The Good, the Bad, and the Well-Intentioned: Governmental Responsibilities, Nongovernmental Efforts, and Human Trafficking in Nepal

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In Nepal, where the government is corrupt and social welfare programs are scarce, extra-governmental groups have taken control of the vast majority of anti-trafficking efforts. However, the consequences of their actions, though admirable, have ultimately caused more trouble for the survivors and potential victims of trafficking. The trafficking of men, women, and children across national borders for hard labor and sexual exploitation is not limited to developing nations such as Nepal. Even in America, people are trafficked in from both of our neighboring countries and through our many international ports. However, unlike America, Nepal does not have the resources, the political and social stability, or the economic foundation to properly and promptly address human rights issues such as this one. Nepal is one of a few countries that have gained a global reputation for large scale human trafficking. This notoriety begs an

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investigation into the accuracy of Nepal's negative reputation and the structure of its anti-trafficking efforts.

While studying abroad in Nepal, I had the opportunity to research the history of trafficking in Nepal and the current anti-trafficking efforts being undertaken. I based most of my research on interviews held with knowledgeable employees and leaders of local non-governmental organizations (NGOs). The interviews and published materials created a comprehensive view of the activities and opinions of the main participants in Nepal's non-governmental anti-trafficking efforts. I found that neither governmental nor non-governmental agencies are adequately protecting the rights of potential victims or providing the necessary resources to rehabilitate the survivors. In this article, I explore the current state of anti-trafficking activity in Nepal, as well as its background, and offer insight into potential avenues for change.

When governmental agencies in Nepal did not step up to handle trafficking, non-governmental agencies inevitably came forward to shoulder the responsibility. Unfortunately, by taking anti-trafficking efforts into their own hands, many impassioned individuals have actually inhibited the eradication of this form of slavery within Nepal. Without governmental participation, the rights of the citizens

involved are not guaranteed and the policies practiced will not necessarily be up for public scrutiny. NGOs[1] have removed all pressure from the Nepali government to take control of trafficking by providing substandard programs for prevention and rehabilitation. Non-governmental involvement runs unchecked without always offering what is best for the survivors and potential victims, often infringing on their rights in the name of prevention. Although it is tempting for me to suggest that the Nepali government should reclaim the burden of anti-trafficking efforts, I believe that the government should only provide the NGOs with guidelines for safe and effective practices. Rather than attempt to take over anti-trafficking activities, the government should focus on improving basic services such as health, legal, and education institutions, to prevent situations that foster potential victimization.

Women in Nepali Society

Large-scale human trafficking in Nepal is not simply the repercussion of their currently dramatic and neglectful political situation. It sprang from a host of internal, deeply imbedded social, economic, and political issues. The government's lack of provisions

[1] See the glossary at the end of the article for a list of common acronyms in this field.

for maintaining healthy and successful citizens created a large population of struggling people forced to move often and suffer great economic hardships. Also, social relations within the country remain rigidly structured and often oppressive. The caste system and religiously and socially enforced gender roles have made life difficult for some Nepali women, and have exposed them to the possibility of trafficking.

The story of Nepali girls becoming prostitutes in India has become archetypal in describing the phenomenon of human exportation out of Nepal. It is the story of young girls who are duped, forced, or seduced over the border into India, where they are locked in brothels and forced to sexually service many men seven days a week without access to health care, education, or any other basic needs. Many women have experienced this story as reality, but its dissemination has generated a few dangerous stereotypes.

After much exposure, this story has gained global notoriety. Sushma Joshi (personal interview, 4/10/2007), a freelance writer for women's rights in South Asia, commented, "It seems like that's the only story that people know about Nepali women; they don't know anything else about Nepal." This situation introduced the unshakable image of Nepali women as exceptionally vulnerable people. Despite

the story's consequences, it remains as both a detrimental fiction for some, and a horrific actuality for others.

Although many modern women in Nepal overcome the story's stereotyping, as well as the influences of caste and religion, Nepali women are still quite often generalized as uniformly weak and susceptible to harm; therefore, they are treated over-protectively both socially and legally. Recent attempts to protect Nepali women from the dangers of trafficking have put them in crippling positions of powerlessness. These protective measures leave them underexposed and overprotected and therefore make Nepali women seem dangerously vulnerable.

History

Certain ethnic communities in Nepal have considered prostitution their main source of livelihood for generations, noted Ratna Kaji Shrestha (personal interview, 4/20/2007), a human rights lawyer at the Forum for Women, Law, and Development (FWLD). Before Nepal united into a single empire, it was common to offer young women as wives or concubines to local leaders and monarchs. This practice of gifting women did not end even when the country was united under a single monarch, for he and other figures of

power continued to receive young females as homage. In 1797, King Surendra Bikram Shan created the first written law that banned the sale of girls for labor or sexual services in certain communities. This law was the first step toward societal disapproval of the selling of women. It was not until 1925 that Prime Minister Chandra Shamsher finally abolished slavery within Nepal.

Despite legal and political progress toward the end of involuntary servitude, even today Nepal continues to struggle with the presence of slavery. Due to a rocky economy and few employment opportunities, Nepalis often emigrate for work; this creates a large vulnerable population of migrants. Hope of greater social justice followed the adaptation of the multi-party parliamentary system in 1990 when the "Kingdom of Nepal" became the "State of Nepal." Unfortunately, the rule of democracy did not hold, and chaos reigned in the wake of Maoist rebels, disordered foreign development, and a royal massacre that lead to a coup in February 2001. Amid these dramatic power shifts, social rights issues in Nepal were pushed to the wayside and Nepalis were left without security or social welfare foundations on which to rely.

Presently, Nepali government officials are busy keeping one eye on Maoist rebels and the other eye on their political security.

Politicians fail to address the major social issues, including human rights violations, which have grown rapidly since the beginning of Nepal's most recent political turmoil. Min Bahadur Basnet (personal interview, 4/12/2007) , the program coordinator at the Women's Rehabilitation Center (WOREC), confidently noted that during times of internal conflict, trafficking has increased. Rashmila Shakya (personal interview, 4/19/2007), the program coordinator at Child Workers in Nepal Concerned Center (CWIN), agreed that, because the country has "focused on the conflict," social issues have become "hidden." The conflict the Maoists began in the name of freedom has subsequently caused an increase in women left without governmental support, and, therefore, more potential victims.

Nepal's Government and Sex Trafficking

In 1996, the Nepali government set the precedent for its involvement with trafficking. That year marked the first large-scale raid on a network of Indian brothels that exposed Nepali girls who had been trafficked. Over a hundred Nepali girls were rescued, and Nepali officials and Nepali NGOs were notified of the situation. At first, the government acted promisingly toward bringing home the girls who had been trafficked. The prime minister vowed to deal with the

situation within a week, but never did. Because the government had no intention of helping the girls return to their homes or providing them with the necessary tools for rehabilitation, seven NGOs agreed to care for the 124 rescued girls and provide housing and mental, emotional, and physical rehabilitation for them, without any support or funding from the government.

Since 1996, the government has adopted anti-trafficking policies, but its failure to implement them indicates that it still takes little interest in solving this issue: "Nepal has participated and ratified various international conventions such as [the] Beijing Convention, the Convention on the Elimination of All Sorts of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC), but the implementation and enforcement is minimal" (D. Ghimire, personal interview, 4/13/2007). There are anti-trafficking task forces in 26 districts, but they are "not active" and run on a very limited budget, according to Durga Ghimire (personal interview 4/13/2007), the president and co-founder of ABC/Nepal. Ghimire, a member of a governmental task force, commented that it "hardly meets once a year." She was also disappointed to report that there are not any economic empowerment programs or transit homes run by the government. There have been some anti-trafficking campaigns

initiated by the government, but the majority of them are run by NGOs. The government lacks proper leadership, coordination, and the will to address the issue of human trafficking in Nepal.

Anti-trafficking NGOs

NGOs initiate, carry out, and sustain the vast majority of the work being done in the anti-trafficking sector in Nepal. The first non-governmental, anti-trafficking organization in Nepal was ABC/Nepal, founded in 1987 by Ghimire. Soon after, concerned citizens founded many similar organizations. In the aftermath of the 1996 brothel raid, Nepal's anti-trafficking organizations grew and began to network in order to fight collectively against trafficking. For example, the Alliance Against Trafficking in Children and Women in Nepal (AATWIN) represents 21 organizations, including CWIN, WOREC, and Shakti Samuha.

The expansion of NGOs produces both positive and negative consequences. In Nepal, the role of NGOs both stems from and causes further governmental neglect. Many of the NGOs run transit centers and rehabilitation homes. They offer minor medical services, counseling, some vocational skill training, access to legal assistance, and informal education in Nepali, English, and some math. They

almost all run some kind of public awareness campaign. Maiti Nepal also runs a program in high schools that trains students and has them disseminate information to their peers on trafficking. Other efforts include offering empowerment and leadership workshops to women. Some organizations like WOREC and ABC/Nepal run actual health clinics. CWIN operates help lines in five major districts for at-risk children, including potentially trafficked children, which are frequently used by children and adults. ABC/Nepal sponsors a large number of women's cooperatives and often provides the resources and personnel needed for vocational skills training. Some organizations plan and carry out raids of brothels, and others, like FWLD and AATWIN, focus on lobbying parliament for better policy. WOREC runs safe-migration programs. Some organizations that take custody of survivors offer them the option of seeking education in the formal school system.

Often, these NGOs are using their time and efforts not only to run their own programs, but also to implement and run basic programs that should be run by the government. Currently, NGOs allocate large amounts of funding and effort to tackling the root problems that lead to trafficking, such as employment, education, and medical care. ABC/Nepal is financially supporting over 300 women's groups,

tackling unemployment in ways that the government has not attempted. As Joshi (personal interview, 4/10/2007) noted, "the education system is impossible", and many Nepalis do not even have access to it. Because lack of education is a principal cause of trafficking, some NGOs are taking up initiatives to provide non-formal education and programs aimed at returning kids to the formal school system. Although some vulnerable girls are offered education, these programs alleviate the burden from the government to improve the formal system.

The U.S. Department of State's *Trafficking in Persons Report* (2007) recommends that the Nepali government reallocate funds and reclaim some of the burden of the anti-trafficking campaign from the NGOs. However, actions such as those would be counter-productive. Ideally, the Nepali government should focus on fulfilling basic responsibilities to its citizens and only become involved in anti-trafficking activities to provide NGOs with uniform guidelines for non-governmental activities. If the government took responsibility for providing consistent guidelines for the rehabilitation of trafficking survivors, then there would be publicly known, standardized provisions to protect the rights of each individual. In this way the government would be free to focus on implementing decent and

accessible education, offering affordable medical care, lowering the unemployment rate, and raising its citizens out of poverty. These actions will successfully decrease the population of vulnerable citizens willing to risk trafficking in need of employment.

If the government upheld its duties to its people, anti-trafficking NGOs would not need to stretch their efforts so thinly to fill in all the gaps in governmental services. In doing so, NGOs are actually relieving the government of its rightful responsibilities and providing sub-standard and unsustainable programs entirely funded through foreign agencies. Although their intentions are honorable, they may actually be perpetuating the disconnect between the Nepali government and its responsibilities to its people.

Rehabilitation Programs

An essential step in the rehabilitation of trafficking survivors is training them in a profitable vocational skill. Trafficked persons often return to Nepal without any skills, and in order to successfully reintegrate into society and avoid being trafficked again, they need to be marketable to an employer. Many rehabilitation centers begin with skills, such as sewing purses, that are easy to master and provide a product to sell. The larger vocational programs are more extensive and

can often provide more profitable careers. ABC/Nepal offers programs for computer training, 4-wheel driving, catering services, bamboo crafting, mushroom farming, food processing, candle making, kitchen gardening, fabric painting, animal husbandry, hotel management training, ceramic training, and community health worker training (D. Ghimire, personal interview, 4/13/2007). According to Smiriti Khadka (personal interview, 4/23/2007), the assistant information officer and a counselor at Maiti Nepal, their program sends girls out to learn housekeeping and cooking, and how to work in a beauty parlor.

The skills NGOs offer survivors are often criticized as unsustainable and unappealing. Joshi (2003, pg. 253) responded negatively to programs intended to teach women handicrafts such as sewing, because they do not lead to a stable career and do not provide enough incentive for women to avoid returning voluntarily to prostitution, a significantly more profitable skill: "Income generating skills like embroidering tablecloths, while admirable in intention, also often do not provide them with any long term, sustainable skills or institutions through which they can make a living". Instead, she thinks there need to be programs for nursing or teaching to lead to solid careers (S. Joshi, personal interview, 4/10/2007).

Although Ghimire said that many of her girls had gone through nursing training, she was referring to community health worker training, which is not as sustainable a livelihood as nursing and does not lead to more profitable careers in the health community. Community health workers give immunizations, distribute pills and condoms, and run outreach centers; as a job it is still only barely sustainable. When I asked Khadka (personal interview, 4/23/2007) at Maiti Nepal whether they had programs that supported girls who wanted to go on to be doctors or teachers she said, "We haven't had any case[s] like that." However, this claim could not be true, considering that the girls being rehabilitated at ABC/Nepal volunteered their future career goals to me and, of 16 girls, over half expressed a desire to work as a nurse or doctor, and the others wanted to become teachers, lawyers, social workers, singers, or actors (ABC/Nepal, personal interviews, 4/3/2007). The lack of sustainable career opportunities offered to survivors shows a need for better programs and support from government employment agencies.

All of the programs of these NGOs are externally funded. "The [Nepali] government has not supported any NGO," (D. Ghimire, personal interview, 4/13/2007) even though the activities of these NGOs directly affect the rights and well being of many Nepali

citizens. All NGO funding comes from foreign governments, grants, and international non-governmental organizations (INGOs); the U.S. Department of State recently granted Maiti Nepal a large donation to continue its operations. According to Benu Maya Gurung (personal interview, 4/30/2007), the program coordinator at ATTWIN, none of the organization's 21 subsidiary programs have received any funding from the Nepali government.

Even when money goes directly to the government for victim assistance or anti-trafficking programs, because of corruption and poor coordination, it never reaches those for whom it is intended. Money has gone into the Nepali government from global funds, 20% of which is designated for victim assistance, but neither anti-trafficking organizations nor survivors received the money (D. Ghimire, personal interview 2007). One NGO intern I spoke to expressed frustration that Nepali NGOs are funded on an unsustainable project-to-project basis, because they are not guaranteed funding by any of their external income sources. Without the government's assurance that the social programs now addressing trafficking will receive funding, much of the time and effort of NGOs is put into soliciting support that may end. The *Annual Report* of the Nepali Office of National Rapporteur on Trafficking in Women and Children stated, "Sustainability of the

existing rehabilitation centers is questionable as they are donor driven" (ONRT, Table 4.2). The study reveals that even the Women and Children Service Centers (WCSC) implemented by the government now require funding from outside sources, namely the British and U.S. Embassies and the International Labor Organization (ILO) (ONRT, 46).

Because the anti-trafficking activities are almost entirely outside of the government sector, they are not only unsustainable, but are also bound to the subjective philosophies of individual founders and managers. Gurung (personal interview, 4/30/2007) expressed concern that NGO leaders follow their own personal ideas on the welfare of survivors and on the best or most convenient way to deal with the issue.

Without enforced governmental guidelines, some organizations' efforts result in a lack of acknowledgment and respect of the rights of those being protected. According to Joshi (personal interview, 4/10/2007), rehabilitation centers can be "prison-like" with "locks and chains." Gurung (personal interview, 4/30/2007) corroborated that in some rehabilitation homes, survivors are "living like prisoners." I personally saw metal bars on all the windows of the living quarters at Maiti Nepal. Placing girls in this situation violates

their rights to self-determination and recreates the restrictive environment of the brothels from which they were rescued. In order to protect the rights of the girls who are placed into these centers "there should be guidelines from the government's side" (B. M. Gurung, personal interview, 4/30/2007).

Travel, Sex Trafficking, and Human Rights

In order to prevent the trafficking of potential victims, both the government and NGOs have attempted to regulate international travel for women. Today there are many obstacles and suspicions when a Nepali woman wants to travel abroad. It is important for the government to take responsibility for citizens traveling across international borders for employment, because they are vulnerable to trafficking, but when practices are entirely sex-based and impede upon the free will of the travelers, they should be reconsidered. Joshi (2003) suggested, "By restricting women's rights to cross borders and to look for work... the state reinforces and legitimizes the conditions of trafficking" (p. 265). The overprotective precautions reinforce the perception that Nepali women are underexposed and overprotected and perpetuate their vulnerability as a reality.

One of the ways in which Nepali NGOs fail to respect the rights of female Nepali travelers is by installing and running border patrols. The following article was published under the title "Woman Rescued" in *The Himalayan Times* on November 19th, 2006 and as "Maiti Nepal Rescues Woman from Trafficking" in *The Rising Nepal* on November 20th, 2006:

> "The Kanchanpur district unit of Maiti Nepal has rescued a woman from the Gadda Chom Check Post and returned her back home… The woman was heading towards Delhi along with her brother, supposedly to meet a man who pledged to send her to Kuwait for employment. Concluding that there was a possibility of trafficking, she was stopped, said the Unit In-Charge, Keshau Koirala. According to Koirala, the unit had in the past month alone saved 11 such persons from trafficking and sent them home."

The 1,740 mile long open border with India is the easiest and most common route for trafficking out of Nepal. It is important to question anyone who could be at risk of trafficking across the border and to offer them information on the potential danger they are entering: "It's good to stop them and question them," because this will perhaps deter potential victims from complying with traffickers. (R. K., Shrestha, personal interview, 4/20/2007). Acting on this idea, Maiti Nepal runs ten border patrols. They train girls, some of who have been trafficked, to ask questions of people they suspect could be potential victims. Khadka (personal interview, 4/23/2007) boasted that so far they have intercepted 9,000 girls. ABC/Nepal also works with another

organization at ten transit points where they have stopped 400 girls from crossing the border (D. Ghimire, personal interview, 4/13/2007).

However, these border patrols can infringe on a woman's right to mobility. Not only are women forcibly turned away from the border or returned home, but they are often arrested under suspicion of willing participation. One report admitted, "We heard rumors that intercepted girls have faced difficulties both mentally and physically by the border officials. Intercepting a woman at the check post raises the question of the rights of women and their right to mobility" (ONRT, 49). In Gurung's (personal interview, 4/30/2007) opinion, "If you are a mature person [over 16], you should have the right to go."

The patrollers are also notorious for harassing women attempting to cross the Indian border. Several interviewees confirmed rumors of girls being beaten by border patrols when trying to migrate over the border. Women are often unwillingly removed from the border and returned home. Ghimire (personal interview, 4/13/2007) noted that at the borders "there is a lot of harassment" so there is a need for better and more training of the border patrollers. Shakya (personal interview, 4/19/2007) claimed that sometimes when people are crossing the border they are "tortured." By forcibly removing women from potential job opportunities, these border patrols are

perpetuating unemployment of women (B. M. Gurung, personal interview, 2007). Instead of putting efforts toward border patrols, these agencies need to focus on why women are leaving Nepal in the first place (R. K. Shrestha, personal interview, 2007). Because issues such as abuse and unemployment continue to run rampant in Nepal, it will be difficult to deter women from accepting foreign employment — employment that is not always real.

NGOs feel obligated to take even more extensive measures than setting up border patrols and taking rehabilitation into their own hands, since the government neglects the situation of trafficking. After hearing about the tortures these girls suffer and helplessly watching the apathy of Nepal's ineffective justice system, it is not surprising that NGOs and community members sometimes turn to vigilante actions in order to seek a justice they feel is necessary. Several interviewees noted that some NGOs and local community organizations are doling out their own punishments and displaying violent retribution to warn potential traffickers. If men are found to be involved in trafficking, as traffickers or clients, they are tied up and publicly beaten and humiliated; women who are involved are also publicly punished (Joshi, 2007). Basnet (personal interview, 4/12/2007) corroborates that, "These people, if communities find them, they beat them."

Conclusion

The responsibilities that burden a country with a large trafficked or potentially trafficable population extend way beyond prevention or rehabilitation of those involved. Nepal's case represents the vast and varied social, financial, and political repercussions that trafficking has on all women. Governmental and non-governmental institutions alike fail when the rights of their citizens are compromised.

Without governmental support, aid, or intervention, Nepal's anti-trafficking NGOs are functioning entirely without unified guidelines, proper resources, or sustainable funding. The government is relieved from establishing functional and sustainable services for its citizens, because many sub-standard non-governmental services are already in place. Currently, the non-governmental anti-trafficking campaigns and services need drastic improvement, which is difficult with limited, foreign funding and constant attention to a large scattering of projects. These are problems initiated by the government and then sustained by both the government's inaction and the NGOs' non-standardized, not-guaranteed programs. NGOs need to consider removing their services from areas in need of governmental support and thus, apply pressure on the government to fulfill basic needs to

Nepali citizens. Whether the Nepali government will be able to coordinate a new cooperative system in order to work with NGOs is unlikely, given its current chaotic state. However, the only way for trafficking issues to be properly addressed within Nepal from a publicly scrutinized, rights-based approach is for the government to work toward stability in order to offer appropriate guidelines to NGOs and then focus on the medical, educational, and social issues that lead to trafficking.

Glossary:

NGO - non-governmental organization
INGO - international non-governmental organization
ILO - International Labour Organization
WCSC – Women and Child Service Center
ABC/Nepal – Agro-forestry, Basic health care, and Cooperatives/Nepal
AATWIN – Alliance Against Trafficking in Children and Women in Nepal
CWIN - Child Workers in Nepal Concerned Center
WOREC - Women's Rehabilitation Center
FWLD - Forum for Women, Law, and Development
ONRT - Office of National Rapporteur on Trafficking in Women and Children

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