

## **GIRL TRAFFICKING IN NEPAL: AN OVERVIEW**

Due to a pervasive lack of female empowerment and an acute absence of overall awareness, Nepal is facing an enormous dilemma regarding the phenomenon of 'girl trafficking', representing a major crisis in the country, especially as the threat of AIDS is spreading in the Himalayan kingdom. Defined as the enticement or abduction of women and girls into prostitution, it generally entails their being taken out of their familiar surroundings, escorted across the border and sold to brothels, with the majority ending up in Mumbai's red light district.

Though actual statistics are hard to determine, the number of girls taken to foreign brothels may range between 40,000 and 172,000, with about 20 % under the age of eighteen or twenty. About five to seven thousand are said to be trafficked to India every year. In Mumbai, Nepalese sex workers are believed to make up half the city's entire brothel population, estimated to total 100,000. 70% are thought to belong to indigenous ethnic groups like Tamang in the majority, but also Gurung, Magar and Sherpa. The reasons concern the clients' preference for Mongolian features and the impoverished village backgrounds of members of these groups whose menfolk (particularly Tamangs) make up the majority of Nepal's backbreaking mountain portering groups. The largest number come from the districts of Kavre, Sindhupalchowk, Nuwakot and Makwanpur.

The extent to which especially the women (as opposed to the girls) have been trafficked with their consent remains open to conjecture (particularly considering that this is by no means a recent phenomenon). Though NGOs and human rights activists maintain that they are either abducted, having been drugged, kidnapped or lured through false marriage proposals or job offers, there is some doubt about whether this applies particularly to the women above 20, especially those rendered destitute by outward circumstances (widowhood or abandonment, for instance), as the latter may choose to go voluntarily. There are, in addition, women who belong to ethnic groups like Badis and Deukis, whose traditional occupation is in fact prostitution. Experience has shown that attempts to stop their indulging in this practice on their home territory on the part of police, has met with stiff resistance as they lack alternative means of employment, with some professing to prefer prostitution anyway since it is more lucrative than other sources of income. However, whether they have been informed about what exactly awaits them in the Indian brothels remains open to speculation: upon arrival at their destination, the girls and women are reported to be held under conditions tantamount to slavery, under a system of debt bondage which often stretches for 10 or more years. In the meantime, the women and girls are subject to rape, various forms of ill treatment amounting to torture, regular beatings to ensure their compliance, periodic imprisonment and, what is perhaps the worst violation of all, a good chance of contracting the HIV virus. Considering the nature of the phenomenon, what emerges as most surprising is the fact that those chiefly responsible for their trafficking are people they tend to trust like their parents, husband, relatives or friends. These are the people whom the local agents for the traffickers approach in the first instance and offer them a sum which can be as low as Rs. 200, so they may relieve them of what many rural people consider an additional financial burden (i.e., a female). Once at the Indian border, they are then resold to middlemen for Rs. 1,000 to 8,000, who transport them to the brothel owners in India for a sum ranging from Rs. 15,000 to 50,000, depending upon age and beauty, with virgins fetching the highest rates. The price paid for her, to which 10% interest is added, is considered to be the 'debt' which the victim is expected to repay through her work. However, the women and girls are usually totally ignorant about the terms and conditions of the transaction, and thus are fully at the mercy of their 'owners', who may even resell them to another brothel. Hence, they are not cognisant of the length of time it takes to repay their 'debt' and in any event, the brothel owner pockets their salaries, leaving them with meagre tips which they use for any expenses incurred. The brothel owners supply either one or two meals per day and are supposed to cover medical expenses and clothing, which responsibility they may, though, also evade.

It is evident that this system, along with the abuses suffered by its victims violates not only internationally recognised human rights, but also the laws of the two countries, India and

Nepal. However, neither government has shown a strong determination to put a stop to this phenomenon. NGOs have, in fact, discovered that in some cases, government officials, politicians and the local police either turn a blind eye or actively collude in it, either as customers or to protect traffickers. This has led to a situation characterised by the criminalisation of prostitution in which brothel owners are said to pay off the police through offering them bribes, especially to prevent them from raiding the premises in search of girls, who may be as young as 10 or 11. Thus, despite an increase in public exposure of this phenomenon on the part of the news media, through reports issued by NGOs and initiatives adopted, even in cases of identification of traffickers, they are rarely convicted. Therefore, it can be seen that the laws existing in both countries have been inadequately enforced or are in fact ineffective in curbing the practice of girl trafficking.

When it comes to Nepal, Section 11, Clause 1 of the Nepali Law Code stipulates that no one shall take any person through employment of temptation out of the territory of Nepal with the intention of trafficking. If he or she is arrested before the person being trafficked is sold, he or she is subject to ten years' imprisonment, but in case the victim is already sold, the culprit can be imprisoned for 20/25 years. If the victim's purchaser is found within the territory of Nepal, he or she will receive a penalty equal to that of the seller and those who have aided and abetted such a crime knowingly can receive half the penalty imposed on the main culprit. However, due to various extraneous factors like poverty, the prevailing caste structure, lack of identification of the real traffickers or their protection by official agencies, effective implementation of the law is still outstanding and the reported number of such crimes is still on the rise. The government acknowledged the problem of girls trafficking for the first time in 1989, stating that there were 200,000 Nepalese women and girls in the 'hellish brothels of India'. From 1960 to 1970, most victims were girls around the age of 18. But since 1970 this trend has taken an alarming turn, with most of the girls being said to be between the ages of 11 to 14.

What has actually exacerbated the lack of legal enforcement is the fact that officials have been attempting to label trafficking as a purely 'social problem'. This problem is compounded by the inability or unwillingness of the border police of both countries to put a stop to transborder trafficking. Once again, it can not be overemphasised that this phenomenon exists as part of a highly organised crime syndrome (which includes drug trafficking, smuggling, etc.) emanating mainly from Mumbai's red light district, in which both government officials, corrupt policemen and the brothel owners and traffickers play an invidious role. Thus, it can be concluded that the main onus of responsibility in this case lies with India's law enforcement agencies which should therefore, act to: 1. prevent the entry of women across its border for purposes of trafficking through apprehending and arresting the procurers and denying those trafficked, entry into India. 2. To safeguard the human rights of those already in the sex trade by repatriating those who wish to return to Nepal, ensuring medical care in case HIV is contracted on its territory and protecting the under-aged, whose numbers are growing. 3. To break the nexus between government, police and those in the brothel business and fearlessly prosecute the offenders. 4. To punish border police who support trafficking and train the force to combat its prevalence.

### *The Case of Nepal*

The greatest violators of human rights in Nepal are said to be members of its police force. There is no doubt about their complicity, too, when it comes to the trafficking of Nepalese females to Indian brothels. Bribes, for example, are regularly being paid, not only to local police officers, but even to government officials, as a "commission fee", to stave off prosecutions of traffickers. Together with trafficking to India, which is said to be increasing especially in Kathmandu (where many girls are recruited from carpet factories), Birgunj, Biratnagar and Nepalgunj, local prostitution is also on the rise, exacerbated by police and official (government) complicity. However, sometimes members of certain communities engaging in prostitution traditionally are being victimised by the local police to stop the practice, as the example of the Badi women shows. It has been widely reported in the news coverage (dated 2. Oct.1996) that women of the minority Badi community engaged in

prostitution in Gagangunj, the red light district of Nepalgunj, had threatened to hold a street demonstration in the nude. Their demand was for alternative employment or to be allowed to continue to practice the world's oldest profession. This demonstration was directed against the Social Committee there which had forcibly attempted to prevent prostitution for the previous nine months. The Badi women, consequently, were hard pressed to eke out a living and were therefore forced to resort to street action.

Overall, the kind of nexus pointed out in the case of India between the world of criminal and that of government officials and police, also seems to be replicated, though on a smaller scale, in Nepal. For example, HRW (Human Rights Watch) has compiled data from various sources including Nepalese NGOs, which directly point to a high level of political involvement, in colluding with corrupt police practices and especially, with girl trafficking. Very often, it was ministers or politicians who ordered the release of offenders held by police. In a particularly notorious case, the traffickers and brothel owners, both Tamangs from Sindhupalchowk district, were finally apprehended, though their sentences in this case have not been disclosed:

...Ranjit and Simla (Lama, a Nepalese couple, the former a trafficker and the latter, brothel owner in Mumbai) have been linked to public officials, who were reported to have intervened on their behalf after they were arrested. The chief district officer of Sindhupalchowk, Dhruba Wagley, complained to the press in September 1993 that a Rastriya Prajatantra (RPP) member of parliament and (presently Minister for Water Resources), Pasupati Shamshere Rana, and other local leaders were pressuring him to release Ranjit from custody. Wagley told a journalist with the Kantipur Daily that Ranjit had contributed five million rupees to Pasupati Shamshere's last campaign (The Rape for Profit, Human Rights Watch, Washington D.C., 1995, 60).

Interestingly enough, upon her detention, Simla Lama implicated her own uncle, Gyan Bahadur Tamang, as a trafficker by naming him as the person who had sold her to a brothel in Mumbai 25 years ago.

### *Prostitution and HIV*

The HIV virus which causes AIDS was first found in Nepal in 1986 among foreign tourists and Nepalese sex workers who had returned to Nepal from brothels in India. Presently, the World Health Organisation (WHO) indicates that there are more than 5,000 victims of HIV in Nepal alone, a figure which could climb to one lakh by the end of this century. Other carriers of the disease are migrant workers, the majority of whom go to India to work as labourers, watchmen and domestic servants. The men frequent brothels in India and thus carry the HIV virus back with them to Nepal. Amongst sex workers in Mumbai, state officials there have estimated that about half carry the virus. It is a particularly depressing state of affairs that, as reported by HRW, the threat of AIDS seems to have further increased the demand for younger Nepalese girls, who are sold as virgins and thus are considered bona fide 'AIDS-free'. This has led the traffickers to expand their area of operation to include girls from all localities and castes in their search for young virgins. At the same time, those who test positive for HIV in India are summarily dismissed and either stay in India to die (if they fear ostracism at home) or go back to Nepal, where they work on the streets or in brothels in Kathmandu or other Nepalese cities - that is, if an NGO does not offer them shelter. The HRW's report, though, indicates that, since the women and girls have no control over the condition or terms of work, they are thus not in a position to protect themselves from any STD, including AIDS. It states that young girls are especially at risk since they are even more ignorant about the usage of condoms and intimidated by the entire enterprise of sex work. Also, for physical reasons, they may be more susceptible to HIV infection, due to the fact that the mucous membrane of their genital tracts are thinner than those of grown women. The report concludes:

What emerges from the girls' testimonies is a pattern of transmission from male customers to young girls that calls into question the common perception that prostitutes are the "source" of HIV/AIDS. To be sure, once infected, the Nepali girls in the brothels are likely to infect their customers. But whereas their clients can choose to use condoms

or to abstain from sex, the women and girls have no such choice; they are captive partners (HRW,67).

The repatriation of Nepalese women involved in prostitution who are found to be HIV positive in India, critically increases the risk of HIV/AIDS transmission generally. With the rapid flow of information, fear of AIDS might also negatively effect Nepalese tourism, while tarnishing the image of the country. No matter how difficult and time-consuming the solution, the government must develop both short and long term strategies to solve this problem. It has become necessary to evolve solutions regarding all manifestations of the problem in order to try and mitigate the impact of an impending AIDS explosion. Thus, due to the threat of HIV/AIDS spreading in geometric proportions amongst South Asians, they have been jolted from a complacent stupor. They are now aware of this situation and of the grave threat it poses.

Besides the threat of HIV, the victims are subjected to a whole range of sexually-transmitted diseases which can be quite debillitating and usually encompass syphilis, chancroid, gonorrhoea, Donovanosis and venereal warts, besides herpes genitalis. A case cited by HRW demonstrates the severe physical and psychological damage a young girl may suffer from the ordeal of girl trafficking:

In 1982, a thirteen-year-old girl, Tulasia, was abducted by an acquaintance from her home village of Thankot near Kathmandu, and smuggled into Mumbai via the border town of Birganj. She was beaten into submission by the acquaintance and his colleagues. She was sold to three different brothels in Mumbai, at prices ranging from Rs. 5,000 to Rs. 7,000. In addition to the sex work she was forced to do in the brothel at a minimum of three customers per night, she was sent to various city hotels to entertain mostly Arab customers, for Rs.180 per night. The abuse of the girl continued until she collapsed with three venereal diseases and tuberculosis. Rescue efforts began when she was brought to Mumbai's J.J.Hospital for treatment in November 1982. At the hospital, Tulasia was given police protection against possible reprisals from the prostitution industry. After a period of stay in the Dongri Remand Home, she returned to Nepal to take up residence in the Cheshire Home for the disabled in Jorpati. Doctors evaluated Tulasia and found her to be severely damaged physically and psychologically. Over the years, she remained incoherent and rambling in her speech. She was confined to a wheelchair and complained that her stomach hurt all the time, and that she could not go to the toilet. Her family no longer visited her. In 1994 Tulasia broke her leg in a suicide attempt (ibid,46).

### *Concluding Remarks*

The main causes of the phenomenon of 'girl trafficking' are ultimately, poverty, lack of control over one's outward circumstances and a high rate of illiteracy of especially females in Nepal. Furthermore, basic health and sanitation have been neglected which has resulted in the spread of the HIV virus which causes AIDS. Even health workers face a lot of problems while conducting door-to-door campaigning for safe sex, due to traditionalistic attitudes and prejudices. If, however, it continues to experience the neglect which it has in the past, then this situation will never find a satisfactory solution and may even reach crisis proportions in the near future.

Amongst measures which could be adopted by the Nepalese government to combat the scourge of girl trafficking, the following, paraphrased from the HRW report, appear to be fairly comprehensive and reasonable:

1. To break up the nexus between criminals (in this case, the actual girl traffickers), corrupt police and government officials by the proper investigation of complaints and the timely prosecution of the guilty.
2. To improve the human rights training of the police forces and prosecute those found guilty of indulging in corruption.
3. In accordance with Article 20 of the Convention of the Suppression of Traffic in Persons, the government needs to monitor and break up the recruitment networks seen to function in places notorious for trafficking. These include Nuwakot, Sindhupalchowk, the carpet factories in Kathmandu and border towns.

4. Maintain and update a registry of missing persons and be more conscientious about following up investigations into the incidence especially of women and girls who have mysteriously disappeared.
5. Facilitate better cooperation with India regarding their shared border with Nepal to enable the monitoring and prosecution of traffickers (comp.ibid, 85-86).