

# **keA Critical Evaluation of the Abolitionist Approach to Sex Trafficking in Nepal**

A Coursework Thesis submitted to the  
College of Humanities, Arts and Social Sciences

In Partial fulfilment of  
the Degree of Master of Arts (Women's and Gender Studies)

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July 2024



## DECLARATION

*I certify that this thesis:*

- 1. does not incorporate without acknowledgment any material previously submitted for a degree or diploma in any university*
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- 3. to the best of my knowledge and belief, does not contain any material previously published or written by another person except where due reference is made in the text.*

*Signature of Student*

*Chanda Devi Sunar*

*Date: 29 July 2024*

## **ACKNOWLEDGEMENTS**

I want to express my appreciation to the Australia Awards Scholarship program of the Department of Foreign Affairs and Trade for the financial support, without which it would not have been possible to fulfil my dream of higher studies in a renowned institution. I want to express my sincere gratitude and appreciation to my research supervisor, Associate Professor Barbara Baird, for her unwavering support and guidance throughout this research. Her valuable feedback and supervision helped me to think critically and write concisely. I would also like to thank International Student Services at Flinders University and David Langdon for providing editing assistance to improve the written quality of this research.

A big thank you goes to my friends Nay Lin Htike, Nofi Hayatuddin, and Simouy Seng for the motivation, support, and care that I received from them during the past two years. Their friendship and love made this journey smoother, and full of laughter and fun.

Special thanks to my parents, Purnima Devi and Purna Bahadur Sunar, who always valued education, had faith in me and encouraged me to pursue higher education. Also, I would like to thank my family in Nepal and India, who have always bestowed their love, concern, and support and helped me overcome all challenges with positivity.

Lastly, my appreciation goes to my son Ishayu Bishwakarma and husband Hom Bahadur B.K. for being a constant source of happiness and motivation throughout my study. My study would not have been this enriching and exciting without all these wonderful people; I will be forever grateful to each of you for being a part of my incredible study journey at Flinders University.

## **ABSTRACT**

This research critically explores 'sex trafficking' in Nepal. It draws from the historical context to the present status of sex work and sex trafficking in Nepal. Nepal applies an abolitionist approach to the issue of sex trafficking and sex work, which is conflated with sex trafficking. The study finds that the Nepalese government's stand on the whole sex trafficking discourse is confusing and weak as it is highly influenced by the ideology, funds and support from developed countries and disregards the local socio-economic and cultural context of the country. Furthermore, the study emphasises that sex trafficking is a borrowed concept from Western countries that has neither benefitted sex workers or indeed the women of Nepal. The study examines the weaknesses of ongoing anti-trafficking interventions in Nepal and claims that the concept of sex trafficking itself is problematic and forms a barrier to improving the lives of women in Nepal. The study is conducted through a sex-positive feminist and intersectional approach and proposes that the abolition of sex work would never be a solution to trafficking. It suggests that sex work should be acknowledged as any other occupation and sex worker's rights should be protected. Furthermore, Nepalese women should be identified as individuals who can make their own decisions and consent to their work and to travel. The research concludes that sex workers should be consulted in the discourses, designing, and implementation of the anti-trafficking programs. These discussions should be people-centric and conducted with the aim of empowering Nepalese women, enabling them to work in safe conditions, and entitling them to lead dignified lives within their communities.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

AATWIN	Alliance Against Women Trafficking in Nepal
ABC	Agroforestry, Basic Health and Cooperative Nepal
AINSW	All India Network of Sex Workers
CATW	Coalition Against Trafficking in Women
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CTIP	Combating Trafficking in Persons
CWIN	Child Workers in Nepal Concerned Centre
FSWS	Female Sex Workers
GATW	Global Alliance Against Trafficking in Women
GDP	Gross Domestic Product
HRBA	Human Rights Based Approach
HTTCA	Human Trafficking and Transportation Control Act
ILO	International Labour Organisation
INGO	International Non-Government Organisation
LNGO	Local Non-Government Organisation
MCC	Millenium Challenge Corporation
MFA	Migration Forum in Asia
MoWCSC	Ministry of Women Children and Senior Citizens
NCCHT	National Control Committee on Human Trafficking
NGO	Non-Government Organisation
NHRC	National Human Rights Commission
NSWP	The Global Network of Sex Work Projects

SMF	Somaly Mam Foundation
SWAN	Society for Women Awareness Nepal
SWASA	Sex Workers and Allies in South Asia
TIP	Trafficking in Persons
UKAID	United Kingdom Agency for International Development
UN	United Nations
UNICEF	United Nations Children's Fund
U.S.	United States of America
USAID	U.S. Agency for International Development
WNU	Women's Network for Unity
WOREC	Women's Rehabilitation Centre

## **CHAPTER 1: INTRODUCTION AND METHODOLOGY**

For more than a decade, I worked in women's rights, gender equality, and social inclusion sectors in Nepal. Over that time, I did not question the widely accepted idea that trafficking of women in the sex industry and women doing sex work are significant causes of women's subordination, exploitation, and marginalisation in Nepal. I often heard the stories of the trafficking of women in the sex industry, were highlighted as illegal and immoral by Nepalese media, international non-government organisations (INGOs), and the Government of Nepal. Consequently, I came to accept the prevailing view that women who are engaged in the sex industry are "victims" of abuse and exploitation in Nepal. Therefore, it made sense that women's rights groups, feminists, and human development organisations would be opposed to sex work, and their focus on primary anti-trafficking intervention would include rescuing women from the sex industry.

Due to the nature of my work, I was involved and became part of those abolitionist discourses and actions in Nepal. However, after joining the Master of Arts Women's and Gender Studies program at Flinders University, I came to realise that the concept of sex trafficking in Nepal is contested and women's involvement in the sex industry is a complex social phenomenon not easily or simply understood. This greater awareness has led to my interest in researching sex trafficking in Nepal to improve knowledge and establish a more nuanced understanding of this conundrum.

While I acknowledge that women who are trafficked in the sex industry should not have been forced, but should be supported and have the right to leave the industry, women who want to stay in the sex industry should have the right to choose that form of occupation. Moreover, it is clear to me that 'sex trafficking' is a political discourse and set of practices which are beneficial for some but harmful for others. Hence, I deemed that the abolitionist sex trafficking discourses and interventions that take place in Nepal require a critical evaluation. As a researcher, I also welcomed the opportunity

to unlearn my past knowledge and explore other dimensions of the issue of sex trafficking while using my research to inform improved policy approaches and practices in my country.

In this research, I have avoided where possible using terms that might be offensive to sex workers and their profession. Thus, the terms 'prostitution', 'prostitutes', 'sex trafficking', and 'internal trafficking' are only used in a specific framework or while referring to wording used in other documents and sources. In addition, the discourse on trafficking of females and sex work in Nepal often refers to women and girls collectively and interchangeably irrespective of the age of the persons. Therefore, in much of my writing, as I refer to the information from sources, I am not always able to distinguish between female adults and female children. Indeed, the ages of trafficked individuals and sex workers are often unknown and I have consequently tended to group them together as women and girls for that reason.

## **1.1 Country Profile**

Nepal is a small, landlocked Southeast Asian nation situated between India and China (see Figure 1.1), with a population of 29,164,578 (National Statistics Office, 2024). The major income source for Nepal is agriculture, which contributes one-third of gross domestic product (GDP) and two-thirds of the labour force (Bhatta, 2014), followed by international remittance from Nepalese workers employed in other countries. Nepal's per capita income is only US\$1456, making it one of the poorest countries in the region, and the average annual economic growth rate is 3.5% (National Planning Commission, 2024). While Nepal has made strides forward in economic, social, and human development, it remains one of the Least Developed Countries (LDCs) on the United Nations (2023) list of 46 global LDCs. Due to widespread poverty and low standard of living, out-migration of Nepalese workers is a common trend. Nepal is the 4<sup>th</sup> ranked country in the world for contribution to national GDP through remittances from citizens working in other countries (Katuwal, 2021). Over the years, remittance has emerged as one of the significant livelihood opportunities for the rural population of Nepal. Until recently, the percentage of migrants seeking work in foreign countries

who are male has been greater than those who are females; however, this is changing as more females are participating in migrant sex work (Maharjan, 2022). Due to an open border system, the majority of the Nepalese migrant workers have traditionally migrated to neighbouring India. However, in more recent times, the trend has included the Middle East, Malaysia, China, South Korea, and other foreign destinations (see Figure 1.2) (Katuwal, 2021; Sharma et al., 2014). Moreover, Nepalese women and girls are often moved from India's brothels to other countries (NHRC, 2008).

The widely used definition of human trafficking from the U.N. Protocol on Trafficking defines human trafficking as the transport of persons by force, deception, power, and position for the purpose of prostitution, sexual exploitation, labour exploitation, slavery, and harvesting of organs (Raymond, 2002, p. 492). Similarly, the U.S. definition of sex trafficking refers to prostitution as modern slavery that is forceful and not voluntary (U.S. Department of State, 2023). The term sex work emerged from the feminist movement to establish it as any other form of work rather than exploitation (Kempadoo & Durisin, 2020). Although the terms human trafficking, sex trafficking and sex work have different definitions and meaning, in the trafficking discourse of Nepalese government authorities, INGOs, and the media, migration, human trafficking, and trafficking of women in the sex industry are closely interlinked and often conflated.



Fig. 1.1: Administrative map of Nepal. Source: The Nations Online Project (2024)

Nepal has become an international hub for human trafficking for child labour, sex trade, forced labour, domestic slavery, and organ theft (Thapa, 2015; World Bank Group, 2021). Nepal is specifically identified as a primary source of supply of internationally trafficked women and girls for the sex trade (Gurung, 2014; Kaufman & Crawford, 2011; Richardson et al., 2009; Sarkar, 2016). The National Human Rights Commission (NHRC) Report 2019 highlighted that 35,000 people were trafficked in the year 2019; among them, 15,000 were women, 15,000 were men, and 5,000 were children (NHRC, 2019).

This account of trafficking sits against, Nepal's experience of significant socio-political, cultural, and economic upheaval since 1996. The civil war against historical oppression and monarchy lasted for ten years, from 1996-2006, killing more than 17,000 people (Limbu & Shahi, 2014). Since then, there have been multiple government changes resulting in long-lasting political instability. The resulting government restructuring, federalisation, and establishment of republican democracy have posed significant challenges for the Nepalese authorities and people. The stability of Nepal has also been impacted negatively by intervention of three powerful countries, India, China, and the U.S., that vie for dominance over the Nepalese government through their foreign policies, political pressure, and investments. Consequently, the Nepalese government has struggled to wield any political decision-making power or control over economic and social development (Thapa, 2023).

In the past fifty years, a vast amount of international funding has been invested in the development of Nepal (Thapa, 2023). The Nepalese government has been taking support from the international communities to accelerate the development process in Nepal. The Nepalese government's long-term dependency on international funding has supported the massive growth of the development sector in Nepal. However, the interference of international agencies on the governance of Nepal has become quite visible. The international agencies play an influential role in creating and defining the government policies and plans of Nepal (Thapa, 2023).

Figure removed due to copyright restriction.

*Fig. 1.2: Trafficking destinations of women and girls in Nepal. Source: NHRC (2008).*

In this context, eliminating human trafficking and trafficking of women and girls in the sex industry is identified as a major development issue by the government of Nepal. Therefore, the authorities have developed and implemented many legal instruments to control human trafficking in Nepal. Current legal approaches include the Constitution of Nepal 2015, Chapter 11 of Nepal's Criminal Code, the Human Trafficking and Transportation Control Act, 2007 (HTTCA, 2007) and the Human Trafficking and Transportation Regulation, 2008 (Thapa, 2015). Also, Nepal has ratified several global and regional conventions associated with eradicating human trafficking.

Many government programs are implemented in close coordination with anti-trafficking organisations of Nepal. The Ministry's National Control Committee on Human Trafficking (NCCHT), under Ministry of Women Children and Senior Citizens (MoWCSC), provides financial support to run eight government shelters for survivors of sex trafficking. The activities of the shelter

are mainly focused on rehabilitation and reintegration. Prevention programs cover awareness raising and social mobilisation, livelihood, and income generation activities for trafficking survivors and young women of rural areas of Nepal. Awareness-raising and prevention activities are conducted through seminars, workshops, peer education, and community engagement (Thapa, 2015). The NHRC has an assigned division called Special Rapporteur on Trafficking in Women and Children that also manages anti-trafficking programs in Nepal (NHRC, 2019).

## **1.2 Historical Background of Sex Work and Sex Trafficking in Nepal**

Nepalese history and culture have been heavily influenced by the ethnic diversity and hierarchical stratification in social status of its people. While the bulk of the population are Hindu, Buddhism and a mix of other religions are evident in society, as is the Nepalese caste system consisting of four broad social classes (Bhattarai & Conway, 2021; Cox, 1990). Since 2008, Nepal has progressed from monarchist rule to a secular, federal democratic republican multi-party ruling system; however, cultural and religious traditions of the previous era still resonate in many parts of society (Limbu & Shahi, 2014). For example, in the distant past, it was customary for women of some underclass or indigenous communities of Nepal, such as the *Deuki* and *Badi*, to traditionally be expected to engage in sex work (Cox, 1990; Evans et al., 2000). Wealthy and powerful upper-class landlords and royal families would buy young girls and offer them to the gods as part of *Deuki* custom. These *Deuki* girls were not permitted to marry or pursue any profession other than doing religious duties in the temple. Consequently, they were forced into prostitution for their living (Gurung, 2014). Traditionally, the women from the *Badi* (often referred to as the untouchable caste) community would entertain higher caste people through cultural shows and sex work. The *Badi* women voluntarily practised sex work with the support of their families and parents (Cox, 1990). Since, sex work is not regarded as a dignified profession in Nepal, *Badi* sex workers were discriminated against in the community and excluded from their socio-economic rights.

In the late 19<sup>th</sup> century, when Rana Rulers lost their monarchy, they fled to India from Nepal with the young courtesans. The Rana Rulers would keep deprived *Tamang* (indigenous community)



girls as their courtesans. Many scholars have highlighted that the trafficking of Nepalese women and girls existed since the Rana Regime. Later, when the courtesans were older, they were sold by the Ranas as sex workers in several Indian brothels. Many of those sold Nepali women started their own brothels in India and hired women for sex work, sourcing their workers from Nepal (Dahal et al., 2015; KC et al., 2001; Richardson et al., 2009; Worthen, 2011). Thus, what we now call sex work and trafficking of women has been embedded in Nepalese culture for centuries.

Since the 1980s, trafficking of women became more widespread after the establishment of an open border between Nepal and India, when Nepali women started migrating to work in Indian informal sectors (Sharma et al., 2014). Also, during that period, commercial sex work became more prevalent in Nepal due to urbanisation, tourism, and the rise of the entertainment sector, for example, in the hotel industry, massage parlours, dance bars, and restaurants (Richardson et al., 2009). This trend resulted in many women migrating from Nepal's rural areas to find employment in urban centres, often as sex workers.

However, trafficking of women in the sex industry became sensational in Nepal after many brothels in Mumbai, India was raided by the government of India in February 1996. They 'rescued' about 500 women and girls, of which 200 were Nepalese origin. At that time, the Nepalese government authorities were hesitant to repatriate those Nepalese women and girls from India as they were suspected of being carriers of HIV and AIDS (Evans et al., 2000; Pradhan 1997; Worthen, 2011). However, several non-government organisations (NGOs) in Kathmandu advocated strongly for the repatriation and rehabilitation of the rescued women and girls from India. After five months, 128 Nepalese women and girls were returned to Nepal and were housed in newly created seven rehabilitation centres in Kathmandu (Evans et al., 2000; Pradhan 1997; Worthen, 2011). After this incident, the organisations that were involved in the repatriation process continued their work as anti-trafficking organisations in Nepal mainly focusing on the rescue, rehabilitation, and reintegration of women trafficked in the sex industry.

### **1.3 Statement of the Problem**

Human trafficking has been identified as a significant problem in Nepal. The government and non-government organisations of Nepal are actively involved in addressing the trafficking issue. However, the trafficking discourse in Nepal is highly complex and contested, while the term trafficking is often conflated with sex work. The anti-trafficking discourses in Nepal identify all women and girls who are engaged in sex work, voluntarily or involuntarily, as sex trafficked. Furthermore, the anti-trafficking discourses overlook migrant women or sex workers as individuals and represent them as victims of trafficking and exploitation who have no agency or voice. Moreover, the anti-trafficking discourses in Nepal are only targeted towards Nepalese women, sex workers and the sex industry, while trafficking also occurs with men, the elderly, and children of Nepal working in informal sectors, such as construction, agriculture, hotels and small businesses. Thus, it is not just women who may be trafficked or forced into labour in these circumstances; the problem of human trafficking in Nepal is larger and more complex than is supposed by those organisation attempting to resolve the situation. Therefore, this study explores and problematises the concept of sex trafficking in the anti-trafficking discourses of Nepal.

### **1.4 Research Question, Methodology and Approach**

This study seeks to answer the following research question:

*Is the concept of sex trafficking an obstruction to improving the lives of women in Nepal?*

To answer the research question, a sex-positive feminist approach has been applied, where sex positive feminism argues that sex work is work and not exploitation any more than various other forms of work (Kempadoo & Durisin, 2020). An intersectional approach is also applied to critically analyse the concept of 'sex trafficking' in Nepal that incorporates the socio-economic and cultural context of Nepal, its place in global politics, and its development process.

This research is mainly based on secondary data, and the methodology applied is document analysis. The methodology incorporates the study of policies and reports, organisational profiles of government and non-government organisations of Nepal on sex work, and sex trafficking to describe the context of Nepal. Other sources included varied scholarly articles and books that portray the evolution of sex trafficking discourse in Nepal and worldwide.

## **1.5 Significance of the Study**

A range of academic studies have been conducted and reports have been published by government and non-government organisations on the trafficking issue of Nepal. However, the studies are mainly focused on context and process of trafficking and anti-trafficking interventions. Hence, the existing studies on trafficking have revolved around the concept of sex trafficking as a significant problem that exploits Nepalese women and comprises the major component of increased human trafficking in Nepal. Therefore, this study can make a significant contribution to the existing literature on the general topic of human trafficking and the specific subject of sex trafficking of women in Nepal, as it approaches this issue through a different feminist lens.

While this study acknowledges that some women are trafficked in the sex industry, it also points out that human trafficking is beyond sex work and sex industry considerations. Furthermore, this research critically analyses the various dimensions and politics behind the conceptualisation and promotion of the term sex trafficking. Therefore, the findings of this research may be helpful for prospective researchers who want to further explore the concept of sex trafficking. In addition, it will support a recast of assumptions about trafficking that leave out all other forms of trafficking except women in migration. This research might also be helpful for researchers who want to critically analyse the anti-trafficking discourse and interventions of Nepal from a sex-positive feminist perspective. Finally, this research is significant as an advocacy document for use by feminists and others to intervene in the human trafficking discourse in Nepal or to advocate for a sex-positive approach to inform policies.

## **1.6 Research Structure**

This research comprises six chapters. This first chapter has introduced the research with background, research question, research methodology, approach, and limitations. Chapter 2 sets out my theoretical framework through an overview of global feminist discourses on sex work, and women trafficked in the sex industry. Chapter 3 is the literature review that gives an overview of evolving discourses on sex work and women trafficked in the sex industry in Nepal. Chapter 4 describes and elaborates on how the concept of sex trafficking is deeply rooted and promoted in the current scenario of Nepal. Chapter 5 offers analysis and explanation of the politics and factors behind the acceptance, evolution and promotion of the concept of sex trafficking discourse in Nepal. Finally, Chapter 6 includes the findings of the study, its conclusions, and recommendations.

## **1.7 Limitations of the Research**

As the research is entirely based on secondary data and existing literature, there might be some gaps in the availability or reliability of information. In particular, there were few resources available incorporating the voices of Nepalese sex workers or the Nepalese women trafficked in the sex industry. Some information used in the study might be questionable as the data were drawn from grey literature and NGO reports rather than more rigorous research. Nevertheless, these limitations were understood and as much as possible compensated for using critical thinking and personal reflection during the course of the study

## CHAPTER 2: GLOBAL DISCOURSES ON SEX TRAFFICKING

This chapter provides an overview of the global feminist discourses on sex trafficking and sex work. The first two sections of this chapter incorporate the feminist discourses that evolved since 1970s to the present while underlining some significant incidents that occurred regarding sex work and sex trafficking globally. Next, it briefly describes the stand of sex worker-led organisations in the South Asian Region. Finally, the last section discusses the different feminist approaches that are used to analyse sex trafficking and sex work worldwide

### 2.1 Historical Feminist Discourse on Sex Work and Sex Trafficking

In the 1970s, Western-style feminism initially defined sex work and marriage as violence against women and products of patriarchy (Scoular, 2004). Western feminists claimed that women's bodies were controlled and used to satisfy men's sexual needs. Kathleen Barry (an American sociologist and feminist) termed this situation of women under patriarchy as "sexual slavery" (Kempadoo, 2001, p. 35). Radical feminists followed the ideology of Kathleen Berry and argued that prostitution had reduced the status of women, who were bought and sold for "sexual slavery". In 1979, the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations General Assembly. Article 6 of CEDAW stated that appropriate measures should be taken to control all forms of trafficking against women and the exploitation of women through prostitution (Kempadoo & Doezema, 1998, p.39). Later, in Asia and Africa, the term *sexual slavery* was used by many anti-trafficking organisations to explain the coercion and sexual exploitation that women of these regions were experiencing. However, this definition of sex work was challenged by many women and sex workers in Asia and Africa as all women who are engage in sex work does not experience the same working conditions and situation (Kempadoo, 2001).

The strongest advocate of the abolitionist feminist approach is the Coalition Against Trafficking in Women (CATW), which outlines all sex work as a form of sexual exploitation. The CATW was founded in New York at an international conference on sex trafficking and prostitution in 1988. The founder members of the organisation were Kathlyn Barry and Dorchen Leidholdt (CATW, n.d.). The CATW Convention on the Elimination of All Forms of Sexual Exploitation of Women identifies prostitution as a form of sexual exploitation similar to rape, genital mutilation, incest, and battering (Kempadoo & Doezema, 1998, p. 37). According to CATW, prostitution is violation of women's human rights and is a significant factor in the subordination of all women (Kempadoo & Doezema, 1998).

From the mid-1970s, sex workers started to organise globally and advocate for themselves. The first and second World Whores conferences were conducted in Europe in 1985 and 1986, respectively and the World Charter for Prostitute Rights was developed that incorporated the experiences and voice of sex workers in the Global North (Kempadoo & Durisin, 2020). To challenge the dominant abolitionist approach, in 1979, Carol Leigh, an American sex worker, coined the term sex work, to replace what abolitionists described as "prostitution" or "sexual slavery" (Kempadoo & Durisin, 2020, p. 413). During the 1980s, there was also a significant debate in the American feminist movement known as the "sex wars", which linked sex work, pornography, power, agency, sexuality and sex trafficking (Miriam, 2005, p. 1). After a decade, the debate ended with a "pro-sex" notion that interpreted sex work as an opportunity for women to explore their sexuality and to challenge the patriarchal norms against women's sexuality.

To challenge the abolitionist view against sex work, the distinction between voluntary and involuntary sex work was first introduced by the prostitutes' rights movement. This distinction was acknowledged and promoted by the Global Alliance Against Trafficking in Women (GAATW). GAATW was established in 1994 at a conference in Thailand to challenge the traditional discourses and activism on the trafficking of women. The alliance was formed to understand and solve trafficking issues from a human rights perspective to improve the condition of trafficked women.

The primary objective of founding this alliance was to include the voices of trafficked persons and affected communities in the policy-level discussions (GAATW, 2009). The GAATW opposed international instruments like the U.N. protocol and CEDAW for ignoring the choice of adult persons to engage in sex work voluntarily. Thus, GAATW opposed forced sex work, but demanded anti-trafficking interventions based on equality, human rights, and the right to self-determination, including voluntary sex work (Kempadoo & Doezema, 1998; Meyers, 2014).

The 1995 Beijing World Conference on Women's Rights condemned involuntary sex work but not voluntary work. Radhika Coomaraswamy, the U.N. Special Rapporteur on Violence Against Women, clearly distinguished between voluntary and involuntary sex work. She wrote that "some women become prostitutes through rational choice, others become prostitutes as a result of coercion, deception or economic enslavement" (cited in Kempadoo & Doezema, 1998, p. 40). Furthermore, Coomaraswamy stated that trafficking and sex work should not be confused. This confusion, (to control trafficking), had led many Asian governments to regulate women's migration and many sex workers were deported from their host countries (Doezema, 2002, p. 25). While there were some changes in the perspectives in the U.N. on sex work, there were no concrete changes in the policies and discourses in the organisation (Miriam, 2005).

On the other hand, as a consequence of abolitionist feminism, the "Swedish Model" emerged as a tool to combat violence against women. The "Swedish" or "Nordic" model was the first law of its kind that criminalised buying sex in 1999, whereas selling sex remained legal in Sweden (Vuolajärvi, 2021). This policy negatively affected the overall sex industry and especially the lives of street sex workers in Sweden. Consequently, for survival, the street sex workers had to take more clients, work in high-risk conditions, face extreme police harassment and deportation, and face violence from clients, yet were unwilling to report to police (Kulick, 2000).

In the 21<sup>st</sup> century, the notion of sexual slavery and victimisation gained prominence globally. The U.N. Optional Protocol on Trafficking (Palermo Protocol), ratified by 105 countries in 2002, highlighted prostitution as a significant factor for trafficking and did not differentiate between forced and voluntary sex work (Miriam, 2005, p.1). At the time of the formulation of Palermo Protocol, the term "sex trafficking" was established, stating that women were trafficked for sexual slavery. During that period, the idea of sex work was rejected, and terms like "prostituted women", "sexually exploited person", and "child use in prostitution" were promoted by abolitionists in the West to establish that prostitution is violence against women and hence should be eradicated for the welfare of women. Women who withdrew from the sex industry were classified as "survivors of prostitution" (Kempadoo & Durisin, 2020, p. 417).

## **2.2 Contemporary Global Feminist Discourse on Sex Work and Sex Trafficking**

Kempadoo (2015) argued that global feminist discourse in the 21<sup>st</sup> century has shifted from "trafficking of women" and "female sexual slavery" to "modern-day anti-slavery", "abolitionist feminism" and "celebrity humanitarianism. The notion of modern-day slavery was initiated by an American, called Kevin Bales, in the late 1990s. Bales founded an organisation called "Free the Slaves" that collaborated with countries like Nepal, Haiti and the Democratic Republic of Congo. The organisation started the "Global Slavery Index", which ranks all the countries according to their prevalent slavery status (Kempadoo, 2015, p. 9). Afterwards, there was an emergence of writers, academics, journalists, and faith-based organisations who started discourses on "modern-day slavery" and "sexual slavery".

Celebrity influence has also become a common trend in the humanitarian world nowadays. Global humanitarian projects use entertainment stars to amplify development issues widely through media. Kempadoo (2015) pointed out that many Hollywood celebrities in recent years have



prioritised human trafficking and modern-day slavery as significant issues to be advocated by them. These celebrity advocacy campaigns are highly focused on “rescuing” women and girls from sex trafficking. Kempadoo further argued that celebrity humanitarianism does not solve the problem instead, they promote abolitionism through anti-sex work ideologies, rescue mindset and victimising women and girls (Kempadoo, 2015, p. 11).

Agustin (2012) cited that at the dawn of the 21<sup>st</sup> century, the U.S. initiated the anti-trafficking campaign, declaring that the U.S. had overcome all the challenges prevailing in the society, including slavery, socio-cultural discrimination, and civil rights. Consequently, they are empowered to rescue the world with their anti-sex work and anti-trafficking policies. The general discourses on trafficking in the U.S. are based on the traditional understanding of sexuality and gender, which proposes that women are powerless and need protection (Baker, 2013; Doezeema, 2002). In many parts of the U. S., the government is following an abolitionist approach to sex work and sex trafficking. People who are found buying, selling, or promoting sex in some parts of U.S. are charged with prostitution and penalised depending on local laws (Gerassi, 2015). The U.S. is maintaining and implementing a paternalist abolitionist ideology (Meyers, 2014). Consequently, NGOs who seek funding from U.S. agencies for anti-trafficking programs are bound to sign an "anti-prostitution pledge" that prohibits identifying sex work as work. Each year the U.S. publishes Trafficking in Persons (TIP) reports that evaluate the Global South countries' anti-trafficking programs and ranks them according to their compliance with U.S. government standards (Baker, 2013). If a country ranks in Tier 3, it suggests that the country has a poor trafficking record; Tier 2 implies borderline cases, and Tier 1 countries are the nations that are in line with U.S. government's anti-trafficking standards (Soderlund, 2005, p. 76). Tier 3 ranking of a country would result in

curtailment of U.S. funding and foreign aid as well as affecting the country's reputation globally (Human Rights Watch, 2010).

Meyers (2014) points out that this controlling mandate in sex work issues prohibits sex workers from forming organisations and leading anti-trafficking campaigns by themselves. The abolitionist anti-trafficking and philanthropy approach of the West is affecting the lives of migrating sex workers globally. Agustin (2008) argues that the global gaze is more on poverty and coercive sex rather than labour flexibility and transnationalism. Further, the author claims that the anti-trafficking work of philanthropists benefits themselves more than the sex workers. She named it the 'Rise of the Social' (Agustin, 2008, p. 104). The Rise of the Social started in the early nineteenth century when European societies emerged as self-acclaimed leaders who could teach citizens how to live their lives. During that era, bourgeois women identified themselves as highly educated, evolved, and sensitive enough to rehabilitate their inferiors. They also wanted to do something about prostitution, especially to "rescue" and "rehabilitate" the sex workers who were "victimised" and "exploited" in sex work. Agustin (2008) further argued that the government, political, and NGO representatives, feminists, and academicians are highly influenced by the Rise of Social idea, and all of them believe that they are empowered to tell everyone how they should live their lives. Agustin emphasised that there is a dire need to advance knowledge of the sex industry and sexual activities by listening to the people involved rather than imposing other's ideologies (Agustin, 2008, p. 139).

Kempadoo (2015) also agreed that the global discourses on sex work and sex trafficking are highly dominated by white supremacy. The author argues that white supremacy is embedded in the discourses that are preoccupied with modern-day slavery, abolitionist feminism, and celebrity humanitarianism campaigns. In the anti-trafficking campaigns, Global North countries fantasise about themselves as saviours who rescue the victims of abuse in Global South and East countries. Kempadoo (2015) further explained that rescue fantasy exercises epistemic racism and creates an

almost mythical image of benevolent white people who solve the problems of people of colour in poor and underdeveloped countries. This rescue mission of the Global North is celebrated globally through international nominations, prizes, honorary doctorates, U.N. ambassadorships, and award-winning documentaries on modern-day slavery. The present modern-day slavery discourse creates massive epistemic and political power dynamics between Global North and Global South countries (Kempadoo, 2015).

Kempadoo (2001) suggested that feminist discourses and approaches should be inclusive and not dominated by white perspectives, histories, and narrations. Kempadoo (2001) underlines that there is a need for programs and strategies related to sex work that address the specific needs of women of colour. It is significant to include the voices of Black and Brown women in research that conceives the knowledge about sex work. The stories of Black and Brown women's sexuality in relation to intersectional oppression, due to gender discrimination, globalisation, and colonisation, are significant and should lead the discourses related to sex work. Therefore, it is imperative according to Kempadoo (2001) to create ways to include and understand the socio-cultural experiences of women of colour and women of the Global South about sexuality.

## **2.3 Discourses Led by Sex Workers' Organisations in South Asian Region**

Similar to the West, the anti-trafficking and sex work discourses in the Asian region are divided between two ideologies: abolitionism and identifying sex work as work. On the one hand, the majority of non-government organisations in the region are funded by international donors who strongly advocate the abolitionist anti-trafficking approach, while on the other hand, there are a few sex workers-led organisations in the region, which are advocating for their rights and recognition of sex work as work.

All India Network of Sex Workers (AINSW) is a membership-based organisation founded by sex workers in India in 1998. It is a federation of community-based organisations of sex workers. The primary objective of this organisation is to incorporate the voices of sex workers and amplify them across the country. The organisation is also advocating for the decriminalisation of sex work and the establishment of sex work as any other work in India. One of the major achievements of the organisation was to stop the Draft Trafficking in Persons (Prevention, Care and Rehabilitation) Bill 2021 from getting passed in the parliament of India. Hence, AINSW argued that the bill was drafted to target sex workers in the name of anti-trafficking and rehabilitation of sex workers. The proposed bill would have criminalised the sex trade setting and the clients of sex workers. Thus, AINSW demanded the redrafting of the bill, which forced the government to reconsider sex workers' rights (AINSW, n.d.).

In Thailand, Empower is a sex worker-led organisation that was established in 1985. Empower has been advocating for sex worker's rights, opportunities and decriminalisation of sex work. Empower receives funding from international donors like Mama Cash, American Jewish World Service and the government of Thailand. Empower argues that the majority of feminists in Thailand follow western feminism that refuses to identify the agency of sex workers and sex workers' rights including protection and justice. Like AINSW, empower also advocates for decriminalisation of sex work as they believe it will improve the lives of sex workers. Empower argues that current anti-trafficking and modern-day slavery discourse promote persecution than prevention, prosecution, and protection (Open Democracy, n.d.).

Similarly, the Women's Network for Unity (WNU) a sex workers' network in Cambodia established in 2000 also advocates for establishing sex work as work by organising sex workers. WNU demands for the review of the 2008 Law on Suppression of Human Trafficking and Sexual Exploitation. This law pretends to combat human trafficking but intentionally targets abolishing the

sex industry in Cambodia. The Cambodian government is highly influenced by the U.S. government. Hence, the laws and policies developed to combat human trafficking target the sex industry. Also, the Cambodian government is inclined to the Swedish model of criminalisation of sex worker's clients that ultimately affects the sex industry and the lives of sex workers in Cambodia, including causing homelessness, poverty, lack of safe workplaces, lack of access to government services, and lack of a dignified life (Women's Network for Unity, n.d.).

Similarly, in Nepal, sex worker organisation like Society for Women Awareness Nepal (SWAN), established in 2006, demands for establishment of sex work as work. According to SWAN, sex work is restricted and criminalised in Nepal. There are no laws that directly accuses sex workers; however, sex workers are punished and harassed by law enforcement agencies repeatedly. Law enforcement agencies use many other laws to target and harass sex workers (Global Network of Sex Work Projects, 2021).

## **2.4 Overview of the Global Feminist Discourse**

The abolitionist feminist approach is based on eradicating all forms of sex work from society and criminalising it. From an abolitionist point of view, sex work is deeply rooted in patriarchy, where women are dehumanised and trained to fulfil the sexual desires of men. In sex work, women are treated as sexual objects and exploited by men. Abolitionists highlight that the promotion of the sex industry is a strategy to continue women's exploitation and slavery in society. Abolitionism views sex workers as victims. Hence, they should not be criminalised but provided support to quit sex work (Comte, 2014; Gerassi, 2015; Mullin, 2021).

Pro-sex or sex-positive feminism also views patriarchy as the sexual oppression of women. However, advocates propose that sex work is or can be empowering for women. In the patriarchal society, women's sexuality is controlled and used to uphold the reproductive and carer roles of women, which is characterised as the “good” roles. However, if women try to break the rules of

sexuality in patriarchy, then they are stigmatised as being a “bad woman” and a whore who should be punished (Comte, 2014; Scoular, 2004). Therefore, sex-positive feminists find it significant to fight against this patriarchal ideology and to encourage women to take charge of their own sexuality. Sex-positive feminism emphasises that a woman's consent is enough to make any decision in their life, including sex work. Sex-positive feminists are opposed to criminalisation and stigmatisation of sex work, as they believe sex work helps to create a broad-minded society that accepts and promotes the autonomy of women over their own sexuality (Comte, 2014; Gerassi, 2015)

In conclusion, the review of the existing literature demonstrates that the global feminist discourses on sex trafficking and sex work are divided between two perspectives: abolitionism and identifying sex work as work. Between these two viewpoints, the abolitionist perspective has been quite dominant globally in the past as in the present. The primary reasons for the dominance of abolitionist approach globally are the U.S. policy and its approach of ending modern slavery in the Global South. This policy is reinforced by the Trafficking in Persons (TIP) ranking, which ultimately determines the level of humanitarian funding made available by the U.S. in foreign aid, and the resulting international image of the countries. In addition, the Global North has been strategically and politically imposing abolitionism on the Global South by providing funds and supporting anti-trafficking organisations. The "rescue missions" led by Global North classifies all women and girls involved in the sex trade as "innocent victims" and advocate for developing new policies and programs to prosecute traffickers, pimps and clients of sex workers, policing of sex work, increased border controls and detention and deportation of immigrants. Coinciding with human trafficking is the voluntary migration of women for legitimate reasons. Consequently, anti-trafficking interventions and enforcement is interfering with the lives of women who want to migrate for work. Therefore, it is important to view sex work and sex trafficking issues from a non-abolitionist

perspective and to include the voices of sex workers and migrant women to ensure their views are represented in the discourse.

## **CHAPTER 3: EXISTING LITERATURE ON SEX TRAFFICKING AND SEX WORK**

This chapter provides an overview of evolving discourses found in the literature on sex trafficking and sex work in the context of Nepal. Several academic articles and grey literature have been studied and analysed for this. The literature review covers the historical and contemporary discourses, major incidences related to sex work and sex trafficking and anti- trafficking interventions of Nepal. The documentation on sex trafficking and sex work in Nepal began in the late 1980s; however, much of the early literature on anti-trafficking organisations and activities has not been published online.

In 1993, a report entitled “Gender Exploitation and Violence” was published by UNICEF (O’dea, 1993). At that time there had been very little empirical research conducted on sex workers of Nepal, this report was developed to review and assess the literature and provide an overview about sex workers of Nepal for the first time. It was a literature review of several texts about sex work and sex trafficking in Nepal and India. The report focused on various dimensions of sex trafficking and sex work, including the history of sex work in Nepal, the context of the sex work industry, socio-economic actors and factors driving the sex industry and their implications for Nepalese women and girls. The report highlighted that in 1993 around 100,000 Nepalese women and girls were doing sex work in India, and there was a higher demand for young and virgin Nepalese girls in the Indian sex industry (O’dea, 1993, p. 7). The report briefly discussed the anti-trafficking organisations and their programs that were active during that period. Some of the recommendations of the report included the need for a systematic survey to get an overall structure of the sex industry and additional funding for NGOs to conduct trafficking prevention programs in Nepal. The report also recommended that parliamentarians should be involved in the anti-trafficking approaches to ensure pragmatic, political, and economic development in sex trafficking discussions (O’dea, 1993, p. 45). The report included



a section consisting of an annotated bibliography that provided the documented history of sex trafficking in Nepal from various Nepalese and Indian sources. However, it lacked an in-depth analysis and critical evaluation of the effectiveness of anti-trafficking prevention programs in Nepal.

A few years later, “Back Home from Brothels” was published by Child Workers in Nepal Concerned Centre (CWIN) in 1997. The book was written by Gauri Pradhan, a prominent social activist and human rights defender and founder of CWIN. The book included a detailed narration of the 1996 repatriation of 128 Nepalese girls from the brothels of Mumbai, India and the starting of the anti-trafficking movement in Nepal. Pradhan (1997) explained that in the year 1996, with a combined effort of a few NGOs of Nepal and India, 128 girls were rescued from Indian brothels and returned to Nepal. The organisations involved in this repatriation process were CWIN, ABC, WOREC, Maiti Nepal, Shtrii Shakti, Shanti Punarsthapana and Nawajyoti. Pradhan stated that all the rescued girls were provided medical facilities and psycho-social counselling and half of the girls were reunited with their families. The repatriation incident was highlighted in various national media that made sex trafficking a sensational issue in Nepal. In 1997, the organisations involved in repatriation process formed the first informal Alliance Against Women Trafficking in Nepal (AATWIN). The aim of AATWIN was to advocate that women and girls trafficking in Nepal is a significant issue and it should be highlighted and addressed at national and global levels (Pradhan, 1997).

There was a rise in trafficking prevention programs in Nepal and many scholars discussed these programs after the 1996 repatriation incident. In 2000, a joint study was conducted by The Asia Foundation, Nepal and Population Council Horizons, India (Evans et al., 2000). This report was published with the support of the U.S. Agency for International Development (USAID), and the objective of the report was to examine the efficacy of the prevention, care and support programs for trafficked population of Nepal. The report was based on the interviews with the donor agencies, international non-government organisations (INGOS) and local non-government organisations (LNGOs). The report highlighted that most of the anti-trafficking organisations in Nepal were

implementing protection and prevention programs to control sex trafficking. The report also noted that the anti-trafficking organisations in Nepal interpreted migration as sex trafficking and adopted the saviour approach in their interventions, neglecting to consider that migration was often the only sustainable livelihood strategy for some women and their families. Therefore, the significant recommendations of the report included the need for empirical research to measure the effectiveness of the implemented programs and to build the conceptual clarity of the organisations' understanding of sex trafficking, migration, and sex work. The report also suggested that organisations should focus their interventions on safe migration, counselling support, care for HIV infected women, and livelihood support rather than preventing women from migration. This study was the first to challenge the prevailing assumptions about sex work in Nepal.

As the discussion on the sex trafficking issue in Nepal gained a broader interest, numerous studies began focusing on its context and process. A rapid assessment was conducted by the International Labour Organization (ILO) (KC et al., 2001) using a mixed method that included data analysis and the study of secondary resources related to sex trafficking. This study aimed to look at the various dimensions of sex trafficking that previous studies had not examined. It compared the lives of women and girls in the brothels in India and after they returned to Nepal. The study explained that trafficking in Nepal was deeply associated with socio-economic and cultural factors, together with demographic and political factors.

The ILO (KC et al., 2001) study identified two forms of sex trafficking in Nepal: "hard and soft". Hard trafficking takes place mainly from one Nepalese district to another and from rural areas to urban cities through intimidation and fake promises of legitimate employment. In soft trafficking, girls are classified as the property of their parents and are sold to traffickers or brothels. The study found that the life of the Nepali girls in brothels was extremely miserable; they were immediately forced into sex work and compelled to work about 13 hours a day, often for years. However, a few respondents from the study also mentioned that their life was better in the Indian brothels than their

former life in Nepal. The study also revealed that the repatriation, rehabilitation, and reintegration process of trafficked women and girls is highly complex and challenging due to lack of resources and knowledge, and lack of awareness among Nepalese communities about trafficking and its effects on women. Hence, the women and girls who were returned from Indian brothels were often prevented from living a dignified life due to the stigma attached to sex work in Nepalese culture and society. They were discriminated against, rejected by their communities, and stigmatised (Adhikari, 2011). The study suggested that collaboration is needed between government and non-government organisations during anti-trafficking interventions to incorporate a multi-faceted approach addressing the social aspects of repatriation and reintegration (KC et al., 2001).

Sushma Joshi, a Nepali writer, interested in globalisation and migration, examined the issue of trafficking with a more nuanced perspective than the previous scholars (Joshi, 2001). It was the first academic article on sex trafficking, and it was published in the *Journal of South Asian Studies*. Joshi applied an intersectional approach in the study and looked at trafficking as a gendered issue while criticising the rehabilitation programs Nepal. Joshi (2001) argued that in Nepal, the existence and identity of women and girls is based on kinship, meaning that women are always identified by their relationships with men as someone's wife, mother, daughter, sister, or in-law. Joshi argued that the anti-trafficking movement in Nepal is led by the privileged caste women, and they endorse the language of kinship to promote the narrative of women as "victims" in the trafficking discourse. Consequently, despite women's age or relationships, the term *Cheli-Beti* (daughters) is used as a blanket term for all the women who migrate to India. This notion is so widespread in Nepal that trafficking in the Nepali language is called *cheli- beti bech bikhan* (selling of girls and daughters) (Joshi, 2001, p. 158). Joshi argued that the discourse on trafficking in Nepal is based on the hegemonic notion of gender and sexuality. Nepali women who travel alone outside of family boundaries and reproductive roles are blamed for disobeying moral and social values and this value system targets the women who migrate to India. The only way to bring back these migrated women

to Nepal is by portraying them as “victims” of trafficking (Joshi, 2002, p. 162). Moreover, Joshi (2001) argued that the rehabilitation framework of the anti-trafficking organisations in Nepal is to provide counselling and education to the trafficked women to reunite with their family and have a 'good life'. Joshi noted that the education and livelihood programs implemented by the anti-trafficking organisations in Nepal are not designed according to the need of women who worked in the sex industry. Joshi argued that there is barely any difference between brothels and the rehabilitation centres or “safe homes” where the behaviour, communication, and bodies of women are regulated according to societal norms. Joshi also pointed out that global media representation of sex trafficking in Nepal has been successful in creating a myth. Media promotes the trafficking story of an innocent Nepali girl, trafficked and sold in the cities, where she is sexually exploited and finally succumbs to HIV/AIDS; however, trafficking is beyond this stereotypical scenario. There are many Nepalese women and men who are working in labour-exploitative environments in different parts of the region, which is a subject never discussed. Joshi argued that international media and Global North supports in continuing the mythical discourse on sex trafficking in Nepal through fund raising dinners, creating award-winning videos and paintings on “innocent” sex trafficked women and girls of Nepal (Joshi, 2001, p. 174).

Joshi's article was followed shortly by Women's Studies lecturer at Tribhuvan University, Nepal, Mira Mishra's article about the demand and supply dimensions of sex trafficking published in a Nepalese journal called *Contribution to Nepalese Studies* (Mishra, 2002). The author pointed out that most of the studies on sex trafficking are mainly focused on the supply side, whether it is trafficked victims, the socio-cultural context of the country, legal perspectives, or anti-trafficking approaches and less has been explored about the demand side of the industry. Therefore, the article highlights the demand and supply dimensions of sex trafficking and explores the connection between trafficking and sex work. Mishra further emphasised that it is significant to view trafficking from a broader and inclusive perspective considering socio-economic, cultural, and political context.

Trafficking also involves children, boys, men, and older people. All women and girls are not only trafficked for sex work; but also are trafficked in labour-exploitative industries. The demand side of the trafficking discourse comprises of commodification of women's bodies, and the history of production and growth, industrialisation, urbanisation, and commercialisation in capitalist societies. The politics of the demand side is broad, and the consumption is beyond the brothels that foster a relationship between employer, broker, police, government officials, and politicians. They all work together to protect and support the sex industry. Mishra (2002) concluded that trafficking coincides with many aspects, including a patriarchal society, market-dominant economy, industrialisation, and urbanisation. Therefore, the anti-trafficking initiatives should focus on the socio-economic empowerment of women and challenging bureaucratic corruption, which could be a significant step towards controlling trafficking (Mishra, 2002).

In 2004 Padam Simkhada, a Nepali scholar, Associate Dean and Professor of global health at University of Huddersfield, UK, and Hennink Monique, Associate Professor of global health at Emory University, published an article in the *Asian and Pacific Journal* which conceptually clarified on the sex trafficking context of Nepal (Hennink & Simkhada, 2004). This study used in-depth interviews to focus on the case study of sex-trafficked women from different rehabilitation centres in Kathmandu. They asserted that there are no exact numbers based on empirical research to measure the magnitude of sex trafficking in Nepal. However, NGOs reports state that around 5000-7000 women and girls are trafficked each year from Nepal and currently, Nepal is regarded as the primary source of trafficked women and girls worldwide. They also identified gender inequality, unequal gender power dynamics, lack of women's education, and poverty and lack of employment opportunities as the significant factors contributing to sex trafficking in Nepal.

Hennink & Simkhada (2004) pointed out that trafficking occurs in different stages in Nepal, at the community level, in urban areas, and in brothels through independent migration, labour-induced migration, brokers and through false marriage, husbands are involved in trafficking of their wives. They argued that there is a very thin line between migration and sex trafficking, for example, some women voluntarily migrate to cities for work but instead are sex trafficked during the process

or at the destination. The study identified one of the critical outcomes of sex trafficking as the reversion of trafficked women to sex work after returning to Nepal. According to the authors, the return of trafficked women to sex work is due to extreme poverty and a lack of sustainable livelihood opportunities. They argued that the trafficking prevention interventions in Nepal are implemented without considering the context and process of trafficking. Controlling women's migration would not be a sustainable solution for women and their families from an economic perspective. Instead, Hennink & Simkhada (2004) propose an empowering and constructive approach, would be supportive of returned trafficked women.

Another study focused on the returned trafficked women of South Asia and livelihood opportunities in their home country was published in a *Feminist journal* in 2009 by a Western and Nepali group of scholars (Richardson et al., 2009). The methodology followed in-depth interviews with returned trafficked women from Mumbai, India. They discussed the Nepalese case study about the skills training for the returned trafficked women and their connection between livelihood opportunities and marriage. The authors highlighted that when sex-trafficked women return to their families and communities, they face societal stigma and discrimination. They are labelled as prostitutes and “spoiled” women. The authors argued that while most of the NGO publications recommend vocational skills for the returned trafficked women, such as sewing, knitting, mat weaving, and making candles, these types of livelihood options do not resolve the underlying problems the women face. The authors point out that Nepalese society does not accept repatriated sex-trafficked women and rejects their re-engagement in employment within a community because of the stigma attached to sex work. Thus, repatriated Nepalese women who have participated in sex work, voluntarily or involuntarily, are regarded as ruined, immoral, and unmarriageable, even within their own family (Richardson et al., 2009).

Contrary to continuous discussion of and research about sex trafficking, very little of the research has explored the concept of sex work as employment. Sex work is considered a highly controversial topic in Nepal as it is identified as a sinful job. Identifying the importance of

understanding how to address sex work in Nepal, the Society for Assistance to Children in Difficult Situations (SATHI), a renowned NGO that has been working in Nepal since 1992, organised a national-level dialogue called “The New Openness: Initiating a social dialogue on prostitution in Nepal”. The dialogue was focused on the various options for criminalisation, legalisation, and decriminalisation of sex work in Nepal to explore different views about it, and to learn about global practices in responding to sex work as a concept in society. Different experts presented their views on the topic, and SATHI compiled a report based on the discussion (Rana et al., 2011).

The SATHI’s report highlighted that the legalisation of sex work in Nepal would not be a solution for the development of sex workers as it would neither protect their rights nor protect them from violence (Rana et al., 2011). The report suggested that sex work should never be a livelihood option, neither voluntarily nor involuntarily. Men buying sex is identified as an act of masculinity in the cultural norms of Nepal, whereas women selling sex is a taboo and hence women who are involved in sex work face psychological, social, and physical abuse from the society. The report further explored regulating sex work which could help to prevent organised crime, but it found that inefficient policy implementation would increase both trafficking and prostitution drastically. Also, the report claimed regulating sex work would continue the exploitation and discrimination of women in society. The report recommended that activists should work to reduce the tendency for women to prefer sex work by providing more suitable employment opportunities for women. Therefore, Nepal should focus on alternative dignified livelihood strategies for women rather than forcing them to choose sex work as the means of economic survival. From a psychological perspective, women having numerous sexual partners is deemed as abnormal behaviour in Nepal and could harm women psychologically. The report summarised that promoting the decriminalisation of sex work would reinforce slavery and exploitation of women and girls in Nepal (Rana et al., 2011). This report embodied a comprehensive radical feminist approach that sought to empower women but did not challenge the prevailing patriarchal norms and cultural values of Nepal, despite these gender-based factors comprising the main foundations of prostitution.

Miranda Worthen, a Professor at San José State University and a Research Coordinator at the SJSU Human Rights Institute, contributed to this discussion on the distinctions between sex work and sex trafficking by critically examining the sex trafficking discourses and the anti-trafficking interventions in Nepal through two different frameworks: the “Prostitution Framework” and the “Labour Exploitation Framework” (Worthen, 2011). This study was published in the *Refugee Survey Quarterly Journal*. The prostitution framework suggests that a patriarchal society is the reason behind trafficking, whereas the labour framework suggests economic factors drive trafficking. According to the labour framework, women and girls voluntarily migrate for work, and they pursue sex work without being trafficked. However, in the prostitution framework, women doing sex work are identified as vulnerable and trafficked. Worthen (2011) stated that according to anti-trafficking organisations in Nepal, around 5000-7000 women and girls are sex trafficked in Nepal and India and there is an ongoing debate about whether all these women are trafficked, or their movement is voluntary. The anti-trafficking organisations in Nepal present the story of trafficking through a prostitution framework where women are identified as vulnerable. Since the 1990s, anti-trafficking organisations in Nepal have been propagating the vulnerability of women and girls as the significant factor of trafficking rather than being caused by the socio-economic and cultural factors. This idea illustrates that the increasing demand for sexual services in patriarchal society norms provokes trafficking, and hence, women automatically fall into the vulnerable criteria (Worthen, 2011).

Anti-trafficking organisations implement awareness-raising programs highlighting that migration is dangerous and sex work is depraved (Worthen, 2011). These anti-trafficking programs do not acknowledge that women can make their own decisions. Rather, anti-trafficking organisations assume that all women who are engaged in sex work need to be rescued. Many anti-trafficking organisations in Nepal have collaborated with Indian organisations to conduct raids in brothels, which the author argued is a violation of women's rights as many women might have been doing sex work voluntarily (Worthen, 2011, p. 102). Worthen suggested that the labour exploitation framework might be helpful in controlling trafficking in Nepal. Raids might save women from slavery-like



conditions, but there is no evidence that it reduces trafficking. Hence, Worthen argued that slavey-like conditions exist and should be controlled, and all people should have the right to work in a non-exploitative environment and culture.

Balaram Prasad Raut, an Associate Professor of Law, Nepal Law Campus, Faculty of Law, Tribhuvan University, Nepal, aims to continue the discussion on legalising or decriminalisation of sex work in Nepal. This article was published in the *National Judiciary Academy, Nepal Law Journal*. According to Raut (2015), Nepali women pursue sex work due to the overlapping of four major factors. Firstly, demand for commercial sex from men. Secondly, women are brought into the sex industry by traffickers, brokers, brothel owners, criminals, and corrupt bureaucrats. Thirdly, creating demand for sex work by tolerating it and lastly, media representation of sex work as a lucrative industry. Raut highlighted that the Hindu religion highly dominates Nepalese legal system. Hence, sex work is seen as a social taboo, and decriminalisation of sex work is identified as a controversial topic to discuss. Sex work in Nepal is neither criminalised nor legalised or decriminalised. Raut (2015) pointed out that although sex workers' rights are a genuine issue in Nepal, there has barely been any discussion on the decriminalisation of sex work for the betterment of sex workers. Therefore, the author argued that due to lack of significant laws that decriminalise sex work, sex workers are exploited physically, mentally, and financially by the state, administration, police, clients, and hotel and employers. In addition, due to the lack of relevant laws to protect sex workers' rights, sex workers experience exploitation and violation of human rights. One of the significant issues in sex work discourse in Nepal is that trafficking and sex work are identified as similar, resulting in violation of sex workers' rights. Raut (2015, p. 204) recommended that Nepal should separate voluntary sex work and involuntary sex work legally, as New Zealand has done, and suggested that addressing the sex trafficking issue is paramount, but considering rights of sex workers is also vital. Raut (2015) suggests that anti-trafficking interventions should extend beyond legislation to changing immigration policies. This study broke new ground in the sex trafficking

discourse by arguing for sex workers' rights, considering a human rights approach, and the need to combat trafficking without collapsing all sex work into trafficking.

Siddhartha Sarkar, an Indian scholar interested in human trafficking issues in South Asia, is among those few scholars who have challenged the argument that poverty and the socio-cultural structure of Nepal have made the country vulnerable to sex trafficking. According to Sarkar's article in *Challenge*, it is the global changes related to the feminisation of poverty and women's migration that have increased sex trafficking in Nepal (Sarkar, 2016). Hence, the author proposed a Human Rights Based Approach (HRBA) for controlling sex trafficking in Nepal. Sarkar argues that the open border between Nepal and India is a significant factor behind increased trafficking in Nepal. Due to technological growth, many women in rural Nepal lost their traditional jobs; consequently, they migrated to India and Gulf countries for sustainable livelihoods, yet they are labelled as sex workers in Nepalese society. Sarkar underlined that women and children from Nepal are not only trafficked for sexual exploitation but also to work in factories, the agriculture sector, circuses, and become beggars in cities of India. However, he agrees that sex trafficking is a violation of human rights that hampers the life, liberty, and safety of a person. Therefore, an HRBA will be effective to focus on the root cause of trafficking, including socio-economic and cultural barriers while ensuring that the anti-trafficking approach is beneficial and sensitive towards women and girls from diverse age groups and backgrounds. An HRBA considers trafficked women and girls as having rights and duties and are not just examples for research and trial. It also promotes that there should be quality in justice, the perpetrators of trafficking should be criminalised, and the human rights of the trafficking survivors should be ensured (Sarkar, 2016). This study was the first to comprehensively propose HRBA as a solution for trafficking in Nepal.

In 2019, Pooja Chetry a Nepali PhD scholar from the Centre for Women's Studies, University of Hyderabad and Rekha Pande, former Head of Women's Studies at the University of Hyderabad, aimed to analyse anti-trafficking programs in the India-Nepal border. Their article was published in

the *South Asian Survey* in 2019. The methodology of the Research followed interviews with anti-trafficking organisations and field workers and observation in the transit centres in border areas. Chetry and Pande (2019) argued that sex trafficking is enforced by the demand for sex and the commodification of women. The price of trafficked girls is based on their bodily features and fair skin, slimness, sharp nose, small eyes, and shiny hair which are valued. Also, the price of the girl rises if she is a virgin and submissive (Chetry & Pande, 2019, p. 132). The authors suggested that anti-trafficking organisations in Nepal created a category of vulnerable women, who are innocent, poor, marginalised, and looking for an escape from their circumstances. They further argued that patrolling conducted by anti- trafficking organisations along the India-Nepal border areas violates the privacy and rights of women. The anti-trafficking strategies in Nepal are based on patriarchal norms that demonstrate women as the “honour bearer of the family”. Therefore, it is believed that a woman cannot disregard her moral values and do sex work voluntarily. However, an interviewee in the study stated that she was willing to do any kind of work, including sex work (Chetry & Pande, 2019, p. 134). The authors highlighted that the anti-trafficking programs in Nepal follow an abolitionist approach that prevents women from migrating through the Nepal-India border, which worsens the condition of women who are migrating for livelihoods. Therefore, the author recommends a bottom-up and gender-sensitive approach that could support improving the lives of trafficked women.

Another study on the legal status of sex work was conducted by Masako Tanaka, Faculty of Global Studies, Sophia University was published in the *Asian Journal of Law and Society*. Tanaka (2020) underlined that there is no law that directly criminalises sex work in Nepal. However, the 2007 Human Trafficking and Transportation (Control) Act (HTTCA) criminalises the pimps and clients. Also, the Criminal Code Act 2017 criminalised marketing and creating an environment for sex work, identifying it as a criminal offence against public morals. Tanaka highlighted that in the

year 2016, there were around 67,300 sex workers working both in rural and urban areas of Nepal. The street-based sex workers were the most vulnerable as they did not have safe workplaces, were paid less, harassed, and detained by police under the Public Offences and Penalties Act. Therefore, to advocate for the removal of discriminatory policies and laws against sex workers and to access improved health services and access to justice for sex workers in the South Asian region, sex workers from Nepal, India, Bangladesh, and Sri Lanka formed a regional alliance called Sex Workers and Allies in South Asia (SWASA). The objective of SWASA is to advocate for decriminalisation of sex work and opposing legalisation of sex work in Asian countries; SWASA believes that legalisation of sex work might victimise vulnerable groups who are involved in sex work covertly (Tanaka, 2020).

With the objective of identifying the legal and structural issues in Nepal for trafficked people to access justice, the most recent study on this issue was conducted by a team of researchers (Nepali et al., 2023) and supported by Winrock International. Based on a desk review and interviews with trafficked persons and representatives of relevant government and non-government organisations, this was a comprehensive study conducted to date in account of legal instruments and policies on trafficking issue of Nepal (Nepali et al., 2023). This study found that the constitution of Nepal prohibits the actions of human trafficking and provides compensation to trafficked persons. The HTTCA, 2007 and the regulation, 2008, were formulated and implemented to rehabilitate the trafficked survivors. Under HTTCA, 2007 the National Control Committee on Human Trafficking (NCCHT) has also been formed that implements anti-trafficking activities in close coordination with civil society organizations. The study argues that though the Nepal government has ratified the Palermo Protocol in 2019 the prevailing policies on trafficking are not updated and amended according to the guidelines of the Palermo Protocol and the Constitution of Nepal, 2015. The study also argues that effective interventions should provide justice to trafficking survivors as per their needs. Justice for trafficked survivors should include the rescue of trafficked survivors from the trafficking environment, provision for basic needs, legal support, fast and effective investigation, prosecution and legal process, high penalty to traffickers, reasonable compensation to survivors and dignified life in the Nepalese society. Recommendations suggested by the study include amendment

of the Human Trafficking and Transportation (Control) Act (2007) and its regulation (2008), and formulation of a separate law on human abduction rather than overlapping it with human trafficking laws. Finally, the government should define justice from the trafficked survivor's point of view (Nepali et al., 2023).

In conclusion, this literature review has demonstrated that the public discussion about sex trafficking in Nepal began in the late 1980s and since then has become closely linked with human trafficking. Many scholars have critically analysed the anti-trafficking interventions and declared them inefficient in controlling trafficking in Nepal. A few scholars have also entered the debate about the distinction between voluntary and involuntary sex work in Nepal; however, an in-depth analysis of the topic is still lacking. Many scholars have also pointed out that sex trafficking is a term that is often conflated with migration and trafficking in Nepal. Some of the literature also highlighted how the whole sex trafficking discourse in Nepal victimises women and prevents them from migrating for legitimate work. While there are valuable insights to be gained from the literature, particularly in a historical, developmental sense, only Joshi (2001) has discussed the concept of sex trafficking in a critical or analytical way. Thus, revealing more about the mythological perspectives on sex trafficking in the landscapes of Nepal remains a challenge for my research in the next chapter.

## **CHAPTER 4: SEX TRAFFICKING: THE LANDSCAPES OF NEPAL**

This chapter describes anti-trafficking discourses and interventions in Nepal. The chapter begins by explaining the Nepal government's initiatives to control 'sex trafficking', then, discusses the U. S. government's influence on addressing sex trafficking in Nepal. The chapter then critiques the anti-trafficking interventions in Nepal and critically analyses the stories of some anti-trafficking activists who are celebrated as anti- trafficking heroes globally.

### **4.1 Anti-Trafficking laws and The U.N. Conventions**

The widely used definition of human trafficking from the U.N. Protocol on Trafficking defines human trafficking as the transport of persons by force, deception, power, and position for the purpose of prostitution, sexual exploitation, labour exploitation, slavery, and harvesting of organs. Similarly, the U.S. definition of sex trafficking refers to prostitution as modern slavery that is forceful and not voluntary (U.S. Department of State, 2023). This automatically indicates sex work as a crime. The MoWCSC (Ministry of Women, Children and Senior Citizens) is the authorised ministry responsible for control of trafficking in Nepal. Adhikari (2011) underlined that the MoWCSC's understanding of trafficking is highly influenced by the U.N. definition of trafficking.

The 1986 anti-trafficking law of Nepal criminalised transactions of women and girls for prostitution through deception, intimidation, and luring (Worthen, 2011). Nepal has also ratified the 1949 UN Convention composed of four different international conventions, which highlights that women are highly vulnerable to trafficking. Also, according to the 1949 convention, only prostitution and trafficking are interrelated while ignoring the other forms of trafficking. The 1949 convention follows an abolitionist approach that focuses on abolishing prostitution. The convention disregards

women as individuals who hold rights. Rather, it identifies women as vulnerable beings who need protection from being trafficked for prostitution (Deane, 2010, p. 499). Since the government of Nepal is held to the ratification of the 1949 convention, the anti-trafficking interventions are also highly influenced by its definition and understanding of trafficking, which includes the convention's opposition to sex work. Ostensibly, to avoid the sexual and economic exploitation of Nepalese women in foreign lands, in 2003 the Nepalese government regulated Nepalese women's migration to Gulf countries (Kaufman & Crawford, 2011). These restrictions made the situation worse and resulted in women migrating to Gulf countries through illegal and unsafe transits. Consequently, these abolitionist anti-trafficking interventions from organisations and governments have led to negative socio-economic effects in the lives of Nepali women and girls (Kaufman & Crawford, 2011).

## **4.2 The U.S. Influence and Anti-Trafficking Interventions of Nepal**

The Nepalese government's approach to sex work and sex trafficking cannot be understood without first recognising its relationship with the U.S. foreign aid policies. As identified as one of the least developed countries, Nepal has been dependent on foreign aid for more than 60 years (Karkee & Comfort, 2016). The U.S. is one of the first countries to provide development funds to Nepal. Since then, it has been extending development assistance to Nepal in the areas of health, communication, governance, climate change, transport, family planning, forestry, agriculture, and human trafficking in close coordination with the Nepal government. In the context of human trafficking, the end of modern-day slavery has remained a priority agenda of the U.S. government. Therefore, the U.S. government in partnership with the Nepal government has been implementing various anti-trafficking projects to eradicate modern-day slavery. It has been investing millions of U.S. dollars in anti-trafficking projects. The primary objective of these projects is to support the Nepalese government to accelerate its efforts towards combatting human trafficking and to follow the U.S. standards in preventing trafficking in Nepal.

For example, the Combating Trafficking in Persons (CTIP) project was a USAID funded seven years (2010-2017) project with a funding of US\$9.1 million that claimed to address the issue of increased vulnerability of women and marginalised groups in human trafficking and exploitation (USAID, n.d.). The Stop Girl Trafficking was another three years (2017-2020) project with US\$1.5 million funding from USAID that focused on empowering women and girls to prevent sex and child trafficking (USAID, n.d.). Similarly, the *Hamro Samman* was a five-year project (2017-2022) funded by USAID and UKAID that aimed to support the government of Nepal to prevent trafficking in ten districts through a funding grant of US\$8 million (USAID Nepal, n.d.). In addition to these previous projects, the 2024 Child Protection Compact (CPC) is a multi-year project with an initial funding of US\$10 million that aims to prevent the trafficking of Nepali children (U.S. Department of State, 2023).

Beyond U.S. foreign aid to Nepal for anti-trafficking projects, there are also developmental programs being funded. The latest of these is the Millennium Challenge Corporation (MCC) worth US\$500 million, which is a 100% grant project aimed at infrastructural development and electricity supply across South Asia (U.S Embassy in Nepal, 2022). The U.S. government claims that this project will support the Nepalese government to improve the infrastructure, electricity facilities, trade, and economic growth, resulting in a reduction in poverty and promotion of sustainable growth through creating opportunities for private investments in Nepal.

The U.S. government has been closely monitoring the anti-trafficking interventions of the government of Nepal. The U.S. Ambassadors and representatives have been visiting USAID/Nepal-funded anti-trafficking projects and providing feedback to the government on prevention of human trafficking (USAID Nepal, 2015). The U.S. Embassy in Nepal produces a Trafficking in Persons (TIP) report annually. As explained previously, the TIP report is the U.S. method of ranking Global South countries on a three-tier system according to their efforts and effectiveness in preventing human trafficking. Tier 1 countries are the nations that are achieving the U.S. government's anti-trafficking



standards, whereas Tier 2 and 3 countries are regarded as less compliant and may lose access to aid funding (Human Rights Watch, 2010; USAID Nepal, 2015, p. 76). According to the TIP Report for 2023, Nepal remains a Tier 2 country and therefore risks losing funding support if it does not move to a Tier 1 status through more effective action. The 2023 report highlights that Nepal is failing to criminalise all forms of human trafficking as is required under aid agreements. Further, the report recommends amending the HTTCA, 2007 to criminalise all forms of sex and labour trafficking in Nepal (U.S. Embassy in Nepal, 2023). As a result, the Nepal government must take steps to comply with the U.S. requirements or aid funding may be curtailed.

### **4.3 NGOs Implementing Anti-Trafficking Interventions in Nepal**

There are more than 100 international non-government and local organisations in Nepal that are working in coordination with donors and the government to control sex trafficking (Adhikari, 2018). The anti-trafficking interventions of these organisations are primarily focused on the “Three Rs”: rescue, rehabilitation, and reintegration. Police raids are a common anti-trafficking intervention in Nepal, which are prompted by anti-trafficking organisations for the purpose of rescuing and rehabilitating sex workers. Most of these raids are targeted towards women and girls working in the entertainment sector of Nepal. Adhikari comments that the anti-trafficking programs in Nepal are not designed and implemented to reduce the risk of sexual and physical exploitation of women and girls working in harmful working conditions. Rather, the author suggests, the programs are designed to target the sex industry (Adhikari, 2018). The next section will examine some of the NGOs active in the anti-trafficking scene of Nepal.

#### **4.3.1 Agroforestry, Basic Health and Cooperative Nepal (ABC Nepal)**

ABC Nepal is reportedly the first anti- trafficking NGO established in 1987 by Durga Ghimire who is popularly known as an activist for women's rights, safe migration, and prevention of human

trafficking (ABC Nepal, n.d.). ABC Nepal is also one of the organisations that was involved in the 1996 repatriation of Nepali girls from Mumbai. The primary objective of the organisation is to rescue women and girls who have been victims of human trafficking and domestic violence, and it claims to have rescued 4015 women and girls and rehabilitated over 1,500 survivors utilising three rehabilitation centres for trafficked women. The organisation's programs include vocational training, informal education, and the formation of over 300 women's cooperatives in nearly half of the administrative districts of Nepal to provide microcredits (small loans) to trafficking survivors to support entrepreneurship and poverty alleviation. ABC Nepal (n.d.) has also produced several publications on trafficking and women's empowerment.

#### **4.3.2 Maiti Nepal**

One of the most significant organisations that has been working to prevent trafficking in Nepal is Maiti Nepal. Like ABC Nepal, Maiti Nepal is also one of the organisations that was involved in the 1996 repatriation incident. It is a non-profit organisation established by Anuradha Koirala (see below), in 1993 to support trafficked, exploited and abused women and girls. She remains the Executive Director of Maiti Nepal, and is renowned personality worldwide (Maiti Nepal, n.d.). The organisation aims to end trafficking and to promote women's and children's rights through the 2As'- advocacy and awareness; 6 Ps'- prevention, protection, participation, prosecution, participation, and policy; and 5Rs'- rescue, repatriation, rehabilitation, reintegration and referral. The primary focus of the organisation is to control trafficking and forced prostitution, rescue survivors from sex work, and rehabilitate rescued women. Maiti Nepal has established two hospices, sixteen transit homes, one prevention home, three information and surveillance centres, two women's rehabilitation centres, one child protection home, and a school. Currently, Maiti Nepal is implementing its projects in 21 districts of Nepal. Maiti Nepal receives funding from many national and international donors; for instance, the U.S. provided \$ 500,000 in the year 2010, and in 2019, Standard Chartered Bank

donated \$ 3.7 million to support the organisation's ongoing work (Maiti Nepal, n.d.; Friends of Maiti Nepal, n.d.). In 2001 Maiti Nepal established Friends of Maiti Nepal (FOMN) in Massachusetts as a NGO, which is regarded as its authorised official representative in the U.S. The primary role of FOMN is to collect resources in the U.S. to support Maiti Nepal's work against sex trafficking in Nepal.

#### **4.3.3 Women's Rehabilitation Centre (WOREC)**

WOREC was among seven other organisations that were involved in the 1996 repatriation of Nepali women and girls from Mumbai brothels. After the repatriation, WOREC started a shelter to rehabilitate the survivors. The organisation was founded in the 1990s by Dr. Renu Rajbhandari, a government medical doctor by profession who has held many high-profile positions in Nepal. These positions have included National Rapporteur against Trafficking in Women and Children for the National Human Rights Commission, advisor for the government gender-based violence unit in 2010 and board member of the U.N. Voluntary Fund on Contemporary Forms of Slavery in 2015. Currently, WOREC is implementing its programs in 21 districts of Nepal. The organisation partners with various international organisations like United Nations Population Fund (UNFPA) Nepal and Care USA. WOREC is also member of many national and international networks including Alliance against Trafficking of Women and Children (AATWIN), GAATW and Migration Forum in Asia (MFA) ( WOREC Nepal, n.d.).

There are only a few small organisations established by sex workers in Nepal because, unlike other anti- trafficking NGOs, they lack adequate support from funding agencies and donors, most of which do not provide aid for sex work advocacy.

#### **4.3.4 Shakti Samuha**

Shakti Samuha is Nepal's first organisation established by the survivors of human trafficking. This organisation was established in 2000 by fifteen Nepali women who were rescued from the brothels of Mumbai in 1996 and were rehabilitated in WOREC Nepal's Rehabilitation Centre. The primary goal of the organisation is to ensure social justice for human trafficking victims and to empower them (Shakti Samuha, n.d.). The organisation partners with many INGOs, including Free a Girl USA, UK AID Child Hope, and The Freedom Fund US. According to Shakti Samuha, they are operating five shelter homes, and 1,027 trafficking survivors have found homes in these shelters. Shakti Samuha also claims that it has repatriated 145 trafficked women and children from India. The organisation mainly works on prevention, protection, and capacity building for trafficked women. The target groups of the organisation are female trafficking survivors, girls who are at risk of trafficking and girls and women who are working in the entertainment sector. Shakti Samuha has membership with many national and international networks, such as AATWIN, GAATW, and AWID (Shakti Samuha, n.d.).

#### **4.3.5 Society for Women Awareness Nepal (SWAN) Partners**

The Society for Women Awareness Nepal (SWAN), established in 2006, is a small NGO established by female sex workers (FSWS). The main objective of the organisation is to empower sex workers or women who are trafficked in economic and sexual exploitation and to establish sex work as work. SWAN focuses on wellbeing of FSWS through advocating for sex worker's rights, health, and decriminalisation of sex work. According to SWAN their mission is to empower FSWS and include their voice at the decision-making level. Their vision is to empower and support FSWS to live a dignified life through education and awareness. The organisation delivers awareness, empowerment, and prevention programs supported by community-based organisations and USAID

on HIV, sexually transmitted infections, and migration (Global Network of Sex Work Projects, 2021; SWAN, n.d.).

Most of the renowned anti-trafficking organisations in Nepal emerged after the 1996 repatriation incident of Mumbai, with the objective of rescuing Nepali women from the sex industry in Nepal and outside the country. Although these organisations follow an abolitionist approach, some of the organisations have membership with GAATW that advocates for sex worker rights and recognises sex work as work. This apparent contradiction indicates some of the complexity involved in these anti-trafficking organisations and their often-conflicting stand on trafficking and anti-trafficking interventions. The anti-trafficking organisations in Nepal are funded mostly by U.S. foreign aid agencies and are closely monitored by them. The majority of the anti-trafficking organisations in Nepal are founded by outsiders, not the trafficked women or sex workers themselves. Unlike other anti-trafficking organisations, the organisations led by sex workers are less popular, less supported, and consequently experience challenges to their funding and activities.

#### **4.4 Sexual Humanitarianism**

According to Mai (2016, p. 176), sexual humanitarianism is a West-centric approach that views gender and sexuality through essentialist and moralistic points of view. Most of the organisations and individuals working to combat trafficking in the Global South adopt this sexual humanitarianism approach. In the anti-trafficking discourse of Nepal, the sexual humanitarianism concept is highly prominent. Although the anti-trafficking discourse mainly revolves around sex trafficking, some of the humanitarian agencies and individuals are celebrated for their opposition to sex work and have benefitted from it.

Organisations and individuals in the Global North commend the anti-trafficking work and opposition to sex work demonstrated by these humanitarian organisations and individuals and in doing so they portray their concern and support for the Global South. These sexual humanitarian stories benefit the

organisations and individuals with name, fame, and funding; however, they disregard the voices and perspectives of the people who live with that issue on an everyday basis.

An example of the sexual humanitarian approach is the story of Somaly Mam from Cambodia. Hoefinger (2016) critically discussed the controversy of Somaly Mam who was a self-declared “sex slave” turned into a “modern-day hero” by the exaggerated promotion of the global media and international humanitarian organisations. Although Somaly Mam was internationally acclaimed as an anti-trafficking activist who rescued 4,000 Cambodian victims of sexual slavery, her work was eventually found to have been mostly fabricated and false (Hoefinger, 2016).

Nepal has its own sexual humanitarian success stories. For example, Anuradha Koirala is a household name in Nepal for her activism against sex trafficking and “rescuing” and “rehabilitating” trafficked women and girls through her organisation, Maiti Nepal. Anuradha Koirala was born in 1949 in a well-off family and was educated at St. Joseph Convent in Kalimpong, India. Koirala is “serving humanity” through her work against trafficking (Maiti Nepal, n.d.). In 1993 Koirala started her work by establishing a two-room shelter for women who experience abuse and trafficking. Due to her relentless work in trafficking prevention, in 2006 the Government of Nepal declared September 5 as an anti-trafficking day in Nepal. Koirala was also appointed as a former Assistant State Minister of Women, Children and Senior Citizens. In 2018, Koirala was appointed as the first Governor of *Bagmati Province*, Nepal. She has been awarded with several prestigious national awards from government of Nepal like the *Prabal Gorkha Dakshin Bahu* medal, Best Social Worker, National Ideal Mother Award, and *Tri Shakti Patta* award. Koirala’s work is also celebrated in the international arena, namely Courage of Conscience from the USA and CNN Hero award in 2001 (Maiti Nepal n.d.). Koirala was also featured on the Oprah Winfrey Show that garnered her global recognition. She was even referred to as an “Angel of Mercy” by Prince Charles (Joshi, 2001, p. 161).

Charimaya Tamang is identified as the first victim of sex trafficking in Nepal to report to the police. Tamang was trafficked to India at the age of sixteen. She was in an Indian brothel for 22 months until she was rescued by the Indian Government in 1996. When she returned to Nepal, she experienced stigma and discrimination by her community. After that, she reported to Nepal police against her traffickers and in 1997, the court punished all eight traffickers who were involved in her trafficking. Tamang, with fifteen other survivors, founded Shakti Samuha in 2000. She was one of the members of the National Committee to combat trafficking in Nepal. She was honoured with “TIP Report Hero Acting to End Modern Slavery” by Former U.S. Secretary of State Hillary Clinton in recognition of her work to prevent trafficking. She was also rewarded with the Ramon Magsaysay Award, regarded as the highest honour of Asia awarded for selfless service towards people of Asia irrespective of their gender, race and religion (Ramon Magsaysay Award Foundation n.d.; Shakti Samuha, n.d.).

Ironically, among these three humanitarian women, only Somaly Mam’s story has received critical analysis and subsequent exposure as fraudulent. However, there are many similarities between Mam and the two Nepalese women. All of them were awarded by U.S. for their anti-trafficking initiatives, their organisation “rescues” and “rehabilitates” the trafficked “victims”, all organisations receive international fundings, and have gained international media attention. Their work has been acknowledged and celebrated in their home country and worldwide, but their stories are conceived and amplified by the Global North, and they exemplify the culture and implementation of the INGO trafficking agenda for the Global South. Global North countries provide huge funding to the anti-trafficking organisations to abolish trafficking and modern-day slavery from Global South countries. However, there is little evaluation of these resources and the work of these anti-trafficking heroes in improving the lives of women in their own country.

Hoefinger (2016) argued that while Somaly Mam gained international recognition and support as an anti-trafficking hero, her attitude of individually “fixing” people was problematic

because survivors need support, resources, and justice rather than fixing. In Cambodia, women are involved in sex work both voluntarily and involuntarily, and Mam's work of protection and rescue cannot be liberating for all; instead, it increases suffering and violence for those who are voluntarily involved in sex work. This argument is applicable in Nepal as well since there are many women who are voluntarily involved in sex work. There are many anti-trafficking organisations in Nepal, yet there are also many questions on the effectiveness of their anti-trafficking programs. However, the founders of these organisations are considered humanitarian heroes of the fight against trafficking and are commended globally. These heroes amplify the abolitionist approach and rescue mission imposed by the Global North while not addressing the root economic, social, and cultural causes of the problem and not incorporating the voices of sex workers and women of the Global South.



## **CHAPTER 5: CRITICAL ANALYSIS OF THE SEX TRAFFICKING DISCOURSE IN NEPAL**

The Government of Nepal is implementing many anti-trafficking initiatives to control sex trafficking in Nepal. However, many scholars have criticised these anti-trafficking initiatives, arguing they have neither been successful in reducing trafficking of women in the sex industry nor have they improved the lives of trafficked women and girls in Nepal. Rather these anti-trafficking initiatives have made the lives of women miserable in Nepal. Women voluntarily migrating to India and other foreign countries for better livelihood opportunities and sex work have been controlled and persecuted by Nepalese government authorities and anti- trafficking organisations. Therefore, this chapter analyses the reasons for the failure of anti-trafficking initiatives in Nepal and consequently the harms that have been caused by ineffective approaches. Furthermore, the chapter first considers the concept of “sex trafficking” itself is problematic and a barrier to improving the lives of women in Nepal.

### **5.1 “Sex Trafficking”: The Concept**

Sex trafficking as a concept is quite contested in Nepal. Scholars claim that “sex trafficking” started in Nepal in the 1950s during Rana rule. Several scholars (Cox, 1990; Dahal et al., 2015; Evans et al., 2000; Gurung, 2014) have also suggested that some of the marginalised, lower caste communities traditionally accustomed to sex work, later became prey to sex trafficking due to poverty and socio-economic discrimination in the society. However, sex trafficking only became a prominent topic of discussion after the repatriation incident of 128 girls from the brothels of Mumbai in 1996. After the 1996 incident, international media and first-world countries targeted their interest and focused on the sex trafficking issue in Nepal (Fujikura, 2001; Joshi, 2001; Pradhāna, 1997). Since then, sex trafficking has emerged as a critical issue represented at humanitarian forums and in

discussions by many international and national celebrities, activists, NGOs / INGOs, media, and government authorities in Nepal. Throughout these years, the concept of sex trafficking has been successful in securing massive donor funding and support in Nepal (Joshi, 2001). The efficacy, transparency and impact of these funds, however, remains a highly debatable subject.

Against this background on the evolution of the concept of sex trafficking in Nepal, a recent article written by Pong (2024), Project Coordinator of Empower, a sex worker led organisation in Thailand, is useful. The article demonstrates how the rescue mission driven by the “white saviour perspective” has dominated the Global South. Pong (2024, p. 64) argued that the term “human trafficking” is not a term that belongs to Thailand; it was imposed on them by the U.S. and Europe in 2001. Soon, the term was replaced by another term, “sex trafficking”. Pong (2024) also highlights that the West-led anti-trafficking movement is classist, racist and sexist, where the Global North countries become the rescuers and Global South countries become the victims waiting for their rescue. With the backing of abolitionist feminists, celebrities, foundations, books, conferences and huge funding, the “rescue industry” is now well established and flourishing (Pong, 2024, p. 65). The impact of the sex trafficking concept is so powerful that solutions to the root cause of trafficking, such as the calls for the decriminalisation of sex work and sex workers’ rights, have been overshadowed, and been replaced by the rescue mentality in Thailand. Hence, Pong (2024) proposes that decriminalisation of sex work, robust welfare systems, access to independent migration, and enhanced labour protection rights of sex workers are the solutions, rather than only focusing on women trafficked in the sex industry.

When comparing Thailand’s case with Nepal’s, there are many similarities. Although the literature does not claim that trafficking and sex trafficking are foreign concepts that have been imposed on Nepal, the dominance of the West on the trafficking issue makes it quite noticeable that it is primarily their agenda. There are no powerful or influential sex worker organisations in Nepal to compare with Empower in Thailand, which is extremely vocal and critical about the anti-trafficking

discourse and Western agenda. Rather, all the anti-trafficking organisations in Nepal blindly follow the Western style of anti-trafficking initiatives or are silenced by the influential power exercised by INGOs and foreign aid. The primary objectives of anti-trafficking organisations in Nepal are to rescue victims of sex trafficking, provide them with shelter and reintegrate those survivors into the community. Yet, there is a disregard for these women's human rights and their socio-economic and cultural needs once they have been repatriated to Nepalese communities that do not accept or want them returned.

This whole rescue mission, including police raids in brothels and arrests of women in the entertainment sector in Nepal, is funded by international donors and supported by the government. Founders of these anti-trafficking organisations are celebrated as anti-trafficking heroes globally. These anti-trafficking initiatives are publicised through reports and publications that are produced and disseminated among wider networks so that more funding proposals can be developed, anti-trafficking programs can be implemented, and the cycle continues. Moreover, while the focus is directed at prevention and rescue interventions, the voices of sex workers and the rest of the Nepalese population who are trapped in exploitative working conditions remain unheard. This situation is exemplified by the fate of many of Nepal's out-migration workers who find themselves in debt to recruiters and exposed to unsafe working conditions (Amjad, 2024).

It is estimated that around 3.5 million Nepalese are migrated to foreign lands, especially to the Gulf, Malaysia and India as semi-skilled or unskilled labourers working mainly in construction sites, factories and domestic work. Every year, 1000 deaths are recorded in host countries and many 100 migrants return to their home countries with serious injuries including paraplegia (Aryal et al., 2016, p. 704). However, concern about the death of migrant labourers is only limited to media and news; no further evaluation is conducted about their working conditions and reason for death. While trafficking of Nepalese women into the sex industry is a significant issue that needs to be addressed,

the broader human trafficking discourse and conditions for Nepalese workers in foreign countries also needs to be revealed and addressed equally as a human rights issue.

Furthermore, it is important to support the small budding sex worker-led organisations in Nepal. It is vital to include the voices of sex workers in the anti-trafficking discourse (Bergquist, 2015). Currently, the anti-trafficking discourse is one-sided and donor centric. The sex workers-led organisations in Nepal are facing lack of support and funding, unlike the other renowned anti-trafficking organisations of Nepal. The nominal amount of funding that sex worker organisations receive from donors is mostly directed towards awareness about HIV/AIDS; however, their demand is to establish sex work as work and fight against the social stigma attached to it. Sex workers have agency, and if provided support and funding, they can organise, make strategies and advocate for their rights (Jeffreys, 2018). Tanaka (2020) emphasised that Identity-Based Associations (IBAs) can play a significant role in changing the perception of the prostitution framework to the labour exploitation framework in Nepal. In contrast to NGOs, IBAs are led by the marginalised groups themselves, and they advocate the inclusion of human rights in development initiatives through rights-based approaches.

## **5.2 Trafficking Data**

Trafficking of women in the sex industry and sex work by organisations and government is identified as the major factor behind increased human trafficking in Nepal. However, the data about the exact number of Nepalese women trafficked in the sex industry remains uncertain and debatable. Since the 1990s to the early 21<sup>st</sup> century, almost all the literature related to trafficking in Nepal has quoted figures of 5,000-7,000 Nepalese women trafficked in the sex industry annually. However, various scholars (e.g., Crawford & Kaufman, 2008; Hennink & Simkhada 2004; Sarkar, 2016; Worthen, 2011) have stated that the data are based on NGO reports and unlikely to be accurate. Moreover, as mentioned previously, the NHRC report of 2019 estimated that 35,000 Nepalese people were trafficked in that year, of which 15,000 were women (NHRC, 2019). However, this estimate is

highly questionable since the data appear grossly exaggerated and the NHRC did not provide details of their indicators and parameters of their study. Further, the accuracy of NGO reports has been questioned given that it is in their interest to inflate the data to obtain greater attention and increased funding (Sarkar, 2016; Worthen, 2011). In a country like Nepal, where migration is often conflated as trafficking and sex work as sex trafficking, referring to these unconfirmed and probably false numbers and claiming Nepal as a major source country for sex trafficking is quite doubtful and requires a more critical evaluation.

### **5.3 Conflation Between Sex Work and Sex Trafficking**

Viewing sex work as sex trafficking has been identified as one of the major problems of trafficking discourse in Nepal (Hennink & Simkhada, 2004). In Nepal, all sex workers are identified as victims of violence and exploitation, hence rescue practices are implemented as a solution to tackle trafficking. Police raids are conducted inside and outside the country to rescue all women who are engaged in sex work, and after that, they are taken to rehabilitation shelters. Studies have shown that not all women who work in the sex industry are trafficked. Twenty years ago, Hennink and Simkhada (2004) pointed out that many women who are rescued from the sex industry and rehabilitated in the centres, return to the sex industry again after their release. It is therefore still relevant today and highly significant to analyse the reason behind the return of some rescued women to sex work. Although research has identified social stigma as the main reason for their return to sex work, some of the sex workers have expressed their satisfaction with sex work. For example, many anecdotes from Worthen's survey (2011) justify the view that Nepalese women voluntarily join sex work in the cities, which they prefer as a sustainable livelihood.

The conflation of sex work with trafficking and treating sex work as crime disrupts the work of sex workers, and it affects their safety and security. The conflation between sex work and sex trafficking has affected the sex worker organisations and prevented them from gaining support and enough donor funds to achieve their aims of assisting sex workers. It is difficult for sex worker

organisations to compete with the larger, well-funded anti-trafficking organisations as the donor funds are mainly allocated for law enforcement and creating awareness about the dangers of trafficking. Barely any funding is allocated for rights-based programs for sex workers. Due to the conflation of sex work with sex trafficking, public opinion and government policies are united against sex work, and it is identified as equating to suffering, violence, and exploitation. At the same time, the anti-trafficking industry, including the media, filmmakers, event management companies, organisations, researchers, and journalists, are benefitting through the creation of the “rescue industry” and stories about victims of sex work (Pong, 2024). Meanwhile, the stories and voices of women who refuse rescuing or who escape from anti-trafficking rehabilitation centres remain untold and unheard (Global Network for Sex Work Projects, 2021).

Consequently, it is essential to provide a safe environment and space for sex workers where they can feel secure and free to share their voices about working in the sex industry and the whole sex trafficking discourse. Sex work and trafficking should be viewed and discussed as two different topics. Historically, Nepal already has a cultural stigma attached to sex work. The current anti-trafficking interventions are supporting and promoting the stigma. The understanding that women can consent to voluntary sex work would simplify the trafficking discourse of Nepal. In contrast, focusing only on abolishing sex work rather than advocating and ensuring safe working conditions and fair wages for sex workers will only exaggerate the idea of sex work as sex trafficking. Before operating rescue missions, it is therefore significant to verify who is trafficked and who is asking for rescue. The current trafficking discourse in Nepal only focuses on the safety and rights of trafficked women; however, it is equally important to address the human rights issues of sex workers.

## **5.4 Recognising Sex Work as Work**

It is highly significant to recognise sex work as work to challenge the current sex trafficking discourse in Nepal; Sex work is considered as exploitation of women in Nepal and always coercive (Joshi, 2001; McNeill, 2008; Worthen, 2011). It is claimed that sex work is the by-product of poverty

and socio-economic crisis, and if there were better livelihood opportunities, Nepali women would not choose sex work as an occupation (Gurung, 2014; Hennink & Simkhada, 2004). The constitution of Nepal guarantees equal rights for both men and women. However, discriminatory practices and provisions still exist in the country. For example, Joshi (2001) argued that due to the societal representation of women as kin in Nepalese society, it is believed that women always need to be protected and controlled. Women travelling alone would be suspected, interrogated, and stopped by the immigration department of Nepal as they are identified as ignorant and vulnerable to trafficking.

Although sex work has very low status in Nepal, many women are voluntarily engaged in sex work in different ways and conditions and are bound to work in unsafe places and working environments. Sex workers are harassed by police for working in the streets openly, as the criminal code of Nepal prohibits lending houses and land for sex work (Tanaka, 2020). Sex workers cannot discuss their livelihood openly. The children of sex workers have to face stigma, discrimination, violation of their fundamental rights and lack of access to services, including education and citizenship. It is also difficult for the sex workers in Nepal to organise themselves and advocate for their rights. Therefore, the sex worker organisations in Nepal demand decriminalisation of sex work, the elimination of penalising the purchase of sex and policing the sex workers, not manipulating the laws and regulations to harass sex workers, and distinction between sex work and human trafficking (Tanaka, 2020).

The social stigma attached to sex work is one of the primary reasons behind the harassment and discrimination against sex workers. As underlined by Bettio et al. (2017, p. 17), the higher the stigma, the lower tends to be the agency. For example, if the criminalisation of sex work and sex working environment increases then sex workers will lose their agency. However, if sex workers organise and unite then the stigma attached to sex work will eventually decrease (Bettio et al. 2017). Therefore, regulating sex work in Nepal is not accepting sex work as an agency and hence promoting stigma in the society. The regulation of sex work also limits access to health care and prevention

services for sex workers, especially when carrying condoms is recognised as evidence of a crime (Vanwesenbeeck, 2017).

Sex work and its decriminalisation go simultaneously. Kempadoo and Doezema (2018) have argued that decriminalising sex work would safeguard the rights of sex workers, improve working conditions, and prevent exploitation. They have argued that decriminalisation would also hold governments accountable for protecting sex workers, urging them to develop policies and implement measures against trafficking and exploitation within the sex industry. Armstrong (2017) highlighted that the legal change in New Zealand empowered sex workers to make independent decisions and legally challenge exploitation, shifting police involvement from policing to ensuring their safety. Consequently, decriminalisation in New Zealand has empowered sex workers to report incidents and seek justice more effectively.

## **5.5 Donor Centric Anti-Trafficking Interventions and Nepal's Position**

Nepal's development initiatives highly depend on international aid and thus receiving funds seems good from a development perspective. However, it might be less effective in addressing the targeted communities' real needs and for the country's development as the donor-funded initiatives tend to be from a top-down approach (Sharma et al., 2014). This applies to the current anti-trafficking interventions as well; they are mostly donor-centric rather than people-centric.

Elimination of modern-day slavery and trafficking is a priority agenda of the U.S. foreign policy. Trafficking is a broad concept that covers migration, socio-economic and cultural dimensions, capitalism, and globalisation. However, the U.S. has been continuously addressing this issue by targeting sex work through their interpretation of the concept of sex trafficking globally and, especially in Global South Countries. Soderlund (2005, p. 76) notes that the "War Against Trafficking" is decidedly U.S. directed. One of the major tools to continue this war is to promote the discourse of sex trafficking and thus abolish sex work in Global South countries. The U.S. has



been continuously keeping an eye on the anti-trafficking initiatives of the Global South *via* its regular TIP reports. The data, recommendations, and analysis of the TIP report are discussed and referred broadly as the baseline data in the anti-trafficking discourses and literature, without questioning its reliability and authenticity. According to Soderlund (2005), through the TIP report, the U.S. government is demonstrating its colonial power and white supremacy around the world.

According to the 2023 TIP report, Nepal falls under Tier 2 country's list (U.S. Embassy in Nepal, 2023). Hence, the U.S. has constantly collaborated, guided, funded, and supported Nepal in lifting its position from Tier 2 to Tier 1. The prolonged influence and interference by the U.S. on anti-trafficking discourses and initiatives of Nepal is contradictory, since Nepal has yet to advance from Tier 2 despite the combined efforts. Therefore, Nepal appears trapped between its international relations, commitments to Global North countries, and the willingness of rural women and sex workers who want to migrate to other countries for work. Nepal has neither criminalised sex work nor has it fully decriminalised it. Therefore, Nepal's stand in the whole trafficking discourse remains confusing and unclear.

Some of the renowned anti-trafficking organisations are following the abolitionist approach. At the same time, they are also a member of GAATW, which advocates for sex work as work and are collaborating with them. Since the rise of democracy in 1990, Nepal's political and socio-economic condition has remained continuously unstable. Also, the 2015 massive earthquake put Nepal in an economically fragile condition, and it had to seek substantial financial support from its neighbouring and developing countries. Consequently, Nepal's stand in diplomatic dealings and bilateral relations with developed countries, including over anti-trafficking matters, has always been subordinate and dependent. Therefore, not taking an individual strong position, and accepting donor countries' influence has been essential but has also become a significant setback in Nepal's development process (Kernot, 2006).

Therefore, it is paramount to critically analyse who is benefitting from promoting the sex trafficking concept and who is suffering. The NGOs/ INGOs that are implementing anti-trafficking interventions are benefitting as they can raise more funds and gain national and international popularity (Joshi, 2001). Without any authentic data and lack of evidence these organisations are demonstrating that their work is crucial in supporting and empowering the women of Nepal, especially those from marginalised communities. Also, they have been continuously claiming that they have prevented many Nepalese women from getting trafficked in sex industry. However, the data and information provided by the anti- trafficking organisations are based on their reports and lack rigorous study (ABC Nepal, n.d.; Maiti Nepal, n.d.; Shakti Samuha, n.d.). On the other hand, the donors also benefit in multiple ways by promoting the sex trafficking concept in Nepal. It supports the Global North countries in establishing and promoting their saviour image globally. It helps them to demonstrate white supremacy by solving the problems of poor countries like Nepal.

The discourses on sex trafficking are affecting the lives of women of Nepal, especially from the marginalised communities and sex workers. In the context of Nepal, sex work, migration and trafficking cannot be discussed in isolation as these concepts are often used interchangeably in sex trafficking discourse, they must also be carefully teased apart. Working overseas has become one of the significant livelihood options for the rural population of Nepal. Most of the population migrates to India because it is easy to migrate to India due to open border system; however, the migration trend to South Asia, the Gulf, and Malaysia has also significantly increased in recent years (Sharma et al., 2014). With the open border system and livelihood opportunities, Nepali women also migrate to India and other countries for work. However, Nepali women migrating to India and other countries for work are always considered victims of sex trafficking. The government of Nepal has been restricting the migration of women as a pathway to controlling women and preventing sex trafficking. However, the migration trend suggests that women's migration is increasing continuously and significantly, while they are also choosing illegal and dangerous pathways for migration. In that

regard, the government's restrictive migration policies are putting women in exploitative situations and making them ineligible to migrate under new policies of the Department of Foreign Employment. Recently, Nepal has banned all Nepalese people from migrating to Gulf countries for domestic work, which is forcing women to migrate through illegal channels to work in informal sectors in unsafe work conditions (Rai, 2019).

In conclusion, the overall discourse on sex trafficking appears as an interplay of Western influence that targets sex work and sex workers rather than the root cause of trafficking in Nepal. This chapter has demonstrated that the whole sex trafficking discourse is underpinned by conservative U.S. moral agendas to abolish sex work rather than addressing the issue of trafficking. Consequently, the anti-trafficking initiatives, which focus on women trafficked in the sex industry, are not successful in addressing the trafficking issue. Rather, they are creating and increasing problems for marginalised women and sex workers of Nepal who migrate and undertake sex work and other informal work for sustainable livelihood. Nevertheless, these anti-trafficking stories are benefitting the Global North by promoting their white supremacy globally and helping some renowned local organisations gain popularity and funds. Therefore, there is a need to acknowledge sex work as work and advocate for the decriminalisation of sex work and sex worker's rights. Also, it is significant to provide support to IBAs and sex worker organisations to reveal the actual narrative of sex trafficking and the sex work scenario in Nepal.

## CHAPTER 6: CONCLUSION

This study has demonstrated that the whole trafficking discourse in Nepal is mainly focussed on addressing the problem of women trafficked in the sex industry; however, the concept of sex trafficking has become conflated with the issue of sex work. In Nepal, women working voluntarily in the sex industries inside and outside the country are considered sex trafficked regardless of their own intentions or desires and specific circumstances. Moreover, sex trafficking is identified as the primary reason for the exploitation of women and increased human trafficking of Nepalese women and girls to other countries. Therefore, confusion arising from conflation of these two separate issues, sex trafficking versus sex work, has resulted in abuse of human rights of women who voluntarily choose sex work as work. This research therefore confirms that the concept of sex trafficking as it is presently understood in Nepal is a major problem for the advancement of women in Nepal.

The study contends that sex trafficking is a Western concept that has been imposed on Nepal. The anti-trafficking initiatives in Nepal are funded by Western countries and promote an abolitionist approach with the cooperation of NGOs and Nepalese authorities. The sex trafficking discourse is underpinned by white Western morality and supremacy, which builds on and reproduces the Western saviour image. However, the sex trafficking propaganda and anti-trafficking activities are violating the human rights of women and the sex workers of Nepal. Their mobility is controlled, and they are scrutinised and harassed by police and organisations. The voices of migrant women and sex workers are never represented in the whole trafficking discourse. They are rescued, rehabilitated, and reintegrated without their consent or consultation. Furthermore, the anti-trafficking discourses of Nepal are overly hyped and publicised, overshadowing the other dynamics of trafficking in Nepal. The research recommends that the government and organisations should have a critical and holistic approach to analysing the trafficking issue in Nepal. They should design and implement people centric policies and interventions rather than donor centric.

The study also points out that the sex trafficking discourse in Nepal is promoting a misconception that all women working in the sex industry are trafficked. This misconception does not recognise that sex workers have agency, and that sex work can be done voluntarily as employment that provides women with a livelihood and independence. Sex work is not explicitly criminalised in Nepal but the conflation between sex work and sex trafficking and the influence of the Nordic model in trafficking policies has made the lives of sex workers miserable. Therefore, the study recommends that sex work and the concept of trafficking of women in the sex industry be regarded entirely separately. The government should make amendments to HTTCA, 2007 which would decriminalise sex work and establish the legality of sex work as an occupation but prevent exploitation or abuse of sex workers. For many women in Nepal, sex work is a preferred livelihood option, and it has been part of Nepal's culture for thousands of years.

The study found that the socio-economic crisis, political instability, and dependency on foreign aid have put the government of Nepal in a subordinate position in international relations and diplomatic dealings. Thus, the government is bound to follow the recommendations and suggestions provided by the donor countries, including restrictions on women's travel, cross-border migration, and ability to work voluntarily in India and other countries. Therefore, the research concludes that Nepal should take a non-abolitionist approach to sex work and the sex industry in Nepal, while also working diplomatically and effectively with NGOs and international donor agencies to overcome concerns about human trafficking and sex trafficking in the country.

In the whole discourse of women trafficked in the sex industry in Nepal, the voice and representation of women is missing. The data and information on the issue of sex trafficking are mainly developed and disseminated by anti-trafficking organisations, donors, the government, and the media. Therefore, to obtain authentic data and information about women trafficked in the sex industry, empirical research should be conducted by independent authorities. Women and sex workers should be consulted in the discourses, designing, and implementation of the anti-trafficking programs. These discussions should be people-centric and conducted with the aim of empowering

Nepalese women, enabling them to work in safe conditions, and lead dignified lives within their communities.

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