

HUMAN TRAFFICKING TRENDS

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Abstract

A person in trafficking shall mean the recruitment, transportation, transfer, harboring 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. The main objective of this study is to analyze the emerging global trend of human trafficking. Variables from existing theories were drawn to formulate a comprehensive view of the process followed during the commitment. Factors from terrain characteristics to border patrols help to determine trafficking routes by either facilitating or impeding the rapid clandestine movement of people. Additionally, political, social and economic factors within a society or region can either 'push' or 'pull' victims into a situation of trafficking. The basic argument is that, since human trafficking involves a high contingent of role players from a variety of backgrounds, a single explanation for its cause cannot exist in the globe.

Keywords:

Causes and Consequences, Trafficking Trend, Nepal, India and South Asia,

Introduction

Human trafficking is generally understood to refer to the process through which individuals are placed or maintained in an exploitative situation for economic gain. Trafficking can occur within a country or may involve movement across borders. Women, men and children are trafficked for a range of purposes, including forced and exploitative labor in factories, farms and private households, sexual exploitation, and forced. Trafficking, an organized crime, is becoming more vulnerable problem in developing world, especially in those countries which are undergoing socio-economic transformation. Mass human displacement from the areas which have been experiencing harshness in climatic conditions, or those which have witnessed long- unbearable

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never ending wars and internal insurgencies, have lead increase in trafficking (Bhardwaj, 2010). Human trafficking from Nepal to India is in similar trend.

The Trafficking Protocol defines the term “trafficking in persons” as follows“ Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring 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 includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

Reviews

Against a backdrop of sustained global population growth, afford able telecommunication and persistent economic inequalities, human mobility has increased. In 2015, the *United Nations* estimated that there were some 244 million international migrants across the world; an increase of more than 40 per cent since the year 2000 (173 million). Additionally, the 2009 *Human Development Report by the United Nations Development Program*(UNDP) estimated that there are some 740 million internal migrants, moving within their countries. Many people are escaping war and persecution (Bhardwaj, 2010).

In 2016, the *United Nations High Commissioner for Refugees* (UNHCR) reported that, at the end of 2015, more than 65 million people were forcibly displaced worldwide as a result of persecution, conflict, violence or human rights violations; an increase of 6 million compared to just 12 months earlier. There is a clear link between the broader migration phenomenon and trafficking in persons (Simkhada, 2008).

Trafficking is not the same as migrant smuggling. Migrant smuggling involves the illegal, facilitated movement across an international border for profit. While it may involve deception and abusive treatment, the purpose of migrant smuggling is to profit from the movement, not the eventual exploitation as in the case of trafficking. Trafficking does not always require movement (Joshi, 2010).

The definition of trafficking identifies movement as just one possible way that the “action” element can be satisfied. Terms such as “receipt” and “harboring” mean that trafficking does not just refer to the process whereby someone is moved into situations of exploitation; it also extends

to the maintenance of that person in a situation of exploitation. It is not possible to “consent” to trafficking. International human rights law has always recognized that the intrinsic inalienability of personal (Hennink & Simkhada, 2004).

Freedom renders consent irrelevant to a situation in which that personal freedom is taken away. This understanding is reflected in the “means” element of the definition of trafficking. As noted by the drafters of the Trafficking Protocol: “once it is established that deception, coercion, force or other prohibited means were used, consent is irrelevant and cannot be used as a defense. Human trafficking is a global issue. In order to effectively fight against it, we must first have an accurate picture of where and how the transport and exploitation actually takes place.

Geography - both physical and political - plays a significant role in the modern day slave trade. These processes are influenced by macro-level economic and social changes that are altering marketing traditions and labor requirements (Evans & Bhattarai, 2000).

Factors from terrain characteristics to border patrols help determine trafficking routes by either facilitating or impeding the rapid, clandestine movement of people. Additionally, political, social and economic factors within a society or region can either ‘push’ or ‘pull’ victims into a situation of trafficking. The scale and complexities of human trafficking on a global level are too enormous to adequately address here. However, study tries to paint a general picture of current geographical trends. And for those who want more information, most of my research for this post came from the UN’s ‘trafficking in Persons: (Global Patterns’ report April 2006).

Human trafficking is a social crime in which innocent and illiterate girls from rural areas are sold inside the country or overseas either for prostitution or for forced labor. Human trafficking is defined as the selling and buying of human illegally. It is one of the major social crimes in Nepal that is being closely monitored even by the international agencies. However, only little improvement is seen in this aspect. It has been spreading rapidly in the remote areas of Nepal where people are ignorant, uneducated and poor. Nepal is suffering from child trafficking. Girl trafficking is one of the serious problems of Nepal. From rural areas, illiterate girls, who are suffering from poverty, are brought to cities by brokers on the pretext of good jobs. They are sold especially in various cities of India and forced to become a prostitute in a brothel.

Objective

The Main objective of the study is to analyze the human trafficking trends in Nepal, South Asia and throughout the world.

Methodology

This research is analyzed from secondary sources. Mainly they are taken from books, journals, articles, related theory and perspective source of data, discussion National and International journal, publication related book and thesis reports related to the topic visiting different websites, and United Nations Office on Drugs and Crime (UNODC) and NGO, INGO reported.

This study used the secondary data in context of Nepal, Secondary data used by reviewing a different sources such as annual *National Human Rights Commission* progress Reports of *Ministry of Women, Children and Social Welfare* (MoWCSW), *Ministry of Labor and Employment* (MoLE), Department of Foreign Employment (DoFE), *Foreign Employment Tribunal* (FET), Foreign Employment Promotion Board (FEPB), *Office of the Attorney General* (OAG), the Supreme Court, the (NHRC) including the Annual or progress Reports of several Non-Governmental Organizations (NGOs). Further, relevant websites also visited extensively.

Discussion

A *Global Report on Trafficking in Persons* launched today by the United Nations Office on Drugs and Crime (UNODC) provides new information on a crime that shames us all. Based on data gathered from secondary sources it offers the first global assessment of the scope of human trafficking and what is being done to fight it. It includes: an overview of trafficking patterns and specific information on reported cases of trafficking in persons, victims, and prosecutions (Datta, 2005).

According to the (UNODC 2015, Report), the most common form of human trafficking (79%) is sexual exploitation. The victims of sexual exploitation are predominantly women and girls. Surprisingly, in 30% of the countries which provided information on the gender of traffickers, women make up the largest proportion of traffickers. In some parts of the world, women trafficking women is the norm. The second most common form of human trafficking is forced labor (18%), although this may be a misrepresentation because forced labor is less frequently detected and reported than trafficking for sexual exploitation. (UN 2015 report)

Global Trend of Human Trafficking

Worldwide, almost 20% of all trafficking victims are children. Trafficking in persons was a violation against humanity several years ago, as it still is today. It has also continued to be an international issue. Virtually every country in the world is affected by trafficking for sexual exploitation or forced labor. Reliable global data are limited, but the number of victims is believed

to be reaching epidemic proportions. Data taken from the United Nations Office on Drugs and Crime (UNODC, 2014) report on trafficking in persons document the trafficking of human beings from different countries to be exploited in several countries.

United Nation: Trafficking in Persons - The Trafficking Protocol says (Article 3(a) says: Trafficking in persons shall mean the recruitment, transportation, transfer, harboring 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

While there is clearly support to eradicate trafficking in persons, the challenges are immense. While the majority of United Nations Member States have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,³ lack of action to implement it remains a problem. Many trafficking victims still go through the tribulation without anyone identifying them (Barrows & Finger, 2008). Confusion between trafficking in persons and smuggling of migrants prevents victims from receiving protection and support as their fundamental right as entire scholars are agreeing (Barrows & Finger, 2008), (Datta, 2005), (Hennink & Simkhada, 2004), (Kaufman & Crawford, 2011), and (Simkhada, 2008).

The thematic focus of the 2016 edition of the Global Report investigates how migrants and refugees can be vulnerable to trafficking in persons enroute or at destination. Which have looked at socio-economic factors and the role of transnational organized criminal groups in trafficking in person's. Trafficking affects women, men and children, and involves a range of exploitative practices Trafficking is traditionally associated with the movement of women and girls into sexual exploitation. In addition to being a destination, India is also a transit country for Nepalese and Bangladeshi women trafficked to Pakistan, Western Asia, and the Middle East and for women trafficked from the Russian Federation to Thailand (Koirala, Banskota, & Khadka, 2004). Therefore, to identify the problems and its solution the study has been conducted.

The international legal definition set out above makes clear that men and women, boys and girls can all be trafficked and that the range of potentially exploitative practices linked to trafficking is very wide. The list of examples set out in the definition is open-ended and new or additional exploitative purposes may be identified in the future. Trafficking does not require the crossing of

an international border. The definition covers internal as well as cross-border trafficking. That is, it is legally possible for trafficking to take place within a single country, including the victim's own. About 50 percent of Nepal's female sex workers have previously worked in Mumbai and more than 200,000 Nepalese girls are involved in the Indian sex trade (Joshi, 2010).

Trend in South Asia in Human Trafficking

There are many countries used as origin, transit and destination countries for trafficking. Victims are sent to other countries in the region and to other parts of the world. Even more prevalent is the movement of persons within the countries for exploitation in various forms. Even though there are no definite numbers of victims, it is estimated that 150,000 victims are trafficked from the region annually. Many studies have revealed that trafficking in women and children is on the rise in Asia.

Trafficking for commercial sexual exploitation is the most virulent form of trafficking in the region. The movement of young girls from South Asian countries to brothels is common, taking place either between countries or within countries (Hennink & Simkhada, 2004). There is further movement to the Middle East as well as other destinations. Internal displacement due to conflict in some countries, poverty and lack of employment opportunities increase the vulnerability to being trafficked. (UNODC Report 2015), South Asia is also home as one of the largest concentrations of people living with HIV/AIDS. Women involved in the sex business as a group are an important driver of the epidemic. Recent research involving repatriated women who worked at commercial sex markets in Nepal show that many of those who have been trafficked are at significantly higher risk of contracting HIV than are non-trafficked women. (UODCN report 2015). Trafficking is a complex phenomenon involving multiple determinants of trafficking. Poverty is only one determinant; there are poverty plus determinants such as loss of parents, lack of awareness among vulnerable groups, low levels of education, gender discrimination, rapid urbanization, false promises and beliefs and lack of employment opportunities in the country. Trafficking takes place in both inside the country and outside the country mainly to India, Malaysia and Gulf countries _ and it appears that there is a nexus between foreign labor migration and trafficking.

Trafficking takes place for different purposes such as for commercial sexual exploitation, forced labor, bonded labor, worst forms of child labor, forced marriage and illegal human organ removal. Vulnerability of trafficking has increased after Nepal experienced massive earthquakes (Datta, 2005). It is true that trafficking victims are not always migrants and, according to the legal definition, victims do not need to be physically moved to be considered as having been trafficked. The stories of victims of trafficking, however, often start as brave attempts to improve their life, as is also the case with many migration stories. Those who end up in the hands of traffickers often

envisioned a better life in another place; across the border, across the sea, in the big city or in the richer parts of the country.

Traffickers, whether they are trafficking organizations, legally registered companies, ‘loners’ acting on their own or family members of the victim, often take advantage of this aspiration to deceive victims into an exploitative situation. Trafficking in persons is driven by a range of factors, many of which are not related to migration. At the same time, some people who migrate and refugees escaping from conflict and persecution are particularly vulnerable to being trafficked. The desperation of refugees can be leveraged by traffickers to deceive and coerce them into exploitation. War and conflict can exacerbate trafficking in persons: not only may those who escape violence turn to traffickers in their hope of finding a safe haven, but armed groups also exploit victims for various purposes in conflict areas.

Trafficking Trends in Nepal

Nepalese men, women and children are trafficked into neighboring country India as well as other countries such as Syria, South Korea, China, Malaysia, United Arab Emirates, Mexico and the United States. Human traffickers have utilized the India-Nepal open border to facilitate human trafficking routes. There are only 14 checkpoints regulating the Indian-Nepali border which spans over 1,500 kilometers, which traffickers are able to exploit. The *United Nations* estimates that approximately 7,000 Nepalese women and girls are trafficked into India every year. Trafficking of Nepalese women to South Korea and China for marriage has resulted in as many as 1,000 women being exploited by marriage bureaus with promises of citizenship, job opportunities and good family life. In addition to this, reports of internal trafficking, particularly to Kathmandu, for forced labor and commercial sexual exploitation persist, as well as cases of human trafficking for organ harvesting; data on this phenomenon, however, remains limited (Koirala, Banskota, & Khadka, 2004).

Walk Free Foundation survey data reveals that approximately three percent of respondents reported forced marriage. Existing literature also suggests that forced and child marriage remains prevalent. An estimated 41 percent of Nepalese girls are married before the age of 18, with roughly ten percent marrying before the age of fifteen. In this context, Walk Free Foundation survey results possibly indicate a lack of willingness to self-identify, or a lack of understanding of the issue at the local level. In my study into forced and child marriage has noted that there is generally low awareness of the legal age of marriage and that child marriage is widely accepted as a social norm. The drivers of forced and child marriage vary, however, they include economic constraints, a lack of education, poverty, and strict religious practices and discriminatory social

hierarchies (Simkhada, 2008).

Within Nepal, forced labor and debt bondage persist, particularly within the agriculture, forestry, construction, and manufacturing sectors. Many Nepalese are trapped into exploitative situations by borrowing money from lenders, who then force borrowers to work to repay their debt. Those in debt bondage do not have the freedom to work for another employer without the landlord's permission, and are subjected to working long hours for wages below the minimum wage.

Individuals who eventually pay off their debt are at risk of falling back into modern slavery, due to limited alternative job opportunities. Labor recruitment agencies and job brokers also exploit Nepalese workers with attractive offers of overseas travel and job opportunities. A large proportion of Nepalese workers work overseas, many of whom are deceived about their working and living conditions in labor-receiving countries. Nepalese men continue to suffer exploitative living and working conditions in the construction of stadiums and infrastructure for the 2022 FIFA World Cup in Qatar, and some Nepalese migrant domestic workers experience practices that amount to forced labor in private homes throughout Malaysia and the Gulf States (Simkhada, 2008).

Nepalese women and children can also become vulnerable to commercial sexual exploitation. In the Nepalese entertainment industry, many of the women and girls are expected, and sometimes forced, to provide sexual favors to customers as part of a job that also may involve massage, dance or serving food. However, there remains a significant gap in academic research and insight into the sexual exploitation and trafficking of women and girls within the Nepalese entertainment industry (Datta, 2005)

Child sex tourism also occurs in Nepal with cases of foreigners setting up 'orphanages' and 'street shelters' to access young children in order to sexually exploit them. Tourists, commonly from India, visit Nepal to sexually exploit minors, sometimes bringing them across the border, particularly in neighbored Rupaidiha, India - a commonly known transit point for Nepalese human trafficking.

Maiti Nepal (Annual report 2015) studied a total of 299 female workers in Kathmandu valley. Among them 16 percent were children. Almost 80 percent migrated mainly originating from surrounding districts of Kathmandu valley. One third had no education at all. Of the total, 56 percent were never married. One in five knew that their friends have been trafficked from their working places (Simkhada, 2008).

Women workers in the informal and entertainment sectors such as dance restaurants, massage parlors, and open/cabin restaurants in Kathmandu valley. The study findings reveal that majority

are migrants – coming to Kathmandu from remote areas of Nepal and this sector has become a huge platform for employment for the young girls. However, the work places are not regulated and the female workers are at greater risk of exploitation, violence and trafficking. It is claimed that female workers in the entertainment sector are in slavery like conditions: forced to work with negligible salary, no labor contract, no fixed working hours, arbitrary arrest by the Police and no mechanism of protection of children. Human trafficking is a social crime in which innocent and illiterate girls from rural areas are sold inside the country or overseas either for prostitution or for forced labor. Human trafficking is defined as the selling and buying of human illegally. It is one of the major social crimes in Nepal that is being closely monitored even by the international agencies (Evans & Bhattarai, 2000).

The common push factor that has been identified as the main driving force behind human trafficking is poverty. However, caste based discrimination, lack of resource lack of human and social capital in security, gender discrimination, social explosion, unemployment, breaking down the community support system etc. There is some factor leading to human trafficking. For the purpose of trafficking of exploitation, which exploitation includes exploiting the prostitution of other sexual exploitation, force labor, slavery or similar practices and removal of organ? In Nepal, human trafficking is increasing among the middle class women who are being trafficked to Gulf countries under the veil of attractive jobs and handsome salaries. The magnitude of trafficking has increased over the years, but neither the extent not the real expansion has been verified (Hennink & Simkhada, 2004).

Human trafficking, in general, is a punishable crime according to the Nepalese law. It is so because humans cannot be regarded as a mere commodity that can be bought and sold. The basic understanding of humanity also bars such action of human trafficking. And this crime is even more punishable when it is girls that are being trafficked. Daily, there are huge of women all over the country who are bought and sold to slavery or sex trafficking.

In the context of Nepal, cause and consequence of human trafficking is increasing among the middle class women who are being trafficked to Gulf countries under the veil of attractive jobs

and handsome salaries. The magnitude of trafficking has increased over the years, but neither the extent nor the real expansion has been verified.

The illegal structure of trafficking, community vested interests, and lack of actual information/data and networking among stakeholders are the major constraints to preventive measures of trafficking. Disadvantaged groups in all spheres of Nepali society for a long time political instability and internal conflict contribute to increasing vulnerability to trafficking. Many studies in the past revealed that the conflict induced inflows of women and girls to urban area to increase the commercial sexual exploitation and thus internal trafficking too (Kaufman & Crawford, 2011).

Human trafficking, in general, is a punishable crime under the law. It is so because humans cannot be regarded as a mere commodity that can be bought and sold. The basic understanding of humanity also bars such action of human trafficking. And this crime is even more punishable when it is girls that are being trafficked. Daily, there are huge of women all over the country who are bought and sold to slavery or sex trafficking. The major consequence of human trafficking can be unemployment, social, political, but as the main focus of this paper in the victim of perspective the economic consequence out sine of the other most of the Nepali women become victim of human trafficking is there process of migration to earn better livelihood at the result of trafficking is exploitation of victims for different purpose trafficker receive huge amount of money for potential victims and their families too (Koirala, Banskota, & Khadka, 2004).

This study analyses the invitations global trend, cause and consequence of human trafficking in poor family background in the background of Nepal. Migration and general human trafficking particular has affected gender discrimination, poverty unemployment, and illiterate.

Conclusion

The basic argument is that, since human trafficking involves a high contingent of role players from a variety of backgrounds, a single explanation for its cause cannot exist. Essentially, cause and consequence of human trafficking responses should consider the importance of an integrated framework in order to prevent, prosecute suspects and protect victims of human trafficking effectively from global human right perspective.

From the information above, it can be said that there is a need for more academic study on human trafficking. It has been demonstrated that certain behaviors or cultural attitudes seem to contribute to victim vulnerability for trafficking; more study needs to be done in relation to society as to how these practices affect various communities throughout the country. More organizations need

to collaborate and share information so that more can be done in terms of trafficking prevention. There have not been many studies done on community behaviors, attitudes and cultural practices in the Nepalese context. If practices and belief systems can be identified and understood in a contextual way, it will benefit researchers and politicians in creating more efficient policies in the forthcoming days.

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