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TRAFFICKING OF WOMEN IN NEPAL AND THEIR VULNERABILITIES

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TRAFFICKING OF WOMEN IN NEPAL AND THEIR VULNERABILITIES

Sushmita Diyali

MAY 2017

A Research

Submitted to the faculty of Clark University, Worcester,

Massachusetts, in partial fulfillment of the requirement for the degree of Master of

Arts in the department of International Development

Community and Environment (IDCE)

And accepted on the recommendation of

Prof. David Bell, Chief Instructor

ABSTRACT

TRAFFICKING OF WOMEN IN NEPAL AND THEIR VULNERABILITIES

Sushmita Diyali

Around the world, women are marginalized and their liberty has been violated despite women rights and movement. The women and girls are still treated as subhuman. They are subject to sexual exploitation, sexual slavery, and a forced labor. The problems of women based discrimination are widespread all over the world and trafficking of women issues is taken as the most intolerant criminal activity in the earth. Though the world is advancing but Nepal is still dragging behind and its one of the problem is sex exploitation. Human rights of women are denied in Nepal due to problems like caste discrimination, political instability, corruption, poverty, illiteracy, and unemployment. These factors of example have made women to become survivors of trafficking to neighboring Gulf countries and India. These women have a traumatizing experience as they are brutally exploited and enticed by the 'syndicate' who is equivalent to 'Johns' of America'. Nepali women are sold in the brothels and start serving as commercial sex workers and, are forced into force labor. Nepalese women are more likely opt to go with Johns due to these problems. Thus, this paper will research to analyze the magnitude of sex trafficking on Nepalese women from the perspective of human rights context.

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PREFACE

I feel lucky and opportune to have my degree in International Development and Social Change from Clark University, MA, USA. The faculty offered me a great opportunity to write a research paper. This paper now has become a milestone for me as I have put my greatest effort into finishing it. But, this paper could only have been accomplished with great support and encouragement of my professors, parents, family and my dear friends. I feel blessed that I got ample encouragement and support from them which I cannot forget in my life.

This paper has helped me to research on the challenges of trafficking of women in Nepal. Further motivated me to advocate and work for women against trafficking and human rights all over the world.

I thank my father Ram Diyali and mother Chandra Maya Diyali whose love and support are beyond anything. Their contribution and dedication towards my education have lead me here so I am grateful towards them. I feel so blessed to have such supportive parents and wish to be their daughter in each life.

I am grateful for Clark University, my faculty for making me capable and providing me many resources and platform for my academic and professional career development

Professor David Bell, I have never met such an encouraging and supporting teacher ever in

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My honest thanks go to my dear friends Robin Millar, Ambar Hajariya, Devra Goldstein, Ravi Hanumanthan, Alex Moulton and Patrick Seed. You are such as amazing friends to be remembered. Thank you all for your endless care and love. To all my faculty and other friends, I equally thankful to you all.

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ACRONYMS

CRC: Convention on the Rights of Child

GWR: Global Wage Report

GSI: Global Slavery Index

HTTCA: Human Trafficking and Transportation (Control) Act

INGO: International Non- Profit Governmental Organizational

ILO: International Labor Organization

MOWCSW: Ministry of Women, Children and Social Welfare

MOWCSW: Ministry of Women, Children, and Social Welfare

NGO: Non-Profit Governmental Organization

STDs: Sexually Transmitted Diseases

TIP: Trafficking in Person

UN: United Nations

UNFPA: United Nations Population Fund

UNHCR: United Nations Human Rights Commission for Refugee

UNICEF: United Nations Children Education Fund

UNODC: United Nations Office on Drugs and Crime

WOREC: Women Rehabilitation Center, Nepal

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Introduction

Nepal, home to Mount Everest and a country where Buddha was born is a small country in geographic but it is dominant in the world's most imposing mountains. As per the Central Bureau of Statistics (CBS), Nepal 2014 report states that the population of Nepal is estimated about 26.5 million.¹ According to the Country Economy Report, the female population is predominantly greater, with 14,697,228 women, representing 51.54% of the total, compared to 13,816,472 or 48.46% men.² However, The Asia foundation 2010 report illustrates that in South Asia, 40 percent to 70 percent of women and girls experience some form of physical, sexual, or emotional abuse, and half of all women face violence in the home.³ Nepal is not an exception of that where most of the women have experienced gender-based violence. Women in Nepal are not valued and sexually abused due to the problems of caste discrimination, political, economic and social marginalization. Due to this vulnerability, some of the women are tempted to India for sex trafficking.

Trafficking in Person (TIP) defines human trafficking as a forceful obtaining and transferring of the person illegally through kidnapping, smuggling, fraud, abuse and deception by force and threat.⁴ Persons who are trafficked are often misused and mistreated

¹Central Bureau of Statistics (CBS). Nepal. Population Monograph of Nepal. 2014. Retrieved from <http://cbs.gov.np/image/data/Population/Population%20Monograph%20of%20Nepal%202014/Population%20Monograph%20V02.pdf>

² Nepal Population. Expansion country economy. 2015. Retrieved from <http://countryeconomy.com/demography/population/nepal>

³ The Asia Foundation. Preliminary mapping of gender based violence. 2010. Retrieved from <https://asiafoundation.org/resources/pdfs/GBVMappingNepal.pdf>

⁴ UNODC. 'The role of Consent' in the trafficking in person's protocol. Issue paper 2014. Retrieved from [:https://www.unodc.org/documents/human-trafficking/2014/UNODC_2014_Issue_Paper_Consent.pdf](https://www.unodc.org/documents/human-trafficking/2014/UNODC_2014_Issue_Paper_Consent.pdf)

in the form of sexual exploitation, forced labor, removal of organs and outright enslavement. Sex trafficking occurs when some use force, fraud, and coercion for a commercial sex trade, which includes prostitution, pornography and sexual performance in exchange for any item such as money, drugs, and shelter.⁵ Nepalese women who are survivors of human trafficking experience an utmost violation of the human rights. This activity dehumanizes people by violating the principles of human rights such as freedom of speech, rights to employment, and other civic, economic, and cultural rights. Nepal has huge problems of human trafficking, due to the lucrative business of organ trafficking, sex trade, child labor, forced labor. The huge growing target of cheap labor from India making good money out of it has immensely affected Nepalese women to be sexually exploited by the pimps and Johns in the Indian brothels.

Nepal is a developing country but it ranks 28th among poorest countries in the world⁶ where 25.2 percent of the overall population is poor.⁷ The lack of job availability has influenced most of the women to choose the destination like India and Gulf countries to earn money, such as Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, and Oman to find a job.⁸ The International Labor Organization (ILO) Youth Employment

⁵ Shared Hope International. What is sex trafficking? Retrieved from: <http://sharedhope.org/the-problem/what-is-sex-trafficking/>

⁶ Gregson, Jonathan. Global Finance. "The Poorest Countries in the World". 2017. Retrieved from <https://www.gfmag.com/global-data/economic-data/the-poorest-countries-in-the-world?page=12>

⁷ Asian Development Bank. Poverty of Nepal. Basic statics of 2016. Retrieved from: <https://www.adb.org/countries/nepal/poverty>

⁸ University, Georgetown. CIRS. Migration labor in the Gulf. 2011. Retrieved

Program 2014 report illustrates that total unemployment in Nepal rates of young people were 17.1 percent for men and 22.2 percent for women.⁹ The effect of unemployment has worsened the lives of women as they are more prone to sex trafficking. Poverty in Nepal is the major problem of Nepalese women, which drive them into modern slavery. Forced labor, debt bondage, human trafficking, descent- based slavery, child slavery, forced, early marriage and sex trade comes under the umbrella of modern slavery.¹⁰ To know how slavery looks like, the famous singer “Lady Gaga” made a song “Bad Romance” to illustrate the modern slavery in the form of forced labor and physical torture. This increased publicity for exposing the modern sex slavery in the world.¹¹ The video also created awareness of how slavery was an embodiment of the brutal society and how women are tortured by the men.¹²

Oppression by man to a woman is a domination of power hence, feminist have critiqued patriarchy as a set of power relations between men and women and have suggested that

from:<https://repository.library.georgetown.edu/bitstream/handle/10822/558543/CIRSSummaryReport2MigrantLaborintheGulf2011.pdf;sequence=5>

⁹ Serriere, Nicolas and Centre for Economic Development and Administration. Labor Market Transitions of Young Women and Men in Nepal. Youth Employment Programme. 2014. Retrieved from: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_244617.pdf

¹⁰ Anti-Slavery. What is Modern Slavery? 2017. Retrieved from <https://www.antislavery.org/slavery-today/modern-slavery/>

¹¹ Keehn, Anne. Lady Gaga’s Bad Romance, video about sex Slavery. The free Slaves.2010. retrieved from: <http://www.freetheslaves.net/lady-gagas-bad-romance-video-about-sex-slavery/>

¹² John is a prostitute's client. Google Meaning for John. Retrieved from: https://www.google.com/?gws_rd=ssl#q=what+is+johns+

men should understand the realities of the women.¹³ For instance, in Nepal, after the marriage, women are taken to the husband's house. The women are considered no longer responsibilities of the parents. Nepali society considers girls as the burden of the house since the girls will not be able to continue the family generation as a man does because the girl must change the caste to husband's caste soon after she gets married and man does not. This tradition gives the man an ample opportunity to torture girls and takes her as granted. The husband owns the wife and limits her freedom in a house by only allowing her to do as per the husband's will. She is then subjected to her husband who leads the house. Mostly, women of Nepal are engaged in the household chores such as feeding the children, washing clothes and cooking the food. The husband works outside the house for economic support of the family. The trend of a man going to the work outside has also limited women exposure in the job market. The women of Nepal are never encouraged to go to the school.

Their lack of knowledge makes them more tolerant to trafficking. The lack of education in poor families in Nepal has influenced Nepalese rural people to have extended families. This leads to have lower chances of receiving adequate education and care from the parents.

¹³ Sultana, Abeda. "Patriarchy and women's subordination: A theoretical analysis." Arts Faculty Journal 4 (2012): 1-18 Retrieved from: http://www.bdresearch.org/home/attachments/article/nArt/A5_12929-47213-1-PB.pdf

Nepalese forced labor are mostly trafficked to the neighboring country of India in the cities of Calcutta, Siliguri, Kanpur, Gorakhpur, Lucknow, New Delhi and Bombay. The women especially are sold for the commercial sex industry and organ transplantation.¹⁴ The pimps and Johns from India comes to Nepal from the easiest route who entice girls and women from the villages. They make fake stories saying as their wife or sister while entering to the Indian border. Not only from borders there are many other small routes where they can take away Nepalese women through bicycles or bikes. Nepalese women are taken to the brothels and they are assaulted in terms of hair being pulled and sometimes hands being cut off if they can't satisfy the demands of the clients.

Nepalese sex workers in the brothels have little control over the conditions, they are exposed to and sometimes get communicable diseases such as HIV/AIDS which can later take their lives. After analyzing the vulnerable situation of Nepalese trafficked women, the policy papers that has been prepared to combat sex trafficking in Nepal is weak and ineffective. Moreover, the international and national policy also has not been able to address the challenges of sex trafficking in Nepal.

Trafficking of children is also the predominant issue of Nepal, especially girls from poor families are at the risk who are persuaded by the traffickers easily. As per the International Labor Organization (ILO) 2003, about 12,000 Nepali women and children are trafficked to

¹⁴ Terre des hommes. Child Trafficking in Nepal. Kathmandu. 2003. Retrieved from http://un.org.np/sites/default/files/report/tid_188/TDS-child-trafficking-in-Nepal-04.pdf

India every year.¹⁵ Most of those who are in brothels are under 14 years old. Thus, the problems of sex trafficking portrayed in this paper is intended to help the Government of Nepal and policy makers to revise the laws to stop Nepalese women from being trafficked to India and Gulf Countries. Some women in Gulf countries are forced labor who are underpaid and some are not. Through the recommendation and suggestion from this paper, it will add bricks to the policymakers with information to make stricter laws and improve law enforcement strategies to combat sex trafficking. This report will also analyze the research questions as below:

1. What is the magnitude of women and sex trafficking in Nepal?
2. What are the interventions and shortcoming of women in sex trafficking?

The significance of the study:

Sex trafficking is globally expanding targeting the vulnerabilities and insecurities of women. The main significance of this research paper is that in Nepal there but no extensive research study done to stop sex trafficking. This paper will bring awareness around the world about the root causes of sex trafficking in Nepal such as open border threats, illiteracy among women, gender-based violence, patriarchal society, and poverty. The

¹⁵ Terre des hommes. Children trafficking in Nepal. Report. 2003. Retrieved from:
http://un.org.np/sites/default/files/report/tid_188/TDS-child-trafficking-in-Nepal-04.pdf

Nepalese Government, International Organizations such as the United Nations (UN), the World Bank and International Monetary Fund (IMF) will be able to emphasize more effective policies, plans, and strategies to control trafficking.

Furthermore, this research will identify the policy gaps in Nepal's approaches to stop trafficking of women. The research paper will help policy makers, women activist, law enforcement committee, local organizations, and scholars who are working to prevent women from trafficking. The research paper also contributes to support the program for the eradication of violence of women and children in brothels. This research will provide the unique experience of women who are trafficked to India, a country which is a hub for sex industry.

Methodology

This research is designed based on a qualitative research approach. The primary sources of information for literature review are journals and case studies typically from the plights of Nepalese women who are trafficked to India. The secondary sources are articles, documentary, report, talk shows, and books. This paper has argued the literature by the dependency theory approaches of Hans Singer, and Raúl Prebisch by referring the trade between developed and underdeveloped countries.¹⁶ Though India is developing country,

¹⁶ Hadley, South. "Dependency Theory: An Introduction." *Development* 6.1 (1969). Retrieved from <https://pdfs.semanticscholar.org/d715/82f1a87a914036b3af3696b2be5e8411a7c8.pdf>

but Nepal is highly depended on Indian's economy. Thus, it emphasizes the economic relationship between Nepal to India, trade business of sex and cheap labor market. India has exploited Nepal by providing opportunities but it has misused the Nepalese laborer.

I have also extensively studied articles to support my literature reviews and data sources from different organizations such as Trafficking in Person (TIP), United Nations Office on Drugs and Crime (UNODC), Nepal Policy and Laws report and articles based on sex trafficking and human trafficking from United Organization (UN), United Nation Development Program (UNDP), UN women (UNWOMEN), United Nations Educational, Scientific and Cultural Organization (UNESCO), and United Nations Children's Emergency Fund (UNICEF), United Nations Population Fund (UNFPA), International Labor Organization (ILO), and National Human Rights Commission (NHRC).

Literature Review

History of Human Trafficking

Trafficking of human originally started with the trend of slavery.¹⁷ The slave people were especially from the background of the poor economic condition and minority groups. They used to serve their masters for any cost by being forced into labor and sexual exploitation.

¹⁷ Heywood, Linda M. "Slavery and its transformation in the kingdom of Kongo: 1491–1800." *The Journal of African History* 50.01 (2009): 1-22. <http://piketty.pse.ens.fr/files/Heywood2009JAH.pdf>

The history of human trafficking first started with the economic trade business between African and European in the 1400's.¹⁸ African people were enslaved and forcefully trafficked to the America where they were exploited as labor in plantation production of sugar, cotton, tobacco and other commodities. The colonizers highly exploited the Africans to support economic growth in Europe.¹⁹ In America, the trafficked Africans faced the greatest exploitation in the South. They faced brutal domination by the white plantation owners.²⁰ Africans freedoms were seized and they were brutally enslaved and killed based on racist and capitalist ideologies. The history illustrates how the economy and politics worked together to define the terms of the slave trade by Americans in the sixteenth century.²¹

The history of trafficking in Nepal is also associated with the relation of economic business with India. In the 19th century, Nepalese people migrated to join the army in Lahore. Nepali Army men were given the name "Lahure."²² The flow of Nepalese migration increased as India's economy became enriched in the mid-1980s. The approval

¹⁸ Benjamin, Thomas. "The Atlantic world: Europeans, Africans, Indians and their shared history, 1400-1900." *African Diaspora Archaeology Newsletter* 12.4 (2009): 12. Retrieved from <http://scholarworks.umass.edu/cgi/viewcontent.cgi?article=1832&context=adan>

¹⁹ The Annenberg Foundation. *Bridging World History*. 2004. Retrieved from: https://www.learner.org/courses/worldhistory/support/reading_14_1.pdf

²⁰ University of Maryland. A guide to the History of Slavery in Maryland. Retrieved from: http://msa.maryland.gov/msa/intromsa/pdf/slavery_pamphlet.pdf

²¹ Schmidt, Nelly. "Slavery and its Abolition, French colonies, Research and Transmission of Knowledge." Retrieved from: http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Nelly_Schmidt_Eng_01.pdf

²² Seddon, David. *Nepal's Dependence on Exporting Labor*. Migration Policy Institute. 2005. Retrieved from: <http://www.migrationpolicy.org/article/nepals-dependence-exporting-labor>

of an open border between India and Nepal in 1980 tremendously increased the outflow of Nepalese migrant workers in India. The transportation of people from Nepal to India increased immensely. Since then Nepal depended on India economic, business and political decisions. The open business and open borders between these two countries became a tragic loss of Nepalese man powers. Especially women became the most vulnerable due to this trade in the form commercial sex trade.

Trafficking of Nepalese Women

A study of sex trafficking from the Urban Institute found that in the United States, the pimps have a good business from the sex industry, the pimps make about \$500 on weekdays and \$1,000 for the weekend which is about \$90000 in a year.²³ Sex trafficking has become a lucrative business since pimps can make a huge money within a short period due to low start-up costs, minimal risks, high profits, and large demand.²⁴ The business through sex trade is famous in South Asia, The World Bank reports that the highest level of physical and sexual violence is highly experienced by persons trafficked in the South

²³ Conservative. You won't believe how much D.C Pimps make off government workers. 2014. Retrieved from: <https://www.mrconservative.com/2014/03/36273-you-wont-believe-how-much-d-c-pimps-make-off-government-workers/>

²⁴ Golob, Timothy Adam. Human Trafficking from Southern Mexico, Honduras, El Salvador, and Guatemala: Why These Victims are Trafficked into Modern Day Florida. Diss. University of South Florida, 2014. Retrieved from <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=6222&context=etd>

Asian region especially in Nepal, India, and Pakistan.²⁵ This also due to similarities of cultural structure of male dominated societies among South Asian countries.

The women from rural Nepal are mostly deprived of empowerment and leadership skills. Women not only lack economic access, but are underprivileged to school as their parents cannot afford them for the education, eventually these children never get prioritized for education. Furthermore, they still cannot manage school materials for the schools. The illiteracy among children is one of the major reasons of gender-based violence which is constructed by the society. The stereotyping of women to be shy, naïve and passive nature has helped pimps to easily persuade and trap them using sham marriages and promises of a better life and opportunities in the cities to India. The poor Nepali people live in villages with the damaged brush homes and they lack food and clothes. The dependency theory argues that the supply market from cities and to the towns and village as the demand of goods has fascinated villagers for urbanization.²⁶ The tall building and fashionable lifestyle of urban people have highly attracted poor Nepali people to achieve their needs. To fulfill the dream to live in the city, the Nepalese women follow the pimps who later become the survivors of sex trafficking to India.

²⁵ World Bank, Group. Women, Business and The Law. 2016. Getting to the equal. 2016. Retrieved from http://wbl.worldbank.org/~/_media/WBG/WBL/Documents/Reports/2016/WBL2016-Key-Findings.pdf

²⁶ Terre des hommes. Foundation. Kathmandu, Nepal. A study of Trafficked Nepalese Girls and Women in Mumbai and Kolkata, India. Report. 2005. Retrieved from: http://www.childtrafficking.com/Docs/tdh_2005_study_trafficked_nepalese_girls_in_mumbai_kolkata_22.pdf

In the commercial sex industry of India, Nepalese women are sold for about \$ 400 to \$ 500 to the sex owners. In return, sex workers only receive about \$ 2 per client. Nepali sex workers are forced to satisfy as many as 30 to 35 clients in a day.²⁷ The owners force them to work for the longer hours to earn more money. Working long hours and having unprotected and rough sex, these women get infected with sexually transmitted diseases and vaginal infections. The poor hygiene and lack of proper diet also affect their mental and physical health conditions. Escaping from the brothels is difficult for them as they are locked in poorly ventilated rooms and houses where they cannot see or meet anyone except the clients. The temperature in these rooms causes them to develop respiratory problems.

India sex industry is a big hurdle and problem in Nepal. In the name of economic, business there is a huge supply of sex workers due to high demand for Nepalese women in the Indian brothels. The risk of over demand for Nepalese women in the sex industry can make more supply of Nepalese women in the Indian brothels. The demand can create more vulnerability of women in trafficking. Sex trafficking should, therefore, be an important concern of both countries; however, the issue is not overlooked by both countries.

The government of Nepal laws is so biased toward the survivors of trafficked women that Watershed event in 1996, the Nepali policy and acts were criticized as unequal and

²⁷ Koirala, Manish. Maiti Nepal. Documentary about women and children trafficking and Maiti Nepal's Work. Published.2013. Retrieved from <https://www.youtube.com/watch?v=zi6P611QTcU>

irresponsible.²⁸ Nepal was censured by the Indian government since India wanted to send trafficked women who were a victim of HIV/ AIDS back to Nepal but the Nepal government refused to take those women into the home country back. This reflects that the laws and policy of Nepal are stereotyping and discriminating.

The government of Nepal lack implementing policies and this has increased illegal activities in transportation to overseas through fraudulent recruitment agencies. It is estimated by the ILO that more than two hundred unlicensed agencies are involved in illegal business in foreign transportation through Nepal since women are enticed to Gulf countries for underpaid and sexual slavery. The women do not get proper education on safe migration for work, orientation and training before the foreign trip from the agencies. Thus, Nepalese women are cheated by brokers who takes their money by deception.

The government has not made any investigations into the reliability of these agencies that entice women into being transported to Saudi Arabia, Israel, and Kuwait with the promise they will collect a huge sum of money. These companies make fake documents and identity. The women who are illiterate are unaware of the transportation rules and policies. Thus, these women are caught in the foreign land and must rely on their brutal owners who

²⁸ Sanghera, Jyoti, Ratna Kapur, and Nepal Kathmandu. "An Assessment of Laws and Policies for the Prevention and Control of Trafficking in Nepal." Kathmandu: The Asia Foundation and New Delhi: Population Council (2000). Retrieved from: http://www.childtrafficking.com/Docs/taf_pop_council_2000_anti_.pdf

make them slave by sexual harassment and mental torture. Oftentimes these women are trapped in the house of the owners who seize their passport and never get paid.

Nepal government implemented a ban on Nepali women to below 30 years of age seeking from going Gulf countries due to reports that they face sexual abuse and exploitation as housemaids in those countries. The ban existed for a certain period, but because black market is so rampant in Nepal that the rules were broken and the agencies started allowing to transport. This ban also increased circumstances in finding the jobs in Nepal to the people.²⁹ In implementing the ban without providing job opportunities in Nepal, the government's actions increased the risk of women being transported illegally to the foreign country.

Under the Foreign Employment Act, 2064 (2007), Nepal implemented licenses to ensure employment regulation policy on recruitment agencies regarding foreign business.³⁰

Furthermore, the policy required a minimum wage and compulsory pre-departure training. The law allows the government of Nepal to file the cases against the agencies if any procedures are not followed. Similarly, Nepal government under 'ILO Convention 111 on

²⁹ Bhattarai, Arjun Kumar. *How rural women experience disempowered in Nepal: an empirical study on women experience as the main obstacles to their disempowerment in their everyday lives*. MS thesis. Universitetet i Nordland, 2014. Retrieved from :

<https://brage.bibsys.no/xmlui/bitstream/handle/11250/220969/Bhattarai.pdf?sequence=1>

³⁰ Jones, Harry, and Yurendra Basnett. "Foreign employment and inclusive growth in Nepal." *Overseas Development Institute* (2013). Retrieved from

<https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8447.pdf>

Discrimination in Employment and Occupation' has also made provision that a company without a license would not have the authority to provide foreign employment.³¹ This act also proposed that every company obtain permission from the government for foreign employment business, but later this policy was considered discriminatory and ineffective. The policies regulation on human trafficking was discontinued so women could go to the Gulf countries and send back remittance.

Health Issues of Nepalese Sex Workers

Health issues are the biggest challenge of survivors of Nepalese women. These women are trafficked to India as sex workers have higher chances of health issues such as fatigue, headaches, and sexual illness.³² The clients often do not use condoms during sex and so women can get pregnant or infected with Human Immune Deficiency Virus (HIV)/Acquired Immuno Deficiency Syndrome (AIDS) following contact with multiple sexual partners in the brothel. Some women are compelled to abort their babies. These women do not get proper treatment as they cannot go outside the brothels. Poor hygiene

³¹ Gurung, Ganesh. ILO. An Overview Paper on Overseas Employment in Nepal. Decent work for all Women and Men in Nepal. Series 4.2004. Retrieved from http://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-kathmandu/documents/publication/wcms_116815.pdf

³² World Health Organization. "Understanding and addressing violence against women: Sexual violence." (2012). Retrieved from: http://apps.who.int/iris/bitstream/10665/77394/1/WHO_RHR_12.42_eng.pdf

and improper treatment inside the brothel results in various chronic disease leading to weakness and poor health.

The unsafe sex makes women to get pregnant and the baby born are never known about the father as the women have physical contracts with multiple clients. In Nepali culture, if women who have a baby before marriage and a baby with the unknown father is considered as shameful act and sin.³³ The social myths and culture of Nepal have also affected women from being in the tragic situation. The Nepali family does not accept such women and their children back into the community, instead, they are judged as vulgar and criminal for being in the brothels. In addition to this, children without fathers are deprived of citizenship in Nepal. Combined, these discriminatory acts have brought many challenges to women to get civic rights.

The women who return to Nepal from brothels lack housing, care, securities, love, and respect in the society, and this serves as one the reason why some trafficked women remain in brothels despite physical abuse and lack of family care. Once the women are known for HIV diseases are discriminated in the hospitals by the health caregiver. The Nepal Health Council in 2012 reported that the government hospital staff are reluctant to touch patients

³³ Kaylor, Leah. "Psychological Impact of Human Trafficking and Sex Slavery Worldwide: Empowerment and Intervention." Retrieved from: <https://www.apa.org/international/pi/2015/09/leah-kaylor.pdf>

due to stereotyping.³⁴ Women infected with HIV/AIDS are not given priority to get health services. The health service provider's discriminatory behaviors and mistreat are a great barrier to the trafficking victims especially sex workers. Consequently, Nepali sex workers are reluctant to visit hospitals for a checkup fearing of the exposure of their status with diseases and disrespected within the society.

The Indian government has provisions under the Indian Medical Council Regulations (2002) which stated that there would not be any discrimination for any sexually transmitted diseases (STD) test from the hospitals.³⁵ However, discrimination of HIV-infected person is prevalent in the hospitals and clinics in India. The women with sexually transmitted diseases in Indian brothels reports that the testing facilities are denied by the hospital authorities. Hence, the women die without medical treatment.

Nepali women who are trafficked to the Gulf countries by fraudulent companies also face poor health conditions such as fatigue, dehydration, heat stroke, stress, accidental injuries, and skin infection. The women who work in the chemical industry do not get health insurance nor any safety in the workplace.

³⁴ UNDP, WAP, APN and SAARC SLAW. Protecting the rights of key HIV-affected women and girls in health care settings: A legal scan - Regional report. Bangkok. 2013 Retrieved from : http://www.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/rbap-hhd-2013-protecting-rights-of-key-hiv-affected-wg-health-care-settings.pdf

³⁵ UNDP, WAP, APN and SAARCLAW. Protecting the rights of key HIV-affected women and girls in health care settings: A legal scan - Regional report. Bangkok. 2013 Retrieved from : http://www.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/rbap-hhd-2013-protecting-rights-of-key-hiv-affected-wg-health-care-settings.pdf

Lack of health education is yet another type of problem among women and children which have created other forms of trafficking in Nepal including organ trafficking. Nepali women are first drugged and their kidney is removed. By the time they regain consciousness their kidneys are taken out and they are already sold to the brothels. The illiterate people women are convinced that organ harvesting provides good money; they are convinced to sell a kidney for just £1,300.³⁶ In Nepal, it is illegal to sell or donate a kidney to others unless they are part of your family but a harvested kidney is sold to India through an illegal market from Nepal. Nepali women are cheated once their organs are transplanted. They do not get the money which they were told to be given. They are rather beaten and threaten if they are asked to bargain.

The kidney trafficking business has caused enormous harm to Nepalese people and sometimes caused death due to kidney failure in the body. The trend of the kidney trafficking is increasing since it is regarded as a profitable trade and it has a huge demand in the hospital itself to cure the patient. Even the patients are willing to give the money labeled for the price. The Human Trafficking and Transportation Control Act of 2007 in Nepal and the Human Body Organ Transplantation (Regulation and Prohibition) Act of 1998 has prohibited the buying and selling of human organs, and make both buyers and

³⁶ Kumar, Praphul. BBC News Plight of girls trafficked from Nepal to India. Youtube. 2013. Retrieved from <https://www.youtube.com/watch?v=RVFOajTMLpA>

sellers liable and punishable.³⁷ However, the black market of kidney trafficking is still widespread in Nepal. The perpetrators can escape due to lack of investigation of the illegal surgeons of kidney and traffickers.

In the black market for organs, kidney surgery is dangerous as the surgeons operate in secret and illegal. The unsafe surgery by the unskilled surgeons causes deaths of the victims after few months and years. After surgery, the patient cannot work as normal people due to excessive pain in the body. Also, in Nepal, there is a lack of hospitals and doctor's unavailability in the rural areas. More importantly, there are no free medical services to Kidney survivors who cannot treat due to the excessive number of medical fees.

Vulnerabilities of Trafficked Nepalese Children

The vulnerabilities of trafficking are widespread not only in women but also in children. The ILO report on Child Labor, 2000-2012 estimates that about 168 million children are involved in the worst form of child labor, slavery, forced labor, sexual exploitation, including pornographic performances³⁸ and 85 million children are engaged in hazardous work³⁹ in industries and occupation such as carpet industries, brick factories, manual work

³⁷The Asia Foundation Report. Kidney Trafficking in Nepal. Research Report. 2015. Retrieved from <https://asiafoundation.org/resources/pdfs/KidneyTraffickinginNepal.pdf>

³⁸ U.S department of labor's bureau of international labor affairs. Findings on the Worst Forms of Child Labor.2000. Retrieved from <https://www.dol.gov/ilab/reports/pdf/2009OCFTreport.pdf>

³⁹ ILO. Making Progress against child labors. Report. 2000-2012. Geneva 2013 Retrieved from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_221513.pdf

and sexual work for pornography. In the United States of America alone, between 14,500-17,500 persons are trafficked each year, while globally about 27 million adults and 13 million children are victims of human trafficking.⁴⁰

A Human Rights Report on Trafficking in Persons 2002, especially for women and children reported about 70 percent of the other 218 young girl children from Nepal were found in one of the in-Mumbai prostitution.⁴¹ Additionally, the national report on Trafficking in Persons (TIP) 2011, especially the children of Nepal who are under the age of 5 to 13 are trafficked to India for various purposes such as the circus industry, sex slave, and house slaves.⁴²

The children of rural areas of Nepal are usually deprived of education and are usually kidnapped by the pimps by attracting them with certain money, food, and clothes. These illiterate children are mostly from the Terai region of Nepal which is bordered by India. The Nepali government report has recorded that the most out of school children are from Terai part of Nepal.⁴³ Child marriage is also rampant in Terai regions where boy usually

⁴⁰ UNFPA. Marrying Too Young. End Child Marriage. Report.2012. Retrieved from <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>

⁴¹ Human Rights Report. Trafficking of Persons, Especially Women and Children. The Projection Project. Nepal. 2002. Retrieved from http://childtrafficking.com/Docs/protection_project_2002_trafficking_india.pdf

⁴² National Human Rights Commission (NHRC). Trafficking In Person Especially on Women and Children in Nepal. National Report. 2011. Retrieved from http://www.nhrcnepal.org/nhrc_new/doc/newsletter/National%20Report%20on%20Trafficking%20in%20Persons%20%20Especially%20%20on%20women%20and%20Children%20in%20Nepal%20-%202012.pdf

⁴³ Worst Form of Child Labor. Nepal. Report. 2011 Retrieved from: <https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/08/Nepal.pdf>

makes income from marriages through dowry- gift giving system in Nepali culture to the women in the marriage. Typically, girl's parents must arrange the property for the son-in-law otherwise, she would not be married. More importantly, she can be tortured and even burned to the dead, by the husband's and his family for not giving the property to the boy. The women in Nepal are just taken as a puppet of a male who own's female liberty by his power. Similarly, the women who are tormented by the male in brothels have a similar condition. The Nepali prostitute follows the clients and does whatever they wish them to do. For instance, the realities faced by these young girls were captured in the recently released movie, 'Sold'. This movie is based on a true story of a Nepali girl who was trafficked to India. The girl is just 13 years old and wants to help her parents to make a house. The pimps investigate the girl's family and persuade the parents to take her in the city and support her to study. The parents are given certain money and the girl is taken away and sold in the brothels. The way the movie shows the heart wrenching seen when she is raped by making unconsciously by many clients. The extent of pain and trauma shown in the movie is beyond the limit that any human can dare to watch it. Unfortunately, neither the Nepali government nor the international conventions, and policies are being able to stop trafficking of women in Nepal despite such realities is rampant.

The United Nations organized a conference after the release of a movie 'Sold' to discuss sex trafficking. The guest speakers in this conference shared that this movie would change

the world by understanding the problems of trafficking of women in Nepal.⁴⁴ However, the irony is there is no any record how many rural families and women were sensitized through this movie. This is obvious that such movies and conferences are just limited to the organization officials. The real survivors and vulnerable people don't get access to watch and become aware through movies.

Among worst form of child slavery, the circus industry is also one where Nepali children are taken to India. The circus performances are physically dangerous and tiring. The children should obey the circus owner who are later exploited physically. The children should sing and dance for long hours in the streets to collect money and hand over to the masters. They should play with fires, weapons and walk in the hot iron rings. Such activities are life threatening and can cause death. Similarly, the documentary video called "Life for Rs. 1000" which is equivalent to 100 dollars of US, published by Maiti Nepal, the only organization in Nepal which is working for sex trafficking- argued about that neither police, government nor any commissioners are initiating any laws to ban brothel in India because the Indian government is concerned about the increase of rape case if they stop prostitution.⁴⁵ The illogical idea of Indian government for not stopping prostitution has influenced more pimps market in Nepal.

⁴⁴ United Nations. Gillian Anderson on Sex Trafficking and the New Movie "Sold". YouTube. 2016
<https://www.youtube.com/watch?v=yk87cwXPQic>

⁴⁵ Koirala, Manish. Maiti Nepal. "Life for Rs. 10000." Documentary. 2013. Retrieved from:
<https://www.youtube.com/watch?v=zi6P611QTcU>

The Ministry of Women, Children, and Social Welfare (MOWCSW) in Nepal prepared plans and policies to address problems of women and children being trafficked in Nepal.⁴⁶ However, trafficking through forced labor among children has not stopped in Nepal. In 1989, UN Convention policy, approved provisions for the protection of the human rights of children in each country and mandated countries to adopt the measures to protect children within their territory and jurisdiction⁴⁷ but Nepal failed to implement this UN policy and laws because child of Nepal are still poor and insecure. The National Plan of Action for Children, Nepal, designed a program 'A World Fit for Children' to addresses various problems in child protection, including promotion of healthy lives, provision of quality education, protection of children from abuse, exploitation, and violence, and expansion of the principles of child participation.⁴⁸ However, this program was unable to exercise in practice due to lack of coordination between international, and national organizations, including the government projects and plans that have not been able to preserve child rights and protection in the country.

⁴⁷ Sanghera, Jyoti, Ratna Kapur, and Nepal Kathmandu. "An Assessment of Laws and Policies for the Prevention and Control of Trafficking in Nepal." *Kathmandu: The Asia Foundation and New Delhi: Population Council* (2000). Retrieved from :

<https://asiafoundation.org/resources/pdfs/nepaltraffickingassessment.pdf>

⁴⁸ Government of Nepal. Ministry of women, Children and Social Welfare. National Plan of Action for children, Nepal.2005/05-2014/15. Report. 2012.Retrieved from:

<http://unicef.org.np/uploads/files/344006198179237619-npa-english-version-final.pdf>

Human Trafficking Acts in Nepal

The Human Trafficking and Transportation (Control) Act (2007) (HTTCA), makes trafficking a criminal act punishable by 20 years in Nepal.⁴⁹ Nevertheless, the traffickers escape after minimum prosecution. Thus, the victims don't get justice and compensation on time. The provision of First Information Report (FIR), a complaint document received by the police station about offense cases in Nepal has become a major challenge to the poor victims to get protection. The corrupted governance and weak investigation committee of Nepal do not provide priority to the traumatized people. The investigation committee even lacks the understanding to punish the criminal on time.

The governance is influenced by nepotism and favoritism in most of the government, public, private and political sectors.⁵⁰ Many anti-corruption laws have been passed in Nepal but it has not implemented due to lack of mutual understanding between political leaders. The instability of political leaders in Nepal has caused huge drawbacks in implementing laws. The leaders usually last for 3 to 4 months in the presidential seat. This has brought the huge defect in the economic and social development declination in Nepal.

⁴⁹ USAid. Asia Foundation and Forum of Women, Law, and Development. Human Trafficking and Transportation(Control) Act. Report. 2007. Retrieved from <http://fwld.org/wp-content/uploads/2016/07/Human-Trafficking-and-Transportation-Control-Act-2007-ITS-IMPLEMENTATION.pdf>

⁵⁰ Poudel, Mahesh Sharma. A summary of Anti- Corruption measures in Nepal.http://www.unafei.or.jp/english/pdf/RS_No86/No86_21PA_Poudel.pdf

The political imbalance and corruption have caused the discontinuity of the laws and policies with more crimes.

United Nations Organization for Drug and Crime, UNODC has prepared many documentaries globally in conjunction with local NGOs to stop trafficking all over the world.⁵¹ This organization also provides special training to the criminal justice officials, such as police, border guards, prosecutors, judges, legislative drafters, and NGO staff, from many countries. For instance, this organization initiated community vigilance projects along the border between India and Nepal, led by local leaders and women's groups. The projects mobilized thousands of villagers to prevent human trafficking but they had no support from officials in Nepal. Though many actors from Nepal organizations participate in international and national conferences and training, the lessons learned by the participants are not shared or exercised in practice.

Results and Discussion

The United Nations Population Fund (UNPFA) 2012, states that South Asian countries are considered to have the highest source of forced laborers. Annually 18,000 to 20,000 girls from Nepal are taken to India for sex trafficking.⁵²

⁵¹ UNODC. Making the World Safer from Crime, Drugs and Terrorism. Report. 2007. Retrieved from http://www.unodc.org/pdf/annual_report_2007/AR06_fullreport.pdf

⁵² Productions, Mudturtle Media. 3 Angels Nepal. Human Trafficking: Nepal. Oct 2, 2013. Retrieved from <https://www.youtube.com/watch?v=Fdo6NVqHA0w>

Due to the bilateral relation between Nepal and India, both countries have not signed any treaties against trafficking and border threats. The open trade business between Nepal and India has greatly helped the economic gain in India.⁵³ The supply of goods such as gas, oil, petrol, and diesel are all imported from India to Nepal. Furthermore, the demand of Nepali women in Indian brothel has not the only risk Nepali women be trafficked to the brothels but has risked more HIV/ AIDS issue rate among sex workers.

The nepotism, corruption and discrimination practices in government offices and organizations have inclined more injustice to the victims. Furthermore, the problems of illiteracy and poverty have risk poor family influenced urbanization. Most of the women are cheated by the pimps who are rather taken to the brothels for prostitution.

The power imposed to the male as a superior, in the Nepali cultural structure has made women be tolerated to the physical violence by the male. Thus, the government of Nepal has neglected dignity of women's rights.

The children who are sold to India are mostly the girls from illiterate and poor family from Terai regions. They are either taken to the brothels or in the circus industry for earning the money.

⁵³ Sharma, Kishor. "The political economy of civil war in Nepal." *World Development* 34.7 (2006): 1237-1253. Retrieved from:<http://www.sciencedirect.com/science/article/pii/S0305750X06000623>

Recommendation:

The dependency of Nepalese laborers in India for goods items and jobs opportunities has made negative impacts on poor Nepalese lives due to the open border threats such as an easy escape of pimps and Johns. Hence, there should be a strict investigation committee in the entry routes of India to Nepal. In every checkpoint border in Nepal, there should be a detail inquiry of the travelers.

There should be a digital tracking system to monitor every person entering Nepal and going to India. Each person should be inquired through electronic identity cards issued by the government. There should be a background check system so that pimps cannot cheat the borders with fake information.

The like-minded organization should reach prostitute women in the Indian brothels in coordination with the police investigation team. The sex workers should be provided counseling and therapy to rescue from the prostitution.

Rehabilitation centers should be opened especially for those who are sexually trafficked Nepalese women in each district. This will help victims to reach for treatment as soon as possible. The rehabilitation should provide therapy class and health treatment free of cost. Thus, this will help to develop self-esteem and encouragement.

Housing options for the trafficked survivors are very important. The housing facility should be provided for those trafficked Nepali women in need. These women should be given to stay if they are needed. The short timing for housing would result in vulnerability to opt women go the prostitution or become homeless.

Girl's education programs are the most important need for stopping sex trafficking. Free education provision such as grants, scholarships, fellowship, stipends free counseling on sex trafficking should be encouraged. Mandatory child education should be provisions in the law of Nepal. Increasing schools access such as clothes, transportation facility, stationary, food stamps in the school can help the student to enroll in the school. The schools which can provide many admissions for the poor children free should be given special reward and grants. This will bring ownership to the schools. The influential teacher should also be rewarded to inspire students to continue the study. Punishment should not be allowed in the school so that children get encouraged to go to the school.

The government of Nepal should make a provision of mandatory girls and boys clubs in each district and rural areas of Nepal, and give priority for girls and boys to involve in the leadership position. The club can initiate sports and knowledgeable events to encourage leadership development among women and children. The local people should also be involved in the club so that they would feel ownership of the work and involved in the social work to stop trafficking. This will also create social networks and help to disseminate educational information in local areas of rural Nepal.

The students from rural areas of Nepal should be given job opportunities after the completion of the study so that they would not be influenced to go Gulf countries or brothels by deception.

Movies and documentaries based on girl's education, human rights, gender issues and trafficking should be shown to the poor villages by the organizations and government organizations which is working against trafficking and gender-based violence. The organizations should provide food and gifts to the participants so that it will influence villagers to participate in the program. After the movies, the local people should be surveyed to know if the children and women are missing from the community. These missing people should be investigated to rescue from the brothels and provide sex trafficking help packages.

Entrepreneurship business programs and projects should be emphasized to the women of Nepal such as agro-based, computer training, tailoring, and driving lessons to earn a money in the village area.

More advertisement and awareness programs based on sex trafficking issues should be broadcasted from Nepal television and radio channel regarding trafficking. Nepal television is a free channel in Nepal and radio is cheap sources of information. Radio can be purchased for a US dollar. This information source can help poor people to get access to information on sex trafficking.

The hospital in Nepal should provide the record of kidney surgery based on the policy provisioned by the government. The collection of data should be submitted to the Ministry of Health by the donor agencies which has a license to handle the case. This will aware hospitals and staff to discourage kidney surgery provision and laws in Nepal. The survivors of organ trafficking who suffers from economic problem should be provided free health and food stamps by the government.

Conclusion

The economic dependence of Nepal to India is the defecting factors for Nepal since it has increased sex trafficking vulnerability. India is famous for sex trafficking hub and the policy enforced by the Nepal government for sex trafficking has become backfire. This has resulted in high risk of women being trafficked into the brothels. Thus, dependence theory regarding demand and supply from this statement is proven.

This paper has mainly discovered the degree of problems faced by Nepalese sex workers such as how they are cheated, sold and made slaves in the brothel. The government should become more sensitive towards women's education, and rights. There need to be a strict law and to issues regarding poverty, gender-based violence, child labor, illiteracy, weak policy, and corruption. The other forms of smugglings such as child trafficking and kidney trafficking are inclining due to the lucrative business of sex. The lack of education has

resulted in organ trafficking also. Hence, education among women is the ultimate problem-solving method for sex trafficking.

Sex workers can become displaced when they are exposed by their health status, such as HIV/ AIDS. They eventually are in the risk of mental illness. It is unfortunate that there are no such concerned rehab centers to provide the cure for the prostitute women.

This challenge and gaps illustrated in this paper define that Nepal is at great risk of political, economic and social failure due to sex trafficking issues as illustrated in this paper. This paper has finally, discovered the degree of problems faced by Nepalese sex workers such as how they are cheated, sold and made slaves in the brothel.

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Appendix:

In the following index box, has illustrated why and how trafficking is done.

Figure No. 1: Detail process involved in human trafficking:

Process	Means	Purpose
<ul style="list-style-type: none">• Recruitment• Transportation• Transfer• Harboring• Receipt of persons	<ul style="list-style-type: none">• Threat• Force• Coercion• Fraud• Deception• Abuse of power• Abuse of vulnerability• Giving and receiving of payments	Exploitation includes: <ul style="list-style-type: none">• Prostitution and other forms of sexual exploitation• Forces labor and services• Slavery and similar practices• Involuntary servitude• Removal of organs

Source: UNOCD, Global Report on Trafficking in persons