

Human trafficking as a livelihood strategy?

- A case study of trafficking in women and children from Nepal to India



Thesis submitted for the Master's Degree Program in Culture, Communication and Globalization, Aalborg University, Denmark - May 2010

Author: Kenneth Bohl

Supervisor: Martin Bak Jørgensen



Aalborg University

May 2010

Master Thesis in Culture, Communication and Globalization

Supervisor: Martin Bak Jørgensen

Keystrokes: 190.904

Kenneth Bohl

Abstract

This thesis is examining human trafficking in women and children from Nepal. Each year thousands of women and children are trafficked into forced labour and sexual exploitation in the Indian sex industry and circuses. The first objectives of thesis is to examine how the supply and demand led factors impact on the trafficking in women and children from Nepal to India. The second objective is to examine which anti trafficking initiatives that has been made in Nepal. The thesis shows that human trafficking in women and children in Nepal is deeply rooted in structural factors of the society. These economic, social, cultural and political factors all impact on a high rate of labour migration from Nepal to foreign countries, such as India and the Gulf states. This is also a result of Nepal's governments failed implementation of a coherent development strategy in mobilising its resources, which has resulted in ineffective agriculture, education and human resource development. This inefficiency has led to low rates of growth and high rates of unemployment and underemployment in an economy mainly based on small scale subsistence agriculture, handicraft, and services. These structural factors and declining natural resources, limited land, a rapid population growth, and a decade with political instability, are the main push factors of a high labour migration rate. The socio-cultural factors in Nepal's society with patriarchal culture, results in gender discrimination and low status of women. This has further resulted in a feminisation of poverty as males are migrating in increasingly numbers, leaving their families behind. As most women are occupied in agriculture and domestic duties, it leaves them in vulnerable situation in times with unexpected situation. The poverty and lack of livelihood opportunities also push and pull females out in the streams of migration in the search of employment, which makes them depended on social network to facilitate the transportation and/or employment. In the case of Nepal it is evident that family members, relatives and community members are complicit in the trafficking of women and children for the sex industry and Indian circuses in India. In most cases these groups are females, often very young, who is either trafficked by parents, relatives, community members or agents from outside. This process can either be directly from rural communities, work place or indirectly stretching over time. In the case of the youngest children, these are often trafficked with their parents consent to Indian circuses. The majority of these trafficked persons are females that are in great demand in Indian brothels and circuses. These Nepalese women and children are living as slaves forced into labour and debt bondage, where the "owners" makes Hugh profits of exploiting of women and children. There is range of different actors involved a large trafficking networks, involving recruiters, corrupt state officials, policemen on both the supply and demand side. These women and children are living in confinement and abused every day from 2-10 years. The anti trafficking initiatives has mainly been made by NGOs in Nepal. The government of Nepal has made stringent laws, but they are weakly enforced, which results in a culture of impunity. NGO's such as Maiti Nepal is strongly committed to combat these human rights violation, by prevention programs. Maiti Nepal and other NGO also runs rehabilitation centers, and tries to reintegrate former trafficked persons (post trafficked). This is a very difficult tasks as stigma is prevalent in many communities in Nepal, hindering the reintegration.

Key Words: Poverty, Migration, Human Trafficking, Gender, Development, Stigma

TABLE OF CONTENTS

CHAPTER 1 - INTRODUCTION	9
1.1 Background.....	9
1.2 Problemfield	10
1.3 Chapter guide.....	12
1.4 Introduction to human trafficking & migration theory	14
1.5 Country profile	15
CHAPTER 2 - METHODOLOGY AND THEORETICAL FRAMEWORK.....	18
2.1 Research method	18
2.2 Motivation and preparation of case study.....	20
2.3 Conduction of interviews.....	22
2.4 Transcription.....	23
2.5 Generalisation.....	24
2.6 Analysis strategy	24
CHAPTER 3 - DEFINING HUMAN TRAFFICKING	25
3.1 Defining human trafficking	25
3.2 Forced labour and exploitation of trafficked persons	27
3.3 Commercial sexual exploitation - Prostitution or sex work?.....	28
CHAPTER 4 - THEORETICAL FRAMEWORK	29
4.1 Migration theory	29
4.2.1 The neo classical migration theory	29
4.2.2 The historical-structural theory	30
4.2.3 The new economics of labour migration	30
4.2.4 Migration as a livelihood strategy	31
4.3 The economic analysis of crime	33
4.4 Soft trafficking.....	35

4.4.1 Hard trafficking	36
4.5 Erving Goffman.....	38
4.5.1 Stigma and social identity.....	38
CHAPTER 5 - THE SUPPLY SIDE OF TRAFFICKING.....	40
5.1 Migration overview	40
5.2 Situating women and children in Nepal	42
5.2.1 Gender discrimination	42
5.2.2 Feminisation of poverty.....	43
5.3 Chapter conclusion	46
CHAPTER 6 - CASE STUDY OF HETAUDA, MAKWANPUR	47
6.1 Poverty and unseen competition.....	47
6.2 Sita's story.....	50
6.3 Modus operandi of traffickers	52
6.4 Trafficking of children for Indian circuses.....	54
6.5 Chapter conclusion	55
CHAPTER 7 - DEMAND SIDE OF TRAFFICKING IN INDIA	56
7.1 Child Labour in Indian Circuses.....	56
7.2 Trafficking for commercial sexual exploitation	57
7.2.1 Demand requirements.....	59
7.2.2 Types and business of brothel's	60
7.3 Chapter conclusion	61
CHAPTER 8 - Anti-Trafficking initiatives in Nepal.....	62
8.1 The Governments anti-trafficking initiatives.....	62
8.2 National legal framework	63
8.3 The Human Trafficking and Transportation Act.....	64
8.4 Strengthen of insitutional structure.....	65

8.5 Rescue, rehabilitation and reconciling.....	66
8.6 The role of Non Governmental Organisations.....	68
8.7 Maiti Nepal and development issues	70
8.8 Rescue operation and corruption	73
8.9 Reintegration and stigmatization	76
9. Conclusion.....	79
10. Bibliography	81
11. Annexes	89

LIST OF ABBREVIATIONS

ADB	Asian Development Bank
CPN-M	Communist Party Nepal - Maoist
DoLEP	Department of Labor and Employment Promotion
FBI	Federal Bureau of Investigations
GDP	Gross Domestic Product
GoN	Government of Nepal
HIV/AIDS	Human Immune-deficiency Virus/Acquired Immune Deficiency Syndrome
IIDS	Institute of Integrated Development Studies
ILO	International Labour Organization
IOM	International Organization Migration
NAFEA	National Association of Foreign Employment Agencies
NGO	Non Governmental Organization
NHRC	National Human Rights Commission, Nepal
NIDS	Nepal Institute of Development Studies
PPR	Forum for Protection of People's Rights
SAARC	South Asian Association for Regional Co-operation
TYIP	The Governments Three-Year Interim Plan
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime

Glossary

Bungalow	A brothel that makes use of trafficked girls/women and sex workers
Dalit	Lowest cast (the untouchable)
Dalal	Male trafficker, criminal
Dada/Malik	Local strong men, sometimes a gang leader in the brothel area
Didis	Female trafficker
Gharwali	Brothel owner and/or manager
Grihini	Housewife
Hindi	Indian language (Indo-Iranian)
Jajanti	Ethnic Nepalese
Rs.	Rupees
Pinjara	Working class brothels that makes use of free sex workers
Tsukri	Women/Girl who lives in slavery and debt bondage

CHAPTER 1 - INTRODUCTION

1.1 Background

Human trafficking is a global phenomenon that is gaining considerable attention through media coverage, academics, politics and international framework of laws and instruments designed to combat one of the greatest challenges of modern day slavery in human beings. Human trafficking is conceptualised as a contemporary form of slavery, marked by forced labour, debt bondage including a variety of crimes, associated with the recruitment, movement, sale and receipt of people (including body parts), into a range of hyper exploitative conditions all around the world (Lee 2007:1-3). Human trafficking is hence one of the fastest growing criminal business¹ in the world where it has reached a level comparable to illicit arms and drugs trade (Kelly 2005:259). Over the last decade trafficking in women and children in South Asia and in particular Nepal, it has raised concern and is being addressed at national and internationally arenas. Human trafficking in Nepal has mainly associated with females sex trafficked into Indian brothels, but it also includes children and men forced into labour exploitation. The contributing factors of human trafficking in Nepal is rooted in poverty, unemployment, political instability, gender inequality and discrimination. This has made the most socio-economic and disadvantaged women and children's more vulnerability of being trafficked in an increasingly stream of foreign labour migration (Samarasinghe 2008:224). In Nepal it is difficult for women to gain access to major resources, such as land, credit or property, as socio-cultural factors results in low status of females, and thus contributing to a marginalisation and feminisation of poverty. Migration is more than ever, appealing a growing population and most migrants depends on social networks and facilitators who can arrange the transportation and/or employment. In these migration streams women and children are more vulnerable to be caught in the network of traffickers who quickly exploit this situation. Human trafficking in Nepal is further complicated by the fact that a range of rural poor families, relatives and community members are involved in the trafficking activities, which in some instances also includes their own children. This combined with weak law enforcement and corruption are some of the major causes behind human trafficking in Nepal.

¹ The U.S State Department suggested the annual profits generated in the entire human trafficking industry to be \$ 9.5 billion, while the International Labour Organization (ILO) estimated to be \$ 31.7 billion. The ILO number is regarded more reliable than the U.S State Department's figure as it has not specified whether it represents the sale of persons, their exploitation or both (Kara 2009:18-19).

1.2 Problemfield

The focal point of this thesis is to examine why and how women and children from Nepal are trafficked and forced into slavery-like conditions, for the purpose of forced labour and sexual exploitation in brothels and circuses in India. All forms of human trafficking involves abuses and violations of basic human rights, but it also includes the movement of people. The fact that the vast majority of trafficking episodes starts after migration, validates the necessity to look at what causes people to move in the first place. The aim is therefore to understand how structural factors impact on migration and human trafficking in women and children from Nepal. These structural factors must hence be examined within its broad economic, social, cultural and political context that creates push and pull² factors between source (Nepal) and destination (India) respectively. The causes of trafficking are many and complex, but it is widely accepted that structural factors such as poverty and the lack of resources, employment, health care and educational facilities, push people to migrate and improved livelihood opportunities pull them to urban areas and foreign countries. The structural conditions is a central aspect of human trafficking, as it position women and children in vulnerability situations within the stream of migration, where they are deceived by false promises of employment, marriage or education etc. As women and children who migrate are mostly are constrained by financial assets, legal and structural restrictions, they depend on other persons (traffickers) services and thus becomes vulnerable to trafficking. Trafficking in persons is consequently caused by a simultaneously existences of a range of push, pull and facilitating factors (Jordan 2002:2), which mainly is related to the economic market law of supply and demand. As acknowledged by the UN secretary General in his 2002 Report on Traffic in Women and Girls:

The growth in trafficking reflects not just an increase in 'push' factors from countries of origin but also the strong 'pull' of unmet labour demands, particularly in the informal sector. There is clearly a need to address those demand factors in country of destination which make trafficking so profitable in the first place (Scarpa 2008: 12).

Specially the demand side of trafficking in India is essential to understand, and a central part of the analysis, as traffickers/brokers continuously facilitate the supply for the demand, as they recruit, transport and sell women and children into a highly profitable marked. The aim with this part of the thesis is to analyse how these strong forces drives the human trafficking marked and how it is organised. This implies a scrutiny of the modus operandi in organised criminal network - stretching

² Push and pull factors are those factors which either forcefully push people into migration or attract them to an area

from source to destination, for the purpose of profit by the exploitation of women and children. The operational elements of forced labour exploitation in sectors such as domestic service, agriculture or circus labour, are similar to those of forced prostitution - in both cases women and children are kept in slave-like conditions and exploited for their labour/services. They also share the same trafficked experience in a system built on fraud, coercion and false promises to ensure that women and children remain under the traffickers control from the moment they are recruited and trafficked into forced labour and sexual exploitation. This may continue indefinitely as the "owner" has paid money for the trafficked person's labour, which then becomes the debt that he/she has to work and pay off (Newman 2006:2-3). The demand for forced labour and sexual exploitation is either occurring in illegal or quasi-legal businesses that gain considerable advantages by the employment of cheap and forced labour, in a highly profitable market. However, as Ms. Huda from the United Nations Special Rapporteurs argues *"whether its supply or demand that drives the market, it is a normative question of who carries the responsibility for the extension and expansion of the market"*:

As a normative matter, it is clear that responsibility for the sex-trafficking market lies with prostitute-users, traffickers, and the economic, social, legal, political, institutional and cultural conditions which oppress women and children throughout the world. It would be a grave injustice to impute responsibility for driving the sex market to its victims themselves (Huda 2006:14).

The last part of the thesis will in this context examine the anti trafficking initiatives made in Nepal at a national level, such as anti trafficking laws, policies and programs to combat trafficking. Subsequently responses of handling post trafficked persons will also be analysed in order to clarify which responsibility the Government of Nepal (GoN) has taken to rescue, repatriate, rehabilitate and reintegrate (4 R's) former³ trafficked persons. This part includes the examination on the role of Non Governmental Organisations within the frame of the anti trafficking initiatives and the 4 R's. This part is particularly focused on the NGO Maiti Nepal and how they operate. It further includes community perception and stigmatization towards post trafficked persons that hinders their reintegration process in the society.

³ Words often such as "rescued", "returned", "victim" and more romantically "survivors" are often used to define a former trafficked person. I prefer to call it post-trafficked - simply because it means the aftermath for a former trafficked and exploited person. If the person is rehabilitated and reintegrated in the society she/he is truly a survivor. If not, the person will still be victim and in risk of becoming re-trafficked.

The above leads to the following problem formulation:

"How does the supply and demand led factors impact on human trafficking in women and children from Nepal?"

"And which anti-trafficking initiatives has been made in Nepal to combat trafficking?"

1.3 Chapter guide

Chapter 1 - Introduction

The thesis continues with a brief introduction to the human trafficking and migration theory (section 1.4) where central aspects are conceptualised. The next section provides a country profile (1.5) of Nepal to place it in a geographic, demographical, economic and political context.

Chapter 2 - Methodology and theoretical framework

In this chapter the central ideas of the research method is presented. The following part includes this author's motivation and preparation (2.2) and the qualitative interview method used for the empirical collection of data in Hetauda, Makwanpur, Nepal. This also includes transcription (2.3), generalisation (2.4) and analysis strategy (2.5).

Chapter 3 - Definition of human trafficking

The definition of human trafficking in accordance with the United Nations definition, with reference to Nepal (3.1). Section (3.2) contain the ILOs concept of forced labour and debt bondage for the purpose of exploitation of human beings.

Chapter 4 - Theoretical framework

The theoretical framework in the thesis contain in the first part migration theory, in order to present the theoretical concepts that is used as analytical tools for the analysis of the empirical data (4.1-4.2.2). Further, the economic analysis of crime (4.3) is an approach to analyse how and why criminals trafficked women and children on the supply side of trafficking. On the demand side it is the "owners" profitability that is the central theme. This continues to John Frederick's concept of

soft and hard trafficking in Nepal (4.4) that used for the examination of the actors involved in human trafficking in Nepal. The last theory is derived from the Canadian sociologist - Erving Goffman (4.5) who was occupied in micro sociology and empirical founded research of the social life's structure and face to face interactions. The concept of social identity and stigma is used for the last part of the analysis that contain community members perception of former trafficked persons.

Chapter 5 - The supply side of trafficking

This chapter includes a migration overview (5.1) from Nepal, where the magnitude and patterns is outlined. The following sections is used for situating women and children (5.2), containing gender discrimination (5.2.1) and the feminisation of poverty, where central structural factors are presented, in order to clarify these impacts on women/children living standard, migration and vulnerability of trafficking. Last a chapter conclusion sums up the major themes.

Chapter 6 - Case study of Hetauda, Makwanpur

The central focus in this chapter is to examine the root causes contributing to trafficking in women and children in Hetauda on behalf of the empirical data collected. This includes a real life story of Sita, a women who had been trafficked to India. The central aspects through this chapter is women and children trafficked to Indian circuses and brothels.

Chapter 7 - Demand side of trafficking

This chapter includes the analysis of child labour in Indian circuses, and the seconds part consist of sex trafficked females from Nepal confined in Indian brothels in Mumbai and Kolkata. The methods used to force women and children into this exploitative labour is also a central part.

Chapter 8 - Anti-trafficking initiatives

This chapter contain the national framework of legislation, laws, policies on trafficking, and on the repatriation, rescue, rehabilitation and reintegration of post trafficked persons. Some of these issues are also a part of the NGOs anti trafficking activities, and Maiti Nepal (NGO) is central in this examination.

Chapter 9 - Conclusion

1.4 Introduction to human trafficking & migration theory

International migration is strongly connected to the global economy and international policies that influences on the movements of people across national borders. These structural forces creates push and pull factors that generates labour migration (Cameron & Newman 2009:27). International migration cannot only be examined within a push and pull model, thus it must be contextualised in terms of economic, political, social and cultural factors that interactively constitute a dynamic and complex process of migration (Castle & Miller 2009:25). Human trafficking has to be embedded in the notion of movement across international borders, which increases people's vulnerability of being trafficked, as they often depend on informal channels to arrange the transportation and employment, particular if they are living in poverty (Cameron & Newman 2009:15). Human trafficking occurs both in terms of internal migration from rural to urban areas and external from developing countries to more industrialised nations, and both documented and undocumented immigrants are at risk of being trafficked into forced labour or sexual exploitation (Aronowitz 2009:23). Trafficking is in reality a supply of cheap labour migrants aimed to meet an increasingly demand for forced labour and sexual exploitation. Trafficked persons are pushed into dirty, dangerous and undesirable industries, in which they live in slavery-like conditions and debt bondage, for the purpose of exploitation and profits. Asis (in Cameron & Newman) argued that the demand side is actually more critical than the supply side of trafficking, as it is the unmet demand for migrant workers in the destination countries that drives the human trafficking marked (Cameron & Newman 2009:15). In that sense trafficking can be considered a consequence of what has been labelled "the commodification of migration". In many cases potential victims are trafficked in the process of migrating, in which they are approached by traffickers, either through an acquaintance or of being lured by an economical freedom. Dr Radhika from the UN special rapporteur on violence against women, describes traffickers as "*fishing in the stream of migration*" (Cameron & Newman 2008:26). Those who become preys of human trafficking tend to be the most vulnerable and it is usually the socially deprived characterised by low income, poor education, and lack of employment opportunities. These are typical circumstances of the poor, even though some available data shows, that it is not necessarily the poorest that are trafficked. Research conducted by international organisations and NGO's, shows that victims who comes from poverty stricken countries such as Nepal and Bangladesh, are amongst the major source regions in south Asia. Poverty is therefore a key factor of human trafficking, but it should be seen as a consequence of the overall structural context fostering this phenomenon (Aronowitz 2009:24).

1.5 Country profile

Geographically and demographically, Nepal is landlocked between the world's most populous countries with China in the North and India in the east, west and south. Ecologically the country is divided into three regions with the Himalayan mountain range in the north, the hills in the central region and the low land called the Terai in the south. The mountain region dominates the landscape and covers about one third of the total land area, but only 2 % is cultivatable due to a rough climate and high altitude that have resulted in a sparsely population. The hill region is located in the middle of the country and is the largest land area comprised by the capital Kathmandu and its Valley. The Terai is the fertile lowland of Nepal that adjoins India and occupies only a quarter of the total areas. The country is divided into 75 districts and five development regions namely Eastern, Central, Western, Mid-Western and Far-Western (Thieme 2006:7). Demographically data shows that the total population of Nepal has grown rapidly from 5.6 million people in 1911 to 29 millions⁴ in 2009. According to latest National census of 2001, approximately 14% of Nepal's urban population is living in 58 municipals, but this is estimated to increase to 24% in 2017 and 32% by 2027 (ADB 2009:24) and with the Kathmandu (valley) and the Terai as the main settlements. This rapidly growth in migration from rural to urban areas, is caused by inadequate economic opportunities and facilities and as a consequence of a decade (1996-2006) with political instability and armed conflict⁵. Nepal is one of the poorest countries in South Asia with a per capita Gross Domestic Product (GDP) of \$468 in 2008 (ADB 2009:40) and it rang among the countries with the lowest human development index in the world, while 80 percent are surviving on less than 2 dollars per day (UNFPA 2009:33). Nepal's economy is mainly based on small scale subsistence agriculture that employs more than two- third of its population and from which one third of the GDP is derived. Unfortunately, the agricultural and industrial sectors have been stagnated for decades, with an average growth rate at 2.6 and 3.0 % respectively. With the restoration of peace in 2006 after a long decade of armed political conflict, it has mainly been the service sector that have benefited, with an average growth rate at 3.5 % (ABD 2009:1). Although agriculture is characterized by a low productivity, it remains a major pillar in the national economy and as livelihoods for the rural

⁴ The United Nations Population Fund's State of World Population 2009 estimates Nepal's population at 29.3 million

⁵ Between Maoist insurgency and government security forces, supported by the former king. Nepal was in 2006 declared a republic, and a new coalition government was formed by a democratic election. In 2007, a new interim constitution was enacted.

population. However, Nepal has not evolved any progressive transformation in the transition process from agrarian to industrial economy, that other many other countries have experienced and in the last decade foreign labour migration has become a major part of Nepal's economy. The remittance inflow from migrant labours in foreign countries, has been strong and it constitutes nearly 18 % of Nepal's Gross Domestic Product (GDP) (ibid:2). A decline in remittance would therefore pose a significant risk to the country's balance of payments and overall macroeconomic stability, that would have negative implications for the un/underemployment situation in the country. Some of the internal remittance is also derived from seasonal work in other rural areas of Nepal (Seddon et al 2002:3). Despite political instabilities and difficulties of making reforms and development programs, Nepal's GDP grew by 3.8 % from 2005-2009 which mainly is derived from an increased remittance by migrants working in foreign countries. Poverty reduction is a key priority in Nepal's development strategy, and it has so far achieved a significant poverty decline from 42 % in 1996 to 31 % in 2004. The Governments Three-Year Interim Plan (TYIP) (2008-2010), aims at reducing it further to 24% by 2010 (ADB 2009:i). The poverty reduction is driven by a per capita income growth of 4.5 % per annum, mainly derived from increased remittance, but also from higher agricultural wages, connectivity, urbanisation, and a decline in the dependency ratio (ADB 2009:2). Despite these improvements, the poverty reduction has been unevenly distributed across regions and in rural-urban relations, and especially the mid-western and far-western regions are lacking behind. The widespread poverty and socio-economic disparities among cast, ethnic and minority groups is evident, as the Gini coefficient⁶ rose from 0.34 in 1996 to 0.41 in 2004. In that context, the poverty reduction has been stronger among more privileged and higher cast groups such as Brahmans and Chhetris and Newars (ethnic group), compared to social and economic excluded groups, such as Dalits⁷, Janajati s and Muslims (ethnic groups). Dalits have a poverty incidence of 46 %, Muslims 41 % and hill Janajati 44 %, Terai Janajati 35 %, compared to Newars 14 % and higher cast of Brahmans with 18 % (ADB 2009:129). In addition to the imbalances of the poverty reduction, other social development indicators uncover the unequal progress achieved for women across groups and regions. While the Human Development Index⁸ (HDI) shows an overall

⁶ It is commonly used as a measure of inequality of income and wealth (ADB)

⁷ referred to as the lowest and untouchable cast that higher cast should avoid touching.

⁸ The Human Development Index (HDI) is based on three indicators: longevity, educational attainment, and standard of living. The HDI is measured on a scale between 0 and 1, in thousands numbers (Thieme 2006:9)

slight improvement, the HDI in urban areas (0.630) significantly surpasses the one in rural areas (0.482), where the majority of the population lives. Across regions the HDI is lowest in the Mid-Western region (0.452) and highest in the Central region (0.531) (Thieme 2006:9-10). The overall gender inequality has decreased due to the increase in female life expectancy and increased enrolment of girls. However, the decrease in gender inequality was greater between 1996 and 2001, than between 2001 to 2006. Significant progress has been made in improving access to healthcare, education and drinking water, among other improvements, yet the health outcomes has not been equally achieved. Life expectancy is nearly on par between males and females, but Newars and upper cast groups, such as Brahmans live up 11 to 12 years longer than Dalits, Janajatis and Muslims. Dalit children have also the highest infant and under five mortality rate and girls are 1.5 times more likely to die between their first and fifth birthdays than boys (ADB 2009:3).

CHAPTER 2 - METHODOLOGY AND THEORETICAL FRAMEWORK

2.1 Research method

Methodologically this thesis is positioned as an abductiv research strategy situated between the inductive and deductive approaches in social science. The inductive strategy is a theory building process in which the researcher begins with observations and uses inductive reasoning to derive a theory from these observations (De Vaus 2000:5). In contrast, the deductive strategy theory is used to guide which observations to make and it moves from general to particular. The observations should test the validity of the theory by using deductive reasoning to derive a set of propositions from the theory. If they hold true, the theory is supported, other vice rejected or modified (De Vaus 2000:6-7). The abductiv strategy is based on interactional relationship between theory (deductive) and the collection of data (inductive). This implies that the analytical framework is based on established theories used for the interpretation of the empirical data. The centre of the gravity is therefore neither on the theoretical or empirical dimensions alone, but is continuously in a dialectic relationship between theory and empirical data. The purpose is therefore not to test a specific theory, nor to build or modify new theory on the basis of the analysis, but to gain an insightful knowledge through data interpretation, in the light of specific theoretical optics (Thagaard 2004:181). The deductive approach of the thesis is based on the foundation of migration theory, while the first objective is to examine how the supply sides structural factors impact on migration and human trafficking in Nepal. This implies a comprehensive analysis of macro level factors contributing to push and pull factors in migration. These structural factors is hence defined and analysed within the economic, social, cultural and political context. For this purpose the neo classical migration theory of the push and pull model is applied. This approach has been chosen as it specially address the push factors that are determined by demographic growth, lack of economic opportunities and political repression. This picture is prevalent in Nepal while the demographic growth is high, there is lack of economic opportunities and an instable political situation has resulted in displacement and insecurity of a large part of Nepal's population. Consequently pull factors such as labour demands, land, economic opportunities and political freedom pulls many poor and unskilled Nepalese migrants to India and other foreign countries. However, the theory implies that migrants have full knowledge of the destination and that they will seek maximise profits from their potential. This is not the case for many developing countries, including Nepal as the majority of the population is poor and lack resources, and thereby rely on social networks to facilitate transportation and employment for them, which in this context means that women and

children are more vulnerable to trafficking. In that sense macro structural factors push and improved livelihood opportunities pull them in the other direction. The historical structuralism theory will here be applied, as it explains that migration is not free by choice by an outcome of fundamental constraints in the society, in that sense that labour follows capital and not the other way around, as the neo classical migration theory suggested. However, considering the remittance send back to Nepal each year, the neo classical theory may have had a revival, although it was not original thought of in this way. But these theories do not explain why some migrate and others don't. The neo economic of labour which emphasis that migration decisions in most cases are not taken by individuals for profit maximisation alone, by in the consultations with other family or community members that considers migration as an investment and risk spreading activity. This is in many instances true, but it also depends on a range of capitals that each person, family and community have access to and posses which more precisely is termed social, human, financial, natural and physical capitals, as the livelihood strategy theory has incorporated. Considering these capitals or the lack of them, push and pull people to migrate which then becomes a part of a livelihood strategy. In order to analyse it in a human trafficking approach, I would put this upside down and argue that human trafficking, depending on the context, is a livelihood strategy for some families and communities in Nepal, especially in the case of Hetauda in the Makwanpur district. This argumentation must therefore be verified in which the economic analyses crime and the more empirical theory by John Frederick - termed soft and hard trafficking, is used as analytical tools for this purpose. The empirical data that has been collected from my field visit in the city of Hetauda, Makwanpur district will be used for a case study analysis that includes an examination of trafficking networks or the actors involved and how they operate (modus operandi). These networks are stretching from source to destination, which implies recruitment and transportation of human beings for the purposes of profits through the use of trafficked persons in forced labour and sexual exploitation. The demand side of the sex industry must hence be included to explore the driving forces of trafficking in women and children for Indian brothels and circuses. This includes demand requirements, methods used to force them into this slavery, type of business and profits gained. The last part of the analysis examines which anti trafficking initiatives that has been made in Nepal. In this part the national legal framework of anti-trafficking laws, policies and programs designed by the Government of Nepal is critically analysed. The is followed by the role of Non Governmental Organisations (NGO), in order to outline the progress made by these organisations. This is specifically addressed in the analysis of Maiti Nepal in order to examine their prevention activities

of trafficking, rescue operations of trafficked persons, and the rehabilitation/reintegration of them. This analysis also includes community members' perceptions of post-trafficked women and girls, with great emphasis on social identity and stigma towards post-trafficked persons, which draws on the theoretical heritage of the Canadian sociologist Erving Goffman. This implies a micro-orientated approach on how especially women are stigmatised in Nepal society after they have returned to their communities. Discrimination based on class, gender and caste is widely prevalent, so in that sense stigma takes place in everyday life of Nepal's society and social identities are being shaped in the light of that.

2.2 Motivation and preparation of case study

Before presenting the methods used in the case study of Hetauda, Makwanpur, it is necessary to clarify my motivation and objectives in examining human trafficking at a local in Nepal. As a part of the master degree in Culture, Communication and Globalization (CCG), it is obligatory to either do a project or an internship. I chose the latter, as the "real world" outside the university could provide an opportunity to improve and develop new skills and knowledge through practical experiences. The selection of destination for the internship was Nepal, and from September to December 2008 I lived and worked in Nepal's capital Kathmandu. As I had previously visited the country in July and August 2006 as a tourist and explored the beautiful country with its rich culture and friendly people, it had made a great impression. On the other hand it was clearly a developing country struggling with infrastructural, social, economic and political problems. This gave a strong incitement to return, and examine these societal issues more profoundly. This opportunity emerged through an internship at the human rights and Non Governmental Organisation - Forum for Protection of People's rights (PPR). One of PPR's tasks, as many other human rights' NGOs is to create awareness of human trafficking. This is typically carried out through pamphlets, posters, street drama play etc. I found this very interesting, but lacked the knowledge and experiences with such activities, and wanted a deeper knowledge of the problems causing human trafficking. In the deliberation with PPR of possible prone trafficking locations, Hetauda in the Makwanpur district (central region of Nepal) was suggested. Key informants were then discussed with the objective to secure a representative sample as possible. The concept was from the beginning to examine how a NGO is involved in anti trafficking activities and practically works with human trafficking issues, such as prevention, rescue, rehabilitation and reintegration of post-trafficked persons, but also with general perceptions of problems in the local communities. In the conversations with the colleagues from PPR, they were aware that the NGO Maiti Nepal, had established a prevention home in

Hetauda in the Makwanpur district (Central region). Maiti Nepal was founded in 1993 as a non profit making, children and women's rights social organisation, aimed at finding suitable solutions to issues related to the trafficking of women and children. The word Maiti in the Nepali language means "mother's home". Maiti is the home where a girl child is born, nurtured and raised until she leaves after marriage. The activities of Maiti Nepal also includes engagement in the protection, rescue, rehabilitation and reintegration of trafficked persons in Nepal. These issues were extremely appealing and in order to establish the contacts to Maiti Nepal, Mr. Hemang (director of PPR) had a friend - a private lawyer named Issur, who then contacted Maiti Nepal. The organisational leader Ms. Maya Tamang, kindly agreed to do an interview, and promised to find some post trafficked women for interviews as well. In this context ethical consideration were discussed between this author and PPR, in order to avoid sensible questions that could cause mental problems for the post trafficked women. This was made clear before the interviews and the translator and colleague D.B Yonghang knew about these ethical issues, as he had collected qualitative data for PPR. In the further development of the sample, the idea was to investigate human trafficking from different angles, including different key informants experiences with trafficking. Subsequently Issur was chosen due to the fact of his experiences, covering multiple trafficking cases as a lawyer. This would reveal some general knowledge of different cases. This led to an interview with a governmental/district attorney, who then could explain in general and particular about the severity of trafficking in Hetauda, Makwanpur. The last persons interviewed was a policeman and characteristics of police work in the field of human trafficking was covered. This contact persons was also established through the help of Issur. This whole sampling process could be termed the snowball effect, as it evolved to include more informants (Bryman 2005:100-102). This consequently resulted in the preparation of a qualitative case study, where human trafficking could be explored a local level. From the beginning of the project the aim with collecting of data should be a qualitative methods, as it could give an in depth knowledge of human trafficking issues. The objective with gathering the empirical data, would have to include different key informants experiences with human trafficking. In the preparation of the case study different materials, such as books, articles, reports etc. was read in order to encapsulate the central themes of development, migration and human trafficking issued problems. These were then to be examined in the context of social, economic, cultural and political (structural) factors impact on migration and human trafficking. So in that frame the case study could become an integrated part of the overall case study of human trafficking in Nepal. In that context the problemformlation was not made at that time, but

the overall themes to investigate and understand the fundamental problems contributing to human trafficking was central. This resulted in the preparation of an interview guide that included central themes in relation to the object of examining key persons and post trafficked women experiences with human trafficking, through the use of a semi-structured interview form that the next section will clarify further.

2.3 Conduction of interviews

According to Steiner Kvale a semi-structured interview is an "*Interview whose purpose is to obtain descriptions of the interviewee's lifeworld with respect to interpreting the meaning of the described phenomenon*" (Kvale 2005:19). In that sense, the data collection technique used should contribute to understand and interpretive the lifeworld from the interviewee's point of view by unfolding their experiences with human trafficking in Hetauda, Makwanpur (Kvale 1996:1). The semi-structured interview is a flexible method of collecting data, as it contains series of open questions that the respondents freely can reply to during the interviews (Bryman 2004:145). The great advantage of such a technique, is that allows a certain latitudes in changing the sequences and forms of the questions. Equivalently, additional questions can be asked during the interview in order to follow up on the interviewee's responses, which should reveal and contribute to new knowledge (Bryman 2004:113). Regarding the reliability it means dependability or consistency in the obtained data results. The requirement for such a consistency of the empirical data results is primarily rooted within quantitative research methods that seek objective replicable results through reliability measurements (Riis 2000:62). According to Steiner Kvale, such reliability are often low in qualitative research, as the studied social phenomenon (human trafficking) is complex, situational and contextual founded, and this makes it difficult to replicate the exact same empirical results. In this context Kvale emphasis that the aim of a qualitative research is not to make reproducible data with the same result, but to obtain in-depth and nuanced knowledge of the studied phenomenon (Kvale 2005:46). As the qualitative interview situation is an interactional situation between informants and interviewer, data will be produced through the expression of an opinion on the given subject. This implies that the same interview cannot be replicated again and again with the same result, as the informants may have changed their opinions or other factors have influenced. However, the reliability must be founded in solid, relevant and precise research questions for the interviews that can lead valid answers. This implies that leading questions should be avoided as they could lead to bias and unwanted questions. Validity means in other words truthfulness and refers to a bridge between concept (human trafficking) and the empirical data (Neuman 2005:185)

and these are based on the researcher's skills. The conduction and quality of the interviews should then be as close to the reality or lifeworld of the informants. In the case of Hetauda, the interviews were conducted during a three days visit in November 2008 that included four key persons and one post trafficked person, as described in the previous section. Since three out of four key informants interviews were in the Nepali language and translated to English during the interviews, there has been a double interpretation of words, thoughts and expressions during the interviews and on to the analysis of the empirical material. Some of the informants thoughts and expressions will automatically have been lost in the translation process during the interviews, and this is clearly a limitation of the thesis. On the other hand my translator and colleague D.B Yonghang was an experienced man who had done field research, group focus and individual interviews for a PPR project on different conflicts of Ilam in the eastern part of Nepal. In that context he was qualified as a translator considering his experiences and good English skills. Mr. Yonghang also assisted in the preparation of the interviews and there was no doubt about the questions during the interview. Generally the communication was good between me, him and the interviewed informants, and the questions were freely answered in a flexibly and open dialog, based on the interview guide. I find the empirical data valid for further analysis as they followed the themes made, and the key informants truthful explained about their experiences with human trafficking and gave critical perceptions on structural factors impact on human trafficking in Hetauda, Makwanpur. Further question related to Maiti Nepal on prevention, rescue, rehabilitating and reintegration of post trafficked persons were answered. And also the problems attached with it in terms of community perceptions and stigma against post trafficked persons. In that sense, the questions were answered truthfully and contributed to valid and profound knowledge about human trafficking issues in Hetauda, Makwanpur.

2.4 Transcription

To transcribe means to transform the spoken language which contain its own set of rules, to another in the written language. It means that transcriptions do not represent the original reality in which the interviews were conducted, but is merely an interpreted construction, useful as instruments for a given purpose (Kvale 2005:166). The interviews were recorded with a mp3 player and telephone, which gives a re-contextualised version of the interviews and does therefore not include visual aspects, location or mimic or gesture. Transcriptions are therefore frozen in time, deconstructed and abstracts of the social interaction. It is a repetition of the spoken language and there is no true, objective and formal transformation procedure from verbal to written form. However,

sociolinguistic and ethnomethodology discipline have focused on the differences between verbal and written language. Thoughts and expressions is primarily a verbal culture which is in close contact with the person's lifeworld and is "*situational, emphatic and sympathetic, addictive, coherent, agnostic and redundant*" - whereas the written culture is characterised by "*analytical, abstract and objective distanced thoughts and expressions*" (Kvale 2005:268). Within sociolinguistic and psychology methods that includes every word, pause, tones or emotional feelings expressed, are important for the diagnose or analysis. As such there is still a choice between word for word transcription or a condensed and sum up of those parts in the interview that has most relevant information. I have chosen the latter, simply because I find it disturbing for the overall meaning and context. Also as D.B Younghang spoke in 3 person when he translated, it has been excluded in order to give it more validity in the analytical interpretation. This leads to the following question, whether or not the empirical results can be generalised to similar case studies of human trafficking in Nepal.

2.5 Generalisation

According the positivistic paradigm, the concept of social science is to reproduce nometic legality about social behaviour that can be universally generalised. Distinctively, humanistic science claim that any situation is unique and that a given phenomenon has its own inner structure and logic that follows a post modern assumption that science is heterogenic and contextual, which thereby shifts from generalisation to contextualisation (Kvale 2005:227). It is precisely here that the case study should be examined and understood, within its own individual characteristic and context. However, it is possible to make an analytical generalisation to other parts of Nepal, who also are impacted by structural factors resulting in poverty, lack of resources, facilities and political conflicts. In relation to other I/NGO/GOs besides Maiti Nepal, these are also working with interventions of anti-trafficking programs and activities, such as border control and interceptions, rescue, rehabilitation and reintegration, and the problems attached with stigma and social identity.

2.6 Analysis strategy

The analysis strategy of the qualitative data collected though the interviews in Hetauda is to interpret the meaning of expression. This method is inspired from the philosophy of hermeneutic and the strategy is based on a comprehensive in depth- analysis of the four key persons and the post trafficked woman (Kvale 2004:199). The aim of using this strategy or method is to interpret the data generated from interview. According to Steiner Kvale the purpose of qualitative research is to make a description and interpretation of the interviewed person's life world, and the analysis of the

qualitative data is therefore a continuum between description and a condensed interpretation of the interviewed persons meanings and expression (Kvale 2004:211). In this context the primary data (qualitative) and the secondary data is interpreted within the overall theoretical frame.

CHAPTER 3 - DEFINING HUMAN TRAFFICKING

3.1 Defining human trafficking

This section will outline the definition of human trafficking applied from the United Nations. The United Nations is an important organisation in the shaping of international legal frameworks concerning anti human trafficking issues and other international crimes. The main convention and protocols (instrument) addressing human trafficking issues are:

- United Nations Convention against Transnational Organized Crime⁹
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- Protocol against the smuggling of Migrants by land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (UNODC 2006:1)

The Palermo protocol is an important instrument in the fight against human trafficking and acknowledge the importance of underlying causes to trafficking, such as poverty and inequality while introducing preventive and post trafficking measures that are likely to benefit trafficked persons. According to the protocol article 3 a) human trafficking is defined as:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations 2000: Article 3a)

⁹ Referred to as "*the Palermo (convention) protocol*" (Väyrynen 2003: 1). The protocols definition of human trafficking reached consensus November 2000 in Palermo, Italy, and came into force in 2003.

Additionally article 3(b) specifies that if one of the means set forth in Article 3(a) have been used, it is irrelevant whether or not a person has expressed his/her consent or not. This also includes children under 18 years of age if any of the mentioned means set forth in the subparagraph (a) of the article (United Nation 2000: article 3b). It is important to notice that the above elements of human trafficking constitute a process with different phases, rather than a single offense. The first phase includes the recruitment of a person which is followed by national or transnational transportation to the destination. The second phase includes the procedure of selling/traffic a person into the third phase of forced and/or debt bonded labour servitude for the purpose of exploitation and utilising profit. The crimes committed against individuals in servitude includes threats, extortion, theft of documents or property, false imprisonment, aggravated or sexual assault, pimping, rape or even death (Aronowitz 2009:9). The examples of these crimes are rooted in corruption of government officials, forced prostitution, and violence associated with maintaining control over victims. Other secondary crimes could be money laundering as a result of the trafficking activities. Different crimes are linked to each phase in the trafficking process. Further reifications in the understanding trafficking are the victims/trafficked persons of whom the crime is committed against. Depending on the structure of how the operations are organised and the sophistication of criminal groups involved, determents the number and types of offences perpetrated. In Nepal the traffickers (recruiters) operate alone, in small groups or as a part of a larger group in organised crime and are known as dalals (men) or didis (women). Although the traffickers play a crucial role in the recruitment of potential victims, they are often a part of a larger network "including agents, promoters, brokers, border police (India and Nepal), hoteliers, employees, transport agents, factory owners and households where trafficked women and children are first employed as domestic workers" (Samarasinghe 2008:77). It is also evident that some of these networks thrives because they are patronised by organised criminal groups, politicians, and other corrupt and other influential actors. The corruption of state officials leads to the moral and legal deterioration of a government, possibly leading to additional criminal activities on the part of corrupt officials (Aronowitz 2009:9). The next section includes ILOs concept of forced labour in human trafficking in which the exploitative practice is defined.

3.2 Forced labour and exploitation of trafficked persons

Forced labour represents severer human rights violations, as well as restrictions on human freedom. As defined by the ILO conventions and other related international instruments (UN protocols), forced labour is "*slavery, practices similar to slavery, debt bondage or serfdom*" (ILO 2005:5) with the central aim of profits through the exploitation of persons. Proponents of this approach argues that human trafficking needs to be addressed from a labour marked perspective, and that labour institutions and authorities plays an important role in both the prevention of human trafficking and in monitoring people trafficked for the purpose of forced labour and exploitation (Samarasinghe 2008:29). The ILO's concept of forced labour is that "*the work of service is exacted under the menace of a penalty and it is undertaken involuntarily*" (ILO 2005:5). The menace of penalty does not need to be in the form of penal sanctions as it can result in loss of rights and privileges. Moreover the menace of penalty can take multiple forms as psychological threats and more extreme physical violence, restraint or even death threats addressed to the trafficked person or relatives and family. Other penalties can be of financial acts, such as lack or loss of payment wages accompanied by threats (ILO 2005:5-6). The ILO have developed a typology of forced labour with three broad forms:

- Forced labour imposed by state or by armed forces – which includes three main sub-categories, namely forces labour exacted by the military or by rebel groups, compulsory in public works, and forced prison labour
- Forced commercial sexual exploitation (CSE), which includes women, men and children who have been forced by private agents into prostitution or into other forms of commercial sexual activities
- Forced labour for economic exploitation (EE), which comprises all forced labour imposed by private agents and enterprises in sectors other than the sex industry. It includes forced labour in agriculture, industry, and services, as well as in some illegal activities (ILO 2005:10).

The three above typologies does not fit with all human trafficking cases as there needs to be made a clear distinction between those who are forced and trafficked into labour and those who are not. The next section is includes a discussion commercial sexual exploitation.

3.3 Commercial sexual exploitation - Prostitution or sex work?

The activities associated with the commercial sex industry are described as prostitution and sex work. There are certain ideological and conceptual differences among feminist scholars and activists who prefer one label over the other, but they are often used interchangeably. The activities embodied in all of them encompass the full range of sexual activities focused on sexual pleasure of clients. In this study the term prostitute will be used as a concept to encapsulate female sex trafficking (Samarasinghe 2008:39). The term sex industry is used to identify the sector where specific services are provided, bought and sold. The use of the term prostitute instead of sex worker is used to identify the women and girls caught in the web of sex trafficking. Females trafficked for sexual exploitation spend their time and energy on an activity sold to a client which by definition is a forced activity. The term sex workers convey an element of choice while sex trafficked prostitutes are forced into sexual exploitation on the basis of profit (Samarasinghe 2008:196). The concept of prostitution has divided feminist scholars/activists as some implement an element of free choice to be a sex worker where prostitution and it should be decriminalised. This would facilitate a separation of the sex industry from organised crime and police corruption and thus improve public health and sex workers' rights (Cameron 2009:98). Ms Huda and the special Rapporteur on trafficking in persons, represent a more radical feminist approach to prostitution, as she declared that States parties to the UN Trafficking in Persons Protocol, (article 9, paragraph 5) have an obligation to discourage the demand side of trafficking, and should consider the criminalization of the use of prostituted persons as a way to discourage the demand for trafficked persons (Scarpa 2008:118-119):

States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking (Huda 2006: 10).

Although this discussion, is a part of a more complex and normative assumption on the legislation of prostitution, the fact is that women are particularly vulnerable of becoming sexually exploited in the sex industry. They are in great demand in many countries and commercial sex is a billion dollar industry. Women's exploitation in these countries is driven by unequal power relations that sexualise women and objectify them for consumption (Aronowitz 2009:25).

CHAPTER 4 - THEORETICAL FRAMEWORK

The first part of this chapter reviews central migration theories and continues further to the economic analysis of crime and soft and hard trafficking. The last section will outline Erving Goffman's stigma theory.

4.1 Migration theory

4.2.1 The neo classical migration theory

The neo classical migration theory were the first analytical framework made in term of a push and pull model that explained migration factors. In neo classical theories, the push factors are attributed to the causes of migration, that is, the migrant's motivation for emigrating the country of origin. The pull factors are defined as the attraction to certain destination countries (Castle & Miller 2009). The general assumption is that push factors are determined by demographic growth, low living standard, lack of economic opportunities and political repression, and the pull factors are connected to labour demands, availability of land, better economic opportunities, and political freedom. At the macro level, the neo classical theory assumed that the geographical disparities in the supply and demand for labour would generate migration flows, and that these flows gradually would equalize wages and conditions between underdeveloped and developed countries, that eventually would lead towards an economic equilibrium (Castle & Miller 2009:21-22). Migration would then cause labour to become less scarce at the destinations, and scarcer at the sending countries, which would result in capital to move in the opposite direction, and in the long run eliminate incentives for migration (De Haas 2003:4). At the micro level, migration was exclusively regarded as an individual decision based on a rational cost – benefit calculation, that includes migrants free choice and full access of information's of where they can be most productive and maximize wages. This implies that migrant's who search for better livelihood's opportunities are well informed about access to the labour marked, wage levels and employment of the destination country. Critics has since then claimed, that the theory neglects that most migrants (often poor) have limited and contradictory information, and are subject to a range of constraints imposed by employers and governments. Additionally, it is rarely the poorest from developing countries that migrates to wealthier and more developed countries, but people of intermediate social status from transition countries that are undergoing economic and social change (Castle & Miller 2009:).

4.2.2 The historical-structural theory

A more radical interpretation of migration emerged through the historical-structural theory in the 1970s and 1980s. This approach was influenced by the intellectual roots of Marxist political and economic dependency theory. The proponents of this approach believed that migration was a natural consequence of the unequal distribution of economic and political power in the world economy and that the mobilisation of cheap labour is "caused by structural and natural outgrowths of disruptions and dislocations, instinctive to the process of capitalist accumulation" (De Haas 2008:7). This further developed into a world system theory, where a more comprehensive analysis of the world economy was divided into peripheral, semi-peripheral and core capitalist countries. At first the world system theorist believed that rural to urban migration was the consequence of multinational cooperation's penetration of developing countries economy that consequently resulted in rural changes, poverty, displacement of workers, rapid urbanization and a growth of informal economies. The focus then shifted from internal to international labour as the mobilizing of cheap labour from developing countries were regarded as a drain, only beneficial for industrial and core capital countries. This clearly marked an opposite assumption of the neo classical theory, that factor price equalization would eventually lead to an economic equilibrium in the world economy. Instead the historical-structural theorist argued that labour follows capital and not conversely. Migration is therefore not seen as a free choice per se as fundamental constraints are internalised in the structure. This perspective has since been criticized for not recognizing the individual activity contributing to migration and only highlighting the power of macro-forces (De Haas 2008: 7-8).

4.2.3 The new economics of labour migration

In the 1980s and 1990s the new economics of labour migration emerged as a critical response to neo classical economic and historical-structural theories. The aim was to remove the structure-actor dualism that previously had dominated, and instead move towards a more pluralistic and reciprocal approach, that could deal with the complex and diverse realities of migration. In that context the theory was highly inspired by post-modern social scientist such as Anthony Giddens and his structuration theory, but it was also a rethinking of migration in and from the developing world (De Haas 2008:34). The new economic labour migration approach is similar to the neo classical theory as individuals are seen as actively participators in the migration process, but differs as it considers the collective (families, household or community) and not the individual (neo-classical), as the most appropriate decision-making unit (Castle & Miller 2009:24). In that sense the structural factors is incorporated in a societal context where these groups may decide that one or multiple members

should migrate as " *The fundamental assumption is that people, households and families act not only to maximize income but also to minimize and spread risks*" (De Haas 2008: 35). Migration then becomes a livelihood strategy that both can be seen as investment in access to higher earnings/wages in which remittance provides insurance for families, households or communities, and a risk spreading activity in times of failed agricultural production, natural disasters, death etc. Migration is therefore not only a family/household/community risk spreading activity to stabilize incomes, but also a strategy to overcome market constraints. The new economics of labour migration thereby places these groups in the developing countries in an imperfect credit (capital) and risk (insurance) market, since such markets are often weakly developed or it is too difficult to gain access for non-elite groups. In particular international/transnational migration and the remittance flow to developing countries, may be a sustainable development strategy for these groups to overcome market constraints, where remittance could be invested in productive activities to improve their livelihoods and overall social-economic well being. Interestingly the new economics of labour migration have conceptual similarities with the livelihood strategy, developed by anthropologist and sociologist micro orientated research of developing countries in the late 1970'es.

4.2.4 Migration as a livelihood strategy

The proponents of migration as a livelihood strategy argues that poor individuals cannot be seen as passive victims of globalized economic forces, because they are rather active in shaping and improving their livelihood, despite of the constraining conditions they are living under. In the extension of access to resources/capitals and the ones that individuals possess and make use of is encapsulated in the relationship between subject and society and their socio-economic dependency (Thieme 2006:40-43). A livelihood contains the capabilities, assets (material and social resources) and activities that are required for a means of living. The assumption is that "*A livelihood encompasses not only the households' income generating activities, but also the social institutions, intrahousehold relations, and mechanisms of access to resources through the life cycle*" (De Haas 2008:36).

Livelihood strategies are therefore formed and shaped by assets (capitals) in terms of social, human, financial, natural and physical capitals:

- Social capital - networks, membership of groups, relationship of trust and reciprocity, access to wider institutions of society
- Human capital - age, education, gender, health, labour, skills
- Financial capital - credits, debt, earnings, remittance, pensions, savings
- Natural capital – common poverty resources, such as land and water
- Physical capital – basic infrastructure, such as property or rented housing or land, physical and social infrastructure (Thieme 2006:42)

These capitals that people possess and have access to are actively shaped in the coexisting environment that influences on livelihoods aspirations and strategies. The capitals is structural determined by the society's rules, norms and values that are institutionalised at the individual, family and community level in the coexistence of legislations, laws and policies that shapes the overall frame of access and exchange of capitals. The dimension of people's living condition, well being and security must also be included as structural factors for instances in changing ecological, social, political or economic environments, which impact on migration decisions as well. The livelihood strategy is then a continually struggle of survival, security and economic-social growth for populations more vulnerable to internal and external shocks. The livelihood strategies must therefore as an enhancement of households positions for the increase of wealth and well being. The livelihoods strategy can therefore both be used to look at reasons for and the outcome of migration. The next section takes stand in the economic analysis of crime in order to clarify the theoretical approach for the analysis of criminal traffickers modus operandi in Nepal.

4.3 The economic analysis of crime

The economic analysis of crime originates from the 1960's American society and is one way to approach human trafficking. It has mainly been developed by economist and criminologist studies, where it is widely accepted as an important key to understand the organisational and operational characteristics of criminal activities. According to Gary S. Becker's and his utility model¹⁰ of economic crime, criminal behaviour is based on rational economic calculations (Schloenhardt 1999:204). Central for the approach and the utility model is the motivation behind criminal behaviour, which in human trafficking could be that the basic function of the model is based on the assumption that traffickers (recruiter) and "owners" are rational individuals driven by the aim of utility maximising profits as the main reason behind the activity. However, as Jun (2008) acknowledge, some traffickers may lack the knowledge and/or rationality to utilise profit maximisation, as they may undertake actions that are irrational. A more recent economic analysis by Andreas Schloenhardt, links organised crime with the business of trafficking within the streams of migration. Schloenhardt illustrates that trafficking is a major source of income for organised criminal groups and argue that:

The economic analysis of organised crime demonstrates that criminal organisations seek to maximise their profits within their environments the same way legal organisations do. Criminal organisations make profits from activities in illegal markets by providing illegal goods and services. They exist because of a demand for illegal commodities (Schloenhardt 1999:228).

It is important to understand that trafficking is not only prevalent by virtue of an abundant supply level of trafficked people, but also because there is a high demand in the states of destinations for people for domestic work, manufacturing, construction or the sex industry and circuses in India of which traffickers respond to by the supply (Obokata 2006:32). Mark Furstenberg states "*it is well known that organized crime exists and thrives because it provides services the public demands. Organized crime depends not on victims, but on customers*" (Schloenhardt 1999:205). Consequently the globalised economy has provided new opportunities for businesses in licit and illicit markets, and with the advancement of technology in communication, transportation and financial transactions, these have simultaneously been exploited by organised criminal groups in illegal business forms (Cameron & Newman 2008:25-26). However, there is no single model for criminal

¹⁰ There is wide range of economic studies of crime that has been undertaking and the initial utility model has been modified by several researchers, such as Brown and Reynolds (1973), Ehrlich (1973) and Heineke's (1978) - (Jun 2008).

organisations as they vary considerable in structure, size, geographical range and diversity in operations. They can range from highly structured corporations to dynamic networks that constantly change and adapt to the environment in which they operate (Schloenhardt 1999:214-215). According to UNODC organised crime convention an:

“Organised criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit" (Obokata 2006:29-30).

The more involvement of organised crime groups in human trafficking have marked the transition from a traditional form of slavery to modern trafficking in human beings, with high profits and relatively low risks of carrying it out. The demand for trafficked people exists in the states of destination, and organised criminal groups quickly respond to it by supplying people (Aronowitz 2008:25). These operations can range from an individual recruiting and exploitation of single person in the same city or country of origin, to highly sophisticated operations where criminals/traffickers arrange everything from recruitment, to the production of false documents, transportation, and exploitation. It can also be a segmented business involving the interaction between criminals network that contribute to the chain of the crime, and there is little evidence of highly structured and hierarchical organised crime enterprises involved in human trafficking. Instead it tends to be more loosely organised through criminal networks that involves a range of actors who flexible adapt new methods to avoid getting caught and utilise maximise the profits. Trafficking organisations can thereby broadly be characterised as groups of individuals or amateur traffickers, to small groups of organised criminals and to large scale international trafficking networks (Aronowitz 2008:65-76). The economic analysis of crime (organised) has its analytical merits that is both useful for the examination of criminal motives behind conduction of trafficking crimes that could be fruitful for creation of programs that eradicates such actions and needs for profits, and in that sense these models builds on cost-benefit calculations which are useful tools to understand the dynamics of supply and demand in the trafficking market (Obokata 2006:31). However, first the theory distorts the reality in some ways, as the abstract social and political environments and conditions that fuels trafficking is overlooked. Secondly, the business or commodity approach pays inadequate attention to the exploitative aspects of human trafficking which deprives the trafficked person of any legal protection. Third, human trafficking gives routinely rise to all kinds of human rights violations that both traffickers and authorities have been

known to carry out with impunity (Väyrynen 2003:3). These three elements is thus to be contextualised next and for the analysis.

4.4 Soft trafficking

John Frederick wrote in his essay "the Gita Myth" (1998) about the myth and reality of female sex trafficking in Nepal as a response to an unclear picture presented by the media and local NGOs. John Frederick originally developed two types of trafficking in children that he defined as soft and hard trafficking (Frederick 1998:2-3). The definition has since been used as a basic form of defining female sex trafficking, although it must be considered in a complex and dynamic changeable field. The definition of soft and hard trafficking is determined by the means of recruitment in the initial stage of human trafficking and does not include movement. However, a recruiter or a trafficker can be involved at any stage of the movement of people from source to destination, through workplaces, be transporters or own and manage brothels at the destination (ILO 2001:17). The ILO identified on behalf of Fredericks concepts of soft and hard trafficking, the following sets of component defining soft trafficking from the actors involved, the means of recruitment and the reasons behind trafficking in the initial stage of recruitment in Nepal.

Soft trafficking		
Coercers and complicit persons	Means of coercion	Causes of coercion & or complicity
<ul style="list-style-type: none"> •nuclear family •extended family •community members aligned with family returnees •non-local Nepalis •non-Nepalis aligned with family 	<ul style="list-style-type: none"> •family pressure on victims •knowledge of destination •duping of victim by or with complicity of family 	<ul style="list-style-type: none"> •poverty •greed •family occupation •coercion of family •other

The soft or family based trafficking occurs when families send or take their children and/or young females to places of forced labour or prostitution where they are sold/trafficked. In soft trafficking cases the recruiter/middleman/woman is often a close relatives such as fathers, uncles or aunts (ILO 2001:21) and the movement or migration may be under family pressure or voluntarily. In a study

conducted by the ILO on girls trafficked for commercial sexual exploitation, the majority of the parents gave silent consent to trafficking and some not only consented, but actively participated in the trafficking (ILO 2001:20). According to Frederick, there is a range of indications of soft trafficking in Mumbai, India. Many of the brothels and beer bars "employs" girls from the same state, region and often same village and *"You can find Nepali brothels where all the girls are from the same village in Sindhupalchowk district, well known for its export of prostitutes"* (Frederick 1998:4). Frederick argues further prostitution for some it may be the only option as a livelihood:

Most women and children enter prostitution not because they are 'forced', but because they have no alternatives. Family-based sex trade is an increasingly common response to poverty and a significant source of rural income (Frederick 1998:1).

This family based or soft trafficking is thus to be seen as a response to poverty and certain aspects of Nepalese culture may also work unintentionally as catalytic forces for trafficking such as patriarchy, unmatched and child marriage, as well as excessive spending at times of feasts, festival and funeral ceremonies, that can strain households economically (ILO 2001:3). In cases where families push women or girls into trafficking circumstances, some do not rationalize this as harmful, as they are considered chattels for the family, which clearly demonstrate gender discrimination and low status of women and girls in the society. These attitudes create an atmosphere of impunity for many traffickers/middlemen/women who feel free to seek out those most marginalised and vulnerable (ADB 2002:17) as the hard trafficking more precisely illustrate.

4.4.1 Hard trafficking

Hard trafficking occurs when a person unknowingly are deceived or unwillingly abducted, drugged or other vice dragged into forced labour or sexual exploitation, are defined as victims of hard or coercive trafficking (Frederick 1998:2). The distinction between soft and hard trafficking refers to coercion and/or complicity of members in a nuclear family and/or extended family in the trafficking of a women/child. It does not refer to patterns of movement or to roles played. In soft trafficking, nuclear and/or extended family members can play roles besides seller, including transporter and purchaser if the person is sent to work in a family-owned establishment. Hard versus soft trafficking must hence be described in terms of coercion and complicity which implies that those who forces girls into prostitution or force labour for their own benefit, family or non family, and how and why (ILO 2001:17-18). The traffickers adopt a range of methods to traffic women and children, ranging from false promises to coercion. In the study conducted by Daywalka Foundation and CREEPA

found that in the majority of the cases, coercion, force or threat were not the typical means or technique mostly used in the initial stage of recruitment or transportation of the trafficked persons. Rather it is deception in terms of promises of love, marriage, tours, entertainment and jobs that lured women and children in the initial stage of the trafficking process (NHRC 2008:22). This means that migration in most cases are volunteering, but the entrance to a brothel, circus or other forced and exploitative work is certainly not. The definition of hard trafficking

HARD TRAFFICKING		
Coercers and complicit persons	Means of coercion	Causes of Coercion
<ul style="list-style-type: none"> •Community members not aligned with families •returnees •Nepalis not known by family •Non-Nepalis not known by family •These persons can play roles of recruiter, transporter, overall manager, purchaser, etc. 	<ul style="list-style-type: none"> •Duping of victim and/or family •marriage/elopement •love/emotional persuasion •employment •travel, enjoyment •pretended assistance/escape in time of need •Physical - Social/psychological coercion •rape/spoiling of reputation •drugs •persuasion •physical threat •social threat 	<ul style="list-style-type: none"> •individual profit •family/group profit •small organized •network profit •large organized •network profit

The next section takes a different stand as Erving Goffman is presented, but is also a very important to understand as the micro structural factors also have significant importance in women and children's vulnerability of being trafficked in the Nepalese society.

4.5 Erving Goffman

Erving Goffman (1922-1982) has his scientific background and theoretical position from the study of the everyday life - rooted in empirical research. Erving Goffman and Harold Garfinkel stand as two of the major representatives for the North-American micro-sociologic tradition, as both were occupied with behavioural mechanisms of social interactions. Goffman introduced in his PhD (1953) that social structure has its own sets of rules for conduct and procedures (Goffman 1963:3-4) which he refined further in "the presentation of the Self in Everyday Life" (1959) as the social space is where dramaturgical face to face interactions occurs. Central for this perspective is the symbolic interactionism founded in micro sociological science. The concept of symbolic interactionism originates from the American sociologist Herbert Blumer where social interactions is mediated through the use of symbols in the society that influences on our social identity. Goffman and the symbolic interactionism shares the assumption that we as social human beings, communicate with each other through symbols that we assign special meanings (Jacobsen & Kristiansen 2005:47). These symbols could be the cloth we wear, the car we drive or the prestige of powerful positions that are ascribed certain meanings through the social interaction. These meanings are constantly negotiated through new and dynamic experiences that challenges our self identity (Goffman 1992:11-14). Goffman stressed in this context that the structural foundation of every social activity is rooted in pre existing systems of rules external to the individual that can choose to enter these existing systems and thereby follow the rules of the dramaturgy or not and risk social exclusion. Goffman's theory therefore diverge from the symbolic interactionism focus on the unique individual constructed situations, by emphasising the external given elements that creates stabile relations and interactions. Goffman argues that even though a definition of social situation/activity can always be identified, but the rules of conduct is a pre existing system (Jacobsen & Kristiansen 2005:48).

4.5.1 Stigma and social identity

According to Goffman, it is within the society's social settings, that stigmatizing takes place, that is, where individuals interact and ascribes each other's social identity with certain attributes. The society establishes means of categorising persons and allocates attributives that are: "*felt to be ordinary or natural for each of the members of these categories*" (Goffman 1963:11-12). It is thereby in the social space where the rules of conduct is established and which categories other person's belong to, and by virtue of that, anticipated attributives is ascribed to that persons social identity. In that sense, the recognition of categories and attributes makes social interaction easier, since it is no necessary to make a special effort to identify each person's social identity every time

face to face interactions occurs. The rules of conduct are rooted in structural factors that are external and constraining individual behaviour. When these rules are followed and sustained, it shapes a self perceived picture of our social identity. By sustaining or breaking the rules of conduct, we signal/symbols how we want to be perceived. According to Goffman the rules affect an individual - directly as an obligation that indicate how the individual should behave, and indirectly as expectations of how an individual are morally obliged to behave in the social meeting. In the interaction between individuals, the expectation and obligation are attached to both parts, since one person's obligation is often another person's expectation (Jacobsen & Kristiansen 2002:79). Goffman here introduces the distinction between what a person ought to be as a 'virtual social identity' and how the person really is as 'actual social identity' (Ritzer & Goodman 2003:362). The virtual identity is connected to first appearances we notice, for example when a stranger enters a social setting, people will automatically determinate the persons category and attributives and thereby also what to expect from him/her (Goffman 1963:11-12). Goffman here introduces the concept of stigma as the discrepancy between the expected virtual and the actual social identity of a person as:

Evidence can arise of his possessing an attribute that makes him different from others in that category of persons available for him to be, and of less desirable kind – in the extreme, a person who is quite bad, or dangerous, or weak. He is thus reduced in our minds from whole and usual person to tainted, discounted one. Such an attribute is a stigma, especially when its discrediting effect is very extensive; sometimes it also called a failing, a shortcoming, a handicap. It constitutes a special discrepancy between virtual and actual social identity (Goffman 1963:12).

This implies that stigma occurs when there is incongruousness between these two identities. A stigma is thereby a classification of a special relationship between attributes and stereotypes, depending on the context. Goffman argues that some attributes are always discrediting in our society, but that we all at some point of our life experience stigmatizing to some degree (Goffman 1963). Stigma is thereby a dramaturgical interaction between stigmatized people and those who are conceived as "normal". The nature of the interactions depends on which of these two types of stigma an individual has – the discredited or the discreditable. In the case of discredited stigma, the actor assumes that the deviance is known by the audience, or is evident to them, for example in the physical appearances of missing an arm. In the other case of the discreditable stigma, the differences is neither known or perceived by to the audience. Goffman illustrate this by straight passing a homosexual or in the thesis is could be a post trafficked person who might have HIV/AIDS passing a healthy person.

CHAPTER 5 - THE SUPPLY SIDE OF TRAFFICKING

In this chapter, the structural factors contributing to the supply and trafficking of women and children from Nepal is analysed. The first section will briefly provide an overview of the magnitude and patterns of labour migration from Nepal to India and beyond. The following part of the analysis focus on situating women and children in Nepal's society, within social, economic, cultural and political factors in the sections of gender discrimination and feminisation of poverty. These factors contributes to the supply of women and children trafficked from Nepal.

5.1 Migration overview

Labour migration to India has a longstanding story, and started as early as the 19th century, when men from the Gorkha hill areas migrated to Lahore (in today's Pakistan) to join the army of the Sikh ruler, Ranjit Singh. Even today those who are working abroad are known as "lahures" (Seddon 2005). After a war between the Gorkhas and the British east India Company (1814-1816) an increasingly number of Gorkha people joined the British led army. As the Gorkha settlement increased in numbers and size, they also attracted Nepali workers seeking civilian employment. The brothels that developed in these new centres may very well have included women from Nepal and the surrounding areas. Although labour migration between Nepal and India has a long history, the country remained closed until 1950, when the Rana regimes were overthrown and Nepal opened up for the outside world (Pyakurel et al 2009:207). The same year India and Nepal signed a peace and friendship treaty that officially formalized a free movements between the two countries. Nepalese migrants then started to move to more industrialized areas in India, such as Delhi, Mumbai and Bangalore to find employment (Thieme 2006:12). The migration between Nepal and India is mostly undocumented due to the free movement across the open border, lack of restrictions on visa and passport requirements for citizens of both countries, and the absence of a system to record the flow of migrants in both directions (NIDS 2008:18). The National Institute for Development Studies, were first to do a systematic research on Nepalese foreign labour migration and they estimated that around 250.000 Nepalese are employed in the Indian public sector (mostly in the army and police) and another 750.000 men and women are working in India's private sector, mostly in manual labour jobs in the industry, agriculture or the service sector¹¹. Their wages are low and their jobs often

¹¹ According to the 2001 census, 589,000 Nepalese are working in India, while The Nepali Immigrant Association in India estimates this number to be between 1.3 million and 3 million (Thieme 2006: 1)

dirty, dangerous, and even degrading¹². In regard to the total figures of undocumented labour migration, it is only possible to speculate¹³. Since the labour act of 1985, Nepal's government have officially recognised the potential value of foreign labour migration, Nepalese citizens have migrated in significant numbers to India, Southeast Asia, the Far East and the Gulf countries. A class division among the labour migrants is also found in the selection of countries, as poor people migrate to India and semi skilled to Gulf States and Malaysia, while more privileged people moves towards Japan, South Korea, North America and Europe (Bhattarai 2006:2). Nepal is now actively promoting labour exports of migration and most rural household depends on at least one family member's earnings (Seddon 2005). This is also a result of Nepal's governments failed implementation of a coherent development strategy in mobilising its resources, which has resulted in ineffective agriculture, education and human resource development. This inefficiency has led to low rates of growth and high rates of unemployment and underemployment in an economy mainly based on small scale subsistence agriculture, handicraft, and services. These structural factors and declining natural resources, limited land, a rapid population growth, and a decade with political instability, are the main push factors of a high labour migration rate. The implications of this situation are far-reaching for Nepal's structure and dynamics in the society, both those employed in foreign labour migration and the ones left behind (Seddon 2005). In that context, the neo classical migration theory's prediction of demographic growth, lack of economic opportunities and political repression (political instability) has indeed pushed Nepalese to migration. On the other side the historical-structural theory with a globalised world's economy and the facilitation of the "free trade" liberation has loosened the capital marked control and regulations (Cameron & Newman 2008:61), with India as one of the fastest growing economies in the world has benefited by. This has led to a high demand for mobilising unskilled and low skilled worker in the industrialised sector and this has increasingly pulled poor rural Nepalese to India with aspirations of improved livelihood opportunities. In these migrations streams criminal groups have taking advantage and exploited the very same mechanisms. By fewer regulations and limited border control between Nepal and India they have a great freedom to seek out the most vulnerable women and children.

¹² In relation to prostitution it is estimated that between 100.000 to 150.000 (weak empirical evidence) are working in India's sex industry, including trafficked women and girls (Seddon 2005). According to Frederick 20.000 is sex trafficked (Frederick 2005:1).

¹³ According to an estimate by Tilak Bahadur Ranabhat, NAFEA president, almost 2.5 million Nepalese - 1.2 million officially and 1.3 million unofficially - work in various countries across the globe (NIDS 2008:11).

5.2 Situating women and children in Nepal

5.2.1 Gender discrimination

In most South Asian countries (including Nepal), gender based discrimination is often perpetuated and institutionalised within the family, community and political spheres. Historically, Nepal has been influenced by Indo-Arian culture and Hindu religion that have imposed females with a subordinated status and less value compared to males. Discrimination based on class, cast and gender have traditionally and until recently by law, resulted in unequal rights in the society, for example by the denial of citizenship and passport to ethnic/national groups (Janajati, Muslims etc.), Dalits (lowest cast) and women without the endorsement of a male family member (Rajbhandari 2008:230-232). This is now changed in the interim constitution of Nepal 2007, where ethnic/nationality groups and women has been given equal rights as discriminatory laws (not all) has been amended. Although these law amendments shows Nepal's commitment to gender equality and social mobility, the patriarchal norms and values in the communities throughout Nepal are still enforcing highly discriminating practises against females. In these traditional communities with patriarchal socio-culture, women are considered as family property, as daughters controlled by their farther until they marry, as wives controlled by their husband, and as mothers controlled and taken care of by their son (Brown 2006:31). In other words, females social identity (confer Goffman) is primarily based on their roles the society/community that mostly is confined to domestic duties, such as cleaning, cooking and taken care of children and agricultural work. As such, girls within a family are considered a burden, confined to domestic environments and duties, while boys are the means of livelihoods (Hennink & Simkhada 2004:5). Consequently, women and girls have a low status in many communities and they are often denied basic necessities such as food, clothing and/or education, which position them in greater risk of socio-economic disadvantages compared to males. These rules of conduct (social norms & values) are stereotyping and constraining females behaviour, which results in the absentees of rights to self respect, social dignity and self-determination (Samarasinghe 2008: 64). Their restricted social mobility makes them even more depended on a man, and it leaves them more vulnerable in situation with internal (divorce, illness, death, abuse, violence etc) and external shocks (natural disasters, failed agricultural season etc) as described in the livelihood strategy theory. There is a range of causes to girls and women's vulnerability in trafficking, for example in dysfunctional families with physical torture/violence, rape/incest, alcohol abuse, or divorce that not only results in loss of dignity and self respect, but consequently leads to stigma by other community members. This forces girls and women to either

keep silent and tolerate the situation or seek other option elsewhere. Besides a few GOs and I/NGO who run counselling centres on violence against women in urban areas, such as Maiti Nepal in Hetauda, there is virtually no support for these women and children in the rural districts. Consequently it facilitates traffickers with the options to lure or deceive vulnerable persons in crises, by offering emotional and other forms of support. According to Rajbhandari there are various case studies of women who migrates, are using informal channels to find employment, just to avoid the extreme humiliation in their own family or community. Some women have even changed and taken surnames from higher casts after they have migrated to India. Women do so to avoid recognition of people from their village who could notify other community members (Rajbhandari 2008:234). As women's social identity confined to the domestic environment or and the majority of women are working in small scale agriculture, they are less active in the labour market. Female migration is in most cases reprehensible in the communities, and if a women or a girls returns without money (trafficked or not) she is stigmatised by other community members as a prostitute or worse.

5.2.2 Feminisation of poverty

During the 1990s, the governments of Nepal led a liberal economic policy with macro-economic reforms in which agriculture were regarded as primus motor for growth and development. Most international development agencies endorsed the government's "Agriculture Perspective Plan" and supported the liberalisation of capital and commodity markets. Unfortunately these marked based reforms were at the expense of allocating resources to subsistence agriculture, leading to a shift from cropping cereals (food stable crops) to cash crops and this consequently resulted in an increasingly number of families facing food insecurity at the household level. Since agriculture is the predominant source of livelihood for most rural households, the limited livelihood options led to a massive migration in men, leaving women to take care of their families and farming (Rajbhandari 2008:240). However, the majority of women do not have access to the markets and the agriculture proceeds generated by cash crops is controlled by men. This has led to a feminisation of poverty, while only 11 per cent of households land are under female ownership, and around 90 per cent owns less than one acre, according to the 2001 Population Census in Nepal (UNDP 2010:47).

The lack of viable economic options compounded by low paid jobs at the household or farm level, have severely more impact on women than men. Because a disproportional number of females compared to male, are occupied in rural agricultural activities, they are becoming neglected which is resulting in a feminisation of agriculture and poverty. In a study by (Mahendra et al 2001)

adolescent girls spent an average of 14-17 hours per day working in the household and the farm, compared to adolescent boys who worked 11-12 hours per day. Few girls were paid for their agricultural work and only few females were unskilled labourers. Moreover, whatever the girls and women earns mostly goes to the household, and they have little influences on how to utilise their income (Mahendra et al 2001:1). At the same time women have certain domestic obligation to cook, clean and take care of children. If these obligations are not fulfilled they may face continuously physical and psychological harassment, which in some cases includes sexual harassment, abuse and social stigma (Rajbhandari 2008:240). Due to the discriminatory laws and practices women in Nepal have been marginalised and excluded rights, such as parental property and land ownership for centuries. Historically, land ownership in particular, has been skewed towards men throughout the Asia-Pasic, because societies have defined agriculture as a male activity in which land is closely associated with economic and political power. Nonetheless Nepalese women have been given property rights in a passage into the law of the 'Eleventh Amendment of the Country Code Bill' in 2002, and in the 'Act to Amend Some Nepal Acts for Maintaining Gender Equality' 2063 (2006) it is stated that: "*the unmarried girl, married women or a widow living separately may enjoy the movable and immovable property on her own*" (UNDP 2010:48). However, a married women do not have rights to ancestral property, unless they have acquired it before marriage, so discrimination still prevail, especially considering the likeness of illicit women's limited knowledge of this right. In this relation, marriage customs and laws continue to make women subordinate to men and as women typically are expected to move to their husbands locality, which may be distant from their own and this is hindering their chances of maintaining control over the property they own. Women generally lack assets, not only in ownership and control over property, but also land and livestock, businesses, knowledge and good health and this makes them vulnerable in times of crisis, for example by divorce, sickness, domestic violence or natural disaster, armed conflicts or male migration. The ownership and control of assets, and the ability to earn incomes are fundamental pathways to economic and social wellbeing. When women have equal opportunities to obtain assts and earn income, their overall social and economic standings improves, leading to an expanding circle of opportunities. They also develop a stronger position to bargaining and negotiate within their homes, which means that men are no longer solely reference point in decision makings, as well as a stronger voice in public places. Incomes and assets is also beneficial in terms of leaving women better equipped to cope in times of crisis, supplementing the major role of social protection systems (UNDP 2010:45). For many poor and disadvantaged groups assets serves as means to overcome

discrimination, but most of the economic activity in Nepal that takes place in public spaces is traditionally a male domain, where women are less represented. Gender discrimination and inequality makes it difficult for women to get access of major resources, such as land, credit or inheritance of their parents property, thus contributing to their marginalization and vulnerability of becoming trafficked (Scarpa 2008:12). While most attention has been paid to trafficking of women and children, it should also be noticed that men also are trafficked. The lack of interest in male trafficked persons may be based on the assumption that men migrate while women and children are trafficked (ADB 2002:17). For decades Nepalese men have migrated temporarily to foreign countries for employment leaving the women behind, and some do not receive enough or any remittance, which contributes to further marginalisation and poverty. In recent years, Nepalese women have begun to seek foreign employment opportunities, mostly to ease poverty at home (Bhadra 2007:4-5). The feminisation of migration shows that what usually have been male dominated, is now increasingly compelling to women, as they globally constitute about 50 % of the total migrants. However, the majority of Nepal's migrants are still constituted by males. Nonetheless, the increased incidence of immigration to India and the Gulf countries is also a result of rural poverty, as the low profitability of subsistence agricultural and viable employment opportunities in Nepal push more and more females into labour migration across the border. Most studies on human trafficking identify poverty and unemployment as the reason for female migration (Samarasinghe 2008:69). The Asian Development Bank (ADB) have in a study on combating trafficking of women and children in South Asia, observed that women are not necessarily poorer than men, but that female headed households are more vulnerable to external shocks and inadequate resources than male headed households. Additionally, the feminisation of poverty in Nepal should be viewed in terms of the concentration of women in low agriculture productivity and unskilled jobs in the non agricultural sector. Poverty and access to food, health, nutrition and educational facilities, as well as an increasing workloads is having significant more impact on women and girls in poor households, than men. This situation results in a vicious circle whereby women having less access to employment and earning lower wages, face greater difficulties in escaping poverty which then leads to migration and vulnerability of being trafficked (ADB 2002:35-37).

5.3 Chapter conclusion

This chapter showed that the structural factors contribution to migration and trafficking is rooted in the Nepalese governments failed development strategy and the impact of a decade with political instability. This has resulted in un/underemployment the country with the majority of its population employed in agriculture. In the combination with a high population growth, it has pushed the Nepalese population to migrate in increasingly numbers, with the majority being male labour migrants to foreign countries. However, simultaneously it has meant a feminisation of poverty/agriculture. This must hence be seen in terms of socio-cultural and patriarchal dominance that has constrained females social mobility and stereotyped their social identity within the institutionalised tradition of marriage. These socio-cultural factors have resulted in disadvantaged socio-economic conditions for females, with a low potential for economic empowerment and self sufficiency. Consequently those families that do not benefits from male migration remittance is living in poverty and the small scale subsistence agriculture is often not enough to support the family. These structural factors has lead women to migration for the improvement of their living standard, which makes them more vulnerable to trafficking as most women depends on facilities offered through informal channels. On the other hand is has also led families who live in poverty to consider child labour migration as a livelihood strategy. Some of these parents are directly involved in the trafficking of their children, while others silently comply or is unaware trafficking. And as the next section will show the involvement of traffickers includes in many cases family, relatives and community members.

CHAPTER 6 - CASE STUDY OF HETAUDA, MAKWANPUR

This chapter provides a case study analysis of Hetauda, Makwanpur. In this stage of trafficking the new economics of labour migration and the livelihood migration theory will be used exchangeable with the John Fredericks conceptualisation of soft and hard trafficking. The usage of soft and hard trafficking is utilised as an analytical tool in the analysis of why Nepalese women and children are at risk/vulnerable of being trafficked to Indian brothels and circuses. This also includes the actors involved in the recruitment of women and children and how they operate (modus operandi).

6.1 Poverty and unseen competition

In the case study of Hetauda, Makwanpur some of the essential problems that all key informants emphasised as the main factors to trafficking is poverty, lack of employment opportunities and the impact of the now ended armed conflict. The armed conflict created a large groups of people who got displaced from their original place and they consequently migrated to nearby cities, Kathmandu or India and beyond in the hope of finding employment and security. Especially young people were compelled to migrate, and the most vulnerable were in high risk of becoming preys of traffickers, who acted as rescuers or in the guise of employment providers (Rajbhandari 2008:235). According to Issur (the private lawyer in Hetauda) the armed conflict severely affected Hetauda and the Makwanpur district:

Because of the conflict many people could not stay here in the community or at home and that is why they got displaced to the city area. When they came there, they did not get any kind of job, and that's why they started to end in the profession of prostitution in the city areas (Issur, appendix A p.6 line 184-187).

This indicates that women and girls were either trafficked into prostitution or made it to their profession/livelihood, by their own free choice as a sex worker. It is clear that the armed conflict displaced many families, household and communities members and without a safety net and insufficient facilities to get help, they were left alone and thereby also easy targets for traffickers who wanted to exploit this situation. On the other hand, many people lived in fear of either Maoist insurgency or security forces that combated each others. During this time there has been numerous reports of human rights violation, torture, killings, rape etc on both sides. This resulted in the common civilian's choice between joining the Maoist insurgency or the security forces, or flee and migrate to urban cities such as Kathmandu or in India. In a country where 300,000 job seekers enter the job market each year, these new entrants are unlikely to be absorbed into the labour market (Thieme 2006:11), and in this context the armed conflict was devastating for the overall

development. This was also the case in Hetauda, as the entire industry collapsed and workers became unemployed with limited opportunities for supporting their families. While agriculture is the main source of income in Nepal, the cultivable land is limited and unevenly distributed, particular in Makwanpur as it is located in the densely populated area of the Terai. This has caused internal migration motivated by the search for land and other income generating possibilities in middle range cities such as Hetauda. These structural factors have provided a fertile ground for traffickers who adapt a range of methods to traffic women and children in these streams of migration. Maya from Maiti Nepal explained that the problems is also connected to the fact that *"the villagers will go and do any kind of work. That is why they actually are falling in the hands of traffickers"* (Maya, appendix B p.9, line 217-218). In that sense, these strong push factors not only fosters hopeless and desperate situation, but also aspirations of escaping the structural constrains by the prospect of employment, education or marriage as major pull factors. Especially young men find it easier to opt for international labour migration as it is not only a source of income, but also a status symbol among the younger generation (Thieme 2006:11). These migration and status symbols were also evident in Hetauda which Issur also connected to the growth in trafficking:

Because we have many unemployed here, there is not many kind of opportunities. That's why the trafficking it is going up. And the next one is the development of different kind of technology. It means that the poor want more money, more than their neighbours. There is a kind of unseen competition to want more wealth, to want more money, that's why they are doing like this (Issur, appendix A p. 2, line 48-52).

The issues of technology is consequently a result of modernisation, and in my visit to Hetauda it was obvious that the city had different kind of facilities, such as internet cafe's, cable TV, hotels, restaurants, health care centres, many kind of small stores in the main streets, schools, concerts advents etc. These facilities are appealing magnets for poor families from the country side who wants a share. On the other hand, with the changing lifestyle and opportunities available in different sectors, men and women are also choosing to migrate with aspirations of better livelihood opportunities and social well being. The unseen competitions among the poor in the communities of the Makwanpur district and in Hetauda city, symbols that money gives prestige, respect and recognition in the communities which Issur also exemplified *"If we have more money we should dress well, we should have good things - we should have a fundament. That's why the cases of trafficking is increasing these days"* (Issur, appendix A p. 2, line 56-57).

This could also be an indication that trafficking has become a livelihood strategy for poor families or community members who operate as traffickers in Hetauda and the Makwanpur districts. In a study conducted by B.C et al¹⁴ (ILO 2001) it was found that most parents silently consented while others actively participated in the trafficking process, however:

the notion of parent's silent consent should be seen in the broader context of Nepalese society and especially in terms of existing social class relations, including access to social services, economic entitlement and political representation (ILO 2001:20).

This kind of soft trafficking mostly included women and girls who were trafficked into the Indian sex industry from localities of Sindhupalchowk, Nuwakot and the Makwanpur district (central region) up until 1990. This has now spread to include trafficking of women, children and men to various other forms of forced labour exploitation. In Hetauda, Makwanpur it is evident that not only girls are trafficked into the sex industry, but also in forced labour/entertainment exploitation in Indian circuses, which may involve sexual abuse, and resale to brothels in India (ILO 2001:20). These factors implies that children in Nepal are not only vulnerable on bereft of family networks, but also when they are living in their families. The soft trafficking must be seen as a response to poverty, while children (girls & boys) and young females either becomes income generating means or risk reductions as "*The fundamental assumption is that people, households and families act not only to maximize income but also to minimize and spread risks*" (De Haas 2008: 35). It is clear that many adults feel an obligation to support their family by labour migration and remittance, but that children who by definition lives under the direction of their parents, are more vulnerable of being trafficked, particular if the family is living in poverty (Cameron & Newman 2008:24). Family vulnerability is thus directly related to child vulnerability which is impacted by their parents education levels (human/cultural capital), household income, (financial/economic capital), food provision (natural capital) or mistreatment, physical abuse, alcoholism, mental torture, multiple marriage, and remarriage associated with large families size (social capital) (ILO 2001:3). The next section is a real life story of a dysfunctional family in many ways. The Story of Sita is the interviewed women from Hetauda.

¹⁴ B.C et al is referred to as the ILO (2001) study - A rapid Assessment

6.2 Sita's story

The story of Sita reflects in many ways the problems of Nepal's society with poverty, low socio-economic status of females and cultural discriminatory practices. These socio-economic and cultural factors influences and positions, especially rural poor females who lives in patriarchal families and communities, with limited opportunities for sustainable livelihoods, school, health care and other facilities. Sita grew up with her brother in a poor family in Nuwakot district of Nepal. Her mother passed away when she was four years old, and her then father decided to migrate to Hetauda. The main reason was poverty, and the hope of finding improved livelihood opportunities. Given a poor and illicit family background, she only attended school until the 5th grade and because her father had arranged a marriage for her at the age of 12. When she turned 14 years old, she had given birth to a daughter. Now, put in a more profound societal context it reveals that certain traditional social norms and values is prevalent in patriarchal families and communities in Nepal. This centrifugal mechanism does not only repeat itself, but it consequently results in a stagnant social mobility of females, left in the society with few alternatives. These conditions and positions for especially rural poor females are institutionalised in the family, which gives little incitement for educational investment, as the roles are defined in terms of marriage and domestic duties. Unfortunately, it also puts females in more vulnerable positions when unexpected situations occurs, which Sita experienced, as her husband abandoned her and migrated with her daughter to Kathmandu. She then stayed with her father for a while, although he stressed that she brought shame on him. At this time of her life her aunt gave her some emotional support and told Sita *"I have no daughter, so I will make you my own daughter. Then I trusted her, and went with her to the city of Lokhana in India"* (Sita, appendix C p. 2, line 48-50). Without knowing the full circumstances of her choice, she had been recruited in the viscous trafficking circle. In the beginning her aunt treated her very well and she stayed there for one year, to the time where her aunt sold her to a private sex establishment. As described in the initial stage of recruitment, the case of Sita can be categorised as soft or family based trafficking, as the complicity of her aunt and the methods of emotional support led her to believe in new opportunities in India. The aunt's actions from the recruitment, transfer, transportation and selling of Sita to the sex establishment (as defined in the Palermo protocol), clearly indicates the family based complicity through the whole trafficking process. The means of treats and physically violence was also used as means and as Sita said *"because I refused to do that work, they tied my legs and hands and said you have to do that work and they even showed me a pistol"* (Sita, appendix C p. 3, line 57-59). Naturally she felt betrayed

and deceived. She further told that *"when I came there I just wanted to run away. At that time my cousin beat and scolded me and said that: you must do this work, you have to stay here!"* (Sita, appendix C p.5, line 110-112). It is clear that both physically violence and psychological threats were used as means of coercion in order to make her obey the rules and as they told her *"Don't say anything about this time to anybody... that will be bad for you"* (Sita, appendix C p.4, line 79-80). Sita was then looked in a room and sexually exploited for two years, everyday 2-3 hours by clients ranging from 25-60 years old. The sex establishment did also confine two other girls that her aunt had recruited and sold. All though it wasn't clear how Sita escaped, she managed to return to Hetauda and went directly to her family, but they didn't want to help her. Interestingly the community informed Maiti Nepal who then found Sita, buy they only did so to avoid any further investigation, as they knew that her own family had been involved in the trafficking of Sita. It also demonstrates that Sita is an investment and thereby a source of income or livelihood strategy for the family as she told that *"My father took some money and my aunt send money to my other family members also"* (Sita, appendix C p.8, line 190-191). Sita's story is one out of many girls who have been trafficked for the purpose of being an income generator that contribute to the household or the family. It can further be concluded that her aunts activities in the trafficking has been going on over time, based on the fact that she had also trafficked two other girls to the sex establishment, which indicates that trafficking was an organised livelihood strategy for her. However, this strategy or income mean ended as Maiti Nepal caught her and she was was then arrested and convicted to 38 years in prison, according to Sita. This made Sita's father furious as their money making aunt could no longer conduct human trafficking, and thereby no source of income. Sita is now 23 years old and has slowly started a new life in Hetauda as she is working in a hotel - a job that Maya from Maiti Nepal helped her to get. However, the reintegration in the society is not only through a job channel, as she has faced hatred from other community members and her own family. The experience of being exploited marks a person for life, and the fact that family members participate in this process, makes it even harder to cope with. The support of Maiti Nepal in the phase afterwards is therefore crucial to a women like Sita, as there is virtually no other places for emotional or employment support. Since community and family members dissociate women and girls from any reintegration by stigma it impact on each individuals social identity as Goffman argues. However, this didn't seem to be Sita's main concern, but instead that she had limited contact with her daughter. She feared that her daughter would sufferer the same fate as her as she said *"What will he do with my daughter?"* (Sita, appendix C p.8, line 239).

6.3 Modus operandi of traffickers

The trafficking network in Nepal includes a variety of actors involved at different stages at the supply and demand side. According to Maya it is "mostly the fathers, husbands or relatives are involved" in the trafficking activities (Maya, appendix B p.12, line 282). Issur verified this but simultaneously stressed that traffickers operate within a large network in different places and they have insight knowledge of each community member:

He knows everything there. The life of that girl and asks: do you only want to stay in the village? You don't want to go the city? There are many kind of facilities - there is a better life than in the village, you should go with me. I will provide any kind of job for you. He convince like this (Issur, appendix A p. 3, line 88-92).

To a woman or girl who is living in an environment with restricted rights and freedom and few employment opportunities besides agriculture, a trafficker offering a chance for economic independence may be seen as the only opportunity to improve her situation (Mahendra et al 2001:5). Especially those rural women and girls who have a low status in the community makes them even more disadvantaged in socio-economic terms. Contextually this is rooted in the socio-cultural structure that significantly impact on women and girls social identity defined by their roles in the society, which Maya also believed to be one of the main factors contributing to trafficking:

Among them in the society it is men who are causing the trafficking, because the community discriminate women. Another cause is family violation, especially thrive to women. That's the way the society is. The social environment is very much responsible for the trafficking (Maya page 10, line 219-222).

These socio-cultural factors in poor communities dominated by patriarchal culture, results in a restricted social mobility of females, who are without prospects of advancement in economic empowerment and self sufficiency. This makes it relatively easy for traffickers to persuade women and girls by offers of employment and a better life in modern urban cities. The trafficking process of women and children can then either be directly from the community to the destination, or it can be indirectly as a speculated strategy stretching over time, for example in fraudulent marriages and work places in small range cities such as Hetauda. In this context, Kathmandu is also a centre of trafficking recruitments, as it pulls rural and urban migrants to the city with the hope of finding employment. This migration process is either independently made or through a trafficker as Issur said:

They take them to Kathmandu where there is different kind of garment factories. At first give them some kind of jobs there, and gradually it comes in form. Then after that they send them to India (Issur, appendix A p. 3, line 93-95).

It has been well known since the early 1990s that the garment and carpet industry have been major recruitment centres. In the 1990s there were around 2000¹⁵ carpet factories in more than 23 districts of which 80 percent was located in Kathmandu. Approximately half of the total¹⁶ labour force consisted of child labourers (about 150,000) and aged between 5-16 years old. At the same time these industries were important recruitment centres for traffickers and associated with an increment of internal and cross border trafficking in women and children (NHRC 2008:7). In a study by Hennick (2004) it was revealed that women and children who independently or with their family had migrated to urban areas or Kathmandu to find cheap employment in carpet factories were particular vulnerable to trafficking. They were typically offered better paid employment elsewhere or asked to travel on errands with a trafficker who then transported and trafficked them into Indian brothels. Others were trafficked for labour exploitation in the carpet factories and kept in debt bondage, until they were transported and re-trafficked to the Indian sex industry. Those Women/girls who are trafficked directly to the sex industry from communities is either through soft or hard trafficking in which false promises of employment or marriage is the most common patterns. However, there is also incidence where people are abducted or drugged and then trafficked, but this is more rare. Even though that human trafficking is mainly associated with sex trafficking, forced labour and debt bondage in different sectors, there has also been incidence with organ removals, especially in India, where poor and ill people do not have the financial resources to be treated in a hospital, and thus they easily are convinced by traffickers, who is well aware of their situation. Issur stressed that human trafficking occurs in many contexts and gave an example of how traffickers operate:

What is happening with your body? (They are feeling ill). Are you feeling some kind of problem in your body? (Asks about how life is to them). I am feeling like this - it is ok, go with me and I will take you to the treatment centre! They think they are getting some kind of treatment and feels very happy, but they don't know in the name of a treatment that the traffickers removes their kidney (Issur, appendix A p. 3, line 100-105).

¹⁵ Presently the carpet industry has shrunk 70 % according to Odegard & Rana (Step Fair Trade Carpets 2010), as the production is moved to China and India.

¹⁶ The majority of these workers consisted of Tamang (Janjati/ethnic groups) people from Sindhupalchok, Makwanpur, Nuwakot and Dhading district.

It is important to keep in mind that trafficking is a criminal enterprise that plays on many strings and that unscrupulous criminals/traffickers will seek every opportunity for making business. Trafficking in human beings is a business form that can include highly sophisticated strategies stretching over time, to deceptions of naive, poor and illicit rural people from the bottom of Nepal society that includes a range of casts and ethnicities. On the supply side it's clear that some groups are well organised while other are more loose, but that they both share the same niche of trafficking that makes it a sustainable livelihood strategy, simply because the risk is very low and the plentiful of potential victims brings a stable income. The next section address the problem with children trafficked for forced labour/entertainment exploitation in Indian circuses.

6.4 Trafficking of children for Indian circuses

Trafficking in children especially of girls for circuses in India is widely known to occur in some of the central hill and tarai districts in Nepal. According to the Women Skill Creation Center – a local NGO in Makwanpur, revealed that more than 700 children has been trafficked for circus performance within the last five years from Basamadi, Churiyamai, Hadikhola Villages and Hetauda Municipality alone. This study showed that of a total 69 children interviewed, 55 per cent were trafficked for the purpose of circus labour/performance while the remaining were trafficked to work in merchants, stone quarrying, hotels, restaurant and domestic work. The Esther Benjamin Trust rescued between 2004-2007, 233 children from Indian circuses and 90 % of them were 12 years old with the majority being girls (93% girls vs. 7% boys). These girls and boys originates mainly from the poverty stricken area there is a overwhelming engulfs of socially disadvantaged groups where 80% was Janajati and 12% Dalit vs. 7% for Chhetri/Brahmans) (NHRC 2010:23). These figures show that Hetauda, Makwanpur is one of the prone recruitment districts in the trafficking of children for Indian circuses. In a study conducted by Rajbhandari (2008) of the villages Padampokahri, Basamdi and the adjoin village development committees in the Makwanpur district, found that there is a practice of sending daughters away for Indian circus. These children are recruited as young as five years old by agents/traffickers, who comes to the villages and traffic them to Indian circuses. Trafficking in children for circus performance/labour can both initiate from parents' consents or by the false promises offered to them by an agent/trafficker. Parents then take advance or loan from the this person and signs a contract that binds their children to the circus. However, as the thesis has revealed some parents actively participate which the Ester Benjamin founder Col Philip Holmes also stressed in an article "*It has to be said there is also an element of*

greed, and some nasty parents are quick to off-load children from a previous marriage" (Bell 2007:21). The trafficking of Nepalese children must be noted as a poverty response or risk spreading activity, as these socio-economic groups in Nepal's society is desperate and will do anything if an offers of a better future for themselves or their children is offers. Naturally the contextual structure in the society is having a tremendous impact of these peoples as they are struggling to survive. The next section goes more into detail of forced and debt bondage child labour in Indian circuses, but first a chapter conclusion to evaluate on the information obtained.

6.5 Chapter conclusion

The case study of Hetauda, Makwanpur revealed that a significant proportion of children is trafficked to Indian circuses each year, and the majority of them is girls from the socio-economic disadvantaged groups. Poverty, lack of employment opportunities and the impact of the armed conflict on the industry, are the main push factors of migration and trafficking in women and children. It is also evident that soft trafficking is prevalent as family, relatives and community members are involved. On the other side some parents silent comply to the trafficking of their children while others are unaware. The hard trafficking is also significant as poor and vulnerable females search for improved livelihood opportunities. Sita's story also exemplifies these problems, especially when unexpected situations occurs, it makes women more vulnerable and it show that not even within the family these women and children are secure of being trafficked.

CHAPTER 7 - DEMAND SIDE OF TRAFFICKING IN INDIA

The chapter includes an analysis of the demand side child trafficking into Indian circuses and is a continuum from the Hetauda case study. The empirical data builds on a study conducted by the Indian NGO - Bachpan Bachao Andolan (BBA). The second objective concerns the demand of young Nepalese females for the Indian sex industry and for this purpose a research conducted by Terre Des Hommes of the red lights districts in Mumbai and Kolkata is used, including other sources. The sex trafficking section includes the methods used by brothels owners and other actors to force these women and girls into slavery and debt bondage for sexual exploitation, with the aim of utilising profit maximisation. The working condition, types of business and the clients demand requirement is also included.

7.1 Child Labour in Indian Circuses

Bachpan Bachao Andolan (BBA) study estimates that close to 7500¹⁷ are employed in 30 Indian circuses. Most of the children coming to circuses are migrants from Nepal and West Bengal, India. Interestingly 252 interviews were conducted with children under the age of 14 and nearly half (47.8%) of them came from Hetauda (BBA 2004:5). The majority of these children had been recruited by agents or relatives with their parents consent, and signing of a binding contract. As the chapter 6.4 showed, some parents are deceived by the promises of a better future for their children, without knowing the content of the contract signed, as many are poor and illiterate. Other parents actively participate in the trafficking. The main motive for parent consenting or actively participate is overwhelmingly caused by poverty and knowledge of limited opportunities. The money these parents get from such a contract is small amounts, but it becomes the debt bondage that the children must work off. They are typically bound and indebted to the circus management for a period ranging from 3 to 10 years of which they are unable escape and most owners do not let them meet if their parents find them. The circuses owners uses treats such as murdering their parents as used means to keep them working. According to BBA, those who receive remuneration - salary accounts does not exceed IRs. 50 per month (\$ 1). The children are working as slaves, caught in debt bondage and leads more or less the same kind of life with deprived rights of freedom, education, love and play. The living and working conditions for these children are poorly and insufficient in claustrophobic spaces, crammed tents and no privacy. The sanitary conditions is unhygienic with shift toilets made on the circus ground near the tents leading in higher risk of diseases. There have

¹⁷ The study did not include how this number were measured, but it indicates that child labour is practiced in many Indian circuses. The study was conducted during six month in 2002.

also been cases where children have fallen from great heights with subsequent serious accidents in which they were left unattended. This confirms the close inter-linkage between trafficking and the worst forms of child labour, as envisaged in the ILO Convention 182, article 3 (b) (ILO 1999). A typical day routine starts with rigorous practicing accompanied by verbal and physical punishment for making the slightest mistakes during training. The shows they perform are dangerous, such as the ring of death (jumping on rings high in the air), well of death, sword items, rope dance and the children do not go to bed before midnight after the last show and are up early next morning for practice (BBA 2004:4-5). They are exposed to a world which hinders their psychological, spiritual and socio-economic development, and leaves them completely unaware of their rights, duties and scope for a better future and thus. In the context of gender related discrimination the study found that girls were sexually harassed and abused by the employers who exploited the young girls for own sexual gratification. The owners had also been found to grant those girls as sexual favors to local politicians, bureaucrats etc. According to BBA, both the Indian and Nepali governments are complicit in the abuse of trafficking persons, as the willingness and of state officials tolerate and in some cases participate in the trafficking activities. The local officials often patronise the circuses and the traffickers and the owners pay protection money and bribes to the police. Girls and women who complain to the police about rape or abduction, or those who are arrested in raids are held in "protective custody" a form of detention. Existing laws in both countries have had virtually no effect on curbing trafficking. Poor training, corruption and the lack of political will among senior government officials on both sides of the border means that the laws are never enforced (BBA 2004:7). Lack of trans-border co-operation between India and Nepal compounds the problem. Apathy on the part of both governments, the highly organised nature of trafficking networks, police corruption and the patronage of influential government officials means virtual impunity for traffickers.

7.2 Trafficking for commercial sexual exploitation

The initial stage of sex trafficking on the demand side includes the efforts of trafficker brings a women or a girl to the Indian brothels and negotiate a price with the brothel owner - the Gharwali (Hindi). The price the Gharwali pays is also called the purchase price that becomes the "debt" a women/girl must pay and work off as prostitutes. Only the brothel owner knows the terms of the debt, and most women/girls are unaware of how much they owe and terms of repayment. Purchasing a women/girl for sexual exploitation is an investment which the owner may have taken a loan from local moneylenders to finance. These types of brothels are therefore strictly controlled,

and the girls constantly under surveillance, which makes escape impossible (Rape for profit 1995:2). Considerable effort and expense are taken by the brothel owner to protect the investment and ensure that the trafficked person do not run away. This includes a guarding of the girl/women 24 hours a per day, renting a house or flat that is physically secured, paying the police not to raid, landlords and others to turn the blind eye on the activities (Terre des Hommes 2005:20). If the girl refuse to do the work they violated, starved, beaten, and treated like animals. In this stage the brothel owners/managers also makes use of local strong men called the Malik or Dada that threatens and physically abuse them. In a field study by Siddharth Kara (2009) a former trafficked prostitute and present sex worker were interviewed in Mumbai and told that the women in Falkland Road¹⁸ (red light district street), are tortured, drugged, and murdered every day and that:

Minors are starved and beaten when the first arrive. The gharwali gives them opium so they will have sex. If they do not behave, the Malik makes the radio high and beats them until they go unconscious. Just a few days back a minor came from my village and sold by her parents for twenty thousand rupees (\$444). She refused to have sex, so the Malik broke her arm (Kara 2008:49).

The coercion of making girls to perform sexual acts are brutal and every year numerous of women and girls are exploited in India's sex industry to accommodate the demand. There is considerable profit made by the use of enslaved and debt bonded labourers in a highly lucrative business, ranging from 4-20 times the purchase price paid to trafficker, according to Terre des hommes. However, the profit maximisation depends on the length of servitude, the numbers of clients, fees and the overall expenses. In Kolkata the purchase price of a Nepalese women/girls ranged between 60.000 - 70,000 India rupee (\$1360-1590) and in Mumbai between 100.000 to 120,000 (US\$ 2270-2720). The total accumulated profit made from the use of a sex trafficked prostitute depends of her confinement, which varies from two to ten years. Longer confinement is unlikely to occur, since the brothel owner has control over the girls during the years of their peak in health and saleability (Terre des Hommes 2005:29). These girls and women who lives and work in slavery like condition, have non or very limited control over their lives. These restrictions and the structure of the sex industry determents the nature of the demand, the income levels and the expected work from the trafficked persons (Samarasinghe 2008:80). Generally, after seven to eight years (25 years of age)

¹⁸ The main streets of the red light districts in Mumbai is Kamathipura and Falkland Road in the central part of the city. Other have emerged in the suburban areas of Nava Mumbai, Sonapur-Bhandup and Ghatkopar. In Kokata the main and oldest brothel areas are Kalighat, Sonagachi, and Khidderpore located near Kolkata's dockyard to serve sailors and merchant seamen

most women are in less demand from clients or they may suffer from HIV/AIDS illness and thereby provides less income/profit for the brothel owner. Those who have a reasonable good health, either continue as free sex workers or becomes recruiters, which also can be used as a condition for their release. In an industry that is constantly looking for young female the strategy of using trafficked women is an efficient strategy, as brothel owners gets a steady supply of new young females from Nepal to be brought in as replacement (Ibid 2008:78-81). The high profit is thereby ascribed to the fact that sex trafficked women/girls are renewable commodities, who easily can be bought and sold several times, and the younger they are - the better resale value.

7.2.1 Demand requirements

The prime requirement of the sex industry in India is the demand for youthful bodies, which makes it necessary to provide brothels with a steady supply of fresh young females to sustain the industry. The sex market is primarily driven by a male demand for different kind sexual services that the brothels provides. There is for example also a demand for young female virgins due to a myth that male virility is enhanced and sexually transmitted disease can be cured by sexual intercourse with virgins. A somehow more realistic picture that underscores the sex industry is the close association with unprotected sex, leading to HIV/AIDS infections (Samarasinghe 2008:79). Men who frequently use prostitutes will pay a premium price for young female virgins, in order to eliminate the risk of HIV/AIDS infection¹⁹. A trafficked girls' virginity can be sold for several thousand rupees (\$21-43) and special clients pay considerable more for girls below 13 and 14 years of age. Because a sex trafficked prostitute have no negotiation power, the brothel owner can force her to conduct oral or anal sex, or to have sex without condom, both of which cost the client more (Terre des hommes 2005:29). In the case of the sex industry in Mumbai and Kolkata's red light districts, clients range from local Indian and Nepali men to a smattering of foreign men, in particular the Gulf States (Samarasinghe 2008:78-79). The clients favour Nepali girls and women because they have a lighter skin colour and facial structure, but also because they have a reputation of being quiet, modest and honest. The Nepalese sex workers are reputed to be physically clean, maintain slender attractive figures, take extra care in buying quality sexy clothing, and they are also known to be willingly to engage in anal intercourse with their clients (Terre des hommes 2004:6). However, this is highly unlikely for those who have been trafficked into the sex industry, as they are confined and

¹⁹ HIV/AIDS among prostitutes and sex workers has increased remarkably within the last decade and approximately 60 % of all sex trafficked prostitutes and sex workers are HIV-positive in central Mumbai (Terre des hommes 2005:13)

kept in slavery or bonded labour in overcrowded brothels or bungalows as the next section explores further.

7.2.2 Types and business of brothel's

According to Terre des Hommes the physical appearances of the brothels reflects the economic system under which they operate. In their study two basic varieties of brothels were typified as the *Bungalow* and the *Pinjara*. The bungalow refers to a brothel that typically occupies a flat, usually on the first floor of a building and often with a ground floor shop. The pinjara is generally a one or two slum dwelling with mud walls and thin roofs. The differentiation between the bungalow and the pinjara is found in the brothel economic and clientele. The key feature of a bungalow is security and the pathway to the entrance is distinguished by a channel gate, that usually indicates the confinement of sex trafficked persons. The bungalow is mostly an establishment for middle clients and the interior decoration varies from presentable to rudimentary, and sex takes place in adjoining rooms (Terre des hommes 2005:16). The working conditions are generally harsh, and the bungalows are mostly overcrowded. In a study by Vidyamali Samarasinghe (2008), who interviewed a girl, stated that up to 200 trafficked girls/women and other sex workers were gathered in the bungalow. On busy days with many clients there were not enough beds, so some girls had to serve their clients in tiny spaces and under beds. The trafficked girls were expected to work 9 hours per day 7 days a week, but on Sundays they had to work longer hours. In the context of protection this study also showed that condoms were given by NGO's to the girls, but that many clients were not willing to use them, so the gharwali insisted that they complied to the demands of the clients (Samarasinghe 2008:80). The pinjara on the other hand is the working man's brothel and they range from crude one room huts, to old eccentric buildings from the British Raj or ground floor flats in modern buildings. The key feature is lack of security, indicating the presence of free agent sex workers. Some bungalow are entirely free agent sex workers, but are designated bungalows due to their physical appearance, cost of services and appeal to middle class clients. On the other hand, many brothels with low class clients and rough appearance have locked rooms hidden in the back where trafficked girls/women are kept in confinement, often in very dismal circumstances. Generally the bungalows brothels contain confinement of trafficked females, as well as younger free sex workers, and the pinjara is older inexpensive free agent sex workers (Terre des Hommes 2005:16-19). The economy system of the brothels using enslaved and bonded labourers/ sex trafficked prostitutes, the brothel owner retains all the clients fees. Few brothel owners operate under a single system with prostitute or sex workers, as they utilize different forms methods to their

best advantage and interest. They often operate multiple brothels and seek to expand their enterprises or shift locations in accordance with the business climate of the particular area, and the profit maximisation then depends on their resources/skills or restriction and police raids. In the study by Terre de hommes (2005), it was reported that the majority of Nepalese girls who had been trafficked into slavery and debt bondage prostitution, were owned and managed by Nepalese. The majority of these girls was under the age of 18 with only a few instances of voluntary sex work. The Nepalese brothel owners operates multiple brothels in India, while maintaining houses in Nepal that serve as transit point for Nepalese women/girls. Some of these owners are respected citizens in Nepalese and Indian communities, where they own other legal businesses or rental properties, and their children goes to good schools. Many of the brothels studied showed females, usually former trafficked prostitutes or sex workers owned and/or managed these brothels. Two women may co-own or operate a brothel, while others are owned by males, and managed through female managers (Terre des hommes 2005:26-28). The study of Terre des hommes found that the business form in the red light districts in Mumbai had experienced significant changes the last decade due to clients fear of HIV/AIDS, consistently police raids and an influx of cheap sex street worker mainly from Bangladesh. These brothels has consequently moved business to other suburban's areas in line with the increased industrial and urbanisation level. The study also suggested that the trafficking activities have spread to other Indian cities, which may have pulled the trafficking business further underground.

7.3 Chapter conclusion

On the demand side of human trafficking in India it is evident that there is a significant proportion of children from Hetauda, Makwanpur forced into labour/entertainment exploitation in Indian circuses. These children have either been recruited by agents/traffickers with the parents consent, while other parents are promised employment and better future for their children and is unaware that their children is trafficked into slavery, but still signs a binding, yet illegal contract, without knowing its content. On the other side some parents actively participate in the trafficking process. The children are living in horrific conditions and performs dangerous shows, and is daily physically and mentally tortured and some are also sexually abused by the circus owner or other persons. In contrary, the sex industry exploits young females for profits maximisation under inhumane condition were they typically are enslaved from 2-10 years. The red light districts in Mumbai and Kolkata are central places, but is seems to have spread to other parts of India, which shows that trafficking networks are well established and involves a range of different stakeholders, such as

corrupt state officials - policemen, politicians and bureaucrats who patronise the business that generates considerable profits of the exploitation of young females kept in slavery and debt bondage in overcrowded brothels (bungalows). Some of these females either dies of HIV/AIDS, continues as sex workers as they cannot return to Nepal in fear of stigma, while others become traffickers or recruiters as a part of their release. This also guarantees a steady supply for an increasingly demand for young females.

CHAPTER 8 - Anti-Trafficking initiatives in Nepal

This chapter includes Nepal's anti-trafficking initiatives in the national legal framework of laws, policies and programs designed to combat trafficking at a institutional level. This continues with the examination of anti-trafficking initiatives by NGOs including Maiti Nepal, but also community perceptions and stigmatizing of post trafficked women and girls is a part of the analysis.

8.1 The Governments anti-trafficking initiatives

The governments of Nepal have throughout history tried to address slavery and human trafficking, dating back to King Rana Bahadur Shah who in BS 1749 declared human trafficking as an offence. During the Rana period (1850-1950) human slavery, trafficking and the Act of separating children from their mothers and selling them, was prohibited in the Muluki Ain (national) code (LWF 2006: 15). The first national Human Trafficking Act (1986) was Nepal's first attempt to make an legislation that outlawed the practice of human trafficking. In the first National Plan of Action (NPA) was developed with anti trafficking policies to combat trafficking in women and children, The NPA was revised in 2001 and the Ministry of Women, Children and Social Welfare (MWCSW) became responsible for the anti trafficking formulating, reforms and implementation of policies related to anti-trafficking activities in women and children. The other tasks the MWCSW got is to monitor, supervise and coordinate anti-trafficking programs with GO's, NGO's and INGO's in the country. (Samarasinghe 2008:83). One of the aims with the NPA is to increase awareness among stakeholders and to promote the implementation of the national anti trafficking policy, which to some extent has been fulfilled. However, the NPA has not been revised since 2001 which is unfortunate, as the dynamics of human trafficking is constantly changing in line with an increased number of migrants seeking foreign labour employment, which mostly is established through informal channels. There is clearly a need to address issues of safe migration for undocumented migrants, as the only foreign legal labour recruitment agencies is present in Kathmandu and these are also unreliable in document and contracts conditions (NHRC 2010:61). Internationally, Nepal

has shown its commitment to combat trafficking, by ratifying 19 international human rights treaties and covenants, 11 ILO Conventions, 4 Geneva conventions (International Humanitarian Laws) and the country is also a party of 3 anti trafficking conventions, as of April 2009, but the government has yet to ratify the UN Convention against Transnational Organized Crime. Nepal is also a party of the South Asian Association for Regional Cooperation (SAARC) where the SAARC Convention for Preventing and Combating Trafficking in Women and Children for Prostitution, 2002 has been ratified (NHRC 2010:61). However, Nepal and India has done little to implement some of the main provision on the regional cooperation, especially on the repatriation²⁰ of trafficked and undocumented migrants (Rajbhandari 2008: 242). Even though Nepal's government is committed to combat human trafficking, the international policy commitments has been to a varying degree been incorporated as part of the national legal framework, policies and programs addressing these important issues.

8.2 National legal framework

The Interim Constitution of Nepal 2063 (2007) (ICN 2007) is the overarching legal framework that prohibits human trafficking by law and imposes certain duties on the state in form of state directive principles, and policies that seeks to protect the interest and fundamental rights of women and children. The constitution includes specific provisions of women rights in article 20 (1&3) by prohibiting discrimination and any form of violence against women which is punishable by the law. Regarding children, article 22 (1) guarantees children the right to their own identity and the right against exploitation which also is punishable by law. Article 29 (1-4) guarantees all persons the rights against exploitation and prohibits trafficking in human beings, slavery, serfdom and all forms of forced labour (ICN 2007:8-11). Generally the Interim Constitution guarantees numerous of fundamental rights, such as the right to freedom (article 12), the right to equality and non-discrimination (article 13), the right against untouchability²¹ and racial discrimination (article 14) education and cultural rights (article 17), employment and social security rights (article 18), the right to social justice (article 21), freedom from torture (article 26), the right to information (article 27), the right to privacy and labour rights (article 28 & 30), all of which are fundamental and legal rights for Nepalese citizens (ICN 2007:5-12). The more recently progress in the field of laws, has

²⁰ Repatriation means the return of a person, subjected to trafficking across international frontiers to the country of origin (Article I, 7 SAARC 2002:1).

²¹ Dalits are the lowest cast in the Hindu system, and higher cast should not touch them (untouchable)

been made with the Human Trafficking and Transportation Act 2007 (HTT), replacing the old Human Trafficking Act 1986. The enactment of the HHT was supplementary regulated in 2008 to facilitate its implementation.

8.3 The Human Trafficking and Transportation Act

The aim with the HTT Act 2007 is to control trafficking and transportation in human beings, protect and rehabilitate trafficked persons. It defines and criminalises human trafficking and transportation offences in line with the requirements of the UN Protocol to Prevent, Suppress and Punish trafficking in Persons 2000, by referring to terms such as ‘exploitation’, ‘victims’, ‘child’ and ‘offences’ (HTT section 2). Subsequently it defines and criminalise trafficking/transportation offences as: a) to take a person out of the country for the purpose of buying and selling; b) to take anyone from his /her home, place of residence by any means, such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostage, allurements, influence, threat, abuse of power and by means of inducement, fear or coercion to the guardian or custodian and keep him/her into ones custody within Nepal or abroad, or handover him/her to somebody else for the purpose of prostitution and exploitation (HTT section 4). In that sense it applies extraterritorial by addressing both cross-border trafficking and internal trafficking as an offence committed against a Nepali citizen. In terms of exploitation it prohibits enforced and engagement in prostitution both internal and cross-border and illicit removal of human organs. Regarding prostitution, it is problematic that the Act conflates voluntary engagement in sex work with trafficking in human beings. This is a fundamental weakness of the Act, as it is merely guided by a moralistic approach rather than from a human rights perspective (section 4.4). Regarding the procedure of a trafficking case it certifies that a statement from a post trafficked person (to police) must immediately be presented to the court, and taken as evidence, even if the person are incapable to appear in the court trial. The act has provisioned that victims (post trafficked persons) has the right to keep separate law practitioner. This means that a statement given to a lawyer needs no further reconfirmation in the court by the victim, while law practitioner will proceed with the case in the court. In the trial process the Act has incorporated a number measures to ensure and protect the rights of post trafficked persons, such as privacy and security rights, access to independent legal counsel, interpreters during the trial process and the rights to compensation (NHRC 2010:63). However, there is a low level of awareness of these rights among poor and disadvantaged people and they can hardly afford the fee of the law practitioners unless they get the legal aid/support from the NGOs and other legal institutions. The Act has further given the police expanded investigation and arrest power as

offenders can be arrested without warrant letter. This may be problematic as well, since there is no control mechanism established to avoid police violations. In relation to the arrest, the Act has granted the court to detain the traffickers/offender for the purpose of prosecution. In the process of prosecution, the burden of proof is resting on the offender to prove that he/she did not commit the offence. If the offender is found guilty of a trafficking crime, the punishment ranges between 10-20 years in prison and his/her property that the offender has earned through selling or buying a person will be confiscated. In case, an offender is a public host holder, he/she will be given additional 25 % punishment to the prescribed punishment, and if the offender is a close relative or guardian as the defined by the law of incest, the offender will be punished by adding 10 % (NHRC 2008:111-112). This stringent punishment shows that the GoN is aware of the problems in the communities in terms of soft and hard trafficking and eradicate corruption of state officials. The question is whether or not these stringent punishment will eliminate trafficking and a culture of impunity. This issue will be further explored in the section of the enforcement of the legislation. First of all the provision in the Act to strengthen the institutional structure is examined.

8.4 Strengthen of insitutional structure

As a part of the Act provision is to strengthen the institutional structure, there has been formed a national and several District Committees to coordinate anti trafficking activities and programs of governmental bodies to control the offence and to rehabilitate victims. In addition Ministry of Women, Children and Social Welfare and the OSRT²² under the NHRC²³ also monitor the trafficking situation in the country. Under the MWCSW, The Department of Women is responsible for the implementation of anti-trafficking programs, including women's empowerment programs. In accordance with its provision to strengthen the institutional structure, the government has formed a National Committee under MWCSW's Chair of Secretary, and 75 district level Committees to coordinate anti trafficking activities, primarily together the Women Development Office (WDO) who functioning as the focal government agency in combating trafficking. However, the District Committees that should coordinate the anti trafficking initiatives and programs with WDO and other NGO's, seems highly ineffective in their practical implementation. This is caused by very low budgets as 26 trafficking prone districts have presently only been allocated NRs. 50.000 (\$685) annually, and another 14 districts has received NRs. 20.000 (\$274). Yet 35 District Committees still

²² The office of the National Rapporteur on Trafficking in Women and Children (ONRT)

²³ National Human Rights Commission (NHRC)

lack economic and human support. Given these very low budgets (or the lack of them), makes it extremely difficult to implement and carry out any anti-trafficking activities in the Nepal's districts, additionally there is no coordination or communication between the district and national Committees. Consequently no records of any effectively activities conducted by the District Committees has been made (NHRC 2010:64-65). In this context, it is hard to expect the Committees carry out the anti-trafficking activities in the districts and the GoN must apply a more comprehensive strategy by providing more resources and training, in order to strengthening the institutional structure. In terms of law enforcement, the GoN has established the separate Police unit - the Women and Children Service Center (WCSC) to investigate crime against women and children which has expanded to all districts in Nepal by December 2009 (Ibid 2010:66). This has been made to enforce the legal system, in order to control, prevent and to ensure justice for trafficked women and children. However, the WCSC also lack financial and adequate number of trained officers for the investigations of traffickers and there the border control post are also unnumbered. In this case, Maiti Nepal stand as one of the most effective in interceptions of potential trafficked persons and recruiters. The weak enforcement of the law, has resulted in few registered cases in the police and in Nepali courts. Within a period of five year (2003-2008), the average number of trafficking cases filed to the supreme court in Kathmandu was 111 with only 27 cases decided (12 convicted and 15 acquitted). It is important to note that very few cases are decided by the Court, reflected by the 5-year average pending rate of 76 – implying that of the total cases registered in the Court of 76 per cent remain to be decided. Besides the supreme court there is a district court in every 37 district of Nepal, and 16 appealing courts including one in Hetauda, Makwanpur, but the picture is the same with very low numbers of registered, decided, convicted and high rate of pending cases (NHRC 2010:66).

8.5 Rescue, rehabilitation and reconciling

The HHT Act (2007) explicitly include provisions on rescue, rehabilitation and reconciliation for post trafficked persons. The GoN recognises trafficking in women, children and men as serious crimes, and has made legal as well as policy commitment, including the SAARC Convention. However, there has been limited progress in the establishing and implementing formal bilateral, multilateral, and regional agreements with other member states, particular in terms of rescue and repatriation. Besides this convention, the Indo-Nepal Friendship and Peace Treaty (1950) guarantees that citizens of each country must have equal treatment, including the same privileges in the matter of residence, participation in trade and commerce, movement and privileges of a similar

nature, but this treaty does neither include the repatriation of undocumented migrants/trafficked persons (Rajbhandari 2008:242). On the rescue of trafficked persons some NGOs such as Maiti Nepal and Nepal Police, has initiated border surveillance between Nepal and India. Yet there has been gross lacking of rescue, especially from abroad including India and the Gulf countries. Nepalese Missions abroad are not well equipped financially as well as human resources. Although the rescue of Nepali citizen is the Government responsibility, there is no budget allocated for rescuing of undocumented migrants. The Foreign Employment Welfare Fund is only meant for the documented migrants. In this context, the MWCSW allocated Rs.150,000 (\$3195) to the Nepalese Embassy in India for transport cost to the rescued persons in the FY 2008/09. This an extremely low budget considering the magnitude of women, children and men being trafficked each year, and especially the poor and illicit persons are undocumented migrants due to lack of visa requirement and free movement between the countries. The provision in the HTT Act also calls for the GoN to establish rehabilitation centers and support those who are run by the NGOs. It is further obliged to establish a Rehabilitation Fund for the protection post trafficked persons rights, providing education, skilled-oriented training, legal aid, psychosocial counselling and safe reintegration. The GoN has presently established eight rehabilitation centers and allocated Rs. 15 million (FY 2007/08) and Rs. 10 million in 2008/10, respectively (NHRC 2010:66-67). The reduction in the budgets indicates that the government has reduced its priority in rehabilitation measures concerning post trafficked persons. Further in the budget allocated has mainly been spent for the operation of eight rehabilitation centers established by the Government. In addition to reconciling, the MWCSW has provided anti-trafficking training to staff in service centers in 15 districts (including Makwanpur) that was formed to monitor Violence Against Women (VAW). Regarding these provisions, it can be said that some initiations have been going on the part of the Government and some on the part of NGOs. The conclusion is that it seems as if the main role the Nepalese governments has played, is in the enactment of laws to prevent human trafficking. The next section will continue in the wake of the conclusion, with the purpose to examine how NGOs work with anti trafficking, and rehabilitation/reintegration programs with special focus on Maiti Nepal subsequently.

8.6 The role of Non Governmental Organisations

The majority of local NGO's in Nepal are mainly run by educated Nepali and supported by international donor agencies and organisations. These NGO's has played the a leading role in anti-trafficking initiatives directed towards the three P's - prevention of trafficking, protection of post trafficked persons and prosecution of trafficker (Samarasinghe 2008:85). NGOs often conduct situational analysis of high trafficking districts, provides shelters for post trafficked women/girls and solicit help from them to identify traffickers. They also collaborate with law enforcement agencies, intercept traffickers/victims at border crossing points and perform rescue operation in Nepal and India. Programs on rehabilitation and reintegration is provided to post trafficked women/girls with the implementation of income generating projects in districts. The last major activity is the creation of awareness programs, mainly directed to women and children. In an effort to pool resources and avoid duplicating projects, several anti-trafficking NGOs have established networks and coalitions. The three main anti trafficking networks in Nepal are the Alliance Against Trafficking in Women and Children in Nepal (AATWIN), and the National Network Against Girl Trafficking (NNAGT) and Children At Risk (CAR). The AATWIN and NNGAT are founded on different ideological concepts, mainly based on their perceptions towards female prostitution. Reiterating the ideological differences articulated by the Global Alliance Against Trafficking (GAATW), the AATWIN seems to lean forward to a rights based approach, which believes that adult individuals has the right to choose to be a commercial sex worker. The other NNAGT seems to favour the view advocated by the Coalition Against Trafficking in Women (CATW) that emphasises that prostitution is harmful and degrading to women and every efforts should be made to prevent it. Both networks are against female sex trafficking in Nepal and is in particular focused on the prevention, but differs in the anti-trafficking programs for the above mentioned P's - prevention, protection and prosecution. It has also been noted that resource shortage, spurs unnecessary rivalry between NGO's and that anti trafficking programs has been short time fixed with no provision to monitor or evaluate the programs. Another critic is that the large number of the NGO's is settled and operate around Kathmandu Valley, and thereby not reaching critical districts (Samarasinghe 2008: 86). Despite the ideological diversity these NGO's still continue to dominate the anti trafficking activities and most agree that rural poverty, gender inequality in the society and the open border to India is the main triggers of female sex trafficking and child labour. They also site corruption among law enforcement officers, lax laws, lack of training and apathy in the government's policy makers to initiate and implement effective anti trafficking policy and

programs (Ibid 2008: 87). For example, to create more awareness of trafficking the government ran a public information campaign on the country's National Anti Trafficking Day (USAID 2009:218) which is unlikely to reduce the supply and demand for sex trafficked girls/women and other highly exploitative labour forms. At the NGO side there has been many efforts made to create awareness programs and educational offers and the role of education is internationally recognised as vital in developing countries if citizens are to rise from poverty and move towards gender equality. Many NGOs have also made educational projects and some run their own schools. These schools tend to be of a higher standard than state schools, but is still limited in curriculum and traditional in teaching style. On the other hand, the state education system is old fashioned and non progressive, with a disciplinary approach that keeps girls submissive and naive rather than promoting confidence in their own abilities and lack projects that address human rights and awareness of trafficking and other criminal acts against women and children. Still, state education is poorly funded, with poorly trained teachers and the situation in rural areas is consequently worse than in Kathmandu and its valley (Bashford 2006:26-27). NGOs have responded to the governmental failure, and is given vocational training as a vital component in a progressive approach to education for both children in school and elder girls in rehabilitation centers. At the same time, awareness-campaigning projects that have been set up in schools or NGOs are not sufficient enough and clearly needs to be addressed in policy matters with a more practical approach to avoid cultural stereotyping of women/girls and promote social mobility. The following examples crystallize the problems in many parts of Nepal's society:

There is no need for education for our daughters. If they are married to a good boy, then he will look after her" And "If a son is educated, then he will look after his parents. If a daughter is educated, she will leave (Mahendra et al 2001:17).

Families crippled by poverty care little about literacy and numeracy if there's no job at the end. Equally, the kind of skills that have been traditionally taught by NGOs for example arts and crafts, sewing, beaded jewellery-making, are all good projects, but the market is limited and not lucrative enough to ensure self-sufficiency outside schools and NGO homes. Skills training must be tailored to the job market, so that girls and their families are offered a viable alternative to the lures of traffickers and the sex trade (Bashford 2006:28). Thus, NGOs are coming to realise that education as it stands in Nepal, is having the effect they wanted on combating trafficking. Proper education surely provides incitements for economic returns for individuals and societies, and as learning is linked to job opportunities it opens remunerative employment options. At the more basic level, a

women who can read and write have better options to decipher land deed without being cheated of her entitlements. But education does not automatically generate a beneficial economic boomerang, as the transformative potential depends on the level, content and quality of education, opportunities to use the knowledge for productive purposes, openings for continual learning, exposure to different ideas, experiences and ways of doing (UNDP 2010:46).

8.7 Maiti Nepal and development issues

This section provides an examination of Maiti Nepal's prevention home in Hetauda of the Makwanpur district, where Maya Tamang is the program coordinator and responsible for issues of prevention, rehabilitation and reintegration matters.

The prevention home in Hetauda can house up to 30 residents and they can be sheltered from 4-6 month. The prevention programs includes creating awareness of human trafficking and counselling of income generating skills, such as swinging and cutting (agriculture, stones), bakery, beauty parlour, housekeeping and hotel management. Maya explained that Maiti Nepal is providing disadvantaged girls/women and children as a prevention strategy, with skills training in the same way as post trafficked women and girls, who had been rescued from brothels and circuses in India or returned through other means. Those who wanted to study is send to central office in Kathmandu where Maiti Nepal have their own school and they can get an education. In terms of rehabilitation to post trafficked women and girls, they are brought to the prevention home for some days where they get counselling and assisting support according to their wishes. Depending on the severity of their conditions, they are either helped at the prevention home in Hetauda, but if it's more serious cases they are brought to the rehabilitation centre in Kathmandu. Maya explains "*if they don't want to go to their family, home and community or they do not answer (reject) them, we will send them to the central office in Kathmandu to stay there*" (Maya page 11, line 258-260). In cases where they post trafficked women are less affected, Maya provide psychosocial training, but in critical case they call for a specialist or to a nearby hospital and other vice bring them to the rehabilitation centre in Kathmandu. Then according to their wish, they provide some training and services, and after that they try seek jobs for them to become reintegrated. If they cannot find a job for them, they have the opportunity to go to the central office where they are helped. In the examination of how well these prevention programs actually works when it comes to income generation that Maiti Nepal and other NGO's provide in Hetauda and the Makwanpur district, Issur (the private lawyer) expressed a

critical point of view and explained that the prevention and reintegration programs is not enough for post trafficked persons as:

It solves only the hand to mouth problem, but they have another life style also. They have to live normally and maintain other things of their life. If they get a chance to ran away from the rehabilitation centre, they often go directly to the India because they feel that they can't do anything here. That's why it is better to move back to my old profession (Issur, appendix A p. 4, line 151-166).

Issur indicates that even though women and girls have been trafficked, their impressions of urban cities in India have influenced upon their lifeworld or ontological view of the society (for good and worse), and in the combination with stigmatization, limited livelihood opportunities and other facilities, migration may been seen as the only option if they which to fulfil their aspiration of a changed lifestyle. This would once again contribute to their vulnerability of being trafficked and as Issur indicate it would results in moving back to their old "profession", but this time as a "voluntary" sex worker. This point of view is also shared by Terre des Hommes study, who found that many of the sex trafficked women and girls from Nepal, who has served as modern slaves in India are not interested in returning to their communities, because they fear stigma and discrimination and thereby prefers a life as a sex worker (Terre des Hommes 2004:8-9). The question is then how these issues can solved to prevent trafficking in Nepal in the complex sets of structures that all interplay on the situation. According to Issur who also assist NGO's with legal aspects, human rights and psychosocial training to NGOs and post trafficked persons, the anti trafficking activities including the skill training programs for reintegration does not solve the problem and needs to be addressed a higher level than *"if there is poverty – there is trafficking"* (Issur, appendix A p.6, line 176) as:

It will help nothing if we are only thinking about that. Only the government can reduce this sort of trafficking, by submitting sufficient employment opportunities, and to those who wants to study more. The government has to give them a chance (Issur, appendix A p.6, line 170-172).

The Government of Nepal clearly have a responsibility to make more sustainable development programs by to provide resources, know how, support, facilities and to create more awareness in informal and formal education through curriculum about human rights, the law and legal aspects in order to prevent trafficking and to reintegrate post trafficked persons. Even though the Government of Nepal is well aware of trafficking problems, it has not provided enough resources for development and gender equality projects, and at the same time it promotes migration as a

livelihood opportunity in the acknowledgement of the remittance flow. This question has yet to be researched in more detail to estimate the benefits of remittance in the local community throughout Nepal. Prahad (The governmental attorney) found it also rather difficult to answer the question of why trafficking is so difficult to prevent, but as he said:

It needs a lot a of research, but first of all we need to create awareness programs, and a little education should be provided. We have to uplift the society economically that is very important, because all of the girls who have been send to India, are from very poor families. First we have to uplift the families, so that they can start their own businesses. We have to introduce various types of programs (Prahad appendix D, p. 10, line 269-275).

Prahad and Issur stress the very essential development problems and the fact that the Nepalese government has been neglecting sustainable development, anti-trafficking and safe migration programs. The solution for prevention of trafficking is to develop programs that have effectively impact on the rural communities livelihoods by incorporation of the necessary resources more efficiently addressed to the agricultural sector, where the majority of women works. Even though education may not prevent trafficking it should still have a high priority, but must include relevant subjects that are essential for the rural peoples life and skills that can be used as instruments adapted to more realistic marked (notify section 8.6). Despite these efforts it would still be a very difficult problem to solve, especially when families, relatives and community members are involved in the trafficking. However, there has also been made significant change throughout the country since the early 1990s, as hundreds of rural women's groups have started to promote income generation skills, basic literacy and legal awareness, in order to mobilise communities to resist against the violence of women including trafficking. These efforts of social activism among women groups and NGOs is a response to dysfunctional families or by indebtedness caused by male behaviour through drinking, gambling and spouse abuse (Frederick 2005:132). These are all positive changes in Nepal society and could be a sustainable solution to prevent trafficking and raise the social mobilisation. However, as the next section will show corruption is still very prevalent while trafficking is a major business form with many interests and actors involved at both the supply and demand side at several levels. These issues should also be taken in consideration to the overall prevention of trafficking.

8.8 Rescue operation and corruption

As a program coordinator Maya Tamang have many kind of experiences tasks, including a rescue operation of a girl named Kasturi (name changes) from a brothel in India. Kasturi had been living with her parents in the Makwanpur district until the age of 17, when they arranged a marriage with a 20 year old man named Tej. After the marriage the couple migrated to Hetauda district headquarters of Makwanpur. In Hetauda, Kasturi started working daily wage labour, whereas Tej remained unemployed. In early 2007, Tej took Kasturi to Karkarvitta (a town in the eastern part of Nepal that borders to India) for a few days visit. Kasturi's love and thrust in Tej increased immensely and after some time, Tej arranged another trip in the pretext of visiting Birgunji, also a border town at the Nepal-India frontier. Immediately Kasturi was transferred to Raxual in India, to Siliguri (west Bengal state India), and finally sold to a brothel in Silchar (Assam state, India) for one Lakh and fifty thousand rupees (\$ 2300). This shows that not even in marriage these women are secured of becoming trafficked and the whole trafficking process could also indicate a small and organised network that has made trafficking to their livelihood strategy, as Tej got help from two brothers in the Nuwakot district. This category would be a mixture of soft and hard trafficking, in that sense that Kasturi and her family was deceived by Tej and the fake marriage (Maiti Nepal 2007²⁴). Luckily for Kasturi she had once met Maya where she was given her phone number. Kasturi then somehow managed to persuade a clients to phone Maya and tell her about the situation. Maya then contacted Mr. Govindra who is the regional programme officer of Maiti Nepal, and they planned a rescue operation together. A team was then formed, comprising Kasuri's father, Maya, Mr. Govindra and Mr. Ruju. On September 22, 2007 they reached Silchar after a 48 hours long bus trip and planned the raid in details. On the 28 of September, this group, the World Hindu Federation and the Indian police raided the brothel and rescued Kasturi at 7:30 in the morning. Unfortunately other 22 Nepali girls and women held confined had to be left behind, due to limited resources. Maya described then the horrific condition she had witnessed:

I saw everything in that place and I became very horrified by the conditions that I think were very bad. There was 11-12 years old girls there also, and they wore very deeply, strong makeup and they played loud music" (Maya, appendix B p.2, line 29-31)

²⁴ Maya showed that the story she had told, also was published in The Maiti Nepal Newsletter (Maiti Nepal 2007:6).

After the rescue operation Kasturi was hidden in a safe house in case the brothel gangster would find Kasturi. Since this was an appalling incident and the gangsters were still looking for kasturi, the rescue team was concealed in an ambulance and brought to Guwahati, the headquarters of Assam. From Guwahati they rented a jeep and came back to Hetauda with Kasturi. Nonetheless, the gruelling hours were not over for Maya, as she was meet by group of people and a politician that threatened her *"you are the rescuer of that girl from there. That will be bad for you!" Where are those who is with you? I will show you everything. Like these threats I got from a bureaucrat person looking for the girl"* (Maya, appendix B p.2, line 40-42).

The rescue operation shows that it is a dangerous, long and resourceful operation that need a lot of planning and coordination internal in Maiti Nepal and external between Indian NGO's and police for an operation to succeed. The real life story also reveals that there are many interests in trafficking of girls in Indian brothels, as small units of networks are collaborating together from Nepal to India. These stretches from the tasks of the recruiter, politicians, border control police, and the web of people involved at the brothels, such as the maliks, brothel owners to corrupt state officials, police and others who are known to be involved (note section 3.2). Common for every group is the profit gained from these criminal activities as trafficking is a business that involves many actors, who all share a common goal of utilising profit maximisation. In that sense, the recruiters gets more money the more they recruit and traffic to the brothels owner, who exploits their labour and the state officials and police who is bribed by turning the blind eye to the activities. This is both in Nepal and India. While we were doing the interviews a phone kept ringing until Maya unplugged it and explained that a unknown police officer from another district was calling and threatened her all the time. Maya further explained that once she got a visit from a policeman from another district, who came and threatened her. At the same she stressed that the police from Hetauda collaborated and generally supported Maiti Nepal in their efforts to combat trafficking, but that:

Those who are involved in the criminal activities are from the police to political party or any other as well. That is why they come here for protections of the criminals" & "sometimes they say I will give you big money, if you release this person (Maya, appendix B p.2, line 59-61).

This shows the severity of the problems attached to trafficking, as it is not only poor families who either choose to traffic children themselves as a part of a livelihood strategy or just hopes for the best by silent consent, get tricked, but it is also policemen such as the one Maya referred to, are the

ones keeping the business running. Corruption is generally a problem in developing countries with unstable political situation, insecurity and economic problems that results in limited livelihood opportunities etc. According to Maya, it is not only difficult to do rescue operations due to limited budgets and human resources, but also because there are forces working against it at all levels. In terms of traffickers she simplistically reduce it to two types of criminals in that *"One type is wealthy and from a higher class, and some are from lower classes"* (Maya, appendix B p.7, line 155-156). Nonetheless it illustrate the chain of organised crime, as some are recruiters and/or transporters, and in this process corrupt police men and state officials are bribed or actively involved in the trafficking business, of which they will try and protect by any means. In that sense it creates a culture of impunity, where the rule of law is not enforced. This was also confirmed by Maya who told that there is no interest in protecting the man on the floor or the poor man who recruits, because he is easier to replace, but the higher positioned officials are harder to replace as they keep the access of trafficking open. This is rather typical in organised crime, that state officials have higher priority as they pull the strings and money goes around. Maya explained in this context people will come for the protection of higher class criminals because *"they immediately help the persons who are from the higher classes, but the persons from the lower classes, they will not come and help"* (Maya, Appendix B p.7 162-163). Another problem is at the community level, as discussed by a dedicated policeman in the combat of trafficking in Hetauda explained that there is always two sides of a coin when it is criminals/traffickers *"Some criminals are very normal, but others are very hard. They poor criminals that comes here feel very hopeless. What am I suppose to do?"* (Policeman, appendix E p.2, line 54-56). The policeman exemplify the very essential nature of trafficking that makes it so complex and difficult to fight against. At the local level, the investigation process is complicated by the fact that the community is working against the police as they avoid providing information's on the criminals. He states it is very difficult to use the law practically and emphasised the communities complicity in the relationship between "normal" criminals/community members as reasons for trafficking and a culture of impunity:

Let's say I am a criminal and they have to arrest me. I have a family and small kids in my home and if you arrest me - what will you do to my kids? They cannot have anything, they cannot do anything, they cannot get a good education (Policeman, appendix, p.5, line 139-142).

This is a major problem in these communities as everybody is struggling to survive, and according to the HTT act, as they are given different fines depending on the degree of involvement, and the fact that the "property should be seized. Although most community members probably are unaware of the proportions of the punishment imposed by the law, they still keep silent as know there is consequences by the illegal acts, but as the policeman explained *"These are criminals and everybody knows about him/them but they cannot say anything about him. This type of criminal is just staying with us and if he is arrested his children will die. That is why they protect"* (Policeman, appendix, p.5, line142-145). On the other hand the trafficking of women and children may also be a good business for the whole community, as hillsides houses with tin roofs purchased by money from the sale of girls has become a common visual symbol of the trafficking impact in Nepal (Frederick 2005:132). This clearly indicates that a hill side family cannot all be ignorant of the destination of their daughter as it may in fact have turned into a livelihood strategy. It also demonstrate that the trafficking network is far reaching from the small villages in rural areas in Nepal where community members are actively involved to the state officials who patronage the traffickers in both source (supply) side and the destination (demand) side. The corruption is a major issue that is difficult solve due to the large amount of capital exchanged between different stakeholders and this creates a culture of impunity where traffickers and the web of criminals feel free to conduct this crime against humanity for the purpose of profit.

8.9 Reintegration and stigmatization

Most assistance strategies are aimed at safely returning home and reintegration of the post trafficked person into his or her home country or community. This is not an easy task as post trafficked persons may not which to go home. This decision may be influenced by shame of having been forced to do forced labour or "work" as sex trafficked prostitute and of social stigma, reprisals from traffickers, rejection by family members, lack of adequate medical or psychological services, education and employment opportunities in their villages. For young children, the situation may even be more complicated as some initially have left to escape a home filled with sexual or physical violence or because the parents sold them into child slavery (Aronowitz 2009:157-158). Those trafficked women and trafficked girls who has been forced into prostitution face extremely difficulties of regaining respect and acceptance in their communities, as they often are treated as outcasts.

Maya from Maiti Nepal, explained that some of the major problems in the process of rehabilitation and reintegration of post trafficked women and children in Hetauda is the fact that:

most of the victims are facing physical problems. They are brought here to be helped. They have brought different kind of diseases, that's why they are facing physical problems. Secondly they have to face mentally problems, because of the moment some victims are not actually prepared for their family and community. They are stigmatized by the community members or family (Maya, appendix B p. 11, line 260-264).

In a similar study of community perceptions of post trafficked persons, Mandra et al (2001) found that it is not only the girl/woman who is disgraced upon her return, but also the family and even the entire community. Some of these families have been forced to migrate other places, just to avoid hatred and ill treatment from the community. In the same study focus group discussion were conducted with community members in villages in Palpa, Japa and 3 districts (the taria) and some members noted that "*The parents and entire family of a trafficked girl lose face. Everyone suffers. The girl is called a loose woman and a prostitute*" (Mahendra et al 2001:45). In this context, the community does not only impact on families reputation, but they also categorize and ascribes certain attributes to the post trafficked persons social identity as loose or a prostitute and thereby hinders a reintegration process. As described in the previous chapters, it seems that the socio-cultural factors and the attached set of rules for female behaviour creates certain gender stereotypes, considering the paramount imperative of marriage in Nepal. In the study by Mahendra et al, a woman from a community stated that "*even if one girl has been trafficked, it taints the character of other village girls too and restricts the search for a good groom*" (Mahendra et al 2001:45). This kind of stigmatizing is not only harmful to the post trafficked girl or women, but also for her possibilities of a marriage. It also limits women's opportunities of economic empowerment in agriculture, labour or other service sectors, and many community members often have the perception that all trafficked women and girls who return to their villages are infected by HIV/AIDS. In the study by Mahendra et al (2001), some community members suggested that both post trafficked persons and HIV positive should be segregated from the rest of the community.

In Goffman's optic, this clearly illustrate the discrepancy between the discreditable and the normal, exemplified by the following statements:

How can such a person be kept in the village just because she has returned. If she stays in the same village then the whole place will stink – she should be asked to leave (Mahendra et al 2001:46).

As stigma is attached to them, rather than adjust [trafficked girls] into society, they should be kept in a separate place and cared for by the government (Mahendra et al 2001:46).

The sentiments among these community members witness of a harsh discourse, prejudices and hatred and contempt against post trafficked persons that results in stigmatization and discrimination. They are afraid of the "bad influences" they may have on the rest of the community, which clearly illustrate socio-cultural aspects reflected in normative rules in the society. Trafficked girls and women or just migrates who have returned from India are regarded as prostitutes, who are morally decayed and self responsible for such an act caused upon them. Moral is thereby an individual perception of what we should and should not be do in a concrete action situation (Goul Andersen, 1998: 32). In that sense the communities regard these girls and women as responsible for their own action, and since they don't live up to the normative obligation and the rules of conduct, they are stigmatized as spreaders of diseases, being loose or prostitute, exemplified by a women's perception:

Since they performed such disgusting acts in India, they will do the same when they come back to the village and will ruin all the young men in the village (participant in a FGD of community women) (Mahendra et al 2001:44).

These strongly stigma attributing to classify a post trafficked women/girls is a major hindering for the reintegration, but needs also to be considered in the light of the poor conditions rural people are living under. However, this stigma could might as well take place in Kathmandu or other urban areas. Still a majority of the population is illicit and poor, but it have to been seen in the overall structural conditions fuelling this stigma and contempt.

9. Conclusion

It is beyond the scope of this thesis to determine whether or not development programs made by the Nepalese government has made progressive improvement of livelihood opportunities, gender equality and social mobilisation in the prevention of human trafficking. The fact is that a significant proportion of the Nepalese population is entering the labour market each year with limited opportunities of making a living. Consequently the instable political situation, social, economic and cultural aspects are all push factors contributing to a high rate of internal and international migration. In particular Indian urban cities and the Gulf countries are pulling magnets for poor and unskilled labour migrants, searching for improved employment opportunities. The Government of Nepal actively promote foreign labour migration in the acknowledgment of the significant remittance inflow to Nepal, but at the same time this stream of cheap labour migration supply, is exploited by traffickers who fish out the most vulnerable women and children. This is further complicated by the fact of soft trafficking, as family, relatives and/or community members often are involved, which makes it even more difficult to prevent. In this context soft and hard trafficking is very prevalent in Nepal, especially in Hetauda, Makwanpur that serves as a recruitment central for the trafficking in women and children to India. It is also evident that some parents actively participate, silent consent or is unaware of the fact that their child is being trafficked. Other examples of family complicity is the story of Sita, in which her aunt has made human trafficking to a livelihood strategy. The thesis also revealed that the most disadvantaged socio-economic groups, such as Janjati (ethnic) and Dalits, are generally more vulnerable to trafficking. However, this has to be contextualised within the overall structural factors impact. Regarding the age, it is very young children that are trafficked to Indian circuses, while the more "mature" young females are trafficked to brothels and forced into slavery and debt bondage. The demand side of sex trafficking and child labour in Indian circuses, showed that the "owners" are unscrupulous persons who seek every opportunity to exploit these persons for the purpose of profit maximisation. The methods used to coerce women and children into forced labour and sexual exploitation is inhumane violation of all basic human rights, with the use of psychological and physical violence that torment them for life. In the modus operandi of traffickers, it is clear that the networks contain many different actors - from the man on the floor, to higher ranged state officials who patronise the business. Even though Nepal's Human Trafficking Act have implemented these aspects in the law, the enforcement is very weak. This clearly creates a culture of impunity where traffickers feel free to seek out the most vulnerable. The access through the open border and the corruption on both the supply and demand

side keeps the wheels running. In this context, the special police unit - the Women and Children Service Center (WCSC), have to be allocated sufficient resources and adequate training methods in order to enforce the law in order to make proper interception of traffickers at borders and investigation that could provide more solved cases in Nepal's courts. These efforts would clearly be more beneficial if they were to be made in a closer collaboration with NGOs, such as the Maiti Nepal. In the relation to Maiti Nepal and the prevention activities, one key solutions to prevent trafficking could be to create sustainable development programs, including women groups and NGOs through skill training and education that is relevant for the rural population. These improvement might result in women's economic-empowerment and self sufficiency, and thereby contribute to the overall improvement of the communities. This is both short term and long term solutions, as the traditional patriarchal cultures of different ethnic and casts groups is still prevalent which takes a long time to change. Especially females social identity as housewife's and roles in the domestic environment is leading to a low social mobility where boys are preferred and given education, while they are seen income generators contributing to the household. In the context of rescue operation it is only NGOs who are active, both in Nepal and India. It must be concluded that Nepal and India has a common responsibility for prevention, rescues and safely repatriating of post trafficked persons, but that the two countries commitment to the SAARC conventions provision of regional cooperation, illustrate the hollowness. Regarding the rehabilitation and reintegration, it can be concluded there is high level of stigma attached to post trafficked women in the rural communities. This impact on their social identity, as they are categorised as prostitutes or of being loose and it hinders the reintegration process. In this regard, it is positive that GoN have established rehabilitation centers, but the cuts budgets showed that the its priority is lower, and there is no records on progress made. The final conclusion is that unless Nepal's government actively respond by measures to improve development and anti trafficking activities in collaboration with NGOs and women's groups, trafficking will still be a significant problem in Nepal's future.

10. Bibliography

ADB (2002): *Combating trafficking of women and children in South Asia*. Country paper. The Kingdom of Nepal.

ADB (2009): Nepal: *Country Partnership Strategy 2010 – 2014 A strategy for a country in transition. Draft for Consultation September 2009*.
<http://www.adb.org/Documents/CSPs/NEP/default.asp>

Aronowitz, Alex A. (2009): *Human Trafficking, Human misery. The Global Trade in Human Beings*. Praeger. Westport, Connecticut. London

Bachpan Bachao Andolan (2004): *Child Labour in Indian Circuses*. Published by Bachpan Bachao Andolan - save the childhood movement. Available for downloading at <http://www.bba.org.in/>

Bhadra, Chandra (2007): *International labour migration of Nepalese women: The impact of their remittance on poverty reduction*. Asia-Pacific Research and Training Network on Trade. Working Paper Series, No 44, September 2007 (Rev.jan.08).

Bashford, Peter (2006): *A Sense of Direction. The Trafficking of Women and Children from Nepal*. Asha-Nepal, March 2006

Bell, Thomas (2007): *How 20 Nepalese slave girls were set free from a life of abuse in an Indian circus*. Daily Telegraph. FRIDAY, JUNE 29, 2007. p 21.

http://www.ebtrust.org.uk/assets/Telegraph_June2007.pdf

Bhattarai, Prakash (2006): *Migration of Nepalese Youth for Foreign Employment: Problems and Prospects*. ATakingITGlobalonlinepublication.
<http://www.tigweb.org/express/panorama/article.html?ContentID=7420&start=5145>

Bryman, Allan (2004): *Social Research Methods. Second Edition*. Oxford University Press. Oxford. New York.

Castles, Stephen & Miller J, Mark (2009): *The age of migration. International population movement in the modern world. Fourth edition. Revised and updated*. Palgrave Macmillan. New York

Cameron, Sally & Newman, Edwards (2008): *Trafficking in human\$: Social, cultural and political dimensions*. United Nations University Press. Tokyo. New York. Paris.

Crawford, Mary & Kaufman, Michelle R. (2008): *Sex Trafficking in Nepal: Survivor Characteristics and Long-Term Outcomes*. VIOLENCE AGAINST WOMEN. Volume 14 Number 8. Sage Publications

<http://vaw.sagepub.com/cgi/content/refs/14/8/905>

CRS Report for Congress (2008): *Trafficking in Persons: U.S. Policy and Issues for Congress*. Congressional research service.

Department of State, United States Of America (2009): *Trafficking in Person Report 2009*. Available at www.State.gov/g/tip

De Haas, Hein (2008): *Migration and Development. A Theoretical Perspective*. Working papers No. 9. International Migration Institute. James Martin 21st Century School. University of Oxford.

<http://www.imi.ox.ac.uk/pdfs/WP9%20Migration%20and%20development%20theory%20HdH.pdf/view>

De Vaus, David (2001): *Research Design in Social Research*. SAGE Publications. London. Thousand Oaks. New Delhi

Dinan, Kinsey Alden (2008): *Globalization and national sovereignty: From migration to trafficking*. In: *Trafficking in Human\$. Social, cultural, and political dimensions*. United Nations University Press. Tokyo. New York. Paris.

Frederick, John (1998): *Deconstructing Gita :The Discourse on Trafficking in South Asia*. Himal Magazine.

Frederick, John (2005): *The Myth o Nepal-to-India Sex Trafficking. Its Creation, Its Maintenance, and Its Influence on Anti-trafficking Interventions*. In Kempadoo, Kamala (2005): *Trafficking and Prostitution Reconsidered. New Perspective on Migration, Sex work, and Human rights*. Paradigm Publishers. Boulder. London.

GAO (2006): *Human Trafficking. Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad*.

Gartaula, Hom Nath (2009): *International migration and local development in Nepal*. Contributions to Nepalese Studies.
http://findarticles.com/p/articles/mi_go2754/is_1_36/ai_n47559329/?tag=content;coll

Goffman, Erving (1963): *Stigma: notes on the management of spoiled identity*. London : Penguin Books, 1990.

Goffman, Erving (1992): *Vore Rollespil i hverdagen - The presentation of Self in Everyday Life*. København. Hans Reitzels Forlag.

Goul Andersen, Jørgen (1998): *Borgerne og Lovene*. Rockwool Fondens Forskningsenhed. Aarhus Universitetsforlag.

Hennink, Monique & Simkhada, Padam (2004): *Sex Trafficking in Nepal: Context and Process. Opportunities and choices working paper. No. 11 April 2004*. University of Southampton. University of Aberdeen.

HHT Act (2007): *Human Trafficking and Transportation (Control) Act, 2064*. Act Number 5 of the Year 2064(2007).
[http://www.ksl.edu.np/legal_title_context.asp?id=48&thread=Legislations%20\(Nepalese%20Lgal%20Framework\)](http://www.ksl.edu.np/legal_title_context.asp?id=48&thread=Legislations%20(Nepalese%20Lgal%20Framework))

Huda, Sigma (2006): *Integration of the Human Rights of Women and A Gender Perspective. Report of the special Rapporteur on the human rights aspect of the victims in persons, especially women and children*. Commission on Human Rights. Sixty-second session, Item 12 of the provisional agenda. E/CN.4/2006/62, 20 February 2006. Advance

Edited Version. Available from:
<http://daccessdds.un.org/doc/UNDOC/GEN/G06/109/64/PDF/G0610964.pdf?OpenElement>

Human Rights Watch/Asia (1995): *Rape for profit. Trafficking of Nepali Girls and Women to India's Brothels*. Human Rights Watch/Asia. New York, Washington. Los Angeles. London. Brussels

ICN (2007): *Interim Constitution of Nepal 2063 (2007)* [Nepal], 15 January 2007, available at: <http://www.unhcr.org/refworld/docid/46badd3b2.html>

ILO(1999): *Convention Concerning the prohibition and immediate action for the elimination of the worst forms of child labour*. Adopted by the conference at its eight-seventh session, Geneva, 17 June 1999

ILO/ B. Kumar KC, G. Subedi, Y.B. Gurung and K.P Adhikani (2001): *Nepal Trafficking in Girls With Special Reference to Prostitution: A Rapid Assessment*. Geneva: International Labour Organization, 2001

ILO/Belser, Patrick (2005): *Forced Labor and Human Trafficking: Estimating the Profits. Declaration on Fundamental Principles and Rights at Work*. International Labour Office. Geneva: International labour organization

ILO (2005): *A global alliance against forced labour. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*. International Labour Conference 93rd Session 2005 Report I (B). International Labour Office. Geneva: International labour organization

Jacobsen, Michael & Kristiansen, Søren (2002): Erving Goffman. Sociologien om det elementære livs sociale former. Hans Reitzels Forlag. København.

Jacobsen, Michael & Kristiansen, Søren (2005): *Hverdagslivet – sociologier om det upåagtede*. Hans Reitzels Forlag. København

Jordan, Ann D. (2002): *Human Rights or Wrongs? The Struggle for a Rights-Based Response to Trafficking in Human Beings*. Gender and Development, Vol. 10, No. 1, Trafficking and Slavery (Mar., 2002), pp. 28- 37. Taylor & Francis, Ltd. on behalf of Oxfam GB.

Jun, Lock Wan (2008): *Supply Side of Child Trafficking: Economic Analysis using Utility Models*. Volume 18, Issue 4 on 02 April 2008 National University of Singapore. <http://www.jyi.org/research/re.php?id=1472>

Kara, Siddharth (2009): *Sex trafficking. Inside the business of modern slavery*. Columbia University Press. New York.

Kelly, Liz (2005): *"You Can Find Anything You Want": A Critical Reflection on Research on Trafficking in Persons within and into Europe*. In IOM (2005): *Data and Research on Human Trafficking: A Global Survey*. International Organization for Migration.

Kvale, Steiner (2005): *Interview. En introduktion til det kvalitative forskningsinterview*. Hans Reitzels Forlag. København.

Lee, Maggy (2007): *Human Trafficking*. Willan publishing.

Mahendra, Vaishali Sharma., Bhattarai, Pankaja., Dahal, Dilli Ram & Crowley, Siobhan (2001): *Community Perceptions of Trafficking and its Determinants in Nepal*. Kathmandu. The Asia Foundation.

Maiti Nepal (2007): *The Maiti Nepal Newsletter. Celebrating the first national Anti-Trafficking Day*. October 2007.

Neuman, W. Lawrence (2003): *Social Research Methods. Qualitative and quantitative Approaches. Fifth Edition*. Allyn & Bacon. Pearson Education, Inc.

Newman, Graeme R. (2006): *The Exploitation of Trafficked Women. Problem-Oriented Guides for Police Problem-Specific Guides Series Guide No. 38*. U.S Department of Justice.

NHRC (2008): *Trafficking in Persons, Especially on Women and Children in Nepal-National Report 2006-07*. Lalitpur, Nepal: National Human Rights Commission Nepal. Office of the Special Rapporteur on Trafficking in Women and Children (OSRT).

NHRC (2010): *Trafficking in Persons, Especially on Women and Children in Nepal-National Report 2008-09 (Draft Report)*. 28 February, 2010. Harihar Bhawan, Pulchowk, Lalitpur, Nepal:

National Human Rights Commission. Office of the Special Rapporteur on Trafficking in Women and Children (OSRT)

NIDS (2008): *Nepal Migration Year Book 2008*. Heidel Press Pvt. Ltd. Kathmandu

Obokata, Tomoya (2006): *Trafficking of Human Beings from a Human Rights Perspective: Towards a Holistic Approach*. Leiden. NLD: Brill Academic Publisher.

Odegard, Stephanie & Dolma, Rana, Sherab (2010): Petition for carpet industry advancement in Nepal. Label Step. <http://www.label-step.org/en/news/newsletter/january-2010/petition-for-carpet-industry-advancement-in-nepal/>

Pearson, Elaine (2001): *Human Rights and Trafficking in Persons: A Handbook*. By the Global Alliance Against Trafficking in Women. Bangkok

Petit, Juan Miguel (2006): *Rights of the Child. Report of the Special Rapporteur on the sale of children, child prostitution and child pornography*. Commission on Human Rights. Sixty-second session, Item 13 of the provisional agenda. E/CN.4/2006/67, 12 January 2006. Available from: <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>

Pyakuryal, Kailash Nath., Upreti, Bishnu Raj & Sharma, Sagar Raj. (2008): *Nepal: Transition and Transformation*. Human and Natural Resources Studies Center, Kathmandu University. South Asia Regional Coordination Office of NCCR North-South

Rajbhandari, Renu (2008): *Human trafficking in South Asia: A focus on Nepal*. In Cameron, Sally & Newman, Edward (2008): *Trafficking in Human\$. Social, Cultural and political dimension*. United Nations University Press. Tokyo. New York. Paris.

Richardson, Diane, Poudel, Meena and Laurie, Nina(2009): *Sexual trafficking in Nepal: constructing citizenship and livelihoods*. Gender, Place & Culture, 16: 3, 259 — 278

Riis, Ole (2000): *Metoder på tværs. Om forudsætningen for sociologisk metodekombination*. Sociologisk Laboratorium. Aalborg Universitet.

Ritzer, George & Goodman, J. Douglas (2003): *Sociological Theory*. International edition. McGraw-Hill companies. New York

SAARC (2002): *SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution*.

Samarasinghe, Vidyamali (2008): *Female Sex Trafficking in Asia. The Resilience of Patriarchy in a Changing World*. Routledge. Taylor & Francis Group. New York. Abington.

Scarpa, Silvia (2008): *Trafficking in Human Beings*. Oxford University Press. New York

Seddon, David., Adhikari, Jagannath & Gurung Ganesh (2002): *Foreign Labour Migration and the Remittance economy of Nepal*. Critical Asian Studies. 34: 1, 19 — 40

Seddon, David (2005): *Nepal's Dependence on Exporting Labour*. Migration information source, January, MPI, Washington DC.
<http://www.migrationinformation.org/Profiles/display.cfm?id=277>

Schloenhardt, Andreas (1999). *Organised Crime and The Business of Migrant Trafficking. An Economic Analysis*. AIC Occasional Seminar, Canberra. 10 November 1999. Australian Institute of Criminology.

Terre des hommes (2004): *Study on the destination side of the trafficking of Nepalese girls to India. Interim report*. Terre des hommes & Partnership Nepal

Terre des hommes (2005): *A study of Trafficked Nepalese Girls and Women in Mumbai and Kolkata, India. An Abbreviated version of Slavery, Debt Bondage and Sex Work: A study of Trafficked Nepalese Girls and Women in Mumbai and Kolkata, India*. Published by Terre des hommes Foundation, Kathmandu, Nepal available at: www.childtrafficking.com

Thagaard, Tove (2004): *Systematik og indlevelse en indføring i kvalitativ metode*. Akademisk Forlag. København

Thieme, Susan (2006): *Social networks and migration. Far west Nepalese labour migrants in Delhi*. LIT verlag Münster (1-207)

United Nations (2000): *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. United Nations. Available from: http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

UNDP (2010): *Power, Voice and Rights. A Turning Point for Gender Equality in Asia and the Pacific*. Published for UNDP by Macmillan Publishers India Ltd. New Delhi
<http://www.undp.org.np/publication/metadata.php?PublicationID=109>

UNFPA (2009): *State of world population 2009: Facing a changing world: women, population and climate*. United Nation Population fund
<http://www.unfpa.org/swp/>

UNODC (2006): *Toolkit to Combat Trafficking in Persons*. Global Programme Against Trafficking in Human Beings. United Nations Office on Drugs and Crimes. United Nations. New York

UNSC (2010): Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process.
Download : <http://www.un.org/Docs/sc/sgrep10.htm>

Väyrynen, Raimo (2003). *Illegal Immigration, Human Trafficking, and Organized Crime*. Discussion Paper No. 2003/72. October 2003. United Nations University. World Institute for Development Economics Research.

11. Annexes

Appendix A

Interview with the private lawyer - Issur

K: can you tell me something about your experiences working with human trafficking? What is your experience?

DB: he has been working as lawyer for 13 years and he has had 25 trafficking cases. And among them the cases were, among them. He had to handle the cases on behalf of the victims

K: yeah

DB: 25 persons were victims. Most times the file the case in court in the head of Makwanpur fast. At that moment there was written... her name was Valigory. That woman tricked some girls to the circus

K: yeah

DB: one succeeded to run away from the circus and she came directly to me. After she ran away from that place, and the girl told me everything. And at first I filed trafficking case to the court in Makwanpur district. In the context of the trafficking cases, or in the context of the girls who were sold to the circus

K: yeah

DB: at that time many people teased me, and even when I filed the case in the court, people used to tease me. But I didn't feel anything and then I continued with the circus case in this field. Later I became very popular about the file of trafficking as I went with it to the court

K: ok

DB: In this way I went to different kind of victims visiting... to give... being like a trainer about human – humanity, to those who had been there and we gave training

K: what kind of training?

DB: I used to give training, by calling the different kind of local NGO's and the victims that lived there. We practise the victims also, in the process of training I share the experiences of the victims too. And I provide that training by this in the trafficking level and on the skills. Right now I has also go later for training for the process of the first level

K: do you have any psycho-social training?

DB: there is another local organisation that calls for my advice. Most of the time I advice according to that organisations

I: I have already got psycho-social training and give others psycho-social training

K: to the victims also?

DB: yeah to the victims

K: ok, what about the law about trafficking do think it is sufficient?

DB: In Nepal the law of trafficking was formed in 2043 Nepali date, it is an old law of trafficking, but it was very loose. Because, in this law, only the women will be victimised by others. But nowadays man is also victimised or men are also trafficked. Like a secrecy to sell them into India. At the same way there in different context there is some kind of game, like a wood wrest. You know?

K: yeah

DB: camel wrest

K: like in Afghanistan

DB: yeah, for that purpose the villagers used to send their... just like... sort of trafficking also or seen in Nepal. That why we needed a new law. That is why the government has formed a new law in 2064 and this law is very strict in the trafficking. Many things have happened there. It gives compensation to the victims by the criminals and by that it is much stricter than older one.

K: yeah. Can we talk about development problems?

DB: That it is a main problem in Nepal. Because we have many unemployed here, there is not many kind of opportunities. That's why the trafficking it is going up. And the next one is the development of different kind of technology. It means that the poor want more money, more than their neighbours. There is a kind of unseen competition to want more wealth, to want more money, that's why they are doing like this.

K: ok

DB: In the same way we have found this sort of cases also. The wife goes to into the Gulf for the prostitution, and she brings some money from here to all family members and husbands also. This sort of cases we have also found here. And everybody who have more good things, that why there is a competition with each other. If we have more money we should well dress and we should have good things, we should have a more fundament. That's why the cases of trafficking is increasing these days

K: so it's not only the very poor, but it is also middle women who want to have nice clothe, so they get tricked? That's the case?

DB: yeah

K: But no upper class?

DB: no

K: that is interesting. The process the survivors are going through in your cases, can you tell me something about that?

DB: Whoever files the case to me gets the same guardian success

K: every case?

I: 99 percent cases success at the victim party

K: what about the criminals?

DB: on the behalf of the victims, they used to say; I have done everything in the period of the investigations, in the custody. But when the presents in the court, at that time. I was un-dominating. They just accuse me. At that time the court used to make decision with other provisions. In the case of other provisions, they have already dig out any kinds of provisions for that case. At that time I even got a punishment by the court

K: So the burdens of evidence is big enough to get them to jail, so they can get justice?

DB: In this case... I self. those kind of investigation in right or wrong. In the process of filing the case

K: how is to work with criminals? When you hear about the cases how is it when you the (?)

DB: it is ok, the court. The criminals are also given permission to give lawyers. That's why the court used to hear his complains and investigate the criminals also, and he ask for everything who are there for the lawyers... the criminals. That's why there is the prosecutor of the victims and criminals are same

K: they are treated the same?

DB: yeah

K: the traffickers, the criminals - how do they work, operate?

DB: The traffickers operate like this: at first they have big network. In the different places, they have came there and he investigate all: who is with who. which is who and who does she see, like this he investigate there. He knows everything there. The life of that girl and asks: do you only want to stay in the village? You don't want to go the city? There are many kind of facilities - there is a better life than in the village, you should go with me. I will provide any kind of job for you. He convince like this. The living of the villagers, they immediately convince and they go with them there. They take them to Kathmandu where there is different kind of garment factories. At first give

them some kind of jobs there, and gradually it comes in form. Then after that they send them to India

K: that's the way it works?

DB: yeah

K: what about the children and the men?

DB: you know there is many context of Nepal on the grassroots level, and most people are not literate, that is why.

What is happening with your body? (They are feeling ill). Are you feeling some kind of problem in your body? (Asks about how life is to them). I am feeling like this - it is ok, go with me and I will take you to the treatment centre! They think they are getting some kind of treatment and feels very happy, but they don't know in the name of a treatment that the traffickers removes their kidney. In the context of the children. The same with women. They convince them soon, that's why it is very easy for them

K: in these cases, are they very young?

DB: yeah

K: how young?

DB: 20-21 and up to 45 years

K: that is normal?

DB: in the context of the circus, the children are from 6-16 years

K: so they meet the different challenges when they come back?

DB: yeah

K: can you give some examples on women, children and men they meet?

DB: they used to be born by the secret. In the beginning of the that sort of. they disagree to do that work, at that time women used to give birth by a secret in this. And they severely beat them, and one part, and his one friend... in the similar way they have to do about 64 people in a single day

K: 64 times?

DB: 64 times or 64 people

I: persons

K: 64 times?

DB: yeah in a single day they have to have sex with her

K: that is a lot of times

DB: like this they are born by a secret and they beat the wife. Like this they have to face these sort of problems in the case of women

K: ok

DB: I don't actually - what sort of problems the children and the men, I just heard that, but I am not getting any kind of feedback by them

K: I see. So the client with 64 customers is that normal? How long does she work as a prostitute or are forced to do this kind of work?

DB: this is actually prostitution, but she have to have 64 times in 4 days. Then the average of doing this kind of job is up to 11 years

K: 11 years

DB: yeah

K: so they must be mentally and physically ill if you could say that

DB: yes mentally and physically

K: what happens when they come back here?

DB: after returning home to their own home or their own community, at that time the first, that community used to stigmatise them, and first the community doesn't help to (file?) cases in the different kind of trick holders or like government or other kind of NGO's. They don't support, the community don't support, the family don't support. Most of the victims who comes with him to different kind of NGO's. But little bit of... I think nobody has come themselves to give information or they haven't come for the case file

K: so that how it is here in Makwanpur? That is the case of Makwanpur that community don't help?

DB: yeah in the case of Makwanpur the community don't help them. Most of the cases by the different kind of local NGOs like Maiti Nepal and other sorts of NGOs who handle the cases

K: So thee rehabilitation opportunities - do you think they are good enough, the local NGOs provide?

DB: that's not enough

K: no?

DB: that's not enough. If they get a chance to ran away from the rehabilitation, they often go to the India directly, because they feel like, I don't do anything here, that's why it is better to move back to my old profession he says

K: so then they return to...?

DB: they go there

K: so once again they are living under exploitation or what?

DB: pardon

K: if they ran away from rehabilitation centre, then they go back, and once again they are exploited?

DB: yeah

K: is that correct?

DB: When they are in the rehabilitation centre. At that time the rehabilitation centre, they have to provide some kind of job, or they have rehabilitated in certain area, they established all kind of things - stones or different kinds of jobs, like in a hotel. He says that is not enough for them. It is another problem. It solves only hand to mouth, but they have another life style also. They have to live normally and they have to maintain other things of their life, that is why, if they get a chance to ran away, they get an opportunity to ran away from there

K: and then again they will be in risk of being exploited?

DB: yeah, and again they have to face the same risk

K: yeah, so how can solve this problem? How can you know, try and solve this problem?

DB: he just said, it will help nothing if we are only thinking about that, but only the government can reduce this sort of trafficking. By submitting sufficient employment opportunities, and who wants to study more... the government have to give a chance to them

K: for education, possibilities or improvements

DB: yeah

K: of course. So in that context, the prevention of the trafficking is so difficult

DB: if there is poverty – there is trafficking he says

K: what also do you see now, is it a tendency now or is something that the middle class girls, children, also get trafficked? Is it something that have emerged now or is something that have existed for while?

DB: I don't know how to answer

K: ok, what about this conflict between the Maoist and the government forces, can you tell me something about that? How has it affected trafficking? How it has affected this area

DB: The conflict have affected very severely. Because of the conflict many people could not stay here, community or home, that why they are displaced to the city area, when they come there, they did not get any kind of job, and that's why they started to end in the profession of prostitution in the city areas

K: yeah

DB: that's why they got a kind of habit to keep... to start... and gradually the conflict is going normally. At that time the government (from) properly again, or started to work properly again. At that time they became jobless, that's why somebody has gone to India themselves, they have known everything, but they have gone there

K: aha

DB: yeah he says

K: so now that there is peace, has it made any differences?

DB: yeah now the peace have started then it is very different in the field of the conflict and now, nobody people have been displaces, I think it will not be like this

K: so here in Makwanpur are there any other conflict here after the peace? Has next conflict emerged?

DB: no

K: how is the employment opportunities here in Makwanpur now?

DB: it is an industry area that is why there are possibilities for employment here

K: how many was it? Was 34

I: 38

Appendix B

Interview with Maya from Maiti Nepal

K: I will start asking questions, starting with some background information of Maya, ok?

DB: I got license.. then I finished my bachelor degree in Kathmandu, and is working here as a program coordinator.

K: Can you make a description of this place? Maiti Nepal and rehabilitation center? In general and here

DB: This office is working with girl trafficking. We give skills training to those who are victimized. Like girl trafficking and those who have worked in a circuses and have ridden back from there. That sort of victims we give skills training. And those who drop out of school. Those sort of children we help to join school. Those who have no parents or lodgings, we give help and assist. Everything from reintegration, support, financial, rescue, interceptions

K: Can you give some examples of how you practically work with these things?

(The interview was interrupted, since Sita came to Maiti Nepal from a break at hotel)

DB: You asked what sort of skill training that is provided by the Maiti Nepal?

K: yes

DB: we are providing the victims with swinging and cutting, bakery, beauty parlor, housekeeping, hotel management. We are providing skills to the victims. We are also providing jobs for them like in a hotel or any kind of hotel agencies. Some of them have started their occupational jobs, like beauty parlor, cutting stone. Like these occupations they have already started in the marked

K: ok. So they are providing access to different kind of jobs, but most are at hotels and cuttings?

M: yes and bakeries

K: ok. What about education? Do you provide or help them if they want an education?

DB: that sorts of victim. If they want to study, we send them to our central office in Kathmandu. In our central office we have our own school where they get an education there

K: what is your experiences working with survivors in general?

DB: I have many kinds of experiences, like rescuing, provider of given support. Once I had been to rescue a girl in Assam of India.

I saw everything in that place and I became very horrified by the conditions that I think were very bad. There was 11-12 years old girls there also, and they wore very deeply, strong makeup and they played loud music

K: This is a brothel?

M: yes

DB: We got very scared there because we were going for rescuing, and then we stayed outside there. We reached there at about 7 o'clock in the morning and then rescued them in the evening

K: was it in collaboration with the police?

M: Yes Nepal police. The Nepal police are sometimes organising it. They help us, and the Indian police also helps us, and Indian media also help us. Then we succeeded in rescuing her. We went from there, and when we arrived here, a person threatened me and one by the level of bureaucracy. They threatened me. You are the rescuer of that girl from there. That will be bad for you!" Where are those who is with you? I will show you everything. Like these threats I got from a bureaucrat person looking for the girl

K: from who?

DB: I think somebody from a political party, middle class political. Sometimes they come here. One time he came here, one lawyer also, he threatened me. He gave me a big talk about that. Then I treated him in the same way. Then after that, he realised everything and beg a pardon with me

K: Then he?

DB: that one lawyer realised with her. Once there was also a police man who came and threatened her and after that

K: this was the Nepali police?

M: yes Nepal police

K: so some police collaborate with you in rescue matters and other police officers are corrupt and threatens you?

DB: The police officers in this area are very helpful. They believe in us.

K: the police in the area?

DB: yes in this area, but sometimes the outside police comes here and they threatened her. Some police they are coming here to threatens me, at least I got away. did not do anything

K: why do they do this? why do they threaten?

DB: Those who are involved in the criminal activities are from the police to political party or any other as well. That is why they come here for protections of the criminals and sometimes they say I will give you big money, if you release this person. Most of the time a unknown person phones me. That's why I'll will snap that cable from the phone (Laughter)

K: so the police gets money from criminals? Criminals bribes the police?

DB & M: yes

K: what about Maiti Nepal? Can you monitor the effect of what you are doing here? What is a success and what is not a success? Can you describe that?

DB: who comes here to complain - what happened today? Most of the cases we have handled - we have got success. I think we have no experiences of failure degree

K: ok. What about criminals - the traffickers? How is it progressing in court? Does justice occur? Do they get a punishment most of the times?

DB: Especially in the case of trafficking, the court punish the criminals when they are in prison. But we are now claiming that criminals have to give (enchanted? 21:47) here. They have to give victims. The criminals who have jobs, they have to give victims incentives also...

K: hmm

DB: I am saying that the court, in the case of rape. In the case of rape in the law of Nepal, the rapist has to give her their property. Half of the property will be given to the victim

K: ah

DB: in the marked part

K: so half of the criminals property

DB: should give to the victims

K: so when the house is sold, half of the property will be given?

DB: yeah. This legalistic will have helped victims, to take half of the property of the criminals. So justice have been made

K: so what if the criminals don't have any property?

DB: then they should provide money

DB: if they could not give any amount of money, then the criminals will be send the prison

K: so if the criminals have property they don't go to prison? they only give half of what the own?

DB: they will be given punishment, but they have to give half of their property. So he gets a punishment and an incentives

K: yeah

DB: If he could not give a property, that's equal time, equals. just like half property, that property he have to give and go prison as well

K: ok, so they get less punishment if they have property?

DB: he gets a full punishment

K: what is the typical sentences if the criminal what case it is... what I mean is that, is there differences if its sex exploitation or if it's child labor, what kind of sentences is normally given? Do you understand?

DB: once again

K: the criminals... if they are dealing child labor or sex exploitation, is there any differences in the sentences that they give, are there any differences in the punishment?

DB: yeah

K: what is the typical punishment?

DB: there is different kinds - there is different punishment in different cases

K: yeah

DB: just like if there is a victim of rape. Inside the rape case there is a different kind. Just like trafficked. Somebody trafficked by some, he gets 20 years in prison

K: ok

DB: he has probable sold to another countries... at that situation he will get 20 years in prison, but from the border side somebody rescue them, at that time the criminals only gets 10 years in prison, Then who helps them to trafficking, the helpers will get 5 years in prison

K: ok

DB: then in the rape cases. If a single person rape somebody, at that time he will get 5-7 years in prison. Then the group rape, those group people will get 12 years

K: ok

DB: and if the girl is under 14 years who raped that girl, the criminal will get 5-7 years in prison

K: ok. I want to talk about what you see as major challenges in the rehabilitating and reintegrating of survivors. What do you see as major challenges?

DB: just we are facing the challenges. The community will not course a good way

K: the community?

DB: yeah

DB: and another challenge is the journalist. They also look at it the same way. These are the challenges. And sometimes the challenges comes in threatens forms. Another one is the treatments of the victims

K: ok

DB: the rescued or those who survives from there. They used to hold light. They used to be mad. Like a moonlight. And they have some sex diseases also

K: like AIDS/HIV

DB: not AIDS/HIV, some have dwelling some difficulties to their ovaries. Some have small wounds - the tortured women's

K: ok, who is orphanage?

DB: yeah. Some victims are facing program of HIV

K: so do they get any treatment? Any help?

DB: yeah up to now the rescued are 20-21.

DB: 20?

Maya explains

DB: Up to now we rescued 20 girls. Among them 2-3 had HIV Aids and 1 already died, and one is waiting

K: I see

DB: just ask for by this badge.. it is a badge of Maiti Nepal, shared offices in Kathmandu, they inform there

K: ok. Well first of all I would like to ask you about the media and the community here. How are they working against you?

DB: they are supporting my life here. Just they are practicing here. they are helping

K: like in rescue?

M: yeah like rescue, intercept

Maya speaks in Nepali

DB: yeah, the journalist inform to them of the possibility of trafficking. If they got information from anywhere, they give any kind of information to them

K: ok, I thought she mentioned some about the challenges, was some problems with the media and the community here? wasn't there some problems?

DB: everybody helps them. The police, the community,

K: ok. I want to ask about the rehabilitation and reintegration of survivors. What do you see as challenges? Like future challenges?

DB: I think there are many challenges, but I think we have to face difficulties to rescue. According to her, the criminals are two types. One type is wealthy, or from high class, and some are from lower class. Actually from higher class criminals, for the protection there will come many people

K: ok

DB: yeah, so it should be a problem for us in the future

K: yeah, just because they have more money they can bribe?

DB: yeah

K: for the corruption and then?

DB: they immediately help the persons who are from the higher classes. But the persons from the lower classes, they will not come and help them

K: ok, I see. What about preventing trafficking? What do you see as challenges? What do you do in order to prevent trafficking? What do you practically do?

DB: because of the lack of honest

K: because of what?

DB: it's about lies, there is a lot of lies in the cases of trafficking.

(Noise and everybody speaks at the same time)

K: what about educations of girls?

DB: those who drops out of school, they will get embedded in lots of skill training and some kind of incontinent training, we should provide them and the people who had been trafficked

K: so give them some kind of training, so they can get a job?

DB: yeah. So they become second integrated

K: yeah ok

DB: same different girls

K: ok

DB: that is why nobody should lure them towards any kind of jobs, because they will become victims. They should stand on their own feet's

K: yeah ok. Now you talked about the industry here, it collapsed for 12 years?

DB: yeah

K: how does that affect people's lives here? And how do you think it has effected trafficking?

DB: she saying that; because of the conflict many people became displaced from their original place. That's why they came to the city area - urban networks. But they could not find any kind of job. That's why the traffickers cheated, they cheated easily and so they

K: they tricked them?

DB: yeah and the trade had also stopped - moved. Most of factories they have closed... then workers of the factories they wanted to go abroad to the urban areas. They got cheated and exploited there. Particular in the Gulf countries

K: the gulf countries?

DB: yeah, many workers went to the gulf countries, but they exploited and cheated them. And somebody are still in the jail of that country

K: yes, I came here from Bahrain and 80 percent or 90 percent of the people in the plain were male who had been working in gulf countries

DB: yeah

K: actually, the migrations to gulf countries are very high

DB: yeah

K: and my question is that if they trick with false promises? Of high income and of good jobs?

DB: yeah

K: ok. I have some social, cultural, economic and political factors I will like to ask you about

DB: ok

K: it's sort of described already, but if we can take one of them it will be great. Can you explain?

DB: Among them in the society it is men who are causing the trafficking. Because in the community discriminate the women. The another cause is that, there is family violation., especially thriven to the women. That's the way the society is. The social environment is very much responsible for the trafficking

K: so the cultural aspect enable trafficking?

DB: cultural also. That's why in the southern area of Nepal, they become very happy is they get a son. At that time, they also organize a party there. But if they get a daughter, they will leave the daughter and mother alone. That's why the discrimination starts from the burning point there

K: ok

DB: that's why they are given at least that girls

K: so what about economical problems?

DB: economical conditions is a main cause, because of the poverty. The villagers go to do any kind of work. That's why they actually falling in the hands of traffickers

K: ok. what about the political factors?

DB: because of the conflict many people were displaced by their original place

K: ok. what about literacy? Like reading and writing?

DB: literacy also is another cause and another main cause also the open borders.

K: So they used to have control post. Posts that they controlled, but they don't have that anymore?

DB: yeah

K: but when did they have the posts at the borders? Like border controls

DB: especially from... to the Maiti Nepal?

K: no I am thinking, have they had border control once or have the border always been open?

DB: like when the fight started?

K: yeah

DB: we have to establish post at the main border, at the main way. But there are many sort of traffickers. That's why the coming is getting through there. To totally stop that.

K: ok. what about the destination? Is it typical India and the gulf countries? what kind of work is it that they do? Or from sexual exploitation and circuses? Could you try to explain the differences? The people who get trafficked and what they do?

DB: actually in India there is a mission to sexual harassment and exploitation is the main. It is the same in the gulf countries, especially the exploitation and sexual harassment

K: aha, and do you see any children here? Who had done child labor?

DB: In the context of India, the child labor there is a little amount of money and who works in the circuses. In the context of the gulf countries - those who goes there they have less family. It means they don't have come for money to their, to bring home or they could not go back from there

K: they will have to stay there?

DB: yes

K: I see. But mostly its women?

DB: yeah

K: can you describe the process? Like before, during and after for the victims/ the survivors

DB: is it for rescue?

K: no, like the typical process of what makes them take these offers and what is happening during. I know we have been interviewing a survivor before, but maybe she (Maya) has different cases, so maybe she can describe what makes them go to different places? To migrate and what happens during the exploitation and what afterwards. Maybe give some examples?

DB: when the victims comes here. First we don't do anything, we just brings victims here and after some days we will give them some kind of counseling. Then we report to the police, who works responsible to arrest criminals. We will then ask the victims - do you want to go to your home? Do you want to stay here? Or what do you want? We ask like this. Then according to the victims wish, we provide some kind of training, service. And after providing the training we seek jobs for the victims

K: ok

DB: then if we could not get jobs for them or they don't want to go to their family, home or their community. Or they do not answer to them, we will send them all to the central office to stay there, in Kathmandu

K: ok. So does the survivors face many challenges when they come back here? Not only mentally but also physically? Can you give some examples of that?

DB: most of the victims are facing physical problems. They are brought here to be helped. They have brought different kind of diseases, that's why they are facing physical problems. Secondly they have to face mentally problems, because of the moment some victims are not actually prepared for their family and community. They are stigmatized by the community members or family. That's why, automatically they are feeling, they have to face mental problems

K: also the mental problems of being exploited?

DB: yeah

K: ok. I was thinking if Maiti Nepal have provided you with psychosocial training? did you have training in psychosocial aspects?

DB: We give psychosocial training also, and if the victim is normal they sort of girls. Normal the things I am giving myself psych/social counseling. If the victims should get a little bit serious, then at that moment we call a specialist

K: ok I see. Do you have... do you call the specialist or do they go to the hospital where they can get treated, if it's really serious? Or what do you do?

DB: if we get a very serious case, we go to the hospital. Sometimes when it's critical cases, like a we got that sort of women - the victims we should carry to the hospital, to a nice doctor, and after a little bit, when they are here, we give psycho/social counseling also

K: ok. I want to talk about traffickers. The criminals. How and where do they operate? Is it normally relatives who are involved in this? Or could you make a descriptions of the criminals?

DB: Mostly the fathers, husbands or relatives are involved. Of the cases we have handled, the traffickers are the relatives only

K: ok I see. What about the law? Do you think its sufficient or are there any lacks or loopholes within the law of trafficking?

DB: the law in Nepal is very strong. But the only problems is in the use of praxis. The law is not used practically. It is only written, but not used practically.

K: I see

DB: it is devaluation, practically obey the law. That is enough - a little bit strong

K: do you have examples of where it's not sufficient?

DB: I have seen other cases. But the cases we are handling here, I am not saying that. But I have seen other sort of cases, like city cases, normal cases. Like apartment, property, those sort of cases there is not reading or law property in the practices

The interviews stops

Appendix C

Interview with Sita

K: How old are you?

DB: 23 year old

K: where do grow up?

DB: Nuwakot

K: ok

DB: up to 9 years I stayed there. I grew up with my parents there and then my parents migrated to Hetauda

K: Ok

DB: then from I was 9 years old, I stayed here with her parents

K: do you have any sisters or brothers?

S: ekuta dai (1 brother)

K: what was the reason for you parents to come here?

DB: It was because of poverty. They migrated to here because of the poverty, to seek new opportunities for a mental life

K: what about health conditions? Your parents health conditions?

DB: sick health condition

K: what about you? How is your health condition? You look healthy

DB: tikk cha

K: tikk cha? Sanche cha? (means I am good)

M: Sanche cha

K: did you go to school when you grew up?

DB: yes I used to go to school in previous days. I had finished up to 5 grade

K: so you don't have any education, besides 5th grade?

DB: I have already got married and has a child. I got an arranged marriage when I was only 12 years old. At that time I got married.

K: aha

DB: His name was...

K: ok. I just want some background information before we go into detail about what happened

(Telephone is ringing)

K: how it is now?

DB: yeah

K: does you parent's have any education? Do they have jobs now or? How is the family situation?

DB: yeah my parents have not any education and my mother is already dead

K: oh sorry

DB: when I was 4 years old an accident

K: ok

DB: then my farther is... used too...shame! used to say I was the cause

K: ok, he doesn't do anymore? Still?

DB: not any more

K: so when you grew up, it was a poor family?

DB: yeah

K: Now we will talk about what happened during trafficking, ok?

DB: ok

K: Who introduced you to go outside from here, and for which purpose? There was an arranged marriage?

DB: My aunt, it means my mother's younger sister. Told me: I have no daughter, so I will make you my own daughter. Then I trusted her, and went with her to the city of Lokhana in India

K: then what happened?

DB: first of all I went to my aunt's home and stayed there for 1 year. After 1 year my aunt send me with my own family persons

K: yeah

DB: then those family persons used to carry her to their own home. Then they tried to get her to have sexual intercourse

K: hmm

DB: they said to her... they asked me to have sexual intercourse and but I refused. Because I refused to do that work, they tied my legs and hands and said you have to do that work and they even showed me a pistol

K: really?

DB: yeah

K: awful

DB: yeah

K: this was strangers? You were brought to strangers?

DB: yeah

K: by family persons?

DB: no only by strangers

K: yeah

DB: yeah

K: but her aunt took you?

DB: my aunt pushed me to do

K: ok, and how old were they?

DB: they were 25-60 years old

K: ok. yeah of course if there is something you don't want answer, you just feel free

DB: pardon?

K: If there is something that she can't or won't answer.. you know?

DB: eh

K: feel free

DB: they used to say that... don't say anything about this time to anybody... that will be bad for you. They used to threaten her

K: ok. How long did this happen? For how long time?

DB: they used to do that up to 2-3 hours everyday

K: how many years?

DB: up to 2 years

K: 2 years?

DB: yeah up to 2 or 3 hours every day and I stayed there two years

K: how old was she at that time?

DB: At that time I was 20 and stayed there 2 years

K: ok

DB: first I got married when I was 12 years, then I got a baby, and after getting a baby, my husband didn't want to stay in marriage. My husband abandoned me. Then I had to stay in my fathers' home and at that time my aunt came.

K: ok. what about the baby?

DB: my baby is now in Kathmandu and she is going to school

K: I see

DB: her farther is working there and looking after the baby

K: ok... so how did the aunt treat you?

DB: she treated me very badly after. Before she treated me very nice, and then when I knew that my aunty was doing like that! They forced her to do sex work and treated her very badly

DB: yeah right now she is in prison

K: in prison?

DB: yeah

K: ok... so how did you get out if this?

DB: yeah my aunt had carried two other girls with her, together

DB: then she has got convicted to do 38 years in prison.

K: 38 years?

DB: yeah, when they knew about the information, that her aunt is doing like that and she was kept in a room. And then they got 2 girls from the room

K: 2 girls?

DB: when I came there - at that time I just wanted to run away from there. At that time my aunts son used to beat me, you must do this work, you have to stay here! Like this, my aunts son used to beat and scold me

K: ok.

(it is quiet for some time)

K: if it is too hard to talk about or if you want a break you just...

DB: yeah

K: so

DB: yeah I think she is a little bit crying, having difficulties

K: now you are married?

DB: she is not divorced

DB: yeah she is married but not divorced

K: so how is life now? Are you staying at home? Grihini? (Means housewife)

DB: now she is just working at a hotel

K: ok hotel

DB: yeah, she has got a job - she is working at a hotel

K: ok, can you try and explain what happened when you were rescued? When did you came back here and what happened?

DB: she came from there and first she told everything to her family, her brothers and sisters

K: yeah

DB: Maiti Nepal found her and she informed her family first and in her society they... everyone gave information directly to Maiti Nepal who found her and made her secure

K: ok, so did they react to this?

DB: they reacted informally - they didn't say anything about...they didn't want to face any kind of investigation

K: ok. what about people here, the community, did they know about this?

DB: her community knew everything but no one supported her

K: no?

DB: yeah

K: ok, how did the police treat you?

DB: yeah she is just saying that the police treated me well

K: ok and the police arrested you aunt right away?

DB: yeah right away

K: after the family told about?

DB: yeah

K: ok

DB: the villagers informed Maiti Nepal, and Maiti Nepal informed the police, and immediately went to the police together

K: ok

DB: yeah

K: so they went to India?

DB: No! When she run away from there, her aunt was following her. She arrived here midnight, almost midnight... at that time she went to her home and she informed all her family and her family informed all villagers, and the villagers informed the Maiti Nepal, then Maiti Nepal informed the police and the police arrested her

K: I see

DB: yeah

K: what about when you got here, what happened here? How did the Maiti Nepal counsel her? What did they counsel her to do?

DB: first of all Maiti Nepal verified me

K: yeah

DB: told her everything will be well. Not to worry about your... we will help you!

K: so how did they help her?

DB: Maiti Nepal helped me with many things. Like having... all kind of recommendations was provided for me by Maiti Nepal. Then Maiti Nepal checked my health condition, and said isn't my fault! I have no HIV, so that is good.

K: yeah

DB: but she could not pee, and they found many other problems

K: ok. Did she stay with her family when she got back? What about the case with your aunt, did she go to court right away?

DB: her aunt didn't go to the court

K: she went directly to prison?

DB: Maiti Nepal caught her here, and they send her to prison

K: ok. Do you feel that justice has been made, now that she is prison?

DB: yeah, just she is feeling that! She got justice from the court and by the efforts of Maiti Nepal

K: Did you get any compensation?

DB: china (Nothing)

K: but they helped her with a job?

DB: yeah, I haven't got any compensation by others except than from Maiti Nepal. Everything has been done by Maiti Nepal. She says that every problem has been taken care of by Maiti Nepal

K: ok

DB: I asked her that, how do you feel about your family, do you love them? She says that I don't love them

K: she don't love them?

DB: yeah

K: not her farther, sister and brother, she don't like them?

DB: yeah, when they treated her very badly she don't love them

K: alright

DB: just she saying that, when she was sold there... at that time

K: so her whole family was involved? her father?

DB: yeah her farther also took some money. It means that her aunt send money to her other family members also. That is why her family members also didn't help her, when she came back to Nepal

K: when she came back here

DB: yeah

K: ok, I thought the family went to the Maiti Nepal and told them everything?

DB: not actually her family members, but villagers, her community informed the Maiti Nepal

K: ok

DB: because of the given punishment to her aunt, her farther also got angry against her

K: against her

DB: yeah it means farther is against her

K: and the brother

DB: her brother just helped her a little bit, but her sister in law was also against her. After she came back to Nepal, at first all the villagers did not speak to her. They used to hate her, but they are slowly making a relation - what was done before

K: yeah

DB: and my uncle is beginning to speak with me

K: ok

DB: I am doing to behave like villagers

K: ok, was the uncle also involved in this?

DB: they were all involved in it

K: they were all involved?

DB: yeah

K: so they all made money out of this?

DB: yes, my own farther is saying that he don't know me. He is saying I am not his daughter

K: So how is it now? How do you feel now?

DB: Yeah I am feeling good right now. I am very happy with her (Maya from Maiti Nepal). I don't have my mom and dad, everything is her, that's why I am feeling good, I am happy now

K: and the job at the hotel - is it good?

DB: yeah, I am working at Hotel (deleted) as a housekeeping. I got a job, that's why I am happy

K: The first question is - do you make good money and the second question is what about your husband?

DB: I don't want to meet my husband because, he got a second marriage, after getting his second marriage, I don't know... we do not have any kind of contact or relationship

K: with the first husband

DB: with the first husband. Now I am taking a renting, taking a room as rent outside here, I am just staying here, and used to go to work, and I coming back and sometimes I will come here

K: ok, you lives with a second husband now?

DB: no I am not married

DB: only my husband has got a second marriage. I am staying alone

K: ok I understand

DB: I had one offering to marriage me, but I am not taking it. I am not going to get married now

K: no of course

DB: her husband has got a younger daughter now and she doesn't want to meet him

K: thank you very much for wanting to do this interview and I am very sad to hear about your story, and I really wish that everything will turn out for you.

DB: Thank you! Now I do not have any kind of problems. I only have got my daughter and she has just started second grade in school. So now I am just facing a problem, how to provide education for her, it is my big problem. I am sending some kind of help to my daughter

K: I see

DB: she is living with her farther, and what will he do with my daughter, such problems I am afraid of that

K: ah, that's problem, and you can't really do anything right now?

DB: yeah right now I can't do anything

K: do you know how the farther treats the child?

DB: my child is staying with her farther

K: ok

DB: its fine?

K: yeah I think its fine

The interview stops

Appendix D

Interview with governmental lawyer (Prahad)

A short introduction was made about my background, and that I was doing internship at PPR. Beside this, it was mentioned that the collecting data would be used for this master thesis.

K: I will start with some background information about you, so what is your name?

P: Prahad Lalsalma

K: how old are you

P: 43

K: how many years have you worked here?

P: I am working as a government attorney for 14 years for here for 4 years

K: 4 years

P: yeah

K: I see. So this government

P: yes

K: can you make a description of this place? Of your cases, of what you do?

P: yes, this district is Makwanpur, and here are so many cases. Most of the cases are girl trafficking here and others are (missile?) and thefts like this. And other is road accidents.

K: I see

P: most of the cases are here in Hetauda, we get such type of cases

K: so most of the cases are girl trafficking?

P: yeah girls trafficking. It is also one of the worst districts, just like Manpur, Chinupatur and Nangakot these are the places where the girls are send to India. Most India.

K: yeah and the Gulf countries

P: yeah, the Gulf countries are very little. Gulf countries are not so... Only one case have been introduced here, from the Gulf countries, but most of the cases are only to India

K: only to India

P: India

K: how many cases do have here would you say?

P: yeah but we have to see the cards, then after I can say the correct number

K: ok, but it is a lot of cases?

P: lot of cases

K: ok, so what... how do work practically with trafficking cases?

P: little by little. First information report... police gets the first information report, then the victims come here, either victims or the informer will come to the police. If victims complain there, then they will take the statements from the victims. Then the statement will be send to the court, and they will attest that victim's statement, then they will start further investigation process, just like they will start the convict. If they arrest the convict, the convict will take the statement from the convict. Then the police will bring the convict to the governmental attorney office and the police will take the statement from the convict and we will attest that statement and other further investigation process will when we face convict and the file will be brought here weather to prosecute or not we will decide'

K: and then you'll go to court?

P: then I will... If they are is a lot of evidence to prosecute him or her, then we will make the trail set and we will go to the court

K: ok, and how is it in court? How do you practically work in the court? How do you work with the cases in the court? How long time does it take in the process?

P: if they convict will arrest, then we will complete the trail in 25 days

K: 25 days

P: yeah, we have the right to take the convict on the police custody only for 25 days, not more than 25 days

K: ok

P: within the 25 days we will complete every investigation and we will send the court

K: so what happens, it has to be 25 days. What happens if there so many evidence...?

P: it is up to the evidence, if the evidence is enough, just like the victims pointed him or her that he or she send me to India, take me to India, just like if she pointed out someone, and the people who are near the... about the village or near the victims... people near the victims, where the victims live, there are a lot of people, and we will take their statements also. Then if they said that he said that girl went to India, then that is the validity of the evidence is depending on the... especially what type of cases is that

K: yeah of course

P: yeah

K: what about difficult cases? When you need to investigate...

P: sometimes, one persons said that he has taken me to India, sometimes said, the victim said, sometimes said, not he, but he has gone, another person too, yeah sometimes they give that kind of statement, and there will be some complications

K: yeah

P: the investigation is depending on the specific case, what type of case that is

K: so you need to find those persons, to get information about a person

P: but most of the... if the victim said that person, the persons send me, take me to India, if he pointed somebody then that is the most validity. That evidence is most validity. We will take that seriously at that time. If the victim said that he or she took me to India then that is a very direct and very important evidence

K: yeah

DB: if the victim pointed to somebody that is enough

K: that is enough

P: that is very, lot of that is... if **(subsabel? 8:51)** that prevailing law, now we have the prevailing lawyment trafficking law, that has come after last year, before that we had another trafficking law. That type is brocation already, and now a new law, last year introduced. That facility of that law, id soult that kind of crime to somebody, then the process will further, will run with his... in prison. First we... in prison ment. If we solve that type of crime to somebody, someone. Then first you send to the **(del? 9:49)**, then further court proceeding will start

K: ok

P: first of all we will decide whether to send somebody to jail or to free him on the bail, first we will decide. But this type of case, human trafficking this is very serious; we are taking this very seriously

K. yeah

P: then when we charge him, the first we put him to jail

K. so he can't escape

P: yeah, that law permit us to send him to jail first, if we will solve that type of crime

K: so that is different between the old one and the new one?

P: yeah

K: could explain more about the differences?

P: and further born approved goes to the first set. Born approved you know?

K: yeah

P: born approved all kind, ordinary crime, we... born approved is... goes to the prosecutors or government side to prove the crime. But sometimes the... but in this human trafficking case, this is essential to prove this crime, but if sometimes he should... he have to burden... lawyer have to burden approve on his fact

K: of course, he has to prove he is innocence

P: that he is innocence... we will prove first, then I did not do that, this will be proved

K. yeah of course... could you make a description of the survivors, the victims you dealing with?

P: yeah victims are mostly are very poor families, coming very poor family and persons are send to South India mostly from here

K: yeah

P: the very little are send for prostitution also

K. ok

P: then the person will tell this family, her family that she will get basis school, she will get good cloth is she goes to India. Everything will be fine if you send your sister, you send you daughter. First they will convince this family, her family to send her

K: ok. Is it people from outside or?

P: Outside and inside too

K: yeah relatives

P: yeah both, but some linked will be better, to her family or to the victims, some linked will be better, either the person will be outside of this district or inside the district. But some link will be better. If he is outside, then his whereabouts (13:11?) of someone will be heard, and he will make contact... then they can make...

K. yeah its awful cases... How do you work with the survivors? Do you have any psychal social training? When you speak with survivors do you some kind of psychal social training?

P: yeah, some girls I've got... some girls are so psycho too. Because she said I did some type of work, very hard work or some girls said I have been made circus workor other very bad pickment, sexual harassment and sometime they make the sexual relation too. Yes very miserable! If you get contact to survivors, then stories is very miserable

K: yes we talked with a person yesterday

P: yeah sometimes I have got one...

DB: ?

P: I have got just like one family... three girls. From one family three girls, have to be send to Indian circus

K: ok

P: and one died there and two have been rescued to Nepal and when I listened to her story, then I was so emotional

K: what was the story of them?

P: I have told you that the sister died, I have some type of person who made sexual relations with me

K: ok, yeah that was wanted to know about... so they were exploited sexually and in circus as well?

P: yeah

K. how old were they?

P: when the girls... most of the girls who are send there are I think it was 8,9,10 years. Just like below 14, below 14 most of the girls

K: ok, very young

P: yes, when they were rescued, then the highest was only 21,22,23,24. After 7-8 years they have been rescued

K: really

P: yeah

K: wow! That is many years of exploitation

P: yeah! If you need to make story, if you like to listen to the stories of the victims, then you can, you lawyer is also, we have a lot of files here, many stories.

K: yeah I would like that

P: many files, many stories. What was her statement, what was her story. You can get from the files

K: ok, I would like that very much

P: sometimes girls are.. victims are

The interview was interrupted for a while. P brought some files of trafficking cases.

K: so should we continue the interview

P: yeah

K: so I was thinking, could you tell me the differences the old law and new law of trafficking?

P: yeah

K: what are the major differences?

P: the major differences... there are some differences, just like I tell you, now the distributing alaw us, permit us, if we charge somebody then first of all we should send him to the jail. The first process will start, there is no bail now. But a redacted law....? But older law did not permit us to send first, if you charge somebody with a crime, then first you evaluate the (24:32?). If there is enough evidence you send them to jail other vice you late him go on the bail – the older law. It did not permit us... if you charge somebody, someone on human trafficking kind, you can't give him bail. You can't leave him bail. First you send him to jail. The distrunting law permit us. But older did not

K: that is the major difference

P: yeah, and another, this new law allow us to give compensation to the victim of the charge of human trafficking

K: yeah

P: but older did not

K: what kind of compensation?

P: this is not any measurement, its up to the court. Depending on the court

K: yeah, and the criminals

P: The criminal's property is depends on how much he rich. If he is poor, if we charge him, you have to pay three lack compensation, then how does he pay?

K: yeah

P: that is why it is up to the criminals' property

K: yeah, I would like to talk about societal problems

P: society

K: yeah what do you see as....

P: we are not monitoring the societal problems, she is facing, we are sort of concern to that part

K: what about the process when you investigate the cases, you already mentioned something about that. What happens before, during and after with the survivors?

P: the process... who we treat them? The offenders and the victims?

K: yeah but more about the process the survivors are going through

..... (Translate?)

K: what about the traffickers? Where and how do they operate? You are dealing with criminals. Which methods do they use?

P: yeah we will treat them like innocence before probing the guilty. At that time he is subject only. When he is probed guilty, before probed guilty he is an innocence person and we must regard his human rights. We have been started from the... we started from our attorney office, that we have treat him humanly, we have to treat him respectfully. First of all I will ask the questions. Sometimes we said very hard full, but very little time. If he twists us, at that time we say you have to say it right

K: ok

P: yeah, then all together we will treat him respectfully, we will respect his human rights

K: yeah ok

P: we will give him seat; first of all you sit her, when (31:08?) will come the he will sit here and we start the questions respectfully and police are like this also here

K: is it sometimes difficult when you what he has done? Is difficult to keep the professional distance sometimes?

P: yeah sometimes it is very difficult, but we will always put our mind that have to treat subject humanly and respectfully. We know we have to do that

K: yeah I understand. Could you tell me something about the sentences. The different cases. Different people involved

P: different people involved

K: yeah what is the typical punishment? How many years do they get?

P: yeah sometimes it goes to 20 years, 10 years

K: between the old law and new are there are any changes?

P: old law and new?

K: yeah about trafficking?

P: yeah

K: are the changes in... ?

P: something... I've have already

K: yeah I know that, but have the length changed?

P: no no there are some linkage. The new law says that if you have completed some work from the new law that is legal. That has been written in the law. You have done everything from new law, according to the new law, that is right, that is lawful.

K: yeah

P: that is mentioned in the new law. There was a old law, we do we need a new law? You quarried that?

K: yeah

P: Old law I have mentioned you, I have said you that the old law is already (?) The state is convinced that the some type of crime should be taking seriously

K: they didn't take it seriously before?

P: before it was a little bit flexible, just like I have said. If we charge somebody, first you put them in jail; the law permit us, but old law

K: is it a more restricted law?

P: more restrict law yes

K: I see

P: just like compensation, in the old law there was not compensation provided, but new law compensation has been provided, because we need the compensation too, because of the... for the victim

K: yeah of course

P: but old law there not compensation provided. Because we have always taken a criminal justice system. We should give justice to the criminal. We said already that the criminal justice system. But now the faith is done, we should provide justice to the victim too. So that the victims property. We are starting to think, when we make new law, there is always the provision of victims now. New concept have been introduced to the new law

K: I see

P: yeah, but old law you can not get victims assistance and victim consultation. You get very few laws there have been constituted victims compensation. But new you get!

K: yeah, that is a way to enable to create their own business, you know recovering. They may have a future, to make their own business, if they want to make their own business

P excuse me

K: what I mean is that if they get money, they may have chance to do something

P: yeah the victims yeah

K: yeah

P: lot of options she will have, a lot of doors are open. Other vice the poor family how will they survive society

K: yeah, what do you see as problems when they come back? Like stigmatization, from the community, do you see problems?

P: Though I have not studied that part, but I get some society just like the (northern belt?). That so society hate such a person, but when you go to a southern society where there is a low awareness there. But there society there is... upper cast live here. Their society is a little more harsh. And they will take, they are taken very meditative way with such a person

K: yeah. What about the Maoist conflict? You had many years of conflict. How has that affected trafficking? In your cases

P: during the period of the Maoist conflict the cases were not reported here enough

K: no

P: no, very little

K: yeah

P: only two cases were reported

K: I see

P: we have not worked about 2,3,4 cases were reported monthly, different kind of cases, not only the trafficking.

K: why do you think it is so difficult to prevent human trafficking?

P: this is a wired question, it needs a lot a of research also, but first of all we need to create awareness program and then a little education should be provided. Then economically we have to uplift that society, the girls who are send to India to trafficking just like. We have to uplift economically that is also very important, because all of the girls who have been send to India, all are from very poor families. First we have to uplift her families, so that have to start... business, we have to start various types of incardinating program we have to introduce. That is why economically their family will be uplifted

K: you had a lot of development problems here?

P: yeah

K: in Makwanpur

P: yeah

K: could you tell me something about that?

P: just like, there is no girl who have been send economically high family has not send her daughters or sisters to India. You can not get any cases. All the girls are from poor families. Very poor families

K: yeah, what about middle level?

P: middle... I have not got middle families also

K: no, you industry here

P: yeah

K: it collapsed during the conflict right?

P: yeah, you have so many industries here in initial area, a lot of industries over there have collapsed, so many industries have (43:49?) these days also

K: also these days?

P: yeah they have not been open. Because of many crises they are facing, some type of the middle production, electricity, engineering problems. 40-50 industries is there, and only 32 industries are running right now

K: what do they do there? What do they manufacture?

P: just like dirty industries, just like (sapa?) beer, cement and rocks industry

P: the old law on human trafficking was made in 1985/86

Appendix E

Interview with policeman

DB: I am a guard border, then my profession is assistance from such, and I have worked for 8 years

K: could you make description of what you do here?

DB: yes, especially the police are working like that, the main task of the police is to maintain peace in the whole district. The second one is directed to criminals. Then the next one is the criminals to punish. Before the court, different kind of court used to give punishment to the criminals

K: ok, so about trafficking cases? How do you work trafficking cases? Do you work with them?

DB: yes he has done

K: what is your experience?

DB: there is an industry. that is called Haman. In this kind of community, many of the farmers communities have many different cases of trafficking, mainly there. The women of the communities, the traffickers used to trick them, so called marriage, so called visiting a job, or other kind of opportunities for a new life. Then carry out from here, then these sort of information they got by other vice where everybody is... at that time it is possible to go themselves... especially the police... it is possible they go there themselves... but it is not possible to there, they cooperate with other NGO's like Maiti Nepal

It takes times to prepare. Then there is a next, one foreign is not to hear, especially for the lawyers. The lawyers are cooperating with them, especially many are working on these levels, I am also supporting them strongly

K: ok, so when you do rescue or is it normally NGO's who proceed to the rescue?

DB: once upon a time I got information that a human was missing. Then I went to Kathmandu and came back here (Hetauda) where I got new information that they had already reached "hedurang"

that is near the border to India. Then immediately I followed them and succeeded in rescuing her, and arrested the criminals also. They we got here, and the criminals were send to jail, and they are still in jail now.

K: ok. What kind of methods do you use to investigate on human trafficking?

DB: yeah, we ask the criminals in trails what happened? They seek typical destinations for the criminals. They ask the source, and if we find the criminals we arrest them. We keep them in the custody. But we have to get permission from the court to keep them in custody and usually they accept. And during the investigation, we keep the name of the victims secret, and their friends and family also for the protection.

K: ok

DB: after they are in custody we start the second investigation of the criminals. Then I begin this sort of work. I ask them from where, when? Among the criminals some have run away. If they are not arrested yet, but we should arrest them all the time. I have also investigated one the was victimized. The victims cannot stay in the community, we call other organisation such as Maiti Nepal. Then they come here and the victims are send there.

K: ok. Do they go immediately or to the family?

DB: first we will try to send this women. If it is not possible we call NGO's.

K: who do you collaborate with?

DB: they collaborate with the Indian police. There are similar organisations in India. We have a good relation with them. Like Indian police, military,

K: ok. Can you try and describe the survivors are going through?

DB: if a criminal is a lady, the police sends lady police to investigate or visiting. They send women's office or women police.

K: ok

DB: in the context of the criminals. they question in a good way at first. In the context of the victims they request for real information. There is other criminals also. If you help, if you give us real information, it should help us to reduce the criminal cases, and arrest all kind of criminals.

K: ok. Can you describe what kind of operation you do?

DB: the criminals comes in different sizes. Some criminals are very normal, but others are very hard. Some criminals that comes here are very hopeless. What am I suppose to do? They feel very hopeless. At that time we only request for facts. But with hard types of criminals, we have to use hard words upon. Just words only, no beating, no torture.

K: ok, what about the victims? How are they treated?

DB: we will request for the full name at first. Then we say to the victims, we will arrest those criminals and punish them. If they are normal, we receive all kind of information. We will ask; what happened in the past? Just think about the future. We would like to help you, but we have to ask you. We treat them like this in the proceedings.

K: ok. Have you had any psychosocial training?

DB: we have not been given psychosocial training up to now. We are not given psychosocial counselling either, but if we think so, will give gladly. We will carry her to anywhere. Give her any permit, anything. we gtry like this, but we do not give psychosocial counselling.

K: ok

DB: sometimes we use to dramatise... we have already women police here. Look at them, they are also victims. How they are very happy. Like them, try to be... you should change like this. Your lifestyle, your everything. You can forget you are a trafficked girl, forget what happened before. Like this we treat them.

K: ok. How are they when they come here? What kind of shape are they in? How are they mentally and physically when they come here?

DB: it depends on the size of this. If they have been in prostitution she has more physical problems. If they are from any other kind of exploitation, they have more mental problems.

K: ok. What about children?

DB: especially the children, they are actually not very mature. That is why they don't do anything. they are traumatised. When they are rescued from there and they arrive here and they only know that we are in a very risky place. They feel so at this time. Then from here, the mental programs start; What happened? What do we have to do? They feel like this. Then they are send back also.

K: ok

DB: in the case of children, there is no difference in physically or mentally to adults. Both have similar problems.

K: ok. What is the typical case for women and children in terms of trafficking?

DB: the women's are brought into prostitution. We have many cases of trafficking. The children are normally traded to circuses. The girls or infantile children. But with women they are carried to the prostitution centres. They are already mature, that is why are thinking about the society and their family and their future life. That is why they become very sad or they have more mental problems.

K: ok. so children recover quickly than adults?

DB: yeah

K: ok. What do you see as major challenges of preventing trafficking?

DB: the main challenges of preventing trafficking is the awareness

K: Awareness?

DB: yeah. In the case of the villages, they have no awareness. But what do we have to do or not to do? they have no awareness. And similar they live in poverty. Because of the poverty they are compelled to do everything. They are compelled to go anywhere for other opportunities.

K: ok

DB: then the next one is educationally. Education is next challenge. They have no work, they have their own god. and not any kind of education, or about trafficking, the law or about human rights. security. They do not have any kind of education, that is why they are trafficked. There should be some kind of awareness program in the remote areas of the villages. These sorts of awareness programs should be at the grassroots level.

K: I am also thinking of the development, what is the major problems there? like electricity and so

DB: there is no problem with electricity. Radio's are actually broadcasting many kinds of information about education. But they don't give information about trafficking. That is why it's better that NGO goes and makes awareness programs.

K: in the beginning you mentioned a specific cast that is vulnerable to trafficking. Can you explain a little bit more about that? it's very interesting. Is relatives involved more in that cast?

DB: of the total population - 60 percent or 68 percent is in an individual cast called the Tamang. 68 percent of Tamangs lives in this district. Beside that they are not literate. Their literacy is very low and they are very poor. That is why they are discriminated against, from other and higher casts. Tamang is a kind indigenous cast.

K: ok

DB: those cast are very high here

K: ok

DB: they are from the hill area

K: ok. who do the police and the court collaborate?

DB: we have no good relation for the special case on victims. we have a personal good relation. but in the context of a special case we do not have a good relation. They punish the criminals. But their duties is to defend the criminals.

K: yeah everybody has that right

DB: yeah

K: ok, maybe we can talk about the survivors. Do you see if survivors are becoming re trafficked?

DB: only 10 percent of the community is able to go there. Other vice all people are stigmatizing them. In the society, they hate like this, they are just using bad words - you are a prostitute. They tease them. Like this they stigmatize in the family and community members also

K: is it because the relatives are involved in many cases that the environments is like that?

DB: first of all the community subtype the survivors, they have already got diseases like HIV, that is very bad. that is why it is better to keep them away from the area or from this community. That is why they dislike the women or those survivors. They are always saying that she is bad. She has been there, she is like this. Then listening and resettling the family members also. They are scold by the community. All are hating us, why are you having that sort of women in your home? so indirectly they say it is better to go anywhere, but they do not have any kind of idea where to go. So they have to face many kind of problems in their own family or community.

K: so because of that it is difficult to get jobs or an education?

DB: yeah it's very difficult to get employment because of that

K: also because the employers stigmatize?

DB: yeah he is stigmatizing them, that is why it is difficult to get a job

K: do you see any lacks about the law?

DB: sometimes it is difficult to use the law practically. I can give you an example. Let's say I am a criminal. They have to arrest me. I am a criminal but I have family and small kids in home if you arrest me. What will you do to my kids. they cannot have anything, they cannot do anything, they cannot get a good education. That is why in the real case the community is like this. These are criminals and everybody knows about him/them but they cannot say anything about him. He is a criminal. This type of criminal is just staying with us and if he is arrested his children will die. That is why they protect. Like this in the using of the law it is a problem practically.

K: so...

DB: yeah they don't arrest him or he is released. It is a problem to the using of the law. It is problem in the community. They have seen everything about him, so the community don't provide any information to the police. But if the police gets any kind of information they arrest in anyway.

K: ok I think we are good

DB: ok he is just saying thank you for visiting, I am very happy to give you any information about this.

The interviews stop

Appendix F

Interview questions for lawyers

Background info

- What is your name? (Do you wish to stay anonymous?)
- Age?
- Which part of Nepal's districts do you work in?
- What is your educational background?
- What is your profession?
- Could you make a description of your organisation/workplace?
- What is your main field within practicing law?

Trafficking

- How do you work with trafficking issues within the law (in court through Conviction of traffickers - defending victims? Or do you work with governmental sets of law?)
- What is your experience in working with trafficking issues?
- How do you concrete work with victims?
- How do you concrete work with convection of criminals/traffickers?
- What is the typical sentences/punishment for traffickers?
- Are there any lacks/loopholes within the law on trafficking?
- What are the social, economic, cultural and political factors that may enable human trafficking of all kinds?
- What sort of development problems do you see in Nepal or do you think this influence trafficking? (Poverty, literacy, gender, race, lack of education, & employment opportunities = migration)
- What do you see as major problems of trafficking
- What is the typical destination for the victims?
- Could you describe the process the victims/survivors are going through? (Before, during & after)
- What happens with the victims of trafficking, when they return to Nepal?
- What sort of challenges do victims face when they return to Nepal?
- Are there any kinds of stigmatization within their own family or the local communities when victims return?

- How do victims become reintegrated in their family and community?
- What sort of rehabilitations opportunities is provided for victims at the center?
- What sort of services/counsels do you provide for victims?
- Can you monitor the affect of the rehabilitation center? What is working & what is not?
- What do you see as major challenges for rehabilitation and reintegration of victims?
- What are the major challenges of preventing trafficking?
- The decade of conflicts – how do you think it has affected trafficking? (Conflicts between Maoist insurgence and governmental forces)
- Are there any other conflicts (in your district) that may affect trafficking?
- If so, can you please give concrete examples of that

Appendix G

Interview questions for Mighty Nepal/Rehabilitation center

Background info

- What is your name? (Do you wish to stay anonymous?)
- Age?
- What is your profession?
- What is your educational background?
- Can you please make a description of your organisation and the rehabilitation centre?

Trafficking

- What made you get involved in human trafficking issues?
- What are your experiences working with human trafficking issues? (can you give some examples of your tasks)
- What are the social, economic, cultural and political factors that may enable human trafficking of all kinds?
- What sort of development problems do you see in Nepal and do you think this influence trafficking? (Poverty, literacy, gender, race, lack of education, & employment opportunities = migration)
- What is the typical destination for victims of trafficking?
- Could you describe the process the victims are going through? Before, during & after
- What sort of challenges do victims face when they return to Nepal?
- Are there any kinds of stigmatization within their own family or the local communities when victims return?
- How do victims become reintegrated in their family and community?
- What sort of rehabilitations opportunities is provided for victims at the center?

- What sort of services/counseling do you provide for victims?
- How do you concrete work with victims?
- What are your experiences working with victims?
- Can you monitor the affect of the rehabilitation center? What is working & what is not?
- What do you see as major challenges for rehabilitation and reintegration of victims?
- What are the major challenges of preventing trafficking?

Conflicts

- The decade of conflicts – how do you think it has affected trafficking? (Conflicts between Maoist insurgence and governmental forces)
- Are there any other conflicts (in your district) that may affect trafficking?
- If so, can you please give concrete examples of that

The law

- How do you concrete work with convection of criminals/traffickers?
- What is the typical sentences/punishment for traffickers?
- Are there any lacks/loopholes within the law on trafficking?

Traffickers

- How and where do traffickers operate?
- Can you make a description of who trafficker are?
- Why is it so difficult to prevent trafficking?
- What is concretely been done to punish these criminals?

Interview questions for the police station

Background info

- What is your name? (Do you wish to stay anonymous?)
- Age?
- What is your educational background?
- What is your profession?
- Could you make a description of the police station?
- What is your main field as a policeman?

Trafficking

- How do you work with trafficking issues within the law?
- What is your experience in working with trafficking issues?
- How do you concrete work with victims? (Rescue, counseling)
- How do you concrete work with convection of criminals/traffickers?
- What is the typical sentences/punishment for traffickers?
- Are there any lacks/loopholes within the law on trafficking?
- What are the social, economic, cultural and political factors that may enable human trafficking of all kinds?
- What sort of development problems do you see in Nepal or do you think this influence trafficking? (Poverty, literacy, gender, race, lack of education, & employment opportunities = migration)
- What do you see as major problems of trafficking?
- What is the typical destination for the victims?
- Could you describe the process the victims/survivors are going through? (Before, during & after)
- What happens with the victims of trafficking, when they return to Nepal?
- What sort of challenges do victims face when they return to Nepal?
- Are there any kinds of stigmatization within their own family or the local communities when victims return?
- How do victims become reintegrated in their family and community?
- What sort of rehabilitations opportunities is provided for victims at the center?
- What sort of services/counsels do you provide for victims?
- Can you monitor the affect of the rehabilitation center? What is working & what is not?
- What do you see as major challenges for rehabilitation and reintegration of victims?
- What are the major challenges of preventing trafficking?
- The decade of conflicts – how do you think it has affected trafficking? (Conflicts between Maoist insurgence and governmental forces)
- Are there any other conflicts (in your district) that may affect trafficking?
- If so, can you please give concrete examples of that

Appendix H

Questions for Survivors of trafficking

Background info

- What is your name? (Do you wish to stay anonymous?)
- How old are you?
- Where did you grow up?
- What is your family background?
- Did you go to school when you grew up?
- Do you have an education?
- Can you read and write?
- Do any of your parents or sisters/brothers have an education?
- What is the occupation of your mother/father/sister/brother?
- How was the financial situation in your family when you grew up?
- Have you experienced any conflicts in your area?
- Has it affected your life and your families?

Trafficking – Description of the trafficking process (Before, during and after)

- Who introduced you to go outside your village and for which purpose?
- Where were you trafficking?
- What happened when you got there?
- What kind of job were you forced to do?
- How many hours did you work per day?
- How many other people worked there? Men, women or children?
- How old were they?
- Where did they come from?
- How was the environment there?
- How did you get out of there?

After

- What happened when you returned to your village?
- How did your family react when you returned to them?
- How did the local community react?
- Did you tell your family what had happened? If so, how did they react?
- Do people in your community know about what happened?
- Did you feel some kind of stigmatization from people?

- Where you taken to a rehabilitation center right away when you returned?
- What happened when you got to the rehabilitation center?
- What sort of information was provided to you from the rehabilitations center?
- What did they counsel you to do?
- How does your future look like?
- Do you have a job?
- Would you like an education and is possible?
- Are you in a relationship/married?
-