

## **Sex Trafficking In Nepal: A Review of Problems and Solutions**

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**ABSTRACT** : Sex trafficking especially women and children is a major issue in South Asia, particularly in Nepal. “It is estimated that about 200,000 Nepali women and children who are trafficked and sold into India, over the period of years, are working as forced prostitutes in brothels in different parts of India” (Datta, 2005, p. 54). Many of these Nepali women and children are sold for the purpose of sexual exploitation and monetary profit. Sex trafficking is a growing concern as it is connected with human right violation and steady spread of HIV/AIDS (Kaufman & Crawford, 2011). Extreme poverty, illiteracy, unemployment, poor law, and open border between India and Nepal are major factors for human trafficking. Due to the devastating earthquake on 25 April and about 400 aftershocks, about 3 million people are victimized. The earthquake victims’ women and children are even more vulnerable for trafficking. Hence, it is vital to understand human trafficking, its form, factors, effects, and motives. The objective of this paper is to make aware intellectuals on the issue of sex trafficking, problems, and possible solutions in Nepal.

**Keywords:** Sex trafficking, human rights, social welfare, Nepal.

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**“Money may be able to buy a lot of things, but it should never, ever be able to buy another human being.” John F. Kerry**

### **I. Introduction**

Violence against women and children has been an issue that continues to cry out for attention. For the most part violence against women and children takes the form of trafficking for sexual exploitation (Gozdiak, 2011). The age groups of female are categorized as children who are below 16 and women who are above 16 in this paper. The problem of human trafficking has persisted as a transnational issue and unfortunately, relevant governing bodies have not been able to put a check on its mammoth increase over the years. Additionally, globalization and its impact on resources, such as information and technology, has lubricated organized trafficking not limited by borders. Over a decade ago the UN estimated the number of women trafficked globally to work in sex industries to be between 700,000 to 2 million on a yearly basis (UN, 2000). The vice was reported to be most rampant in Asia particularly in South Asia (India, Nepal, Pakistan, Bangladesh, Sri Lanka, Afghanistan, Maldives and Bhutan) with numbers estimated to be around 250,000 cases a year (Huda, 2006, Watts & Zimmerman, 2002). A study reported an estimate of 30 million women and children trafficked over three decades for sexual exploitation alone (Huda, 2006). Of the nations in the region, Nepal has been reported the largest source for sex trafficking with an estimated 200,000 women and children being moved across borders (Datta, 2005). A disturbing 12,000 Nepali children was reported to have been trafficking victims in India alone (Sijapati, Limbu, Khadka & Aryal, 2011). Further, in describing the demeaning nature of exploitation it was documented that Rs 500 was the cost for paid sex of which the victims were given on 25% (Sijapati, Limbu, Khadka, & Aryal, 2011). Other significant source countries in the Asia include Bangladesh, Vietnam and Myanmar (Farr, 2005).

Attention has been drawn towards this issue and several countries have signed a United Nations protocol that attempts to recognize and define all types of trafficking (Hennick & Simkhada, 2004). This corporate effort indicates the growing concern among governments and therefore may serve as a springboard for amendments in legislations that may help in putting a check on this vice. Furthermore, this effort has potentially served as a tool in international cooperation to criminalize trafficking and protecting the victims. Although such significant efforts have been made to limit the surge of this evil, there still remains a lot to be known and perhaps additional awareness to be spread. “In the absence of conceptual clarity, it is difficult to distinguish between migration, forced labour and trafficking, making it difficult to assign responsibilities and duties to any one authority or organisation” (Sijapati, Limbu, Khadka, & Aryal, 2011, p. 12). Thus, it is evident that there is not yet a scientifically clear concept of human trafficking which is causing difficulty in delegating responsibilities and authorities in order to solve problems related to sex trafficking.

Furthermore, due to the confusion of terms and concepts between sex trafficking and migration, there are challenges in intervention and socio-economic lives of the women in Nepal. Nepal government banned even legitimate labour migration to Gulf countries for women and girls because of the presumption that they will be

victims of sexual exploitation (Sijapati, Limbu, Khadka, & Aryal, 2011). As a result of it, there are negative impacts on the socio-economic standard of women and girls in Nepal.

It is to this end that this paper makes its contribution particularly focussing on sex trafficking as it pertains to Nepal in its current condition. The paper may be helpful for the scholars, policy makers, potential victims, and agencies fighting against sex trafficking phenomenon specifically in Nepal. A fair strategies and well-defined review can make a great contribution in theory, practice, and policy formation (Dochy, 2006). The sensitive nature of the problem, methodological issues in research aimed at exploring the concept continues to exist. Regardless, both empirical and non-empirical research studies have been published in journals (Gozdziac, 2008). This paper seeks to add to the understating of the dimensions of sex trafficking in Nepal and in so doing hopes to create awareness of the nature of the vice and, perhaps, the urgency to to put a check on this evil in the discussed context.

In order to achieve this, the study purposed to discuss a. what entails Sex trafficking, b. Potential factors leading to the vice,c. Consequences of the vice, and d. Possible Solutions and preventive measures These objectives serve as parameters within which the study was carried out. A narrative review approach was employed in order to put to put together a resource that may help understand the phenomenon. A narrative review is a good methodology when it summarizes several research studies to understand a particular phenomenon or topic (Collins, & Fauser, 2005; Dochy, 2006). The narrative review also gives researchers an opportunity to write from self-knowledge, reflect practice, and acknowledge of a phenomena (Jones, 2004).

The paper attempts to gather information regarding sex trafficking from the scientific literature. The purpose of this review is to put together information that will aware of sex trafficking, consequences of vice, and possible options for the solutions. This paper evades the argument base positions on sex trafficking (Schauer & Wheaton, 2006). There are some groups of people who think prostitution and sex work is legitimate. On the other hand, other people believe prostitution and sex trafficking are illegitimate and violation of human rights (Raymond & Hughes, 2001). Hundreds of references that are directly relevant with sex trafficking in Nepal and South Asian countries were selected and reviewed in order to develop this paper. Some internationally relevant articles regarding sexual exploitation were also reviewed. The peer reviewed, reputed authors and publishers, highly cited, recent, and relevant resources were given the most priority. However, few directly relevant sources with sex trafficking were not neglected as they become valuable sources of information sometimes (Dochy, 2006).

The electronic data bases such as Google Scholar, Google Books, ERIC, EBSCO Academic Search Premier, JSTOR, DOAJ, open access theses and dissertations, and ProQuest open access were the most helpful in finding resources related to sex trafficking. Some important sources were found universities and public libraries. Additionally, recent articles and books were found in the library of Nepal Institute of Development Studies.

Softwares such as mendeley and bime were used for completing this paper efficiently and effectively. The mendeley was helpful in managing data, finding out the key words, phrases, relevant topics, and making bibliography. Bime was also used in making bibliography especially for online books.

### **Definitions and Conceptualizations of Human Trafficking**

Even though slavery has been done away with centuries ago its practice continues, though in various forms. Looking through the lens of modern societies, human trafficking would replace slavery. A lot of literature has gravitated towards women and children exploited sexually as being victims of the vice. Nonetheless, modern day slavery is evidenced right in our very own communities and domestic societies and quite shockingly this is not limited by age or gender. Trafficking as we know it today was earlier described as the forceful recruitment of individuals and their enslavement.

For several years in the event of its occurrence, there existed ambiguity in the definition of the phenomenon of trafficking. Resulting from this ambiguity was the failure to incorporate legislative amendments that criminalize human trafficking. In a transnational effort to address this vice over 80 countries joined in to indentify the indicators and formulate laws to put a check on trafficking. Consequently, in 2000 the UN in its *Protocol to prevent, suppress and punish trafficking in persons* defined trafficking as “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 (United Nation Convention Against Transnational Organized Crime, 2000).” According to this definition there are three elements of the vice; the act, the means and the purpose. The act includes the recruitment, the transportation and the harbouring of persons. Further, the means includes the use of coercion, fraud, deception, threat, the abuse of power, and the use of payments in order to control the victimized. Finally, the purpose includes exploitation for sex, labour, slavery and/or the removal of body parts.

A national report of Nepal on trafficking, in line with the UN definition, defined the vice as “an illicit and clandestine movement of person/s within and across national borders for buying, selling, recruitment, transportation, transfer, harboring or receipt; by means of threat or the use of violence or other forms of

coercion, of abduction, of fraud or deception, of the abuse of authority, or of position of vulnerability, or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any kind of exploitation; and exploitation shall include, at a minimum, non-consensual sex work or exploitation of the prostitution of others or other forms of sexual exploitation, forced or bonded labor, fraud marriage, camel jockeys, slavery or practices similar to slavery, whether for pay or not, servitude or involuntary servitude (domestic, sexual, or reproductive), or the removal or organs, adoption, or other illegal” (ONRT, 2006).

Taking into consideration, the sex trafficking can be defined as an action of recruitment, the transportation and the harbouring of persons by means of coercion, fraud, deception, threat, the abuse of power, and the use of payments for the purpose of sexual exploitation. Thus, sex trafficking begins with an act of recruitment and ends with the purpose of sexual exploitation. This paper focuses solely on sex trafficking.

## **II. Forms Of Trafficking**

There are numerous forms of trafficking in Nepal. Innocent women and children are coerced into child sexual abuse, prostitution, ritual sex work, and forced pornography (Crawford, Kaufman, & Gurung, 2000; Datta, 2000; Huda, 2006; Sanghera & Kapur, 2000). Women and children are tricked and bonded for sex work in the United Arab Emirates and other rich countries whereas they are induced for best employment opportunities and good lifestyles. Gurung (2014) asserted that every trafficking begins with migration. A large properson (about 75%) Nepali unskilled migrants to foreign countries are a major concern (Adhikari and Gurung). So, many women and children migrating in the foreign lands are vulnerable for trafficking. For some tribes, prostitution used to be a ritual where women and children are offered to wealthy and powerful people (Datta, 2005). Women and children are also forced for sexual servitude such as pornography, prostitutions, and other forms of sexual exploitation (Huda, 2006).

**a) Forced Labour.** In almost all cases victims are recruited from developing countries or underdeveloped countries. Using deception to a greater extent victims are promised well paid jobs and are sometimes even asked to pay a sort of recruitment fee and are recruited to inhumane conditions and hard labour. Additionally, in many cases victims are recruited into similar conditions by use of coercion. The estimated numbers of forced labour is 27 million worldwide whereas he estimated 22 million victims of forced labour are in India alone (Bales, 2005, p. 4). Lerche (2007) asserted also an estimated minimum of 12.3 million victims of forced labors worldwide. Thus, there is no exact numbers of documented victims of forced labor. There are about 2 million victims of forced laborers in Nepal (Sijapati, Limbu, Khadka, & Aryal, 2011). Women and children are used forcefully for commercial purposes such as begging, domestic works, manual labour, and circus industries (Tsutsumi, Izutsu, Poudyal, Kato, & Marui, 2008).

**b) Slavery:** There is a traditional form of bonded labour in Nepal where there is an agreement whereby victims serve the owners as collateral of loan (Sijapati, Limbu, Khadka, & Aryal, 2011). Most of the slaves are from the very low economic background. They are also traditionally from the low caste groups of people. There are different kinds of slavery such as Haliya, Deuki, bhunde, Badi, Kamlari, Kamaiya, Balighare, and Haruwa (Sijapati, Limbu, Khadka, & Aryal, 2011).

**c) Trade of Body Organs.** Victims are typically kidnapped and in many cases may be forced into migration. Resulting from a growing number of sicknesses that require organ transplants with long waiting periods, the vice has grown rapidly. Patients’ desperation is exploited in such cases and therefore this is growing into a lucrative business. Sadly, the health of the victims is at huge risks because of the clandestine conditions and limited medical care they receive.

**d) Sexual Exploitation.** Using fear, arbitrary debts and other vulnerabilities of victims, women and children are trafficked into sexual slavery. They are held in appalling conditions and are constantly made to live in fear. Victims are typically from impoverished families, vulnerable societies and developing/underdeveloped countries. A number of victims who are already into prostitution are deceived into a better life and transported off to worse conditions. Additionally, women and children are enticed for well paid jobs and comfortable lives. Once victims are in control of traffickers, they are forced to marriage with unwanted men.

As presented above trafficking in most cases, if not all, is the abuse of the victims’ vulnerabilities. With the use of force and deception victims are recruited and transported to conditions characterized by slavery. This paper particularly focuses on sexual exploitation as it pertains to Nepal. Consequently, subsequent discussions will emphasize the same.

## **III. Potential Factors Causing The Vice**

There are numerous factors leading to sex trafficking in Nepal. The pull and push factors whereas gender discrimination, poverty, and natural disasters and the push factors are buying power of tourists and most profitable business for brothel owners are the pull factors (Crawford, Kaufman, & Gurung, 2000 & Huda, 2006). Additionally, Winterdyk and Reichel (2010) affirmed that socio-economic, legal, and political factors are

contributing to the sex trafficking. The potential factors causing sex trafficking are as following especially in Nepal.

- a) **Lack of Education.** Lack of proper education is contributing in sex trafficking in Nepal especially women and children. They are not aware of the vulnerability and possible consequences of sex trafficking (Buizert, 2011; Simkhada, 2008). Further, a lack of proper education leads to fewer employment opportunities leaving individuals to opt for jobs that are easy to come by. Resulting from the social structure of Nepal in which women and children are subdued, women become easy targets. Therefore, victims are easily lured, tricked, and bounded for sexual exploitation and commercial purposes by traffickers.
- b) **Extreme Poverty.** The extreme poverty is another major factor which compels women and children to fall in control of sex trafficking. Many of sex victims are low socio-economic family background. There is a lack of human security in terms of hood, shelter, cloths, good health, and education (Adhikari & Gurung, 2009). The victims are obligated fall into the trap of traffickers for the sake of livelihood (Kaufman & Crawford, 2011, Tsutsumi, Izutsu, Poudyal, Kato, & Marui, 2008). Sex victims are persuaded and tricked for good jobs, wealth, dreams, and successful lifestyle. In order to supply for the financial needs of the family, young girls are given to *dalals* (pimps as they are known in Nepal) for the sake of employment by their very own parents (Henink & Simkhada, 2004).
- c) **Unemployment.** Unemployment is also a major factor of impacting sex trafficking (Datta, 2005). Due to the lack of employment opportunities, women and children are forced to fall into the prostitution business willingly or unwillingly to fulfill their basic needs such as food, shelter, and clothing. Among sexual victims, more than a half of them are reported to have been persuaded by false hopes of employment opportunities, wealth, and success in their lives (Simkhada, 2008).
- d) **Gender Discrimination.** Gender bias is another critical factor contributing in sex trafficking. Nepali women and children are prevented from inheriting property, education, and conferring citizenship to children (Buizert, 2011; Crawford & Kaufman, 2008). Even though women and children empowerment and their education are prioritized in the Nepal constitutional act 3, 38 and 38, it is not seen in practice. The sexual exploitation is an overt phenomenon in Nepal evidenced in the patriarchal social structures. Additionally, this discrimination is evidenced in the education opportunities laes have over females (Simkhada, 2008).
- e) **Political Crisis.** The political instability is also another major factor influencing sex trafficking in Nepal (Sanghera & Kapur, 2000). Unlimited political strikes in Nepal have caused unrest which has had an impact on the economy of the country. Additionally, as a result of the political strikes India closed it borders to Nepal indefinitely which has had tremendous negative effect on the economic stability of Nepal.
- f) **Natural Calamity.** After the devastating earthquake on 25th April, 2015 and more than 400 aftershocks have affected Nepal on an unprecedented scale. About 3 million people were dislocated and hundreds of thousands of livelihoods were lost or damaged (UNDP, 2015 & Prime Minister & Council of Ministers, 2015). “The earthquakes have left over 9,000 people dead and 25,000 injured. Over half a million houses, 30,000 classrooms in 8,000 schools, and over 500 health centers have been destroyed or damaged” (The Prime Minister & Council of Ministers, 2015). Thousands of women and children have lost their loved ones, houses, and properties and are left only themselves. This pathetic condition has contributed to be more vulnerable for Nepali women and children involving in sex trafficking activities. Selle (2015) affirms that factors causing sex trafficking are change in climate and natural calamities.
- g) **Open Border.** The sex trafficking is feasible and viable for traffickers as there is an open border between India and Nepal (Datta, 2005 & Selle, 2015). There is no required passport and visa resulting in easy passage. With lesser rules and regulations in place, the border becomes an easy pass with falsified documents and paperwork. Consequently, it is easy for traffickers to lure Nepali women and children and transport them across the border into India. There are only 26 official check points but there are hundreds of exits along the border sites where there is impossible for security forces and other anti-trafficking agencies to intervene trafficking activities from Nepal to India (ONRT, 2007). Although, the recent blocks in these very passage may reduce the number of women being trafficked the economic impact that it has on Nepal has a bearing on the local sex exploitation.

Thus, extreme poverty, natural disasters, political crisis, gender discrimination, and unemployment are major factors contributing sex trafficking directly or indirectly in Nepal. Table 1 presents the number of Nepali victims working in different parts of India alone. These figures give evidence for the widespread of trafficking into India.

**Table 1** Nepali women and children victims who are working in different parts of India.

Cities	Nos.
Bombay	45,000
Calcutta	36,000
Gorakhpur	04,000
Pune	03,000
Patna	04,000
Lucknow	02,500
Madras	03,500
Surat	01,500
Others	26,000

(Adapted from CWIN, 2002 cited in Datta, 2005, p. 53)

#### IV. Consequences Of The Vice

Several negative outcomes have been discussed in literature which mostly emerges from survivor narratives. The hazardous conditions in which the victims are trafficked into or even the conditions they are in when some manage to escape leave them in tremendous health risks (Barrows & Finger, 2008, Zimmerman et al., 2009). The nature of health risks may be brought upon either when the process of trafficking is long and arduous or when forced into alcohol and drug dependencies in order to be controlled. The health risks involved are physical, mental and emotional.

- a) **HIV/AIDS.** In the South Asian context Nepali women were reported to have comparatively higher rates of HIV as compared to the victims of the other nations in the region (Silverman et al, 2007). Buizert (2011) estimated about 0.5 percent adult population of Nepal are suffering from HIV/AIDS. In many cases women working as sex workers are forced to have intercourse with many men in a day and are not allowed the use of protection. This leaves them vulnerable to HIV and other STDs. A recent news article reported that Zika virus is the new disease which can transfer through sex partners too (Kantipur News Paper, February 4, 2016, p. 14). Although the virus is allegedly an outbreak in the West, the conditions in which the Nepali victims are in make them potentially vulnerable to the virus.
- b) **Physical Health.** Victims to sex trafficking are often subject to the risk of unwanted pregnancies. Studies have reported that victims who become pregnant induced abortions using unsafe procedures by themselves. They also reported going to extents of stamping and punching their bellies to terminate pregnancies (Raymond et al., 2002). Prostitution also puts the victims at risk of violence and physical abuse from male clients.
- c) **Mental Health.** In a similar vein, Abas (2013) reported that survivors suffered from post trafficking mental disorders resulting from unmet healthcare needs and lack of social support. Tsutsumi, et. al., (2008) reported the percentages of sex trafficking victims in Nepal who are suffering from anxiety 97.7%, depression 100%, and post-traumatic stressed disorder 29.6%. 164 participants who were former victims and survivor of human trafficking took part in this study. Thus, most of the sex trafficking victims are suffering from mental health.

#### V. Possible Solutions And Preventive Measures

Nepal has to focus on solutions and prevention measures for sex trafficking as there are tremendous negative effects on victims mentally, socially, physically, and economically nationwide. Sex trafficking not only causes problems for victims but also local, national, and international community. In this respect, UNODC fully recognizes the importance of mobilizing the support of NGOs, IGOs, governments and the community at large. There are some feasible and viable solutions and prevention measures. They are listed and explained herewith.

- a) **Eradicate Poverty.** There should be well strategic plan in National level to eradicate extreme poverty in Nepal. Providing viable livelihood options contributes in fighting against sex trafficking in Nepal. The scarcity of foods, shelters, clothes, good health, and education compels victims to be persuaded by traffickers. Therefore, there is a vital need of eradicate poverty in order to combat sex trafficking in Nepal (Datta, 2005; Simkhada, 2008; Tsutsumi, et al., 2008).
- b) **Equal Employment Opportunity.** Once of the major reason of sex trafficking occurs in Nepal is because of lack of employment opportunity. When there is no options left for their livelihood, women and children are easily enticed and deceived by traffickers by assuring well paid jobs and socio-economical well being. It is crucial for women and girls to train for vocational skills, educate them well, and provide equal opportunities for employment in Nepal in order to prevent from sexual exploitation (Simkhada, 2008).
- c) **Care and Support.** The trafficked victims should be counseled, provided medical care, and trained for income generating skills. These kinds of rehabilitation programs will inspire victims to live happy and healthy lifestyles. Due to the male dominated culture and traditional ways of living in Nepal, trafficked

women are not well accepted in some castes. So, they should be provided some kinds of jobs for their living and find marriage partners for their happy family lives (Kaufman & Crawford, 2011).

- d) **Law Enforcement.** There should be enforcement of strong law that fights against sex trafficking in Nepal. There should be effective law implementation that detect and discipline traffickers in a way that they never repeat again the same immoral acts. There should be NGOs, INGOs, and government agencies that offer supports and advocate for survivors of sex victims. So that the sexually exploited women and children are able to appreciate the lives and encouraged to live a happy live.
- e) **Women and Child Right.** There should be equal rights between men and women. All kinds of discrimination for women and children should be rooted out. Even though there exists a framework in the constitution to prevent and suppress trafficking activities, it is not seen in the practice in Nepal. Hence, every women and children of Nepal should be protected by law and in practice in terms of human rights issues.
- f) **Media.** Media can play a vital role for combating sex trafficking activities in Nepal. Nepali media should play a role to make aware of existing policies, law, forms, factors, problems, and solutions of sex trafficking in Nepal (Datta, 2005). "Utilising the local and national media will not only raise awareness of sex trafficking amongst the community, but can play an important advocacy role in sensitising policymakers to the issues of sex trafficking" (Henink & Simkhada, 2004, p. 28). Buizert (2011) reported that majority of Nepali women and children learn from media. Thus, media is important for raising awareness about factors, consequences, and solutions of sex trafficking.
- g) **Open Border.** The open border between India and Nepal is good in many ways. On the other hand, criminals are misusing the opportunity to pass the border freely and carrying out activities of injustice and sexual exploitation. Hence, agencies such as NGOs, INGOs, and government should be active to dictate such illegal and immoral phenomenon and prevent Nepal women and children from sexual exploitation, crime and injustice.

## VI. Conclusion

A disturbing 12,000 Nepali children was reported to have been trafficking victims in India alone (Sijapati, Limbu, Khadka & Aryal, 2011). Further, in describing the demeaning nature of exploitation it was documented that Rs 500 was the cost for paid sex of which the victims were given on 25% (Sijapati, Limbu, Khadka, & Aryal, 2011). Human trafficking has for long been a violation of human rights. Unfortunately for lack of a proper definition it wasn't possible to legislate and as such, curb the vice. Significant efforts have been and are presently being made, however, despite these efforts the evil continues to thrive. Sadly, more economically stunted countries like Nepal suffer the consequences of being source and transit destinations for trafficking of any nature, much worse for sexual exploitation. It was the purpose of this paper to put together the nature of sex trafficking in Nepal. Particularly, it discussed the factors leading to it, the consequences, and the solutions. Just like all research, this one too has inherent limitations. One limitation that must be borne in mind is that the data were essentially primary sources and were subject to the judgement of the researchers. The other limitation is that the methodology was limited to a narrative review as opposed to a more data based scientific one. Factoring in the purpose of the study, this study paints a picture of sex trafficking as it pertains to Nepal. Consequently we suggest that related agencies look into migration loop holes that may have a bearing on the issue of trafficking. Additionally, it maybe of relevance to the issue that agencies, both government and non-government, in neighbouring countries make a cooperate effort towards strict legislative action against the vice. Further, neighbouring governments may investigate and counter security breaches along the borders.

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