

INDO-NEPAL CROSS-BORDER HUMAN TRAFFICKING: A RISING CONCERN

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Abstract- Trafficking is a serious organized crime and a threat to human rights includes kidnapping, coercion, sexual and mental harassment of the innocent victims. The problem of human trafficking is becoming serious concern for the developing countries that are going through the social, economic, political and environmental transformation. The origin country of the crime i.e. Nepal has experienced the severe changes in the climatic conditions, long and intolerable social tensions, internal insurgencies etc due to which the problem of mass displacement took place. This extreme conditions have left the thousands of families displaced from their home and forced them to live under poverty and inhuman settlement condition. Deprived displaced women, left with no option to earn for their livelihood except for indulging in sex business which has turned into sex trafficking later.

Though the nature and causes of the heinous crime of human trafficking is different throughout the world but, the women and female children are the most vulnerable group for the sexual exploitation. Beside prostitution there are other forms of trafficking also existing in Nepal including child soldering, adult entertainment, labor work, begging and domestic worker. The problem of human trafficking is increasing day by day due to ignorance of government, high level of corruption and lack of orientation leading to serious violations of the basic human rights of the victims. Rise in the demand of Nepali women and changing mindset of the society also adding a cause to the problem. The problem of human trafficking in indo-Nepal border is a problem of concern for the country's image as well in the international forum. The paper trying to find out the root causes of the human trafficking in between Nepal and India. The paper is based on the secondary sources of data. The paper concludes that the cross border human trafficking from Nepal to India is a very serious problem as it seems to be and can't not be solved unless the strict legal anti trafficking rules are imposed with co-operation between two countries government. Sufficient rehabilitation of the displaced and deprived families, employment generation in Nepal and awareness programs can give better results to combat the problem.

Index Terms- *Human Trafficking, Anti-Trafficking, Rehabilitation, Cross-Border Co-Operation*

I. Introduction

During 20th century crime against women and children didn't get attention. Several victims suffered in silence, many of them died brutally and no public recognition was given to their troubles. At the end of the century, scenario started changes when different international and national groups paid attention of the authorities towards the severe crimes against women and children. Many facts came out after the series of surveys and researches done at various levels. Human trafficking is considered to be the third largest crime after the smuggling of drugs and arms throughout the world. The crime is so managed that it has become very difficult to find out the networks and links. Violence against women and children has taken the form of trafficking for physical and mental harassment of the victims.¹ Developing countries that are passing through the socio-economic demographic transitional phase are among the most sufferer group countries. Human trafficking have different reasons in various parts of the world ranging from slavery, labor,

prostitution, marriage, organ smuggling etc. the most prominent cause among all is sex worker and labor worker. Porous international border, Poor economic condition, increasing natural calamities, social menaces, traditional society, illiteracy and family conflicts are the major reasons of increasing several victims from these areas. India provides a market to these trafficked women and children. There is huge demand of female workers in metro cities like Delhi, Jaipur, Mumbai and Bangalore in domestic as well as in commercial areas where afterwards they faces sexual harassment and mental abuses from their owners.

Despite of mounting awareness against the Human Rights and trafficking worldwide, the occurrences of the crimes are increasing day by day because of the greed of evil actors of the society. Unfortunately, the perplexity of crime has endured as transnational issue of concern globally and no nation is able to check on its rising level over the years. Globalization has opened the new routes for these traffickers including the use of modern technology to spread their branches to international borders. According to a UN report 2000, the number of trafficked women for sex worker is in between 700,000 to 2 million on yearly bases. The number shares around 250,000 estimated cases only from the Asian countries like India, Nepal, Bangladesh, Pakistan, Sri Lanka, Bhutan, Maldives and Afghanistan². Around 200,000 women and children have been reported being moved across the borders for sex trafficking from Nepal alone.³ It was documented that the 12000 Nepali children were trafficked in India alone.⁴

Several attempts have been made to understand the nature and definition of the crime and many protocols has been signed by various countries at UN forum to fight against the evil crime.⁵ Due to the absence of concept clarity between the various terms related to trafficking the authorities faces problem in identifying and punishing the culprits involved. So, it becomes important to have deeper understanding about the terms related to the crime like migration, forced labor and trafficker.⁶ Due to the same confusion in the terms women in Nepal is facing severe problems of intervention from the government. Nepal government has banned the legitimate labor migration of Nepali women to Gulf countries due to the absence of proper mechanism to understand the difference between the migration and trafficking. The perception of the government is that the women may become victim of the sexual exploitation there.⁷ Women are facing negative impact on their economic lives due to this ban. Thus, it becomes mandatory to create proper understanding of the terms related to human trafficking to ensure positive results. It is to this end that this paper is an attempt to make its contribution particularly focusing on the problem of sex trafficking in Nepal. The research work may be useful for policy makers, academicians, scholars, potential victims and agencies fighting against the menace and are involved in solving the problem. A well defined and fair strategy can be useful to make great contribution in creating base for the theory, practice and policy in the area.⁸

The sensitive nature of the crime makes it more important and responsible task for the researcher. The paper seeks to add some important dimensions to understand the nature of sex trafficking in Nepal and perhaps the urgency to check on the heinous crime. To attain these basic understanding, the study revolves around some key goals in the form of questions to deal with-

- a. What entails sex trafficking in the Nepal and India?
- b. What are the major routes for the traffickers?
- c. What are the factors encouraging the crime?
- d. What are the consequences of the crime on the victim and on the nations involved?
- e. What can be the possible solutions and preventive measure to check the problem?

II. Research Methodology

The above aims of the study serves as criterion for the research work of the paper within which the study was carried out. A narrative review approach has been employed in order to create the basic understanding of the phenomenon. A narrative review is a proper method to understand any phenomenon when it summarizes several research studies altogether.⁹ It also gives the researcher the opportunity to add self-knowledge, replicate practice and acknowledge the phenomena.¹⁰ An attempt has been made to collect relevant

literature review about sex trafficking. The basic purpose behind collecting the information is to create understanding of the crime, to know the causes, effects and consequences of the sex trafficking. Keeping in view the complex nature of the crime highly reviewed paper from various journals and publishers has been taken into consideration and studies. The paper is broadly based on secondary data collected through various reports, monographs and journals available on various libraries and internet open thesis. Electronic data bases such as Google Scholar, Google Books, academia.edu, Open access thesis and dissertations were also helpful in writing the paper.

III. Definitions and Literature Review of Human Trafficking

Slavery in its first form has been done away centuries ago but it still exists in some other forms. The forms may vary from place to place and gender wise. While looking at the modern day slavery trafficking is a form of it that includes the physical and mental harassment of the person. Trafficking just like slavery is forceful involvement of the person and their enslavement violating their basic rights to live freely. These forms of slavery can be seen in domestic as well as commercial sectors excluding the concern of gender or age.

For several of years, there existed ambiguity in the understanding and definition of the term human trafficking. The lack of understanding resulted in failure to join legislative amendments that were necessary to criminalize the human traffickers and help the victims. In 2000 the UN in its “*Protocol to prevent, suppress and punish trafficking in persons*” defined human trafficking as “the recruitment, transportation, transfer, harboring or receipt of persons, by 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 meet the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a least, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices like slavery, servitude or the removal of organs.”¹¹

The act, the means and the purpose are the key indicators of the definition. The act is related to the recruitment, the transportation and the harboring of persons. The means includes the various forms of coercion, abduction, fraud, deception, threat, abuse of power and use of monetary sources to control the victim. At last, the purpose is linked with the exploitation of the person for sex, labor, slavery or the removal of body parts.

With reference to the above definition the Nepal government defined the human trafficking 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 place 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 least, nonconsensual 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”

Although European scholars remarkable work has been done in this field but the work of Asian scholars is in its initial stage. Due to the complexity of the subject and threat created scholars usually do not work in the field of trafficking. Most of the work done by government and nongovernmental organization. According to the report of Human Rights Watch Organizations (1995) the women and child trafficking is at its height in between Nepal and India.¹² The harshness of the victims life has been mentioned in the report and sex trafficking is being given the most prominent reason of the trafficking. HIV infected person are increasing in number leaving the

life of these sex workers in vain. Even after the illegality of the crime it is on boom in the Asian countries especially Nepal, Bangladesh and India.

According to Stephen Clift & Simon Carter (2000) the sex business and income source are interrelated. Sex is the mean of income for some persons where the prostitution is legalized likewise in Netherland and Thailand. But when this business becomes forceful then it takes the form of human trafficking.¹³

In the National Report on Sexual abuse, exploitation, and trafficking of children in Nepal (2001) produced by the NGOs' group of Nepal explains the various reason for the human trafficking including illiteracy, poverty, family conflict, poor social condition, lack of awareness, lack of social counseling, inadequate law and order enforcement, inappropriate efforts of various agencies / institutions and deceitful with the emotions of the people, parents and teenagers are root causes of trafficking of women and children from Nepal to abroad including India. It has been clearly mentioned in the report that India provides exit route to these traffickers. Indian land has been used as a pavement to offer flash to the Gulf, Middle East and Arabian countries.¹⁴

In a report of Centre for Population Studies, Tribhuwan Uni. Kathmandu prepared by Bal Kumar (2001) and others it has been mentioned that the sex trade is the root cause of HIV propagation among the sex workers. No remedy is provided to the victims rescued from the trafficking despite of their innocence. Corruption among Nepal officials is adding more seriousness to the problem. There is an increasing demand of Nepal sex workers in India as well as abroad hotels. Teenagers are exploited badly in the brothels.¹⁵

According to **Anna M. Troubnikoff (2003)** irrespective of developed economic status of the countries human trafficking is on rise. The poor economic condition, social ignorance and political instability in the developing countries force the individuals to leave their countries for better livelihood.¹⁶

Michael L. Penn & Rahel Nardos (2003) in their article writes that the condition of women at various levels i.e. family, society and later state is not good. Women and children are the target groups for the exploitation. Poverty further exacerbates their condition and forces them to control their needs and hunger as compared to men.¹⁷

Book written by **Thomas G. Bauer & Bob Mc Kercher (2003)** explains the condition where tourism, sex and love relationship are interrelated.¹⁸

In 2005 **Nair, P. M. & Sankar Sen** talked about the trafficking of children and women in India. He explained that judicial intervention, effective laws and local community participation is needed to fight the menace of trafficking.¹⁹

Frank Laczko, Elzbieta M. Gozdzia (2005) from IOM explains that the research in the field of human trafficking is improper and not right thus the total number of trafficked victims cannot be predicted exactly.²⁰

Marian Lief Palley & Marian Lief Palley (2009) after examining the 22 countries worldwide came to the conclusion that even after the increased contribution of the women in the society in various fields they are not getting the equal status. She urged for the awareness programs and campaigns to deal with the problem of trafficking.²¹

Territo Leonard & George Kirkham (2010) explained the links of the trafficker. They explained that there is monetary gain from top to bottom at the cost of the life of the innocent victim. In the article emphasis has been given to the social and government level cooperation to eradicate the problem of human trafficking.²²

IV. Nepal as a Destination for Trafficking: Reasons and Current Scenario

Nepal physiography broadly divided into three parts i.e. Mountains, Hills and Tarai. Tarai region of the country is the most populated part of the country that accounts only 1/4th part of the total physiographic divide. The international border of around 1751 km of India

and Nepal is stretched on these fertile Tarai regions that are lightly patrolled.²³ The Tarai region is mainly dominated by Indian origin population that helped in mutual development of the area but the area provides homage to the racketeers in the densely populated border areas. The areas receive emigrated population from the mountains and hills. Innocent female workers who come in the Tarai for work are entrapped by the racketeers and pushed into prostitution to earn livelihood. The border between the two countries is unique in nature as the citizens of two countries can cross the border without any visa due to the open border status between the two countries. There are only 22 check posts on the borders which are meant for carrying international trade only. The porosity and propinquity of the long open border makes it vulnerable and provides easy entry gates for the traffickers. Due to the light patrolling of the border areas illegal movement of the goods and people are common.²⁴ Nepali women and girls are trafficked through these transit routes to various countries in the world including China, Malaysia, Hong Kong, South Korea, Sweden and Middle East. Nepalese are transported to India, the Middle East, China, Malaysia, South Korea, Israel, and the United States as forced labors.²⁵

Through the various aerial routes the women are trafficked to India and then transported to various gulf countries as the Nepal government has prohibited the migration of women under the age of 30 to any gulf country. There is estimation that around one or two lakh women are trafficked through these transit routes.²⁶ According to human rights watch report published in 2005 around 6000-10000 Nepalese women are trafficked to India every year. Most of the women comes from minority groups of Nepal like Tamang, Gururung, Sherpa and Magar and sold at the rate of rupee 200 only. These women are then sent to Indian brothels and sold at the rate of rupee 16-40 thousand.

There is various push and pull factors responsible for the growing rate of sex trafficking in Nepal. Profitable business and good income generation are the pull factors of the crime and poverty, illiteracy, natural calamity and gender discrimination are the push factor of the heinous crime.²⁷ Socio-economic condition, legal gaps and political instability are the contributing factors for sex trafficking . There are several factors that are responsible for the sex trafficking in Nepal and can be explained as follows-

- a) **Acute Poverty-** Dependency on agriculture, geographical terrain, patriarchal society, natural calamities, lack of basic amenities are the factors of acute poverty in Nepal.²⁸ The society is still patriarchal and the young girls are sold to brokers by their own parents at the rate of rupee 200 only sometimes.
- b) **Lack of Education-** Patriarchal society does not allow the women to study which in turn leaving them no option to earn. The skill programs in the country are at the lower level. Social structure of the Nepal is broadly responsible for the target of the women in Nepal sometimes knowingly and sometimes fraud. Parents being illiterate are also not aware of the crime intensity.
- c) **Severe Unemployment-** Due to high rate of illiteracy unemployment is an adding factor of trafficking.²⁹ Unskilled women and children are the target group for exploitation. More than half of the victims are given the false promises of employment abroad.³⁰
- d) **Political Instability-** Political unrest in the country is also responsible for the backwardness of employment facilities. Unlimited political strikes have been a reason for the political backwardness and instability. No human security can be provided without ensuring the political stability.
- e) **Gender Discrimination-** Patriarchal Society, Political instability ,no legal property right to female and education leaves them dependent upon the men for their livelihood which in turn leave them no option to earn other than being a sex worker.
- f) **Intense Natural Calamity** - As discussed above the topography of the country is hilly and mountainous. Presence of young folded mountains of Himalaya throughout the country makes it vulnerable for landslides and earthquakes. In the devastating earthquake of 25th April 2015 more than 9000 people died and 25000 were 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). This calamity left the Nepali women to indulge in the sex trafficking.

g) **Porous Border-** Porous open border and absence of heavy patrolling along the borders racketeers easily cross the border through remote areas. With less restricted areas, the border provides exit route to the traffickers.

Thus poverty, illiteracy along with the natural calamities aggravates the severity of the poor condition of the women forcing them to sell their body just to earn the bread for their family members. Another reason involves the caste system in Nepal due to which low cast and backward cast population is forced to work as forced labor in the agricultural fields. These laborers face the problem of sexual harassment done by their owners. Increased susceptibility of the sex trafficking among women has made the Nepal low human indicator country due to which it ranked 143 in the list of United Nations Human Development Index.

According to the report of **Nepalese Youth Opportunity Foundation** around 20,000 to 25,000 women are forced to work as domestic labors because millions of Nepali men and women are working abroad in other countries like; the United Arab Emirates (UAE), Qatar, South Korea, Malaysia, India, Israel, the United States and other neighboring countries of Nepal like India and Bangladesh. the women trafficking is triggered by one another prominent factor i.e. the recruiters 'debt bondage' which include the high fees of the recruiter and advance given by the recruiter to the family of the victim. On seeing the severity of the crime Nepal government passed **The Traffic in Humans (Control) Act** of 1986 which could not be effective due to lack of political orientation and weak judicial procedure. After 1990s trafficking got attention by the nongovernment organizations (NGO) and Government Ministries and various policies and laws were made.

Almost 245 children were reported to be saved from being illegally placed or trafficked and kept in the care homes during the first earthquake in the Nepal in 2015 according to UNICEF report.³¹ From the open border large several Nepali girls and children were rescued from Delhi airport while fleeing to Dubai.³² According to the reports of the Seema Suraksha Bal there was a hike in the several trafficked women and children after the mass destruction of the Nepal in earthquake.

PAIRVI is a program that initiated a series of surveys along the border to look after the traffic rackets. It stated that the Nepal became vulnerable after the earthquake. Many of the children were rescued after the earthquake. SSB had rescued over 250 children and women from trafficking gangs since 2013. An alert was ordered after the series of rescues along the Nepal borders so that the victims can be saved in large number.³³

Usually the women of Nepal are known for their innocence. Due to their society constraint they have shy nature and are confined to their society only. They are not open to the modern world. Tamang, Magar, Sherpa and Gurung are the famous back warded ethnic groups that are famous for the involvement in the trafficking. The women belongs to these groups are illiterate and very beautiful hence are at high demands by the clients. Almost 70% of the total victims come from these ethnic.³⁴ groups that belong to Makwapur, Nuwakot, Kavrepalanchok and Sindhupalanchok.

The total several women working as sex worker in India is estimated to be 2-3 lakh.³⁵ The number may vary in different sources as there is no proper mechanism to count the total number of victims. As per the report of **Child Workers in the Nepal Concern Center (CWIN)**, there are around 7000 girls trafficked every year aged between 10-16. According to the report of **ABC**, Nepal NGO the number remains around 200000.³⁶ The trade is not only confined to Indian cities but spread all over the world. As shown in above map Nepali Girls are trafficked all over the world. some of the routes are identified by the related authorities but the traffickers uses alien open porous border throughout the year that are not easy to find. Only during the peak tourism season the traffickers uses the common routes.

V. Purpose and Consequences of Human Trafficking

The purpose of the trafficking is different depending upon the demand of the destination area-

- a) **Slavery-** Slavery in modern days still exists in the form of bounded labor where the victim serves the owners as the guarantee of loans. Most of the slaves belong to the low casts and there are different types of slavery such as Badi, bhunde, Kamlari, Balighare, Haruwa, Deuki, Kamaiya and Haliya. All the slaves are having weak economic background.
- b) **Forced labor-** Almost all the victims are given false promises of better employment opportunities in the areas far from their home place. Illiteracy accompanied with poor condition of the women force them to work as force labor and face sexual exploitation from the owner. Women and children are forced to work as beggars, domestic labors and commercial labors.³⁷
- c) **Organ Trade-** Organ transplantation is a new business growing in the field of trafficking. Young teenagers and kids are kidnapped and their body parts are taken out. Sometimes kidneys are also donated by the poor in return of money and no medical care is given to the victim.
- d) **Sexual Exploitation-** Illogical debt, fear and other forms of weakness of the victims are the causes of the sexual exploitation. They are forced to live in inhumane condition and constant fear of the traffickers.

Among all the south Asian countries Nepali women are suffering from HIV at the higher rate as compared to the sex victims from the other countries.³⁸ Illiteracy is the prominent reason imbibed in it. Women working as sex workers are forced to have sex with multiple men in a day and are not allowed to use protection as the *Dalal* takes high rates for sex without protection. Thus making the Nepali sex workers prone to these viruses that can cause severe sexual disorder. Sex workers are often subject to unwanted pregnancies. Sometimes the victims stamp and punch their bellies to prevent unwanted pregnancy. Victims use unsafe ways to abort by themselves that are harmful for their health. The victims are at high risks of sexual as well as mental abuse by the clients. The victims do not want to conceive as their children are also put into the business. The victims that are managed to survive from the hands of the traffickers suffers from continues trauma. They sometimes do not given social acceptance. Most of the survivors suffer from mental health condition and many of them commit suicide as well. According to the study of Tsutsumi, et. al., (2008) almost 97 % of the victims survived suffered from anxiety, 100% from depression and 29.6% of them are suffered from post traumatic stress.

VI. Observations and Analysis

Due to time and financial constraint the area chosen for survey was the eastern zone of the trafficked route including Silliguri, Panitanki, Kolkata, Kakarbhitta, New Jalpaiguri and Sukhiapokhri. The major findings of the studies includes are-

- a) Inhabitants of the Nepal are aware of the transit routes and the traffickers/racketeers group but due to involvement of HI-FI (politicians and administrators) they choose to be silent.
- b) The main reasons of the movement of the women are mainly poverty, illiteracy, fraud promise, family conflicts and family pressure.
- c) Most of the victims are unaware of the seriousness of the crime. They are trafficked with the help of known relatives as well some times.
- d) These female workers are sent in small groups and later they gather at the decided locations and then sent to different locations by the traffickers. In between they are not allowed to talk to anyone.
- e) Traffickers use different transit routes depending upon destination. Sonali-Gorakhpur track in west is used as the transit route towards Agra, Delhi, Varanasi, Kanpur and Lucknow whereas eastern Kakarbhitta- Panitanki route is used to send the women to Gulf countries via Bangladesh.
- f) Kolkata, Lucknow and Kanpur are used as intermediate locations for the movement of these sex workers. Other than India Kathmandu is also been converted into a location of traffickers. Vishal Bazaar, Thamel, Old Bus Stop and Rani Pokhari are the

famous locations where the sex brokers roam freely to get the customers and no police officials arrests them. This shows that the powerful persons and administrators are also involved with the traffickers.

VII. Recommendations and Possible Checks

The problem of human trafficking is serious not only for the victims but also for the local, national and international community due to the enhance risk of spreading health problems among the clients as well. There are some recommendations to deal with the problem-

- a) **Eradicate Poverty and increase employment opportunity-** Equal employment opportunities should be given to the women. Government and non government organizations should try cooperatively to increase the employment opportunities in Nepal.
- b) **Rights and Proper Laws-** Right given in the Article 3(1) of Nepal constitution the right to live dignified life should be practiced in Nepal. Strict laws against the traffickers should be followed and they should be punished in such a way that the other racketeers get afraid of the crime. Women should be given equals rights and value to improve their lifestyles. Backward castes should be given special rights on the basis of economic status.
- c) **Care and Support-** In this regard local NGOs and SHGs can play a key role to give training and proper medical care to the survivors that managed to came out of the trap of the racketeers. Survivors should be given proper care in their homes or wherever they are living as they suffers from intense mental and health stress.
- d) **Awareness-** Media can aware the locals, government and associated persons about the severity of the crime. Media can play the role in sensitizing the issue for policy makers.
- e) **Research-** Proper research should be done to find the major transit routes, find out the major gaps in the implementation of the laws and policies and at last to suggest right strategy for rehabilitation of the victims.
- f) **Rehabilitation Programs-** Rehabilitation of the victims can ensure social security. The victims may be either sent to protection homes like Nari- Niketan in India undertaking of Indian Government or to their family. Each victim should be given some stipend or they may be taught to earn their livelihood through some skilled programs.

VIII. Conclusion

From the above it can be concluded that the human trafficking is heinous crime which is growing internationally. There is a huge difference in Nepal victims as compared to other countries likewise in Bangladesh where victims if caught are not even recognized by the government. The government of Nepal protects the victims and is responsible for every citizen of their country. Efforts made to combat the problem are not enough and hence need to be revised with proper understanding of the crime. NGOs, Government organizations and other national or international forums should come together to fight against the nuisance. There is lack of coordination between the working government and non government organization. The fund provided is not efficiently used and there is a lack of implementation of the laws made against the criminal. Thus it is advised that all the authorities' along with local participation should come together to eradicate the problem from the society and to free the innocent women and children from these cruel hands.

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- ³⁵ Nepalese women trafficked to India returning home with high rates of HIV/AIDS ; 20 February 2008 <http://womensphere.wordpress.com/2008/02/20/nepalese-women-trafficked-to-india-returning-home-with-high-rates-of-hiv-aids/>
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