Understanding 'trafficking vulnerabilities' among children: the responses linking to child protection issues in Nepal

Children's Geographies

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Abstract

The purpose of this paper is to discuss child trafficking in Nepal within the broader framework of child protection. It examines both individual (gender, ethnicity and caste) and structural (their experiences in relation to work, migration, education and lack of birth registration) vulnerabilities and their links with child trafficking as a child protection concern. The paper provides suggestions for why there is a need for a more nuanced understanding of trafficking vulnerabilities as part of a continuum, rather than a distinct event, to improve outcomes for children. We use the evidence presented here to call for a holistic approach. Policies and programmes must be integrated within the broader concerns of child protection, thus strengthening the system from local to national level, while recognising the importance of children's rights to participate in any decision-making.

Introduction

> Our society is transforming because of remittance money, family disintegration has started because of the youth male population living abroad, infidelity, problem of single women households: these are the problems, which are not the same as before (NGO programme director, 2014).

> But now technology is an increasing problem; for instance, in girls' and boys' movement of trafficking purposes, technology plays a major role; we have received such cases and also published them in the Kantipur Nepali Daily [Nepali national newspaper]. For example, a Nepali girl in Banke was communicating with a boy in India by mobile phone, and she was later trafficked to India. In developing countries like ours, it is quite interesting to know that technology is playing such a major role (Government officer, 2014).

The above statements of an NGO programme director and a government officer respectively indicate the social transformation taking place in Nepali society. Such changes have had an impact on both the processes and forms of trafficking in Nepal, which is an interesting setting due to its distinctive profile (Richardson et al. 2016); it is a key source country in south Asia for both sex trafficking and forced labour (NHRC 2012). The International Labour Organisation (2002) report estimates that approximately 12,000 Nepali girls, most under 16, are trafficked annually to Indian brothels. The trafficking of children has, in recent years, taken different forms and is increasingly complex. Forced child labour, organ donation and illegal inter-country adoptions have emerged as new forms (Frederick, Basnyat, and Aguettant 2010). Furthermore, Nepali children are now trafficked to new destinations, including: the Middle

East, Africa, Korea and China (NHRC 2012). Alongside external trafficking, there has also been a significant rise of the problem within the country's borders (Frederick, Basnyat, and Aguettant 2010). The rapid growth and changes in the trafficking phenomenon and the increasing attention it has provoked at a global level, has prompted Nepal into action. The range of new legislation, policies and practice guidelines introduced have embedded some of the international human rights conventions and recommendations - in particular, the *Children's Act*, 1992, the *National Plan of Action Combating Trafficking,* 2001, the *Human Trafficking and Transportation (Control) Act*, 2007 and *National Child Policy,* 2012. However, despite these political and legislative advances the effect on the ground – especially concerning the trafficking of children, has been limited for a number of reasons.

In the first instance it is important to understand that explanations and theories relating to trafficking produce a range of policy and professional responses, depending on whether it is considered for instance a problem of migration, prostitution or organised crime (Lee 2011). There has been a growth of research over the last two decades in the field of human geography, offering a broader more intersectional view particularly in the Global South. However, the emphasis of this work is focused on women over 18 (Smith 2017; Yea 2010; Laurie 2015; Richardson, Poudel, and Laurie 2009). By contrast studies discussing trafficking within the context of child vulnerabilities are limited. This paper addresses gaps in existing work, highlighting the problems for trafficked children and those who work with them.

Secondly, as suggested above, much of the previous literature has focussed on women's experiences and needs after 'rescue' rather marginalising the problems of child trafficking (Laurie et al. 2015; Richardson et al., 2016). However, there are a few interesting exceptions. For instance, Poudel (2011) studied the social rejection experienced by trafficked women in Nepal. This study plots the varied pathways of trafficked girls through leaving school early to support family income, abandoning home to escape domestic abuse and escaping gendered-based violence such as child marriage.

A third point to raise here can be seen in the field of child protection indicating the importance the interrelationship between child abuse incidences and the environment in which such abuse occurs (Jabeen and Jabeen 2016). In the UK, scholars including Munro (2007) and Pearce, Hynes, and Bovarnick (2013) have demonstrated how individuals, families and environmental factors influence the formulation of child protection policy. And there are on-going debates about the effect of sociocultural and experiential factors in shaping childhood and children's vulnerabilities (Boyden and Howard 2013; Jenks 2005; Bovarnick 2010). These academic conversations are missing in the context of child trafficking in Nepal. So, while Nepal

does have child protection and anti-trafficking legislation, these are not always effective because links between the geographical and socio-cultural context to the problem are minimal. As a result, there is no distinct discourse around vulnerabilities encouraging a more bespoke and measured approach to ensure child protection.

Finally, while the problem with the universal notion of childhood is well established in the literature, it has particular significance in Nepal. It is difficult to universalise the concept of childhood on the basis of the prevailing view (Freeman 1998; James, Jenks, and Prout 1998). For instance, Freeman (1998, 438) states that 'if childhood is a social construction, then there are "childhoods", rather than a single, universal, cross-cultural phenomenon'. There are also concerns over childhood as defined in the UN Trafficking Protocol (O'Connell Davidson 2005; Montgomery 2001). Understanding the way childhood has been constructed and theorised, within the context of Nepal will identify the particularities as well as the ways in which Nepali children are rendered vulnerable to trafficking.

Here we argue that it is crucial to theorise child trafficking as a complex social phenomenon. We will examine some of the particular vulnerabilities of Nepali children both individual (gender, ethnicity and caste) and structural (in relation to work, migration, education and other protection issues), as they relate to children's right to protection. We have a particular focus on the vulnerabilities among girl children. In doing so, we argue that there is a need to reimagine the problem of trafficking, renewing the focus to highlight vulnerabilities within a broader child protection context, for which policy makers and practitioners need to look beyond the narrow anti-trafficking framework that relies on Rescue, Repatriation and Rehabilitation (3Rs).

Social transformation in Nepal: An Overview

While the introduction above offers a framework for the paper it is important to understand the Nepali context. Nepal is one of the oldest states and the only country that was not colonised in South Asia (Malik et al. 2008). It is a landlocked country, situated between India and China, two emerging nations in the global economy. The country shares an open border with India in the Southern region while access to China is rather difficult due to the Himalayan terrain. Out of its population of 30 million, 83 percent live in rural areas. Extreme poverty, coupled with a 'post-conflict' society has led to an unprecedented scale of social transformation in recent years; these changes are influenced and shaped by its geopolitical position (Richardson et al. 2016, 331).

Nepal suffered political uncertainty through the systematic abuse of power, corruption and political instability as it has struggled with 'democratic reform through a constitutional process following a decade of civil war' (1996-2006)[i] (Laurie et al. 2015, 467). In 2006 parliamentary democracy was reinstated, which provided the Maoists with an interim government. Any hope of developing the constitution to build a 'new' Nepal was however delayed due to disagreements between the main political parties. Yadav (2016) argues that in spite of the political instability post-civil war social transformation has materialised with the representation of people from marginalised groups and importantly the representation of women within public spheres.

In the spring of 2015, the country was struck by two deadly earthquakes. Conversely these tragedies offered some sense of national unity resulting in a political alliance that lead to the new constitution, which had a particular impact on women and children intersecting with debates on trafficking. For instance, lobbying from NGOs encouraged changes to the citizenship rights of women as previously such applications required the endorsement of husbands and fathers (Laurie et al. 2015; Richardson et al. 2016). This is important as women returning from trafficking situations were frequently rejected by family and community rendering them in effect stateless. As such these women have now secured not only their citizenship rights but those of their children (Laurie et al. 2015). However, despite having the citizenship rights, the patriarchal nature of Nepali society continues to discriminate against women and girls disempowering and leaving them vulnerable (Richardson et al. 2016).

Structuring a vulnerable victim discourse

As suggested the vulnerability of children is increased by the prevailing culture as well as the ways in which trafficking is defined. Although Nepal has yet to sign and ratify the UN Trafficking Protocol, it has to some extent adopted its definition in national legislation (Poudel 2011). The UN Trafficking Protocol (2000) offers perhaps one of the most comprehensive definitions (Smith 2017; Yea 2010; Salt 2000)[ii] establishing children as a special case.

For example, the terms 'trafficking in persons' and 'child trafficking' are differentiated by the age of the victim. The issue of 'consent' is considered irrelevant in the case of children under 18 within the Protocol (Dottridge and Jordan 2012). This means that any child transported for exploitative work is considered trafficked, whether or not they have been deceived or have 'consented' in any way (Dottridge and Jordan ibid). While in protection terms a universal approach appears appropriate, some argue that the Protocol has invalidated children's consent and their sense of 'agency' (O' Connell Davidson 2005; Bovarnick 2010)

and despite the well-meaning intent, a lack of agency adds to the child's victimisation (Bovarnick 2010). Furthermore, the Protocol is considered weak in terms of differentiating between children and younger adults, a vital distinction especially when considered in socio-cultural context (Huijsmans 2008). UNICEF (2009) suggests that although it is crucial to recognise children as victims of crime, defining vulnerability on the basis of age can depict them as 'powerless'. Viewing children as a homogenous group characterised by their 'passivity, helplessness, dependence and irrationality' has made it impossible to imagine children being capable of making their own, even if limited, choices (O'Connell Davidson 2005, 52). Further, Montgomery (2001, 54) argues 'to define a child simply by age is to ignore the complex role of the child within the family, where status and role depend on more than date of birth'.

In Nepal, it is rather difficult to define childhood as a singular concept as conceived in the West (Giri 2009). Giri (ibid, 619) has, for instance, distinguished childhood in Nepal into two categories: 'traditional childhood' experienced by children in the rural areas, and 'modern childhood' resembling the western childhood. In the rural areas young children are expected to support their family, thereby preparing to become responsible adults. On the other hand, urban children spend time doing school work and playing as a normal part of their upbringing. This is changing with the promotion of the UN-backed universal education, and the other effects of globalisation creating an acceptance of 'a new childhood' within the more traditional rural communities (Giri ibid).

The heterogeneity of children's experiences should be considered in trafficking narratives and interventions for a number of reasons. The problem of conceptualising trafficking around the notion of victimhood is heavily critiqued in the academic debates (O'Brien 2013; Vijeyarasa 2015; Lisborg 2014). Child trafficking discourses are grounded in a number of assumptions which are generalised and simplistic. In Nepal, the dominant narrative reflects a stereotypical image of the victimised child constructed on the basis of the underlying assumptions of gender and ethnicity (Frederick 2005). Thus, the victim is innocent and passive, with no agency, an image often affiliated with sexual abuse (Pradhan 1996). This discourse is linked to the hierarchy of victimhood and despite creating tensions with reality anti-trafficking responses are influenced by the expectation of an ideal victim. Perhaps one way to understand the rationale behind this concept of vulnerability in Nepal is through the vision used by Frederick (1998, 2) the *Gita Myth*.

> 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. 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.

This trafficking story is focussed on a particular social group as innocent and 'unknowing' (Worthen 2011) and such 'rural poor' trafficking paradigms have dominated Nepali development programmes for the last forty years (Frederick 2005). This goes some way to explaining some of the tensions that exist in the discourses of child trafficking and the focus of interventions (Frederick ibid). It is of course important to recognise that the trafficking of children for sexual exploitation to India is not just a myth, it is a prevalent phenomenon (Samarasinghe 2008). But in reality, trafficking practices are not just simply associated with cross-border sex trafficking. There is a danger that 'projecting the image of a young girl, clandestinely abducted and forcefully taken across the border' (Samarasinghe ibid, 60) dominates the response. These 'narratives of suffering' generate empathy and support a perspicuous strategy for NGOs to acquire funds (Crawford 2010, 121) in the international arena. Richardson, Poudel and Laurie (2009, 264) state that:

> NGO discourses also differ depending on their founding principles (for example secular or religious), where they are located (and therefore to whom they are accountable) as well as, in some cases, the influence of individual charismatic actors within their organisation.

In the media trafficking is widely and stereotypically presented as a phenomenon involving factors such as abduction, drugging and sexual slavery. However, in reality this is often not the case.

> Many children may not regard the work that they do as exploitative because they do not have, or do not perceive themselves as having alternative options. They may believe that they are in control of their working relationships and/or deriving some benefit from this work (UNICEF 2009, 18).

Similarly, some trafficked children do not see themselves as victims as noted by one police officer:

> A young girl from a village changes her name from RamKumari to Rama. The perpetrators entice the victims, they invest in them by sending them to beauty parlours to do their hair and make-up, give them mobile phones, and in so many ways girls believe that the traffickers are their well-wishers who will fulfil their dreams (Police officer, 2015).

Rethinking trafficking vulnerabilities is therefore crucial. In Nepal the overwhelming focus of NGOs and government organisations is driven by the three Rs – Rescue, Repatriation and Rehabilitation, this limits the understanding of trafficking as a problem (Richardson, Poudel,

and Laurie 2009) and fails to examine root causes. Thus, child trafficking is still narrowly understood and maintains an overemphasis on sexual exploitation as expressed by a government official:

> But understanding the definition of child trafficking is a problem, for example, in Nepal even today trafficking is understood where a child from Nuwakot was lured and sent to India and sold in a brothel. However, even without the selling component or even if the child is transported for other exploitations it should still be understood as trafficking (Government officer, 2014).

Clearly child trafficking is an issue that goes well beyond the stereotypical vulnerable-victim discourse. Furthermore, many anti-trafficking interventions are enacted without a clear distinction between child and adult trafficking, different pathways and childhoods, or different types of exploitation. As a result, the specific needs of vulnerable children are often neglected and fall outside of the broader human trafficking debate.

Conceptualising child protection framework

As we have established, how the child trafficking problem is conceptualised determines what policy should be pursued to address the problem. Without contexualising the complex risks associated with children who are in vulnerable situations any attempt to protect the rights of trafficked victims is likely to remain rhetoric. UNICEF (2007) identified a framework outlining three systems preventing or responding to children's problems. Their report concluded that the two key contributing factors to risk were 'the socio-economic, political and cultural context' and 'the child's immediate environment' (UNICEF ibid, 5). So not surprisingly these social structures form the foundational elements for avoiding vulnerability and producing resilience in children. The third set of elements highlighted the 'the prevention and response systems' that 'represent the society's principal means for creating a positive environment for its children'. This conceptual framework outlines the three systems that could prevent or respond to the children's problems.

Recently, the government has begun to recognise the importance of developing an overall child protection strategy. Particular emphasis was given to coordinating child protection activities and formulating an effective legislative framework for the protection of trafficked children (Heiberg et al. 2010) and other children at risk. The *National Child Policy*, 2012, addressed challenges through a multi-agency approach sharing responsibilities and prioritising protection programmes within budgets. Although the importance of developing an overall strategy is a priority in Nepal, it still lacks coherence. The difficulty of implementing any state

child protection intervention is hampered by a number of key factors. For example, the 2011 census revealed under 18s comprise almost 50 percent of Nepal's population so there is a problem of scale. The social conditions of extreme poverty, widespread child labour and internal conflict have exposed Nepali children to vulnerable conditions (Frederick, Basnyat, and Aguettant 2010). Natural disasters that the country has experienced recently have further exacerbated children's wellbeing and safety (O'Leary and Squire 2012) as family separation in emergencies result in the disruption of protective structures, leaving children vulnerable to exploitation. Both the government and NGOs have noted an increase in trafficking vulnerabilities since the earthquakes of 2015 (Brulisauer 2015; Sthapit 2015). In the immediate aftermath of the earthquakes, emergency protection measures were initiated including the prohibition of children under the age of 16 to travel outside their home district without an adult approved by the District Child Welfare Boards (Brulisauer 2015). However, these temporary emergency child protection programmes are focused on narrow objectives for a short period of time rather than on structural reforms (O'Leary and Squire 2012). In fact, 'many child protection risks identified in an emergency are often pre-existing and are generally exacerbated by the conditions and effects of the disaster' (ibid., 43). This is to suggest that weak protection often pushes children into different forms of vulnerabilities, a phenomenon which is clearly distinct in Nepal. Here the link between trafficking vulnerabilities and child protection issues are clear.

Research method

Child trafficking is not an easy topic, nor is it easy to work in the field. There are numerous stumbling blocks such as gaining access, recruiting participants and ethical issues. Following appropriate ethical approval, and guidance the initial stages of this research involved a close analysis of the relevant legal and policy frameworks including the *Children's Act*, 1992, the *Human Trafficking and Transportation (Control) Act*, 2007 and the *National Child Policy*, 2012, and the various reports and proposals developed by both national and international organisations. The document analysis helped us, not only in framing the research questions, but also in the selection of the interviewees. A total number of sixty semi-structured interviews were conducted in two phases. During the first phase twenty-nine semi-structured interviews were conducted with representatives of government, I/NGOs and independent consultants to gain a holistic understanding of the context of child trafficking in Nepal. The reason for selecting these organisations is because they are the key organisations working in anti-

trafficking interventions, children's rights and child protection. The second fieldwork phase was carried out a year later in July–September 2015. Thirty-one semi-structured interviews were conducted during this field visit including NGOs particularly working in victim support (legal and rehabilitation/reintegration support), INGOs and government agencies, the Ministry and its district offices, the police and other anti-trafficking networks.

Perhaps one of the limitations to this project was the lack of primary data from victims. There were two key reasons why victims were not interviewed: firstly, there are considerable ethical issues involved with interviewing children and indeed victims more generally; and secondly, in this case the focus of the research was on practitioners to identify the ways in which organisations respond to child trafficking. Such an approach is not without precedence. The 2011 study conducted by the National Society for the Prevention of Cruelty to Children (NSPCC), to explore practitioners' understandings of responses to trafficked children and young people, did not include interviews with the victims due to the complex ethical issues involved (Pearce 2011). However, in the case of this research interviews were undertaken with two survivor-led local NGOs, Shakti Samuha and Biswas Nepal. Furthermore, the study engages with the research literature focusing on the experiences of the various stakeholders including the adult victims of trafficking (e.g. Laurie et al. 2015; Richardson et al., 2016).

Understanding trafficking vulnerabilities *as child protection issues*

We have argued that children in vulnerable situations are more susceptible to trafficking. and that vulnerabilities are embedded within children's social roles and status. We classify this in two ways: as individual vulnerabilities, including gender, ethnicity and caste and structural vulnerabilities such as in relation to work, migration, education and child protection issues. We attempt to understand how these different vulnerabilities intersect and overlap opening opportunities for traffickers.

Individual vulnerabilities: gender, caste and ethnicity
The extant literature has attempted to relate the vulnerability to trafficking focusing on gender inequality (Hennink and Simkhada 2004) and indeed it is embedded within the widespread social acceptance of gender discrimination (Aengst 2001). While we recognise that gender is an issue there are other important factors such as ethnicity, caste and culture that intersect and reinforce children's vulnerabilities.

The prevailing situation in Nepal underpins the argument of Obokata (2006) claiming racial and gender discrimination as key causes of trafficking. However, gender-based discrimination does not necessarily affect all children in a similar manner, as they tend to have different childhood experiences (Heywood 2001). Certain traditional practices, such as child marriages, *Kamaiya* (bounded labour system) and *Chaupadi pratha,*[iii] are more common in some ethnic groups and are well established in the mainstream trafficking discourse (INGO officer, 2014). A programme manager commented on the prevalence of child marriage within some ethnic communities: '*For example, in Tharu and Madhesi communities, girls are married at a young age, some even at the age of 12 or 13'* (NGO officer, 2014). Despite being illegal, child marriage has continued to be a problem in Nepal. Data show ten per cent of girls are married at the age of 15 (Centre for Reproductive Rights 2013).

A number of studies have attempted to establish a link between ethnicity and child abuse arguing that children belonging to some groups are more vulnerable to trafficking (ILO-IPEC 2002). In particular, children from marginalised ethnic groups and subservient castes, and dysfunctional families such as those with alcoholic parents, an absence of mothers or fathers/ polygamy, divorce or re-marriage have a higher chance of ending up being trafficked (UNICEF 2003) as suggested in interview.

> In Nepal there has been an increasing trend of abandoned children. Family separation, single parents, divorces, stepfathers or stepmothers – such associated children are vulnerable and have protection issues. From our Helpline inquiries, what I can say is that children belonging to *Dalit* and *Janajati*[iv] are more vulnerable (INGO officer, 2014).

Most of the interviewees agreed that the traffickers[v] target children from marginalised, ethnic, low caste communities taking advantage of their vulnerabilities. However, an NGO officer conceded that trafficking has changed in recent years and is no longer restricted to lower caste groups. High caste groups such as *Bahun (Brahmin)* and *Chhetri* are equally exposed to trafficking (NGO officer, 2015). Crawford (2010) argues that this may be due to the patriarchal values predominant in high caste groups, which has forced children, particularly, girls to escape from violence and inequality in the home. These groups, however, receive very little attention to the trafficking discourse in Nepal.

Structural vulnerabilities: work, migration, education and lack of birth registration

One central theme to trafficking is the issue of child labour. A large number of children in rural Nepal are economically active and engaged in work. In its report NHRC mentions that around 40 per cent of children in Nepal (approximately 3.14 million), are economically active. It is

estimated that more than half of these (approximately 1.6 million) are child labourers (NHRC 2012). Most of the interviewees conceded child labourers are particularly vulnerable since they can be easily drawn into trafficking. In whole of South Asia, children's work is considered acceptable and is in many instances the family's survival strategy (Buck et al. 2011). Children working from an early age is a reflection of social norms, kinship support and life skill training (Hanson, Volonakis, and Al-Rozzi 2015). An interviewee stated *'I think a long tradition of children labouring to help their families at home has impacted on children's life chances'* (Government officer, 2014). Another INGO officer added to this: '*I could see that children do not come to school regularly and are sent to work because of unawareness... some parents believe that their children would be better off working from an early age than going to school'* (INGO officer, 2014). Many interviewees gave examples of child labourers facing and eventually succumbing to trafficking.

> Young girls working in *Brick Kiln* [stone quarry] are vulnerable to trafficking to work in dance restaurants. In the 1990s carpet factory was considered to the point where girls used to be trafficked, now similar to that trend *Jari* [embroidery] and *Brick kiln* [stone quarry] can be considered the same (INGO officer, 2014).

While child labour is considered a predisposing factor to trafficking, research suggests we should perhaps take a more measured approach as treating all child labourers as potential trafficking victims can be problematic (Scullion 2013). For example, some policies have been predicated on the assumption that all children should be completely removed from work (Crawford, 2010). Scullion (2013, 117) argues that under such circumstances 'the child will be removed from the exploitative situation and protected in the short term, but if they are making decisions to work, even in exploitative conditions, there is no reason to believe that they will not make similar decisions in the future'. A government officer explained the dilemma:

> Children who are working in hotels or restaurants usually have consent of the family as his/her family depends on the income of the child. If we rescue the child from that workplace, the child will go to work somewhere else, and in most cases this leads to further exploitation … this is a major problem (Government officer, 2014).

O' Connell Davidson (2011, 465) however argues that it is unclear how exploitative work has to be, for a child to be considered a victim of trafficking. All these arguments show how blurred the lines are between labour exploitation and child trafficking in practice. More importantly, the perceived variations between socially and legally accepted working conditions in Nepal have added ambiguities in distinguishing trafficking from that of other exploitative practices.

Another factor relating to trafficking and vulnerability concerns migration. The social transformation in Nepal instigated by migration has had significant impact on children and

families and led to aspirations of better lives (Government officer, 2014). Several interviewees suggested this trend has benefitted the traffickers as they entice children away promising better lives abroad. Children are largely unaware of the risks and consequences in migration. An INGO officer remarked:

> … access to information: if children do not have the right information then they are vulnerable to trafficking; for example, in the entertainment industry, children only see the economic gain, but they are unaware of the traffickers' involvement and do not know that they are getting trained (INGO officer, 2014).

While acknowledging that some children can be easily lured, children often do not have access information to enable them to understand the risks and in some cases, they lack skills and education to process this information.

Interviewees also mentioned the issue of 'secondary migrants', the children of migrants representing another vulnerable group. An NGO programme director commented: '*In recent years new patterns are emerging. For instance, entire families are moving to India. Once they reach here, the family members are separated; some are put in restaurants or exploitative labour conditions*' (NGO programme director, 2014). This quote illustrates the vulnerability of the children caused by the circumstance of their parents.

Further, easy access to social media and advancement of technology such as the Internet and mobile phones acts as a tool for traffickers, as one INGO officer suggested*: 'The traffickers contact victims through mobile phones; they send pictures to clients [Nepali or foreigner] beforehand'* (INGO officer, 2014). This overlap of trafficking with the migratory experiences of children has received little attention in the mainstream trafficking discourses. Vijeyarasa (2015, 84) argues that 'a more nuanced understanding of family goals, motivation and what appears to be a partial level of autonomous decision-making' of some children is needed to generate a better insight'.

As indicated the lack of education is another factor rendering children vulnerable to trafficking (UNICEF 2003). The risk of trafficking is usually higher where the education level of the child, and their parents, is low. Despite the fact that education is now compulsory in Nepal, those who live in rural areas face more difficulties accessing schools due to poor infrastructure and lack of transportation. Furthermore, many rural children cannot afford the expenses relating to their studies (NGO officer, 2014). An INGO officer stated: '*There is no problem at enrolment, but the performance at exams are very low. This is due to the fact that there isn't any conducive environment at home*' (INGO officer, 2014). In cases where children have been unable to complete formal education or fail to acquire adequate skills, they are forced to accept jobs in informal sectors (Government officer, 2014). Furthermore, the interview data

revealed a deeply-rooted gender divide as while children in general are expected to work to support their families, girls in particular bear the responsible for taking care of the household and siblings, and this has contributed to high school dropout of girls in rural areas.

While inadequate education makes children vulnerable, there are cases where the linear relationship between the levels of education and the risks of being trafficking is blurred. It was noted during the interviews that both children who attend as well as those who are out of school are vulnerable to trafficking. A children's rights officer, for example, illustrated a recent incident of suspected trafficking, a trend which is apparently on the rise:

> One of our staff was going for a morning walk, when she found three school girls aged 13–14 who had just completed their class nine and were standing at the side of the road. Upon questioning the girls about their whereabouts, initially they were reluctant to answer. Later, they mentioned that their friends had invited them to Pokhara. She then asked who the friends were… they mentioned their friends work in a hotel. It was suspicious then …and were then referred to a shelter ... later when asked further, it was revealed that they had left home in the hope of finding a job in a hotel…and their parents were totally unaware of this incident (Children's rights officer, 2014).

The above quote shows that trafficking has become a far more complex phenomenon than that of the dominant discourse which is built on assuming that victims are innocent and uneducated actors. This confirms Vijeyarasa's (2015, 112) argument, where she presents an alternative understanding of the 'educated victim as a risk taker'. She further argues that 'the victims show a high degree of autonomy in the decision-making process' and that 'their movement is not driven by naivety but rather by empowerment derived from higher levels of education than their peers' (ibid, 112). This group of children attending school and being trafficked has, however, received very little attention. Therefore, efforts should be made to provide access to and improve the quality of education in all regions to support intervention strategies. Such efforts would help develop the skills necessary to make good judgements, assess risks adequately and make safer choices (Pearce, Hynes, and Bovarnick 2013).

Perhaps a problem peculiar to Nepal concerns its historically lax approach to birth registration. UNICEF (2002) state that the problem has been a lack of awareness of the importance of birth registration, logistic hurdles, particularly in rural areas, and the financial burden on the state. The problems have persisted throughout Nepal – particularly in the rural areas,[vi] which works to the advantage of traffickers as they are in search of easy targets (Trodes 2010). The fact that it is easier to falsify the age of unregistered children means they are more susceptible to trafficking. Most of the time, a broker *(dalal)* is involved in the issuance of false documents for such children, which is evident in the following statement of an INGO officer:

> We often encounter cases in which the child, who looks very young, may be between 12 and 14 years old, but claims to be 18 years old. We have to issue the passport, despite our suspicions, on the basis of documents she provides such as a citizenship card. We have no choice other than to believe the parents, who are often coerced by the broker, as they do not possess a birth certificate or any other evidence to otherwise prove their age (INGO officer, 2014).

The lack of national certification makes it easy for traffickers, and in some cases authorities, to forge documentation as children in this position have little or no proof of identity. There are no mechanisms to identify missing children. Several interviewees emphasised the consequence of the lack of a birth registration system suggesting how challenging it is to verify the age of vulnerable children. Ensuring all children are registered in a systematic way is a key factor contributing to their vulnerability. The government has insisted that all children need a birth certificate for school admission. However, this intervention does not include children who are already attending the school. One way of promoting the birth registration system is to ensure the community and families understand its importance.

Conclusion: *What can be done?*

Examining child vulnerabilities in Nepal reveals child trafficking as a complex social phenomenon. Our approach has been to explore how trafficking can be a result of the interaction between various individual and structural vulnerabilities. Our findings demonstrate that children tend to have varied experiences of childhood, which is in contrast to the dominant discourse of UNCRC. Therefore, it is important to acknowledge these differences while developing the responses to trafficking. We have extended earlier studies by delineating the importance of adopting a holistic approach incorporating diversity in developing an understating of child vulnerabilities in the context of developing countries (Twum-Danso Imoh 2016; Holt and Holloway 2006; Punch and Tisdall 2012).

The paper has demonstrated how the vulnerabilities of Nepali children are far more ambiguous than explained in the dominant discourses. Without denying the fact that particular ethnic groups, for instance low caste communities tend to be more vulnerable than others, we have illustrated that vulnerabilities have extended beyond the remit of certain caste groups in Nepal. Unlike the past, other social groups and communities are equally exposed to vulnerabilities, an issue most of the regulating agencies have tended to ignore. Addressing child trafficking more effectively requires a clearer understanding of the underlying social and contextual issues rather than adhering to the dominant vulnerability discourses. Child trafficking in developing countries is a systematic problem rooted in complex and multiple

issues relating to the violation of rights of children. For instance, a lack of education, non-existence of a provision for birth registration, and unsafe, poor workplaces have become key factors. It is therefore important to understand the complexities of the risks associated with children who are in vulnerable situations, as well as those who are at high risk of being trafficked. While some anti-trafficking policies and interventions have acknowledged the importance of these risks factors, their implementation is still influenced by the 3 Rs. What is important is to ensure the protection rights for all vulnerable children by taking into account their specific socio-economic circumstances and any anti-trafficking measures need to be integrated within a robust child protection framework. Arguing that the issue of protecting children cannot be dealt with in isolation, we offer following suggestions to policy makers and practitioners:

Firstly, there is a need to address the pre-existing concerns around child survival and development including poverty, education, and birth registration. It is important to identify the problems of protection and way these problems intersect with the cause of the trafficking vulnerabilities. For this, emphasis should be placed on establishing a basic level of state provision of healthcare, education and welfare. Importantly the birth registration system should be enforced and the importance of registering the births conveyed to the community.

Secondly, there is a need to promote and strengthen the child protection system within a mandatory multi-agency framework in all local districts in Nepal to facilitate a collaborative responsibility for identifying and protecting children at risk.

Finally, more research is required to reveal the norms and practices relating to child labour and other factors which leave them more vulnerable. Practically, there is a need to work directly with children empowering them with skills and knowledge, only then will children be better able to assess risk. A child protection approach should also recognise a child's ability to participate in decisions about themselves. Children are capable of exercising agency and utilising their own resources in developing strategies for their protection (Lansdown 2010) providing they have the knowledge. Further research using intersectional approaches is required to assess the implementation of current child protection policy in addressing the problem of child trafficking in Nepal.

Notes

i In 1996, the Communist Party of Nepal (Maoists) declared a civil-war- also known as the 'People's War'- that lasted a decade. The aim of the armed struggle was to abolish the special privileges of the King and royal family, and to promulgate a new republican constitution (Poudel 2011).

ii See Article 3 of UN Trafficking Protocol.

iii *Kamaiya* system was a form of agricultural debt bondage among the low caste, *Tharu* ethnic group in the western district of Nepal developed in the 1950s. The girl children were known as *kamalari* who worked as domestic workers in the home of the master. Although the *kamaiya* system was abolished in the 2000s, various bounded practices remain mainly in rural areas. *Chaupadi pratha* is a cultural practice relating to menstruation. When girls or women get their menstruation, they are considered to be impure. During their periods, they are restricted from entering their house and are made to live in a shed. They are not allowed to visit temples or even attend school. Although this practice was banned in 2005, it is still commonly practiced in the mid and western region of Nepal (Kara 2012).

iv The major ethnic and caste groups of Nepal are categorised into four main sub groups. While the Hindu elites (i.e. *Brahmin* and *Chettri*) are on top of the caste hierarchy, the indigenous groups so-called *Janajati*, the regional groups of the South plain land (*Madhesi*), and the untouchable (the *Dalit*) are at the bottom of the Hindu caste groups. Although the caste system was officially abolished in 1963, the *Janajati* and *Dalit* continue to face discrimination and social exclusion (Crawford 2010).

v In most of the cases traffickers are arguably known/familiar to the victims of trafficking or their families (Hennink and Simkhada 2004; NHRC 2012). There is a need for more research in this area.

vi A survey found out that only 35 percent of children aged zero to four years old were registered; the majority of birth registration is among children living in urban areas (MoHP 2006).

References

Aengst, J. 2001. *Litigation Report-Girl Trafficking in Nepal*. Kathmandu: Human Rights Advocacy Clinic.

Bovarnick, S. 2010. "How do you define a "trafficked child"? A discursive analysis of practitioners' perceptions around child trafficking'." *Youth and Policy* (104) 80-97.

Boyden, J., and N. Howard. 2013. "Why does child trafficking policy need to be reformed? The moral economy of children's movement in Benin and Ethiopia." *Children's Geographies* 11(3) 354-368.

Brulisauer, M. 2015. *Human Trafficking in Post-Earthquake Nepal: Impacts of the Disaster on Methods for Victim Recruitment*. MAS ETH Development and Cooperation.

Buck, Trevor, Alisdair A. Gillespie, Lynne Ross, and Sarah Sargent, eds. *International Child Law*. 2nd ed. New York: Routledge.

Centre for Reproductive Rights. 2013. *Accountability for Child Marriage: Key UN recommendation to governments in South Asia on reproductive health and sexual violence.*

Crawford, M. 2010. *Sex Trafficking in South Asia: Telling Maya's Story*. New York: Routledge.

Dottridge, M., and A. Jordan. 2012. *Children, Adoloscents and Human Trafficking*: Making sense of a complex problem (5).

Lee, M. 2011. *Trafficking and Global Crime Control.* London: SAGE Publication.

Freeman, M. 1998. "The Sociology of Childhood and Children's Rights." *International Journal of Children's Rights* 6(4):433-444.

Frederick, J. 1998. "Deconstructing Gita". *HIMAL The South Asian Magazine*. 11(10).

Frederick, J. 2005. "The Myth of Nepal-to-India Sex Trafficking: Its Creation, Its Maintenance, and Its Influence on Anti-Trafficking Interventions." In *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work and Human Rights*. edited by K. Kempadoo, J. Sanghera and B. Pattanaik, Boulder: CO: Paradigm.

Frederick, J., M. Basnyat and J. L. Aguettant. 2010. T*rafficking and Exploitation in the Entertainment and Sex Industries in Nepal: A Handbook for Decision-Makers.* Kathmandu: Terre des Hommes Foundation.

Giri, B. 2009. "The Bonded Labour System in Nepal: Perspectives of Haliya and Kamaiya Child Workers." *Journal of Asian and African Studies*. 44(6): 599–623.

Hanson, K., D. Volonakis, and M. Al-Rozzi. 2015. "Child Labour, working children and children's rights." In *Routledge International Handbook of Children's Rights Studies*. edited by W. Vandenhole, E. Desmet, D. Reynaert and S. Lembrechts, New York: Routledge.

Heiberg, T., R. Kamath, C. Kates, and C. Das. 2010. *Stepping Up Child Protection, An Assessment of Child Protection Systems form all countries in South Asia, including reflections from Central Asia*. Kathmandu: Save the Children Sweden.

Hennick, M., and P. Simkhada. 2004. "Sex trafficking in Nepal: context and process." *Asian Pacific Migration Journal.* 13(3):33-38.

Heywood, C. 2001. *A History of Childhood*. Oxford: Blackwell Publisher.

Holt, L., and S. L. Holloway. 2006. "Editorial: Theorising other childhoods in a globalised world." *Children's Geographies* 4:135-42.

Huijsmans, R. 2008. "Children Working Beyond their Localities: Lao Children Working in Thailand." *Childhood* 15(3): 331–53.

ILO. 2002. *A Future Without Child Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental principles and rights at Work*. Geneva: ILO.

ILO-IPEC. 2002. *Unbearable to the human heart: Child traficking and action to eliminate it.* Geneva: ILO-IPEC.

James, A., C. Jenks, and A. Prout. 1998. *Theorizing Childhood*. UK: Polity Press.

Jabeen, T, and S. Jabeen 2016. "Ideals of Human Rights and Socioeconomic Realities: The Larger Context of Pakistan's Child Protection Policy." *Journal of Human Rights. 1475-4843.*

Jenks, C. 2005. *Childhood.* 2nd ed. New York: Routledge.

Kara, S. 2012. *Bonded Labor:Tackling the sytem of slavery in South Asia*. USA: Columbia University Press.

Lansdown, G. 2010. "The realisation of children's participation rights:critical reflections." In *A handbook of children and young people's participation: Perspectives from theory and practice*. edited by B. Percy-Smith and N. Thomas, New York: Taylor & Francis: 11-23.

Lee, M. 2011. *Trafficking and Global Crime Control.* London: SAGE Publication.

Lisborg, A. 2014. "The good, the bad and the ugly: in the name of victim protection." In *Human Trafficking in Asia: Forcing issues*. edited by S. Yea . London: Routledge.

Laurie, N., D. Richardson., M. Poudel., S. Samuha., and J. Townsend. 2015. "Co-producing a post-trafficking agenda: Collaborating on transforming citizenship in Nepal."*Development in Practice* 25(4): 465–477.

Malik, Y K., C.H. Kennedy, R.C. Oberst, A. Kapur, M. Luwoti, and S. Rahman .2008. (eds) *Government and Politics in South Asia.* 6th Edition. Philadelphia: Westview Press.

Montgomery, H. 2001. "Imposing rights? A case study of child prostitution in Thailand." In *Culture and Rights: Anthropological Perspectives*. edited by J. K. Cowen, M-B. Dembour and R. A. Wilson, Cambridge: Cambridge University Press.

Munro, E., 2007. *Child Protection*. London: Sage Publications Ltd.

MoHP. 2006. *Nepal Demographic and Health Survey*. Kathmandu: Ministry of Health and Population.

NHRC. 2012. *Trafficking in Persons Especially on Women and Children in Nepal : National Report 2011* Kathmandu: National Human Rights Commision.

Obokata, T. 2006. *Trafficking of Human Beings from a Human Rights Perspective: Towards a Holistic Approach*. Boston: Martinus Nijhoff Publishers.

O'Brien, E. 2013. "Ideal victims in human trafficking awareness campaigns." In *Crime, Justice and Social Democracy: International perspective.* edited by K. Carrington, M Ball, E O'Brien and J M Tauri, Basingstoke. Palgrave MacMillan:315-326.

O'Connell Davidson, J. 2005. *Children in the Global Sex Trade* (ed) Cambridge. UK: Polity Press.

O'Connell Davidson, J. 2011. "Moving children? Child trafficking, child migration, and child rights." *Critical social policy 31*(3): 454-477.

O'Leary, P., and J. Squire. 2012. "Child Protection in Humanitarian Emergencies." In *Vulnerable Children and the Law*. edited by S., Rosemary. H Rhoades, and N Stanley. Philadelphia: Jessica Kinsley Publishers.

Pearce, J.J., P. Hynes, and S. Bovarnick. 2013. *Trafficked Young People. Breaking the Wall of Silence.* New York: Routledge.

Poudel, M. 2011. *Dealing with Hidden Issues: Social Rejection Experienced by Trafficked Women in Nepal*. Saarbrucken: Lambert Academic Publishing.

Pradhan G (1996) *Back home from brothels*. Kathmandu: Child Workers in Nepal Concerned Center.

Punch, S., and K. Tisdall. 2012. "Exploring Children and Young People's Relationships Across Majority and Minorty Worlds." *Children's Geographies*.10(3):241-248.

Richardson, D., M. Poudel, and N. Laurie. 2009. Sexual trafficking in Nepal: constructing citizenship and livelihoods. *Gender, Place & Culture*. 16(3): 259-278.

Richardson, D., N. Laurie, M. Poudel, and J. Townsend. 2016. "Women and Citizenship Post-Trafficking: The Case of Nepal." *The Sociological Review*. 64 (2): 329-348.

Salt, J. 2000. "Trafficking and Human Smuggling: A European Perspective." *International Migration.* 38 (1):31-56.

Samarsinghe, V. 2008. *Female Sex Traffickuing in Asia. The Resilience of Patriarchy in a Changing World*. New York: Taylor & Francis Group.

Scullion, D. 2013. "Passive victims or empowered actors: Accommodating the needs of child domestic workers." *International Journal of Children's Rights* 21: 97-126.

Smith, D. P. 2017. "Population geography 1: Human trafficking." *Progress in Human Geography* 1–12

Sthapit, C. W. 2015. "Gendered Impacts of the Earthquake and Responses in Nepal." *Feminist Studies*. 41 (3). 682-688.

Todres, J. 2010. "Addressing the root causes of exploitation: a human rights appraoch to preventing sex trafficking of children." In *Child Slavery Now: A Contemporary Reader*. edited by G. Craig, Bristol: The Policy Press:133-144.

Twum-Danso Imoh, A. 2016. "From the singular to the plural: Exploring diversities in contemporary childhoods in sub-Saharan Africa." *Childhood* 23(3) 455-468.

UNICEF. 2002. *Birth Registration: Right from the Start*. Innocenti Direct (9). Florence: UNICEF.

UNICEF. 2003. *End child exploitation Stop the traffic*. United Kingdom: UNICEF.

UNICEF. 2007. *Child Protection Programme Strategy and Programming Process*. Bangkok:UNICEF East Asia and Pacific Regional Office.

UNICEF. 2009. *Risks and Realities of Child Trafficking and Exploitation in Central Asia*. Geneva: UNICEF.

Vijeyarasa, R. 2015. *Sex, Slavery and the Trafficked Woman: Myths and Misconceptions about Trafficking and its victims*. England: Ashgate Publishing Limited.

Worthen, M. E. 2011. "Sex Trafficking or Sex Work: Conceptions of Trafficking Among Anti-Trafficking Organizations in Nepal." *Refugee Survey Quarterly*: 87-106.

Yadav, P. 2016. *Social Transformation in Post-conflict Nepal: A Gender Perspective.* London: Routledge.

Yea, S. 2010. "Human Trafficking- A Geographical Perspective." *Geodate*. 23 (3).