



Study on the

NEW AND EMERGING TRENDS OF HUMAN TRAFFICKING IN ENTERTAINMENT SECTORS IN NEPAL

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NEW AND EMERGING TRENDS OF HUMAN TRAFFICKING IN ENTERTAINMENT SECTORS
IN NEPAL

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DISCLAIMER

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FOREWORD AND ACKNOWLEDGEMENT

Forum for Protection of People's Rights (PPR), a non-governmental, non-profit organization established in 2002 to advocate and work in the area of human rights and access to justice has been carrying out several research and activities against human trafficking. After '*Kidney Trafficking in Nepal: Study of Selected VDCs in Kavrepalanchowk District*' PPR conducted in 2015, PPR was interested to explore new and emerging trends of human trafficking in Nepal, especially in the Nepalese entertainment sectors.

There is not such open and recognized entertainment sector in Nepal but cabin restaurants, dance bars, *dohori* restaurants are being taken as entertainment sector in Nepal. The clandestine nature of abuse and exploitation in these work sectors make difficult to identify actual situation of employees in these sectors. Trends and dimensions of human trafficking has changed in Nepal compared to the past. Opening of international borders for foreign labour migration, evolving urbanization and modernization of Nepalese societies has contributed in opening of eateries, entertainment sectors and night life in most Nepalese cities and towns.

Lack of education, skills and poor economic condition of women and girls working in these sectors make them vulnerable to abuse and exploitation. Previous studies conducted on the topic suggested that women and girls are abused, exploited and even trafficked in these entertainment sectors. However, there was lack of information on the new and emerging trends and dimensions of human trafficking, including many others, in these sectors. Thus, this study has fulfilled that research gap.

This study provides information on trends and dimensions of people being trafficked into the entertainment sector and delineate the risk factors that makes them vulnerable. This study has also evaluated available services and mechanisms for delivery of services to trafficking survivors and identified viable livelihood options for young people working in entertainment sectors or find options for making these work sectors dignified. Another important aspect of this study is assessment of legal provisions against human trafficking and the provisions on victim and witness protection.

Because of the sensitive subject matter of the study, it was challenging for the study team to conduct survey with the employees in the entertainment sectors and gather data. However, the team by guaranteeing full privacy and confidentiality of their identity and information they shared, were able to conduct survey. Likewise, Key Informant Interviews, Focused Group Discussions with entertainment sector workers, members of civil society organizations, rights activists and consultation workshop with journalists, law enforcement officials, service providers and government representatives helped to get insight of the emerging trend and dimension of human trafficking in Nepalese entertainment sectors.

This book has come to this shape and size with efforts and endeavors of many people. We would like to sincerely acknowledge contributions made by Ms. Neha Sharma and Mr. Aashish Pant since the inception of this research in the research lead by Associate Professor Kapil Aryal. They were involved in designing the research, preparation of questionnaire, carrying out field survey and Focused Group Discussions. Aashish also assisted in literature review and initial research of secondary materials. We would like to express gratitude to Mr. Manas Wagley who contributed in quantitative data analysis and prepared presentable data in a timely manner. Mr. Satish Sharma was engaged throughout the project activities and coordinated for the field survey. He provided inputs in designing research, facilitated FGDs and conducted KIIs.

This study would not have been possible if the participants of the survey, FGDs and KIIs had not provided information and inputs on the subject matter. Inputs from these participants have been considerably included in the report.

Last but not the least, we would like to sincerely thank to USAID and Winrock International for providing financial and technical support for carrying out this study. We would also like to acknowledge inputs made by Dr. Bharat Mani Devkota, Sabina Pradhan, Mr. Ramesh Kumar Bista, Ms. Shweta Dhoubhadel and Mr. Balmukunda Humagain from Winrock International.

We believe that this newest piece of knowledge product would be important for those working against human trafficking, policy makers, law enforcement agencies and entertainment sector entrepreneurs. This report would also be beneficial for students, academicians and researchers. We also believe that findings of this study would be helpful in bringing qualitative change in the situation of entertainment sectors and the workers over there.

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ABBREVIATION AND ACRONYM

A.D.	:	Anno Domini
B.S.	:	Bikram Sambat
CID	:	Crime Investigation Department
CSE	:	Commercial Sexual Exploitation
CSO	:	Civil Society Organization
DCCHT	:	District Committee on Controlling Human Trafficking
FGD	:	Focused Group Discussions
FIR	:	First Information Report
GoN	:	Government of Nepal
HTTCA	:	Human Trafficking and Transportation Control Act
Ibid.	:	Ibidem
IBM	:	International Business Machines
ILO	:	International Labour Organization
KII	:	Key Informant Interview
LCCHT	:	Local Committee on Controlling Human Trafficking
MOFA	:	Ministry of Foreign Affairs
MoHA	:	Ministry of Home Affairs
MoLESS	:	Ministry of Labor and Employment and Social Security
MoWCSC	:	Ministry of Women Children and Senior Citizens
MoWCSW	:	Ministry of Women, Children and Social Welfare
NCCHT	:	National Committee on Controlling Human Trafficking
NHRC	:	National Human Rights Commission
NKP	:	Nepal Kanoon Patrika
NRs.	:	Nepalese Rupee
OAG	:	Office of the Attorney General
PPR	:	Forum for Protection of People's Rights
SC	:	Supreme Court
Sec.	:	Section
SPSS	:	Statistical Package for Social Sciences
TDH	:	Terres des hommes Foundation
TIP	:	Trafficking in Persons
UN	:	United Nations
WHO	:	World Health Organization

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EXECUTIVE SUMMARY

Cabin restaurants, massage parlors, dance bars, *kebaja ghar*, and *dohori* restaurants are considered as the entertainment sectors in Nepal. This study identified that 10.5% persons of age category 14-18 years were working in cabin restaurants at the time of survey and 12.3% persons of age category 24-28 years were working in dance bars. Some girls (10.5%) started working in this sector before the age of 14 years. Almost similar numbers of married (43.8%) and unmarried persons (47.3%) were working in these sectors.

Majority of the respondents (68.4%) reported that they have been exploited in one or many ways at work. The forms of exploitation including labour exploitation, sexual abuse, verbal abuse, harassment and forced to prostitution. Attempted rape, request for physical relation, inappropriate touching are most common types of abuse at work

Most respondents experienced more than one form of abuses. The persons who reported of being exploited at work, majority of them were of age category 24-28 (20.5%) followed by 19-23 age category (30.8%), 14-18 (33.3%). The respondents in cabin restaurants (30.8%) reported about occurrence of abuses. They also reported that their colleagues (70.2%) were also exploited in the work. They were basically exploited by employer as well as by customers.

Most workers came to work in these sectors through friend (59.6%), and family (19.3%). Near to a quarter of the respondents (21.1%) did not have informed consent before coming to the work. They were either forced by family to go to work or influenced by peer pressure. Nearly three-fourth (71.9%) of the respondents did not know what work they were going to do in the workplaces they were hired. More than a half (54.4 %) were working something else other than they were promised. None of the workers had received written contract or job description.

The study identified labour exploitation as common and widespread in these work sectors. Almost half of the respondents (49.1%) were forced to work even when they did not want to work and 43.9% were working more than 8 hours a day while they were not getting over time payment. The workers (29.8%) were not able to keep entire amount they were earning. Either the employer kept some of their earnings or they had to share with their colleagues.

More than a quarter of the respondents (25.6%) were not in the position to communicate to others about their abuse at work because of fear of losing job. This fear came with their poor economic condition, lack of education, skill and no one to help them. More than a quarter of the respondents (26.7%) thought that they were not free to leave the job at the time they wanted to do so as their earning or payment was held by employer or threatened to lodge complaint in police.

A huge majority (71.9%) of the respondents viewed that their work was not dignified

1. INTRODUCTION

1.1 BACKGROUND OF THE STUDY

Entertainment sectors include theater, film, fine art, dance, opera, music, literary publishing, television, and radio¹. Adult entertainment sectors may include many other sectors, including dance bars. There is not any official recognition or definition of adult entertainment sectors in Nepal, and the terminology has been frequently used to refer to cabin restaurants, massage parlors, dance bars, *kebaja ghar* (tiffin homes), and the *dobori* (Nepali folk song and music) restaurants. The order in the Writ of Mandamus from the Supreme Court of Nepal has quoted ‘cabin restaurants’, ‘dance bars’ and ‘massage parlors’ as entertainment sector².

The growth of entertainment sectors in Nepal has mainly been reported in major cities of the country like Kathmandu valley, Pokhara, Narayanghat and Itahari including towns along the national highway. It has been widely reported that young girls from impoverished families are now being lured into working in the entertainment sectors³. Being lured into working in the entertainment sectors may lead to their position of greater risks and/or exploitations, human trafficking, and engagement in other illicit or criminal activities.

In 2010, Terres des homes Foundation (Tdh) estimated that about 11,000 to 15,000 girls and women are employed in the entertainment business in Nepal.⁴ Among them, 6,000-7,000 were in cabin restaurants, 3,000-4,000 were in the dance bars, about 900 were in the *dobori* restaurants and an equal number were in the massage parlours.⁵ Likewise, a study conducted by the then Ministry of Women, Children and Social Welfare estimated that between 30,000 to 40,000 female workers were employed in the entertainment sectors in the country.⁶ Similarly, a recent study published by the Freedom Fund⁷ has estimated that about 1,650 minors were working in Kathmandu’s adult

¹ Entertainment Industry Law and Legal Definition, <https://definitions.uslegal.com/e/entertainment-industry/> Last accessed on May 6, 2020.

² Order on Writ of Mandamus, Supreme Court of Nepal, Writ No. 2822, Year 2005 (B.S. 2062)

³ Trafficking In Person In Nepal National Report , NHRC, 20018 ,P 35

⁴ Frederick, J., Basnyat, M., Aguetant, J., Trafficking and Exploitation in Entertainment and Sex Industry in Nepal: A Handbook for Decision Makers. Kathmandu, Nepal: Terre des hommes Foundation, 2010,P 23

⁵ Trafficking and exploitation in entertainment and sex industry in Nepal , A Handbook for decision makers, 2010,P 23

⁶ Ministry of Women, Children and Social Welfare, *Study about Cabin, Dance Restaurant and Massage Parlours*. Kathmandu: MoWCSW. 2008,

⁷ Prevalence of Minors in Kathmandu’s Adult Entertainment Sectors, John Jay college of Criminal Justice, New Era and Freedom Fund, Kathmandu: April 2019.

entertainment sectors. The above-mentioned studies have also explained that there were various types of exploitations of workers happening in the sector.

There have been reports of use of force and deception of workers both in recruiting and during their employment in the sector. Many of the workers come from rural villages outside Kathmandu Valley, and there was consistency in the stories of the victims with poverty, limited opportunity, and family difficulties as factors that made them vulnerable to trafficking.⁸

This study accepting the vulnerabilities of women and girls in the entertainment sector to exploitation and human trafficking as indicated by previous studies mentioned above, primarily focuses on identification of the new and emerging trends of human trafficking in entertainment sectors in Nepal. The study has considered the elements of 'human trafficking' based on the definition of 'human trafficking' provided by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000 (UN Trafficking Protocol)⁹ and Human Trafficking and Transportation (Control) Act, 2007 of Nepal.

Though there have been numbers of studies on the issues of 'human trafficking', study particularly on identifying new and emerging trends of human trafficking in entertainment sectors in Nepal is insignificant. Understanding trends of trafficking is crucial while tackling human trafficking. Findings of this study help law enforcement agencies, relevant government institutions and organizations working against human trafficking with the most recent information on the topic.

1.2 OBJECTIVES OF THE STUDY

This study focuses on the following objectives:

- To identify emerging trends and dimensions of people being trafficked into the entertainment sector and delineate the risk factors that makes them vulnerable;
- To identify available services and mechanisms for delivery of services to trafficking survivors;
- To identify viable livelihood options for young people working in entertainment sectors or find options for making these work sectors dignified;
- To recommend for amendment of laws, regulations and policies, reforms in service to improve the identification, investigation and prosecution of human trafficking cases in the entertainment sector.

⁸ Sex Trafficking in Kathmandu's Entertainment Sector Summary of Literature Review, 2015, Free The Slaves, www.freetheslaves.net

⁹ <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

2. METHODOLOGY

2.1 RESEARCH DESIGN

This study applies exploratory as well as analytical research design with mixed methodologies involving collection and analysis of both qualitative and quantitative data to identify and state the new and emerging trends of human trafficking in entertainment sectors in Nepal. The primary data has been collected through Focused Group Discussions, Key Informant Interviews, Field Survey, and Case Studies among entertainment sector workers, owners of such workplaces, clients and survivors (as per availability and access).

2.2 NATURE AND SOURCE OF DATA

2.2.1 Primary Source

i. Focused Group Discussions (FGD)

All together four FGDs were conducted to collect data for the study. One FGD was conducted with entertainment sector workers with 12 participants. In this FGD, the participants informed about their enrolment and experiences in the entertainment sectors. The FGDs with the entertainment sector workers had segments where the respondents from different genders were engaged in separate group discussions following a common mixed group discussion. Another FGD was conducted with representatives of Civil Society Organizations with 11 participants. This FGD was intended to gain knowledge and experiences of these organization fighting against human trafficking in entertainment sectors. A third FGD was conducted with a mixed group of journalists, law enforcement officials, service providers and government representatives with 15 participants. This FGD was intended to get information on the knowledge, practice and perspectives of participants on the emerging trends of human trafficking in the entertainment sectors in Nepal.

Altogether, 38 persons participated in these FGDs. *See annex 3 for list of participants.*

ii. Consultation Workshop

A consultation workshop was conducted with selected respondents from among service providers, CSOs and law enforcement to collect feedback on the preliminary findings and recommendations after the first draft of the report was prepared. Ten participants participated in this consultation workshop. *See annex 4 for list of participants.*

iii. Key Informant Interview (KII)

Qualitative data on how workers come to work in entertainment sectors, whether they are exploited or not in the workplace, whether there is component of human trafficking or not and what are the new and emerging trends of human trafficking in the entertainment sectors were gathered through in-depth interviews with key informants who was well familiar about the ongoing happenings in the Nepalese entertainment sectors. The key informant interviews (KII) were conducted with trafficking survivors, and key persons from civil society organizations, entertainment sector workers, service providers, government authorities, law enforcement officials and prosecutors.

A total of 26 in-depth interviews with key informants were conducted. Interviews were conducted at the venue of convenient for the respondents. Each interview lasted for 40 minutes to one hour. (*Set of KII questionnaire in annex 2, list of KII respondents in annex 5.*)

iv. Field Survey

Quantitative data was collected from a survey among entertainment sector actors in areas identified as high movements of illegal commercial sex activities through previous studies. The quantitative data was collected on knowledge and experience of entertainment sector workers on whether persons are trafficked to Nepalese entertainment sectors, whether workers are exploited, and they are further trafficked to other places.

Ten to twelve respondents from each of the following area were selected as per availability of respondents on the basis of convenient sampling method at the spot. These survey sites were identified and selected on the basis of secondary materials, interaction with rights activists, civil society organizations working for the rights of entertainment sector workers and police officers. Altogether 57 respondents were surveyed.

Sites selected for survey:

- i. Boudha-Chabahil-Gaushala
- ii. Koteswor-Jadibuti
- iii. Thamel
- iv. Balkhu-Kalanki-Sitapaila
- v. Balaju-New Bus park-Sorhakhutte

A set of interview questions (structured-quantitative) was prepared for the survey with these 57 respondents. An open-ended question was asked with respondents to get more insights about the life-story about their involvement and engagement in the entertainment sector. (*Set of survey questionnaire in annex 3*)

v. Case Studies

Case studies shared by survivors, CSO representatives, service providers or other relevant stakeholders have been utilized as primary data for this study. All together 10 cases have been discussed in this study. These case studies were utilized to abstract information on how women and girls are brought and exploited in Nepal's entertainment sectors.

vi. Law Review

Relevant laws for this study have been reviewed as primary authority. Constitutional provisions and following laws were reviewed for this study:

- Children's Act, 2018 (B.S. 2075)
- Electronic Transaction Act, 2008 (B.S. 2063)
- Human Trafficking and Transportation (Control) Act, 2007 (B.S.2064)
- Human Trafficking (Control) Regulation, 2065
- Domestic Violence (Control) Act, 2009 (B.S.2066)
- Sexual Harassment in the Workplace (Prevention) Act, 2015 (B.S. 2071)
- Child Labour (Prohibition and Regulation) Act, 1999 (B.S. 2056)
- Labour Act, 2017 (B.S. 2074)
- Foreign Employment Act, 2007 (B.S.2064)
- Crime Victim Protection Act, 2018 (B.S. 2075)
- Hotel Management and Sales of Liquor (Control) Act, 1966 (B.S. 2023)
- Directives to Control Sexual Harassment towards Working Women in Workplaces such as Dance Restaurants, Dance Bars, 2065

2.2.2 Secondary Source

Published reports/studies on the similar topic from government, non-governmental organizations, research or academic institutions have been studied and necessary information has been collected and used as secondary data for this study.

Major secondary materials referred in the study are a 2010 report titled '*Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal: A Handbook For Decision Makers*' by Frederick,J., Basnyat M. and Aguetant J. L. published by Terre des hommes Foundation; '*Trafficking in Persons in Nepal: National Report*' published by National Human Rights Commission-Nepal in various years; a report on '*Sex Trafficking in Kathmandu's Entertainment Sector*' written by Palmer, M. and published by Free The Slaves in December, 2015 and a recent report titled '*Prevalence of Minors in Kathmandu's Adult Entertainment Sectors*' published by The Freedom Fund in 2019.

2.3 DATA ANALYSIS

Data from field survey has been analyzed by preparing a database designed in IBM Statistical Package for Social Sciences (SPSS) version 25 (SPSS). SPSS has been used for statistical analysis. The background demographic information of the survey participants, such as, nature of the workplace they were working, sex, age, ethnic identification and marital status of respondents were tested for correlation with victimization and vulnerability to trafficking, abuse and exploitation in the workplace. The information on demographic composition of field survey respondents are presented as pie charts and in tables in the results section of this report with critical analysis of how these influence the results on experiences of exploitation at workplace presented under the critical analysis section of this report.

Statistical cross-analysis and cross-tabulation has been performed on those respondents who answered “Yes” against one or more (multi-variables) and presented primarily in tabular format and represented graphically where deemed necessary. More specifically, the following cross analysis were performed in SPSS to determine correlation and linking factors between these variables: (i) Abused at Work v. Nature of Venue, (ii) Abused at work v. Type of Abuse, (iii) Abused at work v. Age, (iv) Abused at work v. Age v. Type of Abuse, (v) Abused at work v. Communicated to other person?

In addition, the data analysis covered some other cross analysis but not limited to: (i) Previous Job Experience v. Whether Abuse faced?, (ii) Request to engage in intimate activities v. Expecting as a part of job?, and demographic and occupational analysis such as: (iii) Age v. Education Level, (iv) Nature of Venue v. Education Level, and (v) Age v Nature of Venue. Given the fact that there was only one male respondent v. fifty-six female respondents of this survey, the gender variable was considered not relevant and not used in any of the disaggregated or aggregated cross-analysis or cross-tabulation performed in this statistical analysis.

Information obtained from field survey has been presented both in quantitative and qualitative form as far as applicable. Quantitative data has been presented in bar charts, pie charts and frequency tables as necessary and qualitative analysis has been conducted for qualitative data collected from in-depth interviews with key informants. Qualitative data has been presented in direct statements from the respondents and narrative analytical statements to explain or to substantiate quantitative data.

2.4 LIMITATIONS

Survey, KII and FGDs for this study was conducted only within Kathmandu valley. Only 57 respondents were surveyed from selected locations within Kathmandu. Information drawn from this study was generalized on the basis that Kathmandu is the biggest city of Nepal having the highest numbers of entertainment sectors and workers in those sectors. The study was conducted within the time limitation of three months that included survey, legal review, KII and four FGDs. The study involved only two field researchers with limited financial resources. If the study could

include surveys and KII in more locations in and out of Kathmandu, the study might bring actual scenario of the situation of the workers in the entertainment sectors all over Nepal.

This study has not incorporated overall nature, dynamics and trend of human trafficking in Nepal. This study is limited within the new and emerging trends of human trafficking in entertainment sectors.

This study had overall timeframe of three months to carry out four FGDs, 26 KIIs, and survey in five locations.

2.5 ETHICAL CONSIDERATIONS

The research has followed research ethical guidelines prescribed by WHO ethical and safety recommendations for interviewing trafficked women¹⁰. Basic research ethics followed in each step of study involved:

- a. The study team made sure that there would not be any form of harm caused to respondents simply for providing information to the study team.
- b. All information obtained from the participants was through informed consent and voluntary participation.
- c. Anonymity of participants and confidentiality of the information the participants shared was maintained.
- d. It was made sure that there would not be re-traumatizing of respondents by the use of language and behavior of researchers.
- e. It was made sure that information collected from the participants would be used for good cause only.
- f. No promise was made if the researcher was uncertain whether s/he could fulfill that.

¹⁰ Zimmerman, Cathy and Charlotte Watts. 2003. WHO ethical and safety recommendations for interviewing trafficked women. https://www.who.int/mip/2003/other_documents/en/Ethical_Safety-GWH.pdf

3. CONCEPTUAL UNDERSTANDING OF HUMAN TRAFFICKING AND ADULT ENTERTAINMENT SECTORS

3.1 UNDERLYING CONCEPT OF HUMAN TRAFFICKING

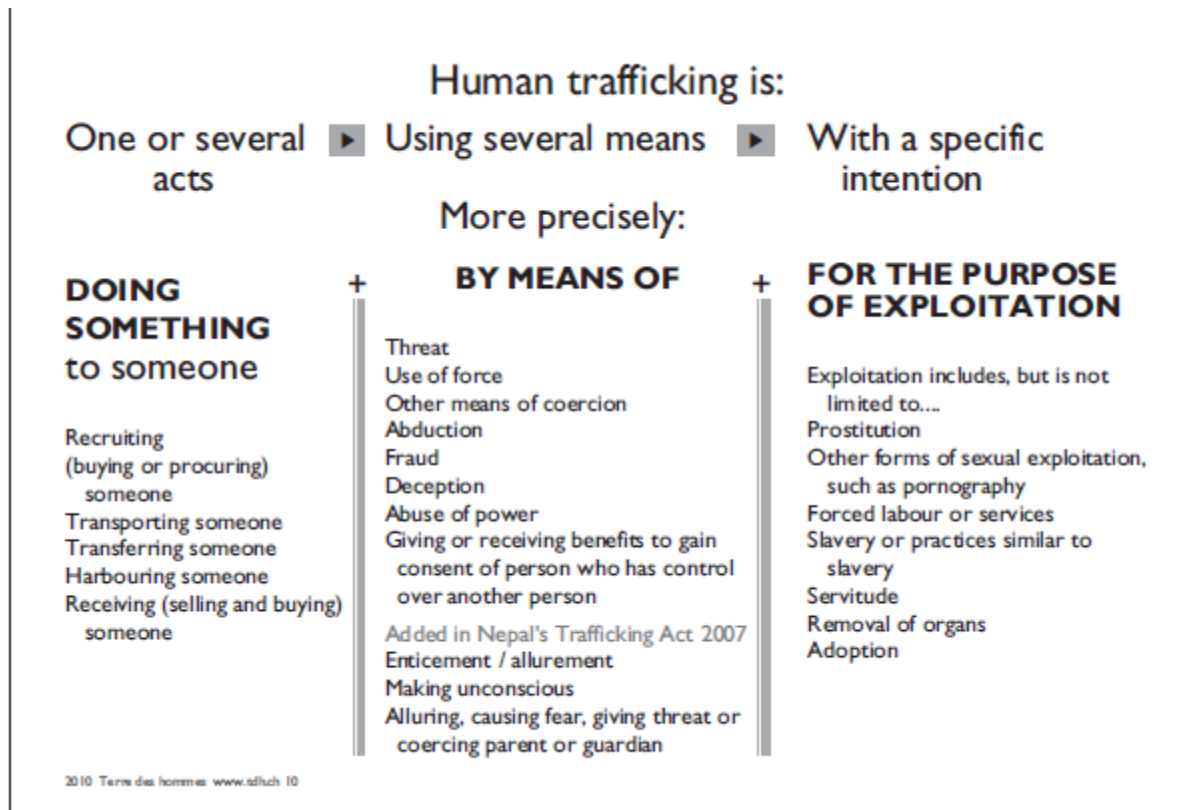
Trafficking of human beings is a criminal offence and a violation of human rights. Human Trafficking has been defined in different ways in different national and international legislation. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000, **(hereafter referred to as Palermo Protocol)** has defined trafficking in person as *the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*¹¹ Furthermore, the consent of a victim of trafficking in persons to the intended exploitation aforementioned has been considered irrelevant.

Human Trafficking and Transportation (Control) Act, 2007 (B.S.2064) under section 4(1) human trafficking as: (a) To sell or purchase a person for any purpose, (b) To use someone into prostitution, with or without any benefit, (c) To extract human organ except otherwise determined by law, (d) To go for in prostitution.

Following picture depicts the broad dimensions of trafficking:¹²

¹¹ Article 3(a)

¹² Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal, A Handbook for Decision Makers, Terre des hommes, p. 10, available at https://www.tdh.ch/sites/default/files/study_trafficking_tdh1_2010.pdf



Source: Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal, A Handbook for Decision Makers, Terre des hommes, p. 10

Because of the illegal and clandestine nature of trafficking, comprehending its scope is difficult. However, most of the times, as a result of trafficking women and children are coerced or deceived for the purpose of commercial sexual exploitation in Entertainment sectors among others.

3.2 UNDERSTANDING ENTERTAINMENT SECTOR

In context of Nepal, cabin restaurants; massage parlors, dance bars, *khaja ghar*, and the *dohori* restaurants are considered as the Entertainment sector. This definition and understanding of entertainment sector has been affirmed by the Supreme Court of Nepal in the case of Pro Public v Government of Nepal et. al. writ no. 2822, NKP 2065 and the subsequent directive guideline developed by the supreme court. Brief introduction of such entertainment sector have been presented below:

i. Cabin Restaurants :

The majority of cabin restaurants are small establishments, usually only a room containing a front counter and several plywood 'cabins', each containing a table and several chairs. The purpose of the cabin restaurant is to provide the customer with

privacy in which he can be entertained by the waitress. Entertainment with girls and women may range from simply conversation to kissing and touching, to masturbation, oral sex or sexual intercourse. Payment for liquor, food and sex is provided to the proprietor at the counter. The waitress may also receive additional money as well as tips from the customer.¹³

ii. ***Dohori* Restaurants**

Dohori establishments are venues in which customers are entertained by Nepali music and dance, while consuming food and alcoholic beverages. In *dohori* the customers sit in the open, at tables scattered around a small stage and dance floor. Sex does not usually take place in *dohori*, although customers may make arrangements with waitresses to meet for sex after their works.¹⁴

iii. **Dance Bars**

Dance bars provide customers with the entertainment of girls and women dancing – sometimes in scanty apparel, sometimes nude. As in *dohori* and cabin restaurants, waitresses supplement their salaries by receiving a proportion of the proceeds from the alcohol and food purchased by the customers. They sit with the customers, smoke and drink with them, and customers engage in sexual words and touching. Customers may make appointments to meet waitresses for sex after working hours.¹⁵

iv. **Massage Parlors**

Massage parlors are usually grouped with cabin restaurants, *dohori* and dance bars as ‘entertainment’ venues. However, massage parlors cannot properly be classified as part of the ‘entertainment’ industry. However, unlike the other establishments, their purpose is to directly provide sex on the premises. Massage parlors are divided into rooms or cabins, each provided with a bed. The customer selects a female massager upon arrival and makes monetary arrangements with the proprietor and girl or woman before being escorted to one of the rooms.¹⁶

These entertainment sectors have been big sources of entertainment to the visitors but have increasingly become unsafe, undignified and undisciplined as shoddy and sleazy deals taking place

¹³ Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal, A Handbook for Decision Makers, Terre des hommes, pp. 32-33, available at https://www.tdh.ch/sites/default/files/study_trafficking_tdhl_2010.pdf

¹⁴ Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal, A Handbook for Decision Makers, Terre des hommes, p. 33, available at https://www.tdh.ch/sites/default/files/study_trafficking_tdhl_2010.pdf

¹⁵ Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal, A Handbook for Decision Makers, Terre des hommes, p. 34, available at https://www.tdh.ch/sites/default/files/study_trafficking_tdhl_2010.pdf

¹⁶ Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal, A Handbook for Decision Makers, Terre des hommes, p. 35, available at https://www.tdh.ch/sites/default/files/study_trafficking_tdhl_2010.pdf

surreptitiously¹⁷. These entertainment sectors (i.e. the cabin restaurants, dance bars, *kebja ghar* and *dohori* restaurants) have become sites or hubs for the sale of sex and other sexual services.

Person working in entertainment sector may face several challenges and individuals who are lured into such jobs are often paid less or are commonly under some threat to continue working under exploitative conditions or are in constant fear of either being fired from work or to becoming a victim of one or more forms of abuse from the employer and customers, such as:

i Commercial Sexual Exploitation (CSE):

Anytime payment is exchanged for some kind of sexual objectification of another person, it's considered CSE.¹⁸ The women and girls who are working in entertainment sector are most likely to be victimized by such activities. Such form of sexual exploitation preys on women and children who are often more vulnerable due to poverty, malpractices, and low income etc. While discussing about entertainment sector of Nepal, the women, children and girls are susceptible to commercial sexual exploitation (CSE) which means when they are sold into sex industry where the person employed are exploited for profit through sexual favors, stripping, prostitution and many more.

ii Forced labour/Exploitation:

The ILO Convention (No. 29) states that forced labour means, “*all works or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily*”.¹⁹ There are a number of means through which a person can be coerced, including use of violence or intimidation or even an accumulated debt. Because of their vulnerability and predisposition to seeing no way out, they often consider and act on the whim of the recruiter, taking it as “a part of the job”. The women and girls who are working in entertainment sector are forced to do activities which they did not sign up for.

The report published by NHRC in 2018 shows that the sector often is not compliant to labour laws while there is no contract and no fair pay²⁰. The employees also often receive threats from the employer & customers, and are abused, stigmatized, humiliated and exploited²¹.

Table 3.2: Exploitation in Adult Entertainment Sectors

Exploitation in Adult Entertainment Sectors	
Labour Exploitation	Sexual Exploitation
<ul style="list-style-type: none"> • No contract • No proper payment 	<ul style="list-style-type: none"> • Trafficking • Prostitution

¹⁷ <http://therisingnepal.org.np/news/21644>

¹⁸ <https://exoduscry.com/blog/general/commercial-sexual-exploitation/>

¹⁹ ILO Forced Labour Convention, 1930 (No. 29) Article 1(3)

²⁰ http://www.nhrcnepal.org/nhrc_new/doc/newsletter/NHRC_National_Report_TIP_in_Nepal_September_2018.pdf, p. 35

²¹ Ibid.

Exploitation in Adult Entertainment Sectors	
Labour Exploitation	Sexual Exploitation
<ul style="list-style-type: none"> • No payment in full, untimely payment • Harsh working condition • Forced labour 	<ul style="list-style-type: none"> • Pornography • Bullying and harassment • Indecent and inappropriate touching • Associated health risks • Substance abuse

3.3 TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION IN ADULT ENTERTAINMENT SECTOR

Adult entertainment industry has grown as an informal sector as most of the businesses are not registered with the concerned authorities to avoid tax and have not been properly monitored by the government agencies.²² In addition, women and girls are mainly recruited through the help of peers who are already working in the entertainment sectors, or through relatives and other middle person, and so on. Moreover, the girls and women are hired on the basis of the age, beauty and unmarried girls or girls not having a child are preferred²³ implying that the women are targeted and exploited for sexual activities.

According to the report published by NHRC the growth of entertainment sectors is mainly reported to be in Kathmandu valley, Pokhara, Narayanghat and Itahari including other highway junctions. It is widely reported that young girls from impoverished families are now being lured into working in the entertainment sectors²⁴. Many of the workers come from rural villages outside of Kathmandu Valley, and there is a consistency in victims' stories of poverty, limited opportunity, and family difficulties, which increase their vulnerability to trafficking.²⁵

The majority of those involved in entertainment sector and conducting sex work are trafficking victims. Nearly half entered the sex industry as children, and all children who are brought into commercial sexual exploitation are usually considered trafficking victims, whether they entered willingly or not. Among those persons who entered as adults, many came into the entertainment industry hoping for a bright future in the city and did not understand that they would be conducting sex work. Thus, those who end up in sex work are victims of fraud, deception,

²² The Himalayan Times "Entertainment sector fertile ground for traffickers" Published: July 06, 2017 <https://thehimalayantimes.com/kathmandu/entertainment-sector-fertile-ground-traffickers/> accessed on 3/5/2019

²³ Trafficking In Person In Nepal National Report , NHRC, 20018 ,P 36

²⁴ Trafficking In Person In Nepal National Report , NHRC, 2018 ,P 35

²⁵ Sex Trafficking in Kathmandu's Entertainment Sector Summary of Literature Review –December 20, Free The Slaves,

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=2ahUKEwjen93T4NbgAhVHOSsKHVLMCyUQFjABegQIAxAC&url=https%3A%2F%2Fwww.freetheslaves.net%2Fwp-content%2Fuploads%2F2016%2F02%2FKathmandu-Entertainment-Lit-Review-Dec-2015-PUBLIC.pdf&usg=AOvVaw1zDe5XQEphnNXvyT3ShxSx>

enticement or allurements – and are defined as trafficking victims under Nepali and international law.²⁶

Referring to the definition of the UN Trafficking Protocol, it would not be wrong to say that Commercial Sexual Exploitation (CSE) is a human trafficking as it allows exploitation of the person²⁷ and in entertainment sector, CSE is rampant as shown by various reports published which explicitly mentions that entertainment sector has become both the destination as well as the transit for trafficking of girls.²⁸

²⁶ Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal, A Handbook for Decision Makers, Terre des hommes, p. 45, available at https://www.tdh.ch/sites/default/files/study_trafficking_tdh_2010.pdf

²⁷ Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

²⁸ Trafficking In Person In Nepal National Report , NHRC, 20018 ,P 36

4. LEGISLATIVE FRAMEWORK ADDRESSING COMMERCIAL SEXUAL EXPLOITATION AND HUMAN TRAFFICKING

The Constitution of Nepal (2015 A.D, B.S. 2072) being the foundation of all Nepalese laws and numerous other legislation set a legal framework against trafficking and sexual exploitation in Nepal. Some of these laws include Muluki Criminal Code (Penal Code 2017, B.S. 2074), Criminal Procedural (Code) Act, 2017 (B.S. 2074), Children's Act, 2018 (B.S. 2075), Electronic Transaction Act, 2008 (B.S. 2063), Human Trafficking and Transportation (Control) Act, 2007 (B.S.2064), Sexual Harassment in the Workplace (Prevention) Act, 2015 (B.S. 2071), Child Labour (Prohibition and Regulation) Act, 1999 (B.S. 2056), Labour Act, 2017 (B.S. 2074), Foreign Employment Act, 2007 (B.S.2064), Crime Victim Protection Act, 2018 (B.S. 2075) and Directives for Protection against Economic and Sexual Exploitation of Women and Girls in the Entertainment Sector, such as Dance Bars, Cabin Restaurants, 2008 (B.S. 2065). Most of the Acts mentioned also have their regulations and government has also formulated some policies relating to the abovementioned issues. Nepalese laws addressing exploitation in entertainment sectors and human trafficking have been briefly highlighted below:

4.1 CONSTITUTION OF NEPAL (2015 A.D, B.S. 2072)

Constitution being the main law of the land, guarantees fundamental rights and prescribes directive principles and policy of the State. No legislation can be enacted or formulated with the provisions that contradict with constitutional provisions. Constitution is expected to provide legal foundation that prohibits all forms of discriminations and exploitations and provides grounds to live a dignified life. Right to a dignified life (Article 16) and right to freedom (Article 17) are important rights while discussing rights against trafficking, abuse and exploitation.

The Constitution of Nepal is remarkable in the sense that it has provided many civil and political rights as well as economic, social and cultural rights as fundamental rights as well.

Other fundamental rights guaranteed by the Constitution of Nepal include: right to live with dignity²⁹, right to freedom³⁰, right to justice³¹, right of victim of crime³², right to privacy³³, right against exploitation³⁴, right to social justice³⁵, right to social security.³⁶

4.2 MULUKI CRIMINAL CODE (PENAL CODE 2017, B.S. 2074)

Chapter 2 of the Penal Code provides general principles of criminal justice. Chapter 3 of the Code provides about criminal conspiracy, attempt, incitement and the abettor. Chapter 4 of the Code mentions about aggravating and mitigating factors of the offence and Chapter 5 of the Code mentions about sentence and interim compensation. These principles and provisions are generally applicable for crimes committed under this Code and other laws of Nepal. These provisions are applicable also in the cases of abuse and exploitation of a person.

Sec. 119 of the Code mentions that no one should promote or influence anyone to promote prostitution, if anyone is found doing so, the person is punished up to 3 years and NRs. 30,000 fines. Sec. 215 prohibits anyone from inciting, conspiring or ordering or trading for prostitution, pornography or nudity. Sec. 162 prohibits forced labour. Sec. 163 prohibits slavery, servitude or slavery like practices. Sec. 164 prohibits hostage taking or keep anyone as bonded labour. Sec. 219 prohibits rape. Sexual intercourse with a girl below 18 even with her consent is considered the crime of rape. Sec. 224 describes about acts that constitutes sexual harassment. Sec. 225 prohibits child sexual exploitation. Sec. 226 prohibits unnatural sex without consent.

4.3 CRIMINAL PROCEDURAL (CODE) ACT, 2017 (B.S. 2074)

Criminal Procedural (Code) Act, 2017 (B.S. 2074) supplements the Penal Code 2017 as it provides procedural provisions to implement substantive provisions. The Code in its Section 113 mentions that travel and daily allowance as well as security should be provided to witness. Section 114 mentions about victim and witness protection. Sec. 129 mentions about the provision of in-camera hearing in sensitive cases like, sexual exploitation. The Act also has provisions for fast track procedure and continuing hearing.

²⁹ Constitution of Nepal, Article 16

³⁰ Ibid. Article 17.

³¹ Ibid. Article 20.

³² Ibid. Article 21.

³³ Ibid. Article 28.

³⁴ Ibid. Article 29.

³⁵ Ibid. Article 42.

³⁶ Ibid. Article 43.

4.4 CHILDREN'S ACT, 2018 (B.S. 2075)

Children's Act, 2018 (B.S. 2075) in Sec. 2(j) defined a 'child' as a person who has not attained the age of 18. The Act replaced the Children's Act 1992 and extended the areas of protection for children. It defined violence and exploitation against children.

Section 7 provides right to protection, including protection against sexual exploitation.

Section 66(3) has defined 'sexual abuse against children' as below:

- a. Showing of obscene audio-visual material, vulgar behavior with children, or showing of pornographic materials
- b. Storage, dissemination or use of real or virtual pornographic audio-visual material of children;
- c. Proposing, alluring, coercing or threatening for involving in sexual activities;
- d. Involving children in making of sexual acts or involving children in making of sexual materials/contents;
- e. Touching, kissing, catching of sensitive organs with sexual intention, or hugging, or making to touch or catch one's or third persons sensitive organs, or making unconscious for sexual purpose or showing or making the children to show sexual organs;
- f. Use of children for sexual stimulation;
- g. Use of children for sexual satisfaction;
- h. Sexual exploitation or making others to do so;
- i. Use of children for sexual gratification;
- j. Use of children for sexual abuse;
- k. Use of children for indulging them in prostitution or other sexual activities.

Section 72 prescribes punishment for sexual abuse, punishment as prescribed for the crime of rape. For other forms of exploitations, punishment may range from NRs. 150,000 fine and up to 15 years of imprisonment.

Section 73 mentions about interim compensation and adequate compensation from Children's Fund if the compensation amount could not be recovered from the perpetrator or the amount retrieved from the perpetrator is insufficient.

Section 74 Complaints relating to an offence punishable under this Act shall be filed within the prescribed time limitation if there is any; otherwise such complaint should be filed within one year from the date the victim child attains the age of 18 years.

Children's Act, 2018 Section 68 mentions that father, mother, guardian or person taking care of children, teacher, health worker or whoever is informed about violence and sexual abuse

committed or being committed or may be committed against children should inform to the police office nearby.

Section 76 reads, the case relating to an offence punishable under Section 66 is dealt as government party criminal offence.

4.5 ELECTRONIC TRANSACTION ACT, 2008 (B.S. 2063)

It prohibits publishing or displaying any material in the electronic media that are legally/morally prohibited or against the decent behavior³⁷. Such behavior is liable to the punishment with the fine not exceeding one hundred thousand rupees or with the imprisonment not exceeding five years or with both.

Similarly, Section 55 has also envisioned for the punishment in an offence committed outside Nepal i.e. even though the offence is committed while residing outside Nepal, a case may be filed against such a person and shall be punished accordingly. A case deemed to be an offence under this Act shall be initiated by Government of Nepal as plaintiff whereby the police have to take assistance of the Controller or other concerned expert while conducting investigation.³⁸ And, any loss or damage caused to any person by the reason of offence committed under this Act shall be recovered from the offender.³⁹

4.6 HUMAN TRAFFICKING AND TRANSPORTATION (CONTROL) ACT, 2007 (B.S.2064)

It prohibits buying or selling of person⁴⁰. The Act criminalizes both buyer and seller⁴¹. The Act also prohibits transportation of person for the purpose of exploiting them. If any person is transported and forced into sex work, this act may amount to human trafficking and transportation⁴². The Act explicitly mentions that ‘no one can be forced for sex work nor can anyone go for in prostitution’. Furthermore, the Act also prohibits keeping any person in slavery or in bonded condition. This Act offers legal protection of women and children from being trafficked, transported, forced sex-work or exploited in any other forms. The Act puts burden of proof on the accused⁴³ and court prosecutes putting the accused in custody⁴⁴. Right to keep

³⁷ Electronic Transaction Act, 2008 (B.S. 2063), Sec. 47

³⁸ Ibid. Section 75.

³⁹ Ibid. Section 76.

⁴⁰ Human Trafficking and Transportation (Control) Act, 2007, Sec. 3(1)

⁴¹ Ibid. Sec. 3(2).

⁴² Ibid. Sec. 4.

⁴³ Ibid. Sec. 9.

⁴⁴ Ibid. Sec. 8.

separate law practitioner⁴⁵, right to get translator or interpreter but victim has to manage that by himself/herself⁴⁶, are some other important provisions in the Act. The Act mentions that ‘Nepal government shall manage for the rescue of any Nepali citizen sold in the foreign land’⁴⁷ and provides about establishment of rehabilitation center in Sec. 13. Establishment of rehabilitation fund⁴⁸, compensation to the victims no less than half of the fine levied as punishment to the offender⁴⁹, confidentiality of informant⁵⁰, provision of in-camera proceedings⁵¹ are also equally important provisions in the Act.

The Act needs amendment with the changed structure of governance of the country. Further, after the ratification of Palermo Protocol, Nepal’s anti trafficking laws need to be harmonized with it and refine the definition of ‘trafficking’. Major provisions of the Act that need amendment in line with Palermo Protocol are the (i) extraterritoriality (extra-territorial jurisdiction),⁵²(ii) definition,⁵³(iii) acts considered as human trafficking and transportation,⁵⁴(iv) provision of translator or interpreter,⁵⁵(v) act relating to rescue⁵⁶ and rehabilitation.⁵⁷ The Act also needs amendment on the provisions of establishment and utilization of victim’s fund.⁵⁸

4.7 HUMAN TRAFFICKING (CONTROL) REGULATION, 2008 (B.S. 2065)

In order to implement the Trafficking Act, this regulation establishes National and District Committees to plan, formulate and implement policies, projects and programmes related to anti-trafficking. The Committees oversee the rescue of externally and internally trafficked persons, and oversee and monitor rehabilitation centers. District Committees can establish and operate centers for trafficking victims in collaboration with NGOs. The regulation needs amendment with the changed structure of governance of the country.

⁴⁵ Ibid. Sec. 10.

⁴⁶ Ibid. Sec. 11.

⁴⁷ Ibid. Sec. 12.

⁴⁸ Ibid. Sec. 14.

⁴⁹ Ibid. Sec. 17.

⁵⁰ Ibid. Sec. 20.

⁵¹ Ibid. Sec. 27.

⁵² HTTCA, 2007, Sec. 1(3).

⁵³ Ibid. Sec. 2(e).

⁵⁴ Ibid. Sec. 4.

⁵⁵ Ibid. Sec. 11.

⁵⁶ Ibid. Sec. 12.

⁵⁷ Ibid. Sec. 13.

⁵⁸ Ibid. Sec. 14.

This regulation needs replacement by the new one as per the changed structure of governance of the country. The Regulation needs to arrange mechanisms at Federal, Provincial and Local Levels and provide powers, roles and responsibilities of all these levels.

4.8 DOMESTIC VIOLENCE (CONTROL) ACT, 2009 (B.S.2066)

This Act may be applied if persons within domestic relation are indulged in entertainment sectors without their free and informed consent. Sec. 2(e) defines "Sexual harm" as "sexual misbehavior, humiliation, discouragement or harm in self-respect of any person; or any other act that hampers safe sexual health. Sexual torture is a sexual misbehavior, insult or using anything that could go against safe and secure sexual health." And, Sec. 13 mentions that the perpetrator can be fined with an amount ranging from NRs. 3,000 to 25,000 or 6 months of jail or both. Therefore, accomplice of the crime is to be sanctioned half the punishment of what perpetrator is sanctioned.

4.9 SEXUAL HARASSMENT IN THE WORKPLACE (PREVENTION) ACT, 2015 (B.S. 2071)

This Act is very much relevant to the subject matter of this study. The Act, *Sexual Harassment in the Workplace (Prevention) Act, 2015*, by its name itself is understandable that the Act aims to prevent all forms of harassment in the workplace. This Act addresses all forms of harassment in the workplace, including, adult entertainment sectors. The Act prohibits physical contact and advances, showing or displaying of pornographic material, expressing sexual motives by way of written, verbal, or non-verbal means, demand or proposal for sexual favours, and flirting or harassing with sexual motive.

Section 3 of the Act prohibits sexual harassment in the work place. Sec. 4 of the Act provides that the following acts if committed by misusing position to influence someone in the workplace are considered as sexual harassment:

- (a) Physical contact and advances;
- (b) Showing or displaying of pornographic material,
- (c) Expressing sexual motives by way of written, verbal, or non-verbal means,
- (d) Demand or proposal for sexual favours; and
- (e) Flirting or harassing with sexual motive.

Sec. 5 explains manager's duty to prevent or handle situation of sexual harassment in the work place.

Sec. 6 explains that if any person feeling such sexual misbehavior must report to the management committee within 15 days of the incident. Management has to immediately look into the issue and upon investigation, if it is found to be true they need to:

- a) Mediate if both victim and accused agree;
- b) Make the accused apologize to the victim;
- c) Warn the accused to not repeat such act again;
- d) Make the accused pay compensation for the damage s/he caused to the victim.

Sec. 7 explains that victim can file a case submitting relevant evidence within 90 days from the incident.

Sec. 12 has prescribed punishment up to 6 months depending on the nature of harassment. The perpetrator may be punished with double punishment if s/he repeats it again.

4.10 CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1999 (B.S. 2056)

Very often children are found engaged in entertainment sectors so this Act can be applicable in such situation as it prohibits employment of any child below 14 years as a labor worker. The Act also prohibits employment of children in hazardous works and employment of children in any work against his/her will. This Act is aimed at protecting children from labour exploitation.

4.11 LABOUR ACT, 2017 (B.S. 2074)

The Labour Act, 2017 replaced the previous Labour Act of 1992 (B.S. 2048) to address all labour related issue in the changed social context. The Act is comprehensive in the sense that it incorporates the issues of both formal and informal sectors of work and workers. The Act is aimed to protect rights of workers, including, child labourers and prohibit all forms of labour exploitation. Section 132 of the Act explains the provision on sexual misbehavior. This section explains that no one in course of work should do anything considered as a sexual misbehavior. If the employer finds anyone guilty of such misbehaviors, the employer can remove such person from the workplace.

This is the major Act that needs to be effectively implemented in the Nepalese entertainment sectors to ensure rights and dignity of workers and to prohibit all forms of exploitation at workplace.

The Labour Act prohibits bonded labour, child labour and discrimination at work. The Act incorporates many other important provisions, such as:

- right to form trade union
- employer should provide employment contract and job description before enrolment in the job
- continuation of job even if the employer is changed

- Employer should not prohibit part-time workers to work in other places
- Social security of part-time worker
- Job contract or job description should be in the language of employee
- employer should not force to work no more than 8 hours a day and 48 hours in a week
- Provision of extra payment for over-time work
- Employer should arrange for transportation for women employees working in night shift
- Provision of payment from the day of work, payment within three days of completion of one month of work
- Provision of annual grade increase
- Payment of salary equal to one month in a year for festival celebration
- No deduction in salary except mentioned in law
- provision of one day leave in a week, 13 days leave for male and 14 days leave for female employees in a year, provision of payment for not used leave days
- Provision of casual leave, sick leave and post-natal care leave
- Provision of employee's fund, provident fund
- Provision of health insurance, accident insurance
- Provision of compensation in case of accident during work

4.12 FOREIGN EMPLOYMENT ACT, 2007 (B.S.2064)

Many Nepalese have been smuggled and trafficked to various countries giving false promise of good job and good earnings. So Foreign Employment Act, 2007 was enacted to make foreign employment business safe, managed and decent and protect the rights and interests of the workers who go for foreign employments⁵⁹. The Act is applicable in prohibiting recruitment agencies and employers from wrong doing in course of foreign employment.

This Act was enacted to regulate foreign employment but lacked to link the connection between foreign employment human trafficking.

Sec. 7 of the Act mentions that children below 18 years are not supposed to be sent to work for foreign employment. Sec. 45 mentions that if any license holder sends minor to the foreign labour, s/he shall be punished with imprisonment ranging from 3 to 7 years and three hundred thousand rupees fine. Sec. 56 prescribes half of the punishment imposed to offenders to the accomplice. Sec. 63 prescribes that cases under this Act shall be represented by government.

There is gap in the definition and legal proceedings explained in the Foreign Employment Act about dealing with any case started as a case of foreign employment but ended up in human

⁵⁹ Preamble of the Foreign Employment Act, 2007.

trafficking. The current practice is that such cases are also being dealt by violation of Foreign Employment Act not as the case of human trafficking.

4.13 CRIME VICTIM PROTECTION ACT, 2018 (B.S. 2075)

The Act has offered several rights to the victims of abuse and exploitation. Provisions of this Act may boost confidence of the victims of crime, including persons abused and exploited. Victims may be encouraged to lodge complaint without fear and they can expect protection of their privacy as well as speedy justice.

The Act in its chapter 2 has prescribed rights and duties of crime victim in detail. From Sec. 4 to 20 the Act has provided right to fair treatment, right against discrimination, right to privacy, right to information relation to investigation, prosecution and court proceedings, right to be safe, right to express opinion, right to appoint lawyer, right to be present and participate in hearing, right to be in a separate room during hearing, right to regain property, victim may discuss about crime related case, may file application before the government attorney requesting for appellate, if victims are not satisfied with the decision, right to get information about compensation, right to compensation and social rehabilitation and right to appeal.

4.14 HOTEL MANAGEMENT AND SALES OF LIQUOR (CONTROL) ACT, 1966 (B.S. 2023)

The Act is all about hotel management and regulating sales of liquor. It also prescribes duties of hotels in Nepal. The Act mentions that vulgar and shameful entertainment and dances are not to be shown by hotels. Owners of hotels should not show any sort of dance or entertainment that could affect moral values of the society as their social responsibility.

4.15 PRO PUBLIC V GOVERNMENT OF NEPAL ET. AL. WRIT NO. 2822, NKP 2065

Pro Public filed a writ petition asking for the formation of a dignified and healthy environment in the work places including cabin restaurants, dance restaurants, *dobori* and massage parlors for the female worker by assuring employment opportunities- free from economic and sexual exploitation. Supreme Court held that necessary arrangement ought to be made by the government for the formulation of the laws related to inspection, monitoring and protection of rights of female workers in dance bars, dance restaurants, cabin restaurants and massage parlors. Furthermore, Supreme Court, being the guardian of the fundamental rights of the citizen of Nepal, issued the directive guideline so as to regulate the entertainment sector for the time being until a specific was enacted by the government. However, there has not been any specific and comprehensive legislation enacted to regulate cabin restaurants, dance restaurants, *dobori* and massage parlors like

workplaces nor has been systematic and effective monitoring of such places to prohibit exploitation of workers.

4.16 DIRECTIVES TO CONTROL SEXUAL HARASSMENT TOWARDS WORKING WOMEN IN WORKPLACES SUCH AS DANCE RESTAURANTS, DANCE BARS, 2065

The directive was issued by the Supreme court of Nepal responding to the writ petition filed by Pro-public (Pro Public v. GoN, Writ no. 2822 of 2065) aiming to control the sexual harassment in the entertainment sectors (Dance Bar, Dance Restaurants, *Dohori*, massage parlors) for female workers. The Directives prohibit both sexual exploitation (which include proposing sex, teasing, sexual joking and presenting erotic behaviour) and sexual exploitation (which include touching, or luring, coaxing or compelling another to have a sexual relationship). The Directives prohibit requiring women workers to smoke or drink with customers or to conduct nude performances. Owners are required to protect women workers from disrespectful, harassing or exploitative behaviour by customers, as well as abide by labour laws.

It provisioned for the compulsory registration within a specific time period in the District Administrative Office for the operation of the business. It has forbidden owners and consumers from doing any action related to sexual harassment, sexual abuse and unethical behavior in the workplace and mandates to resolve the grievances of working women in the workplace.

Similarly, it holds the minimum wages of workers and operating hours of business to be as prescribed by the government. Also, sound proof working environment, safety of the worker, maintenance the record of workers, etc. should be maintained by the owners.

Furthermore, there should be one committee regarding the implementation of this Guideline in each district called District Monitoring and Action Committee (comprised of the Chief District Officer, Chief of District Police Office and Chief of District Women Development Office). Victim or anyone who receives information about the offense can file the complaint either in a committee or a nearby police station. After receiving the complaint, the concerned police officer has to immediately submit the complaint to the committee. Additionally, all the work under these Guidelines should remain confidential and no fact can be published without taking permission from the committee.

There hasn't been any significant progress in implementation of the SC Directives by the GoN. National Human Rights Commission's report mentions that the Nepal Government's compliance towards the implementation of this Directives is low.⁶⁰

⁶⁰ Trafficking in Persons, Especially on Women and Children, National Human Rights Commission-Nepal, National Report (2009-10), Published in 2011. Pp. 39-41.

4.17 OTHER LAWS AND POLICIES

Additionally, the *Treaty Act, 1990* is special legislation governing the substantive and procedural matters of the ratification of, and accession to treaties and conventions. Section 9 (2) of that Act states that where there is a conflict between an international treaty or convention and any law of Nepal, international law is supreme. However, that provision contains the potential for confusion as it does not explicitly say that international treaties and conventions ratified or acceded to be part of the law of Nepal. The provisions of the *Treaty Act, 1990* suggest that ratified international treaties or conventions are not automatically enforceable in Nepal. It merely points out the obligation of the state to ‘rationalize the laws in accordance with the international treaties and conventions ratified or acceded [to].’ In absence of domestic laws relevant to the ratified Conventions, there is uncertainty on the enjoyment and enforceability of the rights mentioned in the Conventions.

Besides these laws and case laws, there are numerous other guidelines and policies that are related to combating human trafficking and exploitation of children⁶¹. These include:

- Guideline for Operation of the Child Helpline (2007)
- Guideline for Elimination of *Chhaupadi* System (2007)
- Guideline for the Maintaining the Privacy of the Special Types of Cases (2007)
- Terms and Conditions of International Adoption of Nepali Children (2008)
- Guideline for the Investigation and Prosecution of Fraud Cases on Foreign Employment (2010)
- National Minimum Standard for the Care and Protection of the victims of Human Trafficking and Transportation (2011)
- Guideline for the Operation of Rehabilitation Center (2011)
- Guideline for the Operation of the Rehabilitation Fund (2011)
- Guideline Prosecution and Court Procedure of the Cases of Human Trafficking and Transportation (2011)
- Guideline for Local Committee and Municipality Committee against Human Trafficking (2013)

⁶¹ NHRC (2018) *Trafficking in Persons in Nepal: National Report*. Lalitpur: NHRC.

5. KEY RESULTS FROM THE STUDY

NEW AND EMERGING TRENDS OF TRAFFICKING

The information inferred from survey conducted with 57 persons working in cabin and *dhobori* restaurants, massage parlors, dance bars and *khaja ghar* in Boudha-Chabahil-Gaushala area, Koteshwor-Jadibuti area, Thamel, Balkhu-Kalanki-Sitapaila area, and Balaju-New Bus park-Sorhakhutte area has been provided here. There were no null respondents in all questions of the survey as the samples with no responses were dropped during the survey itself. This chapter provides information obtained from KII, FGD and case studies. All together 38 persons participated in FGD, ten persons participated in consultative workshop and 26 persons were interviewed as key informants. KII and FGD questionnaires have been provided in Annex 1 and 2. Name list of the participants of the FGD has been provided in Annex 3 and key informants have been listed in Annex 4. FGD and KII participants consented in oral form to disclose their name in annex of the report.

Information obtained from field survey, FGD and KII has been backed up by quotes from participants.

5.1 NATURE OF THE VENUE

Majority of the respondents were working in dance bars (28.1%) at the time of survey, followed by in cabin restaurants (22.8%), in *dobori* restaurants (21.1%) and in *khaja ghar* (19.3%) as presented in table 5.1 below.

Table 5.1: Workplace of respondents

	Frequency	Percent
Cabin Restaurants	13	22.8%
Massage Parlours	5	8.8%
Dance Bars	16	28.1%
Khaja Ghar	11	19.3%
Dobori Restaurant	12	21.1%
Total	57	100.0%

5.2 Sex identification of respondents

Overwhelming majority of the respondents identified themselves as female (98.2%). Also, in the venues approached by the field researchers, majority of the workers were observed to be females. In addition, none of the respondents identified themselves in 'Other gender' category. (Table 5.2)

Table 5.2 Sex of respondents

	Frequency	Percent
Female	56	98.2%
Male	1	1.8%
Total	57	100.0%

The employers of the entertainment sector businesses were found to prefer employing female workers, favoring younger and fresher employees over men and older women workers as quoted by one of the respondents interviewed during the field survey:

“Most employers seek young girls in their restaurants, dance bars and kbaja ghar. They don’t see for their work skill or previous experience. They need girls and most preferable new all the times. They keep on changing new girls as they think customers would like to be engaged with new girls. It is difficult for boys to get job in these venues.” – A respondent in the field survey

5.3 AGE CATEGORY OF RESPONDENTS

Near to one-third of the respondents were between 24-28 years of age (29.8%) and almost similar percentage of the respondents were between 19-23 years (28.1%) while nearly a quarter were between 14-18 years of age (24.6%), a sixth were between 29-33 years (15.8%) and a single respondent was above 34 years old. (Table 5.3)

Table 5.3 Age category of respondents

Age Category	Frequency	Percent
14 – 18	14	24.6%
19 -23	16	28.1%
24-28	17	29.8%
29-33	9	15.8%
34 and above	1	1.8%
Total	57	100.0%

Many young girls without education and skills found landed in Kathmandu’s entertainment sectors as they find these sectors easier to get enrolled for work. This below statement

When I left home to do something on my own, to earn something and to become a successful person, I had no one in Kathmandu, neither had relatives, friends or sufficient money. I kept on searching job without much education and skills. I landed to a restaurants and immediately got enrolled. I think it is comparatively easier for girls to get enrolled in entertainment and hospitality sector.” – A respondent in the field survey

5.4 WHAT IS THE AGE OF MOST OF YOUR COWORKERS?

More than two-fifth (43.9%) respondents informed that their coworkers were of the same age group as they were. Near to that number (38.6%) informed that their coworkers were younger than they were. (Table 5.4)

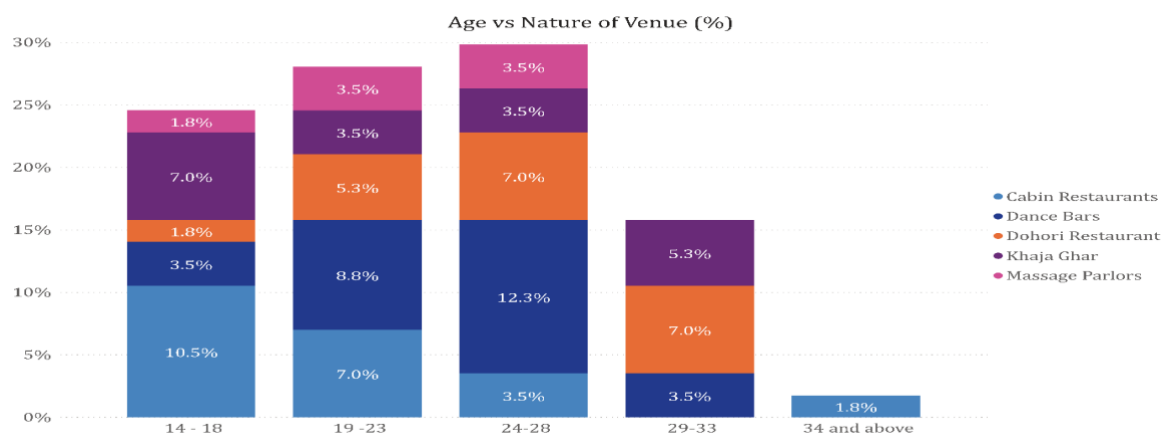
Table 5.4: Age group of workers

	Frequency	Percent
Same age group as yourself	25	43.9%
Younger	22	38.6%
Older	10	17.5%
Total	57	100.0%

5.5 AGE V. NATURE OF VENUE

Majority of the respondents between the age of 14 to 18 (10.5%) were found working in cabin restaurants, whereas, the most respondents between the age of 19-23 (8.8%) and between the age of 24-28 (12.3%) were working in dance bars. Likewise, 3.5% respondents of the age category 19-23 and similar percentage (3.5%) of age category 24-28 were working in massage parlors. Compared to other respondents, higher percentage of respondents between the ages 24 to 33 (7% in each age category) were working in *dobori* restaurants which was contrasted by equally lower percentage of respondents between the ages 14-18 (1.8%) working in *dobori* restaurants. (Figure 5.5)

Figure 5.5: Workplace as per age category



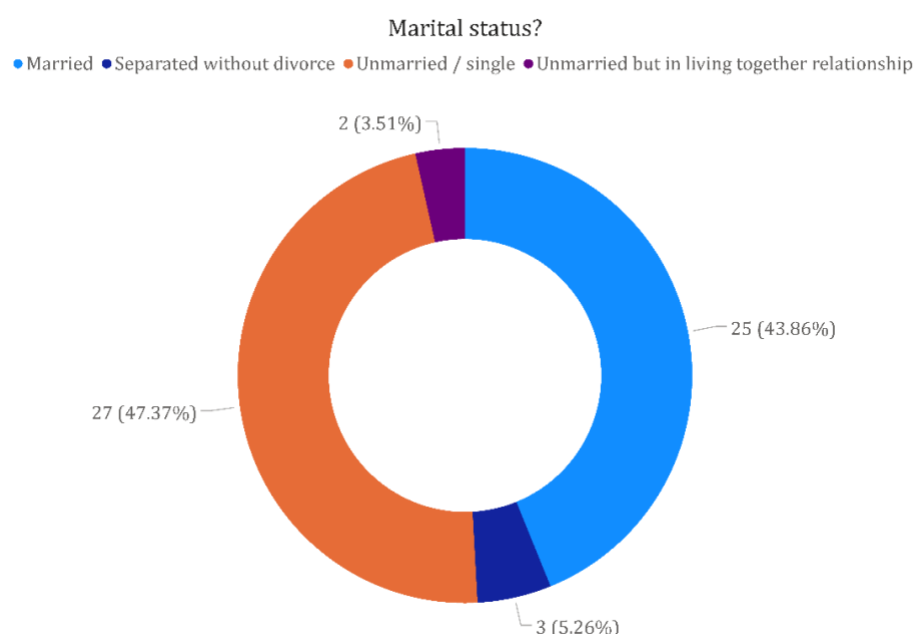
These entertainment sector employers seem hiring only the young girls in these sectors. It seems that they want young *and* attractive girls rather than skills and talents. A survey participant shared her experience as:

“Mostly, younger girls are found working in cabin restaurants, dance bars and khaja ghar. Older girls are found working in dobori. If you are a singer, you have much respect. Generally, you don’t see older girls in dance bars.” **A respondent in the field survey**

5.6 MARITAL STATUS OF THE RESPONDENTS

Though majority of the respondents (47.4%) were unmarried or single while more than two-fifth (43.9%) were married. Though insignificant in number, 5.3% of the respondents were in living-together relationship. (Figure 5.6)

Figure 5.6: Marital status of the respondents



The study identified interesting part of human relation, love, affection, feeling, honesty and betrayal. Some women informed about their profession to their husbands or boyfriends. Their husbands or boyfriends had no problem with the nature of work they were doing but were much more concerned with their earning as shared by a participant in a FGD with entertainment sector workers.

“Even much younger girls, as young as 16-17 years are married or in living together relation. They love their boyfriend or husband but boys are with them just for their money or free sex. The boys know the types of work the girls are doing. The boys go to their home, to their family, do not stay with the girls in nights because these are boys studying in colleges. They are not in committed relation but they are just passing times with these girls. The girls consider them as their true boyfriend or husband and give their earning and everything.” – A participant in FGD with entertainment sector workers aged 19.

5.7 LEVEL OF EDUCATION

Out of total respondents, more than a quarter (26.3%) had only lower secondary level (grade 6-8) education. Slightly more than one-fifth (21.1%) of the respondents had only primary level (grade

1-5) education. Near to one-fifth (19.3%) had secondary level education (19.3%). In total, around 90% of the respondents did not have higher education. (Table 5.7)

Table 5.7: Level of education

	Frequency	Percent
Did not go to school	4	7.0%
General literate (<i>saamanya lekh padh</i>)	9	15.8%
Primary Level (1-5 Grade)	12	21.1%
Lower Secondary Level (6-8 Grade)	15	26.3%
Secondary Level (9-10 Grade)	11	19.3%
Higher Secondary Level (11-12 Grade)	5	8.8%
University	1	1.8%
Total	57	100.0%

In survey as well as in FGDs, all entertainment sector works had regret that they could not study well, otherwise they would have better life now.

“I think no one likes to work from young age. When our friends are going to schools and colleges, we are working in restaurants and doing all the things for survival. If I had higher education, I would not have this harsh life now. While I came to Kathmandu, I had 500 rupees only with no education and skills. I thought the only place I can get work is the small tiffin homes or restaurants as cleaner or dishwasher.” **A participant in FGD with entertainment sector workers**

5.8 CASTE-ETHNICITY

Majority of the respondents represented Tamang ethnicity (33.3%) followed by Rai/Gurung/Magar (22.8%) and Brahmin/Chhetri (21.1%). (Table 5.8)

Table 5.8: Caste/ethnicity of respondents

Caste/Ethnicity	Frequency	Percent
Brahmin/Chhetri	12	21.1%
Dalit	8	14.0%
Tamang	19	33.3%
Rai/Gurung/Magar	13	22.8%
Newar	3	5.3%
Others	2	3.5%
Total	57	100.0%

5.9 WITH WHOM DID YOU COME TO THIS WORKPLACE? WHO BROUGHT YOU TO THIS PLACE?

Majority of the respondents (59.6%) informed that they came to these workplaces with their friends, followed by 19.3% with their family members. Respondents coming to work in these sectors through self-initiative were 12.3%. Some respondents (3.5%) informed that they came to work in these sectors by getting to know about vacancy announcement in newspapers. (Table 5.9)

Table 5.9: Link to the workplace

	Frequency	Percent
Recruiter / Owner	1	1.8%
Family	11	19.3%
Friend	34	59.6%
Unknown person	2	3.5%
Self	7	12.3%
Other	2	3.5%
Total	57	100.0%

Quote:

“As my life in village was difficult with not much livelihood options, I had no idea how to get out of this harsh condition. When one of my friends was also going through the same family hardship and compelled to earn something for herself and for family, we got courage to leave the village. Though, we knew no one in the city, we as a team had confidence and a feeling of security. And we just left the village for better livelihood options. When we reached the city, we had nowhere to go, we had no education or skills. Lastly, we ended up working as a restaurant worker.” **A participant in a FGD with entertainment sector workers**

5.10 DID YOU HAVE INFORMED CONSENT TO COME TO THIS WORK?

Almost 80% of the respondents had informed consent to come to work where as 21.1% had no consent. These 21.1% respondents informed that they had to come to work even if they did not want because of family's weak financial condition. They also did not know the nature of work, working hours and benefits. (Table 5.10)

Table 5.10: Informed consent before coming to work

	Frequency	Percent
Yes	45	78.9%
No	12	21.1%
Total	57	100.0%

For some entertainment sector workers, it was the weak economic situation of the family or other adverse environment in the family that forced them to go out of home in search of work. When they were in dire need of job, they accepted the job offer immediately without knowing what actually they were going to do in the workplace, as informed by a participant in survey.

“When I knew that I am going to be employed or I will have a job, I just agreed to work but I had no idea what works I had to do, nor I asked the nature of works which I was supposed to do. Getting a job was much more important for me. They instructed me to do everything from cleaning, washing, cooking, serving to entertaining customers” **A respondent in the field survey**

If the workers are enrolled without informed consent and later exploited, this situation qualifies the crime of ‘human trafficking’. However, most workers themselves were not ready to call that situation as human trafficking.

5.11 DID YOU KNOW WHAT WORK YOU WERE GOING TO DO?

Despite there were 80% respondents informing that they came to work with their consent in the previous table (Table 5.8%), a majority of the respondents (71.9%) did not know what they were going to do in the place they agreed to come to work. For them, they thought it was just serving food. They had no specific job description and were also doing washing and cleaning works. (Table 5.11)

Table 5.11: Knowledge about the nature of work

	Frequency	Percent
Yes	16	28.1%
No	41	71.9%
Total	57	100.0%

Some respondents shared their first experience as a bad experience while they were completely new to the job. A participant in a FGD shared her impression of customers asking to go out with him as in the quote mentioned below:

“If I had idea that I had to do all these things or remain silent even if others touch your body, I would never accept the job. I had just accepted to work in the restaurants. I was completely unknown that people would treat you like an object. I was shocked when a customer asked me to go with him. It was awkward and unpleasant for me as I came from a very backward rural village who had not faced such situation in life earlier. Later I knew from others that the customers think that the girls who work here means they are ready for everything.” **A participant in a FGD with entertainment sector workers**

5.12 ARE YOU DOING THE SAME WORK THAT YOU WERE PROMISED?

More than half (54.4%) of the respondents were not doing the work they were promised before coming to work. (Table 5.12)

Table 5.12: Nature of work as promised

	Frequency	Percent
Yes	26	45.6%
No	31	54.4%
Total	57	100.0%

As the general practice identified by this study is that the workers do not get signed written contract, they do not know what actually they will be doing in the workplace they are hired. Getting a job is a big matter for person without adequate level of education and skills. So, the aspirant workers accept to work without much knowing the types and nature of work. After they start working, they are pursued or forced whatever types of works come to their way. As they need job to survive in a naïve place, they keep on doing as far as they can. A survey participant said:

"I was not explained what I had to do here. Later they asked me to do everything, from cleaning, washing to serving guests." **A participant in a FGD with entertainment sector workers**

5.13 WHAT WAS YOUR AGE WHEN YOU FIRST ENTERED INTO THIS PROFESSION?

More than one-third (35.1%) of the respondents were between 14 to 18 years when entering to these sectors, whereas, more than one-fifth (22.8%) were between 19 to 23 years old and same percentage of respondents were 24 to 28 years old. (Table 5.13)

As mostly the girls of school going age (below 18) were in these entertainment and hospitality sector jobs, they are vulnerable to abuse, exploitation and trafficking because of no job description and lack of security of job. Moreover, persons below the age of 18 are still the children, physically and mentally immature to decide for their life.

Table 5.13: Age when entering at work

	Frequency	Percent
Below 14 years	6	10.5%
14 - 18	20	35.1%
19 -23	13	22.8%
24-28	13	22.8%
29-33	5	8.8%

Total	57	100.0%
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5.14 WHAT ARE THE MAIN REASONS YOU ARE WORKING HERE?

For majority of the respondents (31.6%) entering to work in these sectors was not having education or skills for other jobs and for another significant numbers of respondents (17.5%), works in these sectors are easy. However, for few numbers of respondents (3.5%) they were forcedly brought to work as the economic condition of their home was not good and they had to earn for the family. Despite unwillingness to work in restaurant, one girl was brought to the work by her aunt because her parents were in poor economic condition and they wanted her to earn something for family. Another girl was forced to leave home in peer pressure. (Table 5.14)

Table 5.14: Reasons for working in these sectors

	Frequency	Percent
Force/Coercion	2	3.5%
By Interest	6	10.5%
Easy job	10	17.5%
No education or skills for other job	18	31.6%
No other job opportunities even after education	9	15.8%
Other Reasons	12	21.1%
Total	57	100.0%

The study also identified that workers not having interest to come into the entertainment sectors were forced by their friends which they could not deny. A respondent in the field survey said:

“My family was poor. I had a pressure to earn but I had no education and skills. One of my friends had similar situation like mine. She suggested that working in restaurants would be easier than other works and we can get job there. She kept on pressuring me to leave home and go with home to search for job. Lastly, we both left home, came to Kathmandu and started working in restaurant.” **A respondent in the field survey**

5.15 ARE YOU FORCED AT WORK EVEN WHEN YOU DO NOT WANT TO?

The study identified that in the entertainment sectors, workers do not have fixed leave days. These sectors keep on moving all seven days of the week and these sectors have demand of workers every evening. Survey result showed that almost half of the respondents were forced to work even when they wanted rest or leave but half of the respondents informed that they were not forced. (Table 5.15)

Table 5.15: Forced work

Frequency	Percent
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No	29	50.9%
Yes	28	49.1%
Total	57	100.0%

Entertainment and hospitality sector workers do not have choice or capacity to say yes or no when they are in hardships and no one to help them as expressed by a survey respondent:

“When you have hardships, difficulties, no education or skills and when the owners know that you are from rural village without relatives in the city, they know how to exploit you. When they know that you are not in the position to leave the job, they force you to do everything. They don’t pay you adequately or don’t pay on time. They give your salary as pocket money in many installments. Sometimes they force us to go with clients.” **A respondent in the field survey**

5.16 ON AN AVERAGE, HOW MANY HOURS DO YOU WORK IN A DAY?

More than a half of the respondents (56.1%) reported that they worked less than eight hours a day. (Table 5.16) Despite most of them worked less than eight hours a day, they were all monthly salary-based staffs and their work was counted based on days they appeared to work, not on actual hours they worked.

Table 5.16: Hours of work

	Frequency	Percent
Less than 8 hours	32	56.1%
More than 8 hours	25	43.9%
Total	57	100.0%

Most workers in dance bars and *dobori* restaurants have works only in the evenings. So, they generally, they have less time to work with exception of weekends. In weekends, they worked for more hours compared to other days. Less hours of work results on less payment. A FGD participant shared:

“Dance bars and dobori restaurants are busy in late evenings. Generally, we go to work at 3:00-4:00 pm and restaurants should be closed by 10:00 pm. Sometimes the owners shut the shutters and the restaurants open until 2:00 am and we go to our rooms early morning.” **A participant in the FGD with entertainment sector workers**

5.17 ARE YOU PAID FOR THE OVERTIME WORK YOU DO?

A huge majority of the respondents informed that they are not paid for the overtime. Though dance bars and *dohori* restaurants open mostly in the evenings, other restaurants are opened all day long and open until late evening. Some workers have to work more than eight hours a day. (Table 5.17)

Table 5.17: Overtime for the work

	Frequency	Percent
Yes	4	7.0%
No	50	87.7%
Sometimes	3	5.3%
Total	57	100.0%

In cabin restaurants, *dohori*, dance bars, and massage parlours like workplaces, the employees do not get written contract nor are they provided their job descriptions. Some days they work more and some days less. As informed by participants, anyone has hardly received overtime payment even if they worked more than eight hours a day.

"I have never heard of what is overtime payment. If we get what we were promised to be paid, that would be enough." **A participant in the FGD with entertainment sector workers**

5.18 DO YOU KNOW WHETHER YOUR FRIENDS HAVE BEEN SEXUALLY EXPLOITED OR AT RISK OF EXPLOITATION?

More than two-third of the respondents (70.2%) informed that their coworkers were sexually exploited or at risk of exploitation. (Table 5.18)

Table 5.18: Sexual exploitation of coworkers

	Frequency	Percent
Yes	40	70.2%
No	17	29.8%
Total	57	100.0%

As almost all workers are situated in the same conditions. They are young; they are living far from the family on their own; they do not have any one to support them and they need job in any condition. A participant in the FGD expressed:

"Almost all of us have same family background and personal situations. Some compromise with the situation and agree to do everything for money. Some agree to sell their body but for some, if their soul do not accept to be abused and exploited, they have no option to tolerate labour exploitation as they have no other livelihood option."

5.19 HOW DIGNIFIED DO YOU FEEL IN YOUR CURRENT WORK?

Overwhelming majority of the respondents (71.9%) considered that the work they were doing was not dignified at all, whereas, near to quarter (22.8%) considered not much dignified. But few numbers (5.3%) considered the work as dignified. (Table 5.19)

Table 5.19: Perception on the nature of work as dignified or not

	Frequency	Percent
Dignified	3	5.3%
Not much Dignified	13	22.8%
Not Dignified at all	41	71.9%
Total	57	100.0%

Most respondents in the survey felt their work undignified as they have no control over their choices, they have to accept all works and situations because they have no other livelihood options. They are at risk of abuse and exploitation. Moreover, the way people think about them is humiliating as shared by a survey participant:

“I realized that when a girl agrees to work in these sectors, you have to compromise your dignity. We even do not get rooms for rent if the landlord knew that we work in dance bars, dohori or cabin restaurants. Room rents for us is much higher than other people. We are considered as prostitute.” **A participant in the field survey**

A participant in the FGD expressed:

“I was new in the restaurant. I even didn’t know how to serve food or tea. A customer started asking about my name, address, causes of working in the restaurant and many more. I had no idea whether to share all information or not and answered all his questions. Then he asked me to go with him by which I could make more money. It was a shocking proposal for me and I just slapped that person. I realized that how girls in this type of working place are considered. They think that we are always to sell our body for money. Working in these types of place is not dignified at all.” **A participant in the FGD**

5.20 IDENTIFY VIABLE LIVELIHOOD OPTIONS FOR YOUNG PEOPLE WORKING IN ENTERTAINMENT SECTORS

As most of the respondents did not have much formal education, or employable skills, they had not much options for their livelihood other than working in the entertainment and hospitality sectors. They wanted to work with dignity without abuse and exploitation. In the FGD, some expressed their willingness to go abroad to work and some others were willing to open their own restaurants or beauty parlor when they have sufficient money to do so.

5.21 DO YOU HAVE ANY PREVIOUS JOB EXPERIENCE?

More than a half of the respondents had previous job experience and all of these respondents worked some kind of hospitality or entertainment sectors. (Table 5.21)

Table 5.21: Job experience

	Frequency	Percent
Yes	32	56.1%
No	25	43.9%
Total	57	100.0%

5.22 WHETHER THERE WAS ABUSE IN YOUR PREVIOUS JOB?

Out of 32 respondents (56.1%) who already worked in hospitality and entertainment sectors before starting to work in the current workplace, slightly more than a quarter (28.1%) informed that they were abused in their previous job. (Table 5.22) This shows that abuse against workers in the entertainment and hospitality sector is prevalent.

Table 5.22: Abuse in previous job

	Count	Table Total N %
Yes	9	28.1%
No	23	71.9%
Total	32	100.0%

5.23 HAVE YOU EVER BEEN ABUSED AT CURRENT WORK?

More than two-third of the respondents (68.4%) informed that they were abused in their current work. (Table 5.23)

Table 5.23: Abuse at work

	Frequency	Percent
No	18	31.6%
Yes	39	68.4%
Total	57	100.0%

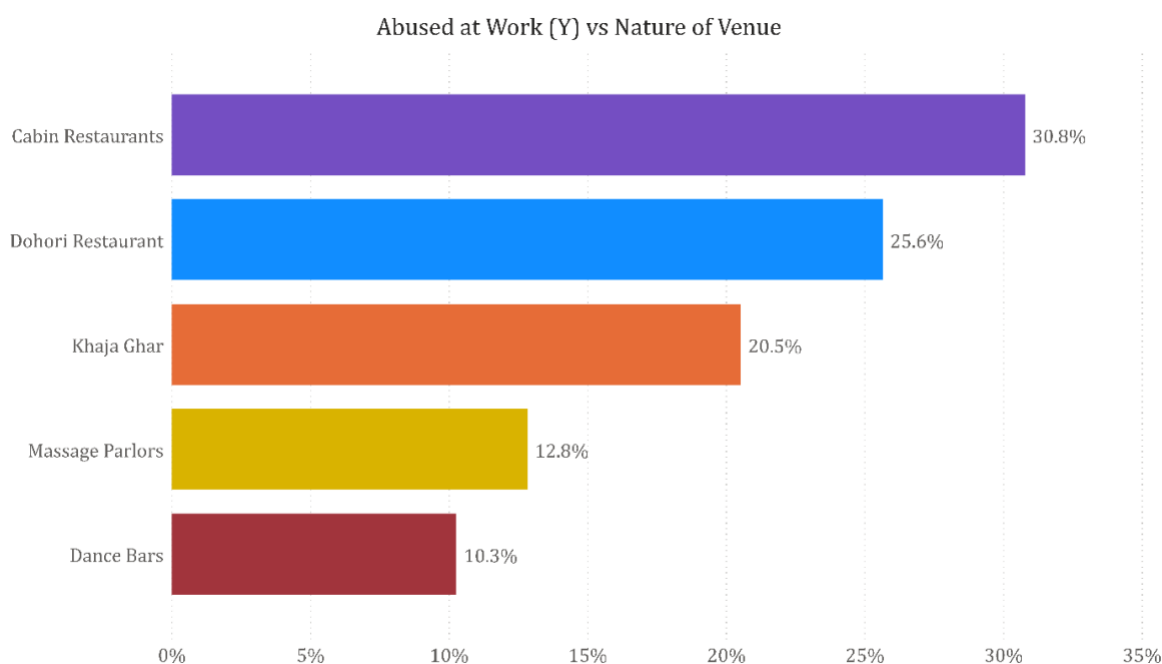
The participants informed that workplace abuse as a everyday routine.

"We face with various types of people every day. Some ask to go with them and some touch us. They think that they can do whatever they like to do with us." **A participant in FGD with entertainment sector workers**

5.24 ABUSED AT WORK (YES) V. NATURE OF VENUE

Among the 39 respondents (68.4%) who informed of being abused at work, most of them worked in cabin restaurants (30.8%) followed by *khaja ghar* (25.6%) and massage parlors (12.8%). (Figure: 5.24)

Figure 5.24: Nature of venue and abuse



Rights activists and representatives of organizations working for the women and girls working in the entertainment and hospitality sectors also viewed that there is abuse and exploitation in these sectors. Some of the participants in the FGD with CSOs also came from the similar work background and informed as below:

“Many restaurants owners are powerful people previously worked as police or army. If there were no abuse and exploitations, why there are so many organizations working for the rights of the workers there? Though we are the rights activists now, many of us came from the same background, we worked in those sectors and we know what happens there.” **An entertainment sector worker’s rights activists in a FGD with CSO**

Another participant expressed the similar views on abuse and exploitation:

“We do not get food in khaja ghar (tiffin home). These venues are being used as point for setting up connections. Girls are called as per setting. While rescuing 19 girls from a khaja ghar, we found six to be minors and out of them, two girls were found with temporary contraceptive tool (Norplant) implanted in their arms.” **An entertainment sector worker’s rights activists in a FGD with CSO**

5.25 ABUSED AT WORK (YES) - NATURE OF VENUE V. TYPE OF ABUSE

Among the 39 respondents (68.4%) who informed of being abused at work, they faced inappropriate touching, requests for sexual favour, and attempted rape. These types of abuses were the most prevalent types of abuse. Most of the respondents reported that they were abused in more than one form as mentioned above, such as, inappropriate touching, requests for sexual favour, and attempted rape. (Table: 5.25)

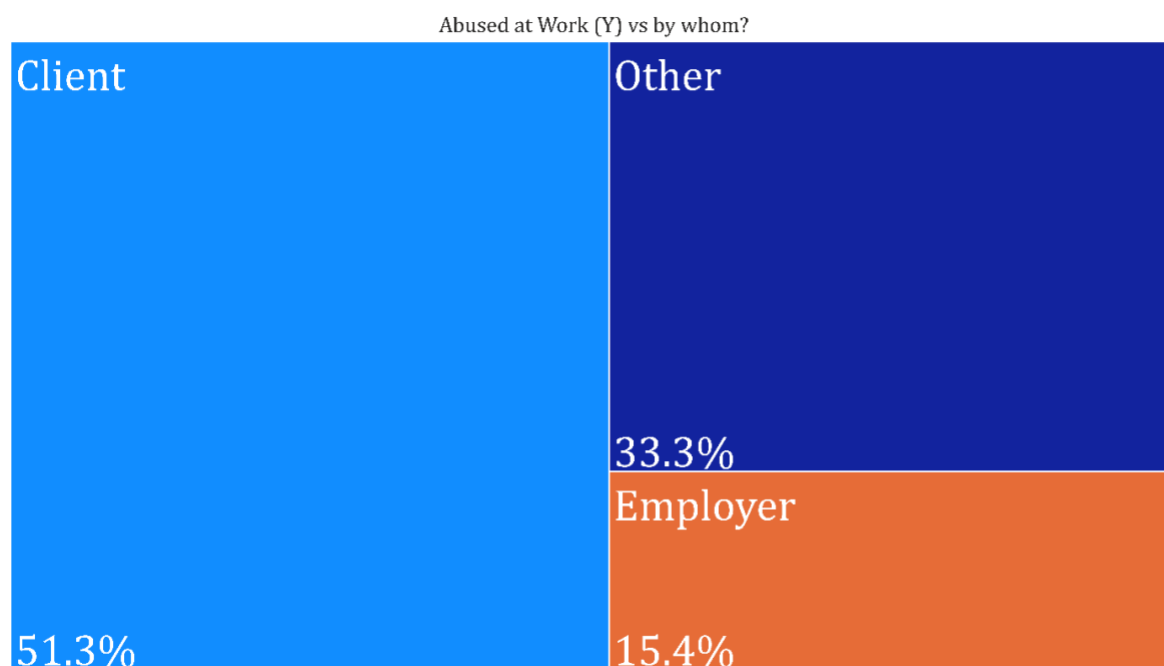
Table: 5.25: Nature of venue and type of abuse

		Count	Percent
Cabin Restaurants	Inappropriate touching	2	5.1%
	One or more forms of abuse	10	25.6%
	Total	12	30.8%
Massage Parlours	One or more forms of abuse	5	12.8%
	Total	5	12.8%
Dance Bars	Request for sexual favours	1	2.6%
	One or more forms of abuse	3	7.7%
	Total	4	10.3%
Khaja Ghar	Attempted rape	1	2.6%
	One or more forms of abuse	7	17.9%
	Total	8	20.5%
Dohori Restaurant	Request for sexual favours	1	2.6%
	One or more forms of abuse	9	23.1%
		10	25.6%

5.26 ABUSED AT WORK (YES) - WHO ABUSED AT WORK?

More than a half of the respondents (51.3%) informed that the client at their workplace were the abusers, whereas, 15.4% informed that the employers were the abusers. For 33.3% of the respondents (others category), they were the employer, employer's friends or relatives or coworkers as abusers. (Figure: 5.26)

Figure 5.26: Abuser



“One day the owner and his friends had a gathering and celebration at the restaurant where I worked. They were eating, drinking and dancing in loud music. One person in the gathering was drunk. Whenever he saw me, he made bad remarks about me and used vulgar and abusive language. Other person in the gathering just laughed, including the owner. He did not stop his friend from making bad remarks against me.” **A participant in the field survey.**

5.27 ABUSED AT WORK (YES) - AGE BREAKDOWN

Among the respondents abused at work, one-third (33.3%) of them were between 14 to 18 years of age, almost similar numbers (30.8%) were between 19-23 and less than a quarter (20.5%) were between 24 to 33 years old. (Table 5.27) This demonstrates that workers in the age category 14 to 18 years of age in these sectors are more prone to abuse and exploitation. Younger workers are more vulnerable and they are likely to be victimized.

Table: 5.27: Abuse at work and age breakdown

	Count	Column Total N %
Below 14 years	0	0.0%
14 - 18	13	33.3%
19 -23	12	30.8%
24-28	8	20.5%
29-33	5	12.8%
34 and above	1	2.6%
Total	39	100.0%

5.28 ABUSED AT WORK (YES) - AGE AND TYPE OF ABUSE BREAKDOWN

Among the respondents, 30.8% persons in 14 to 18 age category faced more than one form of abuse that included inappropriate touching, requests for sexual favours and attempted rape. In this age category, one respondent informed that she was attempted to rape. Likewise, 23.1% of the respondents in the age category of 19 to 23 years old informed about multiple forms of abuse at work. Similarly, 20.5% respondents of the age category 24 to 28, 12.8% respondents of age category 29 to 33 and 2.6% respondents of the age category 34 and above informed that they were abused in multiple ways which included inappropriate touching, requests for sexual favour and attempted rape. (Table: 5.28)

Table 5.28: Abuse at work and type

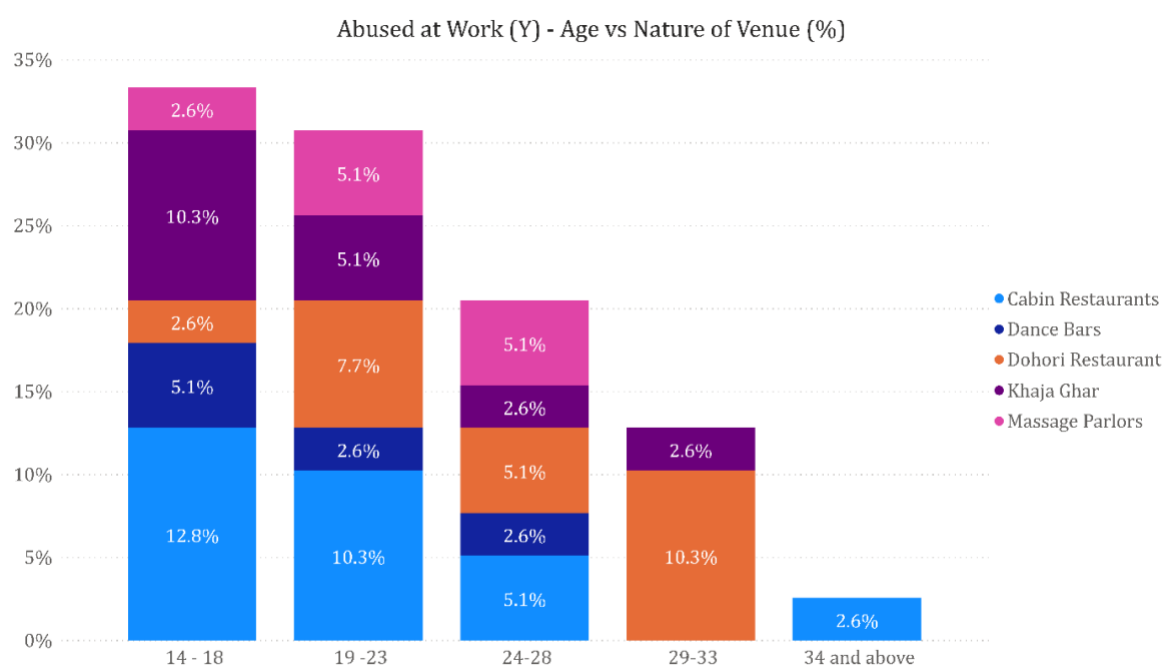
		Count	Table Total N %
14 – 18	Attempted rape	1	2.6%
	One or more of the above	12	30.8%
	Total	13	33.3%
19 -23	Inappropriate touching	2	5.1%
	Request for sexual favours	1	2.6%
	One or more of the above	9	23.1%
	Total	12	30.8%
24-28	Request for sexual favours	1	2.6%
	One or more of the above	7	17.9%
	Total	8	20.5%
29-33	One or more of the above	5	12.8%
	Total	5	12.8%
34 and above	One or more of the above	1	2.6%
	Total	1	2.6%

5.29 Abused at work: venue v. age breakdown

Majority of the respondents between 14 to 18 years of age currently working in cabin restaurants (12.8%) followed by persons currently working in *kbaja ghar* (10.3%) informed that they were abused at work. Similarly, majority of the persons between 19-23 years of age (10.3%) informed that they were abused in cabin restaurants while those between 24 to 28 reported that they were mostly abused in cabin restaurants (5.1%), *Dobori* restaurants (5.1%) and massage parlors (5.1%), where they are currently working. However for majority of the workers between the ages 29 to 33 years (10.3%), they were abused in *dobori* restaurants. These were the current places of work of the

respondents. (Figure 5.29) The figure shows that young workers below 24 are more likely to be abused in cabin restaurants.

Figure 5.29: Abused at work: venue v. age breakdown



5.30 ABUSED AT WORK (YES) – COMMUNICATED TO OTHER PERSON?

Out of the 39 respondents who informed that they were abused at work, 74.4% reported the incident whereas, 25.6% did not report at all. (Table 5.30)

Table 5.30: Abuse communicated

	Count	Column Total N %
No	10	25.6%
Yes	29	74.4%
Total	39	100.0%

Participants in the FGD informed that the entertainment sector workers are so powerless and vulnerable that they are not in the position to report about their abuse at work. As shared by the FGD participants, fear of losing the job is the main reason for not reporting of their abuse at work. A participant expressed:

“If you complain of what is going on, that means you are ready to lose the job. Either you accept, tolerate what is going on or you leave the job.” A participant in a FGD with entertainment sector workers

5.31 ABUSED AT WORK (YES) & COMMUNICATED TO ANOTHER PERSON (YES) – BREAKDOWN

Out of 29 persons who communicated about the abuse, most of them informed about the incident to their coworkers (43.6%) and only 5.1% reported the incident to the police. (Table 5.31)

Table 5.31: Communication of the incident

	Count	Column Total N %
Family member	3	7.7%
Co-workers	17	43.6%
Owner/Boss	1	2.6%
NGO's/ Social Service Organizations	5	12.8%
Police	2	5.1%
Hospital	0	0.0%
Other	1	2.6%
Total	29	100.0%

In the FGD with entertainment sector workers, they informed that when any customer(s) harass or try to abuse their co-workers, they get united and defend their friend(s). They even do not hesitate to take physical action against such perpetrator(s). One of the participants shared that when she informed the restaurant owner, her boss, about a customer asking for sexual favour, the boss supported her and told the customer to never return to his restaurant again (described in quote 5.32). The participants also informed that the police takes action only if the abuse is of serious nature, like, rape or attempt to rape.

5.32 HAS ANYONE AT WORK EVER ASKED YOU TO ENGAGE IN INTIMATE ACTIVITIES?

More than two-third of the respondents informed that they were asked to engage in intimate activities at work. (Table 5.32)

Table 5.32: Asked you to engage in intimate activities

	Frequency	Percent
No	19	33.3%
Yes	38	66.7%
Total	57	100.0%

The study also identified that workers do not always tolerate abuse against them but sometimes respond strongly, as quoted below:

“I was in the job just a day before and completely new to the sector. One customer asked me to go with him, I felt annoyed and just slapped. The owner of the restaurant where I worked was a good person. He supported me and scolded to that person and never let him come to

his restaurant. But not all restaurants are good. Many girls are forced to go with the customers. The owners ask to take it easy if the customers flirt."

5.33 REQUEST TO ENGAGE IN INTIMATE ACTIVITIES (YES) VS EXPECTING PART OF JOB

Out of 38 respondents who had been asked to engage in intimate activities, 92.1% did not think this kind of requests as a part of job, whereas, 7.9% considered such requests as the part of the job. (Table 5.33)

Table 5.33: Views on requests for engaging in intimate activities

	Count	Column Total N %
Yes	3	7.9%
No	35	92.1%
Total	38	100.0%

5.34 DO YOU GET TO KEEP THE ENTIRE AMOUNT YOU EARN HERE?

Though majority of the respondents were free to keep their income, more than a quarter (29.8%) were not free to keep all their income. (Table 5.34)

Table 5.34: Free to keep income

	Frequency	Percent
Yes	40	70.2%
No	17	29.8%
Total	57	100.0%

5.35 IF YOU DO NOT GET TO KEEP THE ENTIRE AMOUNT YOU EARN, WHO TAKES HOW MUCH OF YOUR INCOME? AMOUNT?

For near to a quarter (23.5%) of the respondents, it was up to the owner's wish whether they could keep their entire earning, whereas, for rest of the respondents, there was mixed comments. They had to share the earning with some others, willingly or unwillingly. The respondents (11.8%) also informed that when they gave their earning to the owner to keep it safely for them, but when returning the amount, the owner had deducted a huge amount. (Table 5.35)

Table 5.35: Keeping the entire earning with oneself

	Count	Column Total N %
How much I keep depends on owner's wish	4	23.5%
Owner takes the amount as he likes	2	11.8%

	Count	Column Total N %
If I give 2000 to the owner to keep, he only returns me 500	2	11.8%
Have to share my tip money with co-workers	2	11.8%
My salary goes towards study	1	5.9%
Owner takes half of my income	1	5.9%
If I earn 1500, owner takes 900 off it	1	5.9%
I get about 5000 in tips every month but the sister/friend who brought me to work takes half of it	1	5.9%
Have to share my tip and regular wage money with co-workers	1	5.9%
All employees divide the money, no set salary	1	5.9%
Needs to give 200 to 300 per week to the owner	1	5.9%
Total	17	100.0%

5.36 DO YOU THINK YOU ARE FREE TO LEAVE THIS JOB AT ANY TIME ON YOUR OWN CHOICE?

Though majority of the respondents (73.7%) thought that they were free to leave the job anytime on their own choice but more than a quarter (26.3%) expressed that they cannot leave the job anytime as they wished to do so. (Table 5.36)

Table 5.36: Free to leave the job

	Frequency	Percent
Yes	42	73.7%
No	15	26.3%
Total	57	100.0%

5.37 WHY DO YOU THINK THAT YOU ARE NOT FREE TO LEAVE THIS JOB AT ANY TIME ON YOUR OWN CHOICE? (NO) – BREAKDOWN

Out of 15(26.3%) respondents who thought that they were not free to leave the job as they wished, were mainly because of reasons such as being too far from home and not knowing where to go (26.7% of respondents) and threats of infliction of physical violence that prevented them from leaving the job (20%). (Table 5.37)

Table 5.37: Fee to leave job: No (Reasons)

	Count	Column Total N %
Threat of physical violence	3	20.0%
Withholding of ID cards/citizenships	1	6.7%
Too far from home, don't know where to go	4	26.7%
Fear of Legal actions	1	6.7%

Other	6	40.0%
Total	15	100.0%

5.38 REASONS FOR NOT BEING FREE TO LEAVE THE JOB (OTHERS)

Two-fifth of the respondents (40%) provided other reasons for not being free to leave job that included not having confidence of leaving the job as they wanted, deduction of salary of 10 days by the owners, lack of money to stay without job, money held by owner, bound by the signed contract as well as bonus amount (debt) received when signed the contract, and being uneducated and having no alternatives. (Table 5.38)

Table 5.38: Reasons for not being free to leave the job

	Count	Column Total N %
10 day salary deduction	1	16.7%
Lack of Money	1	16.7%
Money held up by owner	1	16.7%
Signed contract	1	16.7%
Signed contract with bonus money	1	16.7%
Uneducated	1	16.7%
Total	6	100.0%

Respondents who informed that they are not in the condition to leave the job had their own reasons. Some are fearful of legal consequence which they do not know properly. Among such workers, a participant expressed as below:

“The owner of the restaurant, where I work, told me sign in a paper. I signed without reading. Later he told me that now I am bound to work for him. If I left the job without his consent, he would file a case against me in police. I have no idea. I am afraid to leave the job.” **A participant in the FGD with entertainment sector workers**

Another participant shared her own reason for not being able to leave the work as below:

“The owner of my restaurant never pays me in full. He hold my money and I have to get a huge sum of money from him. He has threatened that if I left, he will not return my money. So, I am stuck at the place of my work. Neither I get my money back nor can I forget the income of my hard work with him. He keeps on telling me that there is no proof that he has kept my money.” **A participant in the FGD with entertainment sector workers**

CASE STUDIES

Case: 1

Human Trafficking and Transportation (Case No.: C1-0170)

Fact of the Case:

Balaju 075-076 (30) (Code name of the Survivor), originally from Bardibas, Mohattari District, was in search of a job in Kathmandu when she was initially offered the job of waitress by a man (Raj) she met in streets of Gongabu. Later the man referred her to a person named AP (Perpetrator) who, after knowing her poor economic conditions, enticed her into prostitution in return of Rs 60,000/- per month. Perpetrator took her to hotels & lodges and used her into prostitution. Furthermore, she was not allowed to go home; was repeatedly threatened; forcibly made to work even at poor health condition and shockingly not provided with the initially promised salary amount as well. Later she filed the FIR against AP accusing him of sexually exploiting her by taking advantage of her vulnerable economic and social position. Based on her FIR, the perpetrator was arrested and taken into custody for further investigation.

Charge Sheet:

During the investigation, the perpetrator repeatedly denied the accusations and recorded his statement that the charges were merely based on the grudges against him as he had not paid back the loan he had taken from the survivor. Nevertheless, a Charge Sheet was filed against the perpetrator (AP) for enticing the survivor (Balaju 075-076 (30)) to engage into prostitution. Considering that the activities carried out by the perpetrator were in contrary to the section 1, 3 and 4(1.Kha) of the Human Trafficking and Transportation (Control) Act, 2064, he was charged, on the basis of section 15(1.Kha) of the same Act, with ten years to fifteen years of imprisonment and a fine of fifty thousand rupees to one hundred thousand rupees for forcing into prostitution, with or without financial benefit.

Decision of the Court:

Survivor came to Court as witness and gave statement in line with the statement recorded during the investigation process; which was considered as an evidence under section 10(1. Kha) of Evidence Act, 2031. Also, the perpetrator could not provide any proof to support his claims of innocence; thereby, Kathmandu District Court (on 2076-11-15) held that the perpetrator had forced the survivor into prostitution and it's an offence under section 4 of Human Trafficking and Transportation Control Act, 2064. Hence, the perpetrator was sentenced to 12 years and 6 months of imprisonment and a fine of Rs. 50,000/- as per section 15(1. Kha) of the Act. Also, the court issued an order in the name of perpetrator to provide compensation of Rs. 50,000/- to the survivor and in addition give Rs. 5,00,000/- as she was initially promised by the perpetrator.

Case 2

Brief of FIR filed in Metropolitan Police Circle (महानगरिय प्रहरी वृत्त), Swayambu

Swayambhu- 15 and Swayambhu- 16 (Code name of the Survivors) were living in a rented room in a Municipality in Kathmandu District, and were in search of job in Kathmandu. In the meantime, the accused- KG (changed name) and A.M (changed name), who were running a hotel nearby survivors' room, offered to pay the rent of the survivors' room and bear their living expenses if they would sleep with the customers who came to the hotel. Thus, the survivors were used into prostitution and the accused made money out of it.

The survivors later came to know about the benefits made by the accused and were in search of other job, when in the meantime (2076-09-25) the police rescued them. Subsequently, the survivors filed a FIR at Metropolitan Police Swayambhu (महानगरिय प्रहरी वृत्त) accusing RG and AM of Human trafficking and transportation. The police have completed the investigation and forwarded the case to Kathmandu District Government Attorney's Office for prosecution; RG and AM have been accused of committing crime against section 4 *kha* and punishment under section 15.1 *Kha* of the Human Trafficking and Transportation (Control) Act, 2064 have been sought.

Case 3

Naya Baneshwor 26 (81) 075/076 (Code name of the Survivor) a 17 year old girl worked in the restaurant named *Purbeli Khaja Ghar* located at Kathmandu District, KMC ward no. 32 which was run by a person named Singha Bahadur Tamang. In the first week of Baisakh 2076, the survivor got a job in the restaurant with 15,000/- salary per month; for the first two weeks she was only made to cook food and wash the utensils. Later on, she was asked to sleep with the customers and in return she was offered Rs 2000/- per customer- to which she blatantly refused. She was badly beaten up on 15 June, 2019 (B.S.2076-02-32), locked up and not allowed to return to her room until late at night with the intent to force her into having sex with the customers. Afterwards, she informed her brother about the incident and consequently, he informed the police who came to her help to release her. Later on, the survivor filed a FIR against Singha Bahadur Tamang seeking punishment under human trafficking and transportation.

The police has sent the case to Kathmandu District Government Attorney's Office for prosecution accusing Singha Bahadur Tamang of committing offence against 4.1 *Kha* and 4.2 *Kha* and seeking punishment under section 15.1 *Kha* & section 8 of Human Trafficking and Transportation (Control) Act, 2064. Additionally, he has been charged of abetting in the commission of rape of a minor under Chapter 18, section 219(3) *Gha* of Criminal Code 2017 (*Muluki Aparadh Sanhita*) and as per section 36 of Chapter 3 of the code (encouraging or assisting to commit crime). The case is sub-judice in Kathmandu District Court.

Case 4

Naya Baneshwor 26(91) 075/76 (Code name of the Survivor), a 15 year old girl originally from Beni, came to Kathmandu along with Ram Maya Pariyar (her villager) who was bringing her sister SP along with her while coming to Kathmandu. She left home without informing her family and stayed with Ram Maya for 3 months, afterward Ram Maya introduced the survivor as well as SP to her boss Shantamaya Tamang and Suman Gurung; who initially asked the survivor to cook food and work as waitress and later on she was sent to several guest houses to sleep with customers. For sleeping with each customer she received Rs 500/- and Rs 500/- each was kept by the owner and Ram Maya Pariyar. Meanwhile, on 2076-03-18 police raided the place rescued her as she was a minor; later she filed a FIR against Shantamaya Tamang, Suman Gurung and Ram Maya Pariyar.

The police sent the case to Kathmandu District Government Attorney's Office for prosecution accusing Shantamaya Tamang, Suman Gurung and Ram Maya Pariyar of committing offence against 4.1 *Kha* and 4.2 *Kha* and seeking punishment under section 15.1 *Kha* and *ड -2 छ* section 8 of Human Trafficking and Transportation (Control) Act, 2064. The case is sub judice in Kathmandu District Court.

Case 5

Naya Baneshwor 26(14) 074/075 (Code name of the Survivor), was in search of job and on Bhadra 2074 she met Ananda Lama Thokar and Fulmaya Moktan, owners of Alisa Guest House and Sekuwa Corner situated at Kathmandu District, KMC-32, Jadibuti. She was offered a job which would involve domestic chores in their house and a salary of Rs. 10,000/- per month, to which she agreed. However, after 1/2 days of work, she was coerced to sleep with the customers for Rs. 1500/- to Rs. 2500/- per customer. Survivor filed a FIR against Ananda Lama Thokar and Fulmaya Moktan accusing them of forcibly engaging her in prostitution.

The police sent the case to Kathmandu District Government Attorney's Office for prosecution accusing Ananda Lama Thokar and Fulmaya Moktan of committing offence against 4.1 *Kha* and seeking punishment under section 15.1 *Kha* and compensation to the survivor as per section 17 of Human Trafficking and Transportation (Control) Act, 2064. The case is sub judice in Kathmandu District Court.

Case 6

Brief of FIR filed in Metropolitan Police (महानगरिय प्रहरी वृत्त), Maharajgunj

Srijana Pun Magar (name changed), aged 15, originally from Nuwakot and Uttara Kumari Subedi (name changed), aged 43, originally from Sindhuli (Survivors) together filed a FIR on Magh 07, 2075 against Raju Chantel and his wife Manu Chantel, who ran Kabita Khaja Ghar situated at Kathmandu District, KMC- Gongabu.

Uttara Kumari Subedi was living in Kathmandu and was working as a manual labourers to make her living and look after her small kids. With growing age and responsibilities she decided to leave the work and was in search of a new job when she met Raju Chantel and his wife Manu Chantel (in Jestha 2075) who appointed her as a waitress in Kabita Khaja Ghar- to which she agreed. However, from the first day itself she was forced to have sex with the customers despite her repeated denial. Raju Chantel and Manu Chantel collected money from the customers and never gave any money to the survivor while the survivor was also constantly abused, beaten up, and forced to have sex at all times- with even up to 32 men in a single day. Raju Chantel and Manu Chantel had threatened her that they had sufficient money and they would even spend 50 Lakh to kill her if she told about it to anyone including police. Not able to bear for long, she escaped and came to police.

Similarly, Srijana Pun Magar came to Kathmandu about 2 years before (from the date the FIR was filed) to study at a school. However, she failed her SEE exams and in the meantime her mother passed away. So, she started looking for a job and ended up meeting a person who assured her that he had work related to household chores at one of the houses in Kathmandu. On Poush 15, 2075 he called Raju Chantel's cousin- Bishal Chantel around Gongabu bus park from where Bishal took her to Kabita Khaja Ghar. From next day onwards, Srijana was not allowed to go anywhere and held captive by Raju Chantel and Manu Chantel. She was forced to have sex with customers despite her constant dissent and they threatened her that they had sufficient money and they would even spend 50 Lakh to kill her if she told about it to anyone including police. She was forced to sleep with up to 25 men in a single day. Not able to bear for long, she escaped at night on Magh 06, 2075 and came to police.

Both the survivors have filed a FIR accusing Raju Chantel and Manu Chantel of committing crime against Human Trafficking and Transportation (Control) Act, 2064 by holding them as captives and forcing into prostitution. They have also sought for compensation as per the Act.

Case 7

Brief of FIR filed in District Police Office, Nuwakot

Nuwakot (6) (S), Nuwakot (5) (A), Nuwakot 7 (M) (Code name of the Survivors)

Nuwakot (6) (S) and Nuwakot (5) (A) both were villagers in a rural place of Nuwakot, District. Both of them had lost their mother and they were not properly looked after by their father, making their lives difficult. So both of them decided to go to city and earn for themselves; and accordingly they left for Bidur bazaar (one month before the FIR was filed). In search of job, they reached Sangrila Hotel and met the owner Manju Basnet, who exchanged mobile numbers with them and assured them to help them find jobs. Then, Manju Basnet called them and asked to meet her at the hotel a few days later; to which both Nuwakot (6) (S) and Nuwakot (5) (A) agreed and went to meet, where they also met Nuwakot 7 (M). All three of them were promised a good job and provided with a bedroom with attached bathroom in the same hotel. Afterwards, Manju Basnet brought men to their rooms and asked to have sex with them. Despite their

denial, they were locked up inside the room & forced to have sex with the customers and in return they were provided Rs. 500/- per customer.

They were enticed to engage in prostitution within the hotel and also outside as per the order of Manju Basnet. On Bhadra 29, 2075 Nuwakot (5) (A) was informed that there was an order from Subani Lama (Nuwakot, Bidur Municipality-1) and there were two men whom she had to sleep with. She went to the house of Subani Lama and found Madhusudan Rimal and Ramesh Aryal- both of whom were high on weeds (drugs). She was asked to have group sex- to which she denied which resulted in loud arguments when she was forced by Subani Lama. Hearing the noise, the neighbors informed the police and during the police intervention, Madhusudan Rimal and Ramesh Aryal were caught in the position to have sex with Nuwakot (5) (A) with condoms in their hands. The police took all of the involved into custody, and later, the police also took in custody Nuwakot (6) (S) who was with Surendra Kumal and Nuwakot 7 (M) from the Sangrila Hotel.

Subsequently, the survivors filed a FIR against Manju Basnet, Subani Lama, Madhusudan Rimal, Ramesh Aryal and Surendra Kumal accusing them of committing crime against Human Trafficking and Transportation (Control) Act, 2064 by holding them as captives, and forcing them into prostitution.

Case 8

I am Saru (Name changed) 21 years old from hilly region of Nepal. I have younger brother and sister. My father does labor work but he is very drunkard, Most of the time he doesn't go to work. So, it was hard to fulfill our daily basic needs. He always beat my mother. As my father didn't look after us, my mother started to work in other's home and doing all the household work.

When I was 5 years old, because of poor economic condition my parents sent me to unknown house where I studied up to Grade 8, doing all the household works. I was depressed remembering my family and it was hard to live, feeling insecure. As days passed, I was introduced to cigarette and tobacco by my and got addicted. Then, I started to work in hotel in Butwal (Pyuthan Hotel) hotel. At first I worked as helper, washing utensils, cleaning room but gradually, the hotel owner forced me to have sexual relationship with his customers. I denied, cried but I was forcefully driven in that bad work. Each day my body sold for other's interest. There I was not alone, my friends also became victims of it. I was frightened each day, I used to think that this would be the last day of my while going with customers. I stayed there for 7-8 months and it became hard to live because each day I had to stay with different men. Then, I made plan with friends to cry out for help in loud voice. Fortunately, the neighbors listened to our voices and they called police.

I was free from that hell but when I went to home my mother was sick. While working some bricks fell in her leg and she was not able to walk. I started to collect some wood and sell but it was hard to fulfill our daily needs. My younger brother got in jail because of my father's mistake

as he took blame of my father's behavior. I was depressed and even attempted suicide taking harmful drugs. Then, one day while I was staying at home, one of the Indian customers whom I knew at hotel called me and started to lure me by saying that he loved me and wanted to get married with me. I believed on him, and since i didn't have any options, I was going to meet him without informing anyone. While crossing the border, one organization counseled me and called KIN staffs. I stayed for some days with the sisters of KIN NEPAL and later I chose to come to safe home.

Now, I am in safe home. I want to learn fast food business. I am thankful to KIN NEPAL for supporting me.

Case 9

I am Rina (Name Changed) 15 years old from Terai area of Nepal. I have an elder sister. I spent my childhood in deep pain. I lost my father in early age. He died and left us alone. After sometime, my mother did second marriage. My step father did not treat me well. I could not study up to Grade 6 because of economic problem in home.

One day, my father's sister insisted me to work in hotel and earn some money for better living and I also accepted it. Then, she took me to Butwal from Kapilvastu and left me in a hotel. At first, I washed utensils and cleaned the room but later I had to spend my day and night with different men. Actually, I had to work as sex worker. Each day I cried a lot. Sometime, I tried to run away from there but I always failed. They caught me, brought me back and again made me engaged to do that work. When I refused, they torture me by keeping a burning cigarette in my hand. I had to stay with 5 or 6 men in a day and 3-4 men in the night. At day they were Nepali but at night they were Indian. I was forcefully doing that work with unlimited pain. I spent my dark days for three months. I was physically and mentally tormented. My body was sold in the hotel. Fortunately, I got chance to call my mother one day and she came and took me back to home.

However, at home my own mother also started to behave differently with me and I had to listened many things from my neighbors. My neighbors questioned upon my character. Then, I decide to leave home and left home to go India where my mother's elder sister lived. While going through Krishna Nagar, one of the staff of KIN NEPAL asked me some questions and I answered them honestly. I shared all the incident and pain of my life. They informed me the danger of human trafficking and counseled me to fight for justice. That made me feel good and I committed myself to fight for justice. I registered the human trafficking case against the hotel owner who spoiled my life with the support of organization named KIN at district court in Rupandehi.

Case 10

Pooja Pun Magar was inhabitant of Salyan district. She came to Kathmandu ten months ago to record her song and create an album. She used to stay with her friend in her rent, later she left that room because the landlord of the house told more people can't stay in a single room. Then, she used to stay alone near Gongabu in a single room. She used to work in Dohori Sanjh named Chandragiri Dohori Sanjh. She became familiar with the customers of the Dohori Sanjh, and one costumer even started following her while the owner also encouraged her to keep relation with that costumer. That's why she left that dohori sanjh and started working at new dohori sanjh named Godhuli dohori sanjh.

The costumer from the previous dohori sanjh that used to follow her then helped her to setup her room., frequently called her and then lured her by threatening her that if she do not keep relation with me then, he will do something to harm her. One night when she was going to sleep, she heard someone knocking at her door. Then she heard the voice of that costumer. He knocked door very hard, broke the glass of window and forcibly entered inside the room through the window. The owner of Chandragiri locked the door from outside and ran away while that costumer attempted to rape her. She fought with him until she could but was injured badly and then raped. Following the incident, Pooja called her friend, relatives and owner of Godhuli Dohori Sanjh and told them to send immediate for the police. Then police came and arrested the culprit (customer) and the Dohori Sanjh owner and rescued her. Her friend was familiar with Shakti Samuha and helped to reach them. The staff of SS went to police station received the victim. Shakti Samuha and police also went to her room to take event history while the victim filed a case against the owner and the costumer. The case is currently at court but the victim is concern that the abuser and the abettor must be punished and imprisoned. The court decided on a verdict is in the victim's favor and the abuser is in prison. It shows that we have more chances to win the case.

AVAILABLE SERVICES AND MECHANISMS FOR DELIVERY OF SERVICES TO TRAFFICKING SURVIVORS

Key actors in combating trafficking in persons for delivery of services to trafficking survivors in Nepal:

1. **Government Agencies:** Ministry of Women Children and Senior Citizens (MoWCSC) as a focal ministry has responsibilities to prevent, protect, capacity enhancement and coordination among line agencies. It also works with Nepal Police for the prosecution of perpetrators. Other important government agencies include, Ministry of Labor and Employment and Social Security (MoLESS); Ministry of Home Affairs (MoHA); Ministry of Foreign Affairs (MOFA) and Office of the Attorney General (OAG).
 - a. **National Committee on Controlling Human Trafficking (NCCHT):** As per the provision of the HTTCA, NCCHT was formed consisting of representatives

of other line ministries and departments, Nepal Police, media as well as international and national organizations/networks that have crucial role in combatting human trafficking in the country.

- b. District Committee on Controlling Human Trafficking (DCCHT) in all districts**
- c. Local Committee on Controlling Human Trafficking (LCCHT) in local levels**

After the country shifted to a federal structure, DCCHT and LCCHT are not functional.

2. **Independent Human Rights Monitoring Body:** National Human Rights Commission (NHRC) has been working to monitor and assess human trafficking since a long time. It publishes annual national report on human trafficking.
3. **Nepal Police:** Crime Investigation Department (CID); Central Bureau of Crime Investigation; Anti-Human Trafficking Bureau, Metropolitan Police Crime Control Division; Women, Children and Senior Citizen Service Directorate, Women and Children Service Centers (Women Cell) are the sole investigators for the crimes of human trafficking. They also have responsibilities to provide protection to the victims and witnesses.

“It is very difficult for police as the survivors/victims usually get out of contact once the statement is recorded in Court; making it hard to present them before court when deemed necessary. The shelter homes are usually crowded, so it is often difficult to keep the survivors in shelter homes when the cases are sub judice.” A participant in a FGD with stakeholders

4. **Civil Societies and Loose Networks:** Many non-governmental organizations are working against human trafficking. They work as per their priority; prevention, protection or prosecution. Many of these organizations have been together in a broader coalition or alliance to have a joint effort in fighting human trafficking.
5. **Development Partners:** Many development partners are together with the Nepalese civil societies in their fight against human trafficking in Nepal.

6. CONCLUSION AND RECOMMENDATION

6.1 CONCLUSION

Emerging trend and dimension of people being trafficked into the entertainment sector

Referring to the definition provided by the UN Trafficking Protocol (Palermo Protocol), activities being conducted in the entertainment and hospitality sectors in Kathmandu, means or methods of recruitment of persons in those sectors and purpose are equivalent to human trafficking.

There is use of force or other means of coercion, fraud, deception, use of power, enticement or allurements for the purpose of involving women and girls in forced prostitution and forced labour or other services in Nepalese entertainment sectors.

Most of the people working in these sectors do not have informed consent or they are unknown of the nature of the work where they are employed. People are forced to work different than they were promised. People working these sectors are underpaid or not paid at all. Their payment is held and not paid on time. The workers are controlled by threat, physical, financial and emotional means. In these work sectors, the employers find easy recruitment of girls for the purpose of exploitation. The study identified transportation and transfer of persons from one place to another for the purpose of exploitation. Prostitution of others, forced labour and other forms of sexual exploitation was the most prevalent forms of exploitation prevalent in the Nepalese entertainment sectors. Forced labour or service was common and widespread in these work sectors.

Risk factors that makes them vulnerable

Most women and girls who came to work in Nepalese entertainment sectors lack education and skills. Most of them belonged to families having poor economic conditions. Many of these women and girls had also the obligation to earn something for the family or for their own livelihood. All of them needed work but there was not any livelihood option. Most of these workers had left home and came unknown city without knowing anyone, without any friend or relative to help them. Many of them also lacked information about the work sector and nature of job that they had entered. Despite having no specific skills, they were looking for employment and it was a big thing for them to get hired. In that situation, no one inquired about their job description or written contract. None of the respondents in the survey and FGD had contract signed with their employer. Many of them came to Kathmandu in search of work with little money or no money with them. Many employees, especially the newcomers, had no other option than to tolerate abuse at the workplace as they had nowhere to go. These factors made them vulnerable in the workplace.

Available services and mechanisms for delivery of services to trafficking survivors

Ministry of Women, Children and Senior Citizen (MoWCSC) as the focal ministry is working against human trafficking. Department of Women under the MoWCSC is also a responsible government body to work against abuse and exploitation of women.

The shelter homes for the survivors are run by civil societies with support from the GoN and development partners. However, many of these homes are overcrowded and running in lack of adequate funding. DCCHT and LCCHT are not functional at the moment.

Nepal police as investigators, prosecutors as legal representatives and courts as adjudicators are there for justice for trafficking survivors and victims. Anti-Human Trafficking Bureau at Nepal police, a dedicated wing to curb human trafficking in Nepal has started its works and activities to control human trafficking in Nepal. Women and Children Service Directorate, Women and Child Service Centers, and other police offices are available all over Nepal to investigate and control the crimes of human trafficking.

Beside government institutions, civil society organizations have played vital role in combating human trafficking in Nepal. There are some project-based programmes for free legal aid to victims. These services require strengthening with improved services.

Viable livelihood options for young people working in entertainment sectors or options for making these work sectors dignified

Many workers in Nepalese entertainment sectors considered their work not dignified. They also held a kind of thinking that people in the society and the customers in their workplaces considered them as characterless women, who is ready to sale her body for money. These workers do not have any idea whether these places can be made a dignified workplace.

Workers in these places have acceptance of their situation. Some of them even have planning to operate an entertainment business by oneself. Starting their own beauty parlours or restaurants or going abroad to work was also the livelihood options held by entertainment sector workers.

For making these work sectors dignified, there should be job contract in written, guarantee of minimum wage and strong monitoring by the government.

Human Trafficking and Transportation (Control) Act, 2007 and Human Trafficking and Transportation (Control) Regulation, 2008 do not adequately address legal requirements for controlling human trafficking as the definition provided by Nepalese law is narrow. Nepalese anti-human trafficking laws also have not provisioned viable mechanism to fight against human trafficking. Further, in the changed context of governance system of the country, these laws need to be amended providing anti-human trafficking mechanisms in all tiers of governance systems. Additionally, after the ratification of the UN Trafficking Protocol, Nepal needs to make Nepalese anti-trafficking laws compatible to the Protocol by incorporating provisions on service to improve the identification, investigation and prosecution of human trafficking cases in the entertainment sector.

6.2 RECOMMENDATION

On the basis of legislative review, survey, KII and FGDs with stakeholders following recommendations have been made to the Federal Government:

- Amend HTTCA in line with Palermo Protocol and bring HTTC Regulations in line with the amended Act.
- Enact specific law to regulate dance bar, dance restaurants, *gazal* restaurants, *dohori* restaurants, *rodhi ghar*, cabin restaurants, *hooka* bars, tiffin homes, resorts, massage parlors, spa, sauna etc. and to ensure safety and protection of workers.
- Prescribe standard for these business and venues.
- Provide definition of ‘worst form of child labour’ in Child Labour Prohibition Act, 2000 and consider ILO and WHO standards while defining worst form of child labour and sexually exploitative work environment.
- Strengthen safety and protection of victim and witness throughout the trial process and even after the case is concluded.

To the Provincial Government:

- Prescribe mandatory provision of registration of all small or big scale entertainment or hospitality businesses. Ensure that no such business is run without registration.
- Prescribe specific office to register these types of business.
- Prescribe that such office should keep record and update of such business periodically.
- Prescribe specific office and authority or a Committee for the monitoring and regulation of these types of business.
- Make mandatory provision of complaint handling mechanism within all small or big scale entertainment or hospitality businesses.
- Ensure safety and protection against reprisal for complaining against owners and customers.
- Prescribe forbidden activities and duties of owners and customers.
- Ensure safe shelter for victims and witness when the cases are running in the courts.
- Take action towards launching employment generating programmes, especially for women and girls.
- Strengthen services and mechanisms for delivery of services to trafficking survivors.

- Strictly enforce constitutional provisions and labour laws to make entertainment sectors dignified.

To the entertainment and hospitality sector entrepreneurs

- Mandatorily register the business.
- Comply with labour laws and other gender equality laws.
- Arrange complaint handling mechanism within all small or big scale entertainment or hospitality businesses.
- Make sure that no action of reprisal would be taken against complainant.
- Display forbidden activities and duties of owners and customers in the installments or venues.

To the Civil Society Organizations

- Ensure meaningful engagement in the full spectrum of the anti-trafficking response.
- Strengthen capacity and provide training to staffs for effective anti-trafficking responses.
- Sensitize members of the organizations and staffs while responding and providing services to victims / survivors.
- Watch government's performance in providing services and justice to victims/ survivors.

BIBLIOGRAPHY

1. Bridget A. and Julia O'Connell D. (2002). *Trafficking – a Demand Led Problem? Review of Evidence and Debates*. Stockholm, Sweden: Shave the Children.
2. Elzbieta M., Gozdziaak and Micah N. B. (October 2008). *Data and Research on Human Trafficking Bibliography of Research-Based Literature*. Institute for the Study of International Migration, Walsh School of Foreign Service, Georgetown University.
3. Entertainment sector fertile ground for traffickers (2017, July 06), *The Himalayan Times*.
4. Frederick, J., Basnyat M., Aguetant J. L. (2010). *Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal: A Handbook for Decision Makers*. Kathmandu, Nepal: Terre des hommes Foundation.
5. Julie H. (2011). *Moving Beyond 'Supply and Demand' Catchphrases*. Bangkok, Thailand: Global Alliance against Traffic in Women (GAATW).
6. Ministry of Women, Children and Social Welfare (2008), *Study about Cabin, Dance Restaurant and Massage Parlours*, Kathmandu: MoWCSW.
7. National Human Rights Commission-Nepal (2011), *Trafficking in Persons Especially on Women and Children in Nepal National Report 2009-10*, Lalitpur, Nepal, NHRC.
8. National Human Rights Commission-Nepal (2018), *Trafficking in Persons in Nepal: National Report*. Lalitpur: Nepal, NHRC.
9. Palmer, M., Free The Slaves (2015, December). *Sex Trafficking in Kathmandu's Entertainment Sector*.
10. The Freedom Fund (2019), *Prevalence of Minors in Kathmandu's Adult Entertainment Sectors*.
11. Zimmerman, C., & Watts, C., (2003). *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women*.

ANNEX 1: SET OF QUESTIONS FOR FGDS

1. Please provide us your areas of work and experience working against trafficking in persons.
2. Who do you think are mainly engaged in the trafficking in entertainment sector and their exploitation thereof respectively?
3. Can you share some new and emerging trends of human trafficking that you might have observed in entertainment sector?
4. What are the reasons for victims' reluctance to come out openly and register complaint? What techniques are used to build trust and prevent re-traumatization of a victim?
5. What challenges do you see with the growing use of technology and its misuse to facilitate trafficking in persons?
6. How do you see importance of technology in order to raise awareness and enhance prosecution in cases of TIP and sexual exploitation?
7. What measures have been/can be taken to ensure assistance to and protection of victims of trafficking in entertainment sector? How can unreasonable delay in the process of repatriation be avoided?
8. What kind of measures should be adopted to prevent and combat new and emerging trends of trafficking in entertainment sector?
9. Do you have any recommendation for the amendment of the existing laws, regulations and policies?
10. Do you suggest any reforms in service to improve the identification, investigation and prosecution of human trafficking cases in the entertainment sector?

ANNEX 2: SET OF QUESTIONS FOR KII

1. Please provide us your areas of work and experience working against trafficking in persons.
2. How do you view the situation of human trafficking in Nepal in general?
3. Do you have any information about the persons working in cabin restaurants, dance bars, massage parlors, like work places? Where do they come from? How do they come to such workplace? Their age factor?
4. Do you have any information about situation of persons working in cabin restaurants, dance bars, massage parlors, like work places?
5. Have the persons working in these sectors ever come to you or your organization with any complaint about abuse in the work place?
6. If yes, what is the nature of violence they share with you?
7. Do you think that persons working in these sectors have confidence / courage to report against their abusers?
8. What are currents weaknesses or drawback you see in these work sectors?
9. What problems and challenges you see in these work sectors to make them more respectful jobs?
10. Do you have recommendations to the concerned stakeholders? If yes, what are they and to whom?

Annex III: Survey Questionnaire

Study on the New and Emerging Trends of Human Trafficking in Entertainment Sector in Nepal

Survey Questionnaire:

Facilitator's Name:

Questionnaire Date –

Questionnaire Location/Venue:

Nature of the venue: cabin restaurants/ massage parlors/ dance bars/ *kehaja ghar*/ *dobori* restaurant/Others (_____) [Tick one during survey]

1. **To which gender identity do you identify?**
 - a. Female
 - b. Male
 - c. LGBTQ
 - d. Unidentified
 - e. Prefer Not to Answer
2. **How old are you?**
 - a. Below 14 years
 - b. 14 - 18
 - c. 19 -23
 - d. 24-28
 - e. 29-33
 - f. 34 and above
3. **What is your marital status?**
 - a. Married (At what age.....)
 - b. Unmarried / single
 - c. Unmarried but in living together relationship
 - d. Widowed
 - e. Separated without divorce
 - f. Divorcee
4. **Up to which level did you go to school?**
 - a. Did not go to school
 - b. General literate (saamanya lekh padh)
 - c. Vocational
 - d. Primary Level (1-5 Grade)
 - e. Lower Secondary Level (6-8 Grade)
 - f. Secondary Level (9-10 Grade)
 - g. Higher Secondary Level (11-12 Grade)
 - h. University
5. **From which district are you originally from?**
.....

6. **To which case/ethnic category do you belong?**
 - a. Brahmin/Chhetri
 - b. Dalit
 - c. Tamang
 - d. Rai/Gurung/Magar
 - e. Newar
 - f. Tharu/Majhi/Tarai caste groups
 - g. Others [Please Write – If not within one of the categories above].....
7. **With whom did you come to this workplace? Who brought you to this place?**
 - a. Recruiter / owner
 - b. Family
 - c. Friend
 - d. Unknown person
 - e. Self
 - f. Other (.....)
8. **Did you have informed consent to come to this work? Did you know what work you were going to do?**
 - a. Yes
 - b. No
9. **Are you doing the same work that you were promised?**
 - a. Yes
 - b. No
10. **What was your age when you first entered into this profession?**
 - a. Below 14 years
 - b. 14 - 18
 - c. 19 -23
 - d. 24-28
 - e. 29-33
 - f. 34 and above
11. **What are the main reasons you are working here?**
 - a. Force/Coercion (of.....)
 - b. By Interest
 - c. Easy job
 - d. No education or skills for other job
 - e. No other job opportunities even after education
 - f. Other Reasons (.....)
12. **Are you forced at work even when you do not want to?**
 - a. No
 - b. Yes,
13. **If yes by what means:**
 - i. Physically
 - ii. Emotionally
 - iii. Verbally
 - iv. Financially
 - v. All above
 - vi. Other (.....)

14. **On an average, how many hours do you work in a day?**
 - a. Less than 8 hours
 - b. More than 8 hours
15. **Are you paid for the overtime work you do?**
 - a. Yes
 - b. No
 - c. Sometimes
16. **Do you get to keep the entire amount you earn here?**
 - a. Yes
 - b. No,
 - if no, who takes how much amount (.....)
17. **Have you ever been abused at work?**
 - a. No
 - b. Yes ,
18. **if yes by whom :**
 - i. Employer
 - ii. Client
 - iii. Co-worker
 - iv. Other (.....)
19. **If you were ever abused at work, what type of abuse was that?**
 - a. Negative remarks, verbal abuse
 - b. Inappropriate touching
 - c. Exposure to pornographic material
 - d. Request for sexual favors
 - e. Beating/hitting/slapping
 - f. Rape
 - g. Attempted rape
 - h. If other, mention.....
20. **If you were abused at work, was this ever communicated to other person?**
 - a. No
 - b. Yes ,
21. **if yes, whom:**
 - i. Family member
 - ii. Coworker
 - iii. Owner/Boss
 - iv. NGO's/ Social Service Organizations
 - v. Police
 - vi. Hospital
 - vii. Other (.....)
22. **Has anyone at work ever asked you to engage in intimate activities?**
 - a. No
 - b. Yes,
23. **if yes, were you expecting it to be a part of your job:**
 - i. Yes
 - ii. No

24. **Do you think you are free to leave this job at any time on your own choice?**
 - a. Yes
 - b. No,
25. **if not, why:**
 - i. Threat of physical violence
 - ii. Possible harm to family or near ones
 - iii. Confiscation of belongings
 - iv. Withholding of ID cards/citizenships
 - v. Too far from home, don't know where to go
 - vi. Fear of Legal actions
 - vii. Other (.....)
26. **Do you have any previous job experience?**
 - a. Yes
 - b. No
27. **If you have previous job experience, did you face any form of exploitation there?**
 - a. Yes
 - b. No
28. **Do you know from which district your coworkers have come from?**
...
29. **What is the age of most of your coworkers?**
 - a. Same age group as yourself,
 - b. Younger,
 - c. Older]
30. **Do you know whether they have been sexually exploited or at risk of exploitation?**
 - a. Yes
 - b. No
31. **How dignified do you feel in your current work?**
 - a. dignified
 - b. Not much dignified
 - c. Not dignified at all
32. **What viable livelihood options you prefer if you want to quit working in the entertainment sectors?**
33. **What are your suggestions for making these work sectors dignified?**
34. **Is there anything else (any anecdotes, your life story about entering into the entertainment sector, problems you faced in your job/workplace or the possible way forward) that you would like to share that you think might be important for this study?**

Annex 3: Focused Group Discussions Participants

1. Tara Bhandari - Biswas Nepal
2. Binu Lama - FWLD
3. Uma Tamang - Maiti Nepal
4. Karuna Maharjan - AATWIN
5. Laxman Thapaliya - Lawyer
6. Jiwan Baniya - Journalist
7. Anita Khadka - KIN Nepal
8. Bishnu Paneru - Biswas Nepal
9. Jeny Shakya - Waitress
10. Pasang Butti Sherpa - Waitress
11. Asmita Giri - Waitress
12. Ramesh Khadka - Restaurant Manager
13. Sushila Gurung - Sahakari Sanstha
14. Ritika Aryal - Waitress
15. Samjhana Gharti Magar - Waitress
16. Bhawana Bhat - NTDC
17. Sangita Roka - Worker, Entertainment sector
18. Bhawani Oli - Worker, Entertainment sector
19. Neha Nepali- Worker, Entertainment sector
20. Sabitra Dangi - Worker, Entertainment sector
21. Tara Khanal - CeLRRd
22. Kanchan Rana Magar - Spa worker
23. Swastika Thapa- Spa worker
24. Anju Tamang- Spa worker
25. Kalpana Basnet - Spa worker
26. Sabina Shahi - Restaurant & Bar worker
27. Rekha Thapa Magar- Restaurant & Bar worker
28. Sangita Tamang- Restaurant & Bar worker
29. Renu Shahi- Restaurant & Bar worker
30. Pema Tamang- Spa worker
31. Maya Rai - Spa worker
32. Shanta Timilsina - Change Nepal
33. Maya Giri - Change Nepal
34. Anu Bista - Change Nepal
35. Garima Shrestha- Change Nepal
36. Shrijana Dahal - Change Nepal
37. Bina Shrestha - Change Nepal

Annex 4: Consultation Workshop Participants

1. Dilip Koirala – Shakti Samuha
2. Benu Maya Gurung – AATWIN
3. Aparna Singh – LACC
4. Anita Thapaliya – LACC
5. Gobinda Thapaliya – TIP Bureau
6. Tara Khanal – CeLRRd
7. Manju Marasini – CeLRRd
8. Barsha Luitel – Change Nepal
9. Sajani Joshi – Maiti Nepal
10. Hira Dahal – Chhori

Annex 5: KII Participants

11. Krishnajibi Ghimire, Secretary, Commission for the Investigation of Enforced Disappeared Persons
12. Pushkar Sapkota, Joint-Secretary, Ministry of Home Affairs
13. Basanta Raj Puri, Under-Secretary, Human Rights Promotion Section, Ministry of Home Affairs
14. Bimala Koirala, Deputy-Director, Chairperson of Social Development Branch,
15. Kiran Bajracharya, Senior Superintendent of Police, Metropolitan Police Office, Ranipokhari
16. Anupam Shamser Rana, Superintendent of Police, TIP Bureau, Nepal Police
17. Rajkumar Silwal, DySP, TIP Bureau, Nepal Police
18. Narahari Regmi, DySP TIP Bureau, Nepal Police
19. Ranjan Dahal, DySP, Metropolitan Police Circle
20. Sudarshan Dev Joshi, Inspector, Metropolitan Police Circle
21. Nishan Raj Gautam, Human Trafficking Control Section, Ministry of Women, Children and Senior Citizen
22. Bishwodeep Besra, Section Officer, Human Rights Section, Office of the Prime Minister and Council of Ministers
23. Man Bahadur Buda, Administrative Officer, District Administration Office, Kathmandu
24. Binu Pariyar, Assistant Sub-Inspector, Metropolitan Police Sector, Koteshwor
25. Bibek Bisankhe, Assistant Sub-Inspector, Metropolitan Police Sector, Koteshwor
26. Kabita Koirala, Assistant Sub-Inspector, Metropolitan Police Circle Gaushala
27. Rajesh Karki, Sub-Inspector, Metropolitan Police Circle Gaushala
28. Padam Bahadur Pandey Kshetri, Sub-Inspector, Community Police Service Center, Gangabu
29. Chameli Kandel, Police Constable, Community Police Service Center, Gangabu
30. Madhav Sapkota, Assistant Sub-Inspector, Metropolitan Police Sector, Gangabu
31. Shree Jung Shah, DySP, Metropolitan Police Circle, Bishalbazar, Kathmandu

32. Gyan Manjari Sharma, Police Inspector, Metropolitan Police, Women, Children and Senior Citizen Center, Kalimati
33. A Female DySP at Metropolitan Police Range, Teku
34. A Male DySP at Metropolitan Police Range, Teku
35. A Male Police Inspector, Metropolitan Police Circle, Boudha
36. A Male Sub-Inspector, Metropolitan Police Circle, Boudha