



Terre des hommes

Letters from Kathmandu

Volume 3, June 2003

Child Trafficking in Nepal - Part I.

With this newsletter we inform about the problem of child & women trafficking in Nepal.

Child trafficking is a Human Rights issue. Child trafficking is not a new phenomenon, but in recent years it has re-emerged as a global problem, and is becoming a serious challenge in Asia, home to more than one billion of the world's poor people who are also being considered as very vulnerable.

“Trafficking in women and children for sexual exploitation has victimized more than 30 million in Asia alone. It is one of the most devastating and fastest growing problems in the region. Legal provisions, such as criminal laws and procedure, and regulations for law enforcement and immigration controls vary greatly among jurisdictions, resulting in safe havens for traffickers.

However, there has been little coordination between states to meet the exigencies of the reality. Due to the absence or limited legal restrictions and acquiescence, or even facilitation in some cases, by law enforcement and immigration officials, thousands, or presumably tens of thousands, of persons are trafficked across borders every month. Compounding their abuse at the hands of traffickers, victims are often criminalized and treated without due respect to their basic human rights and dignity in the country of exploitation as well as their country of origin.”

www.imadr.org/project/netw/Colombo/final_report_1999

There are alarming reports indicating that around 500,000 women and children in Asia are sold into prostitution every year and the numbers of victims are on the rise. It is also estimated that the global trafficking industry generates more than five billion USD each year, thus being the third biggest illegal industry after drugs and arms smuggling.



Recently she returned back from Bombay

INTRODUCTION

It is feared that the problem of trafficking has to be considered to be particularly acute in Nepal. The exploitation of women and children by forcing them by one way or another into the sex industry is a very troubling issue. People estimate that the number of women and girls trafficked from Nepal to India is between the ranges of 5000 to 8000 each year, but some reports indicate that the numbers are even higher. The largest proportion is trafficked across the border from Nepal to India, but the whole trafficking business has diversified nowadays – including new destinations like Hong Kong, Singapore, Bangkok and the Gulf states. Over the past couple of years also a new trend developed, namely the internal trafficking from rural to urban sex markets for prostitution.

Many factors such as widespread poverty and related marginalisation, vulnerability, discrimination, deep-rooted gender discrimination, disempowerment of women, deep-rooted patriarchal norms, domestic violence, social disparities due to caste and ethnic groupings, political apathy, lack of law enforcement, dysfunctional family structures, restrictions in mobility, limited social interaction, cultural as well as social restrictions, are considered to be the major causes for increased trends in trafficking of women and children in Nepal.

PRESENT SITUATION

There are no reliable data how many women and children are trafficked every year. Estimates vary between 5'000 to 6'000 as given by many NGOs, and government officials indicate that the number could be up to 8000 victims a year. ILO puts the number up to 12,000 while some believe it could be even in the range of 20,000 victims, mainly children, every year.

However, there is general agreement that trafficking is on the rise and the majority of women and girls are being trafficked into the sex industry. "Trafficking of young girls and women has plagued this Himalayan Kingdom of Nepal for many decades. It is estimated by some scholars that over 140,000 to 200,000 young girls and women continue to be grinded in the sex market of Indian brothels in Calcutta, Siliguri, Kanpur, Gorakhpur, Lucknow, New Delhi and Bombay. A study of the Asia Foundation "indicated that all women of all ethnic castes and communities were involved in the sex trade, thus dispelling the existing belief that entry into prostitution is limited to a few communities that have been identified as vulnerable to trafficking." (*The Asia Foundation: "Community Perceptions of Trafficking and its Determinants in Nepal; 2001*).

SCOPE OF PROBLEM

After almost two decades of seminars, research and workshops it is still not known, how many girls are trafficked, where they go and who is responsible. "At least hundreds of thousands, and probably more than a million women and children are employed in Indian brothels. Many are victims of the increasingly widespread practice of trafficking in persons across international borders. In India, a large percentage of the victims are women and girls from Nepal. This report focuses on the trafficking of girls and women from Nepal to brothels in Bombay, where nongovernmental organizations say they comprise up to half of the city's estimated 100,000 brothel workers. Twenty percent of Bombay's brothel population is thought to be girls under the age of eighteen, and half of that population may be infected with the human immunodeficiency virus (HIV). Trafficking victims in India are subjected to conditions tantamount to slavery and to serious physical abuse. Held in debt bondage for years at a time, they are raped and subjected to other forms of torture, to severe beatings, exposure to AIDS, and arbitrary imprisonment. Many are young women from remote hill villages and poor border communities of Nepal who are lured from their villages by local recruiters, relatives or neighbours promising jobs or marriage, and sold for amounts as small as Nepali Rs.200 [\$4.00] to brokers who deliver them to brothel owners in India for anywhere from Rs.15,000 to Rs.40,000 [\$500-\$1,333]. This purchase price, plus interest (reported to be ten percent of the total), becomes the "debt" that the women must work to pay off -- a process that can stretch on indefinitely. Only the brothel owner knows the terms of the debt, and most women have no idea how much they owe or the terms for repayment. Brothels are tightly controlled,



Public awareness campaigns by a local NGO ABC/Nepal including following pictures

and the girls are under constant surveillance. Escape is virtually impossible. Owners use threats and severe beatings to keep inmates in line. In addition, women fear capture by other brothel agents and arrest by the police if they are found on the streets; some of these police are the brothel owner's best clients. Many of the girls and women are brought to India as virgins; many return to Nepal with the HIV virus." (*Human Rights Watch: "Rape for Profit-Trafficking of Nepali Girls and Women to India's Brothels." 1995*)



ROOT CAUSES OF TRAFFICKING

Migration

In Nepal the trend of leaving for India in search for a better life and in search for work to feed the children and to maintain a family back home is a very old cause of migration. The first waves of migration started right after the Treaty of Sugauli in 1816, mainly with hill ethnic groups. Although trafficking and migration are two different activities and processes, trafficking is quite often a direct result of migration. "When women migrate from one place to another for better job opportunities, they may become vulnerable to abuse and trafficking that can take place within the migratory process. Within and across borders, trafficking is one of the most lucrative and profitable businesses, in which girls and women are taken from villages to cities, and from poorer countries to richer countries. There are no completely reliable data or figures because accurate quantitative research is very difficult to conduct, but from the available qualitative research, it is claimed that children are increasingly being

trapped in this trade.” (WOREC: “Perceptions of Grassroots People about Human Trafficking, Migration and HIV/AIDS.” Women’s Rehabilitation Centre, Kathmandu, 2002). This statement is also supported by the fact that “92 per cent porters, 87 per cent tempo helpers, 95 per cent child domestic servants, 93 per cent shoe shiners, and 97 per cent carpet weavers are reported to be child migrants in Kathmandu valley.” (ILO-IPEC: “Trafficking and Sexual Abuse among Street Children in Kathmandu, March, 2002.)

This data are especially serious considering the fact that about 1.9 million children in Nepal (from six to 14 years) are economically active, thus representing the highest rate in the South Asian Region. (ILO: “Understanding Children’s Work”. Kathmandu, March, 2003) The same document says that at least 127,000 children aged 5-18 years involved in child labour, out of them 80 percent are migrants.

Armed conflict

The armed conflict between the Maoists and the State of Nepal is another cause of forced migration from the hill villages to the urban centres in Nepal and beyond. “The possibility of youths being engaged in traditional agriculture is largely diminished due to insurgency resulted crisis, the threat of coming into cross fire, suspicion of fighting groups and resulting actions and compulsion to inform the government of rebels in the one hand and to join the rebellion armed forces on the other being the major causes.” (CeLRRd: “Analysis of Laws and Policies on Labour Migration & Trafficking.” Bhaktapur, November 2002)

There is growing evidence “that in response to the insurgency, children have been forced to flee to neighbouring India, as migrant workers and others have been ‘internally displaced’ within Nepal – usually with other members of the family. These children are in need of special attention. At a crucial and vulnerable time in their lives, these children are brutally uprooted and exposed to danger and insecurity. Such children are at the state of vulnerability of trafficking and child labour. While refugees benefit from the specific attention of a number of international organisations, those who are displaced internally receive less protection even though they tend to be at greater risk.” (Dr. Gopal Krishna: “Draft Report: The Impact of Armed Conflict on Children and Families.” Coalition to Stop the Use of Child Soldiers, in cooperation with UNICEF, conference paper, Kathmandu 2000.) A recent research paper estimates the number of IDPs in Nepal “somewhere between 100,000 and 150,000.”

Psychosocial situation, discrimination and violence

The dominating effect of a patriarchal social structure on women in Nepal cannot be overestimated. Women are seen as inferior citizens, and subordinate to their husbands, fathers and sons. “Boldness in decision making, strength of expression, opinion formation, participation in public forums and assertion of needs and interests are discouraged during the socialisation



process of girl children.” (Yuabaraj Sangroula: “Trafficking of Girls and Women in Nepal” Kathmandu School of Law, Kathmandu, Nepal, 2001).

Females in Nepal are discriminated due a deep-rooted social culture since very early childhood and discrimination is institutionalised in every aspect of life. They live their daily lives confined to the family environment, but surely do not move beyond the village, and are very restricted due to the prevailing gender roles. Disempowerment and discrimination at all levels is prevailing especially in education, work opportunities, marriage arrangements and socialisation. “Although a daughter is a ‘member’ of her natal lineage to the extent that this linkage is important in determining whom she can marry, she can never become a full member” (Bennet Lynn: “Dangerous Wives and Scared Sisters – Social and Symbolic Roles of High-Caste Women in Nepal.” Kathmandu, 2002) of her own natal family, despite her strong emotional attachment. For the young Nepalese girls it is clear that their stay with their own family is only an interim period. “They [parents] kept my brothers even when they were well grown up, but me – as soon as I was fourteen they began to say that I was grown up and that it wouldn’t do for me to grow older at home.” (ibidem) Literacy rates in Nepal for women and girls are quite low and investments in a girl’s future are limited. “To a women living in an environment of restricted rights and freedom with few employment opportunities, a trafficker offering a chance for economic independence may be seen as the only opportunity to improve her situation” (The Asia Foundation: “Community Perceptions of Trafficking and its Determinants in Nepal; 2001). Research findings also indicate that there is a very close link between the emotional situation of village girls and mobility: “At times we feel so



depressed, that we think if someone comes and persuades us to go to the city with them, we will willingly go along with them" (*ibidem*). Psychosocial studies in many parts of the world also show that victims of abuse often come from dysfunctional or broken family. Nepal is most probably no exception in this regard as some studies already indicate: "Nearly 40 percent of them did not have either one or both parent alive when they were forced into the sex trade." (*New ERA: "A Situation Analysis of Sex Work and Trafficking in Nepal with Reference to Children."* Kathmandu, 1998). "Interviews with victim girls and women reveal that a considerable number come from broken homes, the stepmother or stepfather often being the source of violence. In such conditions, the loss of a sense of self-worth, of trust, of belief in a better personal future away from their current living conditions render these women extremely vulnerable. Such girls and women may be trafficked and engaged in prostitution more easily than other girls and women." (*Yuabaraj Sangroula: Trafficking of Girls and Women in Nepal*" Kathmandu School of Law, Kathmandu, Nepal, 2001). In addition it is believed that "while girls are being exposed increasingly to modern media, the importance given to sexual purity of women in higher castes does not seem to be declining. With small mistakes on sexual behaviour, they are socially ostracized and left with no alternative but sex work." (*New ERA: "A Situation Analysis of Sex Work and Trafficking in Nepal with Reference to Children."* Kathmandu, 1998).

"Alcohol related physical and mental torture, gender-based beating of wives and daughters or daughter-in-law, dedication to gods or goddess, burning, maiming, murder of wives or daughters-in-law, intimidation, humiliating, verbal abuse, dowry related physical and mental torture, emotional insult and economic deprivation i.e. denial of right to property or opportunity of earning or destruction of property owned by women, family coercion to abide by certain forms of conduct or behaviour, discrimination in treatment, i.e. less health care, inadequate food, excessive workload, restriction on social relations, education and entrepreneurship" (*CeLRRd: "Impact of Corruption in Criminal Justice System on Women."* Center for Legal Research & Resource Development, Kathmandu 2000) by husbands, uncles, brothers, and other household members form all different aspects of domestic violence – with the dire consequences of pushing girls into the sex trade.

"The socialisation process in all communities and ethnicities which emphasizes marriage as the one and only means of livelihood for women, seems to be at the root of large scale sex trade in Nepal. Although the majority of commercial sex workers CWS respondents identified poverty and need for money as the primary cause as to why they were in this business, looking through their stories, what comes out clearly as the underlying factor pushing girls into this activity is the way girls are raised." (*New ERA: "A Situation Analysis of Sex Work and Trafficking in Nepal with Reference to Children."* Kathmandu, 1998).



Poverty and indebtedness

The deep and severe poverty levels in Nepal create an environment, in which people "barely scratch out a living in fragile ecosystems; their vulnerability to natural and economic shocks is heightened by the fact that even the most basic infrastructure has so far failed to reach them." (*UNDP: "Poverty Reduction Governance."* Nepal Human Development Report 2001). Poverty and unemployment in rural Nepal are important factors that force people to migrate to urban centres in search for jobs and income, "and the villagers described these economic reasons in different ways, including lack of food, lack of employment, and lack of land." (*WOREC: "Perceptions of Grassroots People about Human Trafficking, Migration and HIV/AIDS."* Kathmandu, 2002). John Frederick points out "it can be safely said that debt obligation plays a significant role in the soft trafficking of children here. What is interesting is that the question of family indebtedness does not form any part of the present trafficking discourse in any of the regional countries." (*Frederick J.: "Deconstructing Gita."* HIMAL; Kathmandu, 1998). This is supported by research findings, which says "more than half (of commercial sex workers) in Nepal and a quarter in India said their families were indebted when they were children." (*New ERA: "A Situation Analysis of Sex Work and Trafficking in Nepal with Reference to Children."* Kathmandu, 1998).

THE MAGNITUDE OF CHILD TRAFFICKING

Due to the clandestine operation required and the crime-related issue of trafficking there are no quantitative data available concerning the magnitude of the problem. But it is even feared that the scale of trafficking and commercial sex work is bigger than it is usually believed. "The study findings estimate that 12,000 children are trafficked every year from Nepal. A recent paper of ILO says that "most trafficked girls end up in brothels in urban centres across the border in India, where as many as 30,000 Nepalese girls can be found at any given time. Nearly 40 percent are trafficked before the age of 14 years." (*ILO:*

“*Understanding Children’s Work*”. Kathmandu, March, 2003) The Nepalese NGO ‘Child Workers in Nepal’ CWIN is reporting (CWIN: “*Facts about Human Trafficking*.” Kathmandu, 2002) that except for the sex trade also thousands of Nepalese children are trafficked to carpet factories in India, to circus agencies, agricultural projects, road construction sites and to forced beggary in the bigger cities like Delhi, Bombay etc. “Trafficking of boys, as evident from the sampled respondents, has been rampant since 1987. Of the total respondents thirty-one percent of them were trafficked in 1999 to 2000. It indicates that trafficking is not only continuing but also increasing at an alarming rate.” (ILO-IPEC: “*Nepal: Cross Border Trafficking of Boys*.” Kathmandu, 2002).

HISTORICAL ASPECTS

The Rana period

“Trafficking in Nepalese girls and women for sexual exploitation began as early as the Rana regime (1846-1951)...The Ranas drew many young girls from the hills surrounding the Kathmandu Valley to their palaces as servants and objects of sexual exploitation...After the overthrow of the Rana regime, the Rana class could no longer support hundreds of women servants... With the downfall of the Rana, the market for hill girls decreased in Kathmandu. The traders involved in supplying young girls to Rana palaces subsequently established connections with brothels in Indian cities. Indian brothels have a high demand for Nepalese girls for many reasons. Firstly, there have long been many Nepalese workers in India, providing a source of ‘buyers of sex’. Secondly, the fairer complexion of the Nepalese girls is attractive to most Indian native ‘buyers’. Thirdly, importing Nepalese girls has been safer than selling local Indian girls into prostitution. Ignorance of local customs, procedures and languages make Nepalese girls less likely to complain to the police. Trafficking in Nepalese girls and women to the Indian brothels became fully established in the 1960s, and increased tremendously in the 1980s. By the 1970s, criminal links between Indian sex traders and the Nepalese pimps were well established.” (Yuabaraj Sangroula: *Trafficking of Girls and Women in Nepal*” Kathmandu School of Law, Kathmandu, Nepal, 2001)

The carpet industry

The carpet industry developed with the first arrival of Tibetan refugees in the 50s, strongly supported by the International Red Cross and the Swiss Government in 1960 with the establishment of the “Jawalakhel Handicraft Centre” in Kathmandu. The carpet industry flourished soon with an estimated profit of more than 120 million USD only in 1992 and became surely one of the biggest success stories regarding economic development in Nepal. But there is also another side of the coin: The carpet industry was notorious for using child labour and is most probably one of the main reasons how trafficking networks became established. “Generally, every carpet factory has an intimate link



with the labour contractor, or *naike*, who will roam around the mountain and terai [lowland] villages and motivate the people to go to Kathmandu to work in the carpet factories in the city. They bring the people in flocks, thus receiving a fat commission from the factory owners.” (CWIN: “*Misery Behind The Looms – Child Labourers in the Carpet Industry*.” Kathmandu, 1993). Due to their nimble fingers, which can tie very small knots, there was right from the beginning a strong preference to employ children. “But it is also true that the employers prefer children because they are easily available, naive, willing, and easy to control and exploit.” (*ibidem*). In its study (1993) CWIN also found out “that the number of children currently working in the carpet industry in Nepal is more than 150,000,” (*ibidem*) with an age group between 5-16 years - 38% of children were girls. “In 1995, the Nepal office of the Asian-American Free Labour Institute (AAFLI) conducted a comprehensive landmark survey of child workers in 819 of 1,300 Nepal carpet factories, then registered with the government of Nepal. A total of 2,891 children were found, of whom 1,852 were male and 1,039 female, with the majority (30%) hailing from Sindhupalchowk [*it is interesting to note that this district is nowadays the most severely affected in terms of child trafficking in Nepal*] and Makwanpur districts alone. Of the total, 1,822 had no formal education and were illiterate, while the remaining 1,069 had some formal education, but had discontinued their studies to work full-time. The children of 12 and 13 years of age comprised 81% of the total, which meant that the majority of child workers were only a year or two shy of the legal working age, 14. In general, the plight of the children working in carpet factories was heart-rending to say the

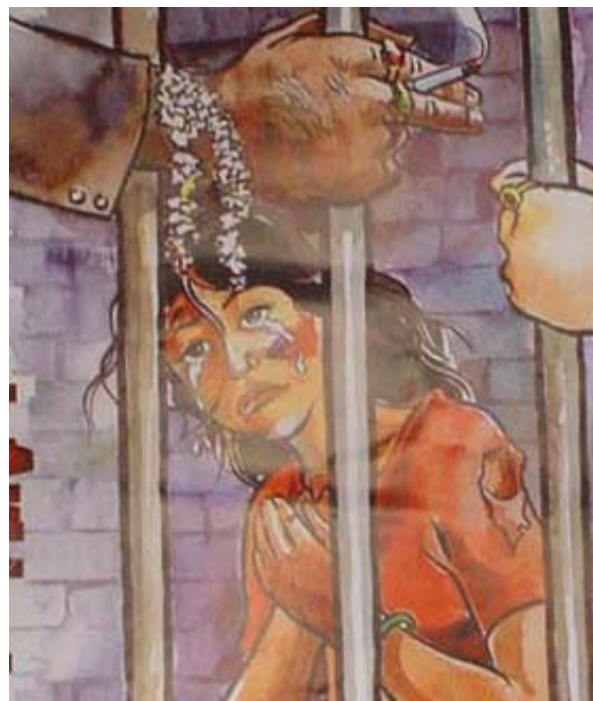


least. Hailing from poor, salt of the earth, illiterate families, they had to work in congested, dusty places with poor lighting system and poor ventilation. Not only that, they also faced problems of low payment, long working hours, substandard shelter, job insecurity, exploitation by adults, deprivation of education and medical facilities.” (ILO-IPEC: “*Phasing out child labour from the carpet industry in Nepal.*” Kathmandu, Nepal, 2000) “Labour brokers, moneylenders, factory owners and managers took away much of the girls already low wages in various ways. The problem of girl workers were not limited to exploitation within the carpet factories. They were also vulnerable to be used for prostitution because of the relationship between the unregulated carpet business and sex trafficking, the availability of often unsupervised girls in unpleasant low paying carpet jobs provided an opportunity to Indian brothels. The exploitative conditions in carpet factories were supportive for traffickers to prey on girl carpet workers by promising them better jobs in India which in fact turned out to be forced prostitution.” (Yuabaraj Sangroula: *Trafficking of Girls and Women in Nepal*” Kathmandu School of Law, Kathmandu, Nepal, 2001). The strong link between the carpet factories and child trafficking is also given by the fact, that “there are [in 1993] more than 25,000 children working in carpet factories in different parts of India, particularly in Bhadohi and Mirjapur of Benaras district. Most of these children have been trafficked by the *naikes* [labour contractor] from the carpet factories in Kathmandu and some of them have migrated with their families and relatives in search of work.” (CWIN: “*Misery Behind The Looms – Child Labourers in the Carpet Industry.*” Kathmandu, 1993)

2 MODELS OF TRAFFICKING

“Two models can explain the complex processes of trafficking: ‘hard trafficking’ and ‘soft trafficking.’ In the former model, trafficking takes place due to coercion, fraud, abduction and deception, largely from working places of children in the worst forms of child labour. In the later model, children, girls in particular, are seen as commodity that can be bought and sold. ‘Soft trafficking’ seems to take place with the consent or complicity of parents from some remote and poor localities.” (ILO: “*Nepal: Trafficking in Girls with Special Reference to Prostitution: A Rapid Assessment.*” Geneva, 2001). But it is also clear that daughters or women have almost no control over decisions affecting them. Reports indicate that very often parent are forced to send their daughters to work somewhere else in order to make her help to repay family debts: “*If our parents/husbands ask us to go and work somewhere, we will definitely agree to it even if we do not like the job or place.*” (The Asia Foundation: “*Community Perceptions of Trafficking and its Determinants in Nepal;* 2001). A situational analysis of the Nepalese NGO WOREC documents that “eighty-three percent of respondents said that the trafficking girls were betrayed or deceived into leaving their villages, while about one-tenth (9%) said that the girls left their villages of their own will. Respondents also

pointed out that often family members and relatives are



involved in persuading or convincing girls to leave.” (WOREC: “*Perceptions of Grassroots People about Human Trafficking, Migration and HIV/AIDS.*” Kathmandu, 2002)

These circumstances demonstrate the involuntary ways how girls and women are becoming a commodity of organized or loosely organised criminal traffickers. Trafficking networks perform three types of actions: They recruit women and children in Nepal and traffic women and children to India for exploiting them in brothels. Different people perform each of these actions based on division of labour that guarantees the smooth running of the operation. “The promise of a good job is the most commonly practiced form of deception used to entice girls and women across the border of Nepal. The traffickers have established good linkages between Indian cities and Nepal. There are many examples indicating the emergence of a strongly organized network of local suppliers, pimps and brothel owners. There are plenty of stories supporting the organized network behind trafficking.” (Yuabaraj Sangroula: *Trafficking of Girls and Women in Nepal*” Kathmandu School of Law, Kathmandu, Nepal, 2001) Criminal networks in Nepal do not seem to function like the mafia in Sicily with a powerful ‘godfather’ on top. It seems that trafficking networks are small, informal and highly decentralized. “The big shots, cops and politicians may get a piece of the brothel profits after the girls are installed, but large networks probably account for only a small percentage of trafficked women and children.” (Frederick J.: “*Deconstructing Gita.*” HIMAL; Kathmandu, October, 1998)

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