – 1,452
3. Widowed – 9,000
4. Families Displaced – 9,000
5. Abduction- 2,985
6. Injured people -5,912
7. Internally displaced people-350,000-600,000
8. 60-80 % of victims of the conflict were women and children (Thapa and Deon, 2017, 1).

The problem of sex trafficking was not a unique premise. Earlier to the armed struggle, both internal and cross-border sex trafficking, mostly to cities in India, can be dated back to the Rana administration in Nepal. Before the armed struggle, only some parts of the region in Nepal, including Sindhupalchowk, Nuwakot, Dhading, Makwanpur, and Kavre, were afflicted by sex trafficking. Political turbulence and armed conflict, ingrained in Nepal's social, cultural, political, and economic structure, devastated 73/75 districts, resulting in internal mass displacement, which activated the underlying exposures and increased the number of instances of sex trafficking. During the conflict, MoWCD identified that 26 out of 75 districts became prone to sex trafficking (NHRC, 2006-2007).

Women in Nepal were subjected to centuries-old social and economic marginalization and discrimination. The armed conflict forced the displacement of many vulnerable women, girls, widows and orphans. Gender discrimination and discriminatory



property laws left thousands of women and girls unemployed without support from the state, source of income and land. The breakdown of the legal and political system in the country, in turn, exacerbated the pre-existing vulnerabilities, affecting the well-being, lives and education of thousands of women and girls. As their male counterparts and relatives joined Maoist and security forces or migrated for employment opportunities, females were left alone to deal with the ordeal of violence from both parties. Many reports suggest that the Maoist, police and the security forces entered houses at night and sexually exploited the local women and children. The violence executed by the Maoist and security forces had a more significant impingement on the overall life and health of women and children who belonged to poor rural households, lower castes, and minority and ethnic communities. The continuation of violence led to a fertile ground for gross violation of human rights against women and children.

On the one hand, their crucial concern and anxiety were food, shelter, security and the safety of their family members. On the other hand, caught in the vicious paradox between Maoist and security forces, many were killed and became victims of sexual violence such as child marriage, sexual exploitation forced pregnancies, verbal abuse, physical abuse, rape and gang rape, slavery and prostitution. As a result, these women and children became easily exposed to sexual violence and its interrelated outcomes like forced displacement, unsafe migration, rape, torture, unwanted pregnancies, forced prostitution and sex trafficking. Years of political crisis worsened the situation by failing to protect women and girls, which impacted the rights of the women and girls to live as dignified citizens. According to UNIFEM Nepal 2006, *“The impact of the conflict has fallen heavily on women and children as a result of gender-specific*

*violence, and many inequalities which have been exuberated by the conflict”*  
(UNIFEM, 2006).

Many families send their children to Kathmandu and other cities to avoid poverty, hunger, kidnapping, and forceful recruitment into the Maoist rebel forces. Many of these children became beggars, and many underage girls ended up working in dance bars and massage parlours in the Kathmandu Valley, where they were sexually exploited and became the victims of sex trafficking. The decade-long armed conflict led to devastating effects on the countries in terms of fracture and economy, which not only impacted the socio-economic lives of the IDPs but, in general, impacted the overall population in Nepal. Many poor women and children from rural Nepal chose unsafe migration for better livelihood options, risked their lives, and fell prey to traffickers. Socio-economic factors have remained the critical determining factors for sex trafficking during and post-conflict situations in Nepal. Socio-economic factors like poverty, illiteracy, discrimination based on caste, culture, ethnicity, etc., have remained significant indicators for traffickers for analyzing the potential sex trafficking victims. Against this backdrop, the study focuses on the socio-economic profile of sex-trafficked survivors of the Jhapa district of Nepal.

### **1.3 LITERATURE REVIEW**

#### **Feminist perspective on sex trafficking**

Dempsey (2010) defends Feminist abolitionists as a concept, action, and an effort to end sex trafficking, supplementing the two arguments, *“harms experienced by prostituted people”* and *“women and girls are human beings.”* In this sense, the harm done to prostitute people is the damage done to others—patriarchal social structure, which has lived, sustained and perpetuated by an unequal social system. The unequal

patriarchal social system is wrong in many senses, as it embraces sexism, misogyny, and sex discrimination. Such discrimination encourages irrelevant conception of a son's preference which further involves the practices and failure to provide and subdue the women and girl child from their basic needs, attributes, interest and other valuable options based solely on a person's sex. The link between such discrimination, sex trafficking and forced prostitution can be observed in the situation where women and girl children belonging to such social structure, ethnicity, class, or clan or have suffered from sexual abuse are assumed to be suited to abuse and exploitation. The harm against women who are the victims of forced prostitution or prostitution has become common in the sense as they are not viewed not as humans. Therefore, Dempsey views forced prostitution and prostitution as "Violence against Women" and supports the development of legal and legislative measures, notably the "Swedish Model,"<sup>2</sup> to eradicate sex trafficking and prostitution.

Ekberg (2004) a prominent abolitionist feminist, uses the term "prostituted women" to refer to any women exploited as prostitutes through sex trafficking or chosen prostitution for a livelihood. However, the primary emphasis is on the victims of sex trafficking, who are exploited in sex-related entertainment industries and forced into prostitution. Prostitution is immoral and "intrinsically related" to sex trafficking. In both cases, women are mistreated and used for financial gain through various methods and trafficked for forced prostitution. Therefore the necessary step toward ending prostitution is through the abolition of prostitution and protecting the sex-trafficked survivors.

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<sup>2</sup>The "Swedish Model" is a social assistance policy that puts an emphasis on women and adolescents to leave prostitution, propagating consciousness concerning sex trafficking and the negatively impacts undergone by others in prostitution, questioning socio-cultural behaviors which endorse prostitution, and outlawing sex trafficking, and those associated with sex trafficking including the buyers of sexual services.

Kathleen Barry (1979) states, “*Men create demands, and women are the supply.*” which is the view of the most influential group CATW<sup>3</sup>, founded by Kathleen Barry. According to Barry, the only way to end sex trafficking is through criminalizing sex trafficking and prostitution. A woman who assumes she is not harmed by her experiences as a prostitute is an ontological impossibility. Women have always been considered the second class citizens. since immemorial, confined to household boundaries and deemed inferior to men based on biological differences and physical ability. Therefore, the prevalence of such male domination invokes complicity, consent to sexual slavery, and many other forms of subordination through the power of male hegemony. An expression of women’s consent towards prostitution as a profession should be discarded because women’s consent and choice towards prostitution are possible only under male domination. Therefore, women’s consent to prostitution should be viewed in the context of “*Violence against Women.*”

Russel (2014) argues that global assessments of “feminization on migration” have significantly increased public awareness of sex trafficking. She contends that “feminization of migration” and “feminization of poverty” are closely related. The societal idea of feminization of poverty has persisted as a complicated worldwide issue. The relationship between the prevalence of poverty, gender discrimination, and migration has remained a key component in identifying the considerable increase in sex trafficking victims globally. However, these problems have not been thoroughly analyzed regarding sex trafficking.

Sullivan (2003) defends the sex workers’ rights perspective and contends that prostitution should be seen as a reasonable alternative for survival income generation.

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<sup>3</sup>CATW is an INGO endeavor to eliminate trade in human beings. CATW is the world's leading abolitionist feminist group and the first international nonprofit organization to battle human trafficking on a global scale.

By pushing for the rights of sex workers, the standpoint of Sullivan undermines the feminist abolitionist. In addition, she further argues that all sex workers should be protected and granted rights under International Labor Law. Failure to grant rights to sex workers would infringe the human rights of those employed in the sex business. This approach concludes that sex work must not be ostracized and criminalized.

Chapkis (1997) seeks to advocate for the rights of sex workers by diverting the feminist focus away from a focus on morals, ethics, and exploitation. Her primary emphasis is examining sex worker rights, working conditions, pay, economic circumstances, health and safety, and client-employee relationships. In many nations, prostitutes are often seen as degraded, immoral, and ill women and thus punished. Many women and adolescents throughout the globe are victims of sex trafficking and live in deplorable circumstances. In addition, she contends that men are also the victims of sex trafficking. So far, men's sex trafficking has received preliminary study and attention from international organizations. Feminist international organizations have concentrated chiefly on prostitution and recognized the link with sex trafficking. However, not all victims who are trafficked are taken for sexual exploitation. In addition to sexual slavery, women and girls are trafficked for labour exploitation and organ harvesting. Sullivan argues that a difference should be drawn between consensual prostitution, forced prostitution, and other types of exploitation against women and girls. In addition, she advocates for the legalization of prostitution as a profession, not as a social disgrace, and for the passage of new legislation to legalize prostitution and fight sex trafficking.

## **Global discourse on sex trafficking**

Bales (2007) argue that human trafficking is a “*Contemporary form of Slavery.*” In contrast to previous forms of slavery, slaves today are not restricted to a particular race or ethnicity. Slavery has overtaken the contemporary world, destroying valid human values such as through human trafficking for a variety of objectives. According to Bales, traditional forms of slavery and human trafficking have three characteristics, economic enslavement, loss of free will, and control by violence and compulsion. Bales argue that modern slaves are significantly less expensive than ancient slaves. In 1850, the cost of an enslaved field labourer was comparable to \$40,000; nowadays, slaves are purchased and sold for less than \$100, demonstrating that numerous types of slavery exist around the globe. Bales stress the two significant differences between the ancient and contemporary forms of slavery: 1. slaves are inexpensive now, and 2. slaves are disposable.

Kara (2005) points out that sex trafficking continues to be one of the harsh realities of the global economy. He contends that globalization has increased the profitability of international commerce and foreign investments, technical developments, the migration of foreign workers, and education. Despite its benefits, it has had a significant negative impact on the life of people. Inequality between nation-states has been exacerbated by globalization, and it has become a worldwide issue. It has increased poverty, widened the income gap, and restricted human rights by fostering social instability and socio-economic inequality. The phenomenon has resulted in the formation of class hierarchy and class structure, which has sustained and exacerbated inequality in developing countries. In international politics, developing countries depend on developed countries for various reasons, including commerce, political stability, financial aid, etc. Kara claims that the global south is afflicted by violence,

political instability, and a lack of fundamental human necessities due to globalization and unfair economic distribution. These inequities and instability in the people's lives have prompted them to leave their countries and communities for survival and financial success in other nations. In addition, disparities in income, wealth, and basic requirements have facilitated the perfect environment for the operation of sex trafficking, as it has made victims easier to acquire, transport, and abuse.

Barner et al. (2014) the study examines human trafficking through the lens of socio-economic disparity and argues that socio-economic discrepancy has always been a facet of human civilization. These disparities and inequality were constructed by the powerful and served as a system to take benefit and abuse the powerless. Social dominance theorists concur with the viewpoint mentioned above and argue that social hierarchy has always maintained such inequities due to historically established credence. The paper argues that social inequalities harm all aspects of an individual's life, including education, unemployment, low social and economic status, violence and abuse, homelessness, diseases, mental illness, substance abuse, exploitation, and human trafficking. Sex trafficking for profit is one of the most prevalent examples of such inequities in the contemporary world. The author contends that women become victims of sex trafficking owing to a lack of income, assets, work, education, political engagement, safety, and medical care. Many anti-trafficking groups have shifted their focus to the criminal side of sex trafficking, focusing less on the survivors' psychological, social, and mental health. The article recommends that attention and priority be given to human rights issues like poverty and socio-economic inequality to eradicate sex and other forms of trafficking.

Miller (2006) analyses that human trafficking is the underground market, a criminal activity that functions outside the legal system. Human trafficking operates within the

demand and supply chain and terms the phenomenon as “*grotesque*,” as the commodity is the human life. Miller quotes Dr. Bruce Wiegand’s work “*Off the Books: A theory and critiques of the underground market*” and defines an underground market as the production, transport, distribution and marketing for goods and services. Using Dr. Bruce’s definition, in terms of the underground market of human trafficking, ‘*production*’ is substituted for ‘*procurement*’. As traffickers use a wide range of techniques to procure the victims into sex trafficking, the most common methods include babysitting jobs, fake and non-existing jobs, kidnapping, drugging, fake marriage, and even pretending to be the counterfeit loves to draw victims and to be sold into prostitution. According to Miller, women from developing and transitioning countries are considered to be susceptible populations and are sensitive to sex trafficking. He cites Nigerian women being exploited as prostitutes in various Western European cities. Colombian women are in high demand in Japan and work as entertainers in different sex-related entertainment sectors in Japan. In Singapore, women from Indonesia represent maids and house cleaners, where they are sexually abused, exploited and starved. Each trafficked victim is the victim of threats and violence. In the case of foreign circumstances, each victim is a displaced person who becomes more dependent on their owner. Each victim represents the profitable input and profit-maximizing commodity for their trafficker in the underground market. Unlike drugs and arms, trafficked victims are sold and resold many times and are considered utterly disposable items for making money by their trafficker.

Nicola Di Andrea et al. (2010) analyzed sex trafficking in European and Western European countries. They found that research on sex trafficking in these regions for the past twenty years has focused mainly on the ‘*Supply*’ side of trafficked victims, focusing on the sex-trafficked victims’ profile, origin and destination countries,



traffickers' profiles and so on. The research has investigated sex trafficking, flipping the other side of the coin, using an altogether different perspective on the '*Demand*' side of the phenomenon. Therefore, to find the answer, they have used the technique of internet virtual ethnography by interviewing the client of the prostitute or sex traffic victim users and were able to discover the significant elements on the demand side. The analysis identified the customer profile and revealed that commercial sex purchasers did not represent a particularly "immoral" set of people but were relatively transverse across all classes. Prostitute users are ordinary men belonging to all segments (single, married, young as 13-14, elderly as old as 89, low and educated individuals, professionals, low skilled workers). They have quoted the research conducted in 1989 in Norway, using random sampling of 1001 men. The study found that they have paid for sex at least once in their lifetime, and majorities were habitual clients.

Cameroon and Edward Newman, Ed. (2008) emphasize the importance of understanding the interplay of several elements that allow the trafficking of vulnerable persons via "fraud, intimidation, and abuse." The authors classify these distinct elements as "structural" and "proximate." Structural determinants include economic distress, market downturns, the impact of globalization, perspectives regarding gender, prostitution, and conflict circumstances. Proximate determinants include loose domestic and international frameworks, ineffective legal administration, corruption, structured illegal business, and inadequate education programs. The interaction of these factors makes particular regions and gender (women) more prone to trafficking. Authors argue that; what we know about trafficking in person, particularly for commercial sexual exploitation, is slight and insufficient. There is a list of various policy interventions to deal with the problem at

the origin and destination countries. Keeping aside all these pre-existing policies on combating trafficking in person, the authors argue that structural factors have remained the potential cause of sex trafficking. Its interdependency with proximate variables is extremely important for tackling sex trafficking, which will open platforms for discourse at international and regional levels to develop a range of measures and strengthen organizational intervention to combat sex trafficking. The authors argue that governments must prioritize the elements that may assist reduce human trafficking. The authors' important recommendation involves ensuring national immigration rules take into account issues of the labour market by establishing local companies that create opportunities for peoples' progression, thereby lowering the migration, and by formulating and delivering prostitution legislation that offers additional safeguards for sex workers and reduces the sectors to engulf into criminal networks.

Wheaton et al. (2010) analyzed the economic paradigm of human trafficking and determined the economic aspects that drive the phenomena of human trafficking. According to the economic paradigm, the demand and supply relationship generates the economic markets for controllable laborers. The economic market is a site that links supply and demand, either directly or via intermediaries. The intermediaries play a crucial role in connecting businesses (who seek labour demand) with vulnerable job-seeking people. The economic market for human trafficking comprises vulnerable persons (perhaps migrants) deciding to provide labour, demand by the employers for exploitable labor Intermediaries (human traffickers) to meet this demand. This paper examines the "monopolistic competitive" structure of the human trafficking market, in which human beings are seen as goods with distinct values depending on their labour and there are several "sellers" and "buyers." This paper examines the three

fundamental motives that match the competitive market for human trafficking. There are several entrepreneurs (sellers) of variable exploitable labour. These entrepreneurs may be roughly classified as organized criminal organizations, loose networks, and small groups. The traffickers are very competitive, ingenious, and adaptable; they are aware of their competitors' investments and profits and set the prices for their goods. The paper contends that profits far exceed costs, ensuring a dedicated team of traffickers.

### **Sex trafficking in Nepal**

Sanghera and Kapur (2000) the study by Sanghera and Kapur have analyzed various laws and policies implemented by the government of Nepal, which has addressed various preventive measures for combating sex trafficking in the country till 2000. The authors analyzed the effectiveness of the anti-trafficking intervention in line with different human rights and international conventions ratified by the government of Nepal and found it inconsistent in dealing with the problem. The study has further analyzed the relationship between sex trafficking and the HIV epidemic in the country and foreign employment, female labour migration and sex trafficking. Authors argue that anti-trafficking policies and laws got entangled with the issues of kidnapping, child sexual abuse, prostitution and migration with sex trafficking. The authors recommend that the problems are different and should be dealt separately. The study highlighted the various loopholes in the country's laws and policies in dealing with trafficking in person, especially sex trafficking and suggested recommendations for improving them.

Bhattarai and Evans (2001) have critically analyzed the various anti-trafficking efforts adopted by multiple NGOs in Nepal, including prevention, care and support,

networking, and advocacy. Using the human rights approach, the authors have provided a critical analysis of anti-trafficking intervention used by various actors as a common strategy for combating trafficking sex trafficking in the country. The authors highlight that the anti-trafficking efforts by various NGOs in Nepal lack a human rights approach while dealing with trafficked victims. The authors have paid particular attention to the victims living in Nepal's rehabilitation centers and suggest NGOs develop the individual and right-based approach.

Hennink and Simkhada (2004) analyzed the trafficked victims' reintegration into the community and family. Due to the stigma attached to sex trafficking with prostitution and HIV/ AIDS, victims were ostracized by the society and community, making reintegration of the trafficked victims difficult. Due to the victim's predicament, families rejected their daughters due to the fear of social exclusion by the community. Many of them engaged in business and marriage to sustain their livelihood. However, most of the victims accepted prostitution due to low education and rejection by their families. Authors argue that the sex trafficking in Nepal has its roots in the low socio-economic status of women and girls, and should be examined through unemployment among women, feminization of poverty and migration, gender roles and gender discrimination, power relation between men and women in Nepalese society, caste, culture and ethnicity. The authors suggest that the NGOs and the government of Nepal adopt anti-trafficking interventions such as 01. Awareness at the village and community level especially targeting the rural areas and 02. Understanding of women rural-urban unsafe labour migration and risk of sex trafficking.

New Era (1998) to understand prostitution and sex trafficking, New Era (1998) conducted an exploratory survey in Nepal and India. In Nepal, the survey was carried out in 40 districts, which covered 180 locations in the country. In India, the survey

was carried out in Calcutta and Mumbai. The respondents of the study were sexually exploited children. New Era interviewed 165 sexually exploited children in Nepal and 65 sexually exploited children in India (Calcutta and Mumbai). Along with the interviews, the focused group discussion was also conducted with the selected communities. The study explored the various processes leading to trafficking and further analyzed that the prime reason for getting involved in prostitution is through sex trafficking. However, the study failed to investigate the various root causes of sex trafficking in Nepal in a coordinated and comprehensive manner.

Poudel and Carryer (2000) focused on the impact on the health of the survivors due to forced prostitution. The authors analyzed that most women and girls rescued from the major cities of India, such as Mumbai, Delhi and Calcutta, suffered from HIV/ AIDS. The study revealed that in most cases, the brothel owner released the survivors after being infected with HIV/ AIDS, and the victims voluntarily returned to Nepal. In 1998 Nepal's STD control and National Centre for AIDS reported 1075 cases of HIV /AIDS in the country. Both organizations estimated that 60-70 % of the trafficked victims rescued or who returned voluntarily to the country suffered from HIV/ AIDS. The authors argue that the country lacked an appropriate monitoring system and data on rescued victims who had HIV/AIDS. The authors reveal that the Government of Nepal failed to recognize the problem and help the survivors. In most cases, the concerned authorities did not record survivors who have HIV/AIDS.

Malla (2005) has analyzed the situation of sex-trafficked women of Nepal and argues that the victimization of women and girls in Nepal is shaped by multiple individual identities such as caste, race and gender. According to Malla, sex trafficking in Nepal results from gender, caste and racial discrimination. This discrimination has created

“dynamics of power,” where women from lower castes and certain ethnic groups and races have become more vulnerable to sex trafficking.

ONRT (2005) points out that various causes have shaped sex trafficking in Nepal. The causes vary from location, culture, caste, family, economic status etc. ONRT has categorized the causes as 1. Root causes, and 2. Immediate causes. The root causes of sex trafficking in Nepal are shaped by structural factors such as religion, caste, culture, socio-economic inequality, gender discrimination etc. The other immediate cause is individual vulnerability, including domestic violence, divorce, widowhood, incest, rape, polygamy, large family size etc.

#### **1.4 RATIONALE OF THE STUDY**

Nepal is one of the countries in South Asia with a persistent sex trafficking problem. ILO has estimated that each year 12,000-20,000 become the victims of sex trafficking. These victims are exploited within and outside the country in various sex-related entitlement sectors and forced prostitution. Due to the high number of sex trafficking cases, the country has drawn the attention of diverse feminist organizations, anti-trafficking organizations, NGOs, INGOs, media, stakeholders, civil societies, regional governments, and various transit monitoring groups. The government of Nepal has laid down the legal code Mulkin Ain 1963, which prohibits the trafficking under Article 3 and has even ratified the SAARC convention at the regional level and convention on CEDAW at the international level. Despite the significant initiatives, the problem of sex trafficking is on the rise and has remained one of the country's severe, acute and sensitive problems. The government of Nepal has listed 26/75 districts prone to human sex trafficking.

Against this backdrop, the study explored and analyzed the complex and sensitive nature of sex trafficking in Nepal. As literatures suggests that poverty has remained a potential cause of trafficking in Nepal. However, the study has focused on clarifying the causes of trafficking through the lens of the country's broad social, economic, political and cultural factors. Therefore, the study has analyzed the historical background of past and present bad political governance and political violence (armed conflict 1996-2006), which produced the internal mass displacement of vulnerable women and children, enhancing the problem. The country is the least developed in terms of human development index, gender development index and infrastructures. Apart from these problems, the study has further analyzed the country's highly stratified and diverse social and cultural structure, which has remained highly patriarchal. Due to the presence of the dominant Hindu culture for centuries, women and girls are often subjected to discriminatory economic, social, cultural and religious practices. The most pervasive is gender-based discrimination. Women and girls have less excess to health care, education, decision-making relating to marriage, divorce and property inheritance, and participation in the political process and are economically marginalized. In a broad sense, the study has aimed to understand the various socio-economic factors and their relation to sex trafficking in the country, as the government has remained a fertile ground for criminal networks and traffickers to procure the sex trafficking victims through force, fraud and deception. The study has further analyzed existing national laws and efforts on anti-trafficking interventions by the government of Nepal and the Role of NGOs at the national and grass hood level to combat the problem of trafficking in the country.

## 1.5 SCOPE OF THE STUDY

Government of Nepal has identified Jhapa district as the second most prone district in terms of sex trafficking (NHRC, 2006, 36). Jhapa is a border district to India and the transit point for illegal trades, including human trafficking. Jhapa district is situated in the Terai<sup>4</sup> Mechi Zone in Nepal's Eastern region, shares the border with the Indian states of Bihar and West Bengal, and has a population of 812,650. Jhapa district is the home to various disadvantaged groups in Nepal as Dalit,<sup>5</sup> Muslim, Medeshi<sup>6</sup>, Janajati<sup>7</sup> and Rajbongshi<sup>8</sup>. These communities in Nepal face different social exclusion and discrimination based on caste, gender and cultural practices and has become vulnerable to sex trafficking.

Further, the porous border between the two countries increased the vulnerability of the women in this region. Sex trafficking is a sensitive issue, and few pieces of research have been found in the micro-level studies of the Jhapa district. The socio-economic background of the victims of sex trafficking is difficult to trace. Therefore, the study has analyzed the socio-economic profile of sex-trafficked survivors of the Jhapa district of Nepal.

## 1.6 OBJECTIVES OF THE STUDY

1. To analyze the causes of sex trafficking in the light of political unrest and armed- conflict (1996-2006) in Nepal.

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<sup>4</sup> Terai makes reference to the lower zone or plain area. Terai is located in the south of Nepal.

<sup>5</sup> Dalit, also known as outcasts, considered impure, untouchable, and positions the lowest strata of Hindu caste order.

<sup>6</sup> Madheshi refers to individuals of Indian heritage living in the Terai region of Nepal, which includes numerous ethnic groups such as Hindu subgroups of the population, Muslims and Terai natives.

<sup>7</sup> The terminology 'janajati' is commonly used to denote the whole of Nepal's diverse ethno-cultural and indigenous tribes. The largest linguistic grouping is the Janajati. There are 125 caste and ethnic subgroups registered in Nepal, and 63 of those are categorized as janajati.

<sup>8</sup> The Rajbongshi are Indo-Aryan-speaking indigenous minority.



2. Apart from the armed- conflict, the study will identify other significant causes of sex trafficking in Nepal.
3. To analyze legislative frameworks and NGO measures in place to combat the issue of sex trafficking in Nepal.
4. To study the socio-economic profile of sex-trafficked survivors of the Jhapa district of Nepal.

### **1.7 RESEARCH QUESTIONS**

1. What is the theoretical understanding of Human Trafficking as a Structural Violence?
2. How did armed conflict in Nepal enhance the vulnerability of internally displaced women and girls to sex trafficking?
3. What are the various existing legal provisions and NGOs initiatives in addressing the problem of sex trafficking in Nepal?
4. How is the socio-economic status of women and girls in the Jhapa district responsible for sex trafficking?

### **1.8 HYPOTHESES**

1. Mass internal displacement increased the vulnerability of women and girls to sex trafficking in Nepal.
2. Sex trafficking in Nepal is often associated with the low socio-economic status of women and girls.

### **1.9 RESEARCH METHODOLOGY**

The study is based on the socio-economic status of trafficked survivors who have either escaped from the brothels, rescued by various NGOs, anti-trafficking

organizations, and police departments, and are currently living in various rehabilitation centers, shelter homes, or have been reunited with the societies and families, or currently working in multiple sectors and living everyday lives or reintegrated into new families through marriage. The study is based on exploratory, qualitative and quantitative research (dominantly qualitative), supplemented by the case study methods, for an in-depth understanding of the factors behind the socio-economic vulnerability which led to the trafficking of women and girls. Firstly, the research has incorporated the exploratory analysis, as no previous study or baseline survey has been conducted in the study area (Jhapa District). However, the study area has been declared in many reports by the government of Nepal as the second most prone district for sex trafficking in the country. Therefore, an exploratory research method has been employed to explore the various push and pull factors that facilitate and encourage trafficking in the study area. Secondly, the challenging and sensitive subject of sex trafficking has been investigated using a qualitative approach to reach the research's strategic goals and collect the necessary data. Qualitative research helps develop a comprehensive understanding of the topic under investigation, which entails reporting different views, recognizing several aspects involved in a scenario, and generally sketching the broader context that surfaces, consequently developing a holistic approach to the problem under examination. Thirdly, Due to the sensitivity of the topic and personal safety of sex-trafficked survivors, NGOs, rehabilitation centers, and shelter homes relocated the survivors with a new identity, and many got assimilated into the average population and constantly moved from one place to the other for jobs and other livelihood strategies, and remains hidden amongst the masses. Therefore due to the dispersed and hidden samples, the case study method and NGOs narratives have been supplemented for primary data collection by reviewing the

unpublished records of the trafficked survivors, amongst various NGOs, police records and through in-depth interviews with the key informants and NGO workers, focused group discussion, and NGO narrative on the socio-economic status of the survivors. Only those case studies and narratives have been included which has met the requirements of the research objectives.

### **1.9.1 THE STUDY AREA**

The term Jhapa has been acquired from the Tibetan word that means “cover,” Jhapa is one of the districts of Province No. 01, located in the easternmost, fertile Terai area of the country and comprises an area of 1606 sq. km. The district’s administrative division consists of eight and seven rural municipalities. Jhapa is the fourth biggest district in Nepal after Morang, Kathmandu and Rupendehi and is among the most ethnically mixed and diverse districts; and the home to one hundred and ten ethnic communities and has 8, 12,650 population.

### **1.9.2 SAMPLING**

The study’s sample size is 200, focusing each sample should be a female trafficked survivor of any age group, ethnicity, caste and culture from the Jhapa district of Nepal. The socio-economic variables of the sex-trafficked survivors at the time of trafficking, such as religion, age, marital status, caste, ethnicity, education, property holding, employment and family profile, were mainly undertaken for the study.

### **1.9.3 SAMPLING TECHNIQUE**

The field survey was conducted from 15/07/2019 to 19/09/2019. For data collection, the survey was conducted in two stages. The first stage of the survey was carried out in various rehabilitation centers, safe homes and shelter homes in Kathmandu valley

as well as in the Jhapa District, which includes; Chandragari safe home (Jhapa), KIN safe home (Jhapa and Kathmandu), Asha Nepal rehabilitation center (Kathmandu), Shakti Samuha rehabilitation center (Kathmandu) Maiti Nepal (Jhapa), using non-probability sampling technique, for identifying the respondents from Jhapa district. In the second stage, snowballing and purposive sampling were used for various NGOs and Anti Trafficking organizations (Asha Nepal, Maiti Nepal, AATWIN, Biswas, KIN Nepal, Shakti Samuha, National Human Rights Commission Nepal, CWIN, WOREC.), Transit Monitoring Organizations in Kakarivitta, Jhapa (World outreach Mission Organization, KIN Nepal, Tiny hands, Sahashi Mahila, Maiti Nepal), Kakarivitta Police Station (Jhapa Nepal), Khoribari Police station (India), SSB (India), anti-trafficking activists and NGO workers.

#### **1.9.4 DATA COLLECTION**

The study includes both primary and secondary sources. The primary sources of information were collected through a semi-structured questionnaire. The questionnaires were open-ended and close-ended, and the schedule have been employed. Overall, three sets of primary data were collected relating to trafficked survivors from Jhapa. 01. The first set of primary data was collected from trafficked survivors through in-depth interviews. 02. The second set of information was collected through focused group discussions with various NGOs and transit monitoring groups. 03. The third set of information was collected through interviews with NGOs and transit monitoring workers, lawyers, police and social activists, who have a proven record of working on this issue. Secondary data has been collected through various books, nations and international journals, NHRC annual reports, reports by the Government of Nepal, reports by the international organizations (ILO, IOM, U.N., UNHRC, Terre de Holmes), NGOs annual reports, manuscripts, thesis,

conference proceedings, Nepali literature on trafficking, newspaper articles both Nepali and English.

### **1.9.5 INTERPRETATION OF DATA**

The data collected from the field is interpreted with the help of available social science packages or M.S. excel.

### **1.10 LIMITATION OF THE STUDY**

1. The study is based on the socio-economic status of the sex-trafficked survivors of the Jhapa district. Therefore the research findings cannot be generalized to the entire country.
2. The research findings represent sex trafficking; therefore, it cannot be generalized to other forms of trafficking.
3. The unwillingness of various organizations and rehabilitation centers to allow the trafficked survivors to be interviewed created a significant challenge in reaching the sample size target.
4. Few respondents were suspicious and became hesitant to co-operate and give honest answers.
5. During the interview, many respondents became very sensitive, did not want to recall the events relating to trafficking, and shared sensitive information, which was very important for the research.

## **1.11 ORGANISATION OF THE STUDY**

### **Chapter I: Introduction**

This chapter presents the issue under study with the help of the review of available literatures, rationale and scope of the study, objectives, research questions, research methodology , limitation of the study and organization of the study

### **Chapter II: Theoretical Underpinnings of Human Trafficking as Structural Violence**

This chapter has explored the theoretical understanding of Structural Violence and its link with the problem of sex trafficking.

### **Chapter III: Armed Conflict, Displacement and Sex Trafficking in Nepal**

This chapter has analyzed armed conflict (1996-2006), internal mass displacement, and the vulnerability of women and girls to sex trafficking in Nepal.

### **Chapter IV: Legal Provisions and Role of NGOs in Combating Sex Trafficking in Nepal**

This chapter has analyzed the various legal provision, policies and NGOs intervention that address the problem of sex trafficking in Nepal.

### **Chapter V: Socio-Economic profile of sex trafficked survivors of Nepal: A study of Jhapa District**

This chapter has analyzed the data generated from the field to understand the various socio-economic profiles such as age, religion, caste, marital status, education and economic background (based on the primary source of household income, land

holding pattern and occupation) of the respondents' landholding patterns, and primary sources of household income, occupation of the survivors at the time of trafficking

## **Chapter VI: Conclusion**

This chapter has dealt with the findings, suggestions and recommendations of the issue under study.

## CHAPTER II

# THEORETICAL UNDERPINNINGS OF HUMAN TRAFFICKING AS A STRUCTURAL VIOLENCE

### 2.1 INTRODUCTION

Human trafficking is a complex societal issue. Globally, almost all countries have been impacted and share their suffering. Human trafficking has been acknowledged as a serious *'infringement of individual rights'* and a *'heinous act perpetrated against humankind.'* The grief, sorrow and agony endured by victims have impacted people of all colour, ethnicity and genders and evoke ideas of defenseless human beings as slaves.

According to Martinelli, *"Mass migration and search for job opportunities are two major social and economic factors involved in the complicated and multidimensional subject of human trafficking. Building the concept is challenging given this complexity since this crime entails violation of basic human rights as both the issue's underlying cause and a consequence"* (Martinelli, 2015, 30).

Due to the secretive nature of the crime, it has become hard to evaluate the accurate number of victims. The estimates of human trafficking victims by various countries and international organizations have varied due to methodological differences. The first report on estimates of human trafficking victims was prepared in the year 1997 by the U.S and reported 700,000 victims in the U.S. alone. The first-ever global report was published by ILO on forced labour in 2005 and estimated that from 1995 to 2004, 12.3 million people became victims of involuntary servitude. ILO and IOM 2017



concluded that between 2012 and 2016, more than 89 million people fell prey to human trafficking (Liana. W. Rosen, 2017).

**.Table no 2.1 Recent estimates on human trafficking by various organizations**

| NAME OF THE ORGANISATION | YEAR | NO. OF THE VICTIMS |
|--------------------------|------|--------------------|
| ILO                      | 2012 | 20.9 million       |
| WFF                      | 2016 | 45.8 million       |
| Free the slaves          | 2017 | 27 million         |
| ILO and IOM              | 2017 | 40.3 million       |

Source: Liana. W. Rosen, 2017

The above data prepared by various international organizations from 1997-2017 suggest that the number of victims has risen dramatically over the previous two decades.

According to UNODC 2017, 53 percent of human trafficking victims were women, 20 percent girls, 21 percent men, and 08 percent boys, women and girls make up 71 percent of total trafficking victims. Among the detected women trafficked victims, 72% (28.7 million) were trafficked in forced prostitution, 20% (involuntarily servitude), 08% for (forms) and 0.1% for organ harvest. Sex trafficked victims are mainly exploited in brothels, nightclubs, strip joints, escorts, spa treatment salons, and even transported for forced marriages (UNODC, 2017; ILO, 2017).

Commonly, countries are divided into- origin, transit, and destination countries.

**Origin/ Source countries:** Countries, where people are trafficked from the host country are usually taken to other countries.

**Transit countries:** Countries where people who have been trafficked are obtained from their native country to a foreign state, which is their ultimate location. They may or may not stay in a transit country for long.

**Destination countries:** Countries where trafficked people are '*supplied*' and '*exploited*' (Thomas, 2010).

Human trafficking exhibits a regional pattern. It is common for bordering nations in the same area to engage in cross-border and transnational trafficking. Human trafficking has been reported in 160 countries, among which 127 countries were identified as the origin, and 137 countries are recognized as the country of destination for the trafficked victim. According to ILO's "*Global report in trafficking in Person 2016,*" from 2012 to 2014, more than 500 trafficking flows were detected. One hundred thirty-seven citizens from different nationalities were detected in South and Western Europe countries. The detected victims in North America, the Middle East, and Southern and Western Europe were from countries worldwide. According to the report, East Asia and Sub-Saharan Africans were trafficked to various countries. Between 2012 and 2014, Sub-Saharan Africans were trafficked in 69 countries, mainly in West and Southern Europe and the Middle East. Human Trafficking flows are also recorded from Africa and South East to America (UNODC, 2017, 05).

The origination countries of trafficking in women and children can be classified as coming from the world's four regions. These are East and Central Europe, Asia, America, Mexico and Africa (Ebbe, 2008). According to UNODC (2014), the highest portion of sex trafficked victims was detected in Europe and Central Asia (66%), Africa and the Middle East (53%), the United States of America (48%) and lastly,

Asia and Pacific 26% (UNODC, 2014, 09). The global annual profit from sex trafficking is \$32 billion (ILO, 2012). According to Holman, sex trafficking is the third most profitable criminal activity after drugs and weapons, and within a decade, it will surpass narcotics and weapon trafficking (Holman, 2008). The following section will clarify the concept of Structural Violence by Johan Galtung, which has been linked with sex trafficking.

## **2.2 VIOLENCE: AN OVERVIEW**

WHO defines Violence as *“The planned, threatening or literal application of physical violence against one, others, organization or society that results in or leads to substantial probability further culminating in bodily damage, fatality, mental distress, starvation or malnutrition”* (Rutherford et al. 2006).

The word *“violence”* has its origin in the Latin word *“Violencia,”* meaning aggressiveness and vehemence (meaning excessiveness, uncontrollable force). The act of aggressive and excessive uncontrollable force results in violating and infringing an individual’s civil and political rights. Therefore violence has been conceptualized as Force and *Violations*. In the twentieth century, it has been estimated that more than 167 million people died due to war, genocide and civil unrest. From this perspective, people who died are not only the victims of violence but also the ones who were displaced, survived death, starvation, brutality, torture, loss of family members and property and source of income (Bufacchi, 2005, 193 -194)

### 2.3 JOHAN GALTUNG ON VIOLENCE

Johan Galtung's theory on violence has given a proper justification to violence (Violence as Force and Violence as Violations); based on the kinds of harm it produces. Johan Galtung categorizes the two types of violence direct and structural violence. Galtung first elaborated on the concept of violence in 1969, differentiated between Direct (personal) and Structural Violence, and introduced the other form of violence as cultural violence.

According to Johan Galtung, "*Violence is evident when individuals have impacted in such a way that their actual physical realizations are lower than their potentially physical realizations,*" and violence is defined as "*the causes of the discrepancy between actual and potential*" (Galtung, 1969, 168).

Galtung outlines three essential elements to clarify the concept of Violence (Violence as force and violence as violations) in terms of *Influence* by using three key features (Subject, Object and Action) and outlines six dimensions of violence

**First Dimension:** The first dimension distinguishes between physical and psychological violence. Physical violence affects the human body, which includes killing, beating etc. Psychological violence works on the mind and soul, including mental potentialities such as brainwashing, life threat, etc. According to Galtung, the expressions "Hurt and Hit" may be used to represent physical and psychological violence.

**Second Dimension:** The second dimension focuses on the (Negative/Coercion) and (Positive/ Reward approaches) to influence. According to the second dimension,

human potential can be increased instead of reduced through positive influence and rewards rather than punishment.

**Third Dimension:** “*whether or not there is an object that is hurt.*” Mass protests, nuclear testing, and throwing stones cannot be considered violence unless and until someone is “hit or hurt.” Such aspects can lead to a threat of Physical and Psychological violence and destruction of things rather than persons.

**Fourth Dimension:** According to Johan Galtung, the fourth dimension is the most important, as it deals with the subject “*Whether or not there is subject (person), who acts.*” According to the fourth dimension, a person can be “Hit or Hurt,” not only through direct violence but also through indirect ways. An individual can be killed, hit, hurt, and mutilated in both cases. According to Johan Galtung, there may not be a person who commits direct violence. The violence in the social structure shows unequal power relations and life chances. He terms this kind of violence “Structural Violence” and equates structural violence with “social injustice,” e.g., subordination, slavery, human rights violations, hunger, repression, poverty, mal-development, discrimination based on caste, creed, language and culture etc.

**Fifth Dimension:** The fifth dimension of violence distinguishes between the “*intended*” and “*unintended violence.*” The fifth dimension focuses on the violence committed, the related guilt, and the consequences.

**Sixth Dimension:** The discrepancy among the two intensities of violence, “Latent” and “Manifest,” in the sixth dimension.

1. **Manifest Violence:** “*whether Structural or Personal, is visible and observable directly or indirectly.*”

**2. Latent Violence:** Johan Galtung describes Latent violence as “*Violence which is not there but easily comes out.*” When the potential realization is decreased, this will affect the actual potential of an individual, which can lead to structural and direct violence (ibid, 1969, 169-172; Alexander, 2018).

#### **2.4 UNDERSTANDING STRUCTURAL VIOLENCE AND SEX TRAFFICKING**

The fourth dimension has identified structural violence as violence built into the social structure, appears in disproportionate life chances, and directly impacts individuals. Structural violence is invisible, which comes from hidden sources, works slowly and hampers basic human needs and the quality of a good life (Confortini, 2006, 337).

Structural Violence is a crucial concept in peace research, which throws light upon the contemporary realities of unequal and violent social order (Hoivik, 1977, 59). The idea of structural violence was foremost related to peace research. The theory of structural violence opened the array of possibilities to other disciplines like anthropology, sociology, clinical sciences, human right and gender studies to examine and understand violence present in the social structure, which constrain the human potential to the extent that the basic human needs and the good life are not attainable (Kathleen, 2007, 03).

The causes of structural violence lie in the social structure. Social structure means social arrangements and relations in terms of legal, political, cultural, and religion, which determine how individuals and groups interact in the social system. The social structure becomes unequal, unfair and violent when individuals and communities are

systematically deprived, marginalized and exploited on the basic social arrangements and relations such as slavery, discrimination based on gender, caste, culture, ethnicity and language, patriarchy, poverty, refugee and IDPs status, colonization etc. These structures are violent because it affects mental and physical integrity and hampers the quality of a good life and basic human need of an individual and group /community, resulting in avoidable illness, psychological and physical abuse, deaths, human suffering and misery. Structural violence victims are social groups rather than individuals (Hoivik, 1977, 60).

Bauer and Paul Framer (2016) write, “*Structural violence impacts sections of the population and subjects them to injustice and oppression. Consequently, the experience of misery generated by structural violence has been known as the social suffering*” (Bauer and Paul Framer, 2016).

Bauer and Paul Framer (2016) state that more fatalities, death and suffering are triggered by structural violence than by physical assault and estimate that the consequences of structural violence globally are 130 times greater than the physical violence (ibid).

Human need theory has offered possibilities for reducing and eliminating structural violence. The advocate of the Basic Human Need theory Abraham Maslow (1947), on “*Theory of Human Motivation,*” has developed the hierarchy of needs. The hierarchy is the concept of arrangement that represents people from the lowest to the highest. Maslow’s human need hierarchy presents two levels of needs: *Lower / Deficiency needs* and *Higher needs/ Growth needs*. According to him, human Lower/ Deficiency needs must be fulfilled first to achieve the next level of needs, i.e., growth needs.

The first four levels are Lower / Deficiency needs which include:

01. **Psychological needs:** Psychological needs are considered the foundation of Maslow's pyramid. Psychological needs are humans' fundamental needs for survival, including food, water, shelter, etc.
02. **Safety needs:** Safety needs are the people's freedom from fear of violence and threats to violence.
03. **Belongingness and love need:** The third needs are met through acceptance in the family, group, community and society. The person feels a sense of belongingness through acceptance and love by others.
04. **Self-esteem needs:** Include competence enough to achieve, gain recognition and respect and gain approval (Huitt, 2007).

The first four levels of needs are essential to fulfill the human needs for identity, well-being, security, and self-determination of a person (Christie, 1997, 315). If all these needs are fulfilled and satisfied, one can pursue the upper level of needs in successful ways.

The last three levels of needs are the growth needs which include:

05. **Need to know and understand:** the fifth needs include learning, understanding, and exploring.
06. **Aesthetic needs:** Aesthetic needs are the need to express and explain oneself in pleasing ways, including creativity, beauty etc.
07. **Self – Actualisation needs:** Self- Actualisation needs to deal with the person's desires and capabilities to realize and use their potential, talents and



abilities, which they want to become and achieve the desired goals. Self – Actualization needs can only be fulfilled when a person has addressed the previous six needs successfully. Maslow has estimated less than 1% reaches and achieves Self- Actualization (Huitt, 2007).

Structural violence occurs when people are denied basic human needs, particularly deficiency needs. Millions of people worldwide cannot meet the deficiency needs outlined by Maslow. Structural violence targets a specific section of people and systematically deprives them of material and non-material resources. Deficiency needs are challenging to attain by unequal distribution of wealth and corruption. More than a quarter of the developing countries live in absolute poverty, without access to clean drinking water, sanitation, sufficient clothing, proper nutrition and food intake in terms of calories, proteins and vitamins, employment, adequate health care and dignity.

Christie explored the relationship between poverty and structural violence; he states that more than 30 million people live below the poverty line, and the targeted ones are women, children and minorities (Christie, 1997, 315-318). According to the U.N., those vulnerable to human trafficking crimes are women between the age of 10- 35 who are poorly impoverished and uneducated (Davies, 2010).

The common cause of sex trafficking is the feminization of poverty, migration, globalization, gender discrimination, economic and political instability, unemployment, corruption, lack of education, racial, class and cultural bias, and patriarchy. The commodification of women's bodies reduces women's status as society's weaker section, inducing an unequal social structure. The uneven social system is immoral in multiple ways, as it promotes patriarchy, sexism, misogyny, and

gender bias. Such prejudice promotes the wrong perception of a son's desire, which further encompasses the failure to fulfill and oversee the fundamental requirements, talents, ambitions, and other significant alternatives of women and girl children based only on a specific gender. The links between such discrimination, sex trafficking and forced prostitution can be observed when women and girls belonging to such social structure, ethnicity, class, etc., suffer from sexual abuse and are assumed to be suited to abuse and exploitation.

Canadian Panel on Violence against Women, 1993, states, "*Violence inhibits women from being free, and until violence is eradicated from women's lives, equality cannot be accomplished*" (Samantroy, 2010, 25).

Around the world, at least one in every three women is coerced into sex, beaten up or abused in her lifetime (ibid). Martha Nussbaum's capability approach advocates gender equality, eradicating structural violence and ending sex trafficking from women's life. Ten capabilities or opportunities include the following

1. Capable of surviving till death
2. To have a healthy body, adequate nourishment, sufficiently food, and decent housing;
3. Ability to freely move while still being protected against physical assault, sexual abuse, intimate partner violence, and child s abuse. Owning choices for sexual intimacy as well as the choice to reproduce
4. Being free to comprehend, dream, and rationalize with freedom of choice of religion, philosophy, poetry, etc., having the opportunity to receive an

education, lead a respectable human existence, explore the actual meaning and purpose of life in one's perspective, make pleasurable memories, and escape needless suffering.

5. Connecting to people and objects, loving all who love and respect us, expressing grief in their loss, and growing without fear, mistreatment, or abuse.
6. Capable of constructing a perception of the sound using rational examination, having empathy
7. To live toward humanity and acknowledge by expressing compassion the potential for brotherhood and fairness. To possess the ethical foundation of self-respect, the capability to be treated with dignity, and protection from factors such as race, sexuality, sexual preference, faith, class, tribe, or citizenship. Having the ability to live with proper species like animals, plants and the world of nature
8. The desire to laugh, engage in free time hobbies, and enjoy
9. Political- successfully engaging in political processes determining the right to political engagement, freedom of opinion, and organization.
10. Material- able to possess ownership on equal ground with others, holding the right to acquire employment based on fairness, and being free from unreasonable search and confiscation (Nussbaum, 2000).

Very far from the reality of Nussbaum's capability approach, sex trafficked victims are not considered humans but instead viewed as sexual objects to be possessed and ravaged by men. Trafficked victims are forced into prostitution through fraud, force

and deception for the profit of their master/trafficker and live under their mercy as slaves. Victims often undergo many forms of harm, and it's unethical to women's human rights. The crimes related to sex trafficking expose those who are trafficked to a wide variety of human rights victimization, including rape, sexual assault, unfair labor practices, extortion, inhumane treatment, murder, unwanted pregnancies, long hours at work, loss of earnings, forcible detainment, hunger, and are much more prone PTSD and HIV-AIDS. Even after their rescue, victims are susceptible to abuse and deal with societal stigmatization (Lansink, 2006).

## 2.5 CAUSES OF SEX TRAFFICKING

The problem of sex trafficking is complicated and multifaceted. The underlying reasons originate from the interaction of several social, economic, cultural, and other elements that have exacerbated women and girls' vulnerability to sex trafficking. The study by Wrabetz and R.Penedo (2015) analyses women become vulnerable to various abuses and unacceptable situations involved in Sex Trafficking because of the following vulnerabilities

**Table no. 2.2 Vulnerable factors for sex trafficking**

|  |   |
|--|---|
| <b>Individual vulnerability</b>            | Family situation, gender, age, person's physical and mental disability, culture, language and belief, |
| <b>Circumstance-related susceptibility</b> | Joblessness and economic hardship.  |

Source: Clark, 2008, 8 ;Wrabetz and R.Penedo, 2015, 03

The study on the various causes of trafficking in women shows the enormous intersection between these factors. The root causes of trafficking differ from one

country to another, depending on different indicators. As suggested above, some regions are more likely to be fertile ground for traffickers. However, many factors tend to be familiar and found in many countries.

Another study by Cameroon and Newman has developed a detailed understanding of various risk / vulnerable factors for Sex Trafficking of women and girls. These factors are divided into two categories, Structural and Proximate factors.

**Table no.2.3 Structural and Proximate factors**

| STRUCTURAL FACTORS  | PROXIMATE FACTORS   |
|---|---|
| <p><b>Economic Factors:</b> hunger, Economic hardship, and forced migrations</p> <p><b>Social Factors:</b> Gender discrimination, age, social inequality (marginalization and discrimination based on caste, race, culture and language) and prostitution</p> <p><b>Ideological factors:</b> Racism, gender and cultural stereotyping</p> <p><b>Geopolitical Factors:</b> War, Regional conflicts, civil unrest and violent conflicts</p> | <p><b>Legal and policy aspects:</b> Poor governmental and administrative systems, weak migration legal frameworks, and limited or inadequately implemented employment guidelines and regulations.</p> <p><b>The rule of law:</b> Corruption, the complicity of the state in criminal activities, presence of organized criminal networks, including sex trade, smuggling/trade-in humans and smuggling/trade in illegal arms and drugs</p> <p><b>Insufficient coordination between the government mechanisms:</b> Limited education programs, lack of awareness of social evils, passive non - governmental organizations</p> |

Source: Cameroon and Newman, 2015, 03

The fundamental motivating factor for migration when one moves from severe to moderate poverty is poverty among the victims. The main factor for sex trafficking

has been absolute and relative poverty. In addition to poverty, factors that have been identified as common trends for the causes of vulnerability to trafficking include violence against women, migration, childhood trauma, gender inequality, the victim's age, inadequate education or low levels of education, feminization of migration, political unrest, war and conflict, displacement, and weak legal frameworks. These elements have often pushed the victims into both regular and undocumented migration, frequently placing them in the hands of traffickers. The desire to migrate to other developed countries has increased due to factors like the rapid expansion of the internet and telecommunications throughout the developing world. However, given an individual's vulnerability due to factors like lack of education or inadequate education, language barriers, lack of familiarity with the destination country, etc., this person may fall prey to traffickers. Poor parents sometimes send their children to relatives to escape chronic hunger and poverty. However, this practice has exposed and might also expose the children to traffickers in the future. Additionally, social and cultural elements may support trafficking. Numerous cultural and traditional customs place women and girls in inferior status, increasing their susceptibility to trafficking (Abdillahi, Deribe&Kura, 2014, 50).

## **2.6 CONTRASTING PERSPECTIVES ON SEX TRAFFICKING**

Sex trafficking results from the intersection of multiple forms of structural violence. Therefore, it is essential to study the numerous social, economic, cultural, and other variables that cause women and girls to become victims of crimes through force, deception, and decapitation. The following section will showcase many views, such as Slavery, Poverty, Migration, Prostitution, Race & Ethnicity and Culture concerning structural violence and sex trafficking.

### 2.6.1 SLAVERY

Slavery is not new; its genesis can be traced back to ancient times. The practice of enslavement of humans has been well described in Bible, Koran, Greek, and Roman classics.

According to Caleb L.Seibel, the term “*Slavery*” means *one individual possesses another like chattel or property* (Caleb L.Seibel, 2015).

Two types of slavery existed in ancient times: Chattel slavery and Indentured servitude. In Chattel slavery, people were legally considered property, and their owners had the right to purchase, sell, barter, and otherwise transfer them like they would any other commodity. Indentured servitude is another kind of slavery in which a person commits to labour for a certain period in exchange for board and travel. That is closely connected to debt bondage, wherein work is performed without payment in place of debt cancellation. Indentured servitude was more unfavorable than chattel slavery due to its poor labour output and heavy transportation expenses (Picarelli T. Jhon, 2007).

All the principal civilizations in Europe, Asia, Pre-Columbian America, and Africa practiced chattel slavery significantly. Most individuals fell into the categories of chattel slaves, war captives and their families, and those in financial distress. As punishment for breaching the law, persons may be enslaved, and occasionally people sold themselves and their family members for survival. Due to the necessity for cheap labour by European explorers whose colonies depended primarily on the plantation economy, chattel slavery developed into a commercial industry throughout the middle ages. Europeans saw Africans as “Natural Slaves” and hunted, abducted, auctioned, and sold them into slavery. It has been estimated that around 13 million Africans were

shipped to Europe and North America from the early 1500s to the early 1800s as part of the transatlantic slave trade. In 1807, the British Empire abolished the “Trans-Atlantic Slave Trade”. Nevertheless, it took some time for Britain to end slavery inside its realm and borders/colonies, and it wasn’t until 1833 that legal slavery was officially abolished. Other nations, such as the United States, which abolished slavery in 1865, and Brazil, which did so in 1888, also took action. The League of Nations advocated for an international agreement to abolish slavery in 1926, and the United Nations soon followed in 1948. Three additional nations abolished slavery in the later 20th century: Qatar (1952), Oman (1970), and Mauritania (1980) (Caleb L.Seibel 2015).

Bales define contemporary slavery as “*A socio-economic arrangement in which individual is enslaved by violence, not compensated, and abused commercially*” (Bales, 2007).

People were transported and sold depending on individual skills and racial lines under the traditional forms of slavery. However, modern-day human trafficking is a worldwide epidemic that transcends ethnic boundaries. According to Cannon (2005), sex trafficking is a modern type of slavery since enslaved people are no longer defined by their race, ethnicity, or colour but rather by their vulnerability (Cannon, 2005, 44).

Traditional forms of slavery share the following common key element with sex trafficking, which includes, women and girls are being treated as commodities, marginalized and exploited for personal or economic gain, dehumanized and considered disposable items, bought and sold as property, forced to work excessively long hours, Forced to work under violence and threats of violence, owned and



controlled by the owner through mental, physical, sexual and verbal abuse, controlled through punishments which include rape, beatings, starvation and murder, restrictions and subjugation (Herzfeld, 2007, 50),

The international understanding of slavery in regards to trafficking was established by the Slavery Convention of 1926, which defines slavery as “*the position or circumstance of an individual right of ownership are exercised.*” Slavery is deemed immoral and a “crime against humanity” under other conventions, such as the elimination and abolition of any form of slavery and racial discrimination. Slaveholders and slave traders are deemed enemies of humanity. UDHR (1948) and ECHR (1950), Article 04 stipulates, “*No person shall be subjected to enslavement or slavery.*” Both conventions accepted that classical forms of slavery no longer exist, although evidence shows that slavery-like activities continue to live in sex trafficking (Munro, 2008, 247).

The ILO 1930 defined slavery as “any employment or labor incurred from any person under the threat of any penalties and said individual has not consciously engaged oneself.” Further, ILO 1957 broadened the definition of slavery, which includes-services acquired under the prospect of punishment, utilizing the other’s labour for financial advancement, debt servitude, non-payment of salaries and benefits, loss of income supplemented by provocations of expulsion, if the working person refuses to cooperate further than the service agreement, as a means of labour discipline, punishments involving restriction, physical abuse, life intimidations, and mental abuse, child labour and sexual exploitation (Ibid).

In 1956, the United Nations expanded the classification of modern slavery, including debt servitude, forced marriage, servitude, the transferring of adolescents and women

for economic exploitation, and possibly forced prostitution. Sex trafficking reflects the “modern forms of slavery,” according to several observers who emphasize the U.N.’s approach to defining new forms of slavery or practices concerning it (Drew, 2002, 483).

International agreements have paved the way for subsequent efforts to suppress and eliminate all forms of “contemporary forms of slavery”. However, the tradition continues to live on in the context of forcible labour, sex slavery, imposed prostitution, forced marriage, bonded labour, and child exploitation and oppression (Sol Torres & Niklas Swanström, 2014, 02).

Victims of sex trafficking often endure a variety of slavery-like circumstances, mistreatment, and violations of their human rights. Women are repeatedly assaulted, harassed, and raped by traffickers before being sold to pimps and customers to break their will and engage them in prostitution. Numerous bones were discovered in the pit in Nizhny Tagil, Russia, in 2007. Substantial evidence suggests that traffickers often torture, rape, and murder women who refuse to provide sexual services and attempt to flee and confront their traffickers (Shelly, 2010, 61-62).

Another incident mentioned by Aronowitz comes from Turkey, Istanbul, where two Ukrainian women were thrown from the seventh floor of the building to their death, while six of their Russian friends were forced to watch the incident. In Siberia, the woman who refused prostitution was publically slaughtered by her trafficker. Turkish – Brother, in the Netherlands, is considered one of the most vicious and violent sex trafficking rings. Women who try to go against their rule, which includes making contact, seeking assistance and help with the clients and speaking with the police, law enforcement and NGOs, are beaten using baseball bats and drowned in freezing water

to hide the bruises. Turkish- Brother Ring forces its victims to undergo breast implants and abortions. They even tattoo the victims with the brothers' initials, with the message "Slaves." According to the Human Rights Watch investigation on the trafficking of Nepalese women into Indian brothels, victims suffer circumstances comparable to slavery, where imprisonment, rape, murder, and beatings are commonplace. (Aronowitz, 2009, 58-59). In Mexico, an 11-year-old trafficked victim refused to have sex with her client, a miner was beheaded with his machete, and the miner drove around his speedboat with her head in his hand, and other miners/ his friends applauded and clapped (Bales, 1999, 4). These are only some examples of violence and slavery, where victims had their lives controlled by another person, and still, many are subject to such violence.

Debt is one of the methods a trafficker uses to keep their victims under control when it comes to sex trafficking. The debt often includes the cost of the victim's transportation to the destination country. Even if the victims had paid all of the charges before leaving or if there had been no negotiation of the repayment of costs and travel expenditures, debt bondage still occurs. Traffickers often demand payment for the extra money on her travel expenditures as a debt. Due to the debt accrued, victims continue to be exploited. In addition, since they are required to pay high prices for rent, food, and other services, it is hard for victims to pay back their said debt to their traffickers, pimps, and brothel owner. Even after the whole amount of the demanded debt has been paid, victims are not allowed to leave the situation. Threats of violence, more significant debt, damage to the family and children, re-trafficking, and being sold to a worse trafficker are made against her if she disobeys; women who are subjected to such circumstances with threats of violence take them seriously (Shelly, 2010, 63).

In the case of Turkish trafficking groups in Amsterdam, trafficked victims are forced to pay for the rent and food in addition to €100-€150 per week for the security guards and €1000 per day for the trafficker. Nigerian women are often enslaved unless they return the debt; this implies that they are required to continue in prostitution until their debt is cleared. The condition in which women work and live is reported to be abominable and has resulted in short life expediency, which sometimes does not extend beyond the time needed to extinguish the debt. Once the women successfully repay their debt, they often become madams, join criminal organizations, and recruit women and girls, which they force or trick into prostitution. Albanian women are forced to work in prostitution their entire lives, even if they pay the debt incurred. They are subjected to unconditional exploitation. However, their only chance of being saved is escaping or being caught by police and reporting their victimization and testimony against their trafficker. The situation is similar to Eastern European women trafficked for forced prostitution in Italy (ibid).

Turkish traffickers operating in Amsterdam compel their victims to pay the rent and food in addition to the security guards' wages of €100 to €150 per week and €1000 daily. According to how much money they pay their pimps and traffickers each month, Nigerian women are often compelled to stay in prostitution for several years until they can clear their debt. Women are said to suffer and live in terrible conditions, which leads to a short lifespan that sometimes does not go through the time required to pay off the debt. Once the women have paid off their indebtedness, they often become madams, join gangs, and seek out women and girls to deceive or compel them into the sex trade and debt bondage. Albanian women are obliged to work as prostitutes for the rest of their lives, even if they repay the debt. They are victimized by unrestricted exploitation. Their only hope of survival is to escape or be

apprehended by authorities, identify being a victim, and provide a statement against their trafficker. The scenario is comparable to that of Eastern European women brought to Italy for forced prostitution (Aronowitz, 2009, 57).

In Thailand, some parents from remote areas sell/ loan their daughters to traffickers and brothel owners. The parents usually sell or lend their daughters based on a contract agreement that the woman should repay a certain amount before she is allowed to leave or send money home. Once the parents hand over their daughter, she is held in debt bondage, where she has to pay for the rent, food and other services at a very high price which becomes virtually impossible to repay and escape the situation. Many victims die due to harsh punishments and little attention to medical investments. Even if the victims run away, the owner follows and finds them, and the families in their village will not accept them, and if they try to seek assistance from the police, they are returned to their owners. Burmese women are also recruited to work as sex slaves in Thailand. As illegal immigrants with little or no knowledge of Thai, Burmese women are exploited and find themselves worse than Thai women. According to an estimate, one in every ten prostitutes is held in debt bondage and enslaved in Thailand (Bales, 1999, 41-45).

Additionally, Thai women are transported to Japan for forced prostitution. Traffickers transport these women and then sell them to the owners of brothels. In interviews with Human Rights Watch, victims described traffickers and brothel owners imposed strict obedience and used different coercive techniques to secure their compliance and adherence. Human Right Watch recorded debt bondage as the most prevalent form of abuse in the trafficking of these young Thai women to Japan (Rassam, 2005, 820).

Slavery is known to us as the worst form of violence and exploitation sustained for centuries in human history. Human trafficking has historical parallels with traditional or old forms of slavery. Author Maggy Lee argues, “*Earlier methods of slavery, such as slave ownership, auction block enslavement, and even being compelled to serve in chains, may be non-existent nowadays.*” Slavery has been banned with the help of numerous international instruments. Yet slavery is continuing through Human Trafficking in modern times in various forms through labour exploitation, sex slaves and others” (Lee, 2011, 21-22).

### **2.6.2 POVERTY**

The capabilities approach pioneered by Amartya Sen defines poverty as “*the ability of individuals to live a good life that helps to expand their potential; poverty is understood as a lack of appropriate resources preventing people from taking part in some basic pursuits like surviving and enjoying a long and prosperous life, procreating and passing down their way of life to following generations*” (Desarrollo, 2004, 10).

Poverty is understood as the inability of the individual to attain a decent living. The World indicator (2004) recognizes poverty as food deprivation, hunger and malnutrition, clothing, unsafe drinking water, lack of education, homelessness, lack of income, social exclusion and discrimination (Abdillahui, Deribe & Kura, 2014, 50).

According to the UNDP (2019) report on Global Multidimensional Poverty (MPI), the study encompassed 101 countries and found that (1.3) billion, i.e. (23.1) percent, people worldwide live below the extreme poverty line (\$1.90) each day. According to the research, 94 million impoverished people are in developed or

industrialized nations, 792 million in developing countries, and 440 million in poorer countries. According to the survey, Sub-Saharan Africa and South Asian nations have the most significant number of poor people among the 101 countries (UNDP, 2019, 1-10).

The substantial body of literature suggests that unequal distribution of wealth and poverty has impacted women's lives and has positioned women secondary in social, economic, political and family spheres. Feminization of poverty by Chant (2006) suggests that women account for the largest share of poor people in most societies today. Seventy percent of the world's poor are women, and women's poverty is rising. Incidences of poverty among women are much higher than in men, and they face more extreme poverty than men and face barriers to uplift them from poverty. Female-headed household with extreme poverty transmits poverty to their children (Chant, 2006, 1-10).

Women are poorer in most societies because of a lack of investment in women's education and undergo gender-based division of labor and wages. Women face unemployment and, if employed, are often paid less in both the formal and informal sectors. Today, most women depend on their family or husband, and their daily household chores are overlooked and not financially compensated.

Feminization of poverty and trafficking of women is pertinent in many countries today. Women with harsh economic backgrounds, low education, and employment opportunities often face difficulties fulfilling their day-to-day needs. Poverty motivates such women to take regular/irregular migration as a potential escape, a solution for economic prosperity to solve their financial crisis for themselves, their families, and their children.

GAATW 2010 states, *“due to limited sources of income, Women are more inclined to accept higher risk while migrating under risky conditions from rural regions to globalized metropolitan centers and overseas to get significant benefits. Women may be more prone to trafficking when the circumstances leading to migration are unsafe”* (GATWW, 2010, 7).

Historically, prostitution and demand for sex have always remained almost in all civilizations. However, this demand has been increasingly mitigated by sex trafficking (Kabance, 2014, 10). Globalization has remained one of the contributing factors and has added a new dynamic to the feminization of poverty, migration and Sex Trafficking to function worldwide. (GATWW, 2007, 7)

Siddhartha Kara writes, *“Globalization has had several benefits, including broadening global trade and transport international investment, and accelerating the transmission of knowledge between nations; however, it has also had negative effects that have contributed to a rapid rise in global slavery by exacerbating economic inequality, enlarging the wealth gap, fueling civil instability, and eroding true individual liberties. Sex trafficking has benefited from globalization since it has enabled victims easy to identify, easier to transfer, exploit and reap the benefits”* (Kara, 2009, 04).

Sex Trafficking is seen as the consequence of the increased economic inequality gap created by globalization. The United Nations categorize economic inequality into six distributional disparities: earnings, property, investments, occupation, access to



knowledge and healthcare, social protection, and security (Barner. R John et al., 2014).

These factors often push women from their country of origin, pull towards higher salaries, educational opportunities, an active demand for cheap labour/ migrant labours, political stability, and relaxed border controls in the destination. Traffickers often use the pull factors along to entice women into sexual exploitation,

Women and girls are lured by traffickers with the promise of fake jobs, better employment opportunities, fake marriages and better education in the destination country and are sold into prostitution. These tricks have been recorded as the most common means used by traffickers to lure their victims. In Bulgaria, women are tricked by the promise of fake marriage and sold into prostitution. A recent study shows that runaway teens in the United Kingdom who belong mainly to poor and dysfunctional families are trafficked by offering them material and emotional support. The Albanian women are often enticed by the promise of fake jobs and are sold in Greece into prostitution. One of the alarming trends found in the trafficking of Nigerian women, trafficked victims send to their place of origin to recruit girls into sexual slavery. Reports from the various Non-Governmental organizations in the Soviet Union state that Russia, Ukraine, and Belarus act as fertile grounds for traffickers trafficked through marriage agencies. Women and children from poor economic backgrounds are often sold by their relatives in south Asian countries (Pakistan, Nepal, Bangladesh and India), Sub-Sahara Africa, Benin, Togo, Mali and Ghana to overcome the financial burden of the family (Ibid).

### 2.6.3 MIGRATION

IOM (2019) defines a migrant as “*a person who immigrates, partially or completely, for a variety of reasons, from their regular habitation, either somewhere in a nation either across an international boundary*” (IOM, 2019)

The migration process includes people moving from one place to another, searching for work and living permanently or temporarily. Both males and females migrate internally or internationally for various reasons: better employment opportunities, a better life or livelihood, marriage, education, or to flee a failed state or natural disaster. Nowadays, women are increasingly migrating as the primary economic providers or the breadwinners for their families. However, migration can pose a significant threat to abuses, including sex trafficking (UN, 2006).

Both married and unmarried women are migrating to industrialize as we as developing countries. Since 1980 and female migrants have grown faster than male migrants. From 1965-1990, more than half of the international migrants were women from various nationalities. It is argued that in 1960 women constituted nearly 47% of all international migrants, and the percentage increased in the next four-decade by 2%, i.e., 49 %. In 2015 48% of the international migrants were women and girls. From 2000-2015, women’s and girls’ migration grew to 15.8 % in the developing countries and 6.4% in the developed regions. In 2015 total number of world refugees worldwide was 21.3 million, and 8% of the international migrants were refugees, of which women and girls comprised 47 % of the international Migrants 2015 (UN, 2019).

Sex trafficking is a migration issue and demand for sex in the destination country. Sex trafficking is often considered the “commoditization of migration.” When a potential trafficking victim is trying to migrate, there has been an instance of actual abduction, but half the potential migrant is often approached by acquaintances and lured through an advertisement or a fake marriage (IOM, 2019).

The report by IOM (2019) analyzes that the sub-group of women migrants who are particularly at risk of Sex Trafficking includes the women fleeing violent conflict, violence in the family, dislocation from the community and family support. Female migrants and children who choose irregular migration without proper documents are vulnerable to trafficking and abuse in different ways, in domestic work, the sex industry and even forced marriage (Ibid)

Both pull and push factors had created the condition for women’s migration and trafficking. Sociologist, criminologist and political scientist working on the migration issue has pointed out that the pull factor for migration and sex trafficking is due to the increase in the growth of irregular, regular and forced migratory movements in various parts of the world due to the economic crisis, political conflicts, civil, ethnic conflicts, lack of sustainable livelihood, gender blind macroeconomic policies, social inequalities, ethnic persecution and the broader process of global transformation (Touzenis, 2012).

Many women in grinding poverty, displaced by political turmoil, restrictive immigration and asylum policies often termed ‘Broad Zones of Exclusion’. Women are left with no alternative but to take migration through the irregular channel of smuggling as the way to means to escape and are trafficked (Lee, 2007).

**Table no 2.4 Push and pull factors for migration and sex trafficking**

| Push factors   | Pull factors  |
|--|---|
| Joblessness, gender bias and Inaccessibility to the jobs market        | Better livelihood and educational opportunities       |
| Poverty  | Growing market and high employment rates,             |
| Attempting to avoid injustice, assault, and mistreatment               | Better income and workplace                           |
| Discrimination based on race, gender and ethnic lines                  | Active demand for prostitution with attractive income |
| Political unrest, natural disasters, displacement and forced migration | Stable environment and employment opportunities       |

Source: Prepared by the researcher

The cross-border migration in Bangladesh, Moldova, Mali and Nepal is due to gender labour exclusion, powerlessness and post-conflict situation, and women often risk their lives for better livelihood and income, which often leads them to sex trafficking. South-Eastern Europe has a high incidence of gender-based discrimination and domestic violence. To escape the violent situation, women are migrating for better alternatives. In South-Eastern Europe, there has been an increase in sex trafficking cases in the past ten years. Sex trafficking victims in this region generally come from developing countries with colossal migration flow, including Moldova, Bulgaria, Albania and Romania. In the Philippines, women from low-income families consider marrying higher-income country nationals to help resolve the financial crisis for themselves and their families. Women in the Philippines choose their destination country for marriage, including South Korea, the United Kingdom, Taiwan, Sweden, Norway, Japan, Australia, Canada and Germany. As of 2013, 445,458 Pilipino women have been married to foreign nations and migrated to other countries. Rates of Migration and sex trafficking has increased with the fake marriage bureaus, who

arranges the necessary documents, passport and visas and leaves the country to meet their trafficker on the other side of the road. On arrival, their passports and documents were confiscated, and many women in the Philippines migrating with the prospects of marriage are sold into prostitution (Center for Migrant Advocacy, 2014).

#### **2.6.4 PROSTITUTION**

Prostitution is considered the oldest form of the profession in the world, the oldest form of women's oppression, subjection, victimization and exploitation. Prostitution, in simple terms, is the means of selling one's body or sexual services to men in exchange for material and financial gain.

The broader public concern about the trade-in of white women and young girls in Europe in the 1880s is the origin of the sex trafficking issue. In the 1880s, the "white slave trade" phenomenon included drugging, abduction, and compelling women into prostitution without their will. American feminist organizations were apprehensive and believed that women and the juvenile were in danger of being abducted and forced into prostitution by international criminal networks. High migrations were a response to growing urbanization, industrialization, uneven economic allocation, and concerns over women's freedom of mobility. Then, the act of sending women across a border for prostitution was referred to as trafficking. Prostitution and trafficking were the primary concerns of the feminist organization in both America and Europe, and they asked for the elimination of state regulation of brothels to end sex trafficking (Lee, 2011, 25).

Several international treaties addressing the trafficking of women were developed in the early and middle half of the twentieth century due to the high upheaval of "white slave traffic," which led to the first international treaty or treaty in 1904 to combat

“White slave traffic” which pressured the government to compile data on foreign women being trafficked for illegal purposes and forced prostitution. In 1910 treaty was adopted in Paris, “white slave traffic” to prohibit the trade in white women. The agreement of 1910 made it clear that the trafficking of women for forced prostitution is wrong, illegal, and should be punished—individuals who trade people. The treaty also outlined each member state’s responsibilities for preventing, prosecuting, outlawing, and punishing traffickers. The International Convention to Suppress Trafficking in Women and Children was ratified in 1921. The treaty also included a need to pursue and punish anyone involved in trafficking, including white women and children of both genders. Further, the treaty assures the monitoring and safety of women and children looking for work abroad; the treaty required the signatory governments to license overseas employment agencies. In 1933, the International treaty to prevent trafficking of adult women was ratified in Geneva, which stated, *“Anyone who buys, seduces, or leads an adult woman to another country for sexual and unethical intentions shall be punished”* (Balos, Beverly, 2004, 138-143).

The 1949 treaty U.N. addressed the prevention of trade of women for sexual purposes, combining the four prior international treaties concerning the sexual slavery of women. it declared, “Prostitution and the trading of women for prostitution disrespect individual integrity and degrade individuals, marriages, households, and societies.” It necessitated that party states prosecute any individual who: obtains, encourages, or leads away another individual for prostitution, even with all that individual’s; maintains or organizes, or purposefully funds or participates in the investments of the brothel; consciously hires a building or other place for the sex trade. These crimes are punishable by prosecution and deportation, among other things. The 1949 convention also calls for member states to implement measures to eradicate prostitution, support

those who have fallen prey to it, and keep an eye out for avenues related to immigration that might lead to human trafficking for prostitution. Due to its abolitionist intent, many states did not ratify it, and the trafficking debate faded from the mainstream political and public eye. Prostitution remained a prominent political issue, with little pressure on implementing the 1949 U.N. convention (Outsroom, 2015, 9-10). Trafficking of women for forced prostitution disappeared from the international arena and reappeared at the end of the twentieth century (Lobasz, 2009, 325).

In 1970 with the increase in international tourism, growing trade liberalization in the west led to the rise of the global sex industry, which brought new challenges in the 1980s. In the 1980s, sex trafficking started in Western Europe and South-East Asia. The women's supply also came from West Africa, Latin America and the Caribbean. After the fall of the Berlin Wall and the demise of communism in Eastern and Western Europe, women and girls from this region were trafficked from Eastern Europe. In Australia, women from South-East Asian women filled the supply, and in the U.S., the significant recruitment came from Latin America and Asia. In the 1980s, the trafficking of women was facilitated by the emergence of HIV/AIDS, which fueled the worries of health hazards (Outsroom, 2015, 10). In the 1980s, combating trafficking became a significant issue among feminist groups, NGOs, religious groups and governments (Lobasz, 2009, 325).

The most influential among them all was the Feminist Abolitionist. The Feminist abolitionist, US-led CATW (Coalition against Trafficking in Women), was led by Kathleen Barry and Janice Raymond. According to Abolitionist feminists, *“prostitution is a serious human right violation and violence against women as prostitution is always a harm inflicted to women, as opposed to something done by women.”* Nobody chooses to sell their bodies, but in the patriarchal society, women

are forced into prostitution through violence and coercion, sometimes in the name of culture and tradition. Women who choose prostitution believe they have chosen freely to internalize gender equality and patriarchal norms, but these women are under a false consciousness because they lack agency. Women indulge in prostitution not because of sexual freedom but because of starvation and financial dependency; agency here is an illusion. In the patriarchal society, women's consent to liberty has little meaning. Trafficking of women and selling women's bodies in today's world is a commodity as to cars, phones, laptops to other material things, and sexual service is another pleasure to rent or buy. Andrea Dworkin writes, "*Being female means little boundaries, social inferiority, degraded possibilities, sexual subordination, surrender and obedience to men, prostitution and trafficking for forced prostitution serves all, and women's consent has no real meaning*". When someone is sex trafficked, they are placed under some other individual's control by physical or psychological abuse or the fear of both, which prohibits them from realizing and enjoying their freedom (Weitzer, 2007, 447-460).

The CATW actively advocated sex trafficking as a human right violation and violence against women through the Abolitionist approach. According to CATW, male demand for prostitution is the primary factor that promotes sex trafficking, forced prostitution and the sex industry. Advocates of CATW working on the abolitionist approach seek to criminalize buyers (customers), pimps, traffickers who supply women and who largely remain escape from judicial prosecution, penalties and punishments for their action, and governments to take action for increased penalties for pimps, traffickers, clients and prostitutes (Ostroom, 2015,15).

CATW aimed to provide a practical and worthwhile alternative for those in danger of sex trafficking and forced prostitution. Their strategy is intended to provide welfare



programs, including suitable housing, nourishment, medical services, skills training, job prospects, as well as other resources to aid the victims, as well as to hold awareness programs about prostitution and trafficking to make the public aware more about long term damage that these activities can cause (Dempsey, 2010, 1749-1750).

The abolitionist feminist policies led to the criminalization of prostitution in Sweden and eventually spread to South Korea, Denmark and Norway. The Swedish government criminalizes buying sexual services, commonly known as the Swedish Model. According to Swedish law, the need for sexual favors is indisputably associated with gender, and that gender is male. The Swedish Model incorporates government welfare initiatives that help individuals leave and escape prostitution. The model also includes education projects to promote consciousness of the disadvantages suffered by prostitutes, modification of socially accepted norms that motivate sex trafficking and prostitution, and criminal legislation reforms that punish trafficking, pimping, and the purchase and selling of sex (Ibid, 1729-1730).

The criminalization intent of the Swedish government is based on the following arguments

- (a) Prostitution is a harmful practice that should not be separated from sex trafficking for forced prostitution.
- (b) Prostitution is male violence against women.
- (c) Criminalizing the buyers would reduce female supply, as, without males, there would be no demand.
- (d) Tolerance of female exploitation is incompatible with gender equality

(e) In countries where prostitution is legal, such as Holland and Germany, there is a significant growth in sex trafficking.

(f) The Swedish government equates prostitution to disease and drugs and harmful to Swedish society or any other society and should be eliminated by criminalizing buyers, pimps, traffickers and prostitution, a necessary step to end trafficking (Raymond, 2009, 1156-1160).

Moral Crusades Claims that prostitution is a social “*Social Evil*” an immoral act, a threat to marriage and family, which breaks the link between love, sex and reproduction. When sex is commercialized, the culture and moral fabric between men and women is deeply damaged. CATW argues that prostitution degrades and exploits women regardless of age, class, country, race, culture, or consent. The argument justifies that the sale of a woman reduces women to sexual objects. CATW further claims that prostitution is the leading cause of the trafficking of women and, therefore, should be eliminated (Weitzer, 2007, 450).

### **2.6.5 RACE AND ETHNICITY**

The concept of race is a social concept, a compilation of concepts, attitudes, and behaviors based on skin colour and other physical features and characteristics. The race is frequently used to ‘*defend established social disparities*’ and persist in segregating the distribution of entitlements and advantages in a community. On the other hand, ethnicity focuses on cultural diversity between communities. Ethnicity is frequently associated with a specific faith, vernacular, history and culture, ancestral heritage, place of origin, and distinctive practices (Kendell.D, 2014, 8).

Sex trafficking in terms of race and ethnicity shows the demand side; therefore, women are the supply. The construction of sexist prejudices based on race and ethnicity coincides with the demand for prostitution and sex. Sexual objectification for prostitution and paying for sex with women of many ethnicities, races, and nationalities gives men the illusion of encountering exotic signs for making a choice (Chong, 2014, 200).

Demand-side has remained a prime motivating factor for commercial sex; otherwise, the segment for the sex trade would not exist. Cauduro and Andrea have heightened the five motivating factors for prostitution which include

1. **Psychological condition** - buying sex for males is shopping for sex. Further, Prostitutes satisfy the diversity of men's expectations to regulate their sexual desires.
2. **Psychological behaviour** -like shyness, loneliness, awkwardness etc. hinders many from obtaining intimate relationships; therefore, many chooses to buy commercial sex, considers it a private practice and maintains close long-term relationships with prostitutes.
3. **Need for affection and compassion-** as men find comfort in talking to a prostitute for therapy, relief and to improve self-confidence. However, this buyer category does not treat prostitutes as '*sexual objects*.' Men usually pay for affection which is not achieved by regular partners.
4. **Need for domination-** to exert power; subjugate her because she is paid.
5. **Chance to explore-** many sexual partners belonging to different nationalities and ethnicities for unusual and sadistic sexual performances, typically not obtained by regular partners. Authors argue this segment of buyers is motivated by pornography and the commodification of sex in the media.

6. **Peer group** meeting prostitutes and buying sex has been recognized by peer groups as a social norm and means of male bonding (Cauduro and Andrea, 2009, 5-14).

The research found that clients do not actively look for trafficked victims but are not concerned about voluntary and forced prostitution. Further, most sex buyers differentiate between voluntary and forced prostitution, and in the case of forced prostitution, they are aware that the traffickers are exploiting the trafficked victims. The sexual services they are buying are under the control of her trafficker. However, this does not change the attitude towards trafficked victims as well as prostitutes and harmed by clients through the use of violence, beatings, violent sex, cigarette burns, and gang rape and so on if they don't comply with the client's demand. Outside conventional prostitution, the commercialization of the sex trade often entails "voluntary" agreements and "benefits" among genders. Further, It is possible to relate such trends to the fall of conventional brothels, the growth of establishments like therapy spas, Thai spas, strip clubs, nightclubs, beauty salons, etc., and the demand for prostitution.

In the Caribbean, the solicitation for commercial sex is based on race and skin color, and demand is higher for white Europeans, light skin colour from the Dominican Republic and Colombia and locals of Afro- Caribbean origin. A similar trend appears in Haiti and Cuba. The demand for Asian women among non-Asian men surrounds their beauty and skin colour and is constructed as child-like, undemanding, exotic and demure (Cameroon and Edward Newman, 2008, 46).

At the World Conference against Racism, the Thai delegates expressed concern over "racial and ethnic discrimination" against Thai women belonging to indigenous,

racial, and ethnic groups who were exposed to more severe mistreatment than others and trafficked under the racist premise. This claim is confirmed by an IOM study report in which a Thai Government employee declared, – *“I choose Thai prostitutes since I feel very much at ease with them, and I’m not satisfied with myself for choosing migrant prostitutes. Since Burmese prostitutes are socially ostracized as they operate in lower-class establishments, even my acquaintances reject them. Only Desperately poor men hire migrant prostitutes since they are less expensive”* (ibid, 47).

In Latin America, along with the colonial caste system continues, the traditional stereotypes based on a race of a woman, such as “white women for marrying” and “black women for cleaning,” such kind of “caste-based and racial discrimination” along with sexism puts the indigenous women and children at the greater risk of sex trafficking. In the USA, most sex trafficked victims are people of colour (non-white), mainly from Mexico, Asia, and Africa. In Europe, young African women are in high demand. It has been estimated that 60% -80% of women are engaged in the sex trade with an average of fifteen years. In Italy, more than 60% of women from Nigeria are involved in commercial sex work. Argentinean blogger states, *“People relate my race with the massive human trafficking that imports thousands of Dominicans, Brazilians, and women from other countries, frequently to serve as prostitutes. However, for many here, even being of American descent is linked with prostitution”* (Chong, 2014, 204).

Chong argues, *“Ethnicity and race are social conceptions that, in the public imagination, have developed numerous prejudices that penetrate all aspects of human existence. Prejudices genuinely describe something or ‘someone’ to contribute to creating boundaries*

*and the separation between ‘us’ and ‘them’ within the framework of everyday life and routine; hence, they stay solid, but above all mundane” (ibid, 200).*

In Indonesia, trafficked women are mainly exploited by non-Indonesian men aged 18-60, primarily from China, Malaysia, Singapore, Brunei, Arab, India, Taiwan, Europe and USA. A large group of clients is old Chinese men who buy trafficked victims for care, attention and affection. Sex tourism is rampant in Indonesia, and tourists from western countries like the USA and Europe exploit the lower cost of services that were not affordable in their countries. In the Philippines, trafficked victims’ clients are mainly from Japan, aged between 30-50 years, and women from the Philippines are often trafficked to Nigeria and Taiwan (Cauduro and Andrea, 2009, 5-14)

Race and ethnic discrimination result from systemic violence and structural poverty. Discrimination is often the consequence of failure to acknowledge the diversity of people, their language, values, experiences, needs and lack/ denial of equitable resources to those groups. In the discriminated, isolated ethnic communities, women are subjected to further isolation, which can curb their entitlements and personal rights, including fulfilling their primary education and freedom to choose employment. Race and ethnic discrimination have been a matter of stereotypes based on deserving and undeserving on the ground that “what constitutes appropriate work” can hamper a person’s employability in the destination or the place of origin. Such discrimination leads women to form these groups for further exploitation by organized crime groups. The organized crime groups rely on the vulnerability of such women, who cannot defend themselves from being the victim of sex trafficking through force, fraud and deception, and are supplied where their demand is high.

## 2.6.6 CULTURE

Culture has many definitions which differ from one another. Guiso et al. define culture as; *“customary ideals and practices that cultural, religious, and social societies transmit relatively unchanged through one generation towards the next”* (Guiso et al., 2006, 2). Granato et al. refer to culture as *“A set of fundamental collective values that influence the conduct of individuals in a certain community”* (Granato et al., 1996, 608). Kroeber and Kluckhohn described culture as *“Systems of conduct gained and transferred through symbols, becoming the unique accomplishments of societies”* (Kroeber and Kluckhohn, 1952, 13). Hofstede. G defines culture as *“the complete mental conditioning that separates individuals of one social grouping from the others”* (Hofstede. G, 1980, 21). According to Moloney .J. Christopher, *“Culture is defined as a generally shared and inherited feature of human behavior shown in values, habits, vocabulary, rituals, traditions and beliefs ”* (Moloney, 2015, 29).

*“While definitions vary, it seems that culture is defined as a system of principles and beliefs within one group that determine the practice of people within these groups. Furthermore, these morals and opinions vary among the group and are passed down through generations generationally to members of the group”* (Cassandra and Das, 2017, 12).

Sex trafficking is a worldwide issue affecting industrialized nations such as the United States and Europe and developing countries like India, Nepal, and Bangladesh. The unequal distribution of sex trafficking deepens the views on how cultural variables impact sex trafficking. Certain nations and cultures are more susceptible to the

problem of sex trafficking. The occurrence of sex trafficking and its uneven distribution indicate that cultural influences and differences contribute to and maintain the sex trafficking issue. Cultural factors influencing sex trafficking include dominant religious views, the magnitude to which a patriarchal culture conforms to a notion about family structures and gender relations, and the predominance of prevailing religious beliefs. These cultural variables may overlap with the other variables, such as age, race, ethnicity, and gender, as well as with more substantial ones such as poverty, political, economic, and social instability, and conflict.

In Africa, certain cultural practices are harmful to specific ethnic groups and communities, which force young women into dehumanizing rituals, 'Trokosi' (slaves of the divine), 'Wahaya' (fifth wife), 'Ukuthwala' (abducting young girls for marriage), male dominance, dowry, witchcraft, female genital mutilation and child marriage has perpetuated the crime of sex trafficking among African countries (UNODC, 2016).

Trokosi is an ancient tradition practiced widely among the Ewe ethnic group in Western Africa, such as Ghana, Benin, Togo, and Nigeria. This tradition rests on the belief of offering the young virgin girl to the priests in the shrine, for the service to the god, for the crime from petty theft to the murder committed in the family, and for god forgiveness. Girls as young as 15 are offered to the priests and become Trokosi for the rest of their lives. They are compelled to obey priests, gratify their physical needs, and even engage in farming and agriculture to sustain their financial stability. Priests exert complete control over her life where she will be used as a slave laborer and sex slave to the priest; if she tries to escape, she encounters murder, beatings and starvation. This tradition was abolished in 1998 but is still widely practiced. There is currently 5000 Trokosi in Ghana alone and 29000-35000 in the other four countries. Activists



and NGOs are working on releasing Trokosi slaves, but priests often request money, alcohol, cattle and cash for the release. An international organization called 'International Need' has given \$74 to \$925 for the release of a Trokosi. Further, the motivation and greed for money have even led the priests to sell these young girls to the traffickers (Mayusa, 2017, 1-30).

The cultural practice of Wahaya is practice, in Niger, predominant among the Muslim communities that allow polygamy. Wahaya is the fifth wife, who is often considered a slave to the other four wives and does not hold any legal status as a wife. A person can have more than ten Wahaya, and the children are considered legitimate. Further, Wahaya and their children are often sold to avoid property disputes. The practice of Wahaya and polygamy has led to an increase in the larger family size, and to overcome the financial burden and poverty, children as young as 15 years, mostly girl children, have been sold to traffickers (Mikhail S.L, 2002).

Ukuthwala (Kidnapping girls for marriage) is practiced mainly in southern Africa among the Xhosa tribe in Eastern Cape, Kwazulu Natal, Chagga and Nyamwezi tribes in Tanzania. This traditional practice endorses compelling the family for their daughter's marriage and negotiations for marriage. Girls (as young as 12 years) walking on the streets are abducted and raped by their admirers and friends. Because of the stigma, a girl kidnapped and raped cannot go home because society and family will not accept her. The man then asks her hand for the family for marriage, and the family agrees to the proposal due to the stigma of the rape of their daughter. The negotiation is generally settled through dowry payment to the family. Paying dowry for their daughters has allowed traffickers to pose as potential husbands and exchange their daughters for financial gain (Mubangizi J. C, 2016).

Another cultural practice related to sex trafficking in Africa is child marriage and payment of dowry and predominant in many African societies like Tanzania, Uganda, Kenya, Malawi, Zambia, Rwanda, Somalia, South Africa, Sudan, utopia, Burundi and Mozambique. The purpose of child marriage is to prevent young girls from conception and to have sex before marriage. A girl is considered eligible for marriage when she reaches puberty. The family agrees to the daughter's wedding on the amount of dowry the family will receive. The amount of dowry by the groom's family decides their daughter's marriage. Dowry plays a vital role in these societies in marrying their young daughters. Girls young as 14 have been married to 70-year-olds in the name of dowry, as long as the groom is wealthy and able to pay dowry and traffickers, as in the case of Ukuthwala, traditional traffickers use the trick of potential husband and buys her from her family to be exploited. Some families are willing to hand their daughters to the traffickers for money. Female genital and witchcraft is another cultural tradition that compels the young, uneducated and vulnerable women and girls to migrate from rural to urban areas and gets into the hand of traffickers (Warner E, 2011).

Culture and tradition are not only limited to Africa; china's one-child policy to control the population has led to a cultural affinity for value for a male heir over a female child. The female child is considered disposable in china, often given for adoption, and becomes an easy victim for traffickers. The culture in Cambodia and Vietnam expects female children as breadwinners, and families live under \$3 per day. Cultural interest with issues like poverty and family in Cambodia and Vietnam, where women and girls are sold to sex traffickers for less than \$500, for the family's better future. In Cambodia, "speaking openly towards their offenders" of crimes, mainly the most widespread kinds of slavery, forced labour, and sex trafficking, is considered

culturally inappropriate. Furthermore, Cambodians are culturally inclined to mediate disputes outside the established judicial process. Due to these cultural restrictions, it is suspected that occurrences of sex trafficking in Cambodia are rarely reported since victims feel threatened and therefore do not consider the judicial process can effectively manage the complaint (J. Moloney, 2015, 30-32).

## **2.7 SEX TRAFFICKING IN SOUTH ASIA**

South Asia is home to numerous cultures, religions, and customs. A fifth of the world's population belongs to this region, which includes Nepal, India, Bhutan, Bangladesh, Sri Lanka, Pakistan, Afghanistan, and the Maldives. Most South Asian countries were colonized and exploited under the immediate or indirect administration of the European imperial power in the past, and in form 1940's most countries got away from the clutches of the European empire and gained independence. For the past 15-20 years, the region has been moving slowly towards economic development. Yet illiteracy, overpopulation and backwardness still characterize the region to a great extent. Along with illiteracy, overpopulation, and backwardness, South Asia is struggling with an acute human trafficking problem (Pande, 2010, 47-58).

People are targeted by traffickers for labour exploitation, organ trading, begging, domestic slavery, sex trafficking, and other types of exploitation because of their geographical proximity and largely porous borders. Men, women, and children are susceptible to human trafficking for various reasons; nevertheless, sex trafficking is a pressing concern in the region. In South Asia, sex trafficking is rising and spinning out of control. The growing concern about the sex trade in connection with the low socio-economic status of women, poverty, unemployment, gender-based and domestic violence, growing female migration, exploitative labour conditions, rampant upsurge

of HIV/AIDS and other human rights violations have led to an urgency among the governments, NGOs, Stakeholders, INGOs and civil societies to combat, sex trafficking in the region. The number of sex trafficked victims in the region varies from thousands to millions. The variations in the estimates are due to hidden crime forms, methodological differences in collecting the data, sensitivity and less information about the issue.

Regardless of the difficulties, some estimates on trafficking in person in South Asia suggest that around 2 25,000 become victims of the crime within and outside the region. ILO estimates that 43% of trafficked victims are exploited in the sex industry, another 32% of victims are used for forced labour, and the rest are undetermined. Various estimates show that around 30 million have been sex trafficked from the region over the last 30 years (Huda, 2006, 374-375).

Most countries in South Asia act as the source, destination and transit countries. Internal trafficking is one of the significant problems, followed by cross-border trafficking within the region. Victims are also trafficked internationally to the Middle East, Gulf States, Europe and South East Asia. South Asia is the second largest region in terms of internationally trafficked persons (Rahaman, 2015, 81).

UNODC (2016) estimates that 88% of the detected victims from South Asian Countries is the case of domestic trafficking. Due to relative open borders, 8% are the victims of cross-border trafficking. Reported 5% or less than 5 % are the victims of international trafficking. Global Slavery Index report (2016) lists Nepal, India and Bangladesh among the top ten countries regarding sex trafficking. Within South Asia, Nepal and Bangladesh have been recognized as the source or the origination country and countries performing economically better. For example, India has been

recognized as the destination and transit country (House of Commons Chamber Des Communes Canada, 2018, 9-10).

India is one of South Asia's popular sources, transit and destination countries for sex trafficking. Both internal and cross-border trafficking from neighboring countries takes place in India. India's international sex trafficked victims mostly come from Nepal, Bangladesh, Pakistan, Cambodia and Myanmar. Ninety percent of India's sex trafficking is internal, and cross-border trafficking accounts for approximately 7 percent from Bangladesh and Nepal. In the case of internal sex trafficking in India, the most vulnerable states are Chhattisgarh, Madhya Pradesh, Rajasthan, Andhra Pradesh, Assam, Bihar, Jharkhand, Goa, Tamil Nadu, Delhi, and West Bengal. Further, many women are trafficked out of the country; popular destination countries include the Middle East, the United States and Europe. The "highly supply" zone for the trafficked women are the metropolitan cities of Andhra Pradesh, Bangalore, Delhi, Maharashtra, Karnataka, Mumbai, Goa, and Tamil Nadu, where every day, 200 women in India enter prostitution. Among them, 80 percent are without their will. It has been estimated that the number of sex trafficked victims in India is more than 2.8 million, of which 44 percent of women are primarily poor, 43 percent minors and the rest is undermined (MoWCD, 2008).

The widespread prevalence of son preference and sex-selective abortions in the northern Indian states and Punjab has fostered sex trafficking. The prolonged practice of female feticide has led to the dearth of women in these states with a low female-to-male ratio. In many villages of Haryana, there are no females, which has provided a suitable habitat for sex traffickers to supply the females for forced prostitution or forced marriage. Sex Traffickers recruit victims from distant states like Assam, Orissa, and Bangladesh by deceiving the families through fake marriages and job

prospects in the cities. Studies reveal a well-established market in Uttar Pradesh for purchasing “Bangladeshi wives” (Wanghamode, 2014). Tea plantation workers in Assam who live on a meagre of rupees 12 a day are targeted by traffickers. Girls are sold for as low as rupees 1000 in northern states of India for forced marriage or are sold in brothels in various cities (Mishra, 2013).

In Nepal, sex trafficking has become a growing problem due to a high number of females estimated to be trafficked internally and mainly to India. The issue of sex trafficking is a multilateral cross-border phenomenon associated with migration. Nepal is one of the least developed countries in the world, with a population of more than 28.5 million; about 78 percent of the population depends on farming for survival, and almost 1/3 of the people live below the poverty line. Asian Development bank, in its report, observes that the feminization of poverty is leading to the feminization of migration in Nepal (ADB, 2003). The considerable proportion of female migration in pursuance of sustainable economic opportunities is increasing, and sex trafficking is an essential repercussion of migration in Nepal (Sanghera and Kapur, 2000). Every year, it is claimed that over 17,000 are persuaded and forced into sexual exploitation, mainly in India and the Middle East (NHRC, 2018).

Like Nepal, Bangladesh is also South Asia’s primary source of sex trafficking victims. Along with internal trafficking, much of the cross-border trafficking occurs over the border between Bangladesh and its neighboring India. Bangladesh is one of the world’s least developed nations, with few job prospects. Extreme poverty, fewer job possibilities, and many other conditions, including inadequate environmental assets, a weak economy, and ecological disasters like floods, periods of drought, crop failures and cyclones, motivate individuals to migrate to other countries in search of productive future choices (BIPSS, 2011).

Based on the Bangladesh national report, 50,000 Bangladeshi females are trafficked each year to India and via India to other destinations. Due to the porous border between India and Bangladesh, it is easy for the traffickers to traffic the vulnerable people from Bangladesh's less economic zones and transport them to India and from India to other destination countries like Pakistan and the Middle East. 3.1 million Bangladeshi minors were transported to brothels in India during the past decade. There are around one million 'unregistered' Bangladeshi women in Pakistan. Substantial numbers of these women are claimed to be victims of sex trafficking. At least 13,220 minors have allegedly been trafficked out of the nation to other countries, but only 4,700 could be rescued. More than 5,000 females aged 13-27 are sex trafficked to Pakistan yearly. On the other hand, Bangladeshi boys between the ages of 4 - 12 are transported to the Middle East for camel riding, where their employers often take advantage of them sexually (Rosy, 2016).

Many clothing manufacturers operate as recruitment agents for sex traffickers. Apart from it, women and girls are even abducted for sex trafficking. Women and youngsters are often solicited from the countryside or small-town areas. Further, they are passed over and taken by multiple brokers and mediators during transportation. Traffickers use locals to locate susceptible individuals. Traffickers have been documented to function in an organized network, with their recruiters connecting unwary women and children along buses and railway terminals (Ruhi, 2003).

Research conducted on addressing the root causes of sex trafficking by international organizations like UNODC, IOM, UNICEF, ILO and regional organizations like SAARC, ADB and various NGOs suggests that widespread poverty, migration, gender and caste-based discrimination, unemployment, corruption, violence against women, natural disasters, displacement, social exclusion, culturally sanctioned

practices, open and porous borders, prostitution and conflicts are common causes behind cross border sex trafficking between India, Nepal and Bangladesh.

Poverty is widespread in these countries. According to an estimate, 1/3 of the total population lives below 1 \$ per day, i.e., below the international poverty line. The country-level poverty analysis shows that in India, 42.2%, Nepal, 37.7%, and Bangladesh, 30% of people live under the international poverty line (IOM, 2005, 29).

The ordinary means used by the traffickers and pimps are false promises for better life, fraudulent marriage, lucrative employment opportunities in the destination, better education etc. Traffickers in South Asian countries usually promise women in desperation in dire economic hardship and subject them to sexual exploitation. Due to poverty and financial difficulties, parents from low-income families in Bangladesh and Nepal unknowingly hand over their children and daughters to traffickers for their education and better future and hence get trafficked into various forms of exploitation (Pande , 2014,282).

Dr. Banerjee notes that in South Asia, the poorest section susceptible to sex trafficking include tribal communities, minority groups, excluded communities, lower castes, uneducated and impoverished women and children who have less access to education and employment. In search of better livelihood options and earning money, these segments of women and children become more vulnerable to sex trafficking (House of Commons Chamber Des Communes Canada, 2018, 10).

The sex traffickers create the migration situation by capitalizing on the lack of options for the rural poor and disadvantaged section. Poverty is the powerlessness of the possible female migrants in South Asia, which creates the condition in which they are easily duped, coerced and subjected to both labour and sexual exploitation (Wright,



2008, 36). Millions of migrant women and children risk their lives and cross the border, voluntarily and involuntarily, from Bangladesh and Nepal every year to send remittances to their families. Women and children leave their country as possible labour migrants but end up in the brothels of Indian cities or elsewhere (Pande, 2014, 283).

CATW Asia Pacific study shows that India, Nepal and Sri Lanka have become the central locus of prostitution and sex tourism. Prostitution and sex tourism have become profitable businesses, with low investment costs and high-profit margins for brothel keepers, pimps, hotels, travel companies, marriage bureaus and traffickers in these countries. The trafficked victims are also sold repeatedly from one owner to the other. The trading of women and children is carried out and mediated directly and indirectly and exploited in various ways as sex workers, cultural dancers, entertainers, and so on. There are many incidences of boy children being trafficked, traded and exploited in the hands of foreign pedophiles in Sri Lanka. The beach boys often carry out the trade, enticed with money by the pedophiles (Huda, 2006, 347-376).

Another push factor for sex trafficking persistent in the India, Nepal and Bangladesh is corruption. There is a strong correlation between the trafficking of women due to corrupt government officials. The task of measuring corruption is done by transparency international, which produces Corruption Perception Index (CPI) every year. According to CPI Index, 100 represents the countries with no corruption and are clean, and 0 illustrates the most corrupted, particularly in the public sectors. Estimates on CPI 2012 show that among the south Asian countries, India, Nepal and Bangladesh are the most corrupt states within the region. In the CPI index, India accounts (for 36), Bangladesh (26) and Nepal (27) out of 100. Corruption exists in every phase of

trafficking, proper form recruitment, transportation and exploitation of the victims (Uddin, 2014, 20-21).

In the cross-border trafficking between India, Nepal and Bangladesh, the transportation of victims from Nepal and Bangladesh to India is, are often conducted through corruption and bribing the corrupt border police and guards. Victims cross the border without verification, detection or false paperwork, which assists the traffickers in regaining control over the victims. Traffickers rely on corrupting the officials by bribing the police and Law enforcement in India to avoid arrest and detection when the exploitation of the victims starts. The negligence and corruption of some corrupt officials have led the state to put a blind eye to the exploitation of women and children and hence, engage in the Sex Trafficking process. Uddin argues that corruption is rampant among government officials, law enforcement, police and border guards in India, Nepal and Bangladesh, who continues to help the trafficker in the movement of vulnerable sex trafficked victims to India. In India, corrupt officials often protect brothel keepers and traffickers and receive bribes and sexual services from the brothels. Bribing the police and law enforcement officials are the common means used by the traffickers and brothel owners to avoid arrest and seek advance information about the possible raid (Ibid, 21-24). Nair and Sen note that *“As far as dishonest officials engage in the sex trafficking process by facilitating criminals through negligence and commission, the issue will not be tackled in the region”* (Nair and Sen, 2005, 45)

Often, police raids the brothels, either for non-payment of bribes or regular money or to fill up their records and project their work or performance (Ghosh, 2009, 728). Most NGOs in India note that police usually don't take any action against the brothel owners in trafficking cases for forcing the women and minors in after receiving the

bribes. The police raid often worsens the situation of the trafficked women and children, who are indebted to traffickers and brothel owners. Women and girls rescued are kept in the government remand homes and treated as criminals where police and staffs sexually abuse them. In many cases, rescued victims are returned to their previous owners after receiving bribes. In such cases, the debt owed by the trafficked victims gets further increased in addition to the bribe paid for her release. Many cases of sex trafficking have been pending in court for years, and pending files usually don't move without bribes. Corruption is one of the causes that undermine anti-trafficking efforts and impedes justice delivery for the victims (Uddin, 2014, 24).

## **2.8 CONCLUSION**

Trafficking in person should be viewed as the combination of various processes rather than a single crime. The process starts with recruiting the potential victim, followed by transportation, exploitation, and disposal of the victims. 1. Recruitment occurs through fraud (false promise of a job, education, marriage, etc.) and force (abduction). 2. Trafficked victims are generally transported both within and across international borders based on demand. In internal trafficking, victims are transported to the destination in the same country. Regarding international trafficking, victims are transported depending on the source, route, distance, transit, and destination countries; the mode of transportation includes (trains, buses, boats, airplanes, or even foot). Transportation of victims generally takes days to months. Generally, in the recruitment and the transportation phase, false documents and false employment agencies may involve. 3. Exploitation- the exploitation of the victims may start in the recruitment and transportation phase. The exploitation of victims generally occurs after the victim is transported to the destination. In the exploitation phase, victims face various crimes and human rights abuse. Victims are exploited for commercial

sexual and labour exploitation and organ removal. 4. Disposal of victims – victims are often disposed of when they are not profitable. During the entire trafficking process, many crimes are committed against the state and the individual, crime against the individuals/ victims include – false imprisonment, threats, extortion, pimping, sexual assault, rape, theft of property and documents, and even murder. The crimes against the state include documentation falsification, disobedience of migration regulations, tax evasion, and money laundering. Simultaneously, as immoral public authorities facilitate sex trafficking to flourish, the ethical and constitutional foundation of the country deteriorates. The extortion of a civil servant could culminate in additional illegal activity.

The phenomenon of human trafficking and migrant smuggling are either confused or related to each other. However, the key elements differentiate these two phenomena in consent, movement, and exploitation. Firstly, smuggling of migrants involves crossing an international border; trafficking in person occurs both within and international borders. Secondly, the person's consent is critical in determining the phenomenon. Smuggling of migrants generally occurs with the consent of the person being smuggled. The person pays money to the smuggler for the illegal entry into the desired destination and is free on arrival.

In contrast, in terms of trafficking, victims might have agreed to migrate for employment or other factors but cannot leave on arrival at the destination. The person's consent becomes irrelevant when the means described in the U.N. protocol 2000 (fraud, force, threats, coercion, etc.) has been applied to enslave the victims. Finally, the recruitment purpose defines smuggling and trafficking. In migrant smuggling, migrant and smuggler both benefit from each other as migrants consent to the illegal entry into the other country for material and financial gain. In the case of

trafficking, the trafficker is the sole benefiter for recruiting the victims. The trafficked victims are forced into labour exploitation and sexual exploitation, and the removal of organs without their consent.

Sex trafficking is a complicated and sensitive issue intertwined with various cultural, political, social, and economic factors. Variables such as ethnicity, gender, race, and culture interact and intersect with each other. Therefore Sex Trafficking issue, in many ways, remains hidden. Disproportionally, many victims are from poor socio-economic backgrounds and marginalized sections of society. The problem of trafficking human beings for sexual exploitation can be seen from various perspectives as a violation of human rights, culture, poverty, prostitution, migration, etc. Irrespective of all views, sex trafficking always culminates in vulnerable victims' abuse, degradation, and enslavement.

Furthermore, in efforts to eliminate and eliminate potential sex trafficking in the future , both short- and long interventions must be adopted in both the countries of origin and the destination countries. The measures must address the "4Ps", which include protection, prevention, prosecution, and partnership. Among the "4Ps", a partnership among the NGOs, between governments, regional organizations, police forces, border guards is most important. Given the complex nature of trafficking in person, no single organization can work alone to combat trafficking effectively.

## CHAPTER III

### ARMED CONFLICT, DISPLACEMENT, AND SEX

#### TRAFFICKING IN NEPAL

##### 3.1 INTRODUCTION

Nepal is situated in South Asia in the foothills of the Himalayas. The country is situated between China and India. It shares its southern, western, and eastern borders with India and its northern border with the Tibetan region in the Peoples Republic of China.

**Map no 3.1 Map of Nepal indicating International borders**



Source: iStock, 2016 <https://www.istockphoto.com/vector/nepal-political-map-gm564597530-99028887>

The country covers an area of 147,181 square kilometers. According to World Bank, Nepal have a total population of 24.2 million and 42 percent living in extreme

poverty. Nepal was declared a secular state in 2006, following the end of the *'People's Movement'* against the monarchy. More than (86%) of the country's population follows Hinduism. Buddhists are considered the second-largest religious group in the nation, accounting for (11 percent) of the entire population, while Muslims account for around (4 percent) of the overall population. Nepal is a land of varied ethnicity, culture, and history, and the nation is home to people who speak various languages. It has been officially determined that there are (61) ethnic/indigenous communities, and 125 dialects/languages have been documented. The major communities of the country include Thakuri<sup>9</sup> and Chhetri<sup>10</sup> (15.8%), Brahmins<sup>11</sup> (12.7%), Magar<sup>12</sup> (7.14%), Tharu<sup>13</sup>, and Rajbongshi (6.7%), Tamang<sup>14</sup> (5.64%), Newar<sup>15</sup> (5.4%) and Muslims (4.27%). However, despite its variety, the country's basic structure is heavily influenced by Hinduism and Hindu heritage, along with a centuries-old caste system and feudal institutions (Shakya, 2008, 9-19).

Nepal has a history of unique political development. The country has undergone more than two centuries of nation-state history and has experienced several political systems (ibid, 12). In 1768, King Prithivi Narayan Shah conquered multiple small and isolated kingdoms and unified them into a single empire, marking the foundation of Nepal's emergence as a nation-state. The country remained under the direct rule of the monarchy from 1768 to 1846. In 1846, Jung Bahadur Rana gained total power,

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<sup>9</sup> Thakuri constituted originally the aristocratic and mercenary clans.

<sup>10</sup> Chhetri is a literal transliteration of the Sanskrit language Kshatriya. Chhetris are a societal classification comprised of divine thread wearers and two or three times born as Hindus.

<sup>11</sup> Brahmins represent the higher caste group in Nepal.

<sup>12</sup> Magar represent one of Nepal's ancient accepted ethnicities, although their historical roots are mysterious. They are believed to be of Tibetan lineage since their languages and rituals are analogous to those used in Tibetans rituals.

<sup>13</sup> Tharu are a native people and ethnic minority of Nepal belonging of southern lowland regions of Nepal and northern part of India.

<sup>14</sup> The Tamang are aboriginal ethno- cultural tribal community who communicate in Tibeto-Burmease dialect.

<sup>15</sup> Newar are the indigenous community of the Kathmandu valley.

limiting the monarch as a symbolic role. The Rana family controlled the kingdom as the personal domain for the following 104 years, from 1846 to 1950. King Tribhuvan Rana and the NCP negotiated to dissolve Rana's rule in 1950; from 1950 to 1959, Nepal was administered democratically. Just as the country was moving towards relative development and reforms, King Mahendra came into power, took control by dissolving the parliament in 1959, and established the panchayat system in December 1960. The panchayat system lasted for the next three decades, from (1960 to 1990), which overthrew and abandoned party politics for the vision of '*Guided Democracy*,' welcoming the party less panchayat system, with the absolute rule under the king (Mishra and S.Massey, 2011, 3).

The country's social life has traditionally been marked and stratified by caste and other hierarchies. Higher castes (Baahim and Chettri) controlled most of the country's political, social, and economic life, suppressing other faiths, lower castes, ethnic communities, and minorities. In 1990, after three decades of outcry and autocracy, several political parties launched the '*Jana Andolan*' (People's Movement) for democracy. After tumultuous street protests, multi-party democratic governance was restored in May 1991. The political movement sparked widespread hope for the common good, equality, and social development (UNOHCHR, 2012, 3).

The country established a new constitution, transferring the king as a constitutional monarch. Unfortunately, the new government could not achieve the expectations and concerns of the diverse, disadvantaged and oppressed communities. Further suppression and domination continued under the democratic governance by the higher castes with the continuation of the panchayat system, resulting in exploitation of the peasants, lower castes, ethnic minorities, rampant corruption, and bitter power struggles( Mishra and S. Massy, 2011, 3-4).



Therefore in response to ongoing exploitation and inequality, in March 1995, the CPN-M planned to launch an armed struggle, '*people's War*,' against the state, based on the strategy, experience, and writings of Mao-Tse-Tung. The CPN- M drafted and forwarded a memorandum to Nepali Congress government Prime Minister Ser Bahadur Deuba on February 4<sup>th</sup>, 1996. The document included forty divergent political, social, and economic concerns. In addition, the administration was informed that armed conflict would occur if the demands were not implemented within fifteen days. Unfortunately, the Deuba administration did not follow the concerns or requests and proceeded on an official journey to India. Just one week later, on February 13<sup>th</sup>, three days before the deadline, the CPN-M launched an organized armed insurgency against the Government (UNOHCHR, 2012, 04; Upriti, 2006, 21). During the early years, Maoists gained significant control in rural areas, while the government maintained control in the country's major towns and cities.

### **3.2 ARMED CONFLICT AND INTERNAL DISPLACEMENT IN NEPAL**

Armed Conflict between the Government of Nepal and CPN-M lasted for a decade (1996-2006) and has remained an essential factor in the internal mass displacement in Nepal. The ten-year-long conflict severely affected the economy, politics, and people's lives, producing one of Nepal's worst forms of human rights violations and humanitarian crisis. The objective of the CPN- Maoists' '*People's War*' was to replace the monarchy with a '*Socialist State*' in Nepal. The Maoists launched the conflict in 1996 from the Mid-Western region, attacking the police post, teachers, government officials, landowners, and political opponents in the small hill district of Rolpa and Rukum, slowly affecting the other 75 districts of the country. Forced those associated with the royal government to flee to district headquarters (Norwegian refugee council, 2010, 10)

The causes of armed Conflict between CPN- M and the Government of Nepal are complex and embedded in Nepalese society's social, political, economic, and cultural structure. Popular support came much from the poor and disadvantaged societies and communities. There was a high frustration among the common mass, which was just ready to explode. The underlying causes of conflict were rampant poverty, the concentration of power and resources in a few elites' hands, and cultural, social, and gender inequality. The indigenous and ethnic communities were considered second-class citizens and excluded from socio-cultural, economic, and developmental processes. The failure of the previous political system (Rana Rule, Panchayat System, and Post 1990 governments) and the continuation of bad governance, rampant corruption, and awareness among the general public led to a clear picture of injustice and inequality. Which encouraged the common mass to speak out about their grievances (an opportunity provided by the post-1990 government) was backed by the CPN-M, which contributed to armed conflict in Nepal (Ghimire and Upriti, 2008, 104-106).

### **3.3 THE MAJOR CAUSES WHICH INTENSIFIED THE INSURGENCY**

1. The CPN-M approach captured and capitalized on the frustrations of the ordinary people and positively won their support which influenced the entire country. With the ongoing people's support, CPN- Maoist were able to set up the camps in the Far Western Region (Kailali), Mid-Western Region (Surkhet and Rolpa), Western Region ( Nawalparasi), Central Region ( Kathmandu, Chitwan and Sindhuli Mandi, and the Eastern Region (Illam).
2. The Government of Nepal has primarily ignored the intensity and dynamics of the conflict since the early 1990s. Initially, the government treated the matter as a *'law and order concern.'*

3. The Government of Nepal failed to listen to the voice of their people. Instead, it seemed dependent on the advice and analysis of a few foreign countries like India, China, and the United States, who were the prominent proponents of the 'war on terrorism.' The supporting foreign countries fought the insurgency by providing military and other assistance, and ordinary people felt let down by the government.

**Map no 3.2 Map of Nepal indicating location of Maoist camps during armed conflict (1996-2006)**



Source: Mishra, 2017, 80

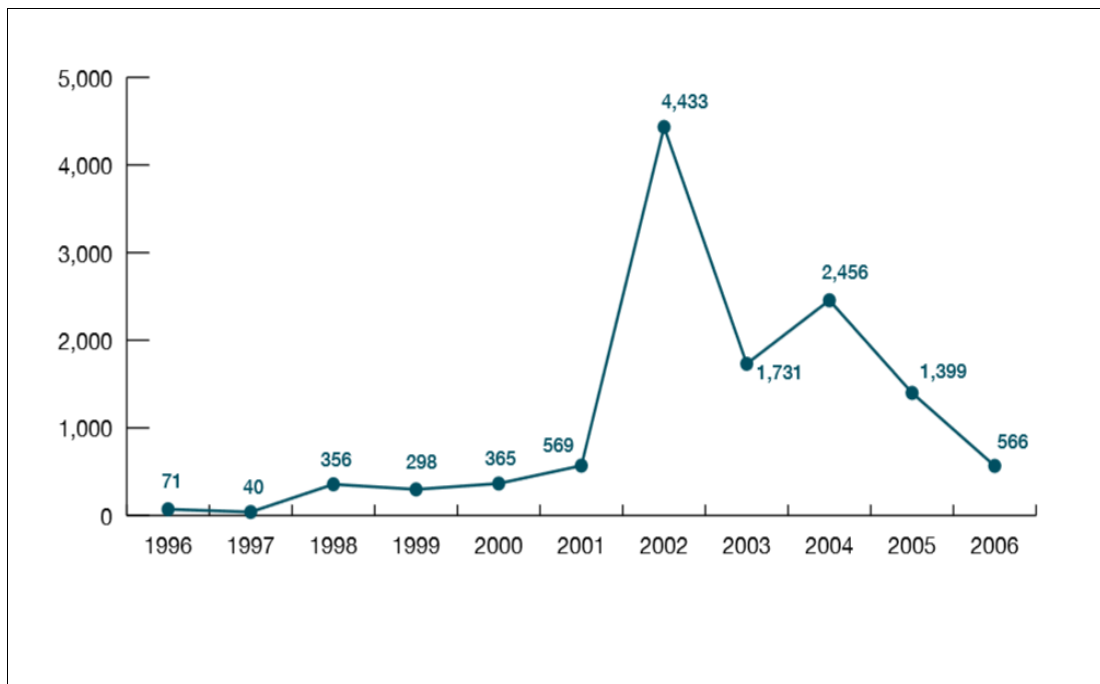
4. The government took an aggressive and suppressive stance towards all suspected to be the supporters of the CPN-M and even the common people.
5. The conflict gained intensity after the massacre of 2001, when the ten royal family members were shot dead in the royal palace in Kathmandu. The dead included king Dipendra and Queen Aishwarya, and the conflict gained intensity after king Gyanendra succeeded his brother king Dipendra and came into power. After coming to power, he declared a state of emergency in the

country and declared the armed conflict by CPN-M an act of terrorism. Further, he ordered the arrest and detention of the leaders of the major political parties (SPA and CPN-M), human rights activists, intellectuals, and members of civil societies, which provided ideal ground for the (SPA) and (CPN-M) to join hands against the royal government. To a great extent, these parties shared the common goals and political agenda of overthrowing the king's autocracy, returning the country to full democracy by holding fair elections for a constituent assembly, and restoring permanent peace (Ghimire and Upriti, 2008,106-107).

On February 21st, 2006, the Government of Nepal and the CPN-M signed a 12-point Comprehensive Peace Agreement, ending one of the world's longest and most deadly civil wars, which killed thousands of people. There are various estimates relating to the deaths of people during the conflict. According to the Informal Sector Service Center (2008), from February 1996- December 2006, 4,970 people were killed by Maoists, and 8,377 people by royal government forces, resulting in 13,347 deaths (Mishra and S. Massy, 2011,4).

UNOHCHR, with the Government of Nepal (2012) collaboration, reported that 12,686 civilians, including the security forces, were killed during 1996-2006. The Uppsala Conflict Data Program estimates that the annual fatalities peaked in 2002, which accounted for 4,433 deaths (Asia Foundation, 2017, 119)

**Figure no 3.1 Uppsala conflict data program- number of deaths in people’s war  
(1996-2006)**



Source: Asia Foundation, 2017, 119

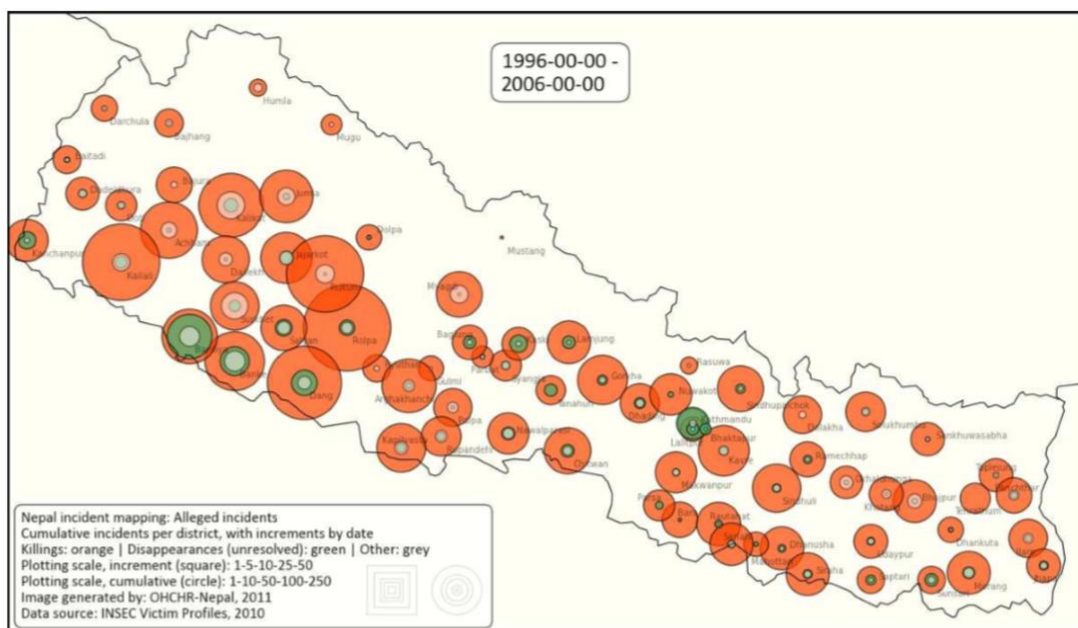
This figure includes police personnel, health workers, human rights activists, students, health workers, agricultural workers, teachers, business people, journalists, prisoners, political party workers, Maoists, and ordinary people. Further, the Nepal conflict report published by UNOHCHR in 2012 maps the area where the violence severely affected people. According to the report, which includes 75, the districts were most affected by human rights violations like killings, disappearances, and other forms of violence, mentioned above (UNOHCHR, 2012, 33).

The common people were caught between royal security forces and Maoists, and the ongoing violent conflict and abuses produced a state of terror and economic dislocation resulting in the internal mass displacement in Nepal.

UN guiding principles define Internally Displaced persons as “*People or a group of people who have been obligated to escape or abandon*

*their residences or locations of permanent dwelling in response to or in an attempt to evade the impacts of an armed conflict, mass violence, fundamental rights abuses, or natural or manmade catastrophes and people who have not performed so have not crossed an internationally accepted border” (Shreshtra and Som, 2005, 44).*

**Map no 3.3 Map of Nepal indicating conflict prone districts/ areas during the armed conflict**



Source : UNOHCHR, 2012,33

The primary causes of displacement include the following

1. Maoist targeted those affiliated with government services, security forces, and rival political parties.
2. Male members from every household become forced to join Maoist forces by life-threatening threats under the *'one son policy,'* which required one male member from each family to join the *'People's War.'*

3. Harassment forms both parties, such as abduction, kidnapping, rape, sexual assault, molestation, torture, murder, beatings, irrational donations, and threats of the murder of the family.
4. Unreasonable demand for wine and dining from the impoverished villages resulted in food and cattle shortages for the poor people from both sides.
5. Looting, destroying property and homes, and seizure of lands by the Maoists were common.
6. Fear of being charged as a spy by both parties.
7. Demolition of essential services, such as health posts, schools, post offices, and education, were the prime targets of the Maoists.
8. In many districts of the country, food shortages were created by the Maoist declaring an emergency and by road blockade, which hindered transportation, especially the highways in most of the places in the country,
9. The government's restricting food supplies in Maoist-hit regions also harmed rural populations.
10. People lacked security both from the Maoists and the security forces.
11. Rural agriculture was severely harmed due to a lack of possible buyers.
12. Interruption in business and tourism
13. Massive poverty (Rai, 2005, 10-17).

The accurate figure of IDPs resulting from armed conflict is subjected to various approximations. According to the survey carried out by MCRG, in Collaboration Nepal Institute of Peace (2005), 76.5 % of the country's total population was displaced due to Conflict (MCRG,2006, 55-64).

The highest number of IDPs belonged to Dang valley and its neighboring districts. After the escalation of conflict and imposition of the state of emergency in November

2001, internally displaced persons increased dramatically from 100,000 to 500,000. IMDC reports that the Mid-Western region was affected mainly by the conflict reaching close to 30,000 IDPs between (2001-2004). The report further observes the districts most affected by the conflict-induced displacement are Surkhet, Kapilavastu, Kalikot, Jumla, Daikelh, Ropla, Jajarkot, Bandiya, Rukum, Bajura, Salyam, Ramechhan, Lamjung, and Banke. According to the IMDC research, the Surkhet districts in Nepal became home to the most significant number of IDPs (IMDC, 2016). Further, the various governmental agencies and NGOs working both at international and Local levels have provided numerous data on the numbers of IDPs at different times from 1996-2006

**Table no 3.1 Total numbers of IDPs, identified from various sources from 1996-2006**

| Date      | Source           | No. of IDPs      | Remarks   |
|-----------|------------------|------------------|---|
| Aug 2006  | Caritas          | 212,985-272,600  | Only covers IDPs living in the district headquarters          |
| May 2006  | UNHCR            | 200,000          |   |
| Feb 2006  | Caritas          | 350,000          |   |
| Jan 2006  | CHR              | At least 100,000 | Between 100,000 and a few hundred thousand                    |
| Nov 2005  | UNFPA            | 400,000          |   |
| July 2005 | MOHA             | 18,666           | Only includes those displaced by Maoists                      |
| Jun 2005  | ILO/CWIN         | 40,000           | Children displaced since 1996                                 |
| May 2005  | MOF              | 300,000-600,000  |   |
| Apr 2005  | INSEC            | 50,000           | Only covers the period 2001-2004                              |
| Sep 2004  | ADB              | 2.4 million      | Cumulative figure since 1996, including displacement to India |
| Aug 2004  | Government       | > 100,000        |   |
| Aug 2004  | NMVA             | > 50,000         | Maoist victim IDPs in Kathmandu valley                        |
| Jan 2004  | CSWC             | 350,000-400,000  | Based on the identification of 160,000 IDPs in five districts |
| Mar 2003  | GTZ/INF/S NV/cie | 100,000-150,000  |   |
| Apr 2003  | EC/RRN           | 500,000          | Includes forced migration to India                            |
| Jan 2003  | UNDP/RUPP        | 80,000           | Only cover 2001-2003 extra migration to urban areas.          |
| Jan 2003  | MOHA             | 7,343            | Only includes those displaced by Maoists                      |

Source: Niroula, 2008, 110



There is no reliable data on the actual number of IDPs; the above tables give us an overview of the numbers of conflict-induced displacement in Nepal (Niroula,2008, 109-110). Ghimire and Upriti (2005) argue that it was difficult to get accurate data on the conflict-induced IDPs in Nepal. The matter became controversial, confusing and subject to contentious issues. Accurate IDPs data became heavily politicized, hence used for the vested political interest. The primary rival groups accounted for and blamed each other for the mass displacement followed by human rights violations. Both the conflicting parties exaggerated the number of IDPs and attempted to present a comparatively less number of IDPs displaced by their action(Ghimire and Upriti, 2008, 117 ). Tamang (2009) recognizes that Nepal's violent conflict produced one of the worst displacement situations in Nepal, which received very little attention from the international community and organizations, the Government of Nepal, or Nepal's political parties ( Tamang, 2009, 03).

Many INGOs, bilateral organizations, and NGOs have researched to ascertain accurate IDP figures relating to their status and situation. However, most of the work has remained superficial, and the actual statistics of the IDPs remain challenging to ascertain. According to Shreshtra and Niroula, a variety of factors contributed to the difficulties in determining the exact number of internally displaced persons between 1996 and 2006, which includes the following;

1. The country's rugged landscape and topography.
2. Unmonitored migration to India due to porous border.
3. Unmonitored migration to other countries.
4. IDPs mix with friends, family, and relatives in host communities due to fear of security forces and Maoists.

5. Certain sections of the population refused to be identified as displaced due to the stigma attached to IDPs as Maoist supporters and sympathizers.
6. Ignorance, negligence, and biased attitude from the Government of Nepal to the IDPs as Maoist or their sympathizers.
7. The government authorities and international organizations lack a reliable and systematic monitoring system for the movement of IDPs (Shreshtra and Niroula,2005,45- 46).

MOF Nepal (2005) estimates that 300,000-600,000 persons are internally displaced due to a decade-long armed conflict. The amount might be higher due to continuing disputes and numerous impediments linked to actual IDP count assessment (Niroula, 2008, 110).

For a long time, the government failed to recognize the people displaced due to security forces as IDPs rather than treating them as CPN-M sympathizers. The civil war in Nepal ended a decade ago, in 2006, but the position and status of IDPs have recently been acknowledged. Armed conflict in Nepal has brought positive and harmful effects on Nepali society. On the positive side, it increased awareness among the general public about the need to abolish century-old prejudice against individuals based on caste, culture, and ethnic origin. People around the country were also aware of their civil and political rights. Compared to the favorable aspects of the situation, the general public has suffered tremendously harmful consequences significantly. Ten years of violent conflict in Nepal have resulted in significant human rights violations, including killings, torture, incitement, forced conscription, rape, sexual assaults, starvation, sex trafficking, the use of women and children as combatants, the recruitment of children into the military as child soldiers, arbitrary taxation, detention

and arrest without charge, guerilla attacks, kidnapping, forcible billeting, and the exploitation of common people shields.

### **3.4 HISTORY OF SEX TRAFFICKING IN NEPAL**

Domination of women and sex trafficking was not new in Nepali society. Before the armed conflict and internal displacement, Nepal had a long history of slavery, forced prostitution, sex trafficking within the country and supply of women across international borders. The political unrest in Nepal intensified the situation, putting many women and children into the vulnerable position of being easy targets to the traffickers. Nepal was never colonized by and foreign ruler or country. The country remained authoritarian, monarchical, feudalistic, and patriarchal for centuries, with caste-based hierarchies and inequality. The history of the enslavement of women and sex trafficking is connected to the country's past political and social structure (Rajbhandari, 2008, 226).

Hindu culture and tradition served as the foundation for the country's beliefs. People were discriminated against based on class, caste, gender, and ethnicity, and the impoverished and landless women's demands were constantly ignored. Slavery and bonded labour were widely practiced, which benefited the rich and higher caste landowners to control the means of production of the rural poor. Untouchability was created by the upper caste and supported by the rulers, which benefited the rich and higher caste landowners to control the means of production of the rural poor. Patriarchal standards hampered women's access to resources, landholdings, education, and health care. Women were viewed as property, males were responsible for their means of production and reproduction, and ignored their needs and demands. According to many texts and accounts, women have been abducted, tricked, held as

bounded labours, exploited, and mistreated as sexual slaves by those in power and authority for over a century. Gifting women and girls to the affluent and influential landowners and rulers was widespread, and the tradition was not limited to Nepal's boundaries. Nepali women and girls were also gifted to landowners and rulers in adjacent countries like India and Bhutan (Ibid, 226-227).

**Table no 3.2 Political changes and sex trafficking dynamics in Nepal**

| Period                         | Socio-economic context  | Survivors of trafficking   | Forms of sex trafficking   | Destination of victims  |
|--------------------------------|---|--|--|---|
| During Rana Regime (1846-1950) | Feudal social structure   | Girls and women  | Servitude, slavery and sexual exploitation                                     | Internal  |
| Post Rana period               | Multi-party but feudal social structure   | Girls and women who were servitude of Rana families                | sexual exploitation  | Cross-border (India)  |
| Panchayat Regime (1960-1990)   | Party less political system, but feudal social structure                                | Girls and women from the surrounding hills of the Kathmandu valley | sexual exploitation<br>Circus performance                                      | Cross-border (India)  |
| Late 1980s-mid-1990s           | Growth of carpet industry and other industries<br><br>Increase in rural-urban migration | Girls and women<br><br>Boys<br><br>Girls and women                 | Labor and sexual exploitation<br>Labor exploitation<br><br>sexual exploitation | Internal & cross border (India)<br>Cross-border (India)                   |
| Mid-1990s-2006                 | Internal armed conflict, displacement   | Children<br><br>Adolescent girls and women                         | Labor and sexual exploitation<br><br>sexual exploitation                       | Internal (dance, bars, beauty parlors)<br>Cross-border (India and beyond) |
| 2000>                          | Foreign labor migration   | Girls, women, and men  | Labor and sexual exploitation  | Cross-border (the Middle East and other developed countries)              |

Source: ONRT, 2008

According to several studies, internal trafficking may have occurred before the Rana Regime (1847-1957). However, during the Rana reign, numerous women and girls became a slave in the Kathmandu valley's palace. The Rana rulers bought women from the valley's surrounding hills. Once they entered the palace, they quickly became her buyer's private property, sexually abused, and denied her right to personal life. Mistresses, dancers, singers, and housemaids, were given titles like '*Nani*' (child), '*Rakhauti*' (mistress), and '*Ketishaya*' (concubines). The cost of the females varied between 120 and 500 Asharphis (gold coins), depending on their evident youth, attractiveness, and skin tone. (ONRT,2008, 1-5).

With the Rana Rule(1951) collapse in Nepal, sex trafficking dynamics shifted from internal to cross-border trafficking. The following are several explanations and events that have emerged in Nepal's sex trafficking debate.

01. Following the collapse of the Rana regime, several aristocratic Rana families were exiled to India and settled in different parts of the country, including Shimla, Himachal Pradesh, Kolkata, Mumbai, and Bangalore, with their mistresses, servants, sexual slaves, and entertainers. Ranas endured enormous economic troubles during their exile (1951-1990s), as they could no longer keep their slaves and became a financial burden. As a result, they began removing them from their homes. After being abandoned, many turned to prostitution and ended up in brothels, and many others were sold in brothels by Ranas.

02. Later, these women and girls, who had either joined brothels as prostitutes or had been sold by Ranas for forced prostitution, established their brothels and began recruiting females from their own country Nepal.

03. With the collapse of the Rana rule in Nepal, dealers in girls from the neighboring hills like Sindhupalchok and Nuwakot found it difficult to find consumers in Kathmandu or across the country. They began establishing subsequent links in brothels in Indian cities and supplied their victims
04. Nepalese-origin women promptly became popular among Indian sex purchasers, and the brothels of many cities in India quickly began to demand Nepali women and girls for various reasons (a). Due to their fairer complexion, attractiveness, and beauty. (b). Importing women and girls from Nepal became safer for Indian brothel operators than selling Indian ladies and girls of local provenance. (c). Nepalese females were less likely to report to authorities about continued exploitation because they lacked a foreign language, processes, and traditions.
05. Due to the massive demand for Nepalese women by Indian brothel owners in the 1960s, the sex trafficking of Nepalese-origin women to various Indian red light areas and brothels became well established. By the 1970s, cross-border trafficking had evolved into an organized crime. The Nepalese pimps and Indian brothel proprietors had well-established illicit relationships. The expansion of the carpet business in the Kathmandu valley in the 1980s drew the rural poor to the valley, which gave sex traffickers an edge by making them easy targets. Sex trafficking impacted the Nepalese districts of Sindhupalchowk, Nuwakot, Dhading, Kavre, and Makwanpur, where women and girls were transported to Indian brothels under coercion, force, and deception.

06. During the Panchayat era (1960-1990), the form of Government was Feudalistic, and the country made little or no progress toward actual development. Sex trafficking has persisted in Nepal owing to poor governance, low socio-economic level, and discriminatory traditional and cultural norms against women. The country's internal war (1996-2006) displaced thousands of women and children in the 1990s, creating a more susceptible environment than previously, enabling more and easier sex trafficking (Pradhan ,1996; Sangroula ,2001; and KC et al. ,2001).
07. After 2000, there was an increase in unsafe labour migration, which led to international sex trafficking to other countries such as Korea, Hong Kong, the Middle East, and other destinations. (NHRC, 2008, 5–10; Terre Des Homes, 2003,11–12),

### **3.5 INTERNAL DISPLACEMENT AND SEX TRAFFICKING DURING ARMED CONFLICT**

It is essential to understand the status of women and girls in Nepalese culture to comprehend the sex trafficking of women and girls during the conflict and post-conflict. Nepalese society is diverse with various ethnic groups, caste-based hierarchies, and caste systems, each with its own social and cultural beliefs. Nepalese culture is profoundly patriarchal and adheres to traditional Hindu values, which has compromised the well-being of women and girls in various ways.

In 2004, women made up 50.049 percent of Nepal's overall population. Although the Nepalese government enacted protective protections for women, such as equal pay for equal labour, the government failed to enforce these rules. Women have endured and continue to face systematic deprivation, discrimination, denial of formal education,

and legal knowledge, which have hampered their ability to exercise their rights, such as the right to vote and an equal part in the property. In Nepal, the female literacy rate was 27.6 percent in 2003. Women in the Terai area were and still are required to follow *'purdah'*<sup>16</sup> and are not permitted to leave their houses without the approval of their male relatives. Feudal customs and patriarchy enslaved women to their fathers, husbands, and sons and denied them the right to inherit family property and land. Most of the farming is done by women, who labour for about 18 hours daily. Families in Nepal prefer boys over daughters because females are seen as a financial burden. *"To be born as a daughter is to have a bad destiny,"* says a Nepalese adage (Gul, 2007, 73-74).

Females have traditionally been considered subordinate to males and prone to oppression on numerous levels, as reflected in a line of the Ram Charit Manas that declares, *"drums, fools, misfits, and females are suited only for whipping."* Several traditional rituals, including early marriage, dowry, chaupadi,<sup>17</sup> and the stigmatization of widowhood, demonstrate Hindu concern for religious pureness concepts, especially for women's chastity. Most Nepali females have generally been confined to the home, and as a result, they are often denied access to education, economic independence, political engagement, and even appropriate healthcare. Although literacy, life

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<sup>16</sup> Purdah is a Persian term that translates to *'veil.'* Purdah is practiced in some Muslim and Hindu communities, which prohibit females of the house from being noticed by other males apart from the family members. purdah system compels the females to wear dresses from the very young age, to enclose their bodies, even their faces.

<sup>17</sup> Chaupadi is a combination of two Hindu words: *chau*, which translates to the menstrual cycle, and *padi*, which symbolizes female. Nepalese society embraces the tradition of *'chaupadi.'* According to the chaupadi system, women who in her menstrual cycle are regarded unclean and are not permitted to engage in regular household chores. Therefore, they must stay outside their home in seclusion. It is believed that if a woman with her period remains indoors, she would annoy the Hindu gods and goddesses and bring misfortune to her house. Irrespective of the weather, menstruating women are forced to reside outside the home in cow barns or temporary shelters.



expectancy, and fertility vary widely and are substantially impacted by economic position and location (urban/rural). Overall rates of important development indicators like literacy are much lower for women than for males. According to the UNDP United Nations Development Program 2009, the literacy rate of women among those aged 15 and above was (54.5%), compared to (81%) for males (ICTJ, 2010, 19-20).

Nepal's patriarchal societal system has put women in subordinate and inferior positions compared to male family members for generations. Regarding freedom of speech, decision-making, personal ideas, interests and needs, and involvement in the public and political process, women and girls are often discriminated against and shunned throughout the socialization process. Due to deeply established patriarchal attitudes and gender norms, institutionalized discrimination begins in infancy and is restricted to village and family surroundings. Women's inequality and marginalization may be found in many areas, including education, marriage, work, socialization, and property inheritance (Terre des Homes, 2003, 8).

The decade-long violent conflict led to the widespread displacement of men, women, and children, resulting in Nepal's greatest humanitarian disaster. The Maoist War impacted 73 of Nepal's 75 districts. According to Thapa and Deon, armed conflict in Nepal resulted in the forced internal displacement of 3.5 million to 6 million, of which 60-80 % of IDPs were women and children. The Maoist and security forces' brutality impacted the lives and health of impoverished women and children from rural areas, lower castes, minority groups, and ethnic communities. The pervasiveness of violence fostered egregious abuses of the rights of women and children. On the one hand, their primary worry and anxiety were food, housing, security, and the family members' protection on the other side. Caught in the vicious paradox between Maoists and

security forces, women and girls got slaughtered and even became the victims of sexual violence such as child marriage, sexual exploitation, forced pregnancies, verbal and physical abuse, rape and gang rape, slavery, prostitution, and sex trafficking (Gul, 2007).

Before the armed war, sex trafficking was from rural areas of the country to Indian cities, with only certain ethnic groups, such as the Tamang, Manger, and Sherpa<sup>18</sup>, being impacted. The hill districts and villages around Kathmandu valley, such as Kavre, Sindhupalchock, Nuwakot, Makwanpur, and Dhadhing, were the most impacted areas and districts prone to sex trafficking in the early days. Traffickers recruited many young women from these rural villages to Indian cities under the pretext of employment in Indian cities (NHRC, 2008).

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<sup>18</sup> Sherpas are a Tibetan ethnic minority indigenous to the Himalayan regions in Nepal.

The political unrest in Nepal intensified pre-existing vulnerabilities and situations, putting many women and children into the vulnerable position of being easy targets by sex traffickers. MoWCD Nepal recognized 26 out of 75 districts that became prone to sex trafficking after investigating the occurrences of sex trafficking documented by the Nepal Police in 1998.

**Table no 3.3 Sex trafficking-prone districts identified by MoWCD**

| <b>Eastern-Development Region</b>                            | <b>Central- Development Region</b>   | <b>Western-Development Region</b>                         | <b>Mid-Western/Far-Western Development Region</b> |
|--|--|---|---|
| Udaypur,<br>Jhapa,<br><br>Dhanusa,<br>Sunsari,<br><br>Morang | Nuwakot, Dhading,<br>Sindhupalchok,<br>Kaverpalanchowk,<br>Makwanpur, sindhuli,<br>Kathmandu,<br>Ramechhap, Chitwan,<br>Sarlahi, Parsa,<br>Mahottarai, Birjung | Gorkha,<br>Kaski,<br>Rupendehi,<br>Nawalparsi,<br>Sunauli | Kailali, Dang, Banke.                             |

Source: ADB, 2003

Apart from the 26 districts indicated above, which MoWCD omitted to include, sex trafficking was reported in 11 more districts throughout the war, including Jumla, Bardia, Okhaldhunga, Kapilbastu, Bara, Tanahun, Tehrathum, Bhojpur, Surkhet, Rautahat, and Lamjung (ILO, 2001). Districts next to the border have a high prevalence of sex trafficking, mainly the border crossing sites, such as Birganj, Sunauli, and Kakaribhitta (Jhapa).

During the conflict, sex trafficking expanded across the country, and victims came from all ethnicities and castes in Nepal. The most vulnerable ethnic and caste groups were hill Dalits, hill Janajatis, Dalits, and Janajatis in the Terai, Brahmin/Chettri, and Madheshi communities, particularly from Tharu, Thakur, Rajbonsi, Bhagat, Satar,

Yadav, Muslim communities, Badi<sup>19</sup>, Deuki<sup>20</sup> community and other lower castes such as Kami<sup>21</sup>, Damai<sup>22</sup> and Darjee<sup>23</sup> (Pradhan, 2006). Girls as young as 13 to 16 years old were trafficked and enslaved in debt bondage in several brothels and red-light districts across India, most notably in Kolkota (Sonargachi, Kalighat, and Kiddipore), Mumbai (Kamatipura), New Delhi (GB Road), Meerut, and Arga (Terre des homes,2012).

The most cited figure for sex to India from Nepal is 5000-7000 annually. In 2001 ILO estimated that more than 12,000 Nepalese women are victims of sex trafficking to India each year. The majority of the sex-trafficked victims were below the age of 14. According to the UNDP 2000, in the 1980s, the age range of Nepalese victims of sex trafficking in India was 14 to 16 years old, but in the 1990s, the average age lowered to 10 to 14 years old. The study by Acharaya and Koirala estimates that 2 00,000 - 3 00,000 Nepalese women and girls were forced into prostitution in various brothels in Indian cities till 1998 (NHRC, 2008).

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<sup>19</sup> In Western Nepal, the Badi community is a traditionally untouched Hindu sect. This group of simply is described to be a caste-based prostitute community. Badi males attract clients, while Badi women serve as prostitutes from adolescence unless they become extremely old to draw clients or marry.

<sup>20</sup> The Deuki ritual is a unique culture in Nepal's far-western area. However, the Deuki ritual is forbidden in Nepal. A girl becomes a deuki when she reaches five or six years old and is dedicated to hindu idols by her guardians as well as others (affluent families). The notion underpinning deuki tradition is that one's household obtains guardianship and divine fortune from the divine. Once recognised as Deuki, the girl is forbidden for marriage and parental support. Deuki's primary responsibility is to nurture the goddesses, diety and shrine . They are also required to offer sexual gratification for priests and worshippers. These girls, deserted by their families and all their other support systems, grow up mainly on their own, with no schooling or limited efficacy. With limited money, no skills or education, and the mythological perception that intercourse with a deuki helps purify misdeeds and facilitate good fortune, countless deukis are driven to engage in sexual acts, a similar sort of prostitution wherein sexual relations is exchanged for basic necessities like as housing , clothing and meals.

<sup>21</sup> Kami denotes the occupation based caste whose major occupation is metalworking.

<sup>22</sup> Damai is an artisan caste whose primary occupation is to play Nepalese traditional instruments during weddings and other celebratory gatherings.

<sup>23</sup> Darjee is an occupational caste in Nepali caste system that represents tailors.

**Table no 3.4 Estimates on sex trafficking by various sources**

| Sources                        | No girls/women                                     | Time frame | Destination   |
|--------------------------------|--|------------|---|
| Acharya 1998 and Koirala 1999  | 200,000-3,00,000                                   | -          | India   |
|                                | 40,000 – 50,000                                    | -          | Bombay  |
|                                | 60,000   | -          | Falkland  |
|                                | 17,000   | -          | Kolkata   |
| SAFHR 1997                     | 70,000-100,000                                     |            | India   |
| CWIN 1997                      | 153,000 (in 1987)<br>(20% children below 16 years) | -          | India   |
|                                | 100,000 – 200,000 (in 1996)                        | -          |   |
| Pradhan 1996                   | 27,000   | -          | Kolkata Delhi Banaras<br>Gorakhpur                    |
|                                | 21,000   | -          |   |
|                                | 3,480  | -          |   |
|                                | 4,700  | -          |   |
| STOP/Maiti 2002                | 5,000 – 11,000                                     | Annually   |   |
| CAC Nepal 2000                 | 300,000  |            | globally  |
| Ghimire 2002                   | 5,000-7,000  | Annually   | -   |
| PC & TAF 2001                  | 5,000 – 7,000                                      | Annually   | -   |
| STOP 2002                      | 50,000   | -          | -   |
| Population Council, Delhi 2002 | 200,000  | -          | Sex Industry<br>India                                 |
| LHRA & UNESCO 1997             | 160,000  | -          | Indian Brothels                                       |
| KC et al. 2001                 | 12,000   | Annually   |   |
| Asmita, 2005                   | 12,500   | -          | Mumbai<br>Delhi Kolkata Pune<br>Other cities in India |
|                                | 300  | -          |   |
|                                | 1300   | -          |   |
|                                | 500  | -          |   |
|                                | 8000   | -          |   |

Source: IIDS and UNIFEM ,2004

Internal displacement and the vulnerability to sex trafficking escalated due to the following reasons, which include

1. Death of members of the family
2. The unsafe environment at the place of origin
3. Rural-urban migration
4. Exploitative working sites
5. Lack of education and unawareness relating to safe migration and trafficking
6. Massive poverty (Siwakoti, 2000).

Women and girls migrated from conflict-affected areas to urban areas such as Pokhara, Biratnagar, Kathmandu, and Nepalgunj, among the most popular destinations for migratory women. Due to this rural-urban movement, commercial sexual exploitation and internal trafficking grew. Displaced rural migrant women and girls experienced psychological trauma, lacked education, skills, and property, and thus faced tremendous challenges at their destination to cope with livelihood and survival. They became more vulnerable to sex trafficking, sexual exploitation, rape, and unwanted pregnancies. Dance bars, doheri restaurants, and cabin restaurants were familiar places for displaced women and girls to work. They were subjected to abusive working conditions, payment delays, wage theft, poor earnings, extremely long labour hours, and sexual exploitation by the owners and clients. Women and girls were coerced into prostitution after being compelled to establish a sexual interaction to attract clients. These entertainment industries became a hot-bed for sex traffickers, pimps, and brokers, who were always looking for the most vulnerable women to trade under the guise of overseas work. Women and girls were contacted with the promise of better professions in Hong Kong, Saudi Arabia, and the United Arab Emirates (Dubai) (Rai,2005; CWIN, 2002).

In Nepal, the armed conflict and internal displacement resulted from weak governance and legal collapse. It became an extra advantage for traffickers and criminal networks to prey on the vulnerability of the needy and displaced women and children in times of crisis. Traffickers gradually expanded their networks and operated freely from rural to urban areas of Nepal. Increased illicit linkages between India and Nepal among traffickers, brokers, and brothel operators enabled the development of a more sophisticated and lucrative trafficking network in the area. The violent conflict increased domestic and international sex trafficking, mainly in India. Sex trafficking became widespread when more women and girls left their native communities to pursue safety and a better standard of living, primarily from Nepalese cities or through migrating from Nepal to India. The following section has examined the factors behind sex trafficking in Nepal due to armed conflict and internal displacement (1996-2006).

### **3.5.1 SEXUAL VIOLENCE**

During military conflict, political unrest, civil war, or political upheaval across the globe, sexual violence is employed as a '*weapon of war.*' Due to the failure of Nepal's legal and judicial systems, sexual violence became a widespread problem during the conflict. The Maoists and the security forces engaged in systematic sexual violence to show hate and rage against their adversaries while undermining families and communal relationships.

According to Manchanda "*The severe violence women face throughout conflicts is not exclusively due to the unique circumstances of war. Instead, such violence is closely linked to the injustices and abuses women face in times of tranquility. Nepal's society has a*

*traditional patriarchal component, which is the basis of social and gender inequality. Sexual violence against women is tolerated by patriarchal society, norms, and traditions, legitimizing its usage”*

(Manchanda, 2004).

Sexual violence was adopted as a ‘*weapon for punishment*’ against women, girls, and children on suspicion of having ties to the Maoists or security forces and women and girls belonging to security forces’ families. Due to Maoist ‘*one son policy*,’ male members were under force or voluntarily joined Maoist forces. Others left their families searching for work and escaped from joining Maoist forces. Females were left behind alone to face the trauma from both sides. Maoist and security forces breaking into homes at night and sexually exploiting local women and children became common (CeLRRd, 2002).

As a result, thousands of women and girls have been separated from their families, kidnapped, murdered, tortured, wrongly detained, falsely interrogated, and subjected to a broad spectrum of sexual violence in the name of punishment. These women and children were also forced to execute 3 D’s (dirty, dangerous, and difficult) tasks, such as forced prostitution, drug trafficking, and arms trafficking, as well as spying on the rival movement. Women and children endangered their lives and personal safety by doing such duties under pressure and intimidation. Further, they were harassed, killed, and faced double sexual exploitation. The atrocities perpetrated during the war, in which a significant number of the female population became victims of sexual violence. Rape, gang rape, forced nudity, forced marriages, forced prostitution, sexual bondage, sexual slavery, comfort women, and sex trafficking were widespread (IHRICON, 2006 ).



Armed conflict exacerbated forced prostitution in police stations and army bases in Nepal. Women were abducted, trafficked, and held as sexual slaves by government troops and Maoists and were often confined in comfort stations where they were beaten and raped by senior authorities. Women and girls were often kidnapped and married off to army personnel. They experienced significant physical, economic, and social challenges upon escaping the camp. The abduction and sale of women and girls become a significant source of revenue for warlords who benefit from women trafficking during times of violence (Mishra, 2017).

In a patriarchal society like Nepal, women's virginity is valued above everything else in terms of traditional responsibilities. Losing their virginity usually entails losing their marriage chances, which may have severe social and cultural implications for women, girls, and society. Rape victims were immediately married off, perhaps to older men or rapists (ICTJ, 2010, 27).

Thousands of women and girls fled their villages because they feared rape and sexual violence. Women and girls migrated to urban cities, searching for livelihood and security. Women and girls who fled their communities were mainly illiterate and unskilled, and finding work became difficult. Without work, food, money, or shelter, women and girls became forced to live in dangerous conditions on the temple grounds and streets, where the risk of sex trafficking and exploitation remained great. Many others began working in exploitative and low-wage jobs such as pote mala factories<sup>24</sup>, brick kilns, carpet industries, and dance clubs, and they became easy prey for sex traffickers. Many women and girls choose prostitution as a means of survival due

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<sup>24</sup> Pote mala is a necklaces of multicolored glass crystals, symbolizes marriage female in Nepal. Normally, it is a thick and lengthy necklace consisting of multicoloured glass pieces that typically contains the pigment red.

to economic difficulties, resulting in a rise in the number of sex workers in the border area and the Kathmandu valley. Women and girls also choose to work as dancers at dance clubs. These women were also trafficked to foreign countries in the sex industries. Consequently, international trafficking to India and other international destinations, such as the Gulf countries, flourished. According to a 1995 assessment by Human Rights Watch, over 3 00,000 Nepalese women were forced into prostitution in Indian cities such as Siliguri, Kolkota, Gorakpur, Mumbai, and Delhi (Dahal et al., 2015, 1; UNIFEM, 2006).

### **3.5.2 POVERTY**

According to a World Bank assessment, Nepal was listed as the world's 12th poorest nation in 2002, with a GDP of \$220 per year. Regarding buying power, per capita income in Nepalese rupees (NRs) of 4,400 (\$77) ranked Nepal as the 30th poorest country globally, based on basic housing, calorie consumption, and other non-food parameters. According to Terre des Homes "due to armed conflict, 71 percent of the 23 million Nepalese lived below the international poverty line (Terre des Homes, 2003).

According to the ADB's (2003) poverty assessment, the incidence and prevalence of poverty in rural regions (44 percent) were almost twice that in urban areas (23 percent). Poverty was widespread in the country's mid- and far-western, as well as mountainous, regions (ADB, 2003)

Nepal is a primarily agricultural country, and the participation of rural women in agricultural work is significant. In the face of gunfire, charges of espionage, and other harassment from Maoist and security forces, women's capacity to participate in

traditional agriculture was substantially limited, which resulted in massive poverty and food shortages among the rural masses. Other causes intensified the mass poverty during armed conflict, including; irrational donations, Absurd demand for wine and dine to the poor villagers by both sides, which created the shortages of food and livestock of the poor villagers, looting, destructing of property, and homes were ordinary, seizure of lands by the Maoist, Demolition of the essential services, such as, health posts, schools, post offices, and education which were the prime targets of the Maoist., Food shortages were created by the Maoist, in many districts of the country, declaring an emergency, by road blockade which hindered the transportation especially the highways, in most of the places in the country, Government policy to cut down the food supply in the Maoist affected areas., Agriculture in the rural regions became highly damaged without potential buyers, interruption in business and tourism (Rai,2005, 10-17).

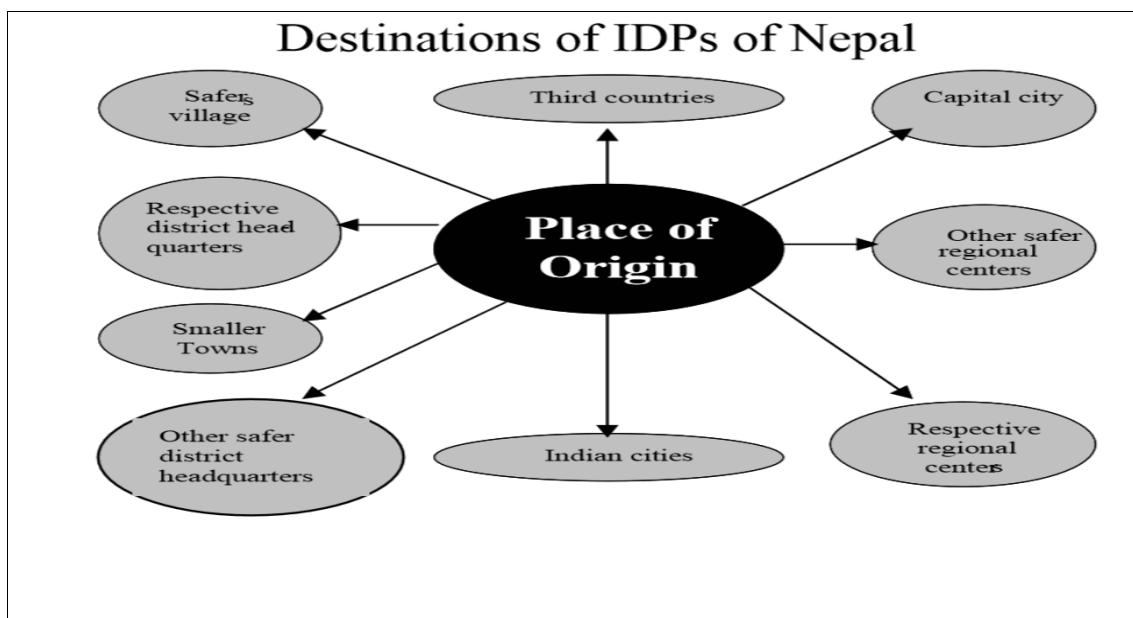
During the conflict, widespread poverty produced an atmosphere in which people could not satisfy their basic requirements and healthy food. In several situations, security agents denied civilians the ability to stockpile food above their basic needs to stop the access of food to Maoists from the locals. According to research in Nepal by the Watchlist on Children on Armed Conflict, the most impacted districts had rice, salt, and water for their daily meals. Because essential requirements and fracture failed to reach individuals in crises, they became vulnerable to forced displacement and migration (Watchlist on Children on Armed Conflict in Nepal, 2005)

Poverty is one of the critical indicators that caused many individuals to be displaced and migrate in search of better living opportunities. Various studies on displacement and migration patterns demonstrate that the family's financial ability, capability, and potential work opportunities have significantly influenced the IDPs' final destinations.

Internally displaced persons moved both domestically and internationally. People who got displaced due to the conflict (1996-2006) migrated to national and foreign destinations ( Mishra and S. Massey 2011,4-5).

The national relocation of IDPs is mostly from rural to urban areas, less from pre-urban to urban areas. After the attack by the Maoists or the security forces, people left their villages with relatives and families in a small groups or individually, abandoning their properties and belongings. Some IDPs moved to their friends and families in the nearby villages, and others moved to the district headquarters and other district headquarters. Most IDPs moved to urban centers, which include Kathmandu, Biratnagar, Nepalgunj, Bhairawhawa, and Pokhara, seeking better livelihood opportunities (Mandal, 2011, 80-82).

**Figure no 3.2 Destinations of the IDPS during armed conflict**



Source: Ghimire and Upriti, 2008,110

According to a study by the Norwegian Refugee Council, more than 80,000 IDPs migrated to the Kathmandu valley alone between 2001 and 2004. Most Nepalese IDPs

migrated to India and other countries such as Brunei, Singapore, Hong Kong, Malaysia, and the Gulf States. More than 12,000 IDPs crossed the Indo-Nepal border weekly in 2002 and relocated to India. Unfortunately, many families could not escape rural areas, and those that stayed behind were the ones who got impacted mainly by the conflict. Many families and villagers have been unable to leave their villages and homes due to a lack of friends and relatives and a lack of awareness about destinations beyond their town. Food shortages, acute poverty, and abuse from both sides hampered those who remained behind (Kok, 2003).

IDPs in Nepal experienced significant challenges such as a lack of housing, clothes, food, and starvation. In addition, IDPs in Nepal had trouble finding work owing to a lack of or limited education, and most lived in unsanitary and dangerous circumstances. The following are the repercussions that IDPs in Nepal endure as a result of armed conflict

1. Exploitation and abuse of women and children,
2. Landlessness, unemployment, lack of food security, malnutrition, lack of family life,
3. psychological problems and trauma lacked education and aspiration
4. Prejudice, discrimination, and suspicion in society (MCRG,2006, 60).

Even though people fleeing the conflict with their families or individually had physical security, they faced difficult circumstances in urban areas due to rapid population growth, which disrupted basic infrastructures such as water supplies, sanitation, waste management, roads, and even education and health. IDPs sheltered in modest leased dwellings with little assistance from the government. Further, They faced problems like low wages due to their vulnerability and status as IDPs. To

survive daily suffering and hunger, IDPs in the cities worked in carpet industries, brick kilns, pote mala factories, cabin restaurants, dance bars, daily wage workers, sold forest items, and even performed miniature trading. IDPs in rural regions experienced a variety of challenges. The resources, food, and live stocks were all impacted due to their extended stay with their friends and relatives. Food shortages led to poverty and starvation. In 2003, an estimated 45 out of Nepal's 75 districts were already experiencing severe food shortages. Food shortages have worsened as a result of the decade-long armed conflict. Several children under five were impacted and suffered from severe to moderate malnutrition (Kok, 2003).

The most vulnerable IDPs were the women and girls from a poor economic background, indigenous, marginalized, lower caste women, separated or widows, single women, and female-headed households. Due to the low level of education and illiteracy, many got entangled in internal sex trafficking in the various entertainment sectors, including massage parlors, cabin restaurants, dance bars, doheri restaurants, and many others, to cope with the daily hardship in the city, voluntarily choose these sectors (Sakya, 2008).

Till 2008, the estimate of women engaged in these sectors was unknown due to the lack of research. However, in 2008 NHRC published a report that estimated 900 female workers in doheri restaurants, 6000-7000 in cabin restaurants, 900 in massage parlors, and 3000-4000 in dance bars. However, the survey by NHRC failed to highlight the voluntary or forced involvement of women and girls and the nature of work in these sectors. Both sex work and sex trafficking are illegal in the country. Due to the growing number of entertainment and sex trade operating in these sectors, the Supreme Court of Nepal ordered the Government of Nepal to conduct the survey. In 2008, as mandated by Supreme Court, the Government of Nepal surveyed the

entertainment sectors and reported more than 1,200 dance bars, massage parlors, and cabin restaurants in Kathmandu valley alone. These establishments acted as the junction for forced and voluntary prostitution in the Kathmandu valley and even supplied women and girls to India. The report highlighted that 50,000 women and girls were working in these sectors; 80% were between the ages of 12-30 years, 50% suffered from economic and sexual exploitation, and more than 15,000 were under-aged (WOREC, 2018, 27).

According to Tara Bhandari executive director of Biswas Nepal (NGO), *“most girls working in the entertainment sector aged 14-22 were victims of trafficking owing to conflict displacement, economic vulnerability, and a lack of education. Women and girls were mainly from Dhading, Nuwakot, Sindhupalchock, Dolakha, Gorkha, and the slums of urban cities of Nepal. Their families, friends, neighbors, and lovers often introduced or sold them to the entertainment industry. Young and underage girls employed in other sectors such as pote mala and carpet factories were also sold to the entertainment industry by their owners. Women and girls in the entertainment industry worked without contracts or identification, earned between 1200-1500 Nepalese rupees, and were subjected to various forms of exploitation, including personal safety, forced prostitution, wage theft, sales pressure, and labor exploitation. Due to the illegal relationships between the owners of the entertainment sectors in the Kathmandu valley and local brokers and traffickers, the entertainment sector became a transit point and fertile ground for traffickers. They began selling women and girls to Indian traffickers,*

*pimps, and brothel owners due to the substantial profit margins in the sex trade, which resulted in an upsurge in internal trafficking (particularly in border regions and major urban areas) and cross-border trafficking to India and other foreign destinations” (Personal interview, 11/07/2019).*

### **3.5.3 GENDER - DISCRIMINATION**

Gender discrimination against women and girls has remained a risk factor for sex trafficking in Nepal, whether in peace, war, or post-conflict times. Discrimination against women and girls begins in early infancy. Men are considered superior in society, while women are regarded as subordinate. Several writings suggest that for centuries women in Nepal have been a subject of discrimination, including health and education, and have been exposed to various kinds of gender-based violence, including verbal abuse, forced pregnancies, rape, and child marriage. Nepal’s civilization has been patriarchal for millennia, and its impacts are observed in every group and household. For instance, a son is a sign of achievement, but girls are referred to be someone else’s property. Sons are wanted because they provide retirement security and inherit the family property, but females are treated as financial burdens on their families.

Women of all ages, social levels, castes, and ethnic groups face physical, psychological, sexual, and domestic violence in Nepal. Discrimination based on gender also plays a significant influence in educational procedures. In Nepal, females get less education than boys since it is anticipated that all girls would marry and undertake housekeeping and reproductive obligations. It is believed that economic resources should not be spent on female education. In Nepal, there is a proverb, *”let it*



*be late, but let it be a son*” (WOREC, 2002, 5-9). Women’s identities in society are always seen as someone else’s daughter and wife. And they are not seen as engaged citizens, agents of change, or critical decision-makers. She lacks access, control and administration of any resources in her family or community. Unpaid labour by women is undervalued and unacknowledged, and it is legitimate to limit them to private spaces. Women in rural areas are plagued with drudgery jobs and work around the clock to support their families. Even though women are often the only earners in their households, they are seldom considered breadwinners (WOREC, 2018, 22)

Women contribute significantly to Nepal’s economy but remain mostly ignored. Participation in agricultural work begins at an early age. Women are simultaneously engaged in domestic labour and revenue generation. For example, women do 70% of domestic and agriculture labour and make 26% of farm-level decisions in cattle rearing (ADB, 2003, 46–47).

The constitution of Nepal declares non-discrimination and equality to be fundamental human rights. Nepal has reaffirmed its commitments under BPFA 1995, where it ratified 16 significant conventions, including CEDAW and CRC, to work for women’s equal rights and inherent human dignity. However, the country’s historical and cultural beliefs and state legislations continue to discriminate against women. Nonetheless, prejudice against women persists in the social, economic, and political spheres (Sakya, 2003, 26).

A study conducted by the NGO Saathi in 1997 concluded that 66% of women in Nepal had suffered verbal abuse, 33% psychological abuse, and 77% of the abuser was family members. Regularly, domestic abuse affects 58% of women. 93%

got exposed to physical and behavioral abuse, 82% were assaulted, 30% were raped, 28% were sex trafficked, and 64% confirmed polygamy (Joshi and Kharel, 2008).

For a woman living in an environment with limited freedom rights and career options, the lack of a sense of personal worth, faith, and assurance in a brighter future beyond their current social structures made these women very susceptible and exposed to sex trafficking. The trafficker's promise of financial independence may be seen as the only way for her to change her circumstances. Such girls and women are more likely to be trafficked and forced into prostitution than other girls and women.

Women and girls were enticed into sex trafficking by promising marriage, a better future, and economic improvement. Sex traffickers deceived victims and their families by posing as possible life partners and gaining confidence with promises of a better life in urban centers, mainly in India, and sometimes by offering little monetary assistance to the victims' families (Huntington, 2002).

Besides posing as possible grooms and life companions, traffickers utilized deceptive love or romance approaches. Traffickers used to contact attractive and fragile females in rural areas of Nepal with the promise of false love or romance and often gained the victims' confidence by demonstrating phony emotional support and empathizing with their delicate condition. Women and girls were often encouraged to flee with the traffickers by promises of better life and future in India. Most traffickers who employed the phony love or romance tactic were young boys who worked as agents for pimps, brothel owners, and brokers for different Indian brothels. The open and porous border between India and Nepal further benefited traffickers in transporting women and girls to India. Once they arrived in different parts of India, they were

forced to engage in prostitution. Most victims were coerced into prostitution through fake marriages, fake love, or fake romance (Kara, 2008).

During Nepal's armed conflict, recruitment of females was overtly performed in rural locations. Because individuals in rural regions are poverty-stricken, numerous families knowingly traded their daughters to sex traffickers to overcome the economic crisis (Subedi, 2002). Because of the low education, numerous families got involved in the sex trafficking of their daughters, unaware that they would be forced into prostitution. In India, brothels and sex trafficked victims were traded for an estimated 25-30 thousand Indian currency. The price of female trading has increased to 75 thousand Indian currencies based on her beauty and other variable (Kara, 2008).

#### **3.5.4 CARPET INDUSTRY**

Tibetan refugees introduced the carpet industry to Nepal around 1950. The Jawlakhel carpet industry' was founded in Kathmandu as the first carpet industry. The carpet sector had a profit of 120 million dollars in 1992, contributing to the country's economic growth. More than 2,000 carpet factories were set up in more than 23 different locations in Nepal between the 1950s and the early 1990s, with 80 percent in Kathmandu alone. The carpet sector employed 3,000 people. The United States, Australia, Europe, and Canada were the top export destinations (CWIN, 1993).

On the other hand, the carpet industry in Nepal was known for using child labour; more than 1,50,000 children aged 5 to 16 years worked during the armed war. In general, carpet industries had a relationship with labour contractors (*Naiques*), who used to go to villages and persuade women and young boys and girls to work in Kathmandu's carpets factories. They used to get money in exchange for the workforce. Many rural women and girls traveled on their own for work or were sent

by their parents with the Naikes to avoid poverty, starvation, and conflict. During times of armed conflict, the carpet industry has been a source of exploitation and has been linked to the exploitation of women and girls for commercial sexual exploitation. Almost all carpet industries had links with labour contractors who recruited women and girls from Nepal's conflict-affected rural areas (Terre des Homes, 2003).

Women from many ethnic groups, castes, and communities worked in the industry. Most female employees were Tamang women from Dhading, Nuwakot, Makwanpur, and Sindhupalchowk. Low wages and harsh working conditions made it difficult for women and children to cope with city life, and they became subject to sexual exploitation both within and outside the carpet industry, putting them in danger of becoming victims of sex trafficking. According to numerous studies, the carpet industry chose to enslave women and children primarily because they were impoverished, readily available, willing, naive, easy to exploit, and control (ibid; KCet.al, 2001; CWIN, 1993).

Women and girls who worked at the carpet factory were uneducated, lacked skills and property, and were traumatized due to armed war and displacement. They were subjected to excessively long work hours and payment delays and became victims of coerced prostitution, rape, and unwanted pregnancies. Carpet manufacturers in the Kathmandu Valley and other parts of the country became a transit point for the sex trafficking of women and girls. The majority of women and girls were trafficked to Indian brothels. Co-workers, factory managers, owners, and labour contractors were the principal traffickers, who mostly trafficked women and girls with the false promise of better employment, a good wage, and fake love and marriage. Along with women and girls, the brokers, managers, and owners of the Kathmandu valley's

carpet industry supplied teenage boys to the Indian districts of Banaras, Bhadoni, and Mirjapur for labour exploitation. During the 1990s, it is estimated that around 25,000 Nepali boys were trafficked for labour exploitation in carpet industries across India. (CWIN,2002; K.C. et.al.,2001).

### **3.5.5 OPEN BORDER**

China and India share Nepal's international boundaries. The Chinese border is well guarded and topographically challenging to cross. In contrast, the Indo-Nepal border is open, stretching 1850 kilometers and being topographically porous due to its location on the country's southern plains. The Indo-Nepal Border is open because of the 1950 friendship treaty between India and Nepal. The treaty guarantees some privileges and equal trade, commerce, and residency rights. Travelers from third countries, on the other hand, who do not have the necessary documentation, permits, or visas are subject to border restrictions. However, the treaty guarantees that neither country's nationals would be subject to immigration control. As a result, Nepalese citizens traveling/migrating to India or vice versa can cross the border without identification, paperwork, passports, visas, etc. (Kansakar, 2003).

Additionally, the porous and open Indo- Nepal border structure, government laxity, and corruption have led to and continue to contribute to the development of organized crime, which includes the smuggling of narcotics, native animals trafficking, and sex trafficking, among several other things (Felab, 2013). Trade relations between the two nations are carried through 26 authorized checkpoints, but there are numerous entry and exit sites where detention of illegal activities by the security forces or NGOs is practically difficult. Jhapa District, for example, has just one official entrance and departure point between Indo - Nepal border (Kakarivitta), yet there are up to 15-16

unauthorized entries and exit routes between the two nations. Other border districts in Nepal are experiencing a similar situation, resulting in a significant increase in unlawful cross-border activities (NHRC, 2008).

Citizens from both nationalities freely move around for employment, commerce, and trade, and it is unfeasible, or at least very complex, for security forces, border patrols or other governmental organizations to keep records of almost any criminal practices. Border areas of both countries feature busy marketplaces which provide citizens seeking employment opportunities and deals. It has become a booming marketplace for prostitution and sex trafficking. Border areas have emerged as a center for sex trafficking recruiters and facilitators, who benefit from the enormous number of unsuspecting travelers, hotel availability, and convenient connectivity. The prevalence of accessible and unmanaged borders with India and a shortage of trans-border and regional efforts have all attributed to the significant incidence of Nepalese women becoming sex trafficked to India and other countries (Thapa, 2008, 42).

Sex traffickers hailed from 39 different districts nationwide, with the largest concentration in Makwanpur, followed by Sindhupalchok, Nuwakot, and Jhapa districts. Furthermore, sex trafficking has had a particularly detrimental impact on these localities, with most traffickers originating from the same districts or localities as the trafficking survivors. Women and girls were trafficked using a variety of approaches, including deception and fraud. Recruitment via newspaper advertisements, providing desirable employment, using marriage brokers, staging fraudulent love affairs and marriages, and promising a better life are examples of such approaches. In addition, women got abducted and kidnapped for sex trafficking. Due to poverty, many families sold their daughters, and many others were given or sold by their relatives who had been orphaned (Ibid).

**Table no 3.5 Major border crossings used by the traffickers during armed conflict**

| <b>Border crossing points</b>       | <b>Districts</b>     | <b>Print-media (1994-2001)</b> | <b>Daywalka Foundation and CREPA, 2007</b> |
|-------------------------------------|----------------------|--------------------------------|--|
| Pashupati Nagar                     | Ilam                 | √                              | √  |
| Kakarvitta                          | Jhapa                | √                              | √  |
| Gauriganj                           | Jhapa                |                                | √  |
| Galgaliya                           | Jhapa                |                                | √  |
| Biratanagar                         | Morang               | √                              | √  |
| Dewangunj and Bhandabari            | Sunsari              | √                              | √  |
| Jaleswor                            | Mahottari            | √                              |  |
| Janakpur                            | Dhanusha             |                                | √  |
| Gaur                                | Rautahat             | √                              | √  |
| Simraungadh                         | Bara                 | √                              |  |
| Birgunj                             | Parsa                | √                              | √  |
| Thori                               | Chitawan             |                                | √  |
| Maheshpur                           | Nawalparasi          | √                              |  |
| Sunauli                             | Rupendehi            | √                              | √  |
| Krishnanagar                        | Kapilbastu           | √                              |  |
| Koilabas                            | Dang                 | √                              |  |
| Nepalgunj                           | Banke                | √                              | √  |
| Sirshiya-Chunthan                   | Bardiya              | √                              | √  |
| Dhanghadi                           | Kailali              | √                              | √  |
| Mahendranagar                       | Kanchanpur           | √                              | √  |
| Tanakapur                           | Kanchanpur           |                                | √  |
| Jhulaghat                           | Baitadi              | √                              | √  |
| Darchula                            | Darchula             |                                | √  |
| Chisopani                           | (district not Known) |                                | √  |
| <b>Total Border Points reported</b> |                      | 17                             | 19   |

Source: NHRC,2008,20

Only a small number of sex traffickers worked alone; most worked as a team and in networks. ‘Traffickers’ networks were spread from villages or places of employment

to their final destination. Some politicians, businessmen and women, state officials, and a variety of organizations, including the police, customs, border police, overseas recruitment agencies, travel companies, academic institutions, hospitals, clinics, adoption services, etc., were all connected to sex traffickers and their networks (NIDS and UNIFEM, 2006).

The Daywalka Foundation and CREPA (2007) conducted research that identified 19 border crossings exploited by sex traffickers. It divides transit sites into no danger, medium risk, and high risk.

**Table no 3.6 Low risk, High risk and Medium risk transit Points**

| No-risk transit sites  | Medium-risk transit sites                                 | High-risk transit sites  |
|--|---|--|
| Pashupatinagar, Dhanghadi, Darchula, Dodhara-Kanchanpur, Tanakpur and Thori. | Nepalgunj, Gulariya, Birgunj, Kakarvitta and Biratanagar. | Sunauli, Gauriganj, Chisopani and Janakpur. The traffickers also use alternative transit sites such as Jhulaghat (Baitadi district), Sirshiya Chunthana (Bardiya district), Gaur (Rautahat) and Galgaliya (Jhapa district) |

Source: The Daywalka Foundation and CREHPA, 2007

Chari Maya Tamang, was kidnapped by a gang of men while working in the field in 1993. They bound her wrists, forced her to swallow the powder, and she lost consciousness. When she regained consciousness, she found herself in an unfamiliar location surrounded by towering buildings. According to the woman, the place was hotter than her village and may have been a region in Northern India. The captors sedated her again, and when she awoke, she was in a Mumbai brothel, where she was forced into prostitution for 22 months. Chari Maya Tamang was the first Nepalese woman to successfully prosecute and convict her human trafficker (Pradhan and Choudhury, 2019, 199-200).



In 2004 traffickers in prison in Kathmandu said,

1. *“My age is thirty years. I have traded approximately 25 females. I persuaded the females by pretending to be in love with them and eventually assuring them employment.*
2. *“I worked as a sex trafficker for almost ten years and sold over eighty females. Several of the females I sold were minors. I used many strategies to attract the girls, including marriage, romantic entanglements, and nice employment. Before approaching a girl, I often used examine her family background, behavior, status, and safety nets”* (The Daywalka Foundation and CREHPA, 2007).

Acknowledging the complexities of human sex traffickers sending their victims undetected over the border, pioneering NGOs such as Maiti Nepal and ABC Nepal started placing informal checkpoints to patrol the border and detain women and girls suspected of being sex trafficked. They stationed personnel at several crossings throughout the day to monitor unusual behavior among tourists, travelers, locals, migrants, etc., and interrogate individuals thought to be innocent targets. In particular, Maiti Nepal employed previous victims to be aware of the visible symptoms of trafficking and the deceptions traffickers frequently operate. If they detected that someone was likely to be the victim of human sex trafficking, they offered them counseling and finally returned to their families. Maiti Nepal’s yearly interceptions increased from fewer than 100 in the first two years to 3000 by 2002. Anuradha Koirala, the founder of Maiti Nepal, got the CNN Hero Award in 2010 for her efforts, giving further prominence to her organization (Hudlow, 2016).

### 3.5.6 FOREIGN LABOUR MIGRATION

Harsh economic conditions and social inequalities often impel people to become victims of human sex trafficking. In the case of Nepal, the armed conflict exacerbated the socio-economic vulnerability of women and young girls, particularly in rural areas. Some people choose to work in the sex industry, while others get pushed into prostitution due to coercion or deception. Migration is expected in sex trafficking, whether inside a country or across national and international boundaries (Huntington, 2002).

Women who became targets of sex trafficking through indirect methods during armed conflict fled from rural communities to metropolitan areas in search of jobs and fled for other reasons throughout the war, which includes

1. To avoid poverty
2. To fulfill fundamental requirements, such as food, shelter, clothes, and healthcare
3. For safety and to generate a sustainable livelihood
4. To escape incest, rape, sex work, and divorce
5. Avoid marriage, dowry, dysfunctional family, stigmatization due to caste etc.
6. Explore beyond their native communities (Pradhan and Choudhury, 2019, 197).

Migrant women were pushed to move away from home because of a shortage of occupation, the death of members of the family, and an absence of personal security. Further, close relatives, recruitment agencies, sex traffickers, migrant returnees, other migrating individuals, local leaders, and friends encouraged their motivations for migration. Females had minimal job prospects due to little understanding beyond

their communities, insufficient skills, and inadequate education. In addition, they have been under tremendous compulsion to generate sufficient revenue to send remittances to families and at the same time maintain their livelihood in a distant place, which placed them in danger of becoming exploited and sex trafficked (Ibid, 198).

The armed conflict peaked in 2000, and foreign labor migration significantly increased to India and other nations, including South East Asia, the Gulf States, and the Middle East, increased amidst unofficial restrictions imposed in 1997 and 2008 that prohibited women from migrating to the Gulf nations for employment. However, the porous open Indo- Nepal border made it much easier for women to travel to India for employment abroad. That made the female migrants more vulnerable to sex trafficking by Indian smugglers and sex traffickers. Further, female migrants even traveled via Bangladesh. Large amounts of female labour migration were legally done with the help of a secretive criminal organization. Many illegal and fraudulent organizations recruited females to India under the pretense of international labour migration, offering good jobs such as household chores in Gulf nations, and then coerced them into forced prostitution in India shortly after their arrival (ONRT, 2006).

Not every one of the ladies made it to their final destination. Since the Government of Nepal has placed restrictions on women's travels to the Middle East and Gulf nations. Migrating women selected the passage from India to various destinations. The migrants who opted for the route through India may spend between two and three months in India to obtain a visa and documents that the Nepalese government has not granted. After reaching India, the recruitment agencies and brokers forced the majority into brothels permanently and many temporarily. They were denied access to their passports while their visas were in process. Following 2000, female labour migration emerged as one of the most significant influences on the sex trade. Several

female migrants had eventually attained their target location but, lacking legal documentation approved by the Nepalese government, also suffered complications. Women and girls were regularly assaulted and sexually exploited by owners and owners' relatives and family members while also becoming drained from performing overtime hours. Women faced challenges such as determining who to approach if the employment did not turn out as planned; deciding what to do if their passports had expired; and determining where and to whom to register harassment, abuse, and exploitation cases.

Another issue the paucity of connections to obtain capital and familiarity with business and trading techniques was also a problem. The charges imposed by the recruitment agencies were often unaffordable to many individuals. Because of economic hardship, migrating women and girls often got loans from less unknown money lenders, who imposed 40-50 percent interest per year on their borrowed money. Migrating women from rural parts of the country lacked knowledge of economic operations and interest rates. Since most of them worked overseas, they faced collected debts from lenders, contributing to their subsequent victimization due to financial obligations. Further, after several attempts by NGOs from 2002 to 2006, the number of cases of sex trafficking grew, and the number of victims of sex trafficking doubled compared to 2002. Sadly, between 2002 and 2006, neither the number of offenders arrested nor the frequency of sex trafficking offenses decreased (NHRC, 2008).

### **3.6 SEX TRAFFICKING IN NEPAL: PRESENT SITUATION**

The problem of sex trafficking concerns Nepalese society even after the armed conflict. Following a war, the country is still characterized by a high degree of political instability, which has increased the likelihood of criminal activities such as sex trafficking. Second, if we consider the post-war socio-economic state of the society, we will discover that the situation is identical to that of the war years. Women in Nepal are particularly susceptible to being trafficked due to their poor socio-economic status, marginalization, and discrimination based on gender, education, property inheritance, and participation in the political processes. Women and girls face low economic conditions and live in an insecure environment.

Even though the Nepalese interim government (2007) introduced legislation guaranteeing women with protective provisions such as equality in gender, education, caste, and culture in addition to equal pay for equal work. However, the government did not implement this legislation into practice.

Nepal replaced the Interim government of Nepal (2007) on September 20th (2015). The new Nepalese constitution under part III, section 19, guarantees equal rights in terms of caste, gender, culture, tradition, educational practices, and equal gender rights in terms of ancestral property (constitution of Nepal, 2016, 14-17)

UNDP established the Gender Inequality Index in 2010, which measures and monitors gender-based disparities in three areas: economic growth, empowerment, and women's health. With a Gender Inequality Index, the country scored 0.452 and listed 110/162 nations in 2019. The country ranks among the poorest in South Asia on the index evaluating gender inequality (UNDP, 2020, 3).

Despite the constitution provisions for the protection and enactment of women and gender rights, Women have endured and continue to face systematic deprivation, gender discrimination, denial of formal education, adequate health care, and legal knowledge, which have hampered their ability to exercise their rights, such as the right to vote and an equal part in the property. Feudal customs and patriarchy has enslaved women to their fathers, husbands, and sons. Feudal customs and patriarchy has enslaved women to their fathers, husbands, and sons and denied them the right to inherit family property and land. Most of the farming is done by women, who labour for about 18 hours daily. Families in Nepal prefer boys over daughters because females are seen as a financial burden. *“To be born as a daughter is to have a bad destiny,”* says a Nepalese adage. As a result of a dearth of economic opportunities for young women and well-rooted cultural attitudes about gender roles, young women are especially susceptible to sex trafficking (Gul, 2007, 73-74).

The literacy rate among women shows a massive gap in education practices. Only (29.3 %) female have so far attained at least a secondary level of education compared to (44.2% ) for male (UNDP, 2019, 4-6). According to Locke (2010), 70.7 % of trafficked survivors were illiterate or marginally literate. The enormous weight of domestic duties on girls stops them from getting an education. Girls, for example, are obligated to assist their parents with everyday household chores and take care of their younger siblings. The conventional view of girls’ education persists in many communities in Nepal that *“educating girls in the family means wastage of family income”* (Sharma, 2014, 13; Chaulagai ,2009 ).

One of the factors that lead to sex trafficking is traditional cultural practices, which is particularly true among Nepal’s poor Badi people in the South-Western section of the country (Subedi, 2009). Parents in the Badi community often act as pimps, locating

customers for their daughters, and the daughters are obligated to obey and accept their parents' decisions. The Badi group has been termed a *prostitute caste* whose traditional purpose was to entertain religious leaders and elites. Richardson, Poudel & Laurie, 2009 state that "*traditionally accepted prostitution may transform into illegal cross-border sex trafficking in Nepal*" (Richardson, Poudel & Laurie, 2009,261).

Nepalese traditional cultural beliefs also support early marriage/child marriage. People from some castes believe that they will be spiritually honored if they marry away young daughters before puberty. In Nepal, there are 186.0 maternity-related deaths per 100,000 births, and the underage birth rate is 65.1% for 1,000 aged 15 to 18 (UNDP, 2020,5). Parents frequently choose grooms for their daughters without thoroughly researching their backgrounds and the girls are ultimately sold to Indian brothels by their spouses (Chaulagai, 2009). Early and enforced weddings sometimes turn into false marriages, subjecting many to the sex trade (Cameron and Newman, 2008)

According to NHRC Trafficking in-person report (2018), 18,000-20,000 are reported victims of sex trafficking. This figure shows that sex trafficking in the country has dramatically increased within a decade. Along with cross-border trafficking to India, women and girls are trafficked to Hong Kong, Middle-East, South-East Asian countries, Vietnam, African countries in Tanzania, and Kenya (NHRC,2018). During the interview with ( NGOs) AATWIN, Biswas Nepal, WOREC highlighted that in Nepal's recent sex trafficking discourse, a new trend has developed as a significant number of international sex trafficking also took place in China and South Korea for forced marriage (Field survey 24/07/2019-08/08/2019).

According to executive director (NHRC) Renuka Banjadee, *“previously, women and girls from districts like Nuwakot, Sindhupalchowk, Birgunj, Dhading, Jhapa and Kavre were vulnerable to Sex Trafficking. Poverty, gender discrimination, dysfunctional family, and violence against women and girls have increased female foreign labour migration. Today, Source and destination for sexual exploitation are on the increase, and victims belong to all districts in the country from all the sections of the society”* (Personal interview 27/07 2019)

The current publicly accessible survey data for Nepal’s MPI estimate is from 2016. According to the estimation, (56.4%) of the country’s population lives in poverty (UNDP, 2019). Poverty in Nepal has remained one of the potential factors for rural-urban migration within the country or migration to international destinations for employment opportunities. The factors influencing migration and the quest for employment overseas are not the same for men and women. Men’s preferences to migrate may be affected more by unemployment, poverty, and a desire to enhance one’s financial status. The variables that influence women’s migration are more complicated as gender-based female feticide, uneven property rights, domestic violence, and dowry-related violence are all part of the daily lives of a sizable portion of women in Nepali society. The research conducted by WOREC (2012) found that (64%) of Nepali women experienced domestic abuse in 2012, and only 20 percent took legal help (Aronowitz and Dahal, 2012,15).

According to the executive director of Asha Nepal (NGO), Smiriti Kharka, *“many women are forced to leave Nepal to pursue employment overseas due to their social and economic status, gender*



*discrimination, and violence against women. These women are at risk since they are undereducated. The vast majority of the population is also uninformed of the threats and repercussions of sex trafficking. In rural Nepal, there is an increasing percentage of familial involvement in the sex trafficking of their daughters. There are numerous cases where traffickers have bought women and girls from their family and sold them in prostitution” (Personal interview, 08/08/2019).*

Although many NGOs and international organizations participate in anti-trafficking and domestic abuse awareness efforts, their coverage is restricted, and they do not cover the whole country.

*Executive director AATWIN (NGO), Benu Maya Tamang, states, “sex trafficking in Nepal is fueled by the lack of citizenship and regulations barring women and girls from going to the Middle East. The Government of Nepal thought they would safeguard women and girls from sex trafficking by taking this step. However, the legislation forbidding women under 30 years from moving to the Middle -East for employment has resulted in migration via India using fraudulent recruitment and travel companies, resulting in the high risk of sex trafficking. Women migrants who entered foreign destinations illegally and suffered abuse and exploitation do not receive help due to a lack of government funds. The government cannot restrict women’s travel rights since this breaches their human rights, and the policy renders women more vulnerable. Citizenship concerns have also led to the use of forged documents, which made sex trafficking easier in the country” (Personal interview, 08/12/2019)*

In Nepal, most of the effort against sex trafficking is concentrated on migration. Interviews with many NGOs unfold the picture of internal sex trafficking in the country. Kathmandu is the country's capital, famous for its geographical beauty, ancient pilgrimages and ancient temples, which attract many tourists. The city has become notoriously famous for the adult entertainment sector.

Executive director of Biswas Nepal (NGO) Tara Bhandari states, *“The adult entertainment sector has become the Source of exploitation. Women working in these sectors are primarily underage and work with a low salary of 5000-7000 NR. Women and girls commission the drinks and food items the customer buys. Women and girls are under constant sales pressure. Further, women and girls are forced to have sexual relations with customers to keep the customers. Some choose prostitution voluntarily, and many become coerced into prostitution”* (Personal interview 12/08/2019).

NGO Shakti Samuha rescued a 13-year-old girl in 2018 who was sold by her husband in a cabin restaurant in Kathmandu and was forced into prostitution (Field Survey 29/07/2019). Entertainment sectors always look for vulnerable and young women looking for employment. Brokers and agents have taken a considerable advantage. The brokers often convinced women and girls working in the sectors and, with better salaries and further, sold to the new owner. NGOs in Kathmandu report that along with adult entertainment, other sectors in Kathmandu like carpet industries, garment factories, and brick kilns have become the Source of exploitation and hot-bed for sex Trafficking victims.

Further, Biswas Nepal (NGO) reports that traffickers now don't go to the rural areas to trap their victims. Traffickers recruit vulnerable women and girls from these sectors

using fake marriage, fake love, fake foreign employment, and fake tour plans. According to the NGO, co-workers and owners have approached 75% of women and girls working in the entertainment sectors for foreign employment. Furthermore, migrant women from other regions of Nepal choose Kathmandu as a transit stop on their way to Qatar, Dubai, and other destinations. Women and girls traveling from India to the Middle East and other destinations in the Middle East disappear without a trace. Women and girls are trafficked, forced into prostitution, or killed (Field Survey, 12/08/2019).

### **3.7 CONCLUSION**

During armed conflict, poverty and lack of employment are significant factors in sex trafficking. Victims of sex trafficking in Nepal were mostly IDPs who belonged from the low socio-economic background and lacked a decent living (food, shelter, good health etc.) and education and were easily lured into a fake marriage, the promise of a better job and life and were trafficked. Regarding the gender development index, Nepal ranked the lowest in South Asia in 1997. Society follows extreme patriarchal beliefs coupled with the rigid caste system. Women and girls in Nepal most vulnerable to trafficking are those from mid and far western regions and groups such as the Dalit, Janajati, Madheshi, and Muslim. These women faced and are still facing multiple forms of discrimination and are especially vulnerable to gender-based inequality, generally have less access to education, health care, and decision-making in all domains, are economically marginalized and are subject to discriminatory laws and practices, especially concerning inheritance, property ownership, and divorce (Gurung, 2016).

Globalization, gender discrimination, and women's low levels of education and status are all grounds for sex trafficking during armed conflict. Globalization has a detrimental effect on developing nations' jobs, markets, productivity, trade, consumerism, principles and expectations, social relationships, and the environment. Women benefited directly from the process since globalization has a widespread effect on farmland, small cottages, and home industries, all of which were dominated by women. Armed conflict in Nepal severely harmed agricultural production, small agriculture, cottage industries, domestic producers, and the social system for women's income. Unable to generate enough revenue, women and girls from remote regions were internally displaced and migrated for employment, making them vulnerable to sex trafficking (Rajbhandari, 2008, 226).

There is a two-fold connection between sex trafficking and migration during armed conflict. First, females who traveled from their villages to work in the garment and carpet industries were susceptible to sex trafficking because they were pressured and pushed into sexually violent conditions. Second, industries that hired teenage girls were used as starting points for trafficking the girls to Indian brothels. In other words, brokers employed the promise of employment in carpet industries to get young girls into situations where they were readily sold into forced prostitution. Women and girls headed out from their villages as free migrants but became victims of sex trafficking and became unstable throughout the migratory process.

According to an estimate by the UN in 2002, more than 2 million became victims of sex trafficking in the 1990s to Indian brothels. 20% were underage, and more than half of the sex trafficking victims had HIV in Bombay brothel alone. The victims of sex trafficking in Indian brothels are kept as slaves and undergo extreme physical, verbal, and psychological torture. The trafficked victims from Nepal are held into debt

bondage for years. To break the will of the victims to accept forced prostitution as early as the entry into the brothel, they are repeatedly raped, gang raped, subject to serious forms of violence, torture, severe beatings, arbitrary detention and further they are exposed to HIV aids. Many young girls from Nepal during armed conflict were lured and sold by their neighbors, relatives or labour contactors with the promise of marriage and better employment opportunities (Terre des Homes, 2003).

During 1990-2000, women and girls were sold by their relatives, neighbors and friends for the small amount of Indian 200 rupees to the brokers. Further, the brokers transported the women and girls to various brothels in India and were sold for Rs.15,000-20,000 depending on their beauty. The purchase price of the women and the interest became the debt of the women and girls and she must agree to work under the terms and conditions of her owner to pay off her debt. According to the CWIN 2006, the brothels in India were tightly controlled and virtually impossible for any victim to escape. The survivors of sex trafficking from Nepal stayed up to ten years in sexual slavery. Within those years, one has been sold from one brothel to the other many times. According to Terre de homes, the rescued victims reported that they were tortured physically and mentally, were given little to eat, and starved many times. Most rescued victims had HIV, and many died of the disease. Due to the myth and buyer demand that '*sexual intercourse with a virgin*' will help treat HIV, STDs, infertility, etc., the victims were typically trafficked when they were young. Which further increased the vulnerability to sex trafficking during conflict and post-conflict times. Various studies indicate that the age of the sex trafficked victims is declining due to the rise in demand for virgin girls to stop the contraction of HIV from the sexual slaves to the buyers (ONRT, 2005).

Women and girls from Nepal were traded for RS. 60,000 between 1990 and 2000, and the landlord of the brothel profited up to RS. 2,000,000 in just six months. In ILO rapid assessment interviews with sex trafficking survivors portrayed their suffering as a living hell. In just an hour after entering the brothel, most victims became pushed into prostitution (ILO, 2001).

These events show how women and girls are used as commodities by established or inadequately structured criminals of an illegal nature. Trafficking networks carried out three different categories of operations: (1) traffickers acquired victims from Nepal, and (2) brought them to India and (3) employed them as prostitutes. Numerous traffickers undertook each of these sectors depending on specialization, ensuring the organization operates effectively. The most popular falsehood used to seduce girls and women to cross Nepal's border was the prospect of stable occupation, wedding, and romance. Traffickers have maintained strong connections between Indian urban areas and Nepal. Underworld networks in Nepal do not appear to operate like a gang with a dominant boss. Trafficking groups appear to be minor, unstructured, and highly disorganized. After the victims are transported, the big bosses, the police officers, and the officials might obtain a share of the brothels' revenues, but, probably, merely a tiny part of the sex trafficking of victims from Nepal to India comes through huge criminal organizations.

Most sex trafficking victims are eventually employed in forced prostitution or the pornographic sector. Prostitution has terribly impacted women's well-being, irrespective of its legal status. That is evidenced by the numerous severe bodily and cognitive repercussions of this destructive manner of living. Throughout all kinds of prostitution, sexual abuse and physical assault against women are extremely common.

Various NGOs have described how victims of sex slavery faced severe health problems, including

1. Fatigue, chronic bacterial ailments, STDs, vaginal infectious diseases, body aches, sleeplessness, anxiety, migraines, digestive complications, abortion, and eating abnormalities are just a few health issues people experience.
2. Post-traumatic stress disorder and psychological problems such as disconnection and anxiety are repercussions of prostitution (Tavish, 2017).

In the backdrop of South Asia, Nepali women were discovered to have a significant HIV infection rate when compared to victims of other countries within the region. Victims of sex trafficking are compelled to engage in sexual activity with multiple males daily and are prevented from using contraception. Victims were compelled to service an equivalent of 14 customers daily, with a least three and a maximum of forty customers. Thus, they became exposed to HIV as well as other STDs. Following the recovery and repatriation to Nepal, survivors are victimized and marginalized by their communities. In addition, many women and girls were not accepted by their families because of the stigma associated with prostitution and HIV (Gurung, 2016).

## CHAPTER IV

### LEGAL PROVISION AND ROLE OF NGOS IN COMBATING SEX TRAFFICKING IN NEPAL

#### 4.1 INTRODUCTION

Following the overthrow of the Rana monarchy in 1951, Nepal became a multi-party democracy. A new legal system replaced the country's old law-making mechanism with incorporating a western approach. Under the new constitution, Nepal's executive, legislative, and judicial systems were reorganized. The National Code 1963 (*Muliki- Ain*) based on principles of equality before the law in terms of caste and religion. The National Code covered Buddhists, Muslims, Hindus, and other religious minorities, acting as a common civil and administrative law. The law served equality in succession, marriage, adoption, and property inheritance. Private law, constitutional law, private property, administrative law, public law, the judicial system, the investigative system, the adjudication system, criminal law, and contract law were all shaped by the legal system. Aside from that, the National Code 1963 addressed social and economic justice, a fair society, the rule of law, fraternity, and equality, and abolishing all kinds of discrimination and untouchability. On the other hand, the code respected indigenous and ethnic groups' traditions and customary law (Thapa, 2010, 921-925).

The Nepalese government's legislative provisions and actions to prevent human trafficking are the followings:-



## **4.2 CIVIL CODE OF 1963**

The Civil Code of 1963 has a section on human trafficking unique to this country. Human traffickers were charged and convicted under the legislation, which served as a framework. To combat the problem of human trafficking, the Civil Code of 1963 made the following activities illegal in the country

1. Taking people out of the nation by deception and persuasion to sell them.
2. The Legislation provided the framework for prosecuting human traffickers( sentences ranging from 10 to 20 years in prison)
3. Bonded servitude and enslavement are prohibited.
4. Criminal penalties are applied for kidnapping child from their parents or other care takers, as well as for assault, maltreatment, rape, and other forms of sexual abuse (The Muluki Ain (General Code), 2019, 381-382).

As a result of an upsurge in the trafficking of women and children from Nepal, primarily to brothels in India's major cities, the 1963 Civil Code was criticized mainly for failing to include victims' experiences and perspectives and a lack of enthusiasm and incompetence in addressing the issue.

## **4.3 HTCA 1986**

Further, to address the criminal activity of sex trafficking, the Civil Code of 1963 was amended by the included provisions that strengthened the HTCA (1986). HTCA (1986) described human trafficking as a severe crime against the state, recognizing the urgent need for additional jurisdiction and strict accountability to address the issue (MoWCSW, 2013, 3).

HTCA (1986) includes,

1. Trafficking of Nepalese citizens (men, women, and children) for any purpose.
2. The transportation of a human overseas or outside the country with the intent of selling them.
3. Obtaining a woman to participate in prostitution via solicitation, inducement, manipulation, fraud, or coercion, or encouraging anyone to participate in such activities.
4. Attempts to execute such actions and support or incite others to do so. Penalties vary from five years (for trying or supporting in a crime) to 10-15 years (for persuading women into prostitution) and ten to twenty years (for sex or human trafficking).
5. The legislation also provides trans-boundary authority, allowing the act to prosecute crimes outside Nepal (ADB, 2003).

The HTCA (1986) is one of the rare legislation that acknowledges the existence of extraterritoriality. The act expands its jurisdiction across the crime of trafficking of Nepalese citizens, which includes those committed outside of Nepal's borders, to cover crimes committed in other countries. As a result, any offense linked to human trafficking in a foreign country is liable to be prosecuted in Nepali courts. The HTCA (1986), on the other hand, has several flaws in terms of its definition since it fails to include the act of taking a minor from their legal guardian to sell them into prostitution. No crime, liability, punishment, or penalty is created against those separating women and girls from their guardians without taking the victims out of another country.

#### **4.4 CONSTITUTIONAL PROVISION 1990**

The 1990 constitution of Nepal guarantees that everyone has the right to exercise their basic citizenship rights, regardless of caste, culture, or gender. The right to freedom from abuse and torture, the right to equality and liberty, the freedom to choose a career, the right to personal privacy, and the freedom to movement are among the most critical issues to consider in the fight against human trafficking in general and sex trafficking specifically,

1. Article 20(1) prohibited human trafficking, slavery, servitude, enslavement, indentured servitude, and involuntary servitude .
2. Article 20(2) prohibits child labour in factories, mining, quarrying, or potentially dangerous jobs.
3. Article 11(3) ensures specific protection for women and children in the nation. This unique clause allows the state to take affirmative action constructive initiatives favoring women and women empowerment.
4. Article 26(9) mandates that the state take initiatives to strengthen gender equality, women's rights, social welfare, literacy, and development for women and girls (Sanghera and Kapur, 2000; Constitution of the Kingdom of Nepal, 1990; The Constitution of Nepal 1990, 6).

#### **4.5 LABOUR ACT 1992**

The Labor Act of 1992 condemns bonded labour in the state and defines standard conditions for workers free of exploitation, coercion, abuse, and servitude. The measure also combined with new laws aimed at raising basic wage standards. The 1992 Labour Act, usually known as the Children Act, forbids hiring children under 14 in any sector and controls the children from working from 14 to 18. The law also

punishes parents or guardians from exploiting and selling their children and exploiting minors in harmful and unsafe work environments, such as pornography, obscenity, erotica, and other unethical practices. The Labour Act (restriction and validation), which was carried out in 2000, surpassed the Labour Act (regulation and verification), which further explicitly forbids children under the age of 16 from working in dangerous occupations such as industries, brick kilns, pote mala factories, and even in the police army or Maoist army. In consideration of women and girls, the act condemns and punishes offenses concerning violence against women, particularly emotional torment, mental and physical abuse, and imposes stricter punishments and punitive measures for those who violate it. The legislation also directs the court to implement particular provisions and procedures to empower, safeguard, and promote women and children free from exploitation and abuse (Labour Act, 1992; Labour Act 2048 (1992), 1996).

#### **4.6 CHILDREN ACT 1992**

In 1992, Nepal ratified CRC (1989). The Children's Act of 1992 was to protect the child's best interests and fulfill the implementation of existing pledges made under the CRC.

According to the Act

1. Article 2(a) A "*Minor*" or a "*Child*" is characterized as a person below the age of 16
2. Article (4) expands on parents' responsibilities and roles in raising and taking care of their children.

3. Article (36) ensures that minors are protected from all types of victimization, exploitation, and abuse, including sex trafficking and forced prostitution (Children Act 2048 (1992), 1-8; Nepal Law Commission, 2018).

Before 1992, there was no particular provision in the country's national statute protecting children's rights, which would have prevented a child from being trafficked into sexual and other types of exploitation.

#### **4.7 MEMORANDUM OF UNDERSTANDING ILO AND (HMG/N) 1995**

Nepal has a strong history of forced labour, abductions, and citizens migrating from rural to urban districts of the state and even to India. The armed conflict resulted in a significant availability of women and children laboring in oppressive and abusive settings as servants in the privileged residences and entertainment industries. This phenomenon gradually grew into rampant sex trafficking and forced servitude both inside and beyond the state, notably in India. As a result, to avert the problem of human trafficking for forced labour, servitude sexual, Sex trafficking, child exploitation, and labour. The Nepalese government endorsed and incorporated the ILO (1930) conventions on forced labor (No.29) and ILO 1999 worst forms of child labour (No.182) in 2000, including relocation and humanitarian assistance for agricultural bonded laborers to protect them from any further abuse. The Department of Labour Nepal was in charge of ensuring these laws and conventions into operation. Due to a lack of skills and resources, regulations were confined to organized sectors, workplaces, and enterprises, with little or no impact on the broader informal sectors (ADB, 2003).

#### **4.8 GOVERNMENT MECHANISMS**

Despite the adoption of numerous legislation and policies on the national scale, the country's most contentious concern was the issue of sex trafficking. The Nepalese government has become increasingly apprehensive about transporting women and young girls for sex trafficking out of the state, trapped in horrific, cruel, horrible, and harsh circumstances in Indian brothels in various metropolitan areas. At the time, 2-3 lakhs Nepalese women and girls served as sex slaves in India's sex industries, providing service to 12-35 customers each day. These women and girls were suffering from severe illnesses from numerous abortions and even had contracted STDs and HIV-AIDS. In order to tackle sex trafficking, the Nepalese government agreed to establish institutional mechanisms, a national strategy, and a National Plan of Actions in 1998 (ILO, 2001).

#### **4.9 INSTITUTIONAL MECHANISMS ESTABLISHED BY THE GOVERNMENT OF NEPAL**

In 1996, the government-appointed (MoWCSW) to better the lives and status of women and girls in Nepal and is Nepal's major government department and administrative mechanism for controlling, managing, and supervising sex trafficking. At the district level, district Children Welfare Boards were formed to safeguard and promote children's interests and examine any use of child labour and trafficking of children. District Children Welfare Boards were responsible for developing measures to eradicate such activities (ADB, 2003).

#### 4.9.1 NATIONAL PLAN OF ACTION (1999)

The (MoWCSW) is primarily in charge of preventing sex trafficking. As a result, in April 1998, (MoWCSW) established a National Plan of Action against sex trafficking in collaboration with the International Program on the Elimination of Child Labor and ILO. In July of 1999, the government formally approved the National Plan of Action. In terms of intervention, the National Plan of Action is wide-ranging and covers initiatives in the suggested six areas, which include the following

1. Healthcare, literacy, and schooling
2. Productivity and employment development
3. Rescue and reconciliation
4. Policies, analysis, and institutional strengthening
5. Legislative action and implementation
6. Awareness promotion, community outreach advocacy, and civic participation and community empowerment (His Majesty's Government Office of the Prime Minister and Council of Ministers, 2004; Nepal National Commission for UNESCO, 2003).

Radhika Coomaraswamy, the UN Rapporteur on “*Violence against Women*,” notes that the National Plan of Action to eradicate human trafficking is well-thought-out and extensive, yet high priority should be initiated on perpetrators’ penalties and imprisonment ( Sanghera and Kapur, 2000).

The enforcement and legislation programmers under the Nation Plan of Action to tackle sex trafficking in Nepal includes the following,

1. Legal awareness-raising programming in every area of society •  
Egalitarianism and awareness campaigns

2. Implementation of an appropriate legal handbook or guidance manual
3. Setting up long-term, specialized units with law enforcement to handle sex trafficking
4. Preparation of a report on constitutional requirements for adjusting and revitalizing victims.
5. Creating forums for regional, international and domestic, collaboration and cooperation in the combat against sex trafficking (ADB, 2003, 110-111).

The government of Nepal incorporated numerous measures from the National Plan of Action to strengthen the enforcement of laws on sex trafficking, such as the opening of a special court in the capital of the country (Kathmandu) to deal with sex trafficking and human rights violations against women and children. However, summoning witnesses and evidence to the Katmandu special court from various or far corners of the state proved time-consuming and costly for the prosecution. As a result, most sex trafficking charges were filed under the “Civil Code 1963” rather than the 1986 Act. As a result, the Nepalese government made further efforts to enhance the number of special tribunals for cases of sex trafficking and crimes against women and minors. Women's cells were established in several areas to encourage women to report assault and abuse. As a response, many incidents of violence against women were reported, but relatively few incidences of sex trafficking. The government of Nepal designed a guideline for prosecutors, law enforcement agents, and courts to deal with the issues of sex trafficking (ibid).



#### **4.9.2 THE NATIONAL POLICY 2000**

The National Policy (2000) targeted eradicating myriad human rights abuses impacting women and girls and unjust societal laws and regulations that promoted women and girls' susceptibility to sex trafficking.

1. The Nation policy (2000) established (MoWSCW) as the central point for undertaking anti-sex trafficking initiatives.
2. Engaging private enterprises, Civil Societies, NGOs, and International NGOs in the fight against sex trafficking, as well as implementing state level, district level, and rural-based coordination teams and committees to prevent sex trafficking.
3. Requesting donor funding and partnership to address sex trafficking.
4. Implementing severe punishments on sex traffickers.
5. Running anti-trafficking awareness programs and campaigns.
6. Controlling the transmission of sexually transmissible illnesses like STD and HIV AIDS, which are attributed to sex trafficking.
7. Collaborating with non-governmental organizations to establish rehabilitation centers, services, and programs for sex trafficked survivors. The policy also addresses Human Rights issues for Women, in addition to the objectives mentioned above, which includes
  - (A) Discriminatory laws policies against women must be abolished.
  - (B) Adopt a proactive approach to safeguard human rights, including women's human rights.
  - (C) Take appropriate measures to protect human rights, particularly women's human rights.

(D) Implement programs to address property issues and offer women adequate job prospects (Sanghera and Kapur, 2000).

The National Policy (2000) has a significant role in removing discriminatory laws against women, as does the resolve to do so. As a result, the government of Nepal adopted CEDAW in 1991 to prohibit discrimination against women throughout Nepal. The incorporation CEDAW in the National Policy (2000) was to reform existing law that was in contradiction with CEDAW. Unfortunately, legal systems in Nepal nevertheless discriminate against women concerning gender, property ownership, and succession.

Following are the gender discriminatory laws concerning property ownership and succession against women;

1. If a woman is unmarried more than 35 years old, she may only inherit parental properties; however, she cannot acquire or claim tenancy rights.
2. A woman may inherit her husband's property only if she is above 35 and has been married for at least 15 years. If she collects her division share before his death and maintains a separate existence, he is permitted to marry a new wife without divorcing the first.
3. A divorced woman cannot claim a part of either her husband's or her maternal inheritance.
4. If a widowed woman remarries, she must surrender her portion of her husband's property. This prevented widows from remarrying.
5. A widow staying with her in-laws is not eligible for a share of the property until she reaches the age of 30.

6. In contradiction to legal protections, a woman must obtain approval from her father or adult son while selling her assets, land, house, etc.
7. While a father is obliged by law to care for his son or sons and spouse, no such father's obligation to take care of their daughters has been addressed.
8. Women may only obtain maintenance after a divorce for five years or until they remarry, whichever occurs sooner. Even though the divorce results from the men's fault, she will lose her '*rights to the child if she decides to marry.*'
9. If a woman cannot escape a violent marriage due to financial dependency, the criminal law does not protect those women (ibid).

Women and girls are illiterate and deprived of economic opportunities due to discriminatory property laws and a lack of investment in women and girls, especially in rural regions. If woman wishes to leave a violent marriage, or if she is widowed and wants to support her children, she may contemplate legal and illegal migration to metropolises within the state or overseas to find work and economic security. The National policy (2000) proposes that more research and investigation be conducted into how these vulnerabilities and deficiencies such as poor education, gender inequality, financial maintenance and support, exclusionary property ownership against women, feminization of poverty, and feminization of migration of a large number of women from rural and urban areas, are falling into the hands of traffickers through kidnappings, force, and falsified marriages. Female sex trafficking and child exploitation are both addressed in national legislation, but there is no mention of other types of trafficking in the country. In contrast, the National Policy (2000) does not advocate or specify the reform of laws discriminating against women and girls to prevent further inequality and exclusion.

#### 4.10 PROPOSAL TO AMEND THE HTCA 1986

The HTCA (1986) had come under scrutiny for being too unrealistic and ineffectual. As a result, the law has been criticized for being excessively uneven in treating the rights of vulnerable sex trafficked survivors. The legal processes for initiating a lawsuit are very complicated, time-consuming, and unfeasible. Under the HTCA (1986), registering a complaint about sex trafficking is very difficult and requires a long substantiation process to verify the victims' identification. This legislation is recognized as one of Nepal's most laxly implemented anti-human trafficking legislation. Under the HTCA (1986), only 150 instances were recorded and prosecuted in 1994-95, 133 cases in 1995-96, and 107 cases in 1996-97. Due to the numerous difficulties encountered in prosecuting, reporting, and investigating sex trafficking cases, the following are the proposed recommendations and suggestions to amend HTCA 1986 by the CeLLRD, the Police Department, and MoWCSW to control sex trafficking in Nepal (ADB, 2003, 113).

**Table no 4.1. Recommendation and suggestions to amend HTCA 1986 by CeLLRD, Police Department and MoWCSW**

| <b>(CeLLRD) proposal 1999</b>  | <b>(Police Department proposal) (crime and punishment ) Act 1999</b>   | <b>(MoWCSW) (Offences and Penalties) Act, 1999</b>  |
|--|--|---|
| Several essential revisions to the 1986 Act are recommended in this bill, produced by (CeLLRd). Many of the procedural provisions of the 1986 Act are included in this proposal. Following are | The Police Bill combines some of the additional elements outlined in the CeLLRd draught and other changes or entirely new sections. Crimes relating to bonded labour, sex tourism, sexual abuse of | (MoWCSW) amendment bill incorporates the majority of the substantive sections from the 1986 Act and some measures from the Police proposal and the CeLLRd proposal bills. |

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|---|---|---|
| <p>the proposed modifications:</p> <p><u>(Section 3) (b)</u> the concept of human trafficking is augmented to include the sale or purchase of human beings for any intent, the use of individuals in the flesh trade, the separation of children from their parents with the intent of trafficking, and the infliction of harm and abuse on children through sexual violence</p> <p><u>(Section 3)(c)</u>. Prostitution is the professional and occupational business of selling sexual services in exchange for payment.</p> <p><u>(Section 5)</u> contains the broader definition of what constitutes human trafficking which includes</p> <p>(a) To purchase or trade an individual for any motive.</p> <p>(b) To transport any individual overseas to deceive them into forced labour or forced</p> | <p>adolescents, using prostitutes, forced contraception and sterilization, abduction and hostage-taking have all been added to traffic in people offenses.</p> <p><u>(Section 4)</u> The period of custody during an investigation should be extended to 90 days.</p> <p><u>(Section 5)</u> Running or owning a brothel should strictly be banned.</p> <p><u>(Section 6 and 13)</u> Regulations that impose the entire burden of evidence on the accused</p> <p><u>(Section 10)</u> Procedures that allow for the access, inspection, detention, and custody of individuals related to the crime of sex trafficking without a warrant</p> <p><u>(Section 11)</u> Custody of the convicts throughout a trial</p> <p><u>(Section 15)</u> additional</p> | <p><u>(Article 4)</u> restricts anyone from committing crimes related to Human Trafficking. Among these offenses are the following:</p> <p>(a) Purchasing and selling human beings for whatever reason.</p> <p>(b) Enslavement or confining an individual as a bound labour</p> <p>(c) Participating in prostitution or inciting others to do so.</p> <p>(d) Without the guardian's permission, isolating an underage or insane person from their guardian.</p> <p>(e) Sexually assaulting an adolescent or inciting others to do so.</p> <p>(f) Engaging in sexual interactions with prostitutes</p> |
|---|---|---|

|   |  |   |
|---|--|---|
| <p>prostitution through inducement, enticement, or deceit, or through threat or coercion, or by putting under control or abduction, or by conducting similar act within the nation or elsewhere.</p> <p>(c) To transfer anyone for trafficking, therefore disconnecting them from the protection of their parents or guardians.</p> <p>(d) To participate in prostitution in the country or overseas and influence others to indulge in prostitution.</p> <p>(e) To transport someone overseas with the intention of forced prostitution.</p> <p>(f) To purchase sexual service from any victim forced into prostitution within the state or elsewhere.</p> <p>(g) To marry a woman with the intent of sex trafficking</p> <p><u>(Section 12)</u> deals with Increased punishments for those convicted of human</p> | <p>punishments for sex traffickers who commit trafficking their family members and relatives</p> <p><u>(Section 19)</u> medical Health checks of survivors of sex trafficking are obligatory</p> <p><u>(Section 20)</u> Mandatory and prolonged confinement of sex trafficking survivors diagnosed with specific ailments, diseases, and disorders</p> <p><u>(Section 24)</u> Restriction on the publication and sale of pornographic material</p> <p><u>(Section 24)</u> Rewarding informants and minimizing the penalty sanction imposed on co-accused witnesses</p> <p><u>(Section 21)</u> Creating rehabilitative facilities for sex-trafficked survivors</p> <p>Additionally, the legislation prevents the abuse, molestation, and exploitation of male adolescents, safeguards survivors from negative</p> | <p>(g) Forcing a woman to conceive or making her incapable of conceiving against her choice</p> <p>(h) Captivating a person</p> <p>(I) Possible involvement in any of the above crimes.</p> <p>Article 4, the MoWCSW bill prohibits the operation of a brothel.</p> <p>The proposal incorporates the following elements identically from the Police proposed bill</p> <p>(Section 5). Criminalization of brothel establishment</p> <p>(Section 7) Forbids the publication, distribution, and sale of pornography</p> <p>(Section 12). warrantless searches and seizure</p> <p>(Section 13) Custody of the convict during the trial. Immunity from</p> |
|---|--|---|

|  |   |   |
|--|---|---|
| <p>trafficking</p> <p>(Section 6) deals with broadened complaints proceedings by enforcing an obligation on local officials.</p> | <p>media attention, and excludes survivors from imprisonment for self-defense measures, even if the trafficker is killed or gravely wounded due to actions.</p> | <p>prosecution for crimes perpetrated by survivors of trafficking while attempting to escape from the traffickers</p> <p>(Article 9) The MoWCSW proposal does not include elements for the mandatory and prolonged custody of trafficked individuals who are proven to have certain illnesses in the Police proposal</p> <p>(Section 15) Additionally, the MoWCSW proposal shifts the burden of evidence for specified charges. These include forcing a woman to sit in a brothel in exchange for financial gain, blackmail, coercion, or other types of compulsion; or luring someone outside of Nepal by solicitation, persuasion, or intimidation; or harassing or having sex with a juvenile.</p> |
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|--|--|--|
|  |  | <p>(Article 10 (1)). If a woman or adolescent who is a victim of human trafficking presses charges under the act, the allegation must be verified by a Government Advocate and then presented before a district court.</p> |
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Source: Sanghera and kapur, 2000

#### 4.11 HTTCA 2007

The HTCA 1986 has several flaws; as a result, in 2007, the Nepalese government amended the HTCA 1986 as HTTCA by including the recommendations and suggestions from CeLLRD, the Police Department, and MOWCSW to implement progressive and influential laws to fight human trafficking in the country. HTTCA 2007 criminalizes human trafficking under the act.

The act defines Human Trafficking as

- (A) Buying or trading an individual.
- (B) Having sexual intercourse with a prostitute, either with or without consent.
- (C) Harvesting human organs of any individual without specifically authorized by law.
- (D) Trying to engage women in prostitution with or without consent

1. The act defines the term “*person transportation*” and aims to address criminality associated with international labour migration



- (A) The act of transporting someone outside of the nation in order to trade.
- (B) Taking an individual from their domicile, through any means, including inducement, misdirection, falsification, deceits, duress, hostage-taking, allurements, influence, threat, misuse of power, and employing enticement, despair, or using force or violence to the one custodian, taking one by force and transferring one to any destination within Nepal or internationally, handing one to another person for forced prostitution or labour exploitation.

2. In addition, HTTCA section 2(d) defines “*exploitation*” as the act of possessing an individual as a slave, indentured and bondage, as well as the removal of human body parts (MoWCSW, 2013; Human Trafficking and Transportation (Control) Act, 2064 (2007), USAID, 2018).

The definition covers all forms of trafficking for various purposes, such as sex trafficking, labour trafficking, and organ trafficking, and addresses internal, cross-border and transnational trafficking. HTTCA 2007 is now in effect in Nepal, and it is intended to prevent sex trafficking as well as other kinds of trafficking in Nepal

#### Silent features of HTTCA 2007

1. It brings together all of the legislative measures connected to anti-trafficking into a single body of legislation.
2. Following the UN (2000) Protocol on Human Trafficking and UNCTOC, the term “trafficking, transportation, and exploitation” has been expanded.
3. A rehabilitation program and rehabilitation institutions for survivors are established under the act. The obligation of evidence is imposed on the individual who has been convicted.

4. Survivors are not required to appear before a judge again once their official testimony has been approved by the judicial system.
5. A court may also provide remuneration to a survivor by penalizing and charging the offender for their actions.
6. The act provides for the imposition of severe sanctions on persons who are parents or relatives of survivors who conduct crimes in violation of the act.
7. The confiscation of all mobile and permanent property and automobiles obtained from trafficking operations.
8. Assumption of crimes against individuals who serve the criminal by giving their workplaces, particularly to create fraudulent papers.
9. Anonymity will be maintained for personnel reporting relevant information on suspects, as well as a 10% reward from the penalty sum.
10. A violation of this act shall be construed as criminal conduct and inhuman act
11. The amount collected as a fine from the offender should be transferred to the rehabilitative account.
12. This act specifically forbids prostitution and classifies it as a criminal punishable by a sentence of 10-15 years in prison and a fine starting at NRs. fifty thousand to lakhs, based on the severity of the offence conducted (FWLD, 2014).

#### **4.12 COMBATING SEX TRAFFICKING: THE ROLE OF THE NGOS IN NEPAL**

The term ‘non-governmental organizations’ refers to private, non-profit activist groups which provides help, rehabilitation, and capacity building locally, nationally and globally for people in need. They administer themselves autonomously using resources collected from private donations and funding agencies. NGOs in Nepal

advocating anti-sex trafficking campaigns to operating for other social cause has been recognized as complementing the Police's role in identifying and protecting sex trafficking victims. NGOs in Nepal are efficient, effective, innovative, and participative in women's rights and are gaining traction to contain sex trafficking. They have significantly contributed to promoting public awareness of a variety of societal problems, whether through publications, academic journals, training courses, symposiums, conferences and further encouraging human rights study, collecting data, and revealing the approximation of reality of societal structure before the society the actual status.

During the armed turmoil in Nepal, sex trafficking became common. Human traffickers often prey on poor and displaced women and children. Although Nepal has a lengthy history of sex trafficking both within and outside the country, the problem was never emphasized as a form of human rights infringement by any ruler or administration; instead, it was considered a taboo subject. It has been claimed that certain women's activists have been working on this topic since 1987; unfortunately, it took them a decade to reach the national discourse in Nepal. Following two significant phenomena in Nepal in 1996, the issue became a topic of public attention.

1. Political unrest and violent warfare inside the country.
2. Bombay police raided brothels, rescued more than two hundred adolescent Nepalese girls from the various brothels in Mumbai. These two events encouraged numerous human rights, women's rights advocates, and (NGOs) already working on the subject to promote awareness of sex trafficking in Nepal (Kaufman and Crawford, 2008, 652).

On 5 February 1996, Bombay police launched a raid that led to the rescue of 484 women and girls, largely underage minors, from the city's red-light areas. The scale and severity of sex trafficking of Nepalese women and children stunned the Nepalese administration for the first time when 238 rescued survivors of sex trafficking were verified as Nepali nationals, with over 50% were suffering from HIV/AIDS. Following their rescue, the survivors were detained and placed in semi-detention in several shelters and remand institutions around Bombay for another five months, without obtaining the required protection, healthcare, and assistance. They were frequently ridiculed, tormented, and had their rights infringed, most notably by the media. The news that the journalists exaggerated was avaricious in tone, with little or no consideration for the survivors and its consequences on survivors' mental health aftermath (Terre des homes, 2012).

The Nepalese government was hesitant to support these girls. However, anti-trafficking groups and non-governmental organizations arranged for their rehabilitation and shelter in Katmandu. 75 of the 238 rescued survivors refused to return to Nepal, 32 escaped, and three died at the shelter houses. Meanwhile, discussions between India and Nepal about survivors' aftercare persisted. However, the conversation was fruitless since each assigned responsibility for trafficking survivors to the other. Despite the odds, seven Nepalese NGOs stepped up and made the needed preparations to repatriate, rehabilitate, and shelter the survivors in Katmandu, Nepal. The remaining 128 trafficking survivors were rehabilitated in two groups on the 4th and 7th July 1996 by the organizations such as Shanti Punarsthapana Kendra, CWIN, WOREC, Nawajyoti Kendra, Stri Shakti, ABC Nepal, and Maiti Nepal. Around 50% of survivors were reunited with their families in Nepal thanks to the care and assistance of these seven NGOs (Ibid).

The Nepalese government refused to assist the survivors, claiming that they were HIV carriers who may infect the rest of society and the wider population. The government was unwilling to help and support sex trafficking survivors in their rehabilitation, repatriation, and reintegration into their families and communities. The gravity of this incident, which was documented by national and worldwide media, attracted considerable public attention, transforming the subject of sex trafficking from a nonissue into significant federal human rights and women's rights concerns in Nepal (Fujikura, 2001, 36).

Sex trafficking has become a significant concern among (NGOs) such as Maiti Nepal, WOREC, ABC Nepal, CWIN, human rights activists, and feminists due to the rising number of Nepalese sex trafficking victims to brothels in India. After 1993, several NGOs in Nepal began working vigorously to end violence against women and eliminate sex trafficking in the country. The transit monitoring at the Indo-Nepal border was introduced by (NGOs). Instead of only raising awareness about sex trafficking, they were also committed to strengthening border monitoring and the interception and detention of possible trafficking victims. For the initial 10 to 15 years (NGOs), NGOs have rescued a substantial number of children and women and provided them with rehabilitation assistance (NHRC, 2008).

Over ten years, from 1997 to 2007, the NGO Maiti Nepal alone apprehended and restored ten thousand nine hundred and sixty women and eight thousand seven hundred and fifty-five children. Between 2001 - 2006, NGO, ABC Nepal Morang Branch Office exclusively intervened in six hundred and ninety-two incidences of abuse against women and children, lodging 56 lawsuits on behalf of survivors at the Morang District Court. Similarly, Shakti Samuha, an NGO established by sex trafficking survivors, has focused its efforts on trafficking survivors' rehabilitation.

CWIN works to safeguard and promote children's right to education and provides a haven for children experiencing difficult circumstances (ibid).

The following section has highlighted the role of various NGOs in eradicating sex trafficking in Nepal based on field survey carried out from 15/07/2019 to 17/09/2019.

#### **4.12.1 ASHA NEPAL**

Since 1997 Asha Nepal has been working on women empowerment and the rights of Nepalese women in collaboration with other NGOs to eradicate sex trafficking and other various forms of violence faced by women in the country.

Asha is a Nepali term that means "*hope*" NGO believes that "*change is possible one life at a time,*" and change is possible through providing '*care*' and '*support*' to the survivors. Therefore, to end sex trafficking care and support are the preventive measures adopted by the organization and focus on providing both long-term and immediate care and support, including medical care, counseling, shelter, education, and safe reintegration of the survivors. Asha Nepal aims to bring sustainable change in the lives of the survivors and their families based on their needs.

Lack of education among the survivors has remained one of the solid indicators of sex trafficking. Education is one of the basic needs expressed by the survivors and their families. Providing education to the survivors is one of the organization's support-based strategies and supports their education until they complete their higher education and make themselves independent in terms of decision making, further education, and employment. Even scholarship is provided to those trafficked survivors who are reintegrated into the family and want to complete their education.

Education is provided to children at high risk of sex trafficking, including children of sex-trafficked survivors, children of rape victims, domestic violence, low-income families who cannot afford their child's education, children belonging to abusive environments, broken families, etc. From 2008 to 2018, the NGO has successfully provided education to 151 women and children with the help of various national and international funding agencies (Canada, Sanctuary for Children, Click Online, Spain, Tekka Samuha (Nepal), and individual donors.

Asha Nepal has adopted an alternative care method (Family Group Homes) instead of institutional care. According to Executive Director Smriti Khadka (Asha Nepal), *“taking into consideration the survivors’ traumatic experience, who have been denied rights, person autonomy, and have faced constant abuse and violence in every sphere of their lives, institutional care will further traumatize the survivors. For successful reintegration and a meaningful future, survivors need a family environment and constant caregivers to help them achieve social, physical, and emotional well-being”* (Personal interview, 17/07/2019).

Based on the needs of the survivors, the NGO has adopted the model “Family-Based Groups Home.” Family-Based Groups Home is a foster family consisting of a mother and 5-6 children. The model has responded with colossal success. Survivors living in the family environment love and support from the foster family members have helped them regain their confidence, achieve social, physical, emotional well-being, overcome trauma and fasten the reintegration process. Asha Nepal, at the individual level, helps the survivors by providing them with regular health check-ups, psychological counseling, and therapies, awareness of social and personal rights,

arranging schools based on their educational backgrounds, career guidance and counseling, various vocational training, and lastly the reintegration of the survivors.

Asha Nepal aims to alleviate the social status of the survivors by making them socially, emotionally, and economically independent. So, after reintegrating back into their community and family, they can live every day and dignified life as valued citizens of the country. Reintegration of the survivors is one of the toughest challenges faced by the organization. In most cases, reintegration has failed due to the family's economic crisis, and many have been the victims of re-trafficking, violence, and abuse. To make the integration process sustainable and prosperous, the organization works collectively and helps both the survivor and the family through job placements for the survivor and the family member who is eighteen and above. Further, the organization provides financial support for food, rent, business management training, and loans to start up their own business. So far, 94 families have received financial assistance from Asha Nepal.

#### **4.12.2 ABC NEPAL**

ABC Nepal advocates of rights of an individual and the first organization to sensitize the issue of sex trafficking in the country. The organization was established in 1987 and became one of the country's registered NGOs in 2000. Since then, the NGO has been working on the eight thematic areas, which include;

1. Trafficking in person,
2. Safe migration,
3. Reproductive health, safe motherhood and HIV/AIDS,
4. Education for all
5. Food security and sustainable development



6. Micro-finance and Co-operatives
7. Water and sanitation and
8. Lobby and Advocacy.

The principal objective of the organization is to ensure an exploitation free society, restore human dignity and eradicate the problem of sex trafficking from the country. Rescue, rehabilitation, and reintegration of the survivors into the family and the community following the objectives which includes

1. Prosecution of the traffickers and ensuring justice for the survivors
2. Sensitizing the issue of sex trafficking, prostitution, and HIV/AIDS
3. The marginalized section, particularly women and youths, through education and socio-economic empowerment, are encouraged.

ABC Nepal is present in 15 districts, where trafficking and violence against women are frequently observed. These districts include Jhapa, Parsa, Makwanpur, Dhading, Bhaktapur, Lalitpur, Kathmandu, Ramechhap, Parasi, Nawalpur, Rupendehi, Singhapalchowk, Sunsari, and Morang. ABC Nepal refers to the problem of sex trafficking as Gender-based harm and violation of women's rights. Therefore, the organization aims at eradicating through the following preventive measures

### **Awareness**

According to the NGO, the standard target for sex trafficking is women and girls between 10 and 25 years old. Lack of awareness and sensitization on sex trafficking among the common mass has remained a potential factor for sex trafficking in Nepal. Therefore, the organization aims at preventing sex trafficking by raising and sensitizing the problem from the grassroots level. The organization regularly conducts

capacity-building programs on gender-based violence, sex trafficking, violence against women, and health and sanitization in colleges and schools. Apart from it, with the help of Radio and FM radio programs, the organization has been creating awareness all over the country. Additionally, the organization raises awareness of several harmful societal, cultural, and traditional practices which hampers women's overall well-being. The group has presented over 700 street dramas and plays around the country.

### **Rehabilitation of the trafficked survivors**

The organization's rehabilitation center support was established in 1996 in Kathmandu. The organization provides rehabilitation support to those women sex trafficked, rescued women and children, and women facing other forms of violence. ABC Nepal the following programs to help the survivors, which include;

1. Residential services
2. Health and services
3. Counseling
4. Academic and non-formal schooling
5. Professional education and training.
6. Training in useful skills
7. Financial support and income generation skills
8. Legal assistance (as per requirement).

So far, more than 2000 women and girls have been reunited with their families and community by ABC Nepal.

### **Cross- border monitoring**

ABC Nepal is actively working on the Indo-Nepal border to prevent cross-border trafficking. They monitor cross-border trafficking through surveillance by creating help desks and networks. Their networks are composed of various NGOs of Nepal, Nepal police, and elected women members from multiple districts and volunteers.

### **Income generation**

Apart from rehabilitating trafficked survivors, the organization strives to ensure the survivors' long-term livelihood and economic progress, even in the country's marginalized communities. The organization has provided and is providing training on animal husbandry, hotel management, tempo driving, beauty parlours, sewing, paper bag making, printing, etc. ABC Nepal has provided financial support to survivors, individuals/ groups (particularly women and girls), women belonging to lower castes, and excluded families who are highly vulnerable to sex trafficking. So far, more than 250 women's co-operatives have been benefitted from their service and achieved financial stability. There has been an increase in women's participation in both on-farm and off-farm training and getting financial assistance from the organization. There are 12 women co-operative groups, with an average of 42 members in each group, registered under district co-operatives, including Sindhupalchock, Morang, Ramechhap Kathmandu, and Nuwakot.

### **Safe migration program**

Unsafe migration among women and girls has remained another factor for sex trafficking in Nepal. In 2014, the organization implemented the project "Work in Freedom," where the organization provides awareness on safe migration to potential

female migrants. The common issues highlighted by the organization to the female migrants to prevent sex trafficking in the destination country are

1. Carrying valid documents and identification while traveling
2. The social structure of the destination country
3. Access to support systems and services in the destination country
4. Responsibilities and rights of an individual at work
5. Ways to avoid getting into trafficking situations.

### **Local, National, and International partnership of ABC Nepal**

ABC Nepal is considered the most influential NGO in mobilizing civil societies and interest groups on advocacy and awareness of various social issues and sex trafficking in Nepal. Further, the organization has actively lobbied at the grassroots and policy levels.

#### **Local level**

At the local level, the NGO has collaborated and working with various CBOs (Co-operatives and youth clubs), NGOs, and governmental bodies. Poverty among the masses, especially among women and girls, is the leading cause of sex trafficking of poor and marginalized women. In most cases, trafficked survivors belong to needy families and marginalized communities. Therefore, to prevent and eradicate sex trafficking, local co-operatives and credit groups have been formed and provide education, livelihood, and financial support to alleviate their socio-economic status.

## National level

**Table no 4.2. ABC collaboration and member to governmental and non-governmental bodies**

- a) National women council
- b) MOWCD- Ministry of women and child development
- c) Task force for CEDAW Monitoring Committee and National level Trafficking Control committee
- d) SAFAHT- South Asia Forum Against Human Trafficking
- e) NANGAN- to combat trafficking and prevent HIV/AIDS
- f) SACCPEW- South Asia Coordination committee for Political Development of women
- g) CATW- Coalition Against Trafficking in women
- h) CAPWIP- centre for Asia Pacific Women in politics
- i) NNAGT- National network Against girls trafficking

Source- Field survey

**International level:** At the international level, the organization has been working with the international organization to eradicate sex trafficking and other social problems. ABC Nepal's partnership with various international organizations has been successfully providing the financial and technical assistance required to the trafficked survivors, socio-economic upliftment of marginalized sections of the community, and lastly, the smooth functioning of the organization. Some of the past and present partners of the organization are world Neighbors, Global Fund, world education, Plan Nepal, IOM, ILO, UNDP, UNIFEM, Caritas, UN Geneva, Doctors of the World, Rotary Club of Atta Dale, The Asia Foundation, Planet Infant, DANIDA, USAID.

### **4.12.3 SHAKTI SAMUHA**

Shakti Samuha is a notable organization in Nepal that addresses sex trafficking as it is founded and run entirely by survivors of sex trafficking. The organization was established by the survivors in 1996 and was formally registered in 2000. The organization's history is related to 1996 police raids on many brothels in Bombay, where 500 women and girls were rescued. Among those 500 women and girls, 200 were Nepalese women and girls. After their rescue, they were put in remand homes, worse than prison. Nepal government refused to bring those sex trafficked survivors back firstly, due to fear of the spread of HIV/AIDS, in the country, and secondly, the Nepal government questioned the issue relating to the victim's identification. Seven NGOs took the initiative despite the government's negligence and absence of support to the victims. They came forward to help and support the survivors, including CWIN, ABC Nepal, WOREC, Maiti Nepal, Nawa Jyoti Kendra, Istri Shakti, and Shanti Purnarsthapana Griha.

Among those 200 rescued women and girls, 128 were rehabilitated and repatriated with the help of these seven NGOs. NGOs divided those 128 trafficked survivors into different groups based on their capacity and immediate needs. In the same year, WOREC conducted ten days of awareness training on gender discrimination, human/sex trafficking, human /women's rights, and essential health. Among 128 trafficked survivors, 15 participated in the training and spoke about how they got into the trafficked situation, how their life took a drastic change, and faced misery, pain, and trauma in the brothel. All the participants recognized sex trafficking has its root in the socio-economical problems of the country and concluded that it was not their fault that they got trafficked; instead, it was a crime done to them. Therefore, to transform

their tears, trauma, and fears into power, the participants came forward and formed an NGO named ‘Shakti Samuha,’ which means ‘power group’.

Since the organization’s establishment, Shakti Samuha has been working towards bringing progressive and sustainable change into the lives of trafficked survivors and vulnerable women and girls. According to the organization, the vulnerable women and girl who needs intervention, support and care, and awareness relating to women’s rights and human trafficking are single women, widows, orphans, street children, women and girls from poor socio- economic backgrounds, illiterate, victims of rape, lower castes and other marginalized section of the community and lastly, women and girls working in the entertainment sectors like dance bars, clubs, etc. At present, Shakti Samuha is working in fourteen districts of the country: Sindhuli, Rasuwa, Makwanpur, Dhading, Jhapa, Nuwakot, and Kailali Kaski (Pokhara), Bardiya, Sindhupalchowk, Banke, Bhaktapur, Gorkha, and Kathmandu.

To combat sex trafficking in the country, the organization has adopted four major thematic areas and has received considerable success, which includes; Protection, Prevention, Capacity Building Advocacy, and Lobbying

### **Protection**

The organization’s prime focus is the protection of the trafficked survivors and vulnerable women and girls susceptible to sex trafficking. Protection is the support-based strategy adopted by the organization. The protection of the trafficked victims starts with her rescue, rehabilitation, reintegration, follow-up, and prosecution. In collaboration with the Government of Nepal, the organization operates four shelter homes for their protection and immediate needs. These four shelter homes are based on two in Kathmandu valley (safe home and Sangharshil Mahila Niwas), one in

Sindhupalchowk district (women rehabilitation centre), and one in Pokhara, Kaski District (Emergency Shelter Home). These shelter homes provide shelter, psychological counseling, and regular health check-up, both formal and non-formal education, vocational and life skills training, income generation support, Job placements, handicraft training, legal advice and support, extracurricular activities (dancing, reading, etc.) awareness on sex trafficking and other forms of violence against women, family counseling, reintegration of the survivor into the family and community.

According to Sushila Khakurel Admin Head and Psychological Counselor) Shakti Samuha, *“After shelter support, the second most priority and importance is given to the survivors’ immediate needs to heal them from trauma and sufferings from their experience. Due to their constant physical and mental abuse, most of the survivors we rescue are already suffering from various physical and mental health problems. However, physical health problems could be treated easily with regular health check-ups, but it is difficult to treat mental and psychological problems. Until the survivor is not completely recovered from her past life trauma, painful experiences, and sufferings, it will be difficult for the survivors to live a normal and happy life ahead. At the same time, mental health issues will hinder the survivor from availing the opportunities, support, and resources to start a dignified life. Our organization Shakti Samuha has taken a challenge to bring the survivors to normal life as they were before. Therefore, we have to resort to the case management approach, where the survivors are approached and treated as per their requirements and given*



*psychological counseling and therapies. Apart from it, group interaction and engagement in extracurricular activities like singing, dancing, reading, and therapeutic training (handicrafts) has also helped speed up the trauma healing process of the survivors”*

(Personal interview, 22/07/2019).

Shakti Samuha emphasizes the survivor’s protection through the prosecution of her trafficker. According to Advocate Dilip Koirala (Legal and Training Coordinator, Shakti Samuha),

*“In many cases, survivor’s hostilities towards the traffickers have become one of the reasons for failure in prosecuting the traffickers and giving justice to the survivors. Therefore, to avoid survivor hostilities, Shakti Samuha never forces survivors to take legal action against her trafficker/ traffickers. Rather, the organization provides the support of legal counseling and legal guidance to get justice by themselves”*

(Personal interview, 23/07/2019).

When the survivor is willing, then the organization takes legal action in collaboration with the two prominent women’s rights organizations, FWLD and Protection of People’s Rights (PPR).

From 2010 to 2019, the organization has initiated 68 sex trafficking cases in court; however, the decision has been made in only one case, and the rest are still pending

**Table no 4.3 Other critical activities of Shakti Samuha for the Protection of survivors**

| NO  | ACTIVITIES  |
|-----|---|
| 01. | Coordination with Indian organizations for the repatriation of the trafficking survivors  |
| 02. | Home Assessment   |
| 03  | Formal repatriation of the girls who are rescued by the Indian organizations              |
| 04. | Direct shelter support  |
| 05  | Monthly meetings of the survivors   |
| 06. | Capacity building for the staffs  |
| 07. | Development/Revision of the policies and curriculum                                       |
| 08. | Conducting exchange visits to Indian organizations  |
| 09. | Conducting life skill training for the members and beneficiaries (survivors)              |
| 10. | Conducting interaction program with the parents/families of the survivors                 |
| 11. | Conducting Cross – Border workshop  |
| 12. | Conducting a national consultation workshop   |
| 13  | Supporting the survivors with an independent living set                                   |
| 14. | Coordination with National and International Government and Non-Governmental stakeholders |

Source: Shakti Samuha Annual Report, 2017, 12

## **Prevention**

Nepal is rich in its geographical and cultural diversity, and its inhabitants belong to various caste, ethnic, and minority groups. Nearly in all parts of the country, multiple kinds of discrimination against women and girls are still prevalent such as early marriage, dowry, gender discrimination, property inheritance, educational deprivation, etc. Such discrimination against women and girls has added vulnerability to sex trafficking from all corners of the country. The organization's goal is to change the country's position from one of the most vulnerable to sex trafficking to one that is free of sex trafficking and other types of violence and discrimination against women. As a result, the group focuses on increasing awareness about sex trafficking and other types of female abuse. The organization's preventative method to fight trafficking in the nation is to sensitize and raise awareness about the problem from the grassroots level.

The organization has been striving to prevent trafficking and increase awareness effectively. It has been working with various vulnerable groups and their networks, such as adolescents (12-18), trafficking survivors, women (working in the entertainment sectors), child clubs, and parents. The main aim of the formation of groups and networks first to prevent them from human /sex trafficking and exploitation by making them aware of matters relating to human/sex trafficking, child sexual abuse, violence against women, early marriage, sexual harassment, and changing patterns on human /sex trafficking. Secondly, to make them an agent to change where they will spread awareness and reduce the risk of human/sex trafficking in their home, village, and community. To spread awareness, these groups and networks perform street dramas on foreign employment and trafficking, violence against women, safe migration, child marriage, sexual abuse, and changing patterns of

human sex trafficking. They even provide counseling and guidance on safe migration to foreign employment. In 2017, after receiving awareness on foreign occupation and safe migration, 89 women did not even issue their passports and returned home. Other awareness programs of the groups and networks include; an anti-trafficking campaign, door-to-door program, pamphlets distribution, meeting with the stakeholders, parents' interaction programs in their respective villages and communities, awareness programs in schools.

### **Capacity building**

Sex trafficked survivors rescued by the organization are the victims of internal, cross-border trafficking and international trafficking. Till 2019, the organization has rescued 1027 trafficked survivors, 145 from India (2009-2019), some of the victims from Iraq and Kuwait, and the rest from various parts of the country.

The capacity-building programs are for the trafficking survivors and the organization's staff members. The capacity-building programs for the staff members are based on organizational management and effectiveness in various ongoing activities, programs, and projects of the organization, training on leadership skills, teaching on multiple strategies to combat trafficking, orientation on existing laws and policies, etc.

Concerning survivors' capacity building, the organization provides support such as awareness through various orientation programs and training on women's rights, existing law, reproductive health, violence against women, and human/sex trafficking. Capacity-building programs for the trafficking survivors also include income generation support and educational support. The main aim of providing income generation support and education support to the survivors is to enhance their socio-

economic status and make them self-reliant to lead happy and independent lives. Until 2019, One thousand five hundred and fourteen children from 10 districts, among the 14 operating districts, have been provided with educational support at high risk of sex trafficking.

Till 2019, The organization has provided income generation support to 487 in many sectors such as animal husbandry( pig farming, buffalo farming, poultry farming), agriculture ( vegetables, mushroom, and ginger farming), grocery stores, fast food stalls, candle production. Survivors are trained in shelter homes to make various items such as shawls, jewelry, bracelets, key rings, weaving, etc. The organizations have their own registered company named “*Shakti Hastakala Private Limited.*” The items made by the survivors are sold within Nepal and even exported to Japan. Money earned from *Shakti Hastakala* is divided among survivors who worked in the workshop and financed for materials required. This training has benefitted many survivors who are not capable enough to get an outside job quickly. Till 2019, one hundred and sixty-eight trafficking survivors have had employment opportunities in various posts and led the organization.

### **Advocacy, Lobby and Networking**

Since the formation of the Shakti Samuha, the organization has been advocating the survivors’ rights, actively campaigning against human/sex trafficking, and raising voices against survivors’ stigmatization, humiliation, and isolation. The organization is lobbying to implement policies and laws for survivors’ justice and pressing the government for the ratification of the UN protocol (2000) on human trafficking.

#### 4.12.4 NNAGT

NNAGT was founded in 1990 to deal with the sex trafficking of Nepalese women to India and other countries. Since its establishment, the organization has been focused on eradicating sex trafficking through advocacy, awareness, and strengthening the organization's capacity through alliances and networks with CBOs, NGOs, and INGOs. Due to gender inequality, violence against women, illiteracy, unemployment, and feminization of poverty has resulted in unsafe migration leading to the high risk and soft targets to the traffickers for sex trafficking. The vulnerabilities of unsafe migration and the cycle of sex trafficking are extensive, requiring an urgent need to intervene. Therefore, to combat, raise, and sensitize the issue, the advocacy forum has been formed under the guidance of the NNAGT.

This Advocacy forum consists of interested NGOs, CBOs, INGOs, individuals, students, human/ women rights activists, professors, doctors, nurses, journalists, and people from other various profession forms all over the country. This advocacy forum raises awareness and sensitizes the issue of sex trafficking and unsafe migration from the grass root to the national level. NNAGT works toward uniting the NGOs, with one aim to advocate and campaign on combating sex trafficking in the country. NNAGT has considered one of the organizations in the country, having the most prominent members of 140 NGOs under the organization. The organization works under the "MoWCSW," an NGO monitoring body in the country. Further, the organization, has been affiliated with the "Social Welfare Council." The organization provides financial and technical support to other NGOs for their capacity building, strengthening their networks, and alliance with the international, regional, national, and local organizations, in the battle against sex trafficking and violence against women and children.

**Table no 4.4 Main objectives and activities of the NNAGT**

**OBJECTIVES**

- I. Co-ordinate NGOs at all levels, from small to large, to fight sex trafficking.
- II. Building an institutional framework of its alliance to develop a shared approach and objective.
- III. Strengthen government responsibility in line with international standards to prevent illegal migration and sex trafficking.
- IV. Gathering a diverse group of commercial and government sector partners to battle against sex trafficking.

**ACTIVITIES**

- I. The organization has established a national resource/Research Center, which is associated with the critical regional resource centers in South Asia, for the documentary evidence and transmission of data and materials on sex trafficking and other forms of oppression against women and adolescents.
- II. The organization maintains various interactions and collaborations on a state, continental, and global level. It explores methods to decrease sex trafficking and abuse against women and children.
- III. The organization strengthens the institutional capacity of its alliance partners and other institutions so that anti-trafficking actions be implemented at all levels, from the local to the state.
- IV. Conferences, awareness programs, and different revenue creation activities are part of the organization's efforts to empower women.
- V. The organization engages in policy formation to promote the assessment and modification of discriminatory legislation impacting women and the incorporation of new policies to empower women.
- VI. The organization has developed initiatives to involve all stakeholders, including political groups, to make the problem of sex trafficking a primary focus.
- VII. The organization conducts research to provide scientific data in the fight against sex trafficking and risky migration.
- VIII. keeps a check on the effectiveness of state and global initiatives to combat sex trafficking

Source: Field survey

#### **4.12.5 SAATHI**

Nepal is a patriarchal state that adheres to severe patriarchal beliefs. Women and girls have been subjected to subjugation, discrimination, and humiliation in decision-making, education, and property inheritance for generations. Despite this, the situation of Nepalese women and girls has not altered, and they continue to be denied fundamental rights. As a result, women and girls are exposed to abuse and injustice. The organization aims to end violence and injustice toward the female population and campaign for women's rights by fostering a secure, peaceful, and violence-free society in which women and girls are treated equally, respectfully, and respected. The organization was the first of its kind to raise awareness about violence against women and girls at the national level, particularly in terms of sex trafficking, domestic violence, sexual abuse, social discrimination, rape, mental and physical abuse, and other issues that require immediate attention and intervention from both the government and the community. Violence against women and girls can be found in every community and society in Nepal. Still, it disproportionately impacts marginalized communities, lower castes, the poor, the illiterate, women and girls working in the entertainment sectors, and war-affected and displaced women and children.

Therefore to bring positive change and eliminate injustice and violence against women and children, the organization works from the grass root level with the five objectives, which includes the following,



**Table no. 4.5 Objectives of Saathi**

- |  |
|--|
| <ul style="list-style-type: none"><li>a) To reduce the violence against women and children through awareness, research, advocacy and empowerment.</li><li>b) Institutionalized good governance through organizational strength and development.</li><li>c) Provide support to women and children survivors of violence.</li><li>d) Build the capacity of women and girls for empowerment and sustenance.</li><li>e) Advocate the gender equality, human rights and women's rights.</li></ul> |
|--|

Source : (Saathi, 2019) retrieved online <https://saathi.org.np/about/> Accessed 14/02/2020

Saathi offers shelter support to women and children affected by violence. The organization has two shelter homes Ashreya Shivar (women and girls) and Bal Ashreya Shivar (children).

### **Ashreya Shivar**

The organization established the first Ashreya shivar in 1995 to provide shelter to women and girls affected by gender-based and domestic violence. However, due to the increase in needy women and girls across the country, the organization further extended two shelter supports for finding such support. There are three women shelters run by the organization based in kapilavastu, Kathmandu, and Banke for domestic and gender-based violence victims, survivors of sex trafficking, sexual, mental, and physical abuse, social exclusion, and conflict-affected women and girls. The organization receives the survivors through referrals from across the country.

To boost their confidence and interest to develop socio-economic empowerment and independence, the organization offers a range of services such as medical care, counseling, and therapies to overcome the trauma, education support both formal and

non-formal, awareness of human/ sex trafficking, gender-based and domestic violence, women empowerment, human rights, women's rights, safe migration, women's health, and hygiene, etc., various income generation training, financial support, job placements and reintegration.

### **Bal Ashreya Shivir**

Bal Ashreya Shivir for children was established in 2001. Currently, the organization operates five shelter homes in Kathmandu for children survivors of human/sex trafficking, labour exploitation, sexual and physical abuse, and children from lower socio-economic backgrounds and orphans. The organization receives such children through referrals through the community and other NGOs. The children in the shelter homes are provided with counseling, formal education, health check-up, therapies for trauma healing, and re-creational facilities. Providing support to the children is to protect them from violence and abuse and create an environment for their better future.

At the national level, the organization is working in close collaboration and coordination with various Governmental bodies and NGOs. At the grass-root level, Saathi is the first organization to engage men and boys in its mission to fight against “violence against women and children.” There are both men's and women's groups formed at the community and village level, raising awareness through interaction and campaigning against social issues ( human/sex trafficking, domestic violence, gender-based violence, etc.) which is hampering the lives of the women and children in their community, society, and country. Further, the organization on preventing Cross-Border human /sex trafficking through networks, direct interception, border monitoring, and awareness of safe migration. To ensure the safety and security of

migrating women for foreign employment, the organization has established the 'Safe Migration and Counseling center' (SMRV) in Banke. The organization runs the rehabilitation center for trafficked survivors in Banke. The organization supports the trafficked survivors with various services to start their new life and helps them to reintegrate back into their families and community. Women and girls working in the entertainment sector are vulnerable to sexual exploitation and trafficking. To prevent them from such vulnerabilities, the organization has been providing their support and help such as counseling, vocational training, awareness of labour, sexual exploitation in the workplace and sex trafficking, and alternate employment opportunities.

#### **4.12.6 BISWAS NEPAL**

Biswas is a Nepali term that means "Trust" was established in 2065 B.S by the former workers of the Adult entertainment sector, who were working in the restaurants and became the victims of wage theft and labour exploitation. Women and girls from all over the country are working in this sector due to armed conflict and displacement, natural calamities, poverty, family financial hardship, continuing their further studies, and unemployment.

According to executive director of Biswas Nepal Tara Bhandari *"the entertainment sector has both the positive and negative outcomes in the lives of the women and girls working in this sector. On the positive side, the sector has provided employment opportunities to thousands of women and girls. On the negative aspect, the sector is highly competitive and constantly increasing at an overwhelming rate. More than 2,500 such establishments are in Katmandu valley alone, and more than Fifty thousand women and girls are working in the*

*entertainment sector, and demand for young women and girls is on the rise. Due to the ongoing demand, the sector violates the child labour act, children under 18 often work on a low salary of 3,500-5,000 Nepali rupees, and for girls, the salary is 5000-7000 Nepali rupees. Due to low salaries and overpricing in the food items, beverages and drinks, these women and girls often work under extreme pressure for incentives. In the name of insensitive, the women and girls are forced to wear revealing clothes and make-up to attract customers. On the customer's demand, women and children are forced to have an intimate sexual relationship, which suggests that they are forced into prostitution. Today the entertainment sector has become the site of sexual exploitation, sexual harassment, internal and cross-border trafficking, wage theft, labour exploitation, prostitution, and forced prostitution” (Personal Interview, 02/08/2019).*

Findings of the organization on the linkages between entertainment sectors, internal and cross- border trafficking are as follows

1. Most of the adolescents were victims of fraud and deceit in the name of employment and education in the Katmandu valley, other than in the entertainment sector but were sold by their relatives, friends, and neighbors in the entertainment sector.
2. Most women and girls working in the sector have traveled to foreign countries for unknown reasons, mainly to Goa, Kenya, South Africa, and Dubai with tourist visas via India. The entertainment sector has become the demand, supply, and transit point for traffickers.

3. Profile of the customers: 01. Regular customers who visit to enjoy, drink, and dance, 02. Enjoyment and looking for prostitutes, 03. Brokers of prostitutes, 04. Traffickers who want to sell women and girls, 05. Brokers of foreign labour migration.
4. Most of the entertainment sector owners were sexually exploiting their staff in the name of love and marriage. Even they were forced to sleep with their customers.
5. Brokers of prostitutes are often involved in sex trafficking, who work on the commission and provide women and girls on the owners' demand. Brokers often convince the women and girls working in this sector with higher salaries and incentives with the other owner. Without their knowledge, these women and girls are being sold repeatedly, from one workplace to another.
6. Due to exposure to violence and sexual abuse, women and girls faced many health problems like multiple abortions, psychological issues, etc. Many were regularly consuming drugs, alcohol, and anti-depressants to cope with the situation.
7. Female foreign migration is relatively high in this sector. Brokers of foreign labour migration were found to be having good ties with the criminal networks for sex trafficking. Brokers often work as an agent for supplying women and girls to the sex traffickers with the false hope of foreign employment.
8. Growing prostitution in the Kathmandu valley has led to the rise in demand for underage girls.

The organization is working towards eliminating sexual exploitation and risk of internal and cross border trafficking for female workers in this sector. The organization is not against establishing the entertainment sector in the country.

However, the organization is against' the various malpractices, which hamper the safety and rights of the female workers and advocates for a just and fair place for work without any exploitation of female employees.

Bhandari further states, *“Nepal is one of the tourist destinations in the South Asian region. Each year millions of tourists visit our country from all corners of the world. Through entertainment, the country protects its diverse folk culture and provides services to national, regional, and international tourists. Tourism is one of the back bones of revenue generation, and the entertainment sector has helped flourish tourism in the country. Therefore, Biswas Nepal aims to provide professional security to women and girls and make the entertainment sector a dignified workplace, free from labour and sexual exploitation and sex trafficking”* (Personal Interview, 02/08/2019).

The organization has adopted the following preventive measures to combat sex trafficking, sexual and labour exploitation of the female workers in the entertainment sectors

1. With the help of the Nepal Police, the NGO conducts regular monitoring of the entertainment sector.
2. Rescue, rehabilitation, and reintegration of the sex trafficking, labour, and sexual exploitation survivors.
3. The organization focuses on improving the socio-economic status of the survivors and workers, provides support such as various vocational training, income generation skills, regular and non-formal education, health check,

psychological counseling, and encourages alternate livelihoods other than the entertainment sector.

4. Provides awareness of the legal provision on women's safety and rights, women's health, getting appointment letters from their workplace, working hours, and even includes support in legal counseling and assistance.

#### **4.12.7 KIN NEPAL**

Kin was founded in 2008 to tackle Nepal's sex trafficking problem. In addition, the organization campaigns for women's rights and survivors' justice. To counter sex trafficking, the group focuses on the thematic areas, which include prevention, rescue and rehabilitation, border monitoring, advocacy, and lobby.

##### **Prevention**

From the grass-root level, KIN works on preventing the issue of sex trafficking. The organization recognizes the problem of sex trafficking is embedded with the outcomes of various socio-economic, harmful, and demeaning traditional and cultural practices and violence against women. Since its establishment, KIN has been working to mobilize, transform and strengthen the community by raising awareness and sensitizing the issue of various harmful social practices which trigger sex trafficking, such as caste system and untouchability, no education for girls, gender-based violence, child marriage, dowry, culturally sanctioned prostitution, etc.

According to Sunita Sapkota (border in charge KIN Nepal) , *“we are working towards strengthening the community, as unless and until the community is not fully transformed and acknowledge the ill practices against women and children and discard the evil practices, there will*

*always be a risk of sex trafficking. Therefore community participation is significant in preventing sex trafficking in Nepal” (Personal Interview, 09/08/2019).*

With the help of the rescued girls, the organization is now operating 105 community-based organizations and five co-operatives. Along with it, the organization has also formed six men’s groups. These groups are agents of change, raising awareness by holding regular discussions and meetings in their respective communities and to other communities who need their guidance and support.

### **Rescue and rehabilitation**

The organization is actively engaged in the rescue and rehabilitation of sex trafficked survivors.

*According to Sunita Sapkota, “most women and girls have been rescued from India. Further, the organization has rescued women and girls from other countries who became the victims of both labour and sexual exploitation. Our research on these rescued survivors reveals that these women and girls were entangled in the sex trafficking nexus due to unemployment and migration for foreign employment (Personal Interview, 09/08/2019).*

Moreover, KIN works closely with the Delhi police and women’s commission New Delhi to rescue sex-trafficked victims from India. They have rescued 105 and 60 women and children from India in 2018 and 2019, respectively. After the rescue, KIN provides rehabilitation support to the trafficked survivors. The rehabilitation center is based in Bharatpur, Chitwan district, where the survivors are provided medical care,



legal help, career counseling, career planning, skill development, income generation training, and reintegration support back into the family and community. Even after reintegrating, the organization provides financial help to girls who wish to go to school and complete their education. Further, the financial support is extended to those women and girls who want to run their businesses like grocery stores, beauty parlors, tailoring, fast food stalls, etc., based on their interests.

### **Border surveillance**

The main objective of border surveillance is to rescue vulnerable women and girls from being trafficked. Due to the open border between India and Nepal, general mass from both countries move freely, which has made it traffickers easy to transport women and girls from Nepal to India and from India to other destinations. KIN is operating border surveillance in collaboration with Nepal police in eight Indo- Nepal border towns, where the incidences of trafficking of women and girls are relatively high, which includes the following

**Table no. 4.6 KIN Nepal border surveillance, Indo- Nepal border towns and districts**

| NO | INDO-NEPAL BORDER TOWN | DISTRICT     |
|----|------------------------|--------------|
| 01 | Kakarvitta             | Jhapa        |
| 02 | Ranibari               | Biratnagar   |
| 03 | Inaruwa                | Birjung      |
| 04 | Madi                   | Chitwan      |
| 05 | Maheshpur              | Nawalparasi  |
| 06 | Yatrugate and Lingate  | Krishnanagar |
| 07 | Sunauli                | Rupendehi    |
| 08 | Mahendranagar          | Kanchanpur   |

Source: Field Survey

The organization has deployed trained surveillance guards (Male and female) consisting of 6-8 team members in each border town. These border surveillance guards are on duty for 12 hours from 6 am – 6 pm and check the vehicles crossing the border. If they find any suspicion of trafficking, they make a formal inquiry about the girl and the person (both male and female) accompanying her. Moreover, they always watch the crowded places, where the trafficker can take advantage of the crowd and quickly cross the border. Further, the team regularly contacts bus drivers, local taxi drivers, auto drivers, and rickshaw pullers. These people are their first-hand informants, who inform the border surveillance teams if they find any suspicious traveler who could be involved in trafficking. Border surveillance has become beneficial in preventing trafficking and has rescued 828 and 1039 women and girls in 2018 and 2019, respectively. Rescued girls from the border surveillance are provided with emergency shelter, counseling, food, reintegration with the family, and even financial help for transportation costs back to their respective places of origin.

#### **4.12 INTERNATIONAL AND REGIONAL INSTRUMENTS**

Nepal has signed and ratified various international and regional Human Rights instruments, in relation to fight against sex trafficking of women and children for the purpose of commercial sexual exploitation, rights of the child and forced labour.

**Table no 4.7 International and Regional convention ratified by Government of  
Nepal**

| <b>International and Regional Human rights instruments</b>   | <b>Ratification date</b>         |
|--|----------------------------------|
| UN convention on the Rights of the Child (CRC)   | 14 <sup>th</sup> September, 1990 |
| Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography, 2007                   | 20 <sup>th</sup> January 2007    |
| Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others, 1949                                     | 27 <sup>th</sup> Dcember,1995    |
| Forced Labour Convention, 1930(No.29)  | 3 <sup>rd</sup> January,2002     |
| ILO Convention on Minimum Age, 1976 (C.No.138)   | 30 <sup>th</sup> May, 1997       |
| ILO convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labou,1999 (C.No.182)                     | 3 <sup>rd</sup> January,2002     |
| Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), 1979   | 22 <sup>ND</sup> April 1991      |
| Optional Protocol to the (CEDAW) convention, 1999  | 15 <sup>th</sup> June,2007       |
| South Asian Convention for Regional Cooperation (SAARC), convention on Prevention and Combating Trafficking in Women and Children for prostitution, 2002 | 5 <sup>th</sup> September,2006   |
| SAARC Convention on Regional Arrangements for the Promotion of Child Welfare and Children for Prostitution, 2002   | 5 <sup>th</sup> September 2006   |
| UN Convention against Transnational organized Crime (UN TOC), 2003   | 23 <sup>rd</sup> December 2011   |

Source: UNODC, 2011

#### **4.13 CONCLUSION**

Human trafficking was proclaimed a crime in the 18th century under the King Rana Bahadur Shah. Following that, the 1853 National Code banned the slavery, human

trafficking, and the act of taking children away from legal guardians with the intention of trade and exploitation. In 1986, HTCA was passed; however, the act became nonfunctional because sections were not encompassed by the act. The 1986 HTCA was amended in 2007 by HTTCA as the nature, forms, and modes of trafficking evolved, and a detailed comprehension of the crime emerged. While the 1986 HTCA placed a greater emphasis on crime reduction, the 2007 (HTTCA) places a greater emphasis on victim welfare. While the former laws equated human trafficking with prostitution, the 2007(HTTCA) conceptualized human trafficking to incorporate other types of exploitation. Finally, the 2007 (HTTCA) attempts to combine the definitions of trafficking found in UN Palermo Protocol 2000 and UNTOC, which Nepal has not yet ratified. The 2007 (HTTCA) widened the concept of human trafficking, covering various kinds of exploitation aside from prostitution, such as organ trafficking and labor trafficking.

The government of Nepal has developed anti-trafficking measures since 1963, but its inability to enforce them in place indicates that it is still unconcerned with addressing the problem. Nepal has signed and ratified several international agreements, including CEDAW and CRC. However, implementation and enforcement are patchy. Despite legislative and political accomplishments toward the abolition of involuntary slavery and trafficking, Nepal is still contending with the subject of sex and other forms of trafficking.

NGOs develop, conduct, undertake, and maintain the most significant proportion of activity in Nepal's anti-trafficking domain. ABC/Nepal was Nepal's first non-profit anti-trafficking group, created in 1987 by Ghimire. Immediately after that, numerous analogous organizations were founded by outraged citizens. Following the 1996 brothel raid, Nepal's anti-trafficking groups enlarged and attempted to coordinate to

combat trafficking collaboratively. AATWIN, for example, it involves 21 NGOs, including CWIN, WOREC, and Shakti Samuha.

The Nepali government established the groundwork for its complicity in human trafficking in 1996. That same year witnessed the first massive raids on a structure of Indian brothels, highlighting the trafficking of Nepali females. Over two hundred Nepalese girls were rescued, and the Nepalese government and NGOs were informed of the scenario.

Initially, the Nepalese authorities seemed to progress in restoring trafficked girls to their respective families. The government of Nepal promised to respond to the problem in less than seven days but failed to withstand the promise. Since the government seemed to have no apparent intent of assisting the girls in returning home or supplying the capabilities they needed for rehabilitation, seven NGOs agreed to assume responsibility for the 124 rescued girls. They provided housing and other aid, all without government assistance financial support. When Nepal's government failed to take action to combat human trafficking, NGOs stepped in to fill the void.

In the Nepalese context, anti-trafficking efforts are classified as prevention, secondary prevention, rehabilitation, and advocacy. Straightforward education on human trafficking and secure immigration techniques, '*awareness raising*' campaigns, and border patrols are all examples of preventative measures. Indirect preventive measures comprise women's empowerment initiatives, microloans, and education programs. Rehabilitation initiatives incorporate standards for care and encourage victims of sex trafficking and measures for reintegration back into their societies. Finally, the activity includes prosecuting offenders and implementing anti-trafficking legislation.

## Trafficking Prevention

NGOs in Nepal have concentrated on initiatives intended to prevent sex trafficking, rehabilitate survivors, and integrate survivors of sex trafficking into their societies and family members. Awareness-raising and community empowerment measures, such as strengthened community awareness, improved livelihood opportunities, and the detention of potential victims of sex trafficking at border crossings, are all part of the preventive approach. Protests, workshops, seminars, conferences, street dramatic performances, preventive camps, local support networks, and mentoring programs are used to achieve these goals. Several NGOs also run programs to assist women who have been identified as being at risk of sex trafficking with revenue-generating and vocational courses.

## Care and Support

Residential care comprising psychological therapy, health checks, and family inspection and counseling are all part of the *'care and support'* of sex trafficking initiatives. Education and skill development are often included in rehabilitation programs to enable the survivor to become financially self-sufficient. Some survivors are also given start-up capital to establish a small business. Some groups support long-term housing and medical treatment, employment services, and, in some situations, planned weddings for women and girls who are unable to return to their families due to the stigma they face as former prostitutes. Some NGOs provide AIDS care, medical care, and family and community campaigning to HIV-positive people. There is also legal counsel available. In Nepal, NGOs and INGOs have been primarily responsible for the care and rehabilitation of survivors rather than government authorities.

## Law enforcement, advocacy, and networking

In trafficking prevention initiatives, '*advocacy and networking*' include disseminating information to citizens and advocating and pressing for governmental policy initiatives, such as implementing the existing trafficking prohibitions and the conviction of offenders of traffickers.

The emergence of non-governmental organizations has both beneficial and harmful repercussions. The participation of NGOs in anti-trafficking is both a consequence of and a cause of administrative incompetence. Several NGOs operate transit centers, rehabilitative facilities, medical interventions, counseling, professional learning skills, legal representation, and informal learning in Nepali, English, and math. Almost all the NGOs conduct similar kinds of public awareness interventions.

These NGOs have been using their time and resources to operate their initiatives and formulate and maintain essential government-run services that the Government of Nepal should maintain. NGOs now contribute a considerable amount of money and commitment toward addressing the underlying sources of sex trafficking, such as employment, schooling, and healthcare. Because a lack of education is a significant contributor to sex trafficking. NGOs are undertaking activities to promote non-formal education and programs that help juveniles return to school. Although underprivileged girls are given the opportunity to attend school, these initiatives relieve the state of the objective of improving the formal education system.

The Nepalese government must emphasize providing primary responsibilities to its inhabitants and only become engaged in anti-trafficking measures if it wants to empower NGOs with sensible rules for non-governmental activity. There would be fully acknowledged, uniform regulations to protect individual rights if the government

established specific guidelines for the rehabilitation and reintegration of survivors. The government should concentrate on providing quality and accessible education, providing affordable hospital services, decreasing the rate of unemployment, and lifting the population out of poverty and hardship. These activities will efficiently and successfully cut down the number of vulnerable people in society ready to gamble sex trafficking in search of job opportunities.

Anti-trafficking NGOs would not have had to expand themselves to squeeze in all the gaps in public services if the government had accomplished its responsibilities to its citizens. Therefore NGOs are practically excusing the government of its legal obligations and offering services exclusively sponsored by foreign organizations and countries. Despite their pure intentions, they might well aggravate the divergence between the Nepali government and its obligations to the citizens.



**CHAPTER V**

**SOCIO-ECONOMIC PROFILE OF TRAFFICKED SURVIVORS**

**OF NEPAL: A STUDY OF JHAPA DISTRICT**

**5.1 INTRODUCTION**

Nepal has remained a patriarchal society for centuries. Women's identity in Nepalese culture has always been confined to someone's wife or daughter. Women in Nepal are treated as second class citizens and are fighting for their identities within family, society, communities, and even at the national level. The rejection of women as active citizens has devalued the role of women in the decision-making process within family and community, often neglected and not valued as the agent of change. Women have no access to ownership and control over land, property inheritance, and family resources. Therefore, the status of women in terms of equality is disappointing in all sectors, including education, health, political participation, equal rights to property inheritance, and other basic needs.

The Nepalese society displays a wide range of cultural practices based on gender value systems, often linked with various forms of violence against women. The complexity of unequal social status between men and women is often seen in the form of sex trafficking in Nepal. For the past few decades, the country has notoriously gained global attention as the most prone source country for sex trafficking in South Asia. Sex trafficking manifests as the worse form of violence against women and has been equated as the 'worse form of contemporary slavery.' Various causes have led to the trafficking of women and children in Nepal. Therefore, it is essential to understand the socio-economic profile of survivors of sex trafficking to analyze the

factors operative behind sex trafficking in Nepal. The present study focuses on the socio-economic profile of the Jhapa district of Nepal.

## 5.2 JHAPA DISTRICT: AN OVERVIEW

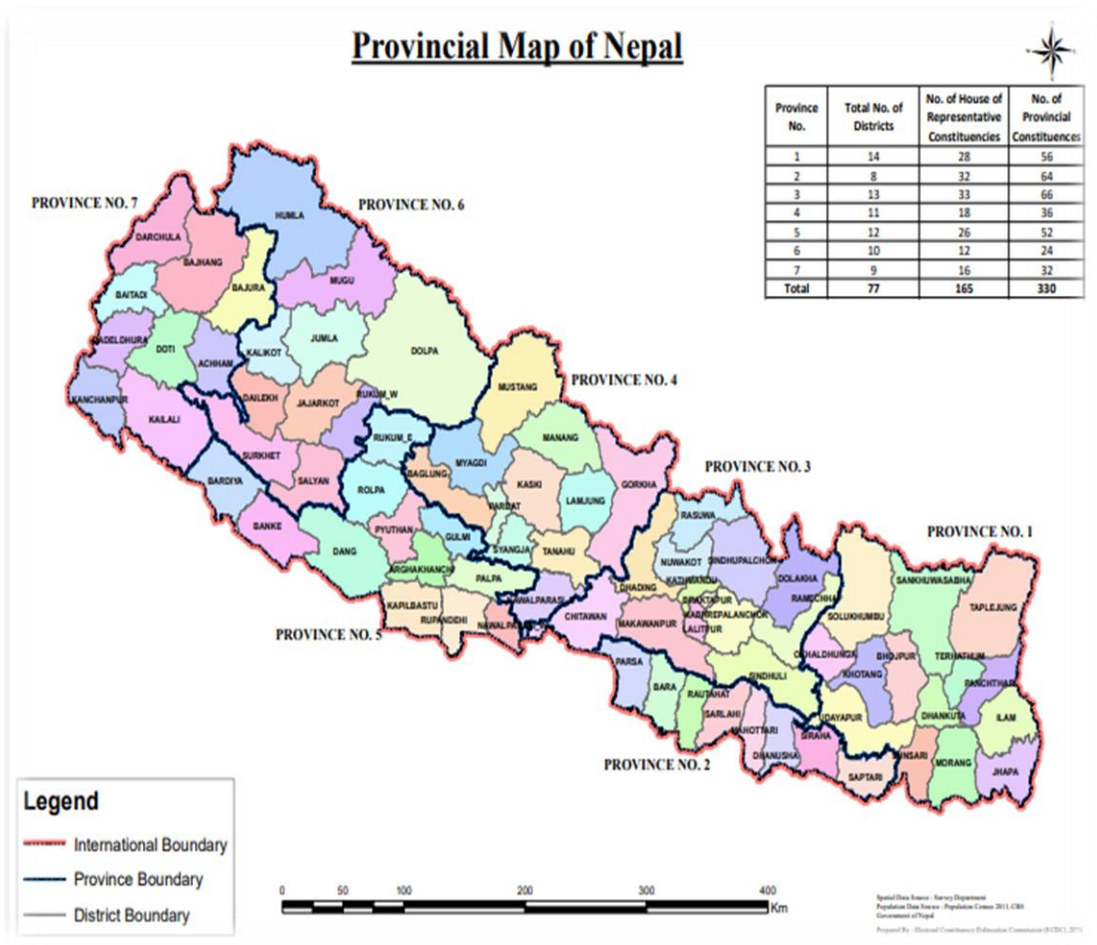
Nepal is divided into Seven Provinces. The provinces are constructed in line with the constitution of new Nepalese Government, which was enacted in 20/10 /2015 . These divisions replaced the functions of the earlier 14 governmental administrative zones, and 5 Developmental Regions (World Statesmen.org, 2018).

**Table no 5.1 Provinces of Nepal**

| No | PROVINCES            | CAPITAL       | DISTRICTS | AREA(KMS) |
|----|----------------------|---------------|-----------|-----------|
| 01 | Province No.1        | Biratnagar    | 14        | 25,905    |
| 02 | Province No.2        | Janakpur      | 08        | 9,661     |
| 03 | Province No.3        | Hetauda       | 13        | 20,300    |
| 04 | Gandaki Province     | Pokhara       | 11        | 21,504    |
| 05 | Province No.5        | Butwal        | 12        | 22,288    |
| 06 | Karnali Pradesh      | Birendranagar | 10        | 27,984    |
| 07 | Sudurpaschim Pradesh | Godawari      | 09        | 19,539    |

Source: National Herbarium and plant laboratories (NHPL) 2019,

Map no 5.1 Map of Nepal indicating Provinces of Nepal



Source: Provincial map of Nepal, (undated)

The word "Jhapa" is a *Rajbongshi* word meaning "Cover." Jhapa district is situated in the eastern region, in Province No.1 of the country. The district covers a total area of 1,606 kilometers, and it is the fourth-largest district in the country after Kathmandu, Morang, and Rupendehi. Jhapa district has a total population of 9 72 000, the ethnically most diverse district of the country and the home to 132 ethnic groups. The majority of the people in the Jhapa district are Hindus (82.9 %), followed by Buddhists (3.8%), Christians (1.6%), Muslims (2.4%), and other religions (9.3%) (Joshua Project: 2021).

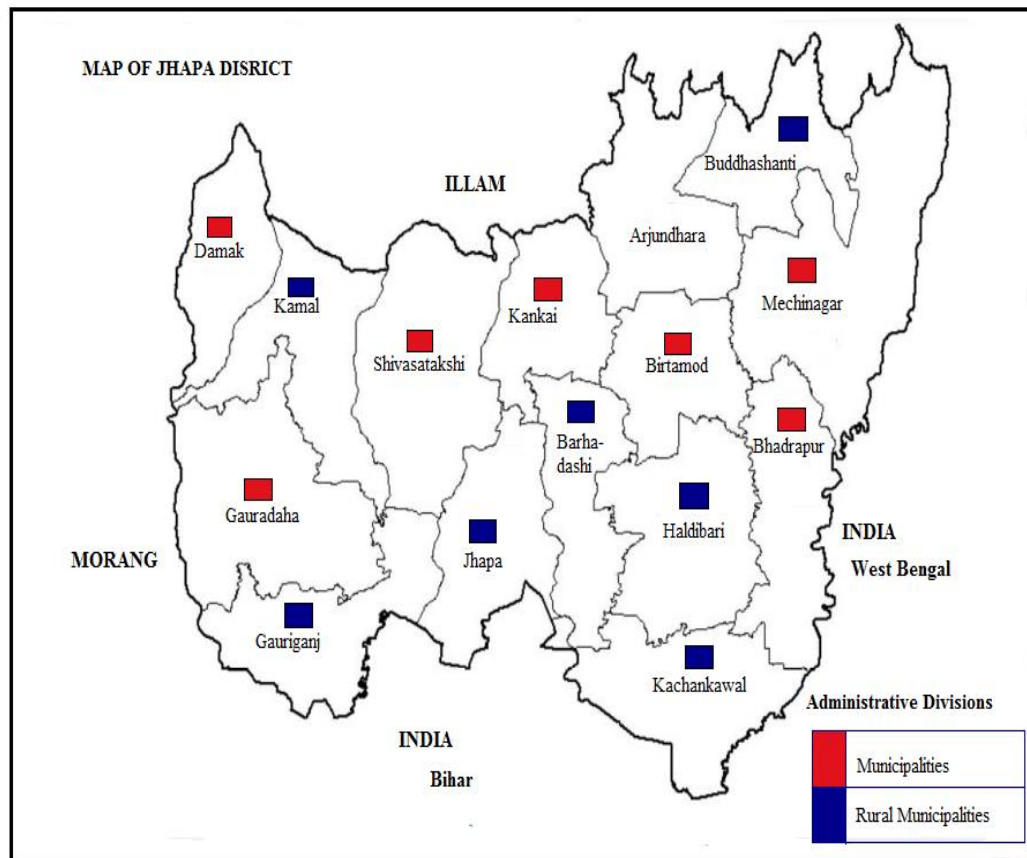
**Map no 5.2 Map of Nepal indicating Jhapa district**



Source: Rap3connect, 2016

The district is divided into fifteen administrative divisions, including seven rural municipalities and eight municipalities. Jhapa shares its border with Morang district in the west, Illam district in the North, the international border with two Indian States, West Bengal (India), east and southeast, and Bihar (India) in the south.

**Map no 5.3 Map of Jhapa district indicating municipalities and rural municipalities**



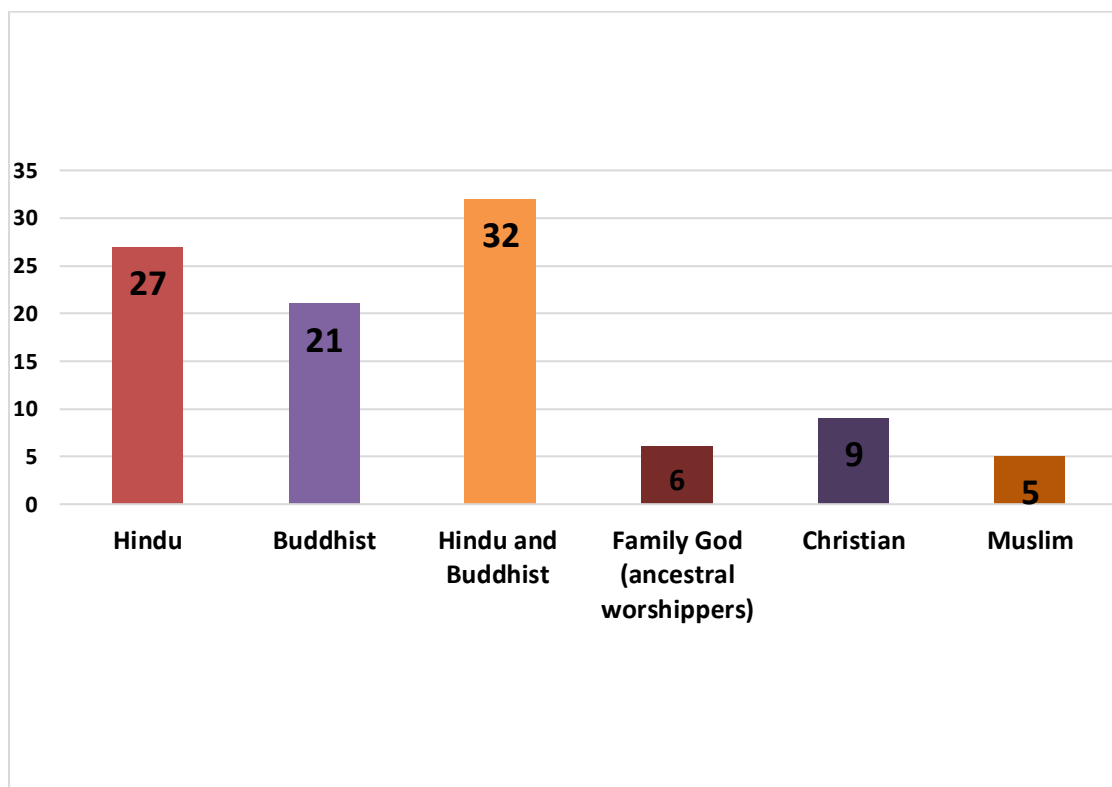
Source: Mountain Television, 2021

### 5.3 SOCIO-ECONOMIC PROFILE OF SEX-TRAFFICKED SURVIVORS

The present study has focused on the socio-economic profile of the sex-trafficked survivors at the time of trafficking. The socio-economic variables such as religion, caste, age, marital status, education, occupation, and family size has been analyzed based on vulnerable factors or the root causes of sex trafficking.

### 5.3.1 RELIGION

Figure no 5.1 The religion of the respondents' at the time of trafficking



Source: Field Survey (*This study's fieldsurvey is conducted from 15th July 2019 to 19th September 2018. This will be referred to as a Field survey*).

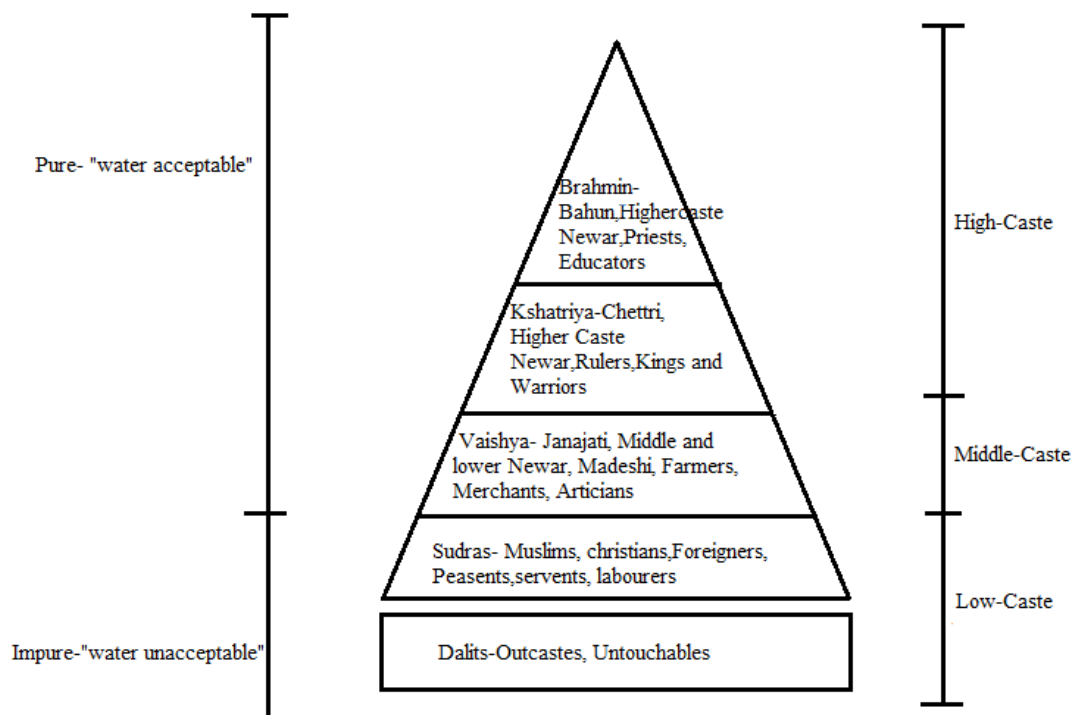
Findings of the study indicate that among the total respondent (27%) were Hindus, followed by both Hindus and Buddhists (32%), Buddhists (21%), Family God (ancestral worshippers) (6 %), Christians (9%) and lastly Muslims (5%).

The findings reveal that the respondents belonged to all the religions present in Jhapa district. Therefore, it will be wrong to conclude that only one particular religion is vulnerable to sex trafficking in the Jhapa district.

### 5.3.2 CASTE DISTRIBUTION

The Nepalese castes system is founded on the Hindu *Chaturvarnashram* structure, which divides society into Varna systems: *Brahmin, Kshatriya, Vaishya, and Sudra*. The caste system divides society into social classes based on a hierarchy of endogamous clans known as *Jaat*. Since Nepal's unification in the 18th century, Nepal's many non-Hindu ethnic groups and tribes, once known as "*Matwalis*" (alcohol drinkers) and now known as "Adivasi/Janajati" (traditional aboriginal), have now been assimilated into the caste structure of Nepal.

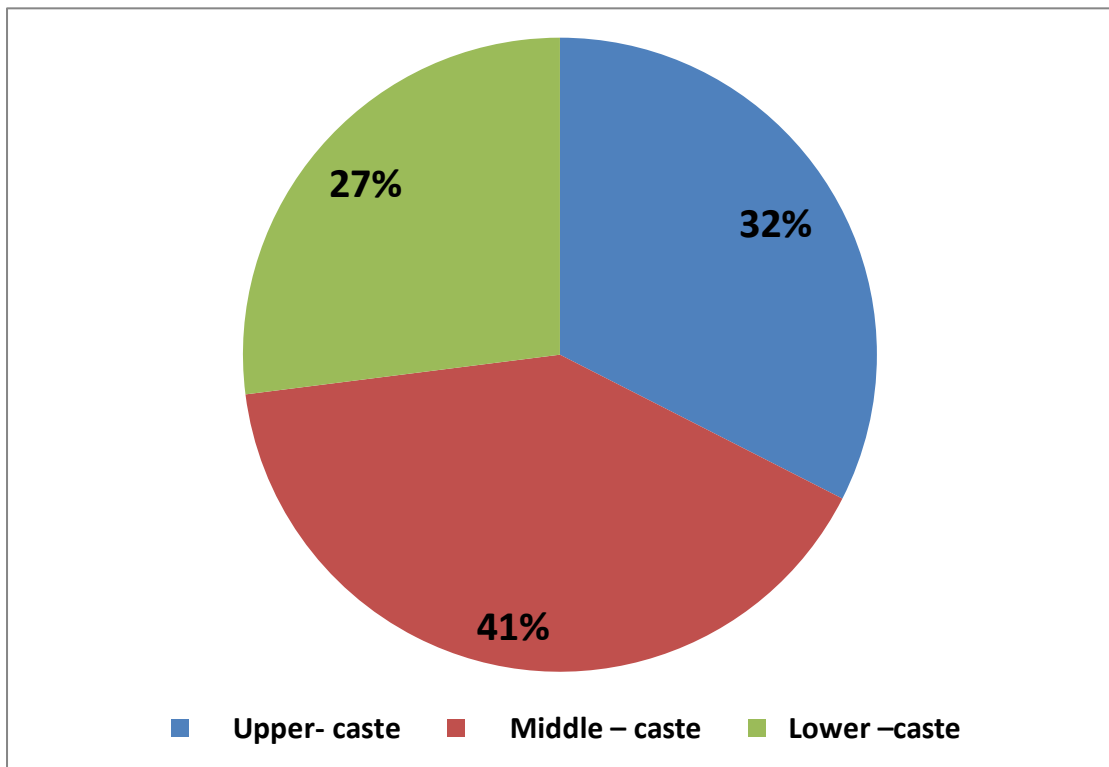
**Figure no.5.2 Nepalese caste system**



Source: Prepared by the researcher based on the field survey

The caste composition of the respondents has been categorized into ,upper- caste, middle - caste, lower -caste

**Figure no 5.3 Caste of the respondents at the time of trafficking**



Source: Field Survey

The above figure indicates that (41%) of the respondents belonged to the middle - caste, followed by upper-caste (32%) and lastly (27%) lower-caste.

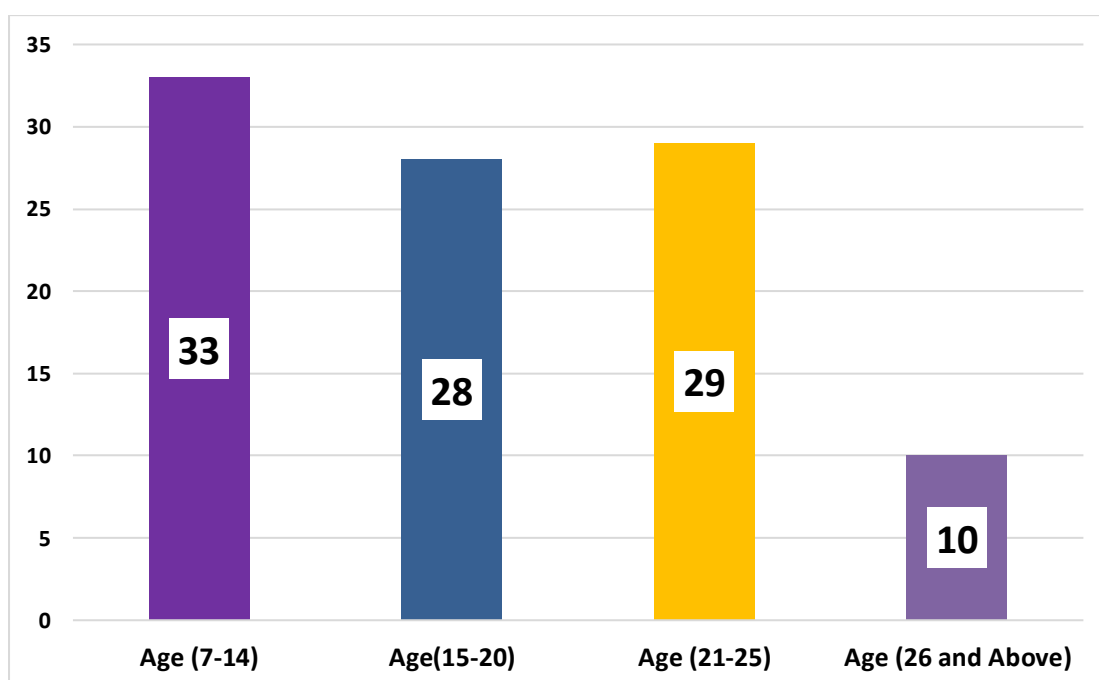
Due to caste-based discrimination in Nepal, there is a general impression that lower castes are the most vulnerable segment of the female population in terms of sex trafficking in the country. However, the data generated from Jhapa district refute the myth that the lower-caste is not the only vulnerable caste group in terms of sex trafficking. The study reveals that sex trafficking has surpassed the caste-based vulnerability, and respondents belonged to all the segments of the society and caste groups in the Jhapa District.



### 5.3.3 AGE

The majority of the survivors from the Jhapa district were trafficked between the age group of 7 to 25. Only 10 % of the total trafficking cases were found within the age group of 26 and above.

**Figure no 5.4 Age of the respondents' at the time of trafficking**



Source: Field Survey

The most vulnerable age group of the respondents was the age group between 7-14 (33%), 15-20 (28%), and 21-25 (29%). The above figure shows that many respondents became victims of sex trafficking under 18. According to the survey, it was found that other factors have compounded to a great extent with the age vulnerabilities of respondents. The factors include

*Firstly*, the majorities of the respondents were uneducated, poor, and lived under harsh economic circumstances.

*Secondly*, respondents had dreams and aspirations of bettering their lives. Due to limited opportunities in the Jhapa district and lack of knowledge about the outside their community, women and girls fell prey to traffickers' temptations, tricks, false hopes, and promises and got into trafficking.

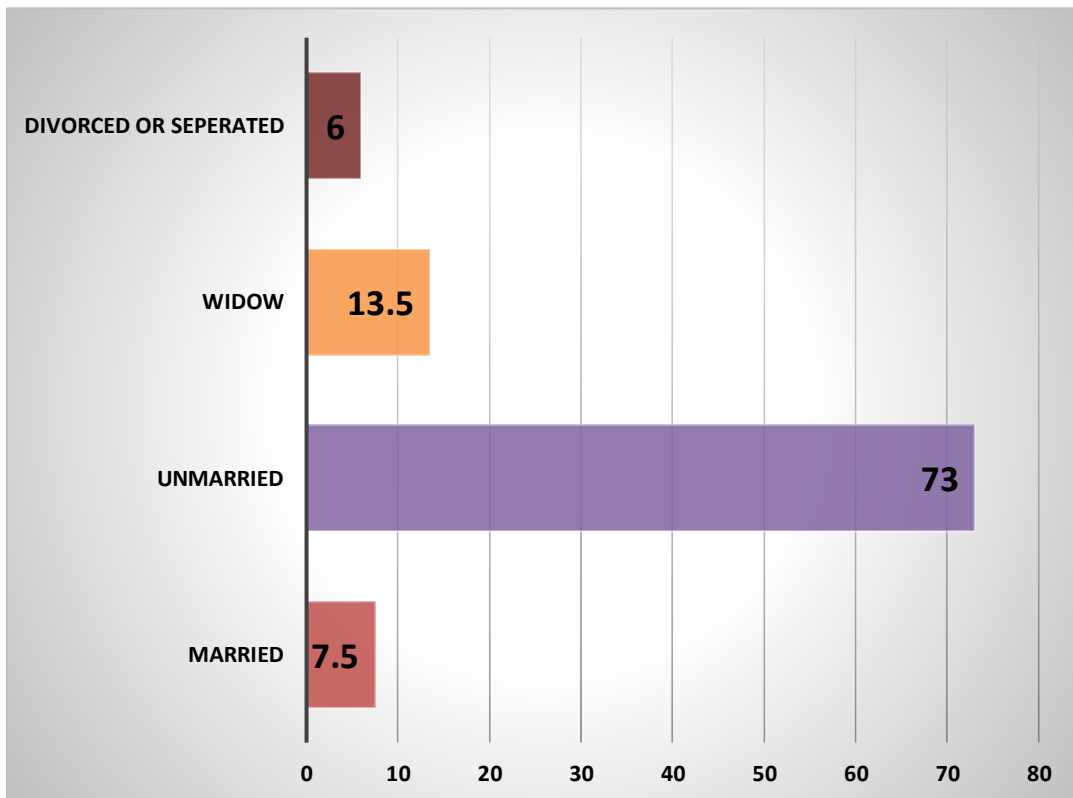
*Thirdly*, domestic help is in demand in Nepal and India's semi-urban, urban, and cities. The most preferred age for domestic help ranges between 7 to 15 years. To lessen the burden of poverty and economic crisis of the family, many parents had unknowingly sent their daughters with the traffickers, under the pretext of the good life, with a decent salary, further studies, healthy food, and clothes. In many cases, parents have indirectly contributed to the sex trafficking process of respondents of the Jhapa district.

#### **5.3.4 MARITAL STATUS**

Discussing the marital status of the respondents, the unmarried section of respondents has remained more vulnerable to sex trafficking than married respondents at the time of trafficking.

The study reveals that at the time of trafficking, 73% of respondents were unmarried, 13.5 % were widows, 7.5 % were married, and 6% were divorced or separated.

**Figure no 5.5 Marital status of the respondents' at the time of trafficking**



Source: Field Survey

The factors responsible for sex trafficking and marital status

### **5.3.4(1) UNMARRIED**

The unmarried portion of respondents was trafficked due to

- a) The prostitution market often demands unmarried, virgin, and young girls,
- b) The unmarried girls are preferred chiefly for sex trafficking for forced prostitution due to the rise in the dreadful disease HIV and AIDS, which married women and girls can pose a possible threat of infection from their husbands.

#### **5.3.4(2) WIDOWS, DIVORCED OR SEPARATED**

Nepal is a strongly patriarchal society, where women are discriminated against and marginalized. Harmful patriarchal traditions and beliefs generally determine women's social status and position. Women in Nepal are considered subordinate to men, and their role is usually confined to domestic spheres. The situation for women worsens if she does not have a husband. Widows, single mothers, divorced or separated women are considered ill omen by society. Due to the single material status, this section of women is seen as weak, feeble, and vulnerable and faces ill-treatment by their own family, community, and society. They are discriminated against, harassed, abused (mental, sexual, and emotional), and often face deprivation in terms of social and economic entitlements. According to the National census 2010, there is an increase in young widows due to poverty, natural disaster, conflict, and disease in Nepal. More than 86% of widows in Nepal are illiterate, poor, and depend on others for survival (Thapa, 2016).

The study's findings indicate that 13.5% of respondents were widows, and another 6 % were divorced or separated at the time of trafficking. Most respondents faced sexual, physical, and mental abuse and lacked support from their in-laws, families, and community. Further, these two sections of respondents had very little or no education and lacked support for their child's or children's education.

#### **5.3.4(3) MARRIED**

The study findings reveal that 7.5 % were married at the time of trafficking. The respondents got married between the ages of 14-and 19. Only one respondent had a love marriage, and the rest were married through an arranged marriage. However, in both cases, respondents revealed that it became difficult to cope with the new family

environment and felt like an outsider due to the ill-treatment against them by their in-laws. Respondents stated that they were given all the household chores like cooking, cleaning, washing clothes and dishes, cutting grass and feeding and rearing the livestock, etc and received contentious complaints about their work. Apart from it, respondents faced dowry harassment and physical abuse from their in-laws and husbands. Respondents stated that their married life was violent and abusive, and they found themselves in a sex trafficking situation when trying to escape the violent and harsh environment and in-laws.

### **5.3.5 DREAMS AND ASPIRATIONS OF THE SURVIVORS**

Looking forward to better employment opportunities, sound money, and a cozy lifestyle from their current living situation has remained one of their common dreams and aspirations while leaving their friends, family, and community behind. Based on the findings, the study has segregated the common dreams and aspirations before getting into the trafficking situation, which includes

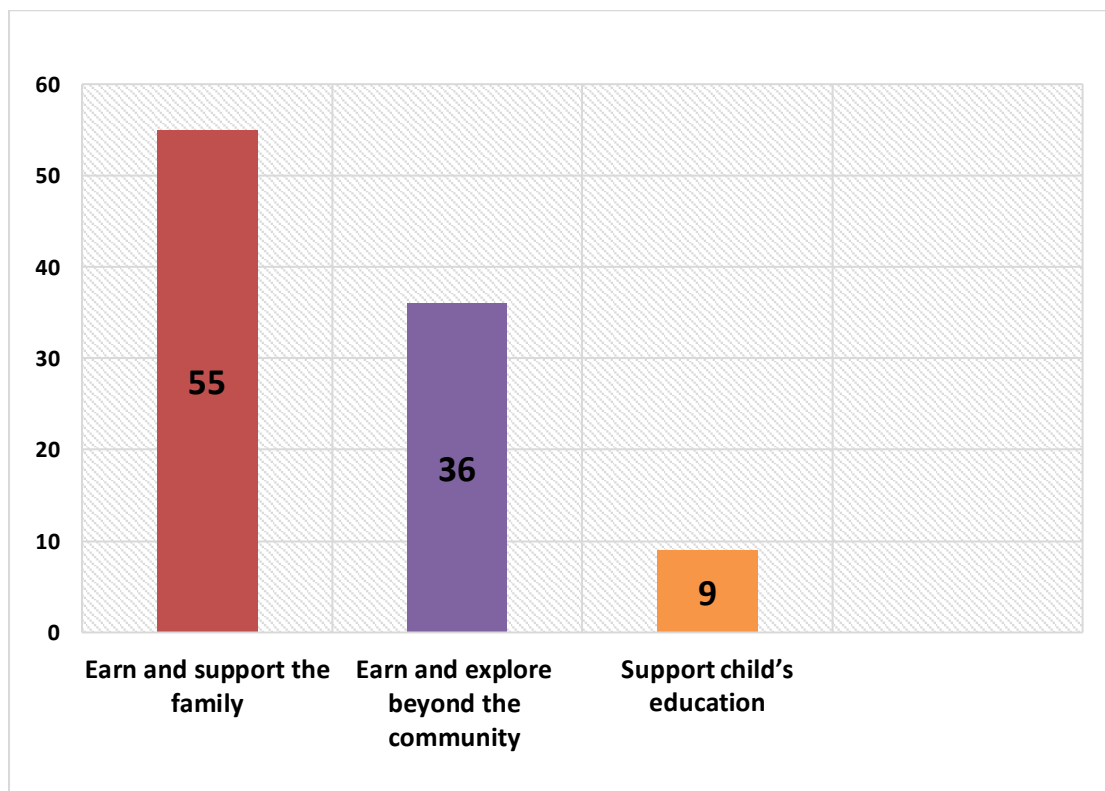
- a) Earn and support the family
- b) Earn and explore beyond the community
- c) Support child's education

#### **5.3.5(1) EARN AND SUPPORT THE FAMILY**

The findings reveal that 55% of the respondents left their homes with aspirations and dreams of earning money and becoming financially independent. The age group of the respondents ranged from 15-21 years. The respondents mostly belonged to uneducated poor economic households, dysfunctional families and were either orphans or just had a single parent.

The prime causes of the dysfunctional family are alcoholism, extramarital affairs of the parents, not having a male heir in the family, and the second marriage of either of their parents. Most of the respondents confirmed that they regularly witnessed domestic violence, chaos, and fights between the parents. In the cases of the father wanting the male child in the family, the respondents became the subject of abuse and discrimination and even became the victims of domestic violence. The majority of the respondents revealed that they were neglected in education, food, and clothing.

**Figure no 5.6 Dreams and aspiration of the respondents at the time of trafficking**



Source: Field Survey

Case study no.01

Anita (name changed), trafficked at the age of 17

*“I used to cry every night when my father came home drunk and quarreled with my mother for not giving him a male child. My father often abused her, beat her, and threatened to marry other women for a male child. My father was a very violent person. All our relatives, neighbors, and community knew about the stormy relationship between my parents, but sadly, no one came forward for help, mediating the fight and gap between my parents. Everybody looked down on my mother because she used to get covered with bruises. My sister and I lived a terrible life because my mother was the sole contributor to our food, education, clothing, and other household expenses. My mother used to work in a restaurant situated on the highway. The money she earned was insufficient to run the house and support our education. To help my mother, I left my studies when I was in grade VII. My neighbor, who was elder to me, was working in the garment factory in Kathmandu and told me there was a vacancy in the workplace and asked me if I wanted to join. I saw this as a golden option to earn and support my sister's education and mother financially. With my mother's permission, I left for work with my neighbor. While working in the factory, I met Shanker Karki from Sindhupalchock, much elder than me. Shanker Karki was a recruit in the factory who always talked about going to the big Indian city and earning lots of money. After a few weeks of joining the factory, he came with an offer that one of his relatives was working in a big restaurant in the Indian city of Kolkata as a waiter, and the restaurant was currently hiring young women and men as waiters and waitresses, with the monthly salary of 10,000 Indian rupees plus incentives. Initially, I got scared, but later, he convinced my neighbor and me by telling me that he would be working as a waiter in the*

*same restaurant. I left for Kolkata by train with the dreams and aspiration of earning money and helping my mother. On arrival, my neighbor and I were sold to the brothel”.*

The study reveals that single mothers face the massive burden of raising their children and meeting ends. The respondent's mothers lacked a support system from parental and in-law's families and were even denied access to property rights. Their mothers mostly worked as daily wage labourers, construction workers, agricultural workers, servants, and housemaids. To bring more money, respondents revealed that they worked on construction sites and agricultural fields and even worked as housemaids and servants to support their mother and the education of other siblings. However, respondents felt that the earnings were not enough.

**Table no 5.2 Siblings of respondents’ at the time of trafficking**

| <b>No. of siblings</b> | <b>Frequency</b> | <b>Percentage</b> |
|------------------------|------------------|-------------------|
| <b>2</b>               | <b>70</b>        | <b>35</b>         |
| <b>3</b>               | <b>90</b>        | <b>45</b>         |
| <b>4 and Above</b>     | <b>60</b>        | <b>30</b>         |
| <b>Total</b>           | <b>200</b>       | <b>100</b>        |

Source: Field Survey



**Table no 5.3 Birth positions of the respondents' at the time of trafficking**

| <b>Birth Position</b>           | <b>Frequency</b> | <b>Percentage</b> |
|---------------------------------|------------------|-------------------|
| <b>1st</b>                      | <b>130</b>       | <b>65</b>         |
| <b>2<sup>nd</sup></b>           | <b>43</b>        | <b>21.5</b>       |
| <b>3<sup>rd</sup> and Above</b> | <b>27</b>        | <b>13.5</b>       |
| <b>Total</b>                    | <b>200</b>       | <b>100</b>        |

Source: Field Survey

The study reveals that the position of the siblings also influences the responsibility towards the family. 65% of the respondents were the family's eldest daughter, which inclined the respondents towards family responsibilities. Therefore, one's duty towards family has shaped the respondent's dreams and aspirations to earn and support the family. From this viewpoint, the eldest daughters in the family are more vulnerable than the other siblings.

Case study no.02

Neema (name changed), trafficked at the age of 19

*"I am the family's eldest daughter, and I have one brother. My father died of kidney failure when I was 13 years old. My father was an auto driver who was the family's sole provider. We could not save him due to a lack of money. After my father died, all the responsibilities toward family came on to my mother. We were landless and had no other livelihood options. My mother sold the auto-rickshaw and saved and invested the money for our education, and she started working as a vegetable seller in the locality and*

nearby areas. My mother worked hard and supported our education. With the help of my mother, I was able to complete my 10<sup>th</sup> grade. Therefore, I decided to work, support my family and look after my mother. With the help of my mother's friend, a vegetable seller, I got a housemaid job in an affluent family in Birtamod, Jhapa, with the promise of further studies and a salary of 1000 Nepali rupees with food and accommodation. After joining the work, the family refused to support my education. The house lady said, "You are here to work, not study; if you want to study, you can go home and continue your studies." I was scared of losing the job as it was giving my 1000 Nepali rupees, which meant a lot to my family; I instead decided to quit my studies. During my stay in that house, I became friends with the couple from Dharan, who were the family friends of the owner. The couple visited frequently, and slowly, my friendship and closeness grew. They always sympathized with my situation. One day without my owner's knowledge, the couple offered me a job, as a cleaner at the hospital in New Delhi, with a monthly salary of 12,000 Indian Rupees. They said they had found this job with the help of their friend, who lives in New Delhi. They arranged the telephonic conversation with that person and even requested food and accommodation until I didn't get my own. The couple pretended to be good souls who wanted to help girls like me and others get rid of poverty and provide a comfortable life for our families. Along with me, the couple said four more girls are traveling with me to New Delhi, whose employment has been fixed by them, just like mine. The couple booked my ticket and said, "the lady will accompany you and the other girls to New Delhi because she is going to New Delhi for medical purposes, and she will be there all till the time you all

*don't meet our friend, who has fixed your employment.” I spoke about the new employment opportunity in New Delhi. Initially, my mother was not happy with my decision. Later, she agreed. I and the other four girls from other districts, one from my district, traveled to Delhi with the lady by train. On arrival we met the person on the phone, and the lady left. He took us to his house and later was sold to the brothel by the man”.*

The victimization of the survivors in the sex trafficking process started by creating false dreams and hopes by the brokers and traffickers. In many cases, dreams of overcoming poverty have been used as the most effective bait by the traffickers and brokers. On the other hand, survivors like cases 1 and 2 are easily convinced due to the needs and responsibilities towards the family. In case 1 and case 2, the traffickers and brokers targeted the most vulnerable women and girls who do not have proper support systems.

### **5.3.5(2) EARN AND EXPLORE BEYOND THE COMMUNITY**

The study reveals that 36 % of the respondents who wanted to earn and explore outside the community were children aged 13-19 years at the time of trafficking. Only one respondent was 19 (adult) when she got trafficked. The study has found a common trend associated with dreams and aspirations, which made them vulnerable to trafficking.

The respondents mostly belonged to broken families or were orphans. The study reveals that many respondents came from a broken families. In the cases of broken families, stepfathers or stepmothers were the sources of violence, and orphans faced violence from their close relatives. In both cases, the respondents were primarily runaways due to ill treatments, beatings, limited or no pocket money, limited food,

excessive household work, mobility restriction, humiliation, mental and emotional torture, verbal abuse, discriminatory health treatment, and clothing and education. During the interview, respondents revealed that they felt humiliated due to constant abuse, which led to an emotional and mental breakdowns. Further, respondents felt disconnected from their self-worth; trust in believing a better future lies for them shortly from their present living situation. The study reveals that women and girls living in restricted and violent homes with limited freedom, escaping and running away from their homes were left for them to improve the situation.

Case study no.03

Rani (name changed) Trafficked at the age of 16

*“I was twelve years old when I lost my mother. After a few months after my mother's death, my father got remarried. Initially, my stepmother was good to my elder sister and me. Later, her behavior towards us changed utterly. She used to overload us with the household work from morning to night and complained and beat us with a bamboo stick for minor mistakes. There was a dedicated bamboo stick for the beating. She often used to taunt us that we eat a lot and have become a burden to the family. Further, she complained that we don't justify the food with our work. She often used to give us very little to eat. My father knew everything but kept silent under her influence. After she was pregnant, she stopped us from going to school and engaged us in rearing the livestock and agricultural works. The situation further worsened after she gave birth to a baby boy. Under her influence, our father started neglecting my sister and me and even became violent and abusive as time grew. At the age of sixteen, I met a man named Raju in a nearby shop in the*

*village, who said he was new in the town and had come to meet his relative. The man said he is from Siliguri, India and the Indian army by profession. He was very polite and friendly. We spoke for nearly half an hour, and he asked me if I wanted to meet him tomorrow. I said yes instantly because even I liked him. We started meeting regularly, and our closeness grew and turned into love. Within two days, I shared everything about my life. On the 4<sup>th</sup> day of our meeting, he asked me to marry him and promised that he would keep me happy and give me a comfortable life. I decided to leave my family and ran away with him, a person I barely knew. I ran away with him without anyone's knowledge. He took me to a small lodge in Siliguri, and he had sex with me, he offered me food and drink, and after that, I remember nothing. I woke up in a tiny darkroom. After a few hours, the ladies there told me that I had been sold in a brothel in Siliguri”.*

During the interview, respondent, trafficked at the age of 15, said

*“At times, I felt so low and depressed that I often thought, if someone persuades me to go anywhere on earth, I will follow him without hesitation”.*

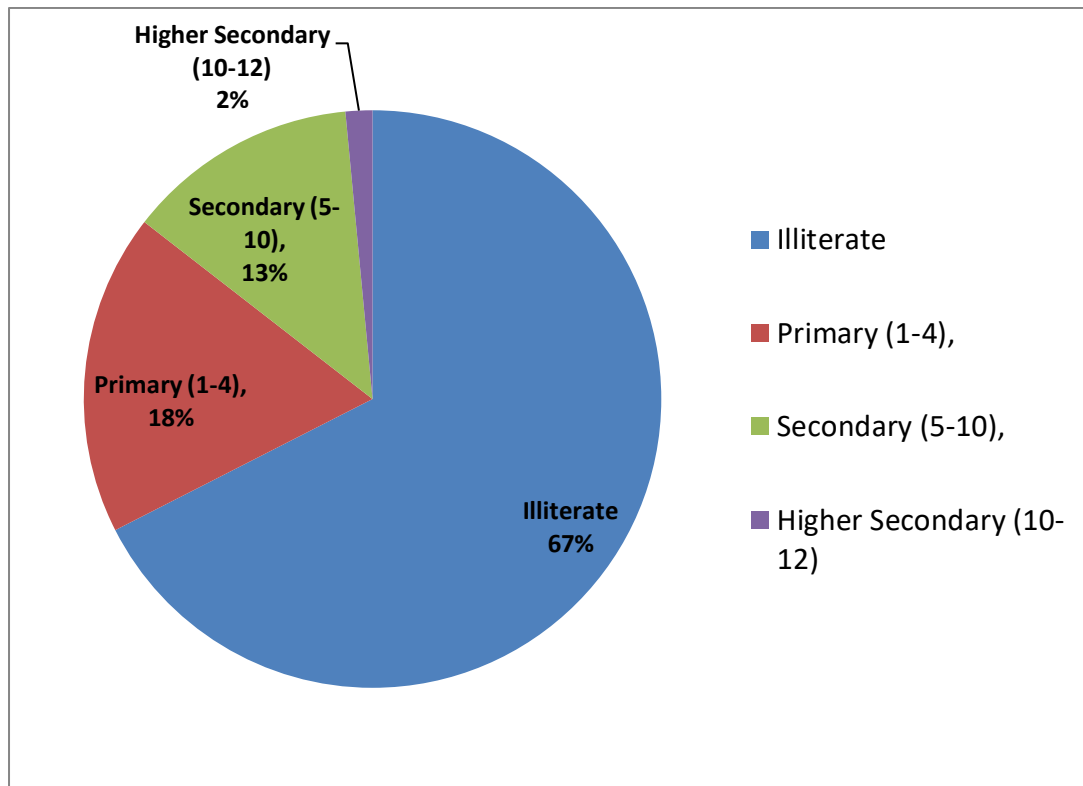
The reason for leaving their homes was the general mindset among the respondents of escaping poverty and their current situation was the economic independence, which they felt was impossible in the present case. The dreams and aspirations of earning money, independent life far from humiliation, good food and clothes and exploring new places influenced the respondents to flee with the strangers, neighbors, friends, boyfriends or alone.

### **5.3.6 EDUCATIONAL BACKGROUND**

Education among the general mass, particularly among the female population, defines society's social status and other aspects of the good life of a community. Education has remained a means of awareness about various social problems and eradicating such situations. The study has identified the education background based on school and higher studies attended by the respondents. During the survey, the respondents were asked whether they have ever attended school, attended primary level education (1-4), attended secondary level education (5-10), attended higher secondary (10-12) or attained higher studies (+12 and above. For the study, the categories have been segregated into (illiterate), primary (1-4), secondary (5-10), higher secondary (10-12) and higher studies (+12 and above).

The finding of the study indicates that (67%) of respondents were illiterate at the time of trafficking, (18%) of respondents had primary level education, and (13%) had secondary level education, with only (2%) having higher secondary education. None of the respondents had higher studies or even enrolled in it.

**Figure no. 5.7 Educational background of the respondents at the time of trafficking**



Source: Field survey

Due to deep-rooted patriarchal norms and social values in Nepal, women and girls are discriminated against from their birth. Clearly, due to such discriminatory practices, women and girls are less invested in education and other basic needs. Education was the most basic need expressed by the majority of the respondents, and they mainly felt deprived and discriminated as compared to their male siblings in their families. From the above figure, it is clear that most of the respondents were illiterate at the time of trafficking. Gender discrimination has played a significant role in the education of the respondents. However, the study findings reveal that the other factors have compounded to a great extent along with gender discrimination and educational

backgrounds of the respondents, including poverty, broken family, negligence of the parents, and early marriage.

Case study no. 04

Neeta (name changed) trafficked at the age of 17

*“I completed my studies till grade v and wanted to study more. However, my parents did not send me to school due to poverty and an overload of work at home. I have five siblings; I am the middle child in the family. I have two elder sisters and two younger brothers. Even my sisters could not study more than 4-5 grades. Our parents were very loving towards everyone and never felt discriminated in terms of food and clothing. However, I felt bad when my two younger brothers were sent to school, and three sisters had to engage in the household, agriculture and rearing of the livestock. Both my sisters were married early, at the age of 16-17. Due to my sisters’ marriage, the family faced huge economic pressure due to dowry payments. My father even took the loan and sold the piece of the land, our source of income. After my sisters' marriage, my family faced the huge burden of paying the debt to the moneylender, as the income from agriculture was just sufficient to run the house and support my brothers' education. My far relative from my mother's side came to visit our house with a job offer of housemaid for a couple from Darjeeling, India, who recently gave birth to a baby boy. My relative said, initially, the salary would be 6,000 Indian rupees, and later the couple decided to increase the scale. I thought this job would be beneficial to pay the debt if I sent my entire salary every month to my family, and even my parents agreed to it. My far relative further added, “if you need this job and*



*you have to join as soon as possible because they need the housemaid because of the baby. The couple has visited their relative in Damak and will leave after three days. If you want to take this job, you have to go along with them, and I will accompany you to kakarivitta, where the couple will be waiting for you". They stayed overnight in our house and left the other day. My bags were already packed, and the lady arrived after two days at the kakarivitta border, where the couple was waiting for me with the baby. Then I crossed the border with the couple. We took food in a restaurant in an Indian town, and a dark Indian man joined us. The place was boisterous, crowded and lots of trains passed near the town. The couple introduced me to that man as their close friend. I remember nothing after eating the food, and I woke up at the brothel in Kolkata. I was trafficked at the age of 17 and was rescued by the Indian police at 24".*

From the above case, it can be argued that very few girls get the chance to acquire and complete an education. It is because of the assumption that sooner or later, daughters in the family will marry and go to other families and have their own families. From this perspective, a daughter's stay in her parental home is temporary. The study reveals that families do not invest their economic resources in girls' education, as they are considered others' property. Women's role is generally confined to domestic spheres, and it is thought that women and girls do not need to be educated to fulfill these duties properly.

Another factor for gender discrimination and less investment in education among the respondents was illiteracy among the parents, which gave rise to negligence towards their daughter's needs. This negligence has purely come out of preference for the male child over the female child in the family. The majority of

the respondents felt that their male siblings were valued more in the family due to the Nepalese community's common mindset that a son/male child in the family symbolizes success, while daughters are often considered someone else's property. Sons are desired because they represent insurance for old age and inheritance of family property, while on the other hand are deemed financial burdens on the family.

Case study no. 05

Geeta (name changed ) trafficked at the age of 15

*I belong to a broken family. My father left my mother for another woman in the same village when I was two years old. My father has one son from my stepmother. He has excellent earnings from his grocery shop. While my stepbrother went to English medium school, he never supported and helped any money for my and my sister's education. However, my father sometimes came home and gave little money for the household expenses, which was far less beyond our needs. My mother worked as daily wage labour in the agricultural fields of others. She wanted me and my sister to study, but due to our impoverished financial situation. My mother could not support our studies. When I was 14 years old, my elder sister was 16 or 17 years old. We decided to look for a job and start earning to overcome poverty and help our mother. With the help of her friend, who was already working in Kathmandu, she helped us get a job in the garment factory. We started working in the garment factory with a monthly salary of 2,000 Nepali currencies. My sister used to keep all the money and just gave me 200 for the pocket money. after*

*six months of working in a garment factory in Kathmandu, and I met a man from Pokhara named Sandeep Rai, we fell in love. After a month, he proposed to me for marriage. He said he has his sister living in Pune (India), and for the blessing, we should visit her. I was so happy then I was getting a chance to see the other country since I had never crossed the border in my entire life. I decided to elope with him without telling my sister. While crossing the border to inquire about the relationship, I should tell the authorities that I am his wife. We crossed the kakarivitta Indo- Nepal border. I became so emotional that I missed my mother and cried my heart out on the bus while hugging him. We traveled by train to Pune. We reached his sister's house, and he introduced me to her. I felt a little uncomfortable when she was speaking in Hindi with him. After a few hours later, he left by saying he would be going to the market to bring a few clothes for her sister and me and never returned. Later, she told me that she was not his sister, he had sold me to her, and the house was a brothel.*

During the survey, it was found that, despite the easy and affordable schools, the majority of the respondents were not sent to school due negligence of their parents. Due to poverty and unemployment in Jhapa, respondents were forced to migrate to other destinations for employment and livelihood opportunities. Due to no or low level of education, respondents were compelled to work in low-paying jobs such as spice packing, garment factories, carpet industries, small hotels, restaurants, etc. Many respondents choose to work in the various entrainment sectors, including cabin restaurants, massage parlors, dance bars, dohari restaurants, etc.

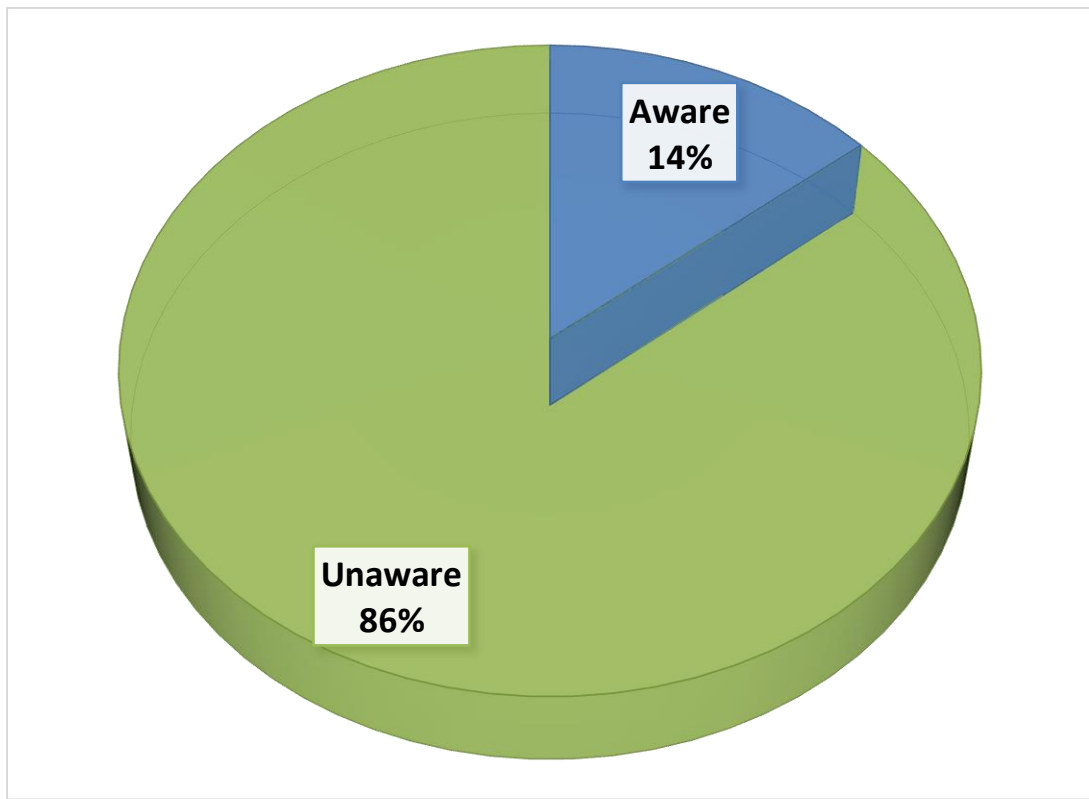
Executive director, Tara Bhandari of Biswas Nepal (NGO) stated that *"nowadays traffickers don't go to the villages, and pose them as the potential and rich lover to entice women and girls. They have created a network with the sites where poor and uneducated women and girls work and are offered jobs. Such low-paying job sites as spice packing, garment factories, carpet industries, small hotels, restaurants, and entertainment sectors have become the hub for traffickers to entice and recruit women and girls for sex trafficking. Women working in these sectors are vulnerable to internal and cross border trafficking, in the name of foreign employment and other better employment opportunities"* (Personal Interview, 12/08/2019).

The study further indicates that low education and illiteracy have further compounded the lack of awareness among respondents about sex trafficking and its various ill effects. Lack of awareness has remained one of the potential reasons which made them vulnerable to various tricks and techniques of the traffickers, further not knowing protecting themselves from falling prey to sex trafficking.

### **5.3.7 AWARENESS OF SEX TRAFFICKING**

The study reveals that the majority of the respondent, i.e. (86%), were unaware of sex trafficking, and only (14%) was aware that human beings are also sold for various purposes, particularly women and girls, for sexual exploitation in India.

**Figure no 5.8 Awareness of sex trafficking among the respondents at the time of trafficking**



Source: Field survey

The majority of the respondents from the age group of (7-15) at the time of trafficking did not know about human sex trafficking of women and girls,

Case study no.06

Sita (name changed) trafficked at the age of 12 said

*"I am from the lower caste. I faced caste-based discrimination in my village, as I was not allowed to enter the higher caste people's houses because I was considered an untouchable, and people from other castes did not use to come to our house and never ate anything offered. But I had no clue of people selling people for*

*money. I never knew that human beings like other livestock in the house like goats, cows, and sheep are also sellable. I realized this when I was sold to a brothel at 14".*

Case study no.07

Maya (name changed), trafficked at the age of 17, said

*"No one talked about human trafficking in my village or the school; otherwise, I would have been informed about the issue. If I knew about human sex trafficking, I would be living a different life today".*

Case study no.08

Banita (name changed) trafficked at the age of 7, said

*"Maybe I was too innocent to understand the concept of people selling people into sexual slavery. My relative sold me at the age of seven."*

The respondents between the ages group of (7 and 15) at the time of trafficking said that they were sold due to no information about the issue. Surprisingly, respondents from 16 years and above were not aware of sex trafficking, despite the various NGOs' efforts to make the parents and girls aware of the sex trafficking issues. The study reveals that the majority of the respondent, including their parents, were found ignorant of the issue and felt no need to attain a community-level awareness program.

**Firstly**, they thought it was time-consuming, and none of the family members felt the necessity of attending any such programs or were not bothered to ask anyone about the issue of discussion.

**Secondly**, most of the respondents' parents either were daily waged labours or migrated to other places for employment. Respondents mostly said they were away for work and missed such awareness programs, campaigning, or door-to-door awareness on social issues.

**Thirdly**, many respondents said their parents, neighbors, and relatives might know about the issue. However, they never discussed the matter with them due to the stigma attached to prostitution and HIV/AIDS.

The study further reveals that the respondents aware of sex trafficking got into the trafficking primarily because of carelessness and silly mistakes.

The careless attitude from the respondent side includes

**Firstly**, respondents easily got enticed and convinced by the traffickers or traffickers within 3-4 days or a week. Respondents further did not put any effort to enquire about the trafficker's background. Many of the respondents did not even ask about their job profile and where they will be working on further examination.

Case study no.09

a) Sheetal (name changed), trafficked at the age of 19, said

*"Many women from my village went to India for work and never returned. There was gossip among the villages they got trafficked and turned into prostitutes in India. I always believed that everyone who leaves their home does not necessarily end up in sex trafficking."*

b) Sarita (name changed), trafficked at the age of 19 said

*"I came across; about the sex trafficking issue from a friend, when two girls from Pasupati Nagar, Jhapa were trafficked by their relative. I never doubted my aunt when she took me to India for employment without informing my parents. I can't imagine that my aunt is a trafficker and sold me into prostitution".*

c) Amrita (name changed), trafficked at the age of 26 said

*"I consulted a friend when I got a job opportunity as a housemaid in the Middle East. She told me not to trust the stranger; it could be a case of women trafficking. I have three children. I thought only young girls were sold into prostitution. On arrival to India for documentation and my passport, I became the victim of labour and sexual exploitation."*

**Secondly**, the fatal mistake made by the respondents was that they did not feel the need to inform their friends, parents, relatives or any close person while running away from leaving with the trafficker. Further, on close examination of the transportation process of the respondents, it was found that respondents indeed came across various organizations who could have rescued the respondents on time or could have escaped from the trafficker.

**Thirdly**, in many cases, during the transportation phase, the respondents came across various NGOs, rescue organizations, police and security personnel on the border, bus stops, train stations etc., when they were questioned. However, they lied to the authorities about the travel or gave any hint or suspicion. On further questioning, they



ran away when they saw the police or any rescue organization and prayed not to get caught, especially at the Indo-Nepal border.

Many women and girls are caught on the suspicion that they are sex trafficked to India. They are counseled by the rescue team (KIN-Nepal) at the Kakarivitta Indo-Nepal border and are handed over to their parents. Two of the respondents re-attempted to cross the border with the trafficker, hence succeeded and were sold to the brothel in Kolkota. They were rescued by an NGO in Kolkota and handed them to KIN- Nepal.

During the personal interview with the border in charge, Sunita Sapkota, she said, *"poverty has remained one of the prime reasons for sex trafficking among survivors. It is practically impossible to fulfill their dreams and aspirations of earning money by staying in Jhapa, making the survivors the most vulnerable segment to sex trafficking. Due to the family's economic hardship, respondents faced difficulties attending further studies after primary level education. During the phase from leaving their school to trafficking, survivors constantly looked for employment opportunities to earn and explore further and learn new things in life. The majority of the survivors were sexually active before trafficking and had a strong desire to lead a fancy life. Both non-educated and educated respondents were aware of sex trafficking for prostitution. However, the survivors took the risk and ended up in sex trafficking"* (Personal interview 17/08/2019).

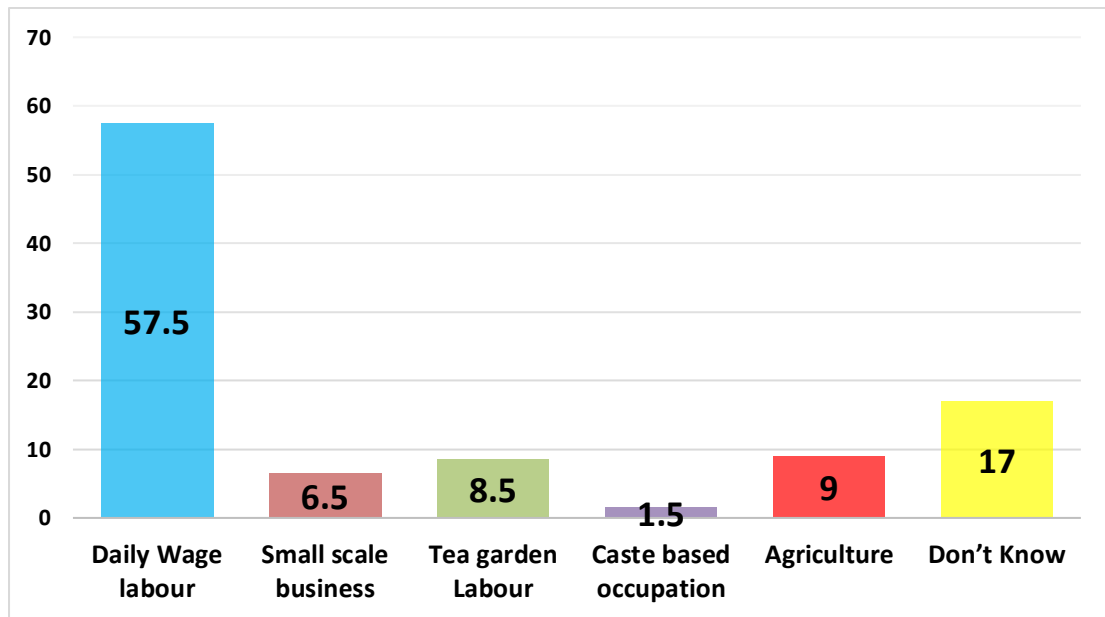
The above examples of carelessness from the respondents' side and the statement illustrated by Sunita Sapkota highlight that respondents themselves have contributed to their trafficking due to risky behavior and negligence in many cases.

The study does not aim to demotivate people and tell them not to dream or dreamless and not migrate for employment. It is impractical to state that stopping migration will end sex trafficking in Jhapa district or other parts of Nepal. On the other hand, women and girls should always dream high and migrate for better employment opportunities for their better future, sound money and fulfill their dreams and aspirations, with the condition that they should not make a careless mistakes as above in the process of migration within or outside the country.

#### **5.3.8 PRIMARY SOURCE OF HOUSEHOLD INCOME**

In the present study, the respondents' primary source of household income at the time of trafficking has been considered one of the contributing factors to sex trafficking among the respondents. A sustainable and dependable source of livelihood makes a house socially recognized and financially secure to fulfill its basic needs. The present study reveals that wage work cannot be considered a sustainable and dependable source of livelihood.

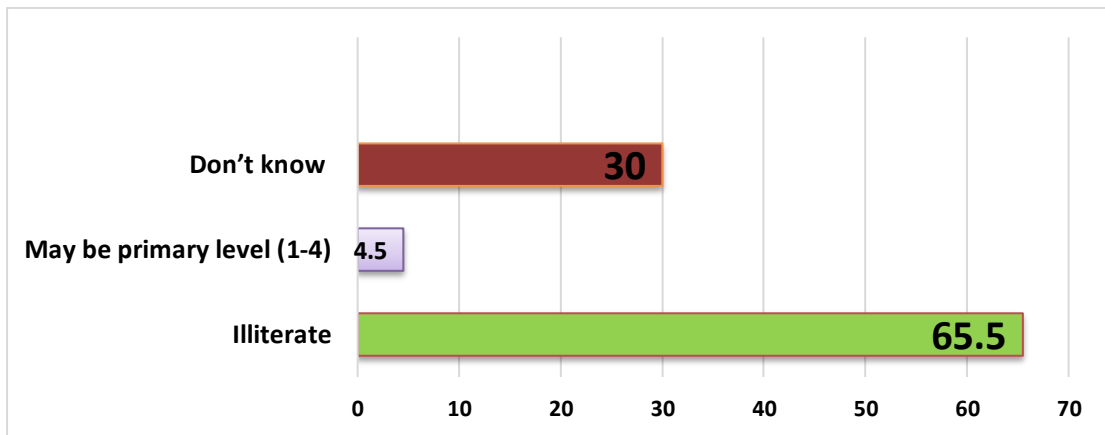
**Figure no.5.9 Primary sources of household income of the respondents' at the time of trafficking**



Source: Field Survey

The study indicates that (57.5%) of respondents are the direct case of wage labour. Daily wage includes construction works, rickshaw pulling, auto helper, cleaners, servants, dishwasher at the hotels and restaurants, carpentry, etc.. The monthly income of the respondent's household did not exceed more than 2,000-2,500(N.C), followed by agriculture (9%), tea garden labour (8.5 %), small scale business (vegetable sellers, tea stalls, small food stalls, grocery stores etc.). (6.5%), and lastly caste-based occupation (1.5%). 17% of the respondents stated that they have no knowledge of the source of household income because they are trafficked at the age (7-10), and it was challenging to recall. None of the respondent's family sources of revenue came from government sources. It was due to the low level of literacy among the respondents' parents.

**Figure no 5.10. Educational background of respondents' parents and other family members**



Source: Field Survey

The study indicates that 65.5% of the respondents' parents and other family members were illiterate, followed by maybe primary level (4.5%). This section of respondents became hesitant and was confused while answering, which indicates their parents and family members have no education or just enrolled in the primary level education and did not complete it. (30%) of the respondents had no idea about their parents' education it was because they were orphans or too young when they got trafficked. Illiteracy is one of the primary factors for sex trafficking. Illiterate parents are less or not aware of the trafficking and other social issues that hamper the women's well-being. It can be argued that the illiteracy and financial hardship among the parents have also contributed to their daughter's trafficking process through fake marriage.

### **5.3.9 FAMILY SIZE**

The family's economic situation often defines the access to health, education, and full fill of the basic need. The study reveals that apart from the low and less paying jobs of

the respondent's parents, the other factors which contributed to the low economic status of the respondent's family include large family size and alcohol consumption

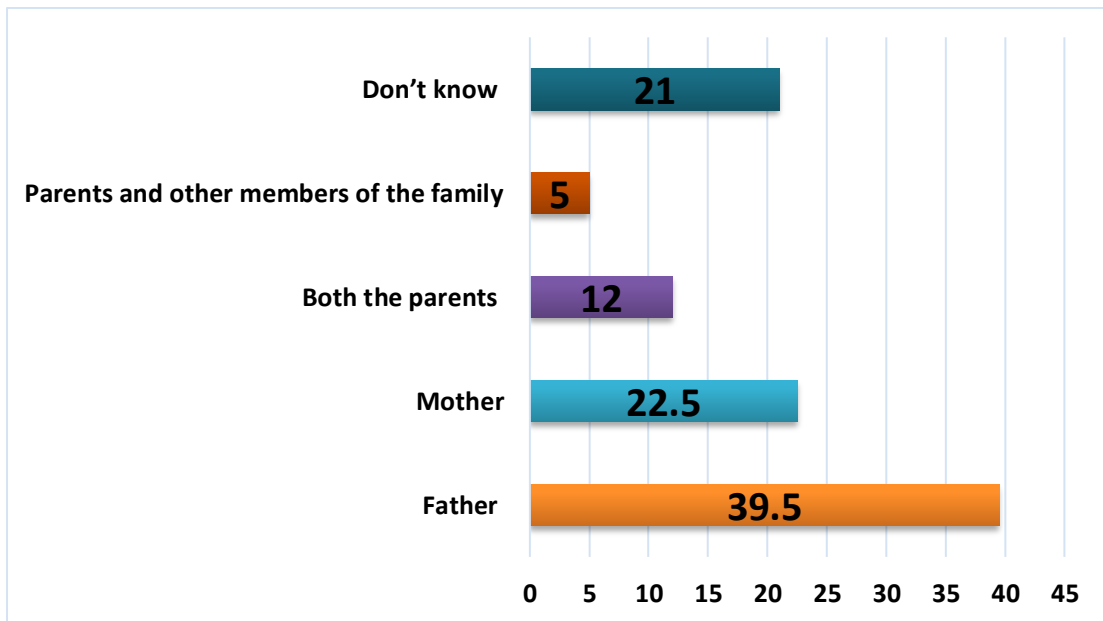
**Table no 5.4 Family size of the respondents' at the time of trafficking**

| <b>NO. OF FAMILY MEMBERS</b> | <b>FREQUENCY</b> | <b>PERCENTAGE</b> |
|------------------------------|------------------|-------------------|
| <b>4</b>                     | <b>5</b>         | <b>4.5%</b>       |
| <b>5</b>                     | <b>24</b>        | <b>12%</b>        |
| <b>6</b>                     | <b>29</b>        | <b>14.5%</b>      |
| <b>7</b>                     | <b>33</b>        | <b>16.5%</b>      |
| <b>8</b>                     | <b>39</b>        | <b>19.5%</b>      |
| <b>9</b>                     | <b>22</b>        | <b>11%</b>        |
| <b>10</b>                    | <b>21</b>        | <b>10.5%</b>      |
| <b>11</b>                    | <b>18</b>        | <b>9%</b>         |
| <b>12 and above</b>          | <b>5</b>         | <b>2.5%</b>       |
| <b>TOTAL</b>                 | <b>200</b>       | <b>100</b>        |

Field Survey

The study indicates that most respondents lived in large families with family members ranging from (6-12 and above). The majority of the respondent's family has only one earning member for the entire family. Further, in a large family with (6-12 and above), it was difficult for the family provider to fulfill its basic needs.

**Figure no. 5.11 Earning member in the respondents' family at the time of trafficking**



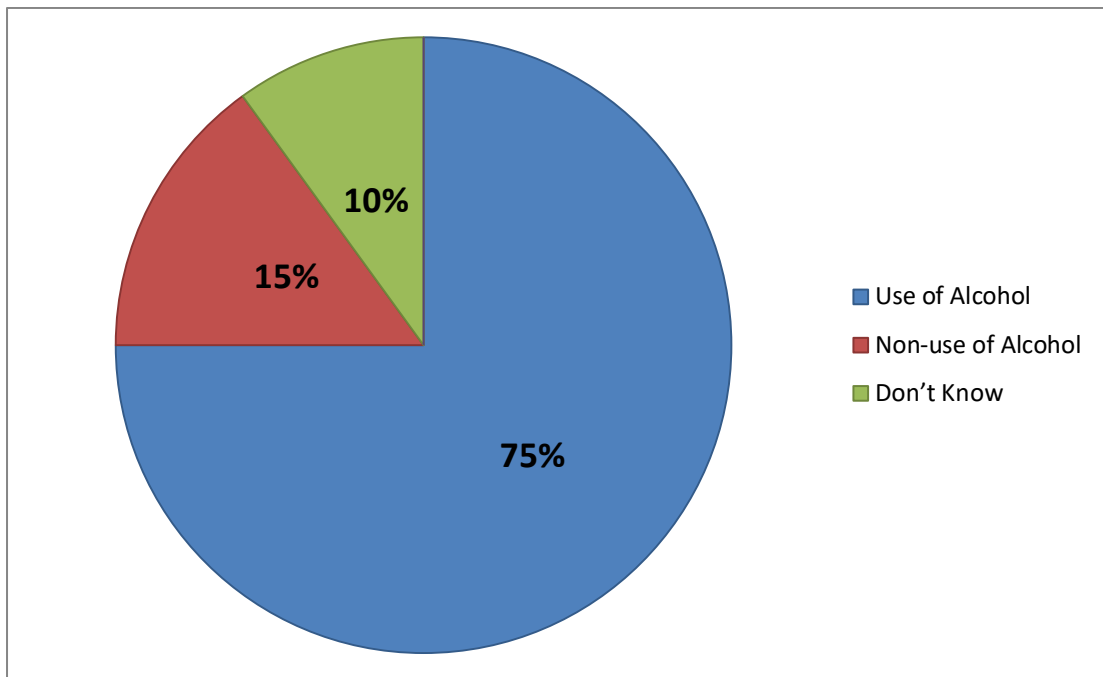
#### Field Survey

The study indicates that 62 % of the respondent has only one earning member (either father or mother) at the time of trafficking. Due to the low family income and fewer earning members in the family, the majority of the respondents were uneducated, impoverished, and poor. Only 12% of respondents had both parents working at the time of trafficking. Followed by 5% of respondents who said both the parents and other members were earning, and 21 % of the respondents failed to recall the earning member of the family because they were trafficked at the age as young as seven years of age.

#### **5.3.10 ALCOHOL CONSUMPTION IN THE FAMILY**

The study reveals that the low economic status of the respondent's family was further hampered by the use of alcohol consumption in the family.

**Figure no.5.12 Alcohol consumption in the respondents' family at the time of trafficking**



#### Field Survey

The above table indicates that 75% of the respondent's family members consumed alcohol. The majority of the respondents revealed that both the parents, other family members, and husbands drank alcohol at the time of trafficking. Only 15% stated the non-use of alcohol in the family. 10% of the respondents could not answer the research question. Respondents revealed that the use of alcohol had a significant impact on the family well being and peace. Respondents recalled having constant fights and use abuse which made the family environment toxic. In the case of married respondents, alcohol was the source of dysfunction in the family and domestic violence. In the case of unmarried respondents, the respondent's parent's income was divided into alcohol and other basic household needs. Due to this, most respondents from the alcohol-consuming household faced a shortage of rations in the family due to ill responsible alcoholic parents/husbands and many times, and they felt starvation.

Few respondents were confronted that they were engaged in prostitution before trafficking in the local areas for easy money, tasty food, good clothes and make-up sets. Their parents never knew about their prostitution profession. To full fill their pity needs, the respondents even sold their bodies.

### 5.3.11 OCCUPATION OF THE RESPONDENTS

**Table no 5.5 Occupation of the respondents' at the time of trafficking**

| <b>Occupation</b>                          | <b>Percentage</b> | <b>Monthly income</b>   |
|--|-------------------|-------------------------|
| <b>Working in the garment Factory</b>      | <b>13</b>         | <b>1700-2500</b>        |
| <b>Working in the carpet factory</b>       | <b>15</b>         | <b>2000-2200</b>        |
| <b>Working in the Entertainment sector</b> | <b>16</b>         | <b>2500-3000</b>        |
| <b>Daily wage labour</b>                   | <b>11</b>         | <b>1500-1700</b>        |
| <b>Agriculture worker</b>                  | <b>10</b>         | <b>-</b>                |
| <b>Prostitution</b>                        | <b>4.5</b>        | <b>Did not disclose</b> |
| <b>Unemployed</b>                          | <b>30.5</b>       | <b>-</b>                |

Source: Field Survey

The study indicates that 30.5% of respondents were unemployed at trafficking, 11 % were engaged in the daily waged labour, followed by agriculture work 10%, and 4.5 % engaged themselves in prostitution for a living. This section of respondents was living in Jhapa at the time of trafficking.



Those working in the carpet industry, garment factory and entertainment sectors migrated to Dharan, Pokhara and Kathmandu. 13% of respondents were working in a garment factory, followed by 15% working in the carpet industry, and 16 % of the respondent was working in the entertainment sector at the time of trafficking. The common reasons for working in the various sectors, low-paying jobs, and even prostitution are dysfunctional families, domestic violence , low level of education, supporting family, orphanage, and financial difficulty.

### **5.3.11(1) CARPET INDUSTRY AND GARMENT FACTORY**

The respondents joined the carpet and garment industries through friends and relatives (who were already working there), labour contractors or by themselves. The respondents, who joined through labour contractors (naikes), were mainly sent by their parents. In the case of orphans, they are sent by their relatives. Respondents worked for 10-12 hours a day, with a salary of (1500-2200 N.R) in the carpet industry and a garment factory with a salary of (2000-2200 N.R), and their wages mainly were delayed. The working conditions were very hazardous in both the factories. One respondent recalls the carpet industry's working condition and said, *“it became tough, due to excessive use of chemicals, dye colours and accumulation of wool dust and the accommodation for us in the huge open garage, where all the workers slept.”*

Respondents who worked in the garment industry even had a similar answer. Respondents were lured into the fake love and better employment opportunity in India by their co-workers, labour contractors and factory managers.

### **5.3.11(2) DAILY WAGE LABOUR**

11% of the respondents were working as the daily waged labour at the time of trafficking. They were engaged in various daily wages to work as construction workers, cleaners in houses, hotels and restaurants, house maids, dishwashers in hotels, restaurants, and brick lings to support their families. The respondent worked a daily wage of 60-90 (N.R) and earned up to 1200-1700 per month. Respondents usually worked for 9-11 hours a day. The respondent has no issue with the late payment of the salary because they used to get the wage daily. The problem the respondents highlighted was the low wage, which was not sufficient to support the family and, at the same time, fulfill their basic needs. The trafficker lured them with fake marriages and employment opportunities within the country and India.

### **5.3.11 (3) AGRICULTURE**

10% of the respondents were agricultural workers at the time of trafficking. The respondent mostly accompanied their parents in the farming fieldwork and worked on an average of 7-8 hours a day and did not get any money. They are lured with the employment within the country or India, fake marriage and seduction

### **5.3.11(4) PROSTITUTION**

4.5 % of the respondents were working as prostitutes in the local area at the time of trafficking. Some respondents worked as prostitutes to support their families, others to fulfill their financial needs. The respondent did not share any information relating to working hours and their earnings. Their clients trafficked most of the respondents with the deception of a tour to Indian cities.

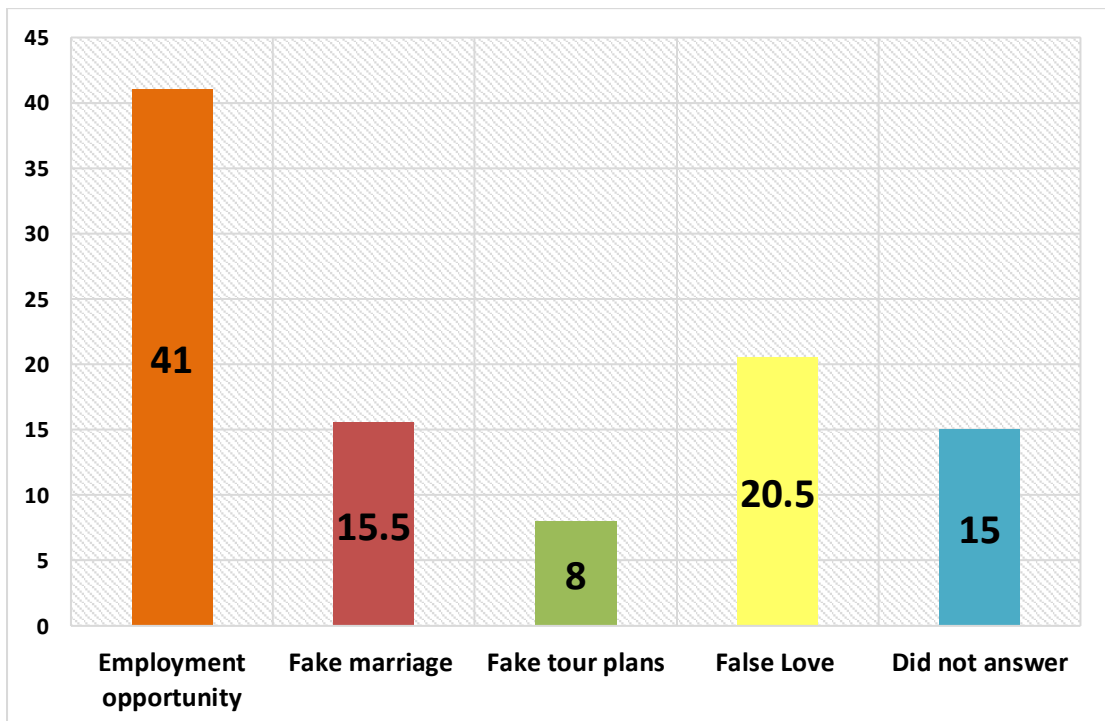
### 5.3.11(5) UNEMPLOYED

A large portion of respondents, i.e., 30.5 %, were unemployed at the time of trafficking.

### 5.3.12 MEANS USED BY THE TRAFFICKERS

The study indicates that the most common means used by the trafficker or traffickers is employment opportunity. The figure provides information on the various means used by the trafficker. Among the respondents, 41 % were trafficked with the promise of better employment opportunities, followed by fake marriage 15.5%; fake tour plans 8%, fake love and romance 20.5% and 15 % did not answer or did not have a clue about the means used by the trafficker.

**Figure no. 5.13 Means used by the traffickers**



Field Survey

### **5.3.12(1) EMPLOYMENT OPPORTUNITY**

Among the respondents, 41% have been trafficked by the respondents with the false hope of foreign employment. The study indicates that the respondents were trafficked to India, not other foreign destinations. However, many of the respondents revealed they were enticed and deceived in the name of foreign employment in the Middle-East Countries and lured to India for documentation and paper works. On arrival, they were sold into sexual slavery. The survivors fell prey to traffickers due to aspirations and dreams of earning huge money, overcoming poverty, and stabilizing and increasing the family's financial situation. The study findings suggest that the lack of employment opportunity and decent-paying jobs in Jhapa was the main motivating factors among the respondents to leave with the traffickers. Respondents revealed that they were offered decent-paying jobs from 12,000 to 20,000. In the case of employment in India and other destinations, the trafficked offered 40,000-60,000, which was comparatively higher than their current jobs in various informal sectors at the time of trafficking, which further capitalized their dreams and aspirations.

The findings suggest that traffickers closely observed their social, economic, and educational backgrounds and offered them jobs as house maids, waitresses, hospital cleaners, beauty parlor receptionist, hotels receptionist, etc. To make the respondents believable and authentic. The traffickers mainly took advantage of gender-based discrimination and widespread social and cultural norms and values supporting such beliefs, which has led to unequal treatment of respondents in terms of education, health, access to property rights etc., which respondents faced in their life from their families. The low socio-economic and subordinate position of women was further compounded by lack of awareness due to the low level of education among the

respondents, further increasing their vulnerability to being the easy and soft targets to agents, pimps, and brokers of sex trafficking.

### **5.3.12(2) FAKE MARRIAGE**

Child marriage and dowry payment are widespread in the Jhapa District and neighboring districts and states of India bordering District Nepal. Due to close cultural and traditional similarities between the Jhapa district and neighboring states and districts of India, traditional (arranged) marriage is accepted by both sides. The study has found that the families in Jhapa district often look for potential grooms and consent to their daughter's wedding to the affluent families in neighboring states and districts of India. All these factors have created an easy path for traffickers to lure entire parents from low economic backgrounds, especially from the rural Jhapa, to give away their daughters in the name of marriage. The study reveals that 15.5% of the respondents from the rural areas of Jhapa became the victims of fake arranged marriages and sex trafficking. They were between the age group of (13-15) at the time of trafficking.

Case study no.10

Kavita (Name Changed) Trafficked at the age of 15

*My father's friend, who used to stay in the same village, brought the marriage proposal to me when I was 15 years old. My father's friend said he is an orphan from the Mangar community, 27 years old, from Jalpaiguri District, India, and a professional taxi driver who works in Bangalore. My father's friend further added that he wouldn't be taking any dowry and had come for vacation and looking for a suitable girl to marry. My father used to*

*work in a tea garden and was the sole provider to a family of 11 members, and our financial situation was not good. Despite the vast age and caste difference, my family decided to marry me to that person because he would not be taking any dowry from the family. My father's friend arranged the meeting with the person. He visited the family and stayed with us for a week. Everyone in the family-like and adored him because he was a friendly, gentle and good-looking person. Within the same week, we got married. I left my house and migrated with him to lead a happy married life. I had never been to any Indian city before marriage. On arrival, he left with a man and vanished. The person took me to the brothel and sold me. Later I realized I was in Meerut city, not Bangalore.*

#### Case study no.11

Meena (Name changed), Trafficked at the age of 14

*"My parents were forcing me to marry the older man when I was 14, and I was not willing to marry then, and my friend ran away from the house. We got on the bus and headed towards Morang. We met a friendly lady on the bus, who offered us water, chocolate and chips. We became friendly with her and told her that we were runaways; she offered us the job instead, and she took her to her house in Morang. After two days, she offered us the trip to Kolkata by train, and we felt pleased and lucky that we ran out from the house. On arrival in the city, my friend and I were sold to the brothel. I got rescued by the Indian police during the raid on the brothel. I don't know where my friend is now".*

It is clear that due to no or low level of education, lack of awareness and families' vulnerable economic situation have led to the respondent's vulnerability to sex trafficking. Respondents revealed that the traffickers lured and deceived their parents by

- a) Pretending to be wealthy and a potential husband for the respondent
- b) Promising dowry less marriage
- c) Promising good life, economic prosperity, luxurious life in India after marriage for the respondent
- d) Paying some money to the family

In many cases, as above, it was found that the parents who married their daughters at an early age contributed to the fake marriage and sex trafficking. In a Nepalese community, women are obliged to get married, and she is seen as a complete woman in society only after she fulfills their role as a wife and a mother. Traditionally, Nepalese parents also hold the responsibility of marrying their daughters. Just as their daughter's parents are also seen as complete parents only after fulfilling their parental obligations. Many parents often see their daughters as household burdens and liabilities and want to get them married as early as possible. For many parents from low economic backgrounds, the marriage of their daughter became an expensive undertaking. All these factors have encouraged parents to consent to marry their daughters at an early age, with the prospects of dowry-free marriage. Parents often do not verify the suitability or integrity of a prospective husband, and instead, they marry their daughters to any man who offers himself and seems to be respectable.

Therefore, marriage is one of the push factors for the migration of women and girls and vulnerability to sex trafficking. Firstly, just like the case of Meena, many

respondents ran away from their houses to escape the arranged marriage. And secondly, because their parent failed to verify the identity and intentions of their prospective husbands, many respondents, like Kavita's case, were forced to migrate with their husbands once they were married and became the victims of sex trafficking.

### **5.3.12(3) FAKE TOUR PLANS/ FALSE LOVE**

Among the respondents, 16% were lured with the fake tour plans. Respondents got convinced to go with the trafficker to break free from the anxiety of their current living situation. Among the respondents, 24% got enticed by the trafficker's fake love. The typical answer among the respondents was they got lured with the promise of marriage and better and luxurious life from their current living situation. The majority of the respondents worked in the garment factory, carpet factory, prostitutes and entertainment sectors.

### **5.4 CONCLUSION**

The study demonstrates the various socio-economic profiles of the survivors at the time of trafficking. The sex trafficking of women and girls has been found in all segments like region, caste, ethnicity, and class, and it would be wrong to state that only specific elements are affected by sex trafficking in the Jhapa district. The harsh reality is a gendered phenomenon and attitude towards the commodification of gender, and that gender is female. The study has found a common link between the socio-economic profile and personal vulnerability responsible for sex trafficking. Socio-economic factor feminization of poverty is the apparent reason, compounded with the other emotional exposure such as domestic violence, widowhood, dysfunctional family, single mother's struggle, dreams and aspiration of earning money, illiteracy and unemployment among the parents and respondents, child



marriage forcing them to migrate with the husbands or avoiding the forceful marriage by running away, use of alcohol in the family, unemployment of the low salary among the respondents have contributed to their vulnerability to sex trafficking.

Two models created by ILO (2001) are included to explain the trafficking problem and pattern in Jhapa. The model comprises "Hard Trafficking" and "Soft Trafficking."

**Hard Trafficking:** Hard Trafficking occurs directly between the trafficker and the victim. Further means used by the trafficker defines the ILO Hard trafficking, including fraud, deception, abduction, and deception.

**Soft Trafficking:** Soft Trafficking takes place with the consent and complicity of the parents(ILO, 2001).

Both Hard and soft trafficking has occurred while approaching and transporting the respondents to the destination. The study indicates the majority of the respondent's families were illiterate, landless and depended on wage labour. Therefore, wage labour cannot be considered a secure, dependable and suitable means of livelihood. Due to the financial insecurities of the family, the respondents were found to be severely deprived of education, learning other skills for livelihood and hampered their social network. Due to their low education, most of them lacked income sources and financial assets. Those working at the time of trafficking were employed in low-paying jobs such as daily wage, carpet industry, garment factory, agriculture, entertainment sectors, and even working in the risky environment as prostitutes. Most of the respondents belonged to poor, economically illiterate households and became victims of sexual slavery by promised better employment opportunities through hard

trafficking. The means used by trafficking include deception, fraud and abduction. Cases of kidnapping are absent in the study.

The study shows the incidences of Soft Trafficking. Due to the financial difficulty, families even consented to the fake marriage, fake adoption, and job employment (by the Labour contractors). In the case of orphans, close relatives gave their consent. Parents/ relatives consented to traffickers under the pretext of dowry-free marriage, a better life for the respondents and financial support to the family. In the case of Soft Trafficking, the study shows that the traffickers were the local people, but working outside the community/Jhapa and was generally done through family, friends, relatives and neighbors.

The study shows that women and girls become vulnerable due to their low social status. The respondents felt the systemic deprivation and discrimination based on gender was felt by the respondents in terms of health, education, property, and other basic needs. The majority of the respondents felt the moral pressure to support their families. Few respondents even choose prostitution as a source of livelihood to fulfill their basic needs and support their families. The study reveals that the eldest daughter in the family was more inclined to family responsibilities, felt the moral pressure to support the family, and became vulnerable to sex trafficking.

The respondent's vulnerability increased due to the family's poor economic situation and ill/informed parents, which increased the rural-urban migration of the respondents. Respondents migrated from their home community to urban cities to find employment, willingly or were sent by their parents or relatives (a few times through labour contractors), or migrated under the influence of peer group/ neighbors basically for employment. Rural-urban migration for work left the respondents without any

support system and help from family, friends and relatives, which pulled the respondents into the world of the sex trade.

The majority of the respondents were children at the trafficking. The study found that the rural-urban migration for employment made them victims of child labour first. At the time of trafficking, the majority of the respondents were working in the hazardous environment such as carpet industry, entertainment sectors, garment factory ,daily wage labour, etc. Respondent's complexity to child labour robbed them of good health, good food, and education and jeopardized their better future in becoming potential and productive adults. Before trafficking, many respondents were exposed to molestation, rape, and sexual assault by their co-workers, owners, factory managers, labor contractors, and others. They became victims of child rights, labour rights, human rights, and social justice before sex trafficking. The study suggests that respondents belonged to the most exploited, neglected and vulnerable segment, who got easily exposed to child labour and sex trafficking.

The study found it challenging to distinguish the trafficker due to the involvement of various actors (family, family friends, relatives, neighbors, brokers, clients, labour contractors, pimps, etc.). Adding the complexity further, transportation of the respondents to the specific destination occurred through various routes and multiple means of transportation. Therefore it was difficult to distinguish the modes of transpiration either. The study illustrates that most respondents put themselves at sex trafficking due to fatal and careless mistakes committed during the recruitment and transportation phase. The big reason for trusting the trafficker in the respondent was that the trafficker was mainly their close person or the person they knew from their close contacts. Respondents' the conversation started with the illustration of the vulnerability of the situation of the respondents and the trafficker promising a better

future and job opportunity. In the recruitment phase, the trafficker/traffickers generally capitalized on the dreams and aspirations of the respondents by supporting the respondent's socio-economic and personal vulnerability. The study shows that traffickers are highly qualified in recruiting and transporting them to their destinations. The basic tricks of the trafficker are to keep the situation under control while transporting the respondents by (1) providing little information about the routes and destination, (2) making them feel dependent, alone and powerless and (3) breaking their self-esteem and confidence. Based on the engagement of the various actors in the entire trafficking process, the study claims that sex trafficking in Jhapa is operated through a loose network, from small groups to a highly sophisticated criminal network. The study found that the majority of the respondents were forced into prostitution within 3-5 hours to a maximum of 3 days of reaching the destination. Once sold, they became the property of their brothel owner. They were provided with little food or were starved at times and given a minimal amount once a month as pocket money. The majority of the respondents felt sinister and nostalgic, and when I asked about her stay and life in a brothel, the most expected response was that they didn't want to recall the past. It became difficult for me to question (1) how long she stayed in the situation, (2) the trauma and health problems she faced, (3) her relation with the brothel owner, (4) her relation with the client and (5) number of clients she had to or served in a day. However, many respondents reported that they were rescued by themselves, Indian police, Indian social workers, Indian NGOs and Nepalese anti-trafficking NGOs. Only 15% of the respondents have been reunited with their families or reintegrated into society through marriage. 85% of the respondents are either various rehabilitation homes and living independently with different identities so far

they are not welcome back to their homes and community due to the stigma attached to prostitution and fear of HIV/AIDS.

The majority of NGOs in Nepal and other parts of the world are fighting for women's justice and eradicating violence against women. Women run the majority of the NGO's in the country and transit homes to stop the trafficking of women and children in the country. On the contrary, the study has found the high participation of females as traffickers in Jhapa district Nepal, and the brothel keepers are also females in the destination. This study raises the subject of why women are involved in sex trafficking of another women for further researchers.

## CHAPTER VI

### 6.1 CONCLUSION

Human trafficking is the systematic movement of people from one place to another for enslavement to make revenue, organized by agents (traffickers). Millions of individuals are affected by human trafficking, commonly referred to as the “negative side of globalization” and “contemporary forms of slavery.” It is now one of the criminal sectors with the most significant rate of growth, after illicit narcotics and weaponry. In a wide range of jobs, women, men, children, and teenagers are subjected to slavery or other forms of exploitation. But when it comes to sex trafficking, women continue to be the primary targets. Sex trafficking victims affect almost every part of the world today; it is a transgression undermining our values of democracy, social justice and individual rights.

The global visibility of human trafficking began with conversations concerning prostitution. The first international references relating to trafficking with prostitution were around 1900, referred to as “White Slavery”; then, in 1904, an international agreement introduced the Convention to “suppress the white slave traffic,” followed by the International Convention to Suppress Trafficking of Women and Children in 1910, and another Convention in 1933 with the same objective, and the United Nations Convention on the Suppression of Trafficking in Persons and Sexual Exploitation in 1949.

Trafficking of women and children for forced prostitution largely vanished from the global policy agenda until the 1980s, when several western governments, the UN and the EU started to uncover indications of the spread of the globalizing sexual service sector. Increasing disparities between the affluent and the poor, enhanced

transportation, and improved communication networks contributed to a dramatic increase in migration during this era. This influx of immigrants led to a change in the structure of the sex work labour market in the west, with a revived interest in sexual demands from clients and worries over the trafficking of migrants from poorer nations to offer the services. These changes led to a wide-ranging and often heated discussion over the nature of prostitution and its connection to society. Trafficking was then described as the recruitment and transportation of women across international boundaries for employment or services via force, threat, abuse of power, or other coercive methods.

Feminists started to focus on the international sex trade in the 1980s. The Abolitionist feminist initiated the discourse about prostitution in the late 1980s. They demanded the identification and denunciation of prostitution as a representation of female enslavement and servitude, the most prevalent form of human trafficking. Abolitionist feminists use the words prostituted women, women in prostitution, and those exploited in prostitution to refer to any woman who sells sex. They often interchange the phrases “prostitution” and “sex trafficking.” They advocate for the prohibition of prostitution and strengthen rights for victims of sex trafficking, offering alternatives to women and girls to exit prostitution. From this standpoint, prostitution is contrary to the human rights of women. Abolitionist feminists define prostitution as “violence against women,” As prostitutes are perceived as sexual objects dominated and consumed by men. “Consent” has no significance in a culture where patriarchal beliefs are entrenched and obligatory. Sexuality is always a manifestation of masculine domination. When referring to persons in the sex business, abolitionist feminists prefer the word “prostituted women” since it suggests that prostitution is always and always done to women, as opposed to what women do for themselves.

They begin with the premise that no one can “make decisions” to sell their bodies. In patriarchal societies, women are driven into prostitution through assault, compulsion, or lack of alternatives. CATW, the most potent Abolitionist Feminist organization created by Kathleen Barry, thinks that criminalizing prostitution is a critical step toward eradicating trafficking. According to this view, women can only be “victims,” For abolitionist feminists, the existence of an unhurt prostitute is “logically impossible.”

The second primary debate on human trafficking is that of sex workers’ rights feminists, who consider prostitution a valid alternative and a choice that women make to live. Their stance asserts that sex workers should be granted rights under international labour law and that refusal to do so would let human rights violations in the sex industry. According to this viewpoint, sex work should be accepted and not ostracized.

Advocates for sex worker’s rights shifted the sociopolitical and feminist argument from an abstracted analysis of enslavement, ethical code, and morality to a focus on the safety and well-being of workers, their salaries, conditions of employment, and power dynamics among sex workers and clients. This goal was to highlight the socio-economic issues behind prostitution and challenge the public and judicial impression of prostitutes as unhealthy or sexually sinful beings who require criminal penalties. They push vehemently to distinguish between voluntary migration and (sex) trafficking and stress the decriminalization or legalization of prostitution as a kind of employment rather than a societal disgrace. They anticipate the passage of new legislation to prevent human trafficking. They assert that women and girls fall victims to the crime of trafficking, while not all women sex workers crossing international boundaries are forced prostitutes. They want to differentiate prostitution from



trafficking by highlighting that males are also trafficked for sexual reasons (not just females) and that women are exploited for other categories of labour (such as domestic labour or caretaking) outside the sex business.

Almost a century after the concept of “white slavery,” there has been theoretical clarity and comprehension of the problem of human trafficking. As a result, defining what constitutes trafficking in persons has remained challenging. This uncertainty prevented incorporating legislative measures, criminalizing human trafficking worldwide, and its recognition as a global issue. Several definitions differed from country to country, pointing to the failure of transnational collaboration between nations; there was a lack of unwavering commitment to eradicating the worldwide issue. The international consensus on the criteria of human trafficking is very new. States did not differentiate human trafficking from other behaviors such as irregular and unsafe migration until the late 1990s. The first transnational effort was joined by 80 countries and acknowledged human trafficking as a worldwide issue, emphasized the urgent need for action and sought to identify the problem’s indications and establish legislation to end it.

Finally, In 2000 UN adopted the definition of human trafficking. The definition distinguished between the varied forms of human trafficking, including sex trafficking, labour trafficking, and organ trafficking, as well as the three main elements for the circumstances for Trafficking in human beings, namely action, means (method), and purpose (intent). UN 2000 definition of human trafficking is one of the most commonly used, if not the most extensively used, in the global community today. The UN definition enlarged the concept of human trafficking prevention to include all types of human Trafficking, not simply sex trafficking or prostitution. It is also recognized for introducing what the US State Department refers to as the “3P”

approach -prevention, protection, and prosecution to lead states to fight human trafficking. So far, 160 countries have ratified the protocol.

Chapter II deals with the global overview of sex trafficking unfolding the theoretical underpinnings of structural violence by Johan Galtung. Galtung refers to structural violence in his fourth dimension of violence. According to Galtung, structural violence comes from invisible sources and indirectly affects people. He states that structural violence lies in the social structure, which shows unequal power relations and unequal life chances and victims of such violence are social groups rather than individuals. Galtung equates structural violence with social suffering and social injustice, often seen in the form of racial and gender subordination, slavery, human rights violations, hunger, repression, poverty mal development, discrimination based on caste, creed, language culture etc. one of the outcomes of structural violence is seen in the of sex trafficking. Concerning structural violence, the chapter analyses the problem of sex trafficking using various perspectives such as poverty, violation of human rights, migration, subordination in terms of race-ethnicity, culture and demand for prostitution and slavery.

Women between the ages of 10 and 35 who are destitute and illiterate are most susceptible to sex trafficking offenses. Several “Push” and “Pull” variables contribute to sex trafficking. Countries are usually classified as origin, transit and destination countries. Origin countries have many push factors since the number of victims in these nations is substantially more significant. Inadequate work prospects, poor living conditions, feminization of poverty and migration, Insufficient public facilities such as schooling and hospital, political instability, misuse of governmental power, civil unrest, natural catastrophes, gender inequality, racial-cultural prejudice etc. are examples of push factors. Pull factors include higher salaries, educational

opportunities, an active demand for cheap labour/ migrant laborers, political stability, and relaxed border controls.

Poverty, both absolute and relative, has been identified as the leading cause of sex trafficking. Women and girls account for 70% of the poor globally, and their poverty burden is rising. Women in most nations are more impoverished owing to a dearth of investment in their educational practices and are prone to gender-based employment and wage disparities. In both the formal and private sectors, women experience joblessness and, if recruited, are most often paid less. Unfortunately, many women monetarily rely on their families or husbands, and their routine domestic responsibilities are often disregarded or underpaid.

Feminization of poverty and women's trafficking are essential issues in many nations today. Women from low-income families with limited educational and career prospects typically struggle to meet their necessities. Poverty leads such women to seek regular/irregular migration as a possible escape, a means of achieving material success for themselves, their families, and their children.

Along with poverty, violence against women, childhood trauma, gender inequality, victim's age, lack of education or limited education, feminization of migration, political instability, war and conflict, displacement, social and cultural isolation, the weak legal framework has been analyzed as the common trend for the cause vulnerability towards sex trafficking. Such circumstances impose, influence and encourage women and girls to indulge in frequent and unauthorized mobility, which most often puts them into the clutches of traffickers. In addition, elements including the accelerated development of technology and transportation throughout the globe have boosted the impulse to relocate to certain richer countries. The person's

susceptibility, including no education or limited education, language barriers, limited knowledge of the place, etc., has led one into the hand of traffickers. Women and girls are lured by traffickers with the promise of fake jobs, better employment opportunities, fake marriages and better education in the destination country and are sold into prostitution. These tricks have been recorded as the most common means used by traffickers to lure their victims.

The construction of sexist prejudices based on race and ethnicity corresponds with the demand for prostitution and sex. The male desire to purchase sex from women of various ethnicities, races, and nationalities provides men the delusion of encountering 'exotic,' which is an indicator of 'choosing.' The male desire for prostitution is the driving force behind sex slavery; without it, the sex industry would simply be absent. Prostitution is a grave violation of one's fundamental rights and a form of abuse against women because it is frequently damage being done to women instead of action perpetrated by women. Women do not and will not desire to sell their bodies, but in the patriarchal system, women are persuaded into prostitution by violence and intimidation, sometimes under the pretext of culture and tradition.

Sex trafficking should indeed be considered concerning a variety of actions and consequences encompassing several phases varying from the organization of the supply of vulnerable people to enslavement and harm, the procedure of movement, to the consumption for the service or labour of a potential victim. The process is a structured, well-organized economic phenomenon for traffickers that include the dislocation and mobility of people exclusively to generate revenue explicitly or implicitly from the enslavement of the trafficked person's labour. Traffickers use various techniques to traffic women and girls; recruitment through newspaper advertisements providing helpful jobs, the use of marriage agencies, and helpful

acquaintances are examples of such tactics. The 'second wave' recruitment comprises trafficked women returning to their native countries to solicit and recruit other women for the industry, ignorant of their level of control and exploitation. Women are also stolen, abducted, and may be donated by poor relatives whose parents have passed away.

Frequently, sex trafficking has been conceived within the context of civil rights infringement. In the latter part of the twentieth century, the institutionalization of Individual Rights developed velocity with human rights activism, putting victims of trafficking at the forefront and making them vital for safeguarding from damages and injustices, as well as initiatives to prohibit trafficking. Sex trafficking comprises a range of human right violation during the entire trafficking process, from the recruitment of an individual through force, fraud and coercion to the sale of the victims for exploitation.

Human rights diverge from those other forms of rights because they are developing types of rights that identify extraordinary fundamental objectives. When the UN issued UDHR in 1948, these developing forms of rights gained recognition. The UDHR incorporated and regulated human rights into international humanitarian law, which is fair to all individuals. These rights protect individual rights against dominant domination without being perceived as a mechanism to undermine the populace's aspirations (Kumar and Choudhury, 2021)

The universal rights infringed in the realm of sex trafficking are promulgated in the UN, UDHR (1950), which includes the freedom to existence and personal safety, freedom from enslavement, punishment or even other harsh, inhumane treatment or abuse, the access to social security, as well as the right to choose freely between

employment opportunities. These are among the most crucial and significant basic freedoms and entitlements for a reasonable existence.

Sex trafficking is a transgression and degradation of fundamental human rights and a deprivation of inalienable human freedom. Sex trafficking violates the autonomy and choice of others, preventing the victim from exercising her freedom of choice, which is irrational and immoral in regards to the physical and moral integrity of any human being, where someone's life is used, abused, and exploited for profit by another individual, who does not even enable the victim to consider her life her own. Freedom, dignity, and integrity are the cornerstone and pillars of fundamental human rights and must never be curtailed.

While considering an individual's enormous human rights significance, sex trafficking is still predominantly seen as a "law and order" conundrum. Victims of sex trafficking endure "re-victimization" Since they are accused of a felony as illegal migrants rather than victims of sex trafficking crimes at the destinations.

To end sex trafficking, the criminalization of buyers, pimps, and traffickers, who supply women and who largely escaped from judicial prosecution, penalties and punishments from her action, and governments to take action for increased penalties for pimps, traffickers, clients and prostitutes. The women indulge in prostitution not for individual desire but because of poverty, malnutrition and financial reliance. Therefore, women and girls indulged in prostitution should be given valuable and realistic alternative to exit prostitution and to others at risk of sex trafficking.

Chapter III deals with conflict-induced displacement and the vulnerability of women and girls to sex trafficking during conflict and post-conflict situations in Nepal. The Armed Conflict in Nepal was started by CPN-Maoist, commonly known as the Jana

Andolan (People's War), and lasted for a decade (1996-2006). The conflict was based on the principles of Mao-the-Tung to overthrow monarchy and aged old unequal and discriminatory practices based on gender, class, caste, customs, creed, religion and culture and to establish a "Socialist Republic" in Nepal. The Maoist launched the Armed Conflict in 1996 from the district of Rolpa and Rukum by attacking the police post, government officials, political leaders and ordinary people associated with the Royal Government of Nepal. Popular support came from the poor, marginalized and disadvantaged section of society.

The consequences of armed conflict on women are always circumstances that are not unfavorable. In certain situations, armed conflict interrupts the practice of domestic abuse and enables women to explore for alternatives to acquire new knowledge. While the detrimental effects of conflict are generally known, it is also true that challenging longstanding patterns may inadvertently have beneficial consequences on women's involvement and positions in respective communities and thus on their involvement in their growth. For illustration, when women are compelled to shoulder the accountability of maintaining their homes, their societal and economic obligations may increase, which can enable women to obtain more economic security and lead to long-term improvements inside the patriarchal labour allocation. Frequently, such activities incorporate developing skills that enable women to undertake roles generally performed by males and qualify females for income-generating occupations (Choudhury, 2016, 119-120).

In Nepal, women made up about 40% of the Maoist army. Female engagement in the Maoist movement was primarily from disadvantaged and ethnic populations who sought to overcome the stereotype of women as helpless and submissive, strengthening the morale of Maoist women and women in general. Apart from the

Maoist army, women were engaged in Maoist sister groups such as the “All Nepalese Women’s Association (Revolutionary),” and many women were involved in the Maoist judicial system, cultural front, and Maoist Local “People” government structure. Women in Maoist groups played a variety of activities, including commanding, organizing, leading social fights, fighting on the battlefields, giving medical care to the wounded, serving as informants, and conducting public campaigns, among others (ICTJ,2010,26).

Women actively engaged as combatants to establish a space for women’s empowerment and to replace ancient societal structures with new social, political, and economic realities free of caste and gender hierarchies. The conflict resulted in potential gains in increasing decision-making in rural regions, NGOs, and civil society since males typically performed these responsibilities. In many ways, Nepalese women have questioned and modified customary limitations. Despite generating new opportunities for gains, a disproportionately large number of women were trapped between Maoist and security forces and endured much worse challenges than males. Women were disproportionately affected by conflict, with emotional and physical senses of security, being disrupted, dreading rising vulnerability, insecurity, starvation, and poverty.

The history of trafficking dates back to the Rana regime 1846-1951, when girls from the surrounding hills of Kathmandu valley, Sindhupalchok and Nuwakot were recruited as professional dancers, and singers and housemaids. During the Rana regime, trafficking was internal from rural to urban Nepal; however, the post-Rana regime made the trafficking of women in girls a cross-border phenomenon. Before armed conflict affected the districts Sindhupalchok, Nuwakot, Dhading, Kavre, and



Makwanpur, specific ethnic communities such as Tamang, Sherpa and Mangar were affected by sex trafficking.

Armed conflict affected Nepal's 73 out of 75 districts, resulting in the internal displacement of 3.5 million to 6 million people, of which 60-80 % were women and children. The internal mass displacement resulted in the spread of sex trafficking in 37 districts, and victims belonged to all ethnicities and caste groups in Nepal. More than 12,000 women and girls become victims of sex trafficking annually. Girls as young as ten years were trafficked and held in debt bondage in several brothels and red light areas in India, notably Kolkata, Mumbai, Meerut, Agra and New Delhi.

Armed conflict in Nepal created a high level of insecurity and a state of terror among the rural mass. Abduction, mass murder, harassment, torture, sexual violence against women and girls, demolition of private property, and seizure of lands became common ground from both sides, which received little or no attention from the international community. Due to Maoist "one son policy," male members were under pressure or deliberately joined Maoist troops. Others left their families, seeking jobs and avoiding joining Maoist forces. Females were left behind alone to bear the trauma from both sides. Nepal is a primarily agricultural country, and the participation of rural women in agricultural work is significant. In the face of gunfire, charges of espionage, and other harassment from Maoist and security forces, women's capacity to participate in traditional agriculture was substantially limited, which resulted in massive poverty, food shortages and starvation among the rural masses. Consequently, poverty, starvation, loss of property livelihood, family members and fear of sexual violence created forced displacement where many women, girls, young widows and orphans were driven to abandon their homes and villages, which led to

the influx of rural-urban migration of women and girls in the pursuit for an employment opportunity, personal safety and security.

Pokhara, Biratnagar, Nepalgunj and Kathmandu were the most popular destination for migratory women and girls. Due to lack of education and poor working skills, women and girls faced tremendous hardship finding jobs and coping in the cities. Starvation and lack of shelter pushed many towards voluntary prostitution. Others chose to work in the exploitative working sites as adult entertainment sectors (Doheri bars, massage parlours, dance clubs), cabin restaurants, carpet industries, pote mala factories, garment factories and brick kilns. They were subjected to abusive working conditions, payment delays, wage theft, poor earnings, extremely long labour hours, and sexual exploitation by the owners. Women and girls in the adult entertainment sector were compelled to establish sexual interaction to attract clients and coerce them into prostitution. These factors created the atmosphere for the women and girls to break free from their current situation.

On the other hand, these sectors had well-established criminal networks with local and Indian traffickers, who were always looking for the most vulnerable women to trade. Women and girls working in these sectors were sold by their labour contractors, owners, co-workers, clients and managers under the guise of overseas work, fake marriage, phony love and better employment opportunity. Those working in the entertainment sectors were contacted with the promise of better professions in Hong Kong, Saudi Arabia, and the United Arab Emirates.

Nepal has adhered to rigid patriarchal beliefs for centuries, culminating in an unequal social structure. Unequal social structure has allowed the patriarchal social order to flourish, thrive, and endure. In many ways, the patriarchal social structure is incorrect

since that encourages sexism, misogyny, and gender bias. Such prejudice encourages an obsolete idea of a son's desire, as well as actions and failures to support but rather to subordinate women and girls from their basic requirements, endowments, preferences, and other significant opportunities based simply on a person's sex.

The constitution of Nepal mandates gender equality and non-discrimination and has affirmed its commitments through numerous international instruments, including BFA and CEDAW. However, the country's historical and cultural beliefs and state legislations continue to discriminate against women. Nonetheless, prejudice against women persists in the social, economic, and political spheres. In Nepal, women from all sections, caste groups, religions and ethnicity are unskilled and poor due to lack of investment in girls' education and denial to inherit family property. Women's participation in agricultural and household work starts at an early age, and they suffer from an excessive workload. Women do 70% of agricultural labour and 26 % of cattle rearing. However, their earnings go to the family, seldom considered breadwinners. The question of female participation in the decision-making and political process does not arise as women and girls are confined to domestic spheres and hold subordinate and secondary positions within family and community. Their unpaid work is devalued and not compensated. Therefore, vast numbers of women and girls have depended financially on male family members. Due to financial dependency, women are seen as a burden, where their basic needs such as health care, sanitation, food, education, clothes etc. are overlooked and exposed to violence and human right infringement such as child marriage, dowry harassment, beatings, verbal abuse, rape, domestic violence, incest etc. Along with violence against them, women and girls were sold by their families and relatives to sex traffickers to overcome the financial burden and

accumulated debt during the conflict. Many families unknowingly contributed to their daughters' trafficking

- (1) To receive remittances, under economic hardship, many send their daughters to work in Kathmandu valley, and other cities with labour contractors and their daughters got trafficked and sold into prostitution in India.
- (2) Many parents pushed their daughters into dowry-free marriage without the proper background check of the groom and were sold into prostitution.

However, the majority of the sex trafficked victims were in dire need to overcome poverty, violence against them and a restrictive environment and constantly looked for migration channels. These factors created the fertile ground to hunt in the vulnerability of women and girls. Sex traffickers capitalize on the dreams of overcoming their present situation by providing emotional support by posing as lovers or potential husbands and offering an employment opportunity.

It has been observed that, during armed conflict and post-conflict situations, traffickers actively worked in rural areas to find the most vulnerable segment of women to be trafficked. However, in recent years, growing awareness of sex trafficking through fake marriage and fake love has significantly decreased in rural Nepal, and the traffickers have changed their place of operation. Sex traffickers now operate freely in the urban areas where they recruit women and girls from exploitative working sites, border towns and slums. However, their methods to entice women and girls remain the same.

The instability created by conflict coupled with other factors like violence against women, poverty, unemployment, loss of family members, financial responsibility towards the family and low socio-economic status has created the ideal ground for

female labour migration and sex trafficking, even after are the post-conflict situation. In the 1990s, many women were trafficked and held in exploitative working conditions in Gulf countries in the name of overseas employment. In 1995 and 2008 Government of Nepal enacted the unofficial sanction prohibiting women and girls from migrating to Gulf countries to tackle the problem of exploitation of women and sex trafficking.

Despite the unofficial sanctions, when armed conflict peaked in 2000, female foreign labour migration grew to India and other destinations like South East Asia, the Middle East and Gulf countries. Due to the open border between India and Nepal, females from Nepal continued to travel for overseas work via India. Criminal networks and sex traffickers took advantage of the situation and started recruiting women and girls from rural and urban Nepal. Once the women and girls reached India for the paperwork, they were sold into prostitution other who managed to reach their final destination received a similar fate.

The problem of sex trafficking concerns Nepalese society even after the armed conflict. Following a war, the country is still characterized by a high degree of political instability, which has increased the likelihood of criminal activities such as sex trafficking. Second, if we consider the post-war socio-economic state of the society, we will discover that the situation is identical to that of the war years. Women in Nepal are particularly susceptible to being trafficked due to their poor socio-economic status, marginalization, and discrimination based on gender, education, property inheritance, and participation in the political processes. Women and girls face low economic conditions and live in an insecure environment.

According to NHRC Trafficking in person Report (2018), 18,000-20,000 women and girls have been trafficked annually from Nepal. This figure shows that sex trafficking in the country has dramatically increased within a decade. Along with cross-border trafficking to India, women and girls are trafficked to destinations such as Hong Kong, Middle-East, and South-East Asian countries, Vietnam, African Countries, Tanzania, and Kenya (NHRC, 2018). According to NGOs (AATWIN, Biswas Nepal, WOREC), in the sex trafficking discourse in Nepal, the new trend has developed a significant number of women and girls are also trafficked to countries like China and South Korea for forced marriage.

Poverty, unemployment, and the uneven income distribution between the village and urban communities are the prompting causes for women and children to migrate from remote to urban locations in quest of viable survival. The emerging economic paradigm brought about by accelerated economic liberalization has increased the immigration of women and girls from Nepal to India and other countries worldwide during the last two decades. Migration may promote the socio-economic and autonomy among women. However, it can equally promote sensitivity towards sex trafficking. Female relocation decisions are often influenced by hardship and poverty, therefore, underlining their susceptibility to several types of victimization, including sex trafficking.

Moreover, the lack of awareness and alternatives for secure migration paths adds to the sex trade and exploitation entrapment. Very often, the traffickers capitalize on the migrations of the poor to foreign, unfamiliar areas in quest of an income. Traffickers take advantage of the weakness of the others, which transpired as a consequence of economic and societal hardship, further reinforced by gender parity, weak governance, and social alienation, which produces a favorable ground for criminals.

Opposite to prevailing perception, most human trafficking episodes do not begin with abduction and coercion. This has helped keep the majority of sex trafficking out of the spotlight since the majority of sex trafficking cases begin with a migratory experience, including pressure and fraud.

Chapter IV deals with Nepal's legal frameworks and the role of NGOs in combating sex trafficking. The government of Nepal has developed anti-trafficking measures since 1963, and the most recent anti-trafficking legislation is HTTCA (2007), which is currently in operation. However, the country's inability to enforce them indicates that it is still unconcerned with addressing the problem. Nepal has signed and ratified several international agreements, including (CEDAW) and (CRC). However, implementation and enforcement are patchy. Despite legislative and political accomplishments toward the abolition of involuntary slavery and trafficking, Nepal is still contending with the subject of sex and other forms of trafficking.

In Nepal, the social welfare programs for sex trafficking are scarce and preventive measures for the potential victim are few. Therefore the vast majority of NGOs have taken control over the most significant portion of the anti-trafficking domain. The plethora of anti-trafficking domains gives the impression that sex trafficking is on its way to being solved or at least being addressed in a strong and meaningful way. Their works toward anti-trafficking are admirable; however, in many areas of rehabilitation and prevention, the NGOs in Nepal lack severe limitations.

The most critical step in rehabilitating trafficking survivors is to teach them valuable occupational competence. Victims of sex trafficking repatriate to their homeland with no credentials. To effectively assimilate individuals into the community and prevent re-trafficking, individuals should be employable.

Several rehabilitation institutions start with revenue-generating activities, including stitching handbags, tablecloths, paper bags, handicrafts, community health workers, etc. In Nepal, NGOs confuse community healthcare worker education with clinical practice, two different activities. Community health care workers do not generate a sustainable future as nurses and do not have a legitimate career in the medical sector. As a profession, community health care providers dispense vaccines, medications and contraceptives and operate outreach stations.

Their ambition to promote autonomous survival capabilities is commendable; unfortunately, it cannot enable survivors with fair and continuous revenue creation from which they can supplement their life. Such training provided by NGOs is heavily criticized as uncertain and repulsive, which does not lead to adequate revenue generation for survivors—often obligating them to choose consensual sex work for continued existence, unfair labour sites, etc., further increasing the danger of re-trafficking.

During the interaction with the survivors, many expressed the desire to work a nurse, doctors and many others wanted to become teachers, social workers, writers, singers, dancers, models, actresses, police, and further many wanted to continue their studies. The paucity of durable job prospects for survivors exemplifies the requirement for the Nepalese government to create effective services and provide additional assistance.

To eliminate sex trafficking, NGOs such as ABC Nepal, Shakti Samuha, Kin Nepal, and others have installed (border patrol) transit stations at all official crossings between India and Nepal. The border patrol examines and interrogates women and girls who may be at threat of becoming trafficked across the border, notifies individuals of the inherent hazards of sex trafficking, and intercepts the possible



victims. On the contrary perspective, these border patrol agents have undermined the freedom of movement among women. Not only are the women aggressively driven from the border or sent home immediately, but they are often imprisoned on allegations of involvement. Often the intercepted girls have faced mental and physical torture. Interviews with the locals confirm that on many occasions, girls have been harassed and beaten by the patrollers when trying to cross the Indo- Nepal border. The installation of border patrols by several NGOs has forcibly removed several women from potential job opportunities, indirectly perpetuating women's unemployment in the country.

Further strategies to eradicate sex trafficking are often established based on the individual approach or judgments by people in charge of the NGOs without conducting a preliminary study on the key sites. This is analogous to the outreach development program undertaken in rural Nepal with a healthcare statement about the threat of HIV/AIDS. Some commentators argue that this has unknowingly established a correlation between women's migration and transportation and forced prostitution work and HIV, causing some communities to assume that every woman who journeyed to India has/ had participated in prostitution and is HIV positive, which has caused survivors of sex trafficking, migrant women, and HIV-positive populations even more stigmatized. Additionally, most education and awareness in rural parts of the country were fueled by apprehension. They highlight the vulnerability of someone being captured, dramatically illustrate the miseries of forced prostitution, and transmit the sorrowful narratives of survivors who have been deserted by their parents and died of HIV infection alone. There are reported examples of families in rural parts of the country who became so frightened by the possible menace that some withdrew their girls from schooling to avoid the likelihood of becoming trafficked.

In addition, NGOs in Nepal lack benchmarks for monitoring the effectiveness of reintegrated survivors. Returning survivors to respective communities following rehabilitation programs is inadequate. The concerns include (1) Are the reintegrated survivors welcomed by their respective society without social stigma or prejudice year afterward? (2) Are the survivors generating their independent revenues by employing the abilities they gained via income generation training and career development from the NGOs? As an outcome of these numerous rehabilitative and reconciliation programs, are survivors capable of leading healthy, successful lives? These concerns have not yet been satisfactorily answered by NGOs operating such initiatives.

Chapter V deals with the socio-economic profile of the survivors as the vulnerability factor for sex trafficking in the Jhapa district of Nepal. The overall socio-economic profile of survivors is disturbing. They belong to all segments of religion, caste, ethnicity and class found in the Jhapa district. The young and unmarried sections were preferred for sex trafficking due to the active demand for cheap labor, the demand for young virgin girls and the growing sex market. Traffickers mitigated these demands by trapping the most vulnerable segment of the female population in Jhapa through fake marriage, love and employment opportunities.

Survivors became vulnerable due to ill-informed parents and lack of educational investment. Patriarchal beliefs such as gender-based discrimination, child marriage and polygamy are dominant in the Jhapa district, which denied them from achieving basic needs, education, and skill development which had a determinable effect on their economic growth and financial stability.

Survivors belonged to poor economic households. Their families were poor due to landlessness, limited household income, large family size, alcoholism, polygamy and single parent. The most significant income was through daily wage, which did not exceed more than 2500 (NC). The family's low socio-economic status got transferred to the survivors, which inclined them towards the family's responsibilities. To elevate the burden of household expenses and support their sibling's education, many got exposed to daily waged labours at a young age and became of victims of child labour. In rare cases, some of them engaged in prostitution to fulfill their basic requirements. However, their earnings were low, creating a strong drive among most survivors to seek better employment to overcome their financial situation.

Due to the financial difficulty, families even consented to the fake marriage, adoption, and job employment (by the Labour contractors). In the case of orphans, close relatives gave their consent. Parents/ relatives consented to traffickers under the pretext of dowry-free marriage, a better life for the respondents and financial support to the family. In the case of Soft Trafficking, the study shows that the traffickers were the local people, but working outside the community/Jhapa was generally done through family, friends, relatives and neighbors.

The majority of the respondents were children at the trafficking. The study found that the rural-urban migration for employment made them victims of child labour first. At the time of trafficking, most of the respondents worked in hazardous environments such as the carpet industry, entertainment sectors, garment factories, daily wage labour, etc. Respondents' complexity to child labour robbed them of good health, good food, and education and jeopardized their better future in becoming potential and productive adults. Before trafficking, many respondents were exposed to molestation, rape, and sexual assault by their co-workers, owners, factory managers,

labor contractors, and others. They became victims of child rights, labour rights, human rights, and social justice before sex trafficking. The study suggests that respondents belonged to the most exploited, neglected and vulnerable segment, who got easily exposed to child labour and sex trafficking.

#### Suggestions/Policy Recommendations

1. Due to a lack of effective coordination among the NGOs, INGOs and Government agencies, the country lacks the estimation of the victims and the survivors of sex trafficking. The government of Nepal should develop an effective monitoring system for collecting data. Ensure the systematic collection and management of data on human trafficking.
2. The low socio-economic status of women is a primary motivating factor for sex trafficking in Nepal. Government should work towards women's empowerment in the sex trafficked prone districts through poverty reduction programs, entrepreneurship business programs, investing in agriculture by providing high yield variety seeds, income generating programs, computer training, minimum education to women of any age, tailoring, and driving lessons to earn money in the village area so that women don't have to migrate for employment.
3. The aged-old tradition such as gender –discrimination, caste- discrimination, child marriage, chaupadi, Badi, and Deuki should be eliminated from the country and enforce strict penalties for continuing such practices.
4. The government of Nepal should sanction harsher punishments for the practice of child labour and violence and abuse against women in any form.
5. The government should monitor sex-trafficking-prone sites such as brick kilns, pote mala factories, carpet industries, hotels, restaurants, entertainment

sectors, etc., for any involvement of child labour and sexual and labour exploitation of the workers. Further government should standardize the private sector's minimum age, wage, incentives and working hours.

6. Despite several transit monitoring groups and Nepal border police at every Indo- Nepal checkpoint, the incidences of sex trafficking are rising. Government should take the additional approach to stop the crime of trafficking by installing highly equipped and trained border guard teams at both official and unofficial checkpoints between Indo- Nepal borders. The government of Nepal should include SOPs and a digital database to check the entry and exit of people. Further government should install drones at illegal border crossings to check the illegal movement of people and criminal activities.
7. Nepalese anti-trafficking NGOs operate without coherent standards, enough facilities, or sustainable revenue without official cooperation or participation. Furthermore, NGOs should rethink withdrawing their assistance from areas that require state assistance and exert pressure on the government to address the survivors' basic requirements.
8. The state should control measures to eradicate human trafficking if they are to be beneficial. Improved governmental engagement and responsibility are expected. Nepal requires a permanent strategy to start providing facilities managed by the NGOs but controlled by the government.
9. Government and NGOs should utilize institutional and grassroots education strategies to spread awareness. School systems may well be utilized to educate students about the concerns of TIP. Furthermore, the government may include

civil and political rights, safe immigration processes, and TIP in the school system, which children may employ to inform their families.

10. Girl educational interventions are the most critical need for combating sex trafficking. Awards, sponsorships, grants, and financial aid, free education must be advocated. Compulsory girl education must be codified in Nepali legislation. Families and parents should be rewarded for supporting their daughter's education.
11. Survivors of sex trafficking encounter prolonged mental and emotional trauma. In addition, neither the families nor the community socially accepted them. Consequently, the government must appropriately compensate survivors so they can initiate one's businesses and lead decent lives. Even though traffickers are charged with financial penalties by the court, the government has no mechanisms to reimburse survivors.
12. Accommodation for survivors is crucial and must be provided. The limited shelter availability would make women susceptible to prostitution, re-trafficking or homelessness.
13. The authorities should collaborate with survivors and be gender-sensitive. Using realistic punishment criteria, the judge must administer the highest sentence for offenders.
14. Collaborative effort of both the countries towards tackling this non- traditional security is the need of an hour.

## Bibliography

- Abdillahui, Deribe and Kura, (2014). An Assessment of the Relationship between Human Trafficking and Poverty in Nigeria. *IOSR Journal Of Humanities And Social Science*. 19 (10) 49-52.
- ADB (2003). *Combating Trafficking of Women and Children in South Asia: Regional Synthesis Paper for Bangladesh, India, and Nepal*. Asian Development Bank.
- ADB (2003). *Combating Trafficking of Women and Children in South Asia: Regional Synthesis Paper for Bangladesh, India, and Nepal*. Asian Development Bank.
- Alexander Ronni (2018). Gender, Structural Violence and Peace. In Caron E (Ed). *The Routledge Handbook of Gender and Security*. London : Routledge.
- Aronowitz Alexis. A (2009) *Human Trafficking, Human Misery: The Global Trade in Human Beings*. Westport. CT: Praeger publishers.
- Aronowitz, Alexis and Dahal (2014). Report to the Government of Nepal on the Situation of Human Trafficking: An Exploratory Study. Retrieved from [https://www.researchgate.net/publication/271507264\\_Report\\_to\\_the\\_Government\\_of\\_Nepal\\_on\\_the\\_Situation\\_of\\_Human\\_Trafficking\\_An\\_Exploratory\\_Study/link/54c957740cf2f0b56c229904/download](https://www.researchgate.net/publication/271507264_Report_to_the_Government_of_Nepal_on_the_Situation_of_Human_Trafficking_An_Exploratory_Study/link/54c957740cf2f0b56c229904/download) accessed on 24/06/2015.
- Asia Foundation (2016). *Nepal – State of conflict and Violence*. Retrieved from [https://asiafoundation.org/wp-content/uploads/2017/10/Nepal StateofConflictandViolence.pdf](https://asiafoundation.org/wp-content/uploads/2017/10/Nepal_StateofConflictandViolence.pdf) accessed on 24/12/2019.
- Bales Kevin (2007). *Ending Slavery: How We Free Today's Slave*. Berkeley and Los Angeles, California: University of California press.

- Balos, Beverly (2004). The wrong way to equality: privileging consent in the trafficking of women for sexual exploitation. *University of Minnesota law school*, vol. 27, 137-135. Retrieved from [https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1131&context=faculty\\_articles](https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1131&context=faculty_articles) accessed on 24/07/2015.
- Barner, John R., David Okech, and Meghan A. Camp (2014). Socio-Economic Inequality, Human Trafficking, and the Global Slave Trade', *Societies* 4,148–160. doi:10.3390/soc4020148 Retrieved from <https://www.mdpi.com/2075-4698/4/2/148>, accessed on 23/07/2015.
- Barry, Kathleen (1979). *Female sexual slavery*. New York: New York university press.
- Bauer R, Barbara and Paul Framer (2016). *Structural violence poverty, and social suffering*. Retrieved from <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199914050.001.0001/oxfordhb-9780199914050-e-4> accessed on 03/09/2018.
- Belser Patrick (2005), *WP No. 42 – Forced labour and Human Trafficking: Estimating the profits'*. Geneva: ILO.
- Bhattarai, Pankaja and Catrin Evans (2000). *A Comparative Analysis of Anti-trafficking Intervention Approaches in Nepal*. Kathmandu : The Asia Foundation.
- BIPSS (2011). *Human Trafficking: A security concern for Bangladesh*. Barighara1206: Dhaka.



BOS Michael (2015). *Trafficking in Human Organs*' Belgium, Policy Department, Directorate General for External Policies. Retrieved from [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO\\_STU\(2015\)549055\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU(2015)549055_EN.pdf), accessed on 24/09/2017.

Bufacchi Vittorio (2005). *Two Concepts of Violence*. *Political Studies review*. Vol 3.193–204. Retrieved from <http://vittoriobufacchi.com/wp-content/uploads/2018/03/Two-Concepts-of-Violence.pdf> accessed on 04/28/2019.

Caleb L.Seibel (2015). Human Trafficking and History of Slavery in America. In Palmiotto J. Michael (Ed) *Combating Human Trafficking a Multidisciplinary Approach*. London: CRC Press Taylor & Francis Group.

Cameroon & Edward Newman (2008). Trafficking in Humans: Structural Factors. In Cameroon & Edward Newman (Ed), *Trafficking in Humans: Social, Cultural and Political Dimensions*. Hong Kong: United Nations university press.

Cassandra and Das (2017). Human Trafficking: The Role of Culture. *Research on Humanities and Social Sciences*. 7(20) 10-20.

Cauduro and Andrea (2009). Review of the research studies on the demand for prostitution in the European Union and beyond. In Nicola (Ed). *Prostitution and human trafficking: Focus on clients*. New York: Springer.

**CeLRRd (2002). *Analysis of Laws and Policies on Labour Migration & Trafficking*. Bhaktapur: CeLRRd.**

Chant, Sylvia (2006). *Revisiting the 'Feminisation of Poverty' and the UNDP Gender Indices: What a case for Gender Poverty Index?*. Issue 18. Retrieved from

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.726.5390&rep=rep1&type=pdf> accessed on 10/04/2015.

Chapkis, Wendy (1997). *Live sex acts: women performing erotic labour*. London and New York :Routledge.

Chaulagai, P (2009). *Trafficking survivors in Nepal: An exploratory study of trafficked women's experiences and perceptions of their reintegration*. (Master's Thesis). Department of Education and Health Promotion, University of Bergen, Norway. Retrieved online <https://core.ac.uk/download/pdf/30926105.pdf> , accessed on 12/04/2016.

Children Act 2048 (1992). *Act No. 10 of 2049 B.S, Act Relating to protect the rights and interest of the children*. Retrieved from <http://jafbase.fr/docAsie/Nepal/children-act%20%281%29.pdf> accessed on 14/08/2019.

Chong Gutiérrez Navividad (2014). Human Trafficking and sex industry: Does race and ethnicity matter? . *Journal of Intellectual Studies*. 35 (2) 196-213.

Choudhury, Sanghamitra (2016). *Women and conflict in India*. New York: Routledge.

Christie J. Daniel (1997). Reducing Direct and Structural Violence: The Human Needs Theory. *Peace and Conflict: Journal of Peace Psychology*. 3 (4) 315-332.

Clark M.A (2008). Vulnerability, Prevention and Human Trafficking: The need for a new paradigm. In UNODC (Ed), *An Introduction to Human Trafficking: Vulnerability, impact and action*, New York: United Nations Office on Drugs and Crime, UN.GIFT.

- CMA (2014). *The Feminization of Migration in the Philippines version: 1.0*. Retrieved from <https://centerformigrantadvocacy.files.wordpress.com/2014/04/feminization-of-migration-v-1-0-021315.pdf> accessed on 11/03/2018.
- Confortini, C. Catia (2006). Galtung, Violence, and Gender: The case for a Peace Studies /Feminist Alliance. *Peace History Society and peace and Justice Studies Association*. 31(3) 333-367.
- Constitution of Nepal (2016). *Constitution of Nepal*. retrieved online [https://www.mohep.gov.np/downloads/Constitution%20of%20Nepal%202072\\_full\\_english.pdf](https://www.mohep.gov.np/downloads/Constitution%20of%20Nepal%202072_full_english.pdf) accessed on 16/12/2019.
- Constitution of the Kingdom of Nepal (1990). *Constitution of the Kingdom of Nepal 1990*. Asian Lii. Retrieved from <http://www.asianlii.org/np/legis/const/1990/index.html> accessed on 04/07/2019.
- Coonan, Terry (2005). Ancient Evil, Modern Face: A Fight against Human Trafficking. *Georgetown Journal of International Affairs, Edmund A. Walsh School of Foreign Service*. 6(1) 43-51.
- CWIN (1993). *Misery Behind the Looms: Child Labourers in Carpet Industry*. Kathmandu: CWIN.
- CWIN (2002). *Facts about Human Trafficking*. Kathmandu: CWIN.
- Dahal, et.al (2015). 'we are looked down upon the rejected socially': a qualitative study on the experience on the experiences of trafficking survivors of Nepal, *Global Health Action*. 8(1) 1-9 DOI: 10.3402/gha.v8.29267 Retrieved from

<https://www.tandfonline.com/doi/pdf/10.3402/gha.v8.29267?needAccess=true> , accessed on 11/10/2018.

Davies John and Davies Benjamin (2010). So if you are not “Natasha,” who are you? Revealing the other trafficked women and their uses? In Tiantian Zheng(Ed). *Sex Trafficking, Human Rights and Social Justice*. New York: Routledge.

Dempsey M. Michelle (2010). Sex Trafficking and Criminalization: In Defense of Feminist Abolitionism, *University of Pennsylvania Law review*, 158(179), 1729-1778. Retrieved from [https://glc.yale.edu/sites/default/files/pdf/sex\\_trafficking\\_and\\_criminalization\\_in\\_defense\\_of\\_feminist\\_abolit.pdf](https://glc.yale.edu/sites/default/files/pdf/sex_trafficking_and_criminalization_in_defense_of_feminist_abolit.pdf) accessed on 25/03/2015.

Deng, Francis. M (2004). The impact of state failure on migration. *Mediterranean Quarterly*. 15(4) 16-35.

Desarrollo Y Mujer (2004). *Understanding poverty from a gender perspective*. Santiago, Chile: United Nations Publication.

Drew, Sandhya (2002). Human Trafficking: A Modern form of Slavery. *European Human rights Law Review*.4 (1) 481-492.

Ebbe, Obi. N. I (2008). The nature and scope of trafficking in women and children. In Obi, Ebbe&Dilip Kumar Das (Ed), *Global trafficking in women and children*. Florida: Boca Raton.

Ekberg,Gunilla (2004). The Swedish law that prohibits the purchase of sexual services: best practices for prevention of prostitution and trafficking in human beings. *Violence against women*. 10(10) 1187-1218.

- Felab Brown (2013). The impact of organized crime and governance: A case study of Nepal. In, C.Kavanagh(Ed.). *Getting Smart and Scaling up: Responding to the impact of organized crime and governance in developing countries*. New York: New York University centre on International cooperation.
- Fujikura, Yatsuko (2001). Repatriation of Nepali Girls in 1996: Social Workers Experience. *Himalaya, the journal of the Association for Nepal and Himalayan studies (Himalaya research Bulletin)*. 21(1) 36-40. Retrieved from <https://digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1674&context=himalaya>, accessed on 21/12/2017.
- FWLD (2014). Human trafficking and transportation (control) act, 2007: Its implementation. Kathmandu, Nepal :FWLD.
- GAATW (2010). *Beyond Borders: Exploring Links between Trafficking, Globalisation, and Security*. GAATW working papers series. Thailand: Suphattra Poonneam.
- Gabhan, SíleNic(2006), Human Trafficking: A Twenty-First Century Slavery. *The Furrow*. 57(10) 528-537.
- Galtung (1969) Violence, Peace, and Peace Research. *Journal of Peace Research*.6 (3) 167-169.
- Galtung (1996). Peace by Peaceful Means: Peace and Conflict, Development and Civilizations. London: Sage Publications.
- Ghimire, B. Anita and Bishnu, R. Upreti (2008). Conflict Induced Displacement: An Emerging Phenomenon of Internal Migration in Nepal. In, Pyakurya Nath

Kailash (Ed). *Nepal: Transition to Transformation*. Kathmandu, Nepal: Heidel Press P. Ltd. Dillibazar.

Ghosh (2009). Trafficking of women and children in India: Nature, Dimensions and Strategies for Prevention. *The International Journal of Human Right*. 13(5) 716-738.

Granato , Inglehart and Leblang (1996), 'The Effect of Cultural Values on Economic Development; Theory, Hypotheses, and Some Empirical Tests'. *American Journal of Political Science*. 40(3) 607-631.

Guiso , Sapienza , and Zingales (2006). Does Culture Affect Economic Outcomes?. NBER working paper No. 11999. Retrieved from <http://www.nber.org/papers/w11999> accessed on 24/12/2019.

**Gul, Nabiha (2007). Women in Conflict Zones: Case Study of Nepal. *Pakistan Institute of International Affairs Pakistan horizon*. 60(4) 69-79.**

Gurung, T.Jung (2016). Sex Trafficking In Nepal: A Review of Problems and Solutions. *International Journal of Humanities and Social Science Invention*. 5 (3) 21-28.

Hennink, Monique and Padma Simkhada (2004). Sex Trafficking in Nepal: Context and Process. *Asian and Pacific Migration*. (13) 305-338.

Herzleld, Beth (2007). Slavery and Gender: Women's Double Exploitation?. In Masika Rachel, *Gender, Trafficking and Slavery*, UK: Oxfam.

His Majesty's Government Office of the Prime Minister and Council of Ministers , (2004). *National Human Rights Action Plan*, Kathmandu: His Majesty Government of Nepal. Retrieved form

[https://www.ohchr.org/sites/default/files/Documents/Issues/NHRA/Nepal\\_NH\\_RAP.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/NHRA/Nepal_NH_RAP.pdf) accessed on 21/03/2020

Ho Kathleen (2007). Structural Violence as a Human Rights Violation. *Essex Human Rights Review*. 4(2) 1-16.

Hofstede, G. (1980). *Culture's Consequences: International Differences in Work-related Values*. Beverly Hills, CA: Sage.

Hoivak Trod (1977). The Demography of Structural violence. *Journal of Peace Research*, 14(1) 59-73.

Hott Project (2013). *Combating Trafficking in Human Beings for the Purpose of Organ Removal*. Netherlands: Department of Internal Medicine, Section Transplantation and Nephrology.

House of Commons Chamber Des Communes Canada (2018). *A Global Fight Supporting Efforts to Address Sex Trafficking in South Asia*. Canada: House of Commons. Retrieved from <https://www.ourcommons.ca/Content/Committee/421/FAAE/Reports/RP9668824/faaerp15/faaerp15-e.pdf> accessed on 22/09/2019.

Huda, Sigma (2006). Regional and National perspectives: Sex Trafficking in South Asia. *International Journal of Gynecology and Obstetrics*. Vol..94, 374-381. Retrieved from <https://obgyn.onlinelibrary.wiley.com/doi/epdf/10.1016/j.ijgo.2006.04.027> accessed on 25/09/2016.

- Hudlow, Jonathan (2016). Fighting Human Trafficking Through Transit Monitoring: A Data Driven Model Developed in Nepal. *Journal of Human Trafficking*. 4(1) 275-295.
- Huitt, W. (2007). Maslow's hierarchy of needs. *Educational Psychology Interactive*. Valdosta, GA: Valdosta State University. Retrieved from <http://www.edpsycinteractive.org/topics/regsys/maslow.html> accessed on 12/12/2019.
- Human Trafficking and Transportation (Control) Act, 2064 (2007). *Act Number 5 of the Year 2064(2007)*. Retrieved from <https://www.warnathgroup.com/wp-content/uploads/2015/03/Nepal-TIP-Law-2007.pdf>. accessed on 15/08/2020.
- Huntington, Dale (2002). *Anti-Trafficking Programme in South Asia: Appropriate Activities, Indicators and Evaluation Methodologies, Summary Report of a Technical Consultative Meeting*. New Delhi: Population Council
- ICTJ (2010). *Across the line: the impact of Nepal's conflict on women*. ICTJ. Retrieved from <https://www.ictj.org/sites/default/files/ICTJ-Nepal-Across-Lines-2010-English.pdf>, accessed on 03/03/2017
- IHRICON (2006). *Sexual violence in "People's War". The Impact of Armed Conflict on Women and Girls in Nepal*. Kathmandu, Nepal: Institution of Human Rights Communication
- IHRICON (2007). *Sexual violence in people's War: The impact of armed conflict on women and girls in Nepal*, Kathmandu: Institution of Human Rights Communication.



- IIDS and UNIFEM (2004). *Status and Dimensions of Trafficking within Nepalese Context*. Katmandu: IIDS and UNIFEM.
- ILO (2001). *Combating Child Trafficking: Project Overview Nepal*. Kathmandu: ILO
- ILO (2001). *Nepal Trafficking in Girls With Special Reference to Prostitution: A Rapid Assessment*. Geneva: ILO
- ILO (2012). *Global estimates on forced labour*. Switzerland: ILO.
- ILO (2017) *Global Estimates on modern Slavery: Forced Labour and Forced Marriage*. Geneva: ILO.
- IMDC (2016). *NEPAL: IDP return still a trickle despite ceasefire A profile of the internal displacement situation*. Geneva, Switzerland: Norwegian Refugee Council. Retrieved from <https://www.refworld.org/pdfid/4550556f4.pdf> accessed on 14/12/2018
- IOM (2005) *Dynamics of Human Trafficking in South Asia An Overview*. Dhaka, Bangladesh: IOM.
- IOM (2019). *Migrants and their Vulnerability to Human Trafficking, Modern Slavery and Forced Labour*. IOM. Retrieved from <https://reliefweb.int/report/world/migrants-and-their-vulnerability-human-trafficking-modern-slavery-and-forced-labour> accessed on 21/03/2020.
- IOM (2019). *Who is a migrant?* IOM. Retrieved from <https://www.iom.int/who-is-a-migrant> accessed on 20/03/2020.

iStock (2016). *Nepal Political Map*. Stock Illustration. Retrieved from [https://www.istockphoto.com/vector/nepal-political-map-gm564597530-](https://www.istockphoto.com/vector/nepal-political-map-gm564597530-99028887)

[99028887](https://www.istockphoto.com/vector/nepal-political-map-gm564597530-99028887), accessed on 24/03/2018

Joshi and Kharel (2008). *Violence against Women in Nepal – An Overview*. The free Library Retrieved from

[https://www.researchgate.net/publication/228154733\\_Violence\\_Against\\_Women\\_in\\_Nepal](https://www.researchgate.net/publication/228154733_Violence_Against_Women_in_Nepal) . accessed on 24/12/2019

Joshua Project (2021). *A ministry of [Frontier Ventures](#)*. Retrieved from

[https://joshuaproject.net/states\\_districts/NP/NP10/NP10002](https://joshuaproject.net/states_districts/NP/NP10/NP10002) accessed on 12/01/2022.

Kabance, Karie (2014). *Globalisation of Sex Trafficking*. Retrieved from

<https://www.scribd.com/document/402377283/The-Globalization-of-Sex-Trafficking-Karie-Kabance-2014-pdf> accessed on 23/09/2017.

Kansakar, V.B.S (2003). *Nepal-India open border: Prospects, Problems and Challenges*. Centre for the Study of Labour Mobility. Retrieved from

<https://www.ceslam.org/other/nepal-india-open-border-prospects-problems-and-challenges> accessed on 14/12/2016.

Kara, Siddharth (2009). *Sex Trafficking: Inside the business of modern slavery*.

Columbia New York :University Press.

kaufam,R Michelle and Mary, Carwford (2011). Sex Trafficking in Nepal: A Review of Intervention and Prevention Program. *Violence against Women*. XVII(5) 651-665.

- KC, Bal Kumar (2004). Migration, Poverty and Development in Nepal. *Asia Pacific Migration Journal*. 13(2) 1-15.
- KC, et.al. (2002). *Child Labour in the Nepalese Carpet Sector: A Rapid Assessment*. Kathmandu: ILO.
- Kendell, D (2014). *Sociology in our times: The essentials*. Belmont, C.A :Wadsworth.
- Kernot.S and Gurung, Manjit (2005). *Insurgency and Displacement: Perspective on Nepal*. Kathmandu, Nepal: SAFAR
- Kidney International (2008). *Organ Trafficking: a time for action*. Zulia, Maracaibo, Venezuela: International Society of Nephrology
- Kok, Frederick (2003). *Nepal: Displaced and Ignored*. Geneva, Switzerland: Norwegian Refugee Council.
- Kroeber, A. L. and Kluckhohn (1952). Culture: A Critical Review of Concepts and Definitions, *Peabody Museum Papers*. Vol. 42, 12–22.
- Kumar and Choudhury (2021). Ancient Vedic literature and Human Rights: Resonances and dissonances. *Cogent Social Sciences*, .7(1). Retrieved from <https://www.tandfonline.com/doi/full/10.1080/23311886.2020.1858562> accessed 12/08/2022 accessed on 12/08/2022.
- Labour Act (1992) *Labour Act, 1992 “National Laws on Labour, social security and related human rights”*. Retrieved form <https://www.ilo.org/dyn/natlex/docs/WEBTEXT/30019/64854/E92NPL01.htm> accessed 14/07/2019 .

Labour Act, 2048 (1992), (1996). *Nepal Immigration*. Retrieved from <https://www.immigration.gov.np/assets/2/labour-act-2048.pdf/file> accessed on 15/07/2019.

Lansink, Annette (2006). Human Rights Focus on Trafficked Women: An International Law and Feminist Perspective. *Empowering Women for Gender Equity*. 1 (2) 45-46.

Lee, Maggy (2011). *Human Trafficking and Global Crime control*. London: Sage Publication.

Lee, Maggy (2007). Introduction: Understanding human trafficking. In Maggy. Lee (Ed), *Human Trafficking*. UK: Willan Publishing.

Liana, W. Rosen (2017). *Human trafficking: New Global Estimates of forced labour and Modern Slavery*. CRS INSIGHT. Retrieved from <https://www.hsdl.org/?view&did=805242> accessed on 24/07/2018.

Lobasz, k Jennifer (2009). Beyond Border security: Feminist Approaches to Human Trafficking. *Security Studies*. 18(2) 319-344. Retrieved from <https://jenniferlobasz.typepad.com/files/lobasz-2009.pdf> accessed on 29/09/2015.

Malla, Sapana P. (2005). *Racism and Gender in Dimensions of Racism*. Paris: United Nations.

Manchanda, Rita (2004). Maoist Insurgency in Nepal: Radicalizing Gendered Narratives. *Cultural Dynamics*. 16 (3) 273-258.

- Martinelli (2015). Trafficking in Human Beings for Sexual Exploitation in the Brazilian criminal Law and the Consent of the Victims. In Guia Jaoa Maria (Ed). *The Illegal Business of Human Trafficking*. Switzerland: Springer International Publishing.
- Mayusa Norah Hasmin (2017). Tradition and culture in Africa: Practices that Facilitate trafficking of women and children. *Dignity: A journal on sexual Exploitation and violence*. 2(1) 18-36.
- MCRG (2006). *Voices of the internally Displaced in South Asia*. Kolkota: Mahanirban Calcutta Research Group.
- Merilainen Ninna, Marita Vos (2015). Public Discourse on Human Trafficking in international Issue Arenas. *Societies*. (5) 14-42. doi: 10.3390/soc5010014. Retrieved from [https://www.researchgate.net/publication/270795501\\_Public\\_Discourse\\_on\\_Human\\_Trafficking\\_in\\_International\\_Issue\\_Arenas](https://www.researchgate.net/publication/270795501_Public_Discourse_on_Human_Trafficking_in_International_Issue_Arenas) , accessed on 25/02/2017.
- Mikhail, SL (2002), Child marriage and Prostitution: Two Form of Sexual Exploitation?. In Masika ,R (Ed). *Gender Trafficking and Slavery*. UK: Oxfam.
- Miller R. John (2006). Slave Trade: Combating Human Trafficking. *Harvard International Review*. 27(4)70-73.
- Mishra and S. Massey (2011). Individual Decision to Migrate During Civil Conflict. *Population association Of America Office of Population Research, Princeton, NJ, USA*.48 (2) 01-27.

- Mishra Sadhna (2017). Title - Armed Conflict and Human Trafficking in Nepal. *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)* 22(7) 74-81. Retrieved from, <https://pdfs.semanticscholar.org/c67c/29fddb911e75384a848a25e5d2ba5eab8697.pdf>, Accessed 22/12/2019\ accessed on 01/07/2018
- Mishra, Eira (2013). Combating human trafficking: A legal perspective, sociology and anthropology. *Horizon Research Publishing*. 1(4) 172-179.
- Moloney .J. Christopher (2015). Sociology of Human Trafficking. In Palmiotto J. Michael (Ed). *Combating Human Trafficking a Multidisciplinary Approach*. FL:CRC Press Taylor & Francis Group
- Mountain Television (2021). *Three local governments collaborate for development*. Retrieved from <https://en.emountaintv.com/news/2019/01/29/8226/> accessed on 13/02/2022.
- MoWCD (2008). *India Country Report: To Prevent and Combat Trafficking and Commercial Sexual Exploitation of Children and Women*. New Delhi : Concept Information Systems Pvt. Ltd.
- MoWCSW (2013). *A Report on Anti- Human Trafficking Initiatives Led by Government of Nepal*. Kathmandu: MoWCSW.
- Mubangizi J. C (2016). An African Perspective on Some Gender-Related Cultural Practices that Violate Human Rights and Perpetuate Women's Poverty. *Journal of Social Sciences Interdisciplinary Reflection of Contemporary Society*. 47(1) 68-78.

Nagle, Luz. Estella (2013). How conflict and displacement fuel human trafficking and abuse of vulnerable groups: The case of Colombia and opportunities for real action and innovative solutions. *Groningen Journal of International Law*.1 (2) 1-53.

Nair, P.M and Sen (2005). *Trafficking in Women and Children in Indi'*. New Delhi: Orient Longman.

National Herbarium and plant laboratories (NHPL)-Flora of Nepal (2019). *Flora of Nepal*. Retrieved online <https://floraofnepal.org.np/distribution-physiographic-regions-provinces-and-districts/> accessed on 08/08/2020 .

Nepal Law Commission (2018) *Children's Act, 2048 (1992)*. Retrieved from <https://lawcommission.gov.np/en/?p=14003> accessed 12/12/2019.

Nepal National Commission for UNESCO, (2003). *Education for All National Plan of Action*. Kathmandu Nepal: UNESCO. Retrieved form [https://planipolis.iiep.unesco.org/sites/default/files/ressources/nepal\\_efa\\_plan.pdf](https://planipolis.iiep.unesco.org/sites/default/files/ressources/nepal_efa_plan.pdf) accessed on 12/12/2019

New ERA (1998). *A Situation Analysis of Sex Work and Trafficking in Nepal with Reference to Children*. Kathmandu: New ERA/UNICEF.

NHRC (2006-2007). *Trafficking in person especially on women and children in Nepal*. Nepal: NHRC.

**NHRC (2008). *Trafficking in Person especially on Women and Children* .  
Kathmandu, Nepal: ONRT.**

NHRC (2018). *TRAFFICKING IN PERSONS IN NEPAL NATIONAL REPORT*.

Nepal: NHRC.

Nicola Di Andrea et.al (2010). *Prostitution and Human Trafficking Focus on Clients*.

USA: Springer Science + Business Media.

NIDS and UNIFEM (2006). *Nepal Migration Year Book 2006*. Kathmandu: NIDS.

Niroula (2008). *Viocess Citizens: A Case on Internally Displaced Persons In Nepal*.

Refugee watch 32, Retrived form

[http://www.mcrng.ac.in/rw%20files/RW32/7.Som\\_Prasad\\_Niroula.pdf](http://www.mcrng.ac.in/rw%20files/RW32/7.Som_Prasad_Niroula.pdf)

accessed 17/09/2017.

Norwegian Refugee Council (2010). *NEPAL: Failed implementation of IDP Policy*

*leaves many unassisted ;A profile of the internal displacement situation 28*

*January*. Geneva, Switzerland: Norwegian Refugee Council.

Nussbaum ,C. Martha (2000). *Women and Human Development*, United Kingdom:

Cambridge University Press.

OHCHR (2014). *Human Rights and Human Trafficking (fact sheet no.36)*.

New York and Geneva: United Nations. Retrieved from

[https://www.ohchr.org/Documents/Publications/FS36\\_en.pdf](https://www.ohchr.org/Documents/Publications/FS36_en.pdf) accessed on

12/12/2017

ONRT (2008). *Trafficking in Person especially on Women and Children: National*

*Report 2007*. Kathmandu, Nepal: ONRT.

ONRT, (2006). *'Trafficking in Persons Especially on Women and Children in Nepal,*

*National Report 2005*. Kathmandu :ONRT/NHRC.



- Outsroom, Joyce (2015). Trafficking Policy Debates. In Dragiewicz, Molly (Ed). *Global Human Trafficking: Critical issue and contexts*. Great Britain: Routledge.
- Pande, R (2010). Gender issues in South Asia with reference to India: Challenges in the new millennium. In S, Polinder, Ej, Brouwer and H, Jochesen (Ed), *Family in Development: Hopes and challenges* , Netherlands: Shaker Publishing.
- Picarelli, T. Jhon (2007). Historical approaches to the trade in human beings. In Lee.Maggy (Ed). *Human Trafficking*. UK: Willian Publishing.
- Poudel, Pratima and Jenny Carryer (2000). Girl-trafficking, HIV AIDS, and the position of women in Nepal. *Gender and Development*. Vol.8, 74-79.
- Pradhan, Gauri (1996). *Back Home from Brothels: A Case Study of the Victims of Commercial Sexual Exploitation and Trafficking Across Nepal-India Border*. Kathmandu: CWIN.
- Pradhan,Sapna and Sanghamitra Choudhury (2019). Human Trafficking in Nepal: It's Causes and Consequences. In, Grishma Khobragade (Ed). *Rights of the Marginalized A Perspective*. India: Shubhman Publication.
- Provincial map of Nepal, (undated). *Provincial Map of Nepal*. Retrieved from [https://www.election.gov.np/uploads/Pages/1564381682\\_np.pdf](https://www.election.gov.np/uploads/Pages/1564381682_np.pdf) accessed on 08/08/2020.
- Radoslaw L.Malinowski et.al. (2016). *Displacement, violence and vulnerability: Trafficking among Internally Displaced Persons in Kenya*. Nairobi, Kenya :HAART.

- Rahaman, Razidur.Md (2015). Human Trafficking in South Asia (Special preference on Bangladesh, India and Nepal): A Human Right Perspective. *Journal of Humanities and Social Sciences*. 20(3) 2279-0845.
- Rai, Deep. Ranjani (2005). *A Pilot Survey on Internally Displaced Persons in Kathmandu and Birendranagar*. Kathmandu, Nepal: South Asia Forum for Human Rights.
- Rajbhandari, Renu (2008). Human trafficking in South Asia: A focus on Nepal. In, Sally Cameron & Edward Newman (Ed). *Trafficking in human beings: social, cultural and political dimensions*, Hong Kong: United Nations University.
- Rap3connect (2016). *District profile*. Retrieved from <http://archive.rapnepal.com/district/districtprofile-4> accessed 12/01/2022.
- Rassam, A. Yasmine (2005). International Law and Contemporary Forms of Slavery: An Economic and Social Rights-Based Approach. *Penn State International Law Review*. 23(4) 809-852. Retrieved from <https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1662&context=psilr> accessed on 24/12/2015
- Raymond, G. Janice (2009). Prostitution on Demand: Legalizing Buyers as sexual customers. *Violence against women*, 10(10) 1156-1186. DOI: 10.1177/107780120426860 .Retrieved online <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.319.1534&rep=rep1&type=pdf> accessed on 14/05/2016.

- Richardson, D. Poudel, M & Laurie, N (2009). Sexual trafficking in Nepal: Constructing citizenship and livelihoods. *Gender, Place & Culture*. 16 (3) 259-278.
- Rosy, S. Y (2016). Bangladeshi Women Trafficking Survivors Situation in Family and Society: NGO Response towards their Reintegration. *Multidisciplinary Journal of Gender Studies*. 5(1) 911-928.
- Ruhi, RuhAfza (2003). Human Trafficking in Bangladesh: An Overview. *Asian Affairs*. 25(4) 45-56.
- Russel M.Amy 2014 , 'Victims of Trafficking': The Feminisation of Poverty and Migration in the Gendered Narratives of Human Trafficking, *Societies*.(4)532-548. doi:10.3390/soc4040532. Retrieved from [https://www.researchgate.net/publication/266933125\\_Victims\\_of\\_Trafficking\\_The\\_Feminisation\\_of\\_Poverty\\_and\\_Migration\\_in\\_the\\_Gendered\\_Narratives\\_of\\_Human\\_Trafficking](https://www.researchgate.net/publication/266933125_Victims_of_Trafficking_The_Feminisation_of_Poverty_and_Migration_in_the_Gendered_Narratives_of_Human_Trafficking) accessed on 20/03/2016.
- Rutherford, Alison. Anthony, B Zwi, Natalie, J. Grove, Alexander, Butchar (2006). Violence: a glossary. *Journal of Epidemiology and Community Health*, 61 (8) 676-680. DOI: 10.1136/jech.2005.043711. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2652990/> accessed on 12/12/2017.
- Samantroy, Ellina (2014). Structural Violence and Gender. *Women's link*. 16(4) 25-32.

- Sanghera, Jyoti and Kapur, Ratan (2000). *Trafficking in Nepal: Policy analysis, an assessment of law and policies for prevention and control of trafficking in Nepal*. Kathmandu: The Asia Foundation.
- Sangroula (2011). *Trafficking of girls and women in Nepal : building a community surveillance system for prevention*. Kathmandu: Kathmandu school of law.
- Shakti Samuha Annual Report (2017). End the misery, stop human trafficking, Chuchepati Kathmandu: Shakti Samuha.
- Shakya, Anjana (2008). *Impact of Armed Conflict on Women and Children in Nepal*. New Delhi, India: WISCOMP Foundation for Universal Responsibility of His Holiness the Dalai Lama.
- Sharma, P (2014). *Reintegration of victims and survivors of trafficking in Nepal* .(Master's thesis). Fairmount College of Liberal Arts and Sciences, Program of Liberal Studies, Wichita State University. Retrieved online [https://soar.wichita.edu/bitstream/handle/10057/10977/t14031\\_SHARMA\\_Poja\\_SP14.pdf?sequence=1&isAllowed=y](https://soar.wichita.edu/bitstream/handle/10057/10977/t14031_SHARMA_Poja_SP14.pdf?sequence=1&isAllowed=y) accessed on 24/10/2017
- Shelly, Louie (2010). *Human trafficking a global perspective*. New York, Cambridge: University Press.
- Shelly, Louie (2011). International Trafficking: An important component of transnational crime'. In Shiro, Okubu and Louie, Shelly (Ed.). *Human Security, Transnational Crime a Human Trafficking: Asian and Western perspectives*. New York: Routledge.
- Shrestha, Bandana and Som, Niroula (2005). Internally Displaced Persons in Nepal. *Peace and Democracy in South Asia*. 1(2) 44-55.

Siwakoti, G. Krishna (2000). *The Impact of Armed Conflict on Children and Families' Coalition to Stop the Use of Child Soldiers, in cooperation with UNICEF*. Kathmandu: UNICEF.

Social Development Notes conflict, crime and violence No.122 (2009). *Human Trafficking: A Brief Overview*. Retrieved from [https://openknowledge.worldbank.org/bitstream/handle/10986/11103/546830BRI0SDN01C10H Human0Trafficking.pdf?sequence=1&isAllowed=y](https://openknowledge.worldbank.org/bitstream/handle/10986/11103/546830BRI0SDN01C10H%20Human0Trafficking.pdf?sequence=1&isAllowed=y) accessed on 24/03/2016.

Sol, Torres and Niklas, Swanström (2014). *Focus Asia Perspective & Analysis: Slavery and Human Trafficking in the 21st Century*. Institute for Security & Development Policy. Retrieved from <http://isdpeu.org/content/uploads/2014/10/2014-Torres-Swanstrom-Slavery-and-Human-Trafficking-in-the-21st-Century.pdf>, accessed on 22/12/2017

South China Morning Post (2013). *Fighting human trafficking in Nepal: on patrol with the activists trying to put a stop to sex trade to India, China and the world*. Retrieved from <https://www.scmp.com/magazines/post-magazine/long-reads/article/2154963/fighting-human-trafficking-nepal-patrol-activists> accessed on 22/09/2018.

Subedi (2002) . *Trafficking and Sexual Abuse among Street Children in Kathmandu*. Kathmandu: ILO/IPEC.

Subedi (2009). Trafficking in girls and women in Nepal for commercial sexual exploitation: Emerging concerns and gaps. *Pakistan Journal of Women's Studies*. 16 (1 & 2) 121-145.

Sullivan Barbara, (2003). Trafficking in Women: Feminism and New International Law. *International Feminist Journal of Politics*. 5 (1) 67-91.

Tamang Ritendra (2007). Internally Displaced Persons in Nepal: Neglected and Vulnerable. *Asian Social Science*. 5 (6) 3-11.

Tamang, Ritendra (2009). Internally displaced persons in Nepal, neglected and vulnerable. *Asian Social Science*. Vol. 5 (6) 1-11.

**Terre des Homes (2003). *Child Trafficking in Nepal : An Assessment of the present situation*. Kathmandu: Terre Des Homes.**

Terre des Homes, (2012). '*Looking Towards Tomorrow: A Study on the Reintegration of Trafficking Survivors*', Kathmandu: Terre des Homes.

Thapa (2010). Religion and Law in Nepal. *BYU Law Review*. 2010 (03) 921-930.

Thapa Lily and Deon V. Canyon (2017). *The advancement of Women in post- conflict Nepal*. Asia Pacific Center for Security studies. Retrieved from [https://www.researchgate.net/publication/316441383\\_The\\_Advancement\\_of\\_Women\\_in\\_Post-Conflict\\_Nepal](https://www.researchgate.net/publication/316441383_The_Advancement_of_Women_in_Post-Conflict_Nepal) accessed on 14/03/2018.

Thapa, Lily (2016). *Nepali Widows: Changing colours, Changing Mindset*. Retrieved from <https://www.opendemocracy.net/en/5050/nepal-s-widows-changing-colours-changing-mindsets/>. assessed on 24/12/2019.

Thapa, Sweta (2008). *Trafficking of Women and Girls: A study of Cause and Coping Strategies*. Retrieved from [https://www.academia.edu/35854030/TRAFFICKING\\_OF\\_WOMEN\\_AND\\_](https://www.academia.edu/35854030/TRAFFICKING_OF_WOMEN_AND_)

GIRLS\_A\_STUDY\_OF\_CAUSES\_AND\_COPING\_STRATEGIES ,  
accessed on 12/11/2018.

The Constitution of Nepal (1990). *The constitution of Nepal*. Retrieved from  
[https://constitutionnet.org/sites/default/files/1990\\_constitution\\_english.pdf](https://constitutionnet.org/sites/default/files/1990_constitution_english.pdf)  
accessed on 14/07/2019.

The Daywalka Foundation and CREHPA (2007). *A Study on Male Trafficker  
Prisoners with Special Reference to Human Trafficking in Kathmandu Valley*.  
Kathmandu: The Daywalka Foundation and CREPA.

The Muluki Ain (General Code) 2019 . *The Muluki Ain (General Code) Date of  
Authentication and Publication 2019.12.30*. Retrieved form  
[https://www.lawcommission.gov.np/en/wp-content/uploads/2018/10/muluki-  
ain-general-code-2020.pdf](https://www.lawcommission.gov.np/en/wp-content/uploads/2018/10/muluki-ain-general-code-2020.pdf) accessed on 20/12/2020

Thomas, Sarasu. Esther (2010). *Cooperation to Combat Cross Border Trafficking:  
India-Nepal-Bangladesh*. Delhi, India: WISCOMP Foundation for Universal  
Responsibility of His Holiness the Dalai Lama.

Touzenis, Kristina (2010). *Trafficking in human Beings Human Rights and  
transnational criminal law, developments in law and practices*. France :  
UNESCO.

Travis, Fr. James (2017). Devastating Consequences of Sex Trafficking on Women's  
Health. *The Linacre Quarterly*. 84 (4) 367–379.

Uddin, M. Bashir (2014). Human Trafficking in South Asia: Issues of corruption and  
Human Security. *International Journal of Social work and Human Service  
Practice*. 2(1) 18-27.

UN (2006). *Feminization of migration, remittances, migrant's rights, brain drain among issues, as population, commission concludes debates*. UN. Retrieved from <https://www.un.org/press/en/2006/pop945.doc.htm> accessed on 20/03/2019.

UN (2007). *Report of the secretary general on the request of Nepal for United Nations assistance in support for its peace process (S/2007/7)*. New York: UN Information Division.

UN (2019). *International Migration 2019 Report ST/ESA/SER.A/438*. New York: Department of Economic and Social Affairs Population Division United Nations. Retrieved from [https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/InternationalMigration2019\\_Report.pdf](https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/InternationalMigration2019_Report.pdf) accessed 22/09/2020.

UNDP (2019). *Global Multidimensional Poverty Index 2019 Illuminating Inequalities*. USA: AGS, an RR Donnelley Company.

UNDP (2020). *Human Development Report 2020 The Next Frontier: Human Development and the Anthropocene Briefing note for countries on the 2020 Human Development Report*. UNDP. Retrieved online <https://hdr.undp.org/sites/default/files/Country-Profiles/NPL.pdf> accessed on 14/03/2021.

UNDP (2020). *Migration and Displacement*. Retrieved from <https://www.undp.org/content/undp/en/home/2030-agenda-for>



sustainabledevelopment/prosperity/recovery-solutions-and-human-mobility/migration and displacement.html accessed on 07/06/2020.

UNIFEM (2006). *A Rapid Scan: Organization Working on Women and Peace in Nepal*. Kathmandu, Nepal: UNIFEM.

UNODC (2014). *Global Report on Trafficking in Persons*. New York: United Nations publications.

UNODC (2017). *Global Report on Trafficking in Persons*. Vienna: United Nations Publications.

UNODC (2018). *Human Trafficking*. Retrieved from <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> accessed on 20/09/2018

UNODC, 2011. *Responses to human trafficking in Bangladesh, India, Nepal and Sri Lanka: Legal and Policy Review*. New Delhi: UNODC.

UNOHCHR (2012). *Nepal Conflict Report: Executive summary (An analysis of conflict –Related Violations and international Humanitarian Law between February and November 2006)*. Geneva: UNOHCHR

Upiriti ,B. Raj (2006). *Armed Conflict and Peace Process in Nepal :The Maoist insurgency, past negotiations, and opportunities for conflict transformation'*. New Delhi: Adroit Publishers.

USAID (2018). *Human Trafficking Transportation Control Act, 2064: Recommended Revisions to Align with International Law*. USA: Winrock International

- Wanghamode, R.H, Kalyani, J.L and Angadi, S.S (2014). Human Trafficking in India: A Study. *Research Directions*. 1(7) 1-8.
- Warner, E (2011). Behind the Wedding Veil: Child Marriage as a Form of Trafficking. *Journal of Gender, Social Policy & the Law*. 12(2) (2011) 233-271.
- Watch list on Children on Armed conflict in Nepal (2005). *Caught in the Middle: January 2005 Mounting Violations Against Children in The Watchlist on Children and Armed Conflict is a network of Nepal's Armed Conflict*. Retrieved from <http://watchlist.org/wp-content/uploads/watchlist-english-final-20-jan.pdf> accessed on 07/09/2015.
- Weitzer, Ronald (2007). The social construction of sex trafficking: Ideology and Institutionalization of a Moral Crusade. *Politics and Society*. 3(3) 447-475. Retrieved from [https://www.researchgate.net/publication/228146032\\_The\\_Social\\_Construction\\_of\\_Sex\\_Trafficking\\_Ideology\\_and\\_Institutionalization\\_of\\_a\\_Moral\\_Crusade/link/54f8c6900cf210398e96ca5f/download](https://www.researchgate.net/publication/228146032_The_Social_Construction_of_Sex_Trafficking_Ideology_and_Institutionalization_of_a_Moral_Crusade/link/54f8c6900cf210398e96ca5f/download), accessed on 24/12/2015.
- Wheaton M. Elizabeth, Edward J. Schauer, and Thomas V. Galli (2010). Economics of Human trafficking. *International Migration*. 48 (4) 114-141.
- Wilson Eric: 2015, *Refugee or IDP—what's the difference?*. Retrieved from, <https://preemptivelove.org/blog/refugee-idp-whats-the-difference/#:~:text=We%20have%20used%20a%20couple,between%20the%20two%20is%20important%E2%80%A6&text=So%2C%20refugees%20and%20IDPs%20have%20each%20fled%20home%20to%20survive.&text=Internal>

ly%20displaced%20persons%20(IDPs)%20have,somewhere%20within%20th  
eir%20own%20country accessed on 27/12/2016.

WOREC (2002). *Perceptions of Grassroots People about Human Trafficking, Migration and HIV/ AIDS in Nepal (Situation Analysis)*. Kathmandu, Nepal: WOREC.

WOREC(2018). *A Midterm Review Report on Economic, Social and Cultural Rights in Nepal: Women's Perspective*. Nepal: WOREC.

World Statesmen.org (2018). *Provinces of Nepal (From 2018)* Retrieved from [https://www.worldstatesmen.org/Nepal\\_prov.html](https://www.worldstatesmen.org/Nepal_prov.html) accessed 07/11/2020.

Wrabetz and R.Penedo (2015). Trafficking in Human Beings in Time and Space. A Socioecological perspective. In Guia Jaoa Maria (Ed), *The Illegal Business of Human Trafficking*. Switzerland: Springer International Publishing.

Wright, D (2008). *Forced Labour Migration in South Asia*. UNEAC Asia Papers. No.24, 33-43. Retrieved from <http://www.une.edu/asiacentre/PDF/No24.pdf>, accessed on 01/05/2019.

## Appendix 1

### **Questionnaire to the NGOs, Rehabilitation centre, NHRC and other organizations, Executive director, Co-coordinator, Project Co-coordinator and NGO workers**

01. Name of the organization?
02. Name of the person?
03. Position in the organization?
04. Age?
05. Gender?
06. Years of Experience in working in the field of combating human trafficking in Nepal?
07. Number of sex trafficking cases encountered by the organization?
08. Number of sex trafficked survivors assisted and rehabilitated by the organization?
09. Number of sex trafficking cases from Jhapa District of Nepal encountered by the Organization?
10. Number of sex trafficking survivors assisted and rehabilitated form the Jhapa District of Nepal?
11. Number of anti-human trafficking programs conducted by the organization? Places and areas covered by the organization? Year?
12. Kinds of awareness and preventive programs run by the NGO?
13. What kinds of care and support measures are taken by the NGO for the survivors?
14. Effectiveness of the anti-trafficking programs on the survivors and the community?
15. Any kind of problem faced during conducting the awareness –program?
16. Reasons for human Trafficking particularly women and Children in Nepal?
17. Kinds of Medical and other facilities provided to the victims by the organization?
18. Total number of victims reunited with the family by the organizations?
19. Total Number of survivors accepted by the family members?
20. Views on sex trafficked survivors in the Nepalese society?
21. Views on the effect of Maoist Insurgency and Displacement in the socio-economic lives of women and children in Nepal?
22. How mass displacement triggered sex trafficking in Nepal?
23. How many women and children were trafficked during the Insurgency period from 1996-2006 according to the organization?
24. How many victims were rescued during this period?
25. What are the major causes of sex trafficking according to the organization?

**Questionnaire for the sex trafficked survivors**

01. Name-

02. Age-

03. Religion

|             |                      |
|-------------|----------------------|
| Hindu - -   | <input type="text"/> |
| Muslim -    | <input type="text"/> |
| Christian - | <input type="text"/> |
| Others -    | <input type="text"/> |

04. Caste Category

|                 |                      |
|-----------------|----------------------|
| High caste -    | <input type="text"/> |
| Middle- Caste - | <input type="text"/> |
| Low caste -     | <input type="text"/> |

05. No. of Family Member-

06. Marital Status at the time of trafficking-

07. Employment of the survivor at the time of trafficking-

08. Survivor's qualification-

09. Highest qualification in the family-

10. Family source of income at the time of trafficking –

11. Use of Alcohol in the family - Yes -  No-

12. Gender Discrimination in the family - Yes-  No-

13. Violence in the Family – Yes  No-

14. Caste based discrimination in the society – yes  No.

15. Violence faced by the you (victim) in the family –

Verbal-

Sexual-

Physical-  
All of the Above-

16. Did you (survivor), was aware of sex trafficking?

Yes-  No

17. Did you know anyone who was trafficked in the village before you (survivor) got trafficked?

Yes  No

18. If yes give few details on the person

Name-

Age-

Others-

19. Did you (survivor) come across any kind of awareness program in her village or school?

Yes  No

20. In which year you (survivor) were trafficked?

21. Name of the country/place you (survivor) were trafficked?

22. Mode of Transport

23. Means used by the trafficker

Fake Marriage-  Job Opportunity-  Education   Kidnapping

Sold By family  Sold by relatives  Adoption  Others

24. Traffickers Profile – Male  Female

25. Age of survivor when trafficked

26. survivors experience in the destination place

27. Which year you (survivor) were rescued?

28. Diseases suffered by the survivor

29. Did you (survivor) encounter any other by the victim of Jhapa in the destination place?

Details

30. Relation with trafficker- Friend  Family  Neighbor

Village person

Stranger

29. Reunited with family – Yes  No-

30. How did you (survivor) get into the trafficking situation?

31. Got any support from the Government of Nepal?

## Appendix 2 Photographs from the field

**Photo no. 1.1 Interaction with the NGO Members (Asha Nepal) Katmandu, Nepal**



Source: Photograph taken by the Researcher

**Photo no. 1.2 Indo-Nepal Border Kakarivitta (Jhapa), Nepal**



Source: Photograph taken by the Researcher

**Photo no. 1.3 Porous and Open Indo-Nepal Border, Jhapa District, Nepal**



Source: Photograph taken by the Researcher



**Photo no. 1.4 Formal Inquiry of Women Travelers from Nepal before crossing the Border by Transit Monitoring Organizations, Indo-Nepal Border**



Source: Photograph taken by the Researcher

**Table no. 1.5 Girls intercepted by Transit Monitoring at Indo-Nepal Border by KIN Nepal (NGO)**



Source: Photograph taken by the Researcher

**Table no. 1.6 The Researcher Assisting Transit Monitoring Group**



Source: Photograph taken by the Researcher

**Table no. 1.7 House of one of the Survivors, Jhapa District**



Source: Photograph taken by the Researcher

**Table no. 1.8 Handicrafts made by the Survivors at Shakti Samuha Rehabilitation Center**



Source: Photograph taken by the Researcher

**Photo no. 1.9 Survivors Learning Skill Development Trainings at KIN Rehabilitation Center**



Source: Photograph taken by the Researcher



Source: Photograph taken by the Researcher

**Photo no. 1.10 Men's Group Against Sex Trafficking in Nepal (KIN Nepal)**



Source: KIN Nepal

**Photo no. 1.11 Café running by Survivors of Jhapa District**



Source: Photograph taken by the Researcher



### Appendix 3

Estimates on intercepted women and girls from Indo-Nepal Border (Kakarivitta, Jhapa) from 2017-2018

सिमानाका बाट उद्दार गरिएका महिला तथा बालबालिका हरुको विवरण:-

| सि. न. | संस्थाको नाम                  | २०१७     |       |      | २०१८   |          |       | २०१९ |        |          | जम्मा |       |
|--------|-------------------------------|----------|-------|------|--------|----------|-------|------|--------|----------|-------|-------|
|        |                               | २०१७/०७४ | महिला | बालक | बालिका | २०१८/०७५ | महिला | बालक | बालिका | २०१९/०७६ |       | महिला |
| १      | माईती नेपाल संस्था            | २४३      | ४     | २१   | २६३    | ५        | ७     |      |        |          |       |       |
| २      | बिश्व सेवा बिस्तार            | ७०       | -     | ७    | ४६४    | -        | १८    |      |        |          |       |       |
| ३      | साना हातहरु नेपाल             | १६८      | -     | ६    | १६०    | ५        | ६     |      |        |          |       |       |
| ४      | आफन्त नेपाल                   | -        | -     | -    | ८      | -        | ६     |      |        |          |       |       |
| ५      | साहसी महिला नेपाल             | -        | -     | -    | २९     | -        | ३     |      |        |          |       |       |
| ६      | सानाहातहरु भारत               | ४९       | -     | १    | ५९     | -        | -     |      |        |          |       |       |
| ७      | कञ्चनजंगा उद्दार केन्द्र भारत | -        | -     | -    | ५९     | २        | -     |      |        |          |       |       |
| ८      | नेपाल प्रहरी                  | १७       | १     | ४    | १९     | ५        | ३     |      |        |          |       |       |
| ९      | भारत प्रहरी                   | ४        | २     | -    | ९      | -        | -     |      |        |          |       |       |
|        | जम्मा                         | ५५१      | ६     | ३९   | १०११   | १७       | ५३    |      |        |          |       |       |
|        |                               |          | ५९६   |      |        | १०८१     |       |      |        |          |       |       |

Source: Kakarivitta Border Police, Jhapa Nepal