Safe Migration: a Role in Curtailing Human Trafficking?

A Theoretical Discussion and a Case Study of Human Trafficking from Nepal to India.

MA thesis

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1 INTRODUCTION

1.1 Research objectives and methodology

The objectives of this study are firstly, to consider and discuss certain theories of migration in order to, secondly, conceptualise human trafficking. Thirdly, follows a case study of human trafficking from Nepal to India.

The research for this paper is based on a theoretical literature study and a case study derived from a six months internship with Terre des hommes (Tdh) in Nepal, from November 2003 to April 2004.

Interviews and communications for the case study were carried out with United Nations (UN) bodies, International Non-Governmental Organisations (INGOs), local Non-Governmental Organisations (NGOs) and researchers working in the field of migration and trafficking. Consulted organisations, in Nepal, were: the UN Development Fund for Women (UNIFEM), Save the Children US (SCUS), The Asia Foundation (TAF), the Women’s Rehabilitation Centre (WOREC), Cedpa, the NGO Federation Nepal, the Centre for Legal Research and Resource Development (CeLRRd).

Consulted researchers and academics working in the field of migration and trafficking were: John Frederick (consultant on issues of trafficking, forced labour), Julia O’Connell Davidson (professor of sociology, University of Nottingham), Elena Tiuriukanova (researcher, Institute for Socio-Economic Studies of Population, Russian Academy of Sciences), Elaine Pearson (migration and trafficking consultant, member of the Global Alliance Against Traffic in Women, GAATW), Nandita Sharma (Anthropology and Sociology Department, University of British Columbia, Vancouver), Sondra Hausner (anthropologist) and Bruno Moens (Payoke, Belgian association for the defence of sex workers rights and well-being).

1.2 Research questions and hypothesis

In seeking to analyse and discuss human trafficking as part of the migration process, the overall questions are:

- How can trafficking be conceptualised?
• What structural factors make trafficking possible? Why is there ‘space’ for trafficking to occur?
• Can safe migration contribute to curtailing human trafficking?

The hypothesis underlying the research is the following:
A complex set of structural and individual elements interlock contributing to the occurrence of trafficking; by addressing both structural and individual elements, a holistic understanding and solution can be found.

1.3 Theoretical framework and definitions

Throughout this paper, human trafficking is viewed, analysed and conceptualised within broader processes of internal and international migration occurring in the wake of the globalisation process. “The growth of cross-border flows of various kinds, including investment, trade, cultural products, ideas and people, and the proliferation of transnational networks with nodes of control in multiple locations” are the most striking features of globalisation (Castles and Miller 2003: 1).
Furthermore, globalisation affects the increase in contemporary forms of slavery – of which trafficking is but one element –, exacerbating inequalities, therefore vulnerabilities to exploitation but concurrently contributes to more effective campaigns to raise awareness and to better international legal mechanisms to combat these forms of exploitation imbedded in the system itself (van den Anker, eds, 2004).

Migration and trafficking are distinct but interconnected and intertwined. Elements of both historical structural theory of migration and individual theory of migration are heaved out in order to conceptualise the trafficking issue.

Migration is invariably associated with the spatial mobility of people but I will adopt a broad concept of migration, one that equally takes into consideration a person’s “position in the relations of production occupied before and after such movement” (Miles 1987: 6). The central element of ‘exploitation’ in the concept of trafficking is thus present in our definition of migration.

This research uses the definition of trafficking as provided for under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereafter the Trafficking Protocol); see section 3.1.1. The Trafficking Protocol, alongside the Protocol
Against the Smuggling of Migrants by Land, Sea and Air (hereafter the Smuggling Protocol), supplement the 2000 UN Convention Against Transnational Organised Crime.

It must be noted that in debates and literature dealing with human trafficking, various terms are in use: human trafficking, trafficking in human beings, trafficking in persons, trafficking in migrants, trafficking of aliens, trade of human beings, human commodity trafficking, human trade (Salt 2000: 33). In this paper, the term ‘trafficking’ will mean all the above but ‘trafficking in persons’ and ‘human trafficking’ are mostly used.

1.4 Limitations

The two main constraints of this study are:
- firstly, that data on trafficking is based on guesses and assumptions. On the whole, very little research has been carried out in the field of human trafficking; therefore there is very little reliable statistical data, and very little theorisation on the issue.
- secondly, that safe migration is a recent development in the anti-trafficking field; there are thus few examples of best practice.
2 MOVEMENTS IN JEOPARDY

2.1 A discussion of international migration theories

Theories of international migration can be divided into two main approaches: the individualistic and the structural (Castles and Miller 2004; Massey, Durand, Malone 2002). The individualistic approach is linked to economics and neo-classical economic perspectives, whereby push and pull factors in, respectively, sending and receiving countries are viewed as the most important elements explaining migration. Extrapolating from this, individuals' choices to migrate are deemed crucial. The 'human capital' concept is central to this approach, and little or no attention is given to concepts of 'cultural capital' or 'social capital'. The historical-structural approach is rooted in Marxism and world systems theory; it is the unequal distribution of economic and political power in the world economy that is stressed. This would be the crucial factor in explaining international migration and labour and human migrations are conceived as phases in the expansion of the capitalist system.

In this chapter, the new economics of labour migration approach and the segmented labour market theory will be addressed, since these two lines of thought will, in the following chapter, be used to conceptualise human trafficking. Subsequently, the heuristic model in explanation of international migration will be developed upon, leading to the argumentation for a broad, inter-disciplinary theory forming on migration.

2.1.1 New economics of labour migration

The new economics of labour migration approach developed by Stark and Bloom, was placed within the broader stress on economy as crucial element but was equally a criticism on the school of thought that viewed migration as a simple consequence of push and pull factors and solely depending on cost-benefit calculations made by future migrants. In the new economics of labour migration line, it was argued that markets are complex elements, with no simple functioning; "migration needs to be explained not only by income differences between two countries, but also by such factors as the chance of secure employment, availability of investment capital, and the need to manage risk over long periods" (stated in: Castles and Miller 2003: 24). In this approach, individuals are seen as part of complex networks, from family to community, where decisions are
weighed up and subsequently taken. Individuals do not act in isolation. The element relating to risk management will be used in the following chapter in order to help conceptualising human trafficking. Risk management is discussed within broader units, families, households and communities.

2.1.2 Segmented labour market theory

The segmented labour market theory is equally part of the broader view of economics playing an essential role in international migration. This line of thought was initially developed by Piore, the role played by so-called pull factors was stressed and this is equally used in the following chapter on conceptualisation of human trafficking, where too little is known on pull factors, or, said differently, too much is assumed.

2.1.3 A heuristic model in explanation of migration

In a heuristic model in explanation of migration, Doomernik et al. present a summary of causes of migration pressure, processes of migration and the scale and direction of migration processes (Doomernik, Penninx, van Amersfoort 1997: 61-71. van Amersfoort, Doomernik 1998). The model distinguishes root causes, proximate causes and migration policies in countries of origin, followed by intermediary structures; subsequently, root causes, proximate causes and migration policies in countries of destination. It is built on the wide theory forming around migration and takes into account the complexity of the migratory process. First, factors in countries of origin that shape migration are: root causes (strong demographic growth, lack of economic development for example). Second, are proximate causes in countries of origin (divided into: the situation in the economy and on the labour market; the political situation; and the cultural definitions - individual and community perceptions of international migration). Third, migration policies in the sending country contribute to favour or hinder migration. Fourth, intermediary structures equally play a role in determining processes of international migration; these typically include linkages in the country of destination. Lastly, factors in the destination countries are part of the migration dynamics. Besides economic, political and cultural aspects, there are factors inherent to the receiving society and factors part of immigrant communities.

1 The term ‘heuristic’, meaning progress by discovery, implies that the model is dynamic and can contribute to explaining different kinds of migration, at different levels, taking a wide variety of variables into account.
In chapter four of this paper, the heuristic model is used in order to analyse migration from Nepal to India.

2.1.4 Towards multi and inter-disciplinary theory forming on migration

Increasingly, researchers of international migration accentuate the need for viewing processes of migration from different disciplines; a move towards multi-disciplinary and inter-disciplinary work in the study of migration is called for (for example: Bretell and Hollifield 2000; Castles and Miller 2003; Kritz, Keely, Tomas 1983; Morawska 2003; Doomernik, Penninx, van Amersfoort 1997; van Amersfoort, Doomernik 1998; Massey, Durand, Malone 2002).

Multi-disciplinary and inter-disciplinary research would permit to view the complexity of migration processes and would give attention to the fact that migration is not simply an individual choice, international labour flows do not occur randomly, but respond to linkages established through history – namely colonialism – and economic interaction, the importance of social networks facilitating migration, lastly that migration is not a neutral phenomenon, it causes changes and developments both in sending countries and societies and destination countries and societies – the cumulative causation of migration.

Stressing such a holistic approach, in the field of migration as well as in the field of human trafficking as will later be developed, may generate better understandings of the complexities of both processes.

2.2 Migration myths reconsidered

2.2.1 Flows, stocks and figures

Flows represent the number of people moving across international frontiers each year, whereas stocks are the accumulation of the flows, or the total number of immigrants living within a country at any given time (Stalker 2001: 12). Pointing out to this distinction helps to critically view alarming reports about flows and flows of immigrants invading the developed countries, statements that tend to mix up flows and stocks. According to the International Organisation for Migration (IOM), there were 150 million migrants in 2000, representing 3 percent of the world's population. Between 1965 and 2000, the figure doubled from 75 million to 150 million (cited in Castles and Miller 2003: 4).
2.2.2 Poverty

"There is a [...] need for a critical examination of the relation between emigration and poverty" (Sassen 1988: 5); "The persistence of the idea that poverty drives out unskilled migrants from developing to developed countries is extraordinary" (Harris 1995: 189); "Why do Greek citizens, who are free to live and work anywhere within the European Union, not all flock to Luxembourg where the average per capita income is twice as high?" (Stalker 2001: 21); "Migration should not occur in the absence of a wage differential, yet such flows are frequently observed" (Massey, Durand, Malone 2002: 10): these are but a few examples of critically interrogating the poverty myth, myth that would explain why people are on the move.

Migration is not a simple flow or exile from poverty. If income differentials were the crucial element pushing people to move, the numbers of migrants would indeed be voluminous and the poorest regions and countries of the world would be emptying out, spilling over into high income regions and countries. This is not the case however. Buying a plane ticket, a boat fare, travelling for kilometres on trains and buses, finding a place to live - even temporarily -, caring for oneself at destination, all these elements involve big amounts of money. As mentioned in numerous reports, it is not the poorest that migrate, it is the people with the means to do so and/or the individuals with relative deprivation. 'Relative deprivation' illustrates a will to migrate when comparing oneself to others who have already migrated and do well as a result of migration.

The poverty myth may to a certain extent be linked to the occupations most noticeably seen being carried out in countries of destination. A Nigerian businessman successful in Nigeria may be a street sweeper in Chicago; a Chinese school-teacher may end up washing up for 15 hours a day in a posh restaurant in Tokyo; a Romanian researcher may have to be the concierge in a university in Glasgow, and so on and so forth. These examples of migrant workers occupying much lower ranking jobs than their previous positions or way under their qualifications are the visible tip of the iceberg, visible to the greater public. Problems related to the brain drain are here indirectly addressed, but the main stress is on what the public, the media and policy-makers easily see and emphasise or wish to see and emphasise. I would contend that these are the highly visible migrants, in contrast with the highly invisible migrants, the latest term used to illustrate the bifurcation in the labour market apparent from the 1980s onwards, with clustering at the upper and lower levels of the labour market (Castles and Miller 2003: 184). And I would add that the highly visible migrants are rendered highly visible for simple reasons linked to votes, anticipated as well as fed anxieties of autochthons and seeking easy scapegoats. Instead of trying to highlight such negative aspects, would it not be better to research and underpin the positive experiences resulting from
migration, from the creation of jobs in receiving countries, through to enriching exchanges between cultures?

2.2.3 State sovereignty under threat?

Intertwined with debates on international migration is the state sovereignty debate. The reasons lying behind this are linked to the thought that states no longer control their borders or territories (a fundament of state sovereignty), naturalisation, citizenship and the rights of immigrants, or migration policies being circumvented. This, in turn, is highly coloured by images and fears of flows of migrants, escaping poverty to opulent eldorados.

Sassen’s researches in the field of state sovereignty are highly refreshing in this context. She convincingly contends that state sovereignty has become decentred, and new forms of sovereignty are appearing alongside and somewhat replacing traditional notions and realms of sovereignty, these are located in supranational organisations such as the European Union, the new emergent transnational legal regime and, particularly important in this context, international covenants asserting universal human rights. State sovereignty is not simply ebbing away, it is in fact growing in complexity. "National governments still have sovereignty over many matters, but they are increasingly part of a web of rights and regulations that are embedded in other entities" (Sassen 1999: 133).

State protection (and particularly state’s borders’ protection) is higher on the agenda than migrant (and potential victims of smuggling and trafficking) or labour protection. States fear losing control of migration flows and combat undesirable migration. Restrictive laws on migration have led to the burgeoning of practices circumventing the imposed restrictions. Traffickers and smugglers reap the profits of restrictive policies on movement. This, in turn, leads to questions relating to state sovereignty and questions relating to the abuse of human rights.

2.3 Migration and the trafficking within

Human trafficking is a growing, global concern. Human trafficking violates the rights and lives of children, women and men since individuals are deceived, coerced, exploited and end up in slavery-like conditions. Human trafficking affects countries of origin, transit and destination, having deep consequences on inter-state relations, regional agreements and international conventions. As overall migration increases, the incidence and severity of abusive forms of migration such as human trafficking and smuggling have escalated.
One of the main objectives of the International Organisation for Migration (IOM) is
counteracting trafficking as "to curtail migrant trafficking and to protect the rights of migrants
captured in the practice" (IOM 2003 b: 2). In a somewhat dramatic stance, the US State
Department in its' 2004 Trafficking in Persons Report stipulates a ‘war on trafficking’ (US
Department of State 2004: 21). Human trafficking clearly needs to be combated and ultimately
eradicated but, to remain in belligerent vocabulary, victory would depend on the arms deployed
and used. It seems to me, one of the initial and most accurate ways to combat human trafficking
is prioritising, encouraging, financing and carrying out extensive research into the complex
phenomenon, with as view the implementation of sound policies.

Trafficking occurs for purposes of exploitation in:

- forced labour (agriculture, factories, construction, etc.)
- domestic service
- arranged marriage
- sex work
- service industries and entertainment (bars, restaurants, circuses, camel racing, etc.)
- religious rituals
- armed conflict
- begging
- drug peddling
- the adoption trade
- the organ trade

Provisions of international treaties and conventions since the beginning of the 20th century
address the various human rights violations that occur in the context of trafficking. In annexe 3,
the list of these treaties is taken up, with details concerning the status of ratification or signature
as it applies for Nepal, but some of the relevant treaties and conventions are the following: the
International Convention for the Suppression of the Traffic in Women and Children (1921), the
Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to
Slavery (1926), the Convention for the Suppression of the Traffic in Persons and the
Exploitation of Others (1949), the Slavery Convention (1963), the
International Covenant on Civil and Political Rights (1966), the Convention on the Elimination

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2 The list is compiled from a wide number of reports, see especially: IOM; http://www.iom.int, ILO 2002, UNICEF

2.3.1 Unreliable data

There is very little reliable data and statistics on the scale of human trafficking. The 2004 Trafficking in Persons Report estimates that, each year, 600,000-800,000 children, women and men are trafficked across international borders, although it is not clear how such results were calculated. It is furthermore stated that according to certain NGOs or INGOs the figures may lie even higher.

The reasons for the lack of data on trafficking include:

- the underground and illegal nature of trafficking
- the lack of anti-trafficking legislation in many countries
- the reluctance of victims to report their experiences to the authorities
- the lack of government priority given to data collection and research (IOM 2001 b: 1)

Salt goes further and states: “the absence of statistics transcends the whole field of trafficking/smuggling” (Salt 2000: 31).

From page 61 through to page 70 of this paper, there is a list of websites dealing with migration, trafficking and human rights. The list is the result of internet research I carried out during my six months internship with the Terre des hommes foundation in Nepal and may guide one searching further on the issue of human trafficking.

2.3.2 Trafficking: a growing concern but a lack of theorisation

In contrast to the wide and abundant theory forming on international migration, thus far, there is only limited theorisation on the issue of human trafficking.

Two discourses however transpire through the limited theoretical literature: an economic and a criminal discourse (IOM 2001 a; Salt 2000). The economic view places trafficking in the broader issue of migration as a business in which institutions, individuals and networks seek to make profit. Human beings are products, saleable as any other product on the market. The criminal
discourse views trafficking through a legalistic lens, emphasising the nature of work trafficking victims end up in, the nature of work traffickers are thought to carry out. Issues of criminality, violations of rights, threats to national security are at the core of this discourse.

In the following chapter, I will attempt to make a contribution to theory forming on the issue of human trafficking. The aim is not to develop either on the economic discourse or to delve into the criminal discourse, I will endeavour to highlight the complexity of the problem, placing trafficking clearly in the broader context of migration, and seeking to conceptualise trafficking outside of mainstream stances and discourses.
3 HUMAN TRAFFICKING: A CONTEMPORARY FORM OF SLAVERY OCCURRING WITHIN MIGRATION

3.1 Conceptualising human trafficking

As made clear in the previous chapter, theories of human trafficking are scarce. Worldwide concern relating to trafficking in political spheres, governmental, non and inter-governmental bodies, in the press or in public opinion is growing rapidly but is preceding conceptualisation of the issue, which in turn has implications for the development and implementation of policies curtailing trafficking (Salt 2000, Skeldon 2000). However, it is broadly accepted that trafficking is to be placed within migration (internal and international). The migration-trafficking nexus must be contended with caution though. One of the dangers is the conflation of both issues, they are distinct; but analysing trafficking as occurring within processes of migration represents a first step.

In this chapter, a conceptualisation of human trafficking will be undertaken. First, I will elaborate on the definitions of migration and trafficking. Second, I will draw elements from various theories of international migration. These were developed ‘separately’ in chapter two, at this juncture, I will concentrate on setting out parallels so as to identify at what point migration turns into trafficking. In the third and fourth sections, attention will be on the inadequacy of using binaries in analysing migration, labour and trafficking; instead the use of scales in these three fields will be developed. In the fifth place, the three main ‘unknowns’ within trafficking will be discussed. Then, I shall turn to the problems linked to narrow focuses in trafficking and lastly recommend the implementation of safe migration in contributing to countering trafficking.

3.1.1 Definitions of migration and trafficking

A broad definition of migration, following the definition used by Miles – referring to a person’s spatial mobility as well as a person’s relation to the modes of production following such movement – will be used in order to comprehend the link between migration and trafficking. In Capitalism and Unfree Labour: Anomaly or Necessity?, Miles highlights the articulation of free and unfree relations of production, as well as the interrelation of this articulation with the history of international migration. Migration “refers to spatial mobility which relocates people in the
relations of production” (Miles 1987: 6). The author further “emphasize[s] that the history of the expansion of the capitalist mode of production is inseparable from the history of the spatial mobility of human agents who “circulate” to fill different class positions” (Miles 1987: 13). The benefit of such a broad definition of migration is that it encapsulated the notion of exploitation, crucial in the definition of trafficking.

In 2000, the UN General Assembly adopted the UN Convention Against Transnational Organised Crime, supplemented by two protocols, one on smuggling and one on trafficking. Smuggling refers to situations in which the migrant gives full or informed consent to movement. As mentioned in chapter 1, trafficking in persons is defined as:

a) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (emphasis added). Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery of practices similar to slavery, servitude or the removal of organs;

b) the consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

The adoption of the Trafficking Protocol has lead to much criticism. This will not be developed in this paper but it is important to note that an international consensus on the definition of trafficking has to a certain extent halted the long-going debate which, in my opinion, although left things open, had the merit of furthering the understanding of trafficking. As many have argued, the definition of trafficking as set out in the Trafficking Protocol blurs matters further, leaves gaps and is, in essence, problematic.\(^3\)

The discussion of the conceptualisation of trafficking is, concomitantly, seen through the lens of new forms of slavery as developed by van den Anker (van den Anker, eds, 2004). Trafficking, alongside slavery, bonded labour and domestic migrant workers, is considered a contemporary

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\(^3\) For analyses and criticisms on this subject, see, in particular: Anderson, O’Connell Davidson 2003; Jordan, IHRLG 2002; Doezema 2002.
form of slavery. Globalisation, having exacerbated forms of exploitation and poverty, is thus the force behind the emergence of new forms of slavery. Trafficking is associated with exploitative labour, accompanied by human rights violations. The outcome of a trafficking event is increasingly termed a 'slavery-like condition'.

3.1.2 New economics of labour migration theory paralleled by soft and hard trafficking

In the new economics of labour migration model, migration is analysed as a decision-making process taking place within units of interrelated people (families, households, communities). Opting for migration for certain members of families, households or communities – particularly in developing countries – is viewed as risk management through diversification (Massey, Durand, Malone 2002: 11,12). Applied to trafficking, it may be stated that families and households consider ‘selling’ their children to a middleman/woman (not necessarily aware that he/ she is a trafficker), in order to supplement their income; this can be viewed as managing risk through diversification, or family survival strategy. The decision-making process takes place within the small unit revolving around the ‘future victim’ who is possibly equally part of the decision-making process. Frederick (1998, 2000) terms this type of trafficking soft trafficking whereby “the victim’s family’s own agency is involved. Families send their children to the brothels as breadwinners. It is an increasingly common response to poverty, indebtedness and a significant source of rural income”. In soft trafficking, families selling their children thus receive an amount of money for their child (at the point of 'transaction') but it is not known if this is always associated with remittances sent back to the families by the child/children. In the reports analysed for this study, there is evidence that in certain cases remittances are sent back, in other cases links with the families are broken and no ties exist any longer between the victim and his/ her family or community at the source side (Blanchet 2002; ILO/ IPEC 2001; Asia Foundation/ Population Council 2001a). Remittances are one of the positive results stemming from a migratory process, with repercussions in the family, household and community but with the particular case of trafficking, this may be complex. For example, there are cases when persons trafficked into forced sex work, lie about their occupation at destination but do send remittances back to their families. In other cases, they do not transfer any funds back. In the latter case, this may be linked to various factors: the victim is secluded and not allowed any contacts with family or friends, the victim chooses not to be in contact or chooses not send remittances back.
This illustrates one of the complex aspects of trafficking and deep consequences linked to exploitation, abuse and violations of rights of the trafficked persons. Photographer Kelly, working together with Frederick on a book relating to sex workers in South Asia (Frederick, Kelly 2000), brought in image this cruel fact. One photo depicts a Nepali couple having sold off two of their five daughters, “the girl-child has little or no status in most parts of Nepal. She is only an extra mouth to feed and will cost money to marry off. The father compared selling his daughter to the brothel to a young man going off to join the army”\(^4\). This particular example is probably extreme. As mentioned above, there a numerous reports of parents being unaware they are selling their children to traffickers (for example: Asia Foundation/Population Council 2000, 2001; Blanchet 2002). They, as well as their children, are deceived, and deception is a key term in the definition of trafficking as set out in the Trafficking Protocol.

Frederick’s term soft trafficking is to be seen in relation to hard trafficking (Frederick 1998, 2000):

> In hard trafficking, a girl (and/or her family) is duped by promise of employment, marriage or ‘holiday’, or taken by force, by a trafficker. While the movement itself may have been voluntary, her going to a brothel is not. In soft trafficking, a girl is basically sent by the family to work. She might go under pressure, she might not. It might be ‘voluntary’ on her part, it might not.

This typology of trafficking – soft versus hard, or family-based versus coercive – (although, infra, I will argue against the use of oppositional and rigid categories of classification) has as major effect of demythologising trafficking. Until recently, trafficking was generally considered as taking place along paths of extreme coercion. The stereotype story would retrace a young, naïve girl being drugged by a (male) member of a gang, transported (as if she were a product) to a red light area of an unknown city to her, detained in a brothel, raped and forced to prostitute, with no future envisageable since her debt towards the trafficker, pimp, brothel-owner and other middlemen would be so high, she would never in a life-time be able to pay it back. The girl ends by dying of AIDS. It is not known if this extreme coercion and exploitation represent a majority of the trafficking cases. Clearly, this is an extreme form of human rights violation, but the exploitation goes further in the sense that this is used, giving the impression this is what trafficking is about. The crux of such an account is victimisation, simplification and leads to the creation of the trafficking myth.

\(^4\) From http://www.childtrafficking.com/Content/Gallery
Drawing attention, in the first place, to the practice of soft trafficking, in the second place, to the extent of it, breaks the myth of trafficking=hard trafficking and nuances the issue. Frederick contends that families in South Asia have been sending their children away for generations, but as the poor get poorer the phenomenon is expanding rapidly. The most recent policy-related report on trafficking in Africa, when discussing root causes of trafficking, states: “deep-rooted practices of gender discrimination lead to a cultural climate where the practice of trafficking is perceived as morally acceptable” (UNICEF Innocenti 2003: 14).

Demystifying trafficking may be confrontational to certain people - after all, if extreme poverty forces parents to sell their children, there really is something wrong - but is fundamental to, on the one hand, conceptualising the issue and, on the other hand, developing policies to combat it.

### 3.1.3 Segmented labour market theory and the focus on the demand side

The segmented labour market model analyses migration by focusing on pull factors in receiving countries. In this view, a relatively permanent demand for unskilled labour in developed countries is at the origin of international migration (Massey, Durand, Malone 2002: 15-18). In the field of human trafficking, the demand side of the equation remains under-researched. Recently and currently though, studies are being carried (Anderson, O’Connell Davidson 2003, 2004; the Foundation Terre des hommes together with Frederick are currently doing research in India and the results should be published at the end of 2004). Anderson and O’Connell Davidson undertook a multi-country pilot study and conclude that no correlation, per se, between consumer demand and victims of trafficking is to be drawn. The authors stress that demand is very much a socially, culturally and historically determined matter, as well as strongly linked to supply.

Recently, the demand side of trafficking (for purpose of sexual exploitation notably) is equally researched and highlighted in a number of reports that emanate from the ‘abolitionist’ tendence in the legalisation versus abolition of sex work debate (Raymond 2002; Hughes 2000, 2002). It is not the scope of this paper to delve into this debate, but it is significant to note that the destination side of trafficking is given attention by one of the poles in the legalisation versus abolition of sex work debate.

### 3.1.4 Binaries, dualisms, dichotomies and dyads

In social sciences, as in many domains, phenomena are frequently conceptualised in neat opposing groups. Migration has not escaped the categorization, nor has labour, and I will argue
that trafficking has not either (or rather is in the process of being classified into neat, opposing
categories).

First, migration is analysed through a set of binaries, addressing both the process as well as the
outcome: regular/irregular, legal/illegal, formal/informal, documented/undocumented,
temporary/permanent, voluntary/forced, safe/unsafe.

Second, labour is classified into the following binaries: regular versus irregular, free versus unfree.

And third, although the following classification is not clearly stated when talking about
trafficking, the trafficking debate does revolve around two extremes: vulnerable versus non-
vulnerable. In other words, the accent is on persons who are vulnerable to trafficking, at risk of
falling prey to traffickers; opposed to people who are not vulnerable to trafficking, and are not at
risk of falling into traffickers’ traps. As will be developed in section 3.2.3, vulnerability factors are
little researched and generally based on assumptions. However, this does not take away the fact
that when considering the issue of trafficking, the dichotomy vulnerable/non-vulnerable is
consistently raised. A second (double) dichotomy that is recurrent in the trafficking debate is
based on gender and age: men migrate, women and children are trafficked.

Blanchet, in a study pertaining to migration and trafficking from Bangladesh, draws attention to
the issue (Blanchet 2002: 4,5):

The word “trafficking” is practically never applied to men in Bangladesh. As migrants,
men are also known to suffer abuse and exploitation (including sexual), they are lured and
cheated, yet, they are not said to be trafficked. One man met in Kuwait in the course of
this study explained that men could not be trafficked because “a man can sleep anywhere
at night”. He was referring to a construction of male sexuality, which makes men
unrapable, and untraffickable. His associating trafficking to a kind of vulnerability
inherent to women’s nature (read bodies) and a corresponding invulnerability in men is a
common assumption.

In the field of trafficking, individuals are deemed vulnerable or non-vulnerable, at risk or simply
not at risk. To my knowledge, the use of binaries stops here. Or will someone come up with
further ‘black and white’ labels for trafficking?\(^5\)

The view asserting the shortcomings of neat oppositional categories and sets of binaries is
highlighted in a number of works. O’Connell Davidson, building upon King’s critical assessment

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\(^5\) This is a case in point. I attended a debate on “Illegal Trafficking”, wondering if “Legal Trafficking” equally existed. I was simply told that the adjective “illegal” was added for sake of clarity.
of the use of old dyads and their increasing inadequacy in grasping contemporary realities of migration, critically interrogates the notion of ‘forced’ and ‘free’ migration as oppositional categories, and states: “the forms of migration that we are currently witnessing and the migrants living in our midst do not fit neatly into the classifications, social categories and stereotypes that have so long served to ‘make sense’ of the phenomenon of ‘immigration’” (O’Connell Davidson 2003: 1). Salt contends that “trafficking and smuggling challenge traditional migration theories in a number of ways, they blur the boundaries between forced and voluntary movements and between legality and illegality” (Salt 2000: 35).

I would argue that the use of ‘traditional’ dyads and binaries are instruments, conveniently used by states when seeking to define migration and to control migration in particular. They are an artificial construct, formulated by states in pursuance of their own perceived self-interests (this point will be developed further in section 3.3.1). What these dichotomies fail to reflect is the complexity of the issue; they fail to make space for the numerous grey areas in migration and in trafficking. Migration as well as trafficking are complex phenomena as well as continua; thresholds between legal and illegal, formal and informal migration are not necessarily clearly discernible, and there are degrees of exploitation within trafficking.

A migration process may start off by being safe and regular, turn into unsafe (but not necessarily irregular) and after a certain lapse of time become irregular. And how exploited does a person have to be before he/ she is considered a victim of trafficking?

In attempting a comprehensive understanding of both migration and trafficking/exploitation, I would argue for the use of scales. In the following paragraph, I will develop how the use of scales - scales within migration, (scales within labour) and scales within trafficking/exploitation - contributes to the conceptualisation of trafficking in persons and therefore to the implementation of policies aimed at curtailing trafficking.

### 3.1.5 A search for a comprehensive understanding: scales of migration and scales of trafficking/exploitation

Contending that the world is not nicely and easily distinguishable in black and white categories, the use of scales is intended to cover the vast grey area between the extremes.

Firstly, in the field of migration, I would argue for a scale that takes into account the area between legal and illegal, formal and informal. Secondly, in the field of labour, I would argue for the use of a scale reflecting all grey areas between regular and irregular labour. Thirdly, in the
trafficking field, I would contend for the use of scales of exploitation, since as mentioned above this is a crucial element of the definition of trafficking. Measuring the exploitation that constitutes trafficking may be very difficult. Exploitation can take place in numerous ways, relating to exploitation during migration, type of employment, conditions of employment (salary, working hours, holidays, further 'benefits'), etc. A scale of exploitation would have to encompass all nuances of exploitation, from one extreme to the other.

Turning to the specific point of the safety of migration, the adjectives used in a black and white categorisation – safe and unsafe – would be replaced by a scale, ranging from one extreme to the other, through relatively safe and relatively unsafe migration.

### 3.1.6 A multi-dimensional phenomenon

Trafficking is simultaneously viewed as a development problem, a legal problem, a human rights problem, a social problem, an economic problem, a migration problem, a gender problem and a health problem (Frederick 2003). Furthermore, trafficking is a process, not a single event and covers the whole period from which a person is coerced, duped, deceived, through exploitation, right up to the moment the person leaves the exploited and harmful environment. It is thus a continuum and it is important to note that trafficking can occur at any point of the migratory process, before migration actually takes place or else at destination point.

The definition of trafficking as set out in the Trafficking Protocol reflects this continuum, which is the advantage of the definition, but the very flexibility renders it difficult to operationalise in a uniform way (O’Connell Davidson 2003: 8).

Annexe 1 is the site map of a resource website on trafficking that I extensively collaborated on and exemplifies the complexity of the issue. The resource website is intended for researchers, policy-makers, activists and is a platform for knowledge sharing (http://www.childtrafficking.com).

### 3.2 Gaps in our knowledge of human trafficking

Three main areas and actors in the trafficking equation remain very little researched - the demand or destination side of trafficking; the intermediaries or traffickers as well as vulnerability factors to trafficking. These gaps in our knowledge are due to a combination of factors: policy decisions, the difficulties of researching criminal environments.

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6 Other key elements of the definition of trafficking coercion, fraud, deception, abuse of power could equally be used alongside a scale of exploitation.
3.2.1 The demand/destination side

During my internship with Terre des hommes (Tdh) in Kathmandu, Nepal, I spent three months exclusively carrying out internet research on the specific topic of the demand or destination side of trafficking. This was the first part of an upcoming study of Nepali women and girls trafficked for purpose of sexual exploitation to Mumbai and Kolkata in India. Three months spent, exclusively, researching this topic, rendered a meagre result for the simple reason that there was not much to be found.

The foremost research done on this topic has been by Anderson and O’Connell Davidson (2003, 2004). In Trafficking: A Demand Led Problem? Part 1: Review of Evidence and Debates the accent is on domestic work and commercial sex work. A multi-country pilot study was equally carried out covering the demand side of trafficking in Denmark, Hong Kong, India, Italy, Japan, Sweden and Thailand. As mentioned above, the authors conclude there is not necessarily a correlation between trafficking and demand; it is a complex phenomenon, supply needs to be taken into account too, as do cultural, social and historical elements.

Further research linked to the destination/demand side of trafficking has been carried out on specific groups such as clients of sex workers. These studies address the matter from a health background, with as principal focus halting the spread of HIV/AIDS.

3.2.2 The traffickers: always a step ahead?

The term ‘trafficker’ has evolved from meaning trader with no wrongdoing, to becoming associated with the sale of illicit or disreputable goods. The term trafficker in drugs or weapons was subsequently broadened and ‘trafficker’ equally became associated with the illicit trade in human beings and their displacement within a country or across borders.

Under article 5 of the Trafficking Protocol, ratifying states must establish trafficking as a criminal offence in their domestic law. The Trafficking Protocol is intended to punish the traffickers only and not the victims; so domestic legislation should clearly state that a trafficked person is never punishable in connection with her or his own trafficking (Jordan IHRLG 2002: 15). Obstructions and barriers to the conviction and prosecution of traffickers remain high though (Anti-Slavery 2002). Furthermore, an overall lack of law enforcement typifies the trafficking problematic.

Generally, when addressing the side of the ‘trafficker’, the focus is on international crime. Trafficking is viewed as controlled by international criminal organisations whose activities often include other forms of illicit trade and smuggling such as drugs and arms. The UN estimates that the profits from human trafficking rank it among the top three revenue sources for organised
crime, after trafficking in narcotics and weapons (US Department of State 2004: 6). It is "assumed that human trafficking is a growing business because it is becoming more organised, though the evidence for this trend is not clear" (Salt 2000: 41).

Little attention is paid to the possibility of there being individuals, operating informally; or else to 'middle of the road' traffickers, the ones that may start off on small scale and climb the rungs of the trafficking ladder. In other words, soft trafficking is not highlighted. And serious questioning as to the very existence of traffickers needs to be addressed. Would it be too disturbing to consider that certain individuals, out of acute poverty, are pushed into the human trafficking business? Structural factors, from one end of the trafficking spectrum to the other, need to be addressed and a lot more research as to modes of operation, routes, identities of traffickers needs to be carried out.

### 3.2.3 Vulnerability factors

What makes one person more at risk than another to trafficking, why is one person more prone to fall into the hands of a trafficker than his or her neighbour, cousin, or fellow; what factors cause a person to be 'at risk' of trafficking? These risk or vulnerability factors (the terms are used interchangeably) form the third major grey area in trafficking.

On the whole, vulnerability factors are based on common sense and assumptions (Asia Foundation, Population Council 2001 b, UNICEF Innocenti 2003, IOM 2003 b). These risk factors tend to range from external/structural factors to internal/behavioural factors. The following list is compiled from the abundant policy-related literature on trafficking:

- Poverty, economic insecurity, indebtedness;
- political instability and conflicts;
- limited education and income generating skills;
- geographical location (trafficking-prone areas – but what criteria are used to label an area trafficking-prone? – ; border areas; rural areas);
- lack of awareness of trafficking;
- gender discrimination;
- discrimination based on religion, caste, ethnicity;
- religious practices;
- age (children and adolescents are more vulnerable);

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*7 Trafficking from rural to urban areas has widely been acknowledged; today it is also being recognised that urban centres can function as transit point. Trafficking can occur within factories in urban centres for example.*
• segments of the population (domestic workers; child labourers; street children)
• trafficking precedents in family/village;
• family characteristics (low-income; big families; single-parent families; neglect; abuse; domestic violence)
• personal characteristics (rebelliousness, risk-taking, little respect for family values). (IOM 2003 b).

The first four elements named in the above list are the ones the most frequently recognised and the ones that have received the lion’s share in trafficking prevention programmes. Even if assuming that this list is based on common sense, common-sense would equally push in favour of tackling all vulnerability factors.

In conclusion, it can be stated that more needs to be known about who is trafficked and why. Prevention efforts need to focus on who is really at risk, not just every little poor girl. Further research is necessary on the specific issue of vulnerability factors; this in turn will have an impact on theories of trafficking as well as the development of accurate policies curtailing trafficking.

### 3.3 Narrow focuses

The issue of human trafficking seems to be captured in a triple overemphasis that highly colours discussions about trafficking and, therefore, the solutions sought. The following domains are recurrently stressed and overstressed: security issues and crime prevention; tightening of migration policies; and trafficking for purposes of sexual exploitation. These will be developed in the following sections.

#### 3.3.1 Highlighting security issues and crime prevention

Globally, recent discussion on trafficking has taken place in the context of the Convention of Transnational Organised Crime and related protocols; and trafficking in persons is considered to be dominated by transnational organised crime. Governments and intergovernmental organisations have framed debates on human trafficking within threats to state sovereignty, security issues, crime control, tightening migration policies. Crime prevention, immigration, and national security are catchwords, used by politicians and other actors with short-term sights in mind and questionable methods, ends or ideologies.

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8 Personal characteristics may need to be viewed with caution and, particularly, considered within cultural, social, family and other backgrounds.
In a similar vein of thought and attitude, tighter control on the movement of people and protecting national interests is prompted. But policies designed to control irregular forms of migration can actually encourage, permit or exacerbate violations of migrants’ human rights. "In the current global economic and political climate, prioritising the control of illegal immigration [...] is not necessarily consistent with the goal of protecting migrants from abuse and exploitation by traffickers and other third parties, and may indeed cause or encourage human rights violations" (Anderson and O’Connell Davidson 2004: 40).

State protection (and particularly state’s borders’ protection) is higher on the agenda than migrant protection (and potential victims of smuggling and trafficking) or labour protection. States fear losing control of migration flows and combat undesirable migration, but the simplicity of such arguments as well as their questionability have been given attention to in section 2.2.1, referring to Sassen’s thrust on state sovereignty not altogether disappearing but shifting and being decentralised.

### 3.3.2 Tightening of migration policies in destination countries or 'migrant-phobia' reaching a paroxysm?

Closely linked to security and crime prevention concerns are issues relating to migration policies in receiving or destination countries, and particularly the tightening of migration policies, the closing of borders and reclaiming territorial say in a globalised and multicultural world.

The role in maintaining human trafficking is heatedly debated. "Trafficking is assumed to occur because the possibilities for regular migration have declined, as more stringent entry controls force migrants into using illegal channels. A different view is that lax entry controls have made it easier for trafficking to thrive, because anti-trafficking legislation is scarce and its enforcement frequently weak. Whether either (or both) of these views holds, the consequence is the emergence of a market for irregular migration services..." (Salt 2001: 32).

Davies contends that migration policies create and sustain trafficking harm and states:

> the migration agendas of [people] from countries of origin have almost been uniformly ignored in the design of anti-trafficking interventions; trafficking has been conveniently co-opted as an immigration control measure, intended to disrupt the various spaces shared by trafficking and irregular migration networks [...]. Trafficking harm is sustained and supported by inadequate migration policy that has not responded to the needs of migrant[s] (Davis 2002: 1).
Furthermore, according to Castles and Miller: "clients of smuggling gangs include not only economic migrants, but also legitimate refugees, unable to make asylum claims because restrictive border rules prevent them entering countries of potential asylum" (2003: 115).

3.3.3 The over-emphasis on trafficking for purposes of sexual exploitation

As mentioned previously victims of human trafficking end up exploited in a variety of slavery-like conditions of work. However it is trafficking for purposes of sexual exploitation that has and still does receive the most attention in research, anti-trafficking policies and interventions, forums and summits. There needs to be emphasis on the other forms slavery-like outcomes of trafficking in order to halt the distorted account of human trafficking.

3.4 Holistic solutions

As mentioned above, an increasing number of authors contend for inter-disciplinary approaches in explanation of migration. In parallel, trafficking, viewed within migration and as multi-dimensional phenomenon, ought to be conceptualised inter-disciplinarily. Reducing trafficking has in certain circumstances curbed voluntary, regular migration (for example, when migrants are forcefully intercepted on the grounds that they are thought to be trafficked). Reducing trafficking through the promotion of safe migration may have positive outcomes in opposition to anti-trafficking and danger messages. It could be contended that the analytical and political framework for understanding cross-border movement is situated away from an "anti-trafficking" perspective and placed within the broader experience of both displacement and migration. Current debates and research on trafficking have focussed on exploitation that takes place in the context of irregular labour, so-called shadow economies. This overemphasis hides the very fact that trafficking and exploitation equally occur within regular forms of migration and labour (Anderson, O’Connell Davidson 2004: 24).

Trafficking needs to be overcome without damaging legitimate migration or labour and addressed as a violation of human rights, a violation of migrants’ rights and a labour issue.

3.4.1 Safe migration

The term safe migration defines the process by which potential, future migrants are made aware of matters, issues and facts in order to avoid risks, exploitation or abuse prior to, during and after the migration process. Safe migration is used within trafficking prevention; informing migrants as
to factors in destination countries, labour-related issues and generally migrants' rights. The accent, however, is on labour-related issues. Information booklets, leaflets, handbooks, reports as well as Information Education and Information (IEC) tools, consulted in the framework of this research, highlight this focus. Generally, the following points are stressed: contract and all details relating to the terms of employment at destination such as rates of pay, hours of work, work content, extra-work and holiday payments, working practices and conditions, etc. The second bulk of information in most safe migration materials relates to consulates and embassies as well as migrant workers' rights associations in destination countries. Migrants are expected to register with their embassies at point of destination and turn to associations in case of need (this is, if they exist).

It is clear that safe migration is currently still very much confined to official realms. As illustrated above, there are no neat categories or black and white boxes that migrants could be placed in. If a person migrates regularly and documented, starts off for one year in a factory in the destination country (terms of work are correct) but is consequently sold by the factory owner and ends up working in yet another factory, without a contract, exploited and abused (trafficked), the possibilities of reverting to exterior, official help seem very narrow. Therefore, I would stress the need to address safe migration within all possible forms of migration as well as all forms of labour; leaving certain types of migration or labour out of the safe migration equation may lead to incomplete awareness rising and partial solutions. Considering the current use of safe migration, I would argue for it being expanded as to include irregular/undocumented/unofficial migration and migration for regular as well as irregular labour. In other words, future migrants ought to be informed about the risks possibly encountered if one migrates undocumented and informed about safe migration for sex work. It seems that if migrants' rights are being defended they should be in their totality.

A human rights-based, migration-based and labour-based framework needs to over-arch safe migration discourses. This should include protection of migrants' human rights and protection of labour rights. Linking safe migration and labour migration must not exclude forms of informal migration or unregulated labour but it is crucial to include safe migration in formal and informal migration as well as regulated and unregulated forms of labour. In other words, there is a need to foreground safe migration practices when talking about migrants, particularly in cases of informal migration and unregulated labour. Such a holistic framework enables the discourse to move from narrow frameworks such as that of crime prevention and fighting irregular migration viewed as threats to national security to a framework encompassing human rights generally, migrants' rights and labour rights more specifically.
Safe migration seems to be becoming the new catchphrase in trafficking debates, prevention, policies and thinking but it is essential to stick to positive elements at the core of the notion of safe migration and not simply use it as synonymous for anti-trafficking or as surrogate for preventing or impeding migration.
4 A CASE STUDY: HUMAN TRAFFICKING FROM NEPAL TO INDIA

Human trafficking in and from Nepal emerged as a big concern towards the end of the 1980s and has since then reached the headlines more and more, resulting in specific governmental action plans, regional initiatives against trafficking as well as a plethora of anti-trafficking initiatives and programmes.

In 1995, Human Rights Watch published Rape for Profit: Trafficking of Nepali Girls and Women to India's Brothels. This report was the first report with international scope and became the reference when considering the trafficking problem in Nepal, particularly in international circles. The dramatic title Rape for Profit has become somewhat of a catchphrase in trafficking circles in Nepal. The report concentrates on trafficking of girls and women for sex work in India, and the first sentence starts by blurring matters: "At least hundreds of thousands, and probably more than a million women and children are employed in Indian brothels". Is this supposed to mean all women in the Indian brothels are trafficked? Is the totality, a majority or a minority from Nepal? The use of the terms 'at least' and then 'probably' does make one question how such figures were calculated. The authors go on to say that it is estimated that 100,000 brothel workers in Mumbai are girls and women from Nepal. In the report, governments, authorities and police (both Nepali and Indian) are judged complicit in the trafficking trade.

The trafficking problem is blurred by the association of powerful myths. This has been described by Frederick (1998: 1):

This is the story of a poor Tamang girl from Sindhupalchowk District, northwest of Kathmandu Valley. Her name has got to be Gita. Passive, fair-skinned Gita (they like them like that down in Bombay) emerges from her thatch-roof hut one day to buy some cooking oil for her mother. At the local shop, a swarthy stranger hands her a drugged pack of Frooti (the popular mango drink), and the next thing she knows she's blearily looking out a dirty bus window in Muzaffarpur, Bihar [North-Indian state]. A little confused, Gita is sure they had promised to get her a job as a nanny in Delhi. Another Frooti later, she wakes up in a filthy padlocked room in Bombay. Despite the rows of
suggestively positioned girls she sees on the sidewalk below, innocent Gita has no idea what's in store for her. When her snarling madam, the gharwali, brings in her first customer (a sickly, festering man who is convinced that sex with a virgin will cure his AIDS), she nobly refuses. In comes the goonda for her 'training'. After being raped 15 or 20 times a day for a week, Gita gets the picture: she is supposed to be a sex worker. Finally accepting her fate, Gita begins work. She has to service 30 customers a night, is not allowed out to see Hindi movies (even though it is Bombay), and has no idea that she owes the detestable gharwali 25,000 (Indian) rupees [approximately €450] for her purchase at 80 percent interest compounded daily. Now the saviours appear. An inspired NGO leader, aided by cops with humanitarian conscience, beats down the door of the brothel and finds Gita hidden away behind a pile of tins. After a pleasant holiday in a government remand home, she is repatriated to Kathmandu. But alas, she can't go home any more because she is found to be HIV positive. Luckily, for Gita, there is a room in a shelter run by a charity, where she learns to embroider placemats and live her last days in dignity.


The current trafficking issue in Nepal thus is dealing with series of powerful myths, emphasis on trafficking for purposes of sexual exploitation as well as a huge lack of statistical data or conceptualisation of the issue. Although public knowledge of the problem has greatly risen and a plethora of policies and programmes are being implemented, it seems trafficking is gaining momentum.

In this chapter, migration from Nepal to India will be described, using the heuristic model explained in chapter two; the aim is to help understand trafficking as occurring in the context of migration. Next, estimates – that is all that we have – of trafficking will be given. Lastly, trafficking prevention will be highlighted, giving details of NGOs working on the issue of safe migration.
4.1 The heuristic model of migration applied to Nepal-India migration

4.1.1 Factors in country of origin

4.1.1.1 Root causes

Root causes in country of origin exemplify fundamental or structural causes contributing to migratory pressure. In Nepal, there is strong demographic growth. The 1991 census estimated the population at 18.5 million, the 2001 census assesses it at 23.15 million, this represents a 2.24 percent annual growth rate (Central Bureau of Statistics, Nepal 2002). Lack of economic development intertwined with extreme disparities of wealth (rural/urban, between castes and ethnic groups for example) are further root causes explaining migration in Nepal. A few economic development figures based on ‘standard’ norms: Nepal ranks 143rd in the 2003 Human Development Index elaborated by the UN Development Programme (UNDP); 143rd out of 175.

Certain structural social and cultural phenomena prevailing in Nepal, that can be said to act as root factors, will briefly be looked into: debt servitude and debt obligation is prevalent nationwide, this results from parental debts, exploitative employment practices affecting parents and land leasing which in turn implicate further generations. Class and gender bias in the region and a pervasive inequality due to caste and ethnicity can be viewed as root causes influencing migration and a need to seek better opportunities and social position elsewhere (Huntington 2002). Predominantly Hindu culture, patriarchal culture, the vulnerable position of and discrimination against women and girls further play a role in augmenting migration pressure (custom of early marriage; custom of arranged marriage, dowry, social stigma against single, divorced and sexually abused women, inferior position of girls vis-à-vis boys within the family unit).

4.1.1.2 Proximate causes

As mentioned in chapter two, in the heuristic model, proximate causes are divided into: the situation in the economy and on the labour market, the political situation, and the cultural definitions – individual and community perceptions of international migration. The three sub-categories will be looked into separately, but should be viewed as interdependent i.e. generative themes and the dynamics at community or individual level are entwined.

The situations in the economy and on the labour market in Nepal are strenuous. The economically active population – considered active are persons above the age of 10 – is
estimated to be 14.7 million, 63.4 percent of the total population (http://www.unescobkk.org/ips/arh-web/demographics/nepal2.cfm#5). Every year, the labour market grows by the addition of 300,000 new workers but the economy is not expanding at the same rate. Unemployment and underemployment rates are consequently very high (Gurung, NIDS 2000).

The second sub-category of proximate causes, that of the political situation, in the case of Nepal, exacerbates the migratory pressure. The eight-year conflict between the Maoist forces and the king and military are a political struggle with economic, social, cultural as well as security and migratory consequences. Political instability, violations of human rights by both parties, general insecurity lead to a situation of forced mobility. Populations are forced to move within Nepal as well as outside the country.

In a study relating to Internally Displaced Persons (IDP), published in March 2003, the number of people displaced by Nepal’s conflict is estimated to be between 100,000 and 150,000 (GTZ, INF, SNV, UNDP/RUPP 2003). The report mentions: "migration to India has been an increasing common survival strategy for communities in the hill and mountain districts of Nepal". Migration to India has increased due to the conflict. During the normal period of peak migration (November to December), in 2003, over 1,200 people crossed the border per day. In previous years, the numbers would have been around 200 to 300. Furthermore, a much higher proportion of women and children migrating was also observed, although the majority of the migrants were still men. Reasons for migration were reportedly education (38% of the respondents), security (24%), work (14%), lack of services in home areas (12%), business (3%), and other reasons (9%). The authors of the report highlight that these reasons for migration have, themselves, been significantly impacted by the conflict. Schools have been closed; teachers and students have been forced to leave. The conflict thus has direct (security reasons) and indirect (lack of or deterioration of services and livelihood opportunities) impact on displacement and movement. The most recent figures on IDPs suggest that there are between 100,000 to 200,000. The Community Study and Welfare Centre, a Nepalese organisation, even estimates the number to be between 350,000 and 400,000 (Refugees International 2004).

The third sub-category within proximate causes is the cultural definitions, which are community perceptions and individual perceptions linked to international migration. There is a long-standing tradition in Nepal to India migration. Nepal and India share similar cultural backgrounds, and since 1950 share an open border facilitating movement between both countries. Individual and
community perceptions of international migration are further coloured by increased awareness of job opportunities far from home. Globalisation, the penetration of mass media and tourism contribute to a knowledge of close and far away destinations and (possible) better livelihood prospects.

4.1.1.3 Migration policies in country of origin

Doomernik et al. clearly show that the above-mentioned factors may lead to the build-up of migratory pressure but do not necessarily suffice for migration to actually take place. Two further conditions are primordial. On the one hand, migration policies in the sending country play a determining role; on the other hand, intermediary structures between sending and receiving communities and societies contribute to shaping migration (Doomernik et al. 1997: 67). In the case of Nepal, migration policies have sought to encourage emigration, promoting overseas employment opportunities for its citizens. In 1985, a Foreign Employment Act was adopted, in 1999 the Foreign Employment Regulation. Gurung notes that the "main focus is on the control and regulation of migrant workers, rather than on their welfare" (Gurung, NIDS 2000: 9). Further criticism is that the foreign Employment Act is not intended to protect the best interest of migrant workers, but is an employment regulatory instrument and as such mainly deals with the prevention of crime and irregularities in the course of employment (CeLRRd 2002).

A ban on the foreign employment of women had been imposed following reports of abuse in several countries (anti-trafficking too). This has partly been lifted, but a ban on foreign domestic employment is still in place. This can be seen as a simultaneous fostering and hindering of migration. In April 2004, a draft bill for a new Foreign Employment Act was prepared which will replace the existing Act (The Himalayan Times 01/04/04). The current legislation was "found to be more control oriented rather than promotional and participatory". It is increasingly recognised that foreign employment is one of the major foreign currency earners and employment-generating sector (through remittances). One of the most important provisions is mandatory orientation training before departure. It remains to be seen if this will be a positive step. Compulsory pre-departure orientation, which would encapsulate notions of safe migration, may not reach all future, potential migrants.

4.1.2 Intermediary structures

Intermediary structures typically include linkages between country of origin and destination country. Nepal and India are neighbours thus one can easily walk over the border; the costs and time involved in migrating to India differ widely from a long boat, train or plane journey to a far
away destination. As mentioned above, Nepal and India share cultural and religious similarities. The tradition of Nepal-India migration has created ties, connections, kinship, family networks and knowledge of the ‘other’. Compatriots in destination country can constitute a protective, intermediary or information network facilitating a (future) migrant’s passage, stay and search for work. In the case of Nepal-India migration, strong linkages can thus be said to contribute to and foster migration patterns.

### 4.1.3 Factors in the destination country

Pertaining to factors in the destination country, Doomernik et al. draw an analytical distinction between economic, political and cultural aspects of the receiving society and factors part of the already established immigrant communities (Doomernik et al. 1997: 68). It may seem that India has a booming economy, and new technologies are indeed playing a major role in this. But under and unemployment are equally present. Migrants in India confront similar problems to migrants worldwide. On the South-Asian continent, India plays a preponderant role and may be viewed as a Mecca compared to countries such as Bangladesh, Sri Lanka or Nepal. However, xenophobia also plays a role in South-Asia, the job-snatching fear is equally relevant; and the coming of migrants from neighbouring or other countries may put extra stress on certain segments of the labour market, including the informal labour market.

Having used the heuristic model in order to understand the dynamics of Nepal-India migration, the trafficking component will be addressed in the following sections.

### 4.2 Trafficking

Figures of trafficked children, women and men from Nepal vary between 5,000 and 20,000 per year. The main reasons for such discrepancy in figures lie in the fact that the information is obtained from different sources, analysed in different ways, by different organisations, for different reasons.

Trafficking occurs internally and is mostly from rural to urban locations as well as takes place from Nepal to neighbouring countries notably India, and to further destinations such as South East Asia and the Middle East. The outcomes of trafficking events for Nepali victims are estimated to be in the following: forced labour (in carpet factories, agriculture, stone quarries, etc.), domestic service, arranged marriage, sex work, entertainment industry (circuses), religious rituals (children are 'offered' to religious leaders or for religious ceremonies), armed conflict
(notably the abduction of children by the rebel forces), begging, drug peddling. Concerning the adoption and the organ trades, very little is known as to if and how it affects Nepali victims of human trafficking. This illustrates that human trafficking is to a certain extent country and region specific. One of the slavery-like conditions that children end up in after being trafficked that is currently hitting the headlines in the press in Nepal is forced labour in circuses. A number of Nepali children are being 'rescued' from Indian circuses by human rights NGOs. It is estimated that 250 Nepali children are forced to work in circuses in India. The children's

"fair complexion and Mongoloid features make them an exotic lure for Indian audiences, as does their renowned flexibility. [...] Two recent developments in India have contributed to an increase in recruitment of circus children from Nepal. In the early 1990s, the success of the literacy campaign in Kerala, where circus performers were traditionally from, has meant that fewer Keralites are willing to join circuses. And lobbying by animal rights activists in India has made it illegal for wild animals to be used in shows, leaving huge gaps in the circuses' repertoire" (The Nepali Times 30 April – 6 May 2004).

This press report illustrates the fact there are no 'easy' solutions to human trafficking. The consequences of other positive developments within sections of society may have highly unexpected side effects in other segments of society (in this case a step towards elimination of illiteracy and successful campaigns by animal rights advocates create a demand in child trafficking for circus work).

Traffickers of Nepali victims are shown to be both women and men, although the percentage of men is much higher: female traffickers represent 18,3 per cent and male traffickers 81,7 per cent (IIDS/ UNIFEM 2004). However, existing anti-trafficking efforts in Nepal have not prioritised the apprehension and prosecution of the traffickers and there is a lack of law enforcement.

### 4.3 Trafficking prevention in Nepal

Trafficking prevention in Nepal is carried out by the state and there is a wide variety of civil society actors playing a major role.
4.3.1 State initiatives

A National Plan of Action (NPA) on Trafficking of Women and Children for Commercial Sexual Exploitation was developed in April 1998 with the collaboration of the International Labour Organisation, International Programme on the Elimination of Child Labour (ILO/IPEC), and formally approved in July 1999 (MOWSW 1998). The Ministry of Women and Social Welfare, created in 1995, is responsible for implementing the NPA and coordinates the activities of INGOs, NGOs and other governmental bodies. In 2001, a second NPA was adopted, the NPA Against Trafficking in Children and Women for Sexual and Labour Exploitation, thus adding on to the initial 1999 NPA to include labour exploitation (MWCSW 2001). The 2001 NPA specifically names labour exploitation in factories or as domestic help, and highlights trafficking in boys for begging, camel jockeying and sale of organs (MWCSW 2001). Although there are no recorded cases of trafficking of Nepali boys for camel jockeying, it is known that Bengali boys are trafficked to the Middle East for such purposes. It is unclear if this is a case of over zealousness, a move from exclusively treating trafficking for sexual exploitation to including trafficking for all purposes, or if there is a genuine fear that Nepali boys may, one day, be trafficked for exploitation as camel jockeys. The issue of trafficking of boys has further been analysed by the ILO/IPEC, and sheds light on an issue often neglected (ILO/IPEC 2002).

Domestic labour exploitation is very hidden in Nepal, but widely practiced. The fact that it has been included in the second NPA and is viewed as trafficking will hopefully draw attention to this unseen and difficult to research form of exploitation.

It can thus be said that, officially, there has been a shift in emphasis, from trafficking for sexual exploitation to a wider view, including exploitation for other purposes.

See annexe 2 for details of domestic laws and policies implemented to counter trafficking and related issues.

4.3.2 International conventions and regional initiatives

Annexe 3 details the status of ratification of international and regional laws pertaining to human rights, migration, trafficking and exploitation in the case of Nepal.

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9 The Ministry of Women and Social Welfare (MOWSW) was created in 1995. In 2000, it was extended to include children and renamed the Ministry of Women, Children and Social Welfare (MWCSW).
Authors of "An Assessment of Laws and Policies for the Prevention and Control of Trafficking in Nepal" draw attention to the fact that a number of provisions in the MWCSW bill and some of the existing legal provisions do not comply with Nepal's international obligations (Asia Foundation/Population Council 2000 a: 25). Although this report was published in 2000, before the implementation of the ‘second’ NPA of 2001 that includes trafficking for labour exploitation, the remarks pertaining to conflicting obligations can be transposed to the current legal situation. The South Asian Association for Regional Cooperation (SAARC) Convention for Preventing and Combating Trafficking in Women and Children for Prostitution, signed in 2002 by all SAARC members (Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka), - as the name of the convention indicates - is limited to combating trafficking for sexual exploitation. The scope of the convention:

is to promote cooperation amongst Member States so that they may effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination (SAARC Convention, Article 2).

The principal concerns relating to the SAARC convention are a lack of conceptual clarity, a deficiency to distinguish between women and children, a focus on the end result and not on the process of trafficking and abuse, and a lack of distinction between legitimate and coerced movement (Sanghera 2002). The SAARC convention may thus be an important acknowledgment of the threat of trafficking and an effort to combat it; the convention contains limitations that will need to be addressed for it to become a genuine, regional tool in combating human trafficking.

4.3.3 The focus of trafficking prevention

Between 50 and 100 NGOs, INGOs and UN bodies are involved in trafficking prevention.

"Their major areas of intervention are awareness raising, prevention, rescue and reintegration, advocacy, lobbying, legal and paralegal training. Activities of NGOs are described such as training, pamphlet distribution, street theatre, launching income-generating activities etc. Some NGOs established so-called ‘hot lines’ for immediate help
of victims. [...] It is interesting to note that INGOs cannot join local networks. It is also worthwhile to note that some of the networks are perceived to be clients of or allied to political parties in Nepal. And it is generally agreed that there is a serious lack of coordination, collaboration and networking. Most of the activities against trafficking are purely issue-focused, therefore, the impact on the field level is considered to be minimal". (Terre des hommes 2003: 18).

Anti-trafficking initiatives in Nepal have, on the whole, tackled the problem at the source side, the side of the potential victim, targeting girls at risk in Nepal’s cities and villages, and attempting to intercept traffickers en route from Nepal to Indian cities.

Awareness raising campaigns have been the focus of trafficking prevention activities on the source side. On the whole, it seems that people in Nepal are generally more aware of the occurrence of trafficking and its dangers; awareness has increased at all levels. However, the majority of awareness raising initiatives follow a welfare approach in which girls and women are given prescriptive advice.

Within prevention, there is a notable emphasis on the relationship between trafficking and sex work, which in turn has led to a simplification of the problem. Trafficking for other purposes, such as forced labour, domestic work, forced marriage, seem to be poorly addressed. It should be noted that the media equally plays a role in the simplistic equation trafficking=sex work. One of the most harmful outcomes of this simplification is that communities are reluctant if not unwilling to welcome victims back home. It is often thought that any girl or women who has been to India, has obviously worked in a brothel and thus comes back with illnesses and HIV/AIDS. The fact that girls and women may have migrated for other reasons is barely even recognised. Many village communities regard every girl or women who leaves the village as a trafficked person (WOREC 2002). And the girls and women who actually do wish to return home, may indeed be HIV positive or have full-blown AIDS but their communities are afraid of welcoming them back and giving them the full support they deserve.

Successions of simplifications linked to trafficking and the existing as well as added stigmas linked to sex work have led to a biased knowledge of trafficking.
The messages embodied in anti-trafficking initiatives tended to picture the world outside as a mean and nasty one. "Don’t leave the farm" tactics represented the main strategy in anti-trafficking initiatives. Recently, however, there has been a shift of focus: anti-trafficking initiatives seek to promote safe migration. The fact that women migrate in search of better work and living opportunities is recognised. To date, safe migration messages are limited to official labour migration and there is a need to address undocumented, irregular migration as well as illegal forms of labour.

The open border between Nepal and India is said to be an element making it easier for traffickers to transport their victims. Efforts from Nepalese and Indian NGOs and governmental bodies to coordinate the cross-border trafficking are instigated. But cross-border interventions have focussed on countering trafficking at official border posts. One could guess that a trafficker would not choose to walk across the official border doing unofficial business.

Briefly looking at another South-Asian problem: Bangladesh and India do not have an open border agreement but the border between both countries is said to be porous. Trafficking of girls and women from Bangladesh to the Indian brothels is as much of a problem as that of Nepali girls and women. One could maybe say that the open border between Nepal and India facilitates a trafficker’s intentions but a closed border, with identity control, may not change all that much.

As mentioned in the previous chapter, hardly any research – worldwide – has been carried out on the demand or destination side. A mysterious, relatively unknown and un-researched destination side is part of the trafficking equation. This equally applies to Nepal.

4.3.4 Safe migration

In the framework on this research, I met and interviewed a number of people working in INGOs and NGOs that were starting to implement safe migration components. A list with details of activities follows:

- Women’s Rehabilitation Centre (WOREC) is the first NGO in Nepal to have addressed the safe migration issue. WOREC works in six districts (out of a total of 75), in collaboration with other anti-trafficking NGOs and INGOs and have implemented training, capacity building workshops and information booths. There are publications in Nepali and in English, as well as Information, Education and Communication tools. The most important publication is What Everyone Going Abroad For Employment Must Know (2002). As the title indicates, it is limited to official labour migration. The emphasis of the
publication is on contact, policies towards migrant labour in destination country, documents to be made prior to departure, list of embassies and organisations assisting labour migrants in country of destination.

- NGO Federation of Nepal (federates 2,200 Community-Based Organisations - CBOs - and NGOs). Safe migration is part of the anti-trafficking programme. They work in seven districts; the main component is safe migration counselling (one counsellor per district, focussing on training people who wish to migrate for labour abroad). During anti-trafficking awareness campaigns, safe migration is addressed. The NGO Federation has published two booklets in Nepali (one on safe migration, one on anti-trafficking).

- The Asia Foundation (TAF). TAF coordinates anti-trafficking and safe migration activities (via USAID, TAF coordinates activities with WOREC, the NGO Federation, etc.). Interestingly, the current concern is how to integrate safe migration in unregulated migration and unregulated labour.

- United Nations Development Fund for Women (UNIFEM). Safe migration and anti-trafficking are separate programmes. For safe migration, Nepal is a pilot (sending) country. The programme seeks to empower women migrant workers from a gender and rights perspective. The safe migration Information Education and Communication tools deal with Nepal and South East Asia, Gulf countries but not India. Posters and information materials are disseminated in NGOs, ministries, recruiting agencies, border control posts and municipalities.

- Save the Children US (as technical advisor to Maiti-Nepal) and Maiti-Nepal will be working in the future on safe migration. The safe migration component is part of a restructuring scheme for Maiti-Nepal.

- Centre for Legal Research and Resource Development (CeLRRd). The principal aim of CeLRRD is 'public education' to the dangers of trafficking. A Community Surveillance System against Trafficking (CSSAT), set up in 1992, aims to "monitor social affairs and promote grassroots prevention of trafficking of women and girls for sexual exploitation through constant vigilance (community protection scheme), ultimate goal of CSSAT is to achieve gender equality in Nepal". Paralegal training for women and men is offered by CeLRRD (the emphasis is on learning constitutional rights).

In conclusion, it can be said that trafficking prevention in Nepal has tended to focus on simplistic notions of poverty and "don't leave the farm" tactics; the overall aim being to stop people from
migrating. Currently though, a shift in approach is noticeable, safe migration components are
being added to trafficking prevention.
5 CONCLUSION

Rather than summarise the preceding discussion, I wish to point out to certain directions, meant as an invitation to discuss matters further; these could be termed recommendations but the term suggestions would be more accurate since they are not intended to be prescriptive but rather indicate lacunae, and highlight ideas for further research, conceptualisation and developments on issues of migration and human trafficking.

Human trafficking – and its occurrence within processes of internal and international migration – is highly complex by nature and interlocked with yet other phenomena, such as globalisation. Such structural factors and elements cannot be denied a role in problems linked to migration and trafficking. Therefore solutions need to be holistic, addressing all causes, from structural to individual.

International conventions defending human rights, migrants' rights, labour rights and addressing the issue of human trafficking have been called into being since the beginning of the 20th century. The 2000 Trafficking Protocol is the most recent example of a global problem being addressed within the international community. It seems the universality of human rights needs no longer be put down in international conventions; the defence of migrants' rights, labour rights, the protection of victims of trafficking are stipulated at many and various levels within international law. However, it is the lack of implementation of this body of rights that seems to be at the root of contemporary violations of rights. Law enforcement has to go hand in hand with the set of international rules, regulations and conventions. The strength of universal rights, recognised internationally may be strengthened by the parallel development of country and region specific tools. Disparities in the problems would be reflected by the differences sought in their solutions. Migration and human trafficking affect countries and regions in specific ways. The illustration in this paper was the trafficking of Nepali children into forced circus labour, in India. It does not seem Italian children are trafficked into Irish circuses. Human trafficking affects society in different ways. Alongside universally recognised rights and internationally recognised obligations, the solutions to specific trafficking problems may have to be sought in very specific settings with the development and adoption of a targeted body of rules, regulations and enforcements.
The study of migration processes and the occurrence of trafficking within migration would greatly benefit from multi and inter-disciplinary approaches. The search for scales attempting to understand these complex phenomena is contended, in place of neat oppositional categories based on awkwardly fitting dyads and binaries.

The various outcomes of trafficking need to be researched, doing away with the focus on trafficking for purposes of sexual exploitation. This has tended to distort a problem we already know too little about. Solely highlighting human trafficking for forced sex work may not only be harmful to the victims of trafficking for purposes of sexual exploitation (it is a gendered focus and conflates trafficking with forced sex work) but also harms victims of other forms of trafficking and vulnerable groups to trafficking as a whole. The responsibility lies within a wide area, from researchers to journalists through to policy-makers; short-term views and hot topics should be left for what they are; rather, the emphasis should be on the trafficking problem as a whole, viewed in its totality. Furthermore, in the myriad reports dealing with trafficking, there is the tendency to depict the victims of trafficking as passive and weak. Once more, this may be harmful vis-à-vis the resourceful individuals exercising their own agency in deciding to migrate. Going beyond yet another binary weak versus strong individuals, it is the very fact that trafficking occurs and has space to occur that needs to be addressed.

At the policy level, I would contend that the shift in paradigm that is slowly taking place – moving from strict anti-trafficking initiatives to safe migration – is a very positive step. It is not only the positive connotation encapsulated in the term ‘safe’, it is equally the broader acceptance that trafficking occurs within processes of migration. However, at this turning point, I would argue for caution. Safe migration can greatly contribute to curtailing human trafficking, but it must be used within all forms of migration – from undocumented to documented, for regular as well as irregular migration – and for legal and illegal forms of labour. Human trafficking needs to be overcome without damaging legitimate migration or labour and be addressed as a violation of human rights, a violation of migrants’ rights and a labour issue. Although a distinction between legitimate and consensual movements and migrations as well as coerced movements and migrations ‘exists’, when integrating a safe migration paradigm all forms of movement need to be addressed.

Although there is a huge gap in research on trafficking and I would contend here again that more research is needed, studies are being carried out. And it is the necessity for information sharing
that seems as important as the actual studies themselves. Academic spheres, researchers and analysts, policy-makers, the so-called field related levels, activists, all have an 'obligation' to come together, share knowledge and learn from each other in order to further and deepen our knowledge of human trafficking so as to be able to implement sound and comprehensive policies.
Annexe 1

Site map for the Terre des hommes resource website on trafficking: http://www.childtrafficking.com

During my internship with Terre des hommes in Nepal, I was extensively involved with the conception and research for the trafficking resource website. This site map illustrates the complexity of the issue.

- **Open me first**
  - Alphabetical library catalogue
  - Subject header library catalogue

- **Discussions**
  - Migration, trafficking, sex work and human rights
  - The abolition-legalisation-decriminalisation of prostitution debate
  - Definitions and conceptual clarity

- **Trafficking**
  - Nepal
  - South Asia (general)
  - India
  - Bangladesh
  - Pakistan, Afghanistan
  - Sri Lanka, other South Asia
  - Southeast, East and Central Asia
  - Middle East
  - Africa
  - Europe
  - America
  - Canada and United States
  - Central and Latin America
  - Australia, New Zealand, Oceania
  - Global

- **Laws and policy**
  - UN, global conventions, laws, policies, proposals and commentary
    - Child Rights Convention (CRC)
    - Palermo Protocol (Additional Protocol to the Convention Against Transnational Organized Crime -TOC)
    - ILO
    - UNIFEM
    - UNICEF
    - Stockholm, Yokohama
    - Other
  - Nepal laws, policy, NPA
  - South Asia national laws, policies, NPAs
    - India laws, policies, NPAs
    - Bangladesh laws, policies, NPAs
    - Sri Lanka laws, policies, NPAs
- Pakistan laws, policies, NPAs
- Other South Asia, Afghanistan laws, policies, NPAs
  - South Asia regional and bilateral policies, proposals, and commentary
    - SAARC
    - Nepal-India
    - Bangladesh-India
    - Other
  - European policies, proposals and commentary
  - US policies, proposals and commentary
  - Others policies, proposals and commentary
  - INGO, multilateral, bilateral organisation policies, proposals and commentary
    - Action Aid
    - World Education
    - Plan International
    - CEDPA
    - Other
- Source side
  - General discussions and studies
  - Nepal
  - Other South Asia
  - Other countries/regions
  - Vulnerability studies
- Destination side
  - General discussions and studies, on demand
  - General discussions and studies, on clients
  - Nepal-India, rescue
  - Other South Asia
  - Other countries/regions
- Repatriation
  - General discussions and studies
  - Nepal-India
  - Bangladesh-India
  - Other South Asia
  - Southeast Asia
  - Other countries/regions
- Rehabilitation
  - Rehabilitation and care (general)
  - Case management
  - Intake, assessment, referral
  - Counselling
  - Non-counselling care-giving, experimental
  - Resiliency theory and practice
  - Protection, participation, discipline, rights
  - Quality of care minimum standards, guidelines
  - Life skills, education
  - Occupational training
  - Nepal rehabilitation
- Bangladesh rehabilitation
  - Other South Asia rehabilitation
  - Other rehabilitation

- Reintegration
  - Nepal
  - Other South Asia
  - Other countries/regions
  - Technical references (on social word, etc.)

- Migration
  - General discussions and studies
  - Nepal
  - Other South Asia
  - Other countries/regions

- Related topics
  - Child labour
    - General discussions and studies
    - Nepal
    - Other South Asia
    - Other countries/regions
  - Child abuse (domestic, sexual)
  - Street children and other children in especially difficult circumstances (CEDC)
  - Forced labour and slavery
  - Violence against women, forced marriage
  - War and civil disturbance
  - Torture and maltreatment
  - Adoption
  - Other
  - Sex work
    - General, global
    - Nepal
    - Other South Asia
    - Other countries/regions
    - Sex workers rights, organisations and well-being
    - Men who have sex with men (MSM), hijras
    - Children of sex workers
    - Sex tourism
    - Pornography

- HIV/AIDS
  - HIV/AIDS general
  - HIV/AIDS, health and sex workers (general)
  - HIV/AIDS, reproductive health, adolescents
  - Other

- Research considerations

- Protection and ethics
• Bibliographies

• Resources

• Links and websites
  o List-Servs
  o Websites

• Photography and film
  o Film database
  o Film makers
  o Photographers

• Photo gallery
Annexe 2
Nepal domestic anti-trafficking laws and policies and related laws

1950 Open Border Agreement (between Nepal and India)
1964 Muluki Ain (Code of the Law of the Land)
1985 Foreign Employment Act
1986 Traffic in Human (Control) Act (replacing the 1964 Muluki Ain)
1990 Constitution of the Kingdom of Nepal (Article 20 guarantees the right against exploitation)
1999 The Traffic in Human Beings (Offences and Penalties) Act

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10 Compiled from:
Annexe 3
Status of ratification of international and regional laws, pertaining to human rights, migration, trafficking and exploitation – Nepal

International obligations
1926 Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery
Nepal: ratification 1963

1930 ILO Convention on Forced Labour (C29)
Nepal: to be ratified

1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others
Nepal: ratification 1995

1957 Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery
Nepal: accession 1963

1959 ILO Convention on the Abolition of Forced Labour (C105)
Nepal: to be ratified

1963 Slavery Convention
Nepal: accession 1963

1966 International Covenant on Economic, Social and Cultural Rights
Nepal: ratification 1991

1966 International Covenant on Civil and Political Rights
Nepal: ratification 1991

1966 Optional Protocol to the International Covenant on Civil and Political Rights
Nepal: ratification 1991

1966 Second Optional Protocol to the International Covenant on Civil and Political Rights
Nepal: ratification 1991

1979 Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW)
Nepal: ratification 1991

1984 International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
Nepal: accession 1991

1989 UN Convention on the Rights of the Child (CRC)
Nepal: ratification 1990

1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)

11 There is no up-to-date and comprehensive document on the status of ratification of international and regional laws vis-à-vis Nepal. This is compiled from:
- International Institute for Human Rights, Environment and Development (INHURED International), Kathmandu, Nepal. Human rights organisation with Special Consultative Status with the ECOSOC.
- Women’s Rehabilitation Centre (WOREC). (2004). Trafficking Information Package – A Advocacy Resource Kit for INGOs, NGOs, Governments, Activists and Others, with a Special Focus on Nepal. Kathmandu: WOREC
Nepal: to be ratified
1993 The Hague Convention on the Protection of Children and Cooperation of Intercountry Adoption
   Nepal: signature only 1993
1996 International Covenant on Civil and Political Rights (ICCPR)
   Nepal: accession 1991
1999 Optional Protocol to the Convention for the Elimination of All Forms of Discrimination Against Women
   Nepal: signature only 2001
1999 ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (C182)
   Nepal: ratification 2001
   Nepal: signature only 2002
2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organised Crime
   Nepal: to be ratified
2000 Protocol Against Smuggling of Migrants, Supplementing the UN Convention Against Transnational Organised Crime
   Nepal: to be ratified
2000 Optional Protocol to the Convention of the Rights of the Child, on the Involvement of Children in Armed Conflict
   Nepal: ratification 2002
   Nepal: ratification 2002

Regional obligations
2002 South Asian Association for Regional Cooperation (SAARC) Convention for Preventing and Combating Trafficking in Women and Children for Prostitution\(^\text{12}\)
   Nepal: signature only 2002

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\(^{12}\)SAARC members are: Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka.
Annexe 4

Nepal - USAID/ABC/Asia Foundation anti-trafficking Information, Education and Communication tool
1 out of 3 children in Nepal is exploited. Thousands of them are victims of trafficking in brothels.

As a supporter of Convention 182, Nepal joins the world in protecting the rights of its children.
Nepal – USAID/Asia Foundation, safe migration Information, Education and Communication tool
References


Davies, J. (2002). The Role of Migration Policy in Creating and Sustaining Trafficking Harm. Migration Research Centre, University of Sussex.


The Nepali Times. (30 April – 6 May 2004). Life is a Circus for Some Nepali Children: Parents are Selling Children to Circuses in India Where They Become the Act Themselves. By Browne, M.


Websites
This list is derived from internet research carried out during my 6 months internship with the Terre des hommes foundation in Nepal. A slightly different, alphabetical version is in use on the child trafficking website from Terre des hommes/Nepal that I worked on extensively:
http://www.childtrafficking.com
This list of websites is not exhaustive and is to a certain extent South-Asia centred and mostly policy-related.

RESEARCH INSTITUTES/ UNIVERSITIES/ PROGRAMMES
Compstat Project http://www.compstat.org/Start/index.html Comparing National Data Sources in the Field of Migration and Integration (Compstat) is a project designed as an initial step to overcome the lack of knowledge about comparable data on social and economic integration of immigrants and their descendants in Europe.

Daphne Programmes from the EU
http://europa.eu.int/comm/justice_home/funding/daphne/funding_daphne_en.htm
Programmes to combat violence against children, young people and women. Supporting organisations that develop measures and actions to prevent or to combat all types of violence against children, young people and women to protect the victims and groups at-risk.

IMISCOE http://www.imiscoe.org European Network of Excellence on international migration, integration and social cohesion in Europe, regrouping 19 European research institutes.

Institut National d’Études Démographiques (INED) http://www.ined.fr/ Institut for Migration and Ethnic Studies (IMES) – University of Amsterdam http://www2.fmg.uva.nl/imes/


Network for European Women’s Rights (NEWR) - University of Birmingham http://www.newr.bham.ac.uk/ Launched in October 2002, this network offers a platform for discussion on women’s rights and on 4 specific issues: trafficking, reproductive rights, political participation and social entitlements. Universities across Europe participate in this network. For the section on trafficking, see: http://www.newr.bham.ac.uk/topics/Trafficking/trafficking_newr.htm For the newsletters, see: http://www.newr.bham.ac.uk/general/newr_newsletter.htm

Population Council http://www.popcouncil.org The Population Council is an international, non-profit organisation that conducts research on three fronts: biomedical, social science and public health. A vast amount of publications are available on the site.


Sussex Centre for Migration Research - University of Sussex http://www.sussex.ac.uk/migration/

Transnational Crime and Corruption Centre (TraCCC) - Trafficking in Persons http://www.american.edu/traccc/research.htm TraCCC’s focus on trafficking in persons...
is geared toward quantifying the political, social and economic costs of trafficking and examining how this activity is related to transnational organised crime groups. The goal is to translate both TraCCC research and the works in the broader academic universe into praxis for policymakers and practitioners globally.

**MIGRATION RELATED ORGANISATIONS**

December 18 [http://www.december18.net](http://www.december18.net) Portal for the promotion and protection of the rights of migrants. Trafficking is equally addressed. One can subscribe to the newsletter “migrant.news” - a joint initiative by December 18 and Migrant Rights International - contact: info@december18.net

European Country of Origin Information Network (ECOI) [http://www.ecoi.net](http://www.ecoi.net) A lot of country resources including periodical reports, special reports, appeals and news releases and resources on other sites.

Femmigration [http://www.femmigration.net](http://www.femmigration.net) Website supporting “the Legal Agenda Project” carried out by TAMPEP (see TAMPEP website). Legal information about different legislation systems in the European Union regarding issues of migration, prostitution and trafficking in women. The objective of the site is to offer migrant sex workers reliable and up-to-date information on their legal rights, their residence and working options and a list of support organisations. Extensive information.

Population Services International (PSI) [http://www.psi.org/](http://www.psi.org/) Private sector vision applied to international family planning, with an emphasis on social marketing. There are a lot of documents available on the site.


Transnational AIDS/ STI Prevention amongst Migrant Prostitutes in Europe Project (TAMPEP) [http://www.mrgraaf.nl/tampeframe.htm](http://www.mrgraaf.nl/tampeframe.htm) International networking and intervention project in Western, Central and Eastern Europe, aiming to act as an observatory in relation to the dynamics of migrant prostitution in Europe.

**TRAFFICKING RELATED ORGANISATIONS**


Coalition Against Trafficking in Women (CATW) [http://www.catwinternational.org](http://www.catwinternational.org) Worldwide coalition against the trafficking in women, with an abolitionist tendency. Database of agencies, and organisations covering the following issues: child abuse, sexual abuse, domestic violence, mental health, health care, juvenile justice, human trafficking, as well as other research and assistance materials.

Comité Contre l’Esclavage Moderne (CCEM) [http://www.ccem-antislavery.org](http://www.ccem-antislavery.org) CCEM is the coordinator of the Daphne Projects (see weblink by Research Institutes/ Universities/ Programmes), its main objective is to combat all forms of servitude, assist and work for the release of victims of modern slavery.

The International Rescue Committee (IRC) – Anti Trafficking Initiative [http://www.theirc.org/trafficking/](http://www.theirc.org/trafficking/) On the website, there is information on the actual
programmes implemented by the IRC in the field of anti-trafficking, access to documents
and the quarterly newsletter “Trafficking Watch”.

**Free the Slaves** [http://www.freetheslaves.net](http://www.freetheslaves.net) Non-profit organisation, based in Washington DC, working to end slavery worldwide. Field reports and publications available on the site.

**Fundación Esperanza - Columbia** [http://www.fundacionesperanza.org.co](http://www.fundacionesperanza.org.co) Esperanza foundation is an NGO in Colombia, which is working on the issue of trafficking in the Latin American region. Their work mainly focuses on prevention, reintegration and documentation.

**Global Alliance Against Traffic in Women (GAATW)** [http://www.gaawt.org/](http://www.gaawt.org/) The GAATW is a non-governmental human rights network comprising several individuals and organisations worldwide. Since its formation in 1994, GAATW has co-ordinated, organised and facilitated work on issues related to trafficking in women and women’s labour migration in virtually every region of the world. GAATW works at all levels to promote the application of human rights principles and the use of appropriate instruments and mechanisms in addressing specific issues in the context of migration, labour and trafficking in women. GAATW represents the legalist tendency within the trafficking debate.

**Interpol - Children and Human Trafficking** [http://www.interpol.com/Public/THB/default.asp](http://www.interpol.com/Public/THB/default.asp) The main aim of Interpol is to promote the widest possible mutual assistance between all criminal police authorities. It provides a structured platform for raising awareness, building competence and identifying best practices within law enforcement worldwide. It is a forum for exchanging information on current trends and investigations.

**Kvinnoforum and QWeb** [http://www.kvinnoforum.org/english/index.html](http://www.kvinnoforum.org/english/index.html), [http://www.qweb.kvinnoforum.se](http://www.qweb.kvinnoforum.se) Swedish women’s forum working for gender development. Trafficking with reference to sex work in the Baltic Sea region is one of the foci. The Kvinnoforum group runs “the Networking Against Trafficking in Women and Girls”. Qweb has extensive information and resources.

**The Polaris Project** [http://www.polarisproject.org/polarisproject/index.html](http://www.polarisproject.org/polarisproject/index.html) American anti-trafficking project addressing the need for direct intervention, grassroots advocacy and action-oriented research. This is an extensive website but is not particularly user-friendly.


**Stop Traffic** [http://www.stop-traffic.org/](http://www.stop-traffic.org/) Stop Traffic is an open, facilitated, international electronic list funded by the Women’s Reproductive Health Initiative of the Programme for Appropriate Technology in Health (see RHO and PATH links). The electronic list maintains a strong emphasis on public health issues associated with trafficking. On the site, bibliographies and links to NGOs, international organisations and government websites are available.

**La Strada - Foundation Against Trafficking in Women - Eastern Europe** [http://free.ngo.pl/lastrada/index_en.html](http://free.ngo.pl/lastrada/index_en.html) La Strada group is an international programme focussing on the prevention of trafficking in women, the support of victims of trafficking and the dissemination of information. It operates in Bulgaria, the Czech Republic, the Netherlands, Poland and Ukraine. La Strada participates in a number of researches, including researches with the London School of Hygiene and Tropical Medicine (LSHTP).

**Terre des hommes (Tdh), International Federation. Stop Child Trafficking** [http://www.stopchildtrafficking.org](http://www.stopchildtrafficking.org) Terre des hommes’ website concerning the international campaign against child trafficking.
US Department of State - Office to Monitor and Combat Trafficking in Persons
http://www.state.gov/g/tip/ Information from the US Department of State in the field of trafficking, legal US and international.

Victims of Trafficking http://www.victims-of-trafficking.org/UK/index.html Project with as objective to record, analyse, and promote information about the best methods of providing assistance to victims of trafficking in human beings, with as general aim the integration into destination countries or reintegration into the countries of origin. Website currently not accessible.

Vital Voices - Anti Trafficking and Human Rights
http://www.vitalvoices.org/programs/anti-trafficking/ Vital Voices is a global partnership to support women’s progress in building democracies, strong economies and peace. The focus lies on three areas: expanding women’s roles in politics and civil society; increasing women’s successful entrepreneurship; and fighting trafficking in women and girls and other human rights abuses.

UNITED NATIONS PROGRAMMES, SPECIALISED AGENCIES AND PARTNER ORGANISATIONS

Child Trafficking.org http://www.childtrafficking.org/ Website from UNICEF Innocenti Research Group (IRH) in Italy. The “Child Trafficking Research Hub” is dedicated to the dissemination of knowledge and optimisation of research methodologies, however database access is restricted to UNICEF Innocenti research centre partners. For further information, contact: survey@childtrafficking.org

International Labour Organisation (ILO) http://www.ilo.org/ General website of the ILO, with access to ILO Conventions, information on ILO programmes worldwide and access to many publications.

International Labour Organisation (ILO) - Mekong Anti Trafficking Project
http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm The main objective is “to contribute to the elimination of labour exploitation of children and women, and in particular the trafficking in children and women in the Greater Mekong sub-region, through the development, implementation and monitoring of effective and integrated sub-regional and national strategies and actions”. The website has a lot of links and resources (equally on counselling and posttraumatic stress disorder).

International Organisation for Migration (IOM) http://www.iom.int/ General website of the IOM, with information on the programmes carried out. The main fields of intervention are: counter-trafficking, labour migration, mass information and integration, migration health services, assisted voluntary returns, technical cooperation on migration, migration research, migrant movement processing and assistance, and emergency and post-crisis. There are many IOM publications available on the website.

International Organisation for Migration (IOM) - Counter Trafficking Project

UNAIDS – Joint United Nations Programme on HIV/AIDS
http://www.unaids.org/en/default.asp The internal search engine -topic, country/region, organisation- is very helpful; there are a lot of documents available.

United Nations Educational, Scientific and Cultural Organisation (UNESCO) Anti-Trafficking in Thailand
http://www.unescobkk.org/culture/trafficking/ UNESCO’s anti-trafficking project in Thailand includes a research project of girls and women trafficked from the Upper Mekong region (Yunnan, Myanmar, and Laos) to Thailand, culture sector initiatives and a statistics project.

UNIFEM’s anti-trafficking activities are part of the “Stop Violence Against Women” programme. Access to research and reports, laws and policies, as well as training materials on trafficking.


The project focus is on the reduction of HIV vulnerability among mobile populations and covers the 10 ASEAN countries (Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam) and China.

United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) [http://www.un.or.th/traffickingproject/](http://www.un.or.th/traffickingproject/)

UNIAP was established in June 2000 to facilitate a stronger and more coordinated response to human trafficking in the Greater Mekong Sub-region (Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam). UNIAP brings together 6 governments, 13 UN agencies, 8 INGOs as well as an extensive network of organisations at a national and local level. Links to publications, databases and links:

[http://www.un.or.th/traffickingproject/Publications/publications.html](http://www.un.or.th/traffickingproject/Publications/publications.html)


UN-INSTRAW works towards gender equality and the empowerment of women through its Gender Awareness Information and Networking System (GAINS), an internet-based research and training environment driven by a worldwide network. By facilitating collaborative work it seeks to create and share knowledge to improve development policy and practice.

United Nations Interregional Crime and Justice Research Institute (UNICRI) [http://www.unicri.it](http://www.unicri.it)

UNICRI is part of the UN Crime Prevention and Criminal Justice Programme Network. The Global Programme against Trafficking in Human Beings (GPAT) was designed by the UNODC Office on Drugs and Crime (UNODC) in collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI) and launched in March 1999. GPAT assists Member States in their efforts to combat trafficking in human beings. It highlights the involvement of organised criminal groups in human trafficking and promotes the development of effective ways of cracking down on perpetrators.


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World Health Organisation (WHO) [http://www.who.int/en/](http://www.who.int/en/)

One section of the website relates to Research Tools; within this, the Library Database (WHO LIS) and the Statistical Information System (WHO SIS) offer a lot of information:

[http://www3.who.int/whosis/menu.cfm](http://www3.who.int/whosis/menu.cfm)

HUMAN RIGHTS RELATED ORGANISATIONS, WITH TRAFFICKING COMPONENTS
Asia Pacific Forum of National Human Rights Institutions - Trafficking
http://www.asiapacificforum.net/human/issues/trafficking.htm Forum working with national institutions to improve their capacities to support efforts to prevent, suppress and punish trafficking.

Asian Human Rights Commission http://www.ahrchk.net/ Working for the promotion of human rights in Asia; the accent is on monitoring, investigation and advocacy. A number of electronic newsletters are available.

Asian Women’s Human Rights Council (AWHRC) http://www.awhrc.com The AWHRC addresses women’s human rights issues in the Asia Pacific region.

Human Rights Watch - Campaign Against the Trafficking of Women and Girls
http://www.hrw.org/about/projects/traffcamp/intro.html This campaign addresses the trafficking of women and children into bonded labour, forced marriage, forced prostitution and domestic servitude worldwide.

Human Trafficking.com http://www.humantrafficking.com Research and activism website on human trafficking run by the Polaris Project. Extensive amount of resources. Specific section on Demand and Buyers:
http://www.humantrafficking.com/humantrafficking/Research_Tools/TopicSearch/Traffickers/Demand_side.htm A lot of forums:
http://www.polarisproject.org/PolarisProject/forums/Default.aspx

Human Trafficking.org http://www.humantrafficking.org/
The purpose of this website is to bring governments and NGOs in East Asia and the Pacific region together to cooperate and learn from each other’s experiences in their efforts to combat human trafficking. This website has country-specific information such as national laws and action plans and contact information on useful governmental agencies. It also has a description of NGO activities in different countries and their contact information.

International Human Rights Law Group (IHRLG). Initiative Against Trafficking in Persons http://www.hrlawgroup.org/initiatives/trafficking_persons/default.asp Human rights organisation whose mission is to empower local advocates to expand the scope of human rights protections and to promote broad participation in building human rights standards and procedures at the national, regional and international levels. Good resources and contacts on human trafficking, regularly updated: “Resources and Contacts on Human Trafficking”.

International Movement Against all Forms of Discrimination and Racism (IMADR) http://www.imadr.org The foci are: elimination of racism and racial discrimination, international protection of minority rights, empowerment of victims of multiple discrimination, facilitation of indigenous peoples’ development, and advancement of migrants’ rights. IMADR set up the “Project for the Elimination of Trafficking in Women (PETW)”: http://www.imadr.org/project/petw/home.html

Layers for Human Rights and Legal Aid (LHRLA) - Pakistan http://www.lhrla.com/ LHRLA is a developmental and structural legal aid group. It is the first organisation to have addressed the trafficking of women in Pakistan, “Project on Trafficking of Women in Pakistan”: http://www.lhrla.com/traff_women.html In partnership with UNICEF, LHRLA set up a Protection and Referral Centre: Madadgaar (see website).

Madadgaar – Pakistan http://www.madadgaar.org/ Protection and referral centre set up by Layers for Human Rights and Legal Aid (LHRLA) in partnership with UNICEF. The database and media section of the website present press releases on trafficking in Pakistan.

CHILD RIGHTS/WELL-BEING RELATED ORGANISATIONS


Child Watch International http://www.childwatch.uio.no/ Non-profit, non-governmental network of institutions involved in research for children. It aims to initiate and coordinate research and information projects on children's living conditions and the implementation of children's rights as expressed in the UN Convention on the Rights of the Child (CRC).

Child Workers in Asia (CWA) http://www.cwa.tnet.co.th/ CWA was established in 1985 as a support group for child workers in Asia, and the NGOs working with them. CWA brings together over 50 groups/ organisations working on child labour in 14 countries. It facilitates sharing of expertise and experiences between NGOs and strengthens their collaboration to jointly respond to the exploitation of working children in the region.

Children of the Night - USA http://childrenofthenight.org/site/ US organisation dedicated to assisting children between 11 and 17 who are forced into sex work throughout the USA. Children of the Night rescues victims and works for their rehabilitation and reintegration.


Covenant House - US http://www.covenanthouse.org Covenant House is a privately-funded childcare agency in the US providing shelter and service to homeless and runaway youth, including trafficking victims.


World Congresses Against the Commercial Sexual Exploitation of Children http://www.csecworldcongress.org/en/index.htm Official site of the 2 world congresses against the Commercial Sexual Exploitation of Children (CSEC). The first congress was held in 1996, in Stockholm; the second in 2001, in Yokohama. The site is an archive of materials produced for both congresses. Background reading, congress reports, outcome documents and press materials are available on the website.

HEALTH RELATED ORGANISATIONS


La Fondation du Présent http://www.fdp.org The website now includes the forums which used to be part of HIV Net (see HIV Net website), comprising one on South East Asia,
one on Gender and HIV/AIDS and one on Sex Work Projects:
http://www.fdp.org/forums.html

Harvard AIDS Institute http://www.hsph.harvard.edu/hai/  Institute promoting research, education and leadership to end the AIDS epidemic in Africa, Asia and other resource-scarce settings.

Health and Human Rights Info http://www.hhri.org/  Health and Human Rights Info aims at making practical information and materials on health and human rights more easily accessible to health workers. The focus is on the psychological aspects of health and human rights. A big number of reports are available on the website.

HIV Net http://www.hivnet.ch/e/index-frame.html  Information website regrouping different organisations: AIDS info Docu, la Fondation du Présent forums have moved to the Fondation du Présent website (see la Fondation du Présent website). Not particularly user-friendly site.


Open Society Institute - International Harm Reduction Development (OSI/ IHRD) http://www.soros.org/initiatives/ihrd  The OSI is part of the George Soros Foundations Network; the International Harm Reduction Development programme focuses on diminishing the individual and social harms associated with drug use – particularly the risk of HIV infection. Within this framework, the programmes address sex workers’ harm reduction.

Organs Watch http://sunsite.berkeley.edu/biotech/organswatch/index.html  This project brings together a team of anthropologists, human rights activists, physicians, and social medicine specialists to conduct a multi-year project on “Medicine, Markets, and Bodies.” The focus is on the social and economic context of organ transplantation, focusing on the human rights implications of the worldwide search for organs.

Programme for Appropriate Technology in Health (PATH) http://www.path.org/  PATH’s mission is to improve health, especially the health of women and children. An emphasis is placed on improving the quality of reproductive health services and on preventing and reducing the impact of widespread communicable diseases. PATH produces “Reproductive Health Outlook” (RHO). (See RHO website): http://www.rho.org

Reproductive Health Outlook (RHO) http://www.hro.org  Information about a wide variety of reproductive health issues, including HIV/AIDS and health services for sex workers. RHO is maintained by the Programme for Appropriate Technology in Health (PATH) and is especially designed for policy makers, programme managers, and health care providers working in low resource settings. Includes an huge list of Gender and Sexual Health Web Links http://www.rho.org/html/gsh_links.htm

Society for the Scientific Study of Sexuality (SSSS) http://www.sexscience.org  Society carrying out research in the field of sexuality, promoting the communication and the application of sexual knowledge in educational, clinical and other settings. A number of journals are published by the SSSS, see: http://www.sexscience.org/publications/index.php

You And Aids – The HIV/AIDS Portal for Asia Pacific – Trafficking http://www.youandaids.org/themes/trafficking.asp  You And Aids is an initiative of
UNAIDS and UNDP for the Asia Pacific region. The website has general country information and certain theme-specific sections: one on trafficking, one on migration.

SEX WORKERS RIGHTS/HEALTH/WELL-BEING RELATED ORGANISATIONS

Bay Area Sex Worker Advocacy Network (BAYSWAN) - USA http://www.bayswan.org/
BAYSWAN is based in San Francisco, the website provides information about sex workers rights and issues. BAYSWAN organises to improve working conditions, increase safety and services for sex workers and to eliminate discrimination on behalf of individuals working within the sex industry.

Cabiria - France http://perso.wanadoo.fr/cabiria/cabiria.html French association working for sex workers’ health promotion including HIV/AIDS and carrying out research on sex work. The association started off in Lyon but has extended to the French territory as a whole.

Care Bangladesh - Shakti/ HIV Project - Sex Worker Intervention http://www.carebdhiv.org/swi.htm The Care Bangladesh Shakti project, initiated in 1996, has turned into the “HIV Project”. This section of the web site deals with the sex worker HIV intervention project. Information on: the actual programme, the partners and the impact of the project.

Empower Foundation/ Empower Chiang Mai - Thailand http://www.empowerfoundation.org/index.html Thai organisation promoting the rights of women working in the entertainment and sex industry. The foundation has strong views on brothels raids and rescue. The website is partly in English, partly in Thai.


European Network for HIV/STI Prevention in Prostitution (EUROPAP) http://www.europap.net/ Network of organisations in 18 European countries working for HIV/STI prevention in sex work; linking health projects, sex workers’ projects and social support programmes.

Ex Oriente Lux http://ex-oriente-lux.org/about.html Website by NGO activists in Europe, with as aim to help victims of trafficking and forced prostitution, the focus is on providing testimonies of victims. A number of links and resources.


Network of Sex Work Projects (NSWP) http://www.nswp.org Network that participates in independently financed projects in partnership with member organisations and technical support agencies. The NSWP consists of sex workers and organisations that provide services to sex workers in over 40 countries. The focus of the work is promotion of sex workers health and human rights. Dual secretariats in Rio de Janeiro and London.

Payoke http://www.payoke.yucom.be Belgian association working to defend the interests of sex workers in their fight for emancipation and to combat all forms of forced prostitution.


Ziteng - China and Hong Kong http://ziteng.org.hk/zitenge.htm Ziteng is an organisation working for the promotion of information for and about sex workers, sex workers’ rights
and health. Ziteng does research in these field, the publications are available on the website.

NEPALESE TRAFFICKING RELATED ORGANISATIONS

Agro-Forestry, Basic Health and Co-operatives/ Nepal (ABC Nepal)
http://www.abcnepal.org.np/ Nepali NGO that now focuses on counter-trafficking. Activities are in the field of prevention, rescue and rehabilitation.

Asmita - Nepal http://www.asmita.org.np/ Asmita is a Nepali feminist alternative media organisation promoting participation, representation and access to media for women.

Centre for Legal Research and Resource Development (CeLRRd) - Nepal

Centre for Research on Environment, Health and Population Activities (CREHPA) - Nepal
http://www.crehpa.org.np CREHPA is a research organisation conducting consultancy, policy and action research. A few of their reports are available on the website.

Child Workers in Nepal Concerned Centre (CWIN) - Nepal http://www.cwin-nepal.org/ Nepali NGO working for the defence of the rights of the child, against child labour exploitation and trafficking.

Joint Initiative against Trafficking in Women and Children (JIT) - Nepal

Mahila Web - Women and Gender in Nepal
http://www.panasia.org.sg/nepalnet/mahilaweb/index.htm Mahila Web is an electronic repository focusing on women and gender issues in Nepal. Participating organisations include both NGOs and INGOs based in Nepal. Mahila Web organisations are involved in activities such as training, advocacy, publishing and information dissemination for the purpose of promoting Nepali women's empowerment.

Maiti Nepal http://www.maitinepal.org One of the biggest Nepali NGOs working for the prevention of girl trafficking. The accent is on rescue, rehabilitation and reintegration of trafficked victims.

The Rescue Foundation - India http://www.rescuefoundation.net/ Maiti Nepal’s Mumbai branch (see Maiti Nepal website). Involved in the rescue, repatriation and rehabilitation of children and women who have been trafficked from Nepal and sold to brothels in various Indian cities. On the website, newsletters pertaining to rescue operations carried out by the Rescue Foundation since end 2002 are available: http://www.rescuefoundation.net/reports.html

Terre des hommes (Tdh) - Nepal http://www.tdhnepal.org Information on the situation in Nepal, Tdh Nepal projects, access to newsletters, many links and a photo gallery on nutrition and trafficking by professional photographers.

Women’s Rehabilitation Centre (WOREC) - Nepal http://www.worecnepal.org/ Nepali NGO working in the field of counter trafficking. Their publications are available on the website.