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## **Growing phenomenon of human trafficking in Nepal**

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### **Introduction**

We can define human trafficking as an act that involves fraud, coercion, and violence to lure victims, man, woman, or children to the world of prostitution, forced labour and abuse in general. This has been a growing problem in Nepal for many years. In this essay, I will focus on Nepal as a whole, education in Nepal, the laws governing human trafficking, and how much these laws actually do or do not regulate it. I will propose my solutions and give an explanation to them to enable more people to get to know this topic more.

You must be thinking...what does human trafficking have in Nepal in common with food insecurity? Well, obviously these are both really different topics, however they have a lot in common. Food insecurity is an incredibly complex topic and in our world everything is connected to everything. So, I will try to give you an example. The social situation in Nepal is not good, people are not happy = the quality of livelihood and economics is getting significantly worse. Deterioration of the livelihood causes lowering the quality of education and higher vulnerability to frauds, for example human trafficking. All these factors will probably lead to the fact, that Nepalese economics will not be in a good shape and therefore the government won't be able to support all the people in the regions that are suffering from food deficit. The government also won't be able to fix all the roads, motivate its citizens to think about good and sustainable farming etc. It is only an example, but I hope that it is clearer now, why I want to raise this topic. I also want to make sure that people will try to look at the problems from not only one perspective.

### **Country and Family**

Nepal, full name The Federal Democratic Republic of Nepal is a country surrounded by the People's Republic of China to the north and India to the south, east and west (Food and agriculture organisation of the United Nations, n.d.). The population is 28 million people, and the majority of people lives in rural areas (79,85 %), only around 20 % of population lives in urban areas. We can divide Nepal into mountain areas, hills, and terai. Terai, area in the south of Nepal is a place with tropical climate and fertile soil (Nepal, 2021). Mountain areas are among the poorest as there is very rugged terrain and lack of infrastructure which makes it difficult to grow and import crops. The hill area is the most widespread in Nepal. Thanks to the large number of people living in rural areas agriculture is the strongest element of Nepalese economy, livelihood of up to 80 % of the population. The average farm size is 0.7 ha (about 1 soccer field), for example in Thailand it is 3.4 ha. The crops include mostly rice, grains, and corn. Despite relatively strong agriculture, the country is still one of the poorest in the world (Agriculture in Nepal, 2020).

The income of the average Nepalese is 236 dollars per month. For contrast, in developed European country as France, the average income is 3 670 dollars per month. It is estimated that more than 40 %

of Nepal (over 9 million people) live below the national poverty line. For someone to live below this line their income must be approximately 77 dollars per year. Poor rural households are given crucial support by family members working in cities or abroad. People suffer from problems with corruption, lack of food, money and quality jobs offers (Poverty threshold, 2021).

As far for the family as such, a typical one has three or four children, today even smaller families are no exception. For Nepalese, the family is very important, so they often live together in multi-generational houses. Access to basic things like electricity, education etc. is a bit more complicated in Nepal, the situation varies greatly on whether you find yourself in an urban or a rural area. In cities it is alright, but in villages it is worse. For example, if we look at electricity and its availability, it often happens in villages that the demand for electricity exceeds the supply and so these regions are often without power. Nepal however doesn't have such problems with clean water, they mainly use water from mountain areas, where it springs, therefore it is clean. The situation with roads is worse, about 60 % of Nepalese roads are classic ones with solid surface, but most of them connect only cities in the Kathmandu Valley. In other regions the roads are covered with gravel at best, in higher points they are very poorly maintained and driving on them is not safe (Zhevlakova, 2019).

Two factors, education, and health, care are extremely important parts of the quality functioning state and well-being of the population. Nepalese youths have access to education from public schools, but private schools are much better quality. They on average cost around 22 dollars a month per child. To us, this may not seem like big amount of money, but if we consider the monthly income of the average Nepalese and the size of the average family, along with usual expenses, we will find that quality education is truly beyond reach for many Nepalese people. For example, in a typical Nepalese family with 4 children and an average salary of 236 dollars per one parent, their education would cost 1/3 of one parent's monthly income. Although village children study, at the same time they must work at home (cutting grass, taking care of livestock etc.), they have almost no childhood. They often have to walk great distances to school, because there are not enough of them in many areas. This and many other factors that we will get to later cause the absence of quality and mainly complex education. Most children complete primary school, but only 27 % of learners complete secondary school, 15 % of secondary school aged kids do not go to school at all. This information originates directly from surveys organised by the Nepalese government and UNICEF (Central Bureau of Statistics, 2019).

Finally, health care, about 22 % of Nepalese people do not have no access to basic medical facilities. Most of them are located around Kathmandu, this centralization leads to other areas of Nepal to be neglected. Nepal is also suffering from a lack of basic medicines and poorly regulated private health sector. (Forsyth, 2020). According to the author, "Statistically, Nepal also only has 0.67 doctors and nurses per 1,000 people" (Forsyth, 2020).

### **Current state**

The data from 2018 tell us that in one year, 85 613 people have become victims of human trafficking worldwide. In Nepal, it was about 15 000 women, 5 000 young girls, 15 000 men, 35000 people in total per year, which makes 40 % of the global average (United Nations, n.d.). Victims from Nepal are plunged into the world of human trafficking in many ways. Some of them were trying to find jobs as workers abroad but ended up trafficked or raped in brothels and similar businesses. The others were just simply lied to and fraudulently got away from their families. Traffickers offer people well-paid jobs, which Nepalese people like to hear, mainly due to the food insecurity, lack of jobs and other causes. Traffickers are taking advantage over insufficient education of Nepalese and despair from the current situation. Some girls are promised marriages to rich men, and so their family allows it because

they want only the best for their child. But the opposite is true, girls often find themselves as maids, modern slaves, or sex workers. It used to be easier for human traffickers because the check-ups were not so extensive and the general public was not so interested in the subject, but now some laws and check-ups have become stricter. However, Nepalese borders with India are still open to free passage, which makes it easier for traffickers. There are random checks at the borders, but it is not possible to pick up every case. India is often not the destination country, the kidnappers often make false documents for victims and so they travel much further, mainly due to the fact that India has visa-free or visa-on-arrival travel to 59 countries, which makes smuggling to the other countries considerably easier. The victims are currently travelling to Arab countries or China, including Tibet and Hong Kong, but there have also been reports of abductions to South Africa and Korea. Unfortunately, many Nepalese girls do not even cross the border, and it often happens that the poor girls from underdeveloped areas of Nepal are persuaded to travel to urban areas and are promised a well-paid job. Instead, they end up as prostitutes in one of the hundreds of dubious businesses in Kathmandu. It is estimated that between 11-13 thousand girls, most of them minors, work there (Weinert & Weinert, 2018).

The situation is being dealt with much more than in the past, it is being addressed by the UN and nationally by many non-profit organizations that are actively cooperating with the Nepalese government. However, the Nepalese government seems rather benevolent in solutioning the situation. For example, the UN has a series of documents called Palermo Protocols, which include the Protocol to prevent, suppress and punish trafficking in persons. The UN has been pushing for ratification of this protocol since 2009, Nepal has ratified it no more than a year ago, 16.6.2020 (United Nations, n.d.). This eleven-year delay and the absence of these protocols, while the only law that regulated this was the HTTCA (Human trafficking and Transportation Control Act), made it relatively easier for the traffickers. The HTTCA does not criminalize all forms of human trafficking, for example, it has criminalized slavery and forced labour, but it has not criminalized the recruitment or transport of victims. It also criminalized forced prostitution, but, inconsistent with international law, required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking.

By signing the Palermo Protocols, Nepal has committed itself to complying with a number of rules that will help prevent and address this problem (United States Department of States, 2018).

### **Causes of Human Trafficking**

The inhospitable environment, food insecurity, weak economy, low availability and quality of education, low income, poor quality health care – all this and many more factors contribute to the phenomenon called human trafficking. Let's focus on the main ones. The trend of human trafficking is aided by the lack of education in Nepal, it often prevents children in poor rural areas from going to school because they have to work at home. Sometimes children have to walk long distances to school, and due to poor infrastructure, it is not easy to get there. These problems are mainly experienced by the children in rural areas, and that is where people are the most vulnerable.

Another major problem that rural areas experience is food insecurity, which in many cases is not only about how much money one has, but it goes further than that. I would like to highlight the above-mentioned infrastructure, people from rural areas have to walk a very long distances to get access to food and basic necessities of life. The reason for that is the lack of quality infrastructure and solid surfaces. It is about socio-cultural norms such as caste, religion, or ethnicity. Even though the Nepalese government has banned any discrimination based on the caste system, prejudice and violence against lower castes are still on the daily basis. There are four castes in Nepal, Brahmin, Kshatriya, Vaishya, and Sudra and then Dalits. Dalits stand alone, separated from the 4 castes, being called "untouchable", and standing lower than any one the four varnas. They face prejudices and are afraid to enter holy places and even ordinary gatherings. The most vulnerable groups in general are

women, members of the lower castes, children and the part of the population living in rural areas (Pandey, 2020).

## **Solutions**

This is a very complex problem, and it is not possible to propose just one solution that could change the entire situation. However, we can definitely gain victory with small persistent steps. In the previous paragraphs, we described the main causes of human trafficking, which includes insufficient education, lack of edification and prevention on the subject, outdated laws and an economy that does not provide sufficient support for people.

### **1) Raising the quality of education and awareness**

My first solution, which I would like to highlight is improvement of the quality of education and prevention of dropping out and raising awareness. Education in Nepal, although improving, is still insufficient. There is a lack of teachers, in rural areas even lack of schools, children often have no way to get to school and parents simply cannot afford to send them to schools. Education and the development of social skills in young people is crucial for their functioning in life and for the overall development of the state, as they are its future. We need to emphasize the prevention of dropping out and positive motivation of young people. The differences between families are significant, while the majority of the children from more wealthy households (96%) complete primary school, from the poorest families it is only 76%. Much greater differences arise when we focus on secondary education, as only 10% of children from the poorest families reach it, while from the wealthier families it is 59%. The children usually have to leave the school around the age of 10 so they can start working (Central Bureau of Statistics, 2019).

The first schools in Nepal began to be built around 1970, until then the education was the privilege of the richest class and thanks to this, the Nepal adult literacy rate 24.6%. A major problem is the lack of teachers and a poor curriculum, and since teaching is considered a “bad job” in Nepal, there is a lack of interest in the job, teachers are not motivated. And with bad teachers comes poor education. Education was also greatly affected by the 2015 earthquake. It was incredibly destructive, leaving 950 000 children without the schools they could attend, stopping education for many of them. (Zmarzly, 2019).

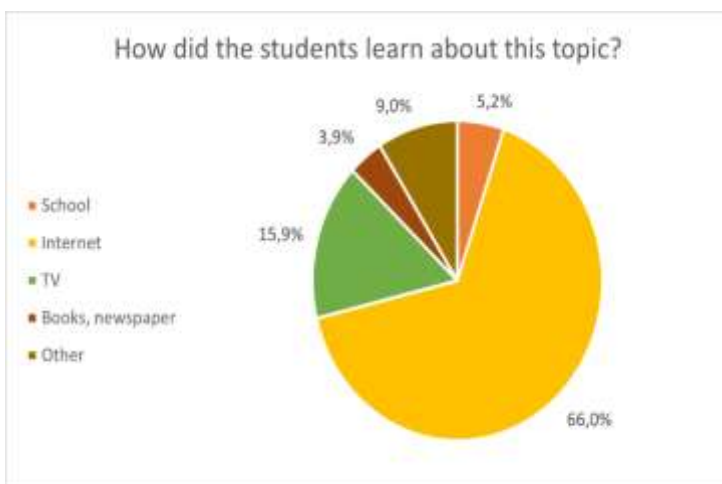
UN has a project called Envision 2030, a sustainable development agenda based on the principle of “leaving no one behind”. 17 goals of sustainable development have been adopted to change our world for the better. One of the goals, namely number 4, Quality Education, is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. I am referring to this because The Nepalese Government could certainly try to apply for a grant from the UN and create a quality campaign to recruit teachers into education. Moreover, also increase their salaries, make teaching a more prestigious job and improve education as such. And in addition, build more schools and qualify as many teachers as possible. Because these factors are the main problems in providing better education in Nepal – kids either don’t have a school to go or a teacher to teach them – but luckily all of these problems are solvable. If the three – the Nepalese Government, UN and non-profit organizations in Nepal come together and cooperate, aiming to improve children’s lives and the education as such, the situation in Nepal will improve much faster (United Nations, n.d.).

But what about people who don’t go to school anymore? We cannot give them the education once denied to them, we can, however, improve the awareness! If the Nepalese government communicates

sufficiently with the non-profit organizations (which it already does with many of them) and field workers, it can organize awareness-raising events. Promotion can take place in the media or, in the case of rural areas, through field workers. As a part of these actions, professionals will try to explain as much as possible the fraudulent practices of human traffickers, explain to them how to react if a trafficker wants to manipulate them and, most importantly, tell them that there is no shame in being a victim. To show that there is no reason for ostracism. Involve active victim assistance and subsidize support groups.

As for awareness, I would like to stay on this topic for a while. Awareness raising within the state is great, but what about abroad? For example, Amnesty International, the organization that holds the annual letter-writing marathon where people from all over the world write letters written by hand, these are all at the same time sent to authorities and governments of the concerned countries and there are so many letters that something has to be done. And that's how change happens, sometimes for the greater changes, not just the voices of people from their own state are needed, but also from abroad. Why do I say that? I made my own research. I made a questionnaire in which I asked 500 students from secondary schools and universities in the Czech Republic about their awareness of Human Trafficking in general. Despite the fact that the majority of respondents answered that they knew about the topic and had heard about it, in large number of them their answers are somewhat distorted. Students were not always able to describe the subject and it was clear that their knowledge of the topic is very marginal. A large part of them believes that it is only a matter of selling victims for their organs or to do involuntary work, only a small part mentions that the victims might act on their own, due to fraud.

The questionnaire showed that the majority (66%/ 307 people) learned about this problem from social media. Another relatively strong group are responders who learned about the topic through television and other media (16 %), the third spot is information from school (5%). 4% of students learned about the topic from books and newspaper. Students also mentioned movies, parents, and friends. Another interesting fact is that about 60% of students considered human trafficking a problem of only Third world countries. Students mostly agreed (approximately 90%) that they would welcome time spent on this topic in school. The answers show that they would like to know more, but it seems not to be always easy for them to put information together.



The data that I found through the questionnaire only confirmed to me that global awareness is just as important as the national. A quality-based awareness campaign can also be done in modern way, with the help of the media, celebrities, not only by discussions in schools. For example, in European countries EU could be funding for these actions under the Operational programme for research, development, and education.

## 2) Reform of the current HTTCA law

The second solution I propose is the HTTCA (Human Trafficking and Transportation Control Act) and the Palermo protocols. The HTTCA was implemented in Nepal in 2007, long before the Palermo protocols were signed. (Human Trafficking and Transportation (Control) Act, 2064 (2007), 2007). While it criminalized some forms of sex trafficking and labour trafficking, slavery and banned forced labour, it did not criminalize things such as recruiting, transporting, harbouring, or hiring persons

under violence. Also, fraud and coercion for the purpose of forced labour. Furthermore, it criminalized human trafficking, but in violation with international law, it required the demonstration of force, fraud, or coercion to criminalize child trafficking and therefore did not criminalize all forms of child trafficking. The penalties for these crimes are insufficient, for example, the law on child act criminalizes forced child labour and has set sentences of imprisonment of up to one year and a fine of about 440 dollars. These are not adequate penalties, and the law is no exception.

This is the fifth year that revisions of the HTTCA law to bring it into line with international law have been suspended. To reform this law to be in accordance with the Palermo protocols, in particular the To prevent, suppress and punish trafficking in persons, is more than necessary

### **Conclusion**

We live in a time when human trafficking (especially in Nepal) is on the rise, but our options are also on the rise. The important thing is that the problem is in the consciousness of people, even that is a small victory. Projects such as the aforementioned Envision 2030, efforts to reform Nepal's existing HTTCA law and the adoption of the Palermo Protocols are a major step forward. If the problem is talked about and the Nepalese government will become more involved and will be willing to cooperate with non-profit organizations, the situation will improve dramatically. There also must be grants to support education in general and awareness about human trafficking. As Nepal's living situation improves, so will education and caution, and people will prioritize working in their country and directly supporting the economy.

“Determination is nothing without dedication and hard work.” Eshraq Jiad

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