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Human trafficking following the 2015 Nepal earthquake: A case study of how a natural disaster impacts people's vulnerabilities and the role disaster response and recovery plays in countering it.

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Preface and acknowledgement

Slavery is not just something of the past; it affects millions of people every day. Ever since I first learned about human trafficking, also known as modern slavery I have been disturbed by its existence and wanted to do my part in stopping it. I soon connected the academic research I did on human trafficking during my undergraduate degree with the risk of being victims of trafficking that the refugees I worked with may face on fleeing conflict. While in New Delhi, India I looked at the *Situation of female refugees in New Delhi, India* as people's vulnerabilities may increase when having to flee. Working in Nepal two years after the earthquakes there I recalled information about trafficking in humanitarian crisis situations and decided to take a closer look. I wanted to find out how the impacts a natural disaster may have on people's vulnerabilities also affect the risk of human trafficking.

Thank you to all the informants who provided insights and key information about human trafficking in the humanitarian response and aftermath of the 2015 earthquake in Nepal. I appreciate that you shared your expertise on issue ranging from child rights, gender equality and social inclusion, migration and disaster management. Without you this study would not have been possible.

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It would not have been possible without the wonderful support from friends and family. My sister Karoline Olsen Flåte who always believes in me and her constructive questions and helping me stay on track throughout the process. My mother who encouraged me to reach the finish line. To Suraj Ghimire for his never-ending encouragement and positive nature making this process more fun. I am grateful for his invaluable inputs and knowledge of disaster management, the Nepali context and first-hand experience of the earthquake response. To him and Pia Noel for being my family in Kathmandu. To Pia for your incredible kindness, our reflective conversations about our research and your questions that pushed me step by step further in the research. To Linn Foyen Therkelsen, Ruth Marsden, Miriam Eid and Deepa Acharya for being part of my Kathmandu life. I would also like to thank the persons who crossed my path while in Nepal. Thanks to all my friends who always supports me and believes in me, each and every one of you inspires me.

Dedication in the loving memory of my father who always encouraged my dedication to social justice issues and to all of those who raise their voices for injustices around the world. Slavery is not just something of the past; it affects millions of people every day.

Skodje, Norway 13.03.2018
Kathrine Olsen Flåte

Abstract

Background:

Human trafficking in crisis has reached the international humanitarian agenda the last few years. Shortly after the 7.8 magnitude Gorkha Earthquakes in Nepal in 2015, the International Organization for Migration (IOM) released about the increased risk of trafficking when crisis occur. It advocates that counter-trafficking should be incorporated in humanitarian responses as a life-saving measure. The humanitarian response to the earthquake in Nepal, which affected several million people, was among the first to include counter-trafficking at the onset of a crisis. Using the counter-trafficking efforts in the earthquake response in Nepal as a case study the aim of this research is threefold: The first aim is to look at natural disaster impacts the root causes that puts people at risk of human trafficking. The second to look at the counter-trafficking measures implemented in the humanitarian response. Thirdly to look at how social, cultural and political factors affected how the response and recovery efforts reached vulnerable people and how this impacted the root causes that put people at risk of trafficking.

Theory:

Vulnerability theory that draws on Ben Wisner's pressure and release model has been used to analyze the effect of a natural disaster and the following humanitarian response and recovery efforts has on root causes of human trafficking. To better understand the factors that put people at risk of human trafficking modern slavery literature has been applied.

Method:

Qualitative research was conducted to explore the risk of human trafficking in Nepal after the earthquake and how it was dealt with. 16 in depth interviews were held using an interview guide. One additional was done via email.

Findings:

When the earthquake happened root causes of human trafficking was made worse for people who were already vulnerable. They therefore became more vulnerable to traffickers who came to villages right after the earthquake offering false job and education opportunities. Children were most at risk immediately after the earthquake while women and young men were more at risk of trafficking and unsafe migration some months and years after as push factors of trafficking continue to increase.

The protection cluster needed to advocate for the importance of protection issues to be taken seriously within the humanitarian response. Awareness raising and interception of people who travelled outside of their own districts was the main prevention and protection. This within itself is not enough as it does not tackle the root causes of human trafficking, namely that of lost livelihood, economic insecurity and gender inequality to mention a few. Additionally, vulnerability was especially increased among already marginalized earthquake victims as they faced discrimination in the response and recovery due to structural inequalities such as caste discrimination and patriarchal attitudes. The lack of equity thinking in the response by

applying a blanket response also meant that people received the same assistance to rebuild their houses independently of their financial situation. In addition to the recovery process being inequitable, it is going slowly leading to root causes continuously increasing putting people at an increased risk of the changing face of trafficking, namely unsafe migration to earn money to rebuild homes and lives.

Conclusion:

Natural disasters such as an earthquake increases vulnerabilities through exaggerating root causes for human trafficking such as poverty, economic inequalities and structural inequalities.

The counter-trafficking measures in the response and recovery must go beyond raising awareness of risks and intercepting people at borders. The root causes must be dealt with through equitable response and recovery that is rooted in the humanitarian principles by meeting the different needs of women, girls, boys and men based on age, social and financial status. If this is not done, then people are at higher risk of traffickers and recruitment agents who take advantage of people in need a secure livelihood for themselves and their family.

Keywords:

Human trafficking, humanitarian response, cluster system, protection, recovery, vulnerabilities, migration, natural disaster

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Acronyms

NGO = Non-governmental organization

IFRC = International Federation of Red Cross/Red Crescent

ICRC = International Committee of the Red Cross

UN = United Nations

UNFPA = The United Nations Population Fund

UNICEF = United Nations Children's Fund

UNHCR = United Nations High Commissioner for Refugees

UNOCHA = United Nations Office for the Coordination of Humanitarian Affairs

UNODC = United Nations Office on Drugs and Crime

IOM = International Organization of Migration

USAID = U.S. Agency for International Development

IASC = Inter-Agency Standing Committee

NRA = National Reconstruction Authority

iDMC = The Internal Displacement Monitoring Centre

GESI = Gender and social inclusion

GBV = Gender based violence

SGBV = Sexual and gender based violence

SADD = sex, age, disability disaggregated data

TIP = Trafficking in person

IGA = Income generating activities

1. Introduction

When the Gorkha 7.8 magnitude earthquake and aftershocks hit Nepal in the spring of 2015, it not only displaced 2,6 million people (iDMC, 2016), it destroyed over 600 000 homes, killed 8.790, injured 22.300 people (Raj and Gautman, 2015) and destroyed people's livelihoods. It also increased people's vulnerabilities for human trafficking in one of the poorest countries of the world. Ranking as number 144 out of 188 on the Human Development Index (HDI), trafficking was already an issue in the country where patriarchal culture and the caste system, despite being banished in 1950 make up the social fabric. A rather new issue on the humanitarian agenda, the increased risk of human trafficking after the earthquake was reported in both Nepali and international media. A year later, a National Human Rights Report stated that human trafficking in fact did go up with 15% in the first months following the earthquake.

Human trafficking has previously been regarded as a concern for development actors rather than something that needs to be dealt with immediately following a natural disaster. However, the last few years counter-trafficking has climbed higher onto the international humanitarian agenda. At the World Humanitarian Summit, which took place a few months following the Gorkha earthquakes in 2015, a consultation on *Trafficking in persons in the times of crisis* was held. "Prevention and protective response to trafficking in persons must be given higher priority within humanitarian action; counter-trafficking efforts should be understood as immediate life-saving activities during emergencies", was the clear message from the UN Special Rapporteur on Trafficking in Persons, Dr. Maria Garia Giammarinaro during the consultation hosted by Caritas, the International Organization of Migration (IOM) and Professionals in Humanitarian Assistance and Protection (PHAP). The humanitarian response to the Gorkha earthquake and its aftershocks were among the first to include counter-trafficking in crisis efforts at the onset of relief efforts in a country (IOM, 2015) where about 0.823 percent of the population is trapped in modern slavery according to the Global Slavery Index (2016).

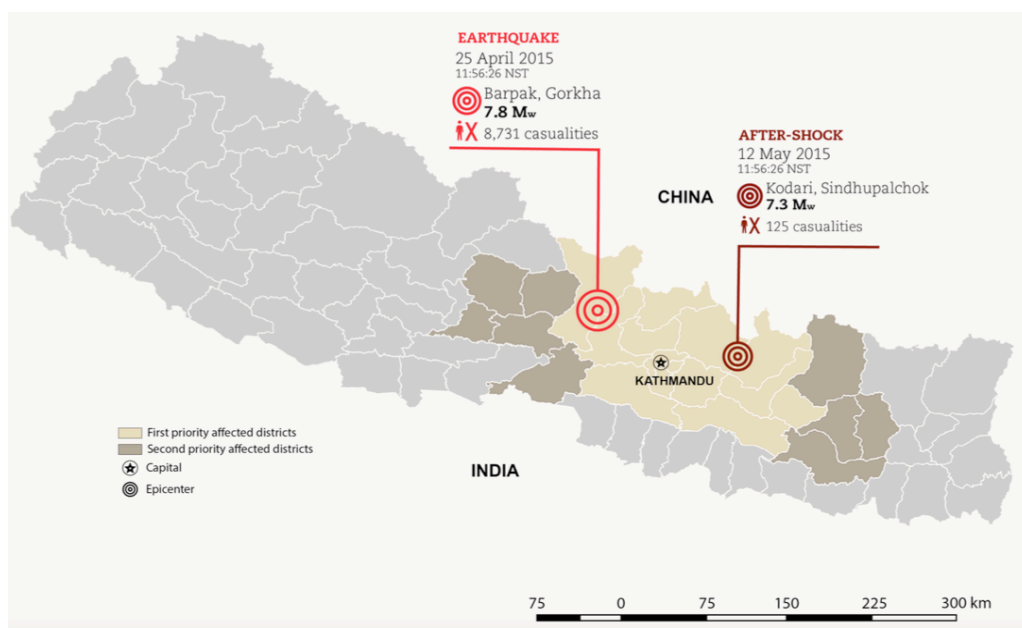


Figure 1: Image from IFRC, Nepal Earthquake: One Year Progress Report, 2016

Thesis aims:

There is an estimated 27 million victims of trafficking, which is also known as slavery of today, worldwide. That is the same as the population of the country of Nepal. It is a global social injustice and human rights concern. Despite this, trafficking has not been addressed properly in the times of crisis according to the head of Migrants Assistance division of the IOM, Laurence Hart. Therefore this thesis will aim to address trafficking of people during and following the 2015 earthquake in Nepal, also known as the Gorkha earthquake. Hereby referred to as the earthquake. First the research looks at the impact the earthquake has on the vulnerabilities of people and whether this affects the risk of trafficking. Research question 1: What impact does a natural disaster, such as the earthquake, have on the risk of human trafficking and what causes this effect? Second, it examines how counter-trafficking efforts were implemented in the humanitarian response, especially by the protection cluster, in the immediate response. Research question 2: What was done in the response to prevent and protect people from the risk of trafficking and how was it done? Third, the research takes into account how the approach taken by the relief and recovery efforts impacted the vulnerabilities of people, and what consequences this has for the earthquake survivors. Research question 3: How has existing social structures such as marginalization of certain groups affected the assistance they received in the immediate response and in the recovery phase? And did this impact the risk of human trafficking for vulnerable earthquake victims?

Before diving into the research findings, the paper provides a brief insight into humanitarian response to the earthquake, how human trafficking came onto the humanitarian agenda, what human trafficking is and the situation of trafficking in Nepal, before the focus turns to theoretical framework and methodology to round off this chapter.

A key question in the perspective of vulnerability when a disaster occurs is who was where, when? (Zakour and Gillespie, 2013). The earthquake shook the ground under the feet of people midday on a Saturday. 25th April was a holiday in Nepal and at 11:56 am a lot of people are outside buildings because they are not at office or at school. Still, women may have been inside their houses finishing up the preparations or cleaning up after the main meal of the day, namely the Nepali staple food *dal bhat*.

Two years after this day that changed the lives of many Nepalese, I found myself in Sindhupalchok district, located about 2.5 hours outside of the capital city, Kathmandu. There in one of the 14 most affected districts I saw families still living in temporary houses and learned about “*build back better*”, which means that houses are to be built back earthquake resistant. The rebuilding after what is per definition a disaster did not start until a year after the earthquake happened. The earthquake and its aftershocks is termed a disaster because local capacity could not respond to the event and external assistance was required to manage the consequences according to Damon P. Coppola in the book *Introduction to International Disaster Management* (2015).

That means, people lived in temporary shelters through one monsoon and one winter before the rebuilding efforts began. Three monsoons later I was again in Sindhupalchok seeing people living in temporary shelters. By December 2017, about 12% of the 600 000 houses have been rebuilt according to the National Rebuilding Authority. Through the research conducted for this thesis from September 2017 to March 2018, and living and working in Nepal for the Norwegian Red Cross prior to this for nine months, it has become clear to me that what Terry Cannon argues is right: while the earthquake is a natural event, the disaster that affected the people are not. Let me explain with the support of Cannon's words: "social processes generate unequal exposure to risk by making some people more prone to disaster than others, and these inequalities are largely a function of the power relations operative in every society. Critical to discerning the nature of disasters, then, is an appreciation of the ways in which human systems place people at risk in relation to each other and to their environment- a relationship that can be best understood in terms of an individual's, a household's, a community's or a society's vulnerability. The determination of vulnerability is itself a 'complex characteristic produced by a combination of factors derived especially (but not entirely) from class, gender and ethnicity'" (Cannon, 1994, pp14-19 in Hilhorst et.al, 2004; 1).

Humanitarian responses are to meet the different needs of women, girls, boys and men to then reduce the vulnerabilities people experience following a disaster. Despite that humanitarian responses are to identify and meet the different needs of people based on disaggregated sex, age, disability (SADD)¹, a blanket response was applied as the main approach of the response. This means that everyone independently of specific need gets the same assistance. This was done with a one-door policy whereas everything had to go through the government. This resulted in that the needs of the most vulnerable was not identified nor met according to reviewed reports, interviews and conversations for this research.

"The 2015 earthquakes caused large-scale destruction. The delivery of humanitarian assistance was slow and vulnerable groups were not well protected," states the International Displacement Monitoring Centre (IDMC) in a spotlight on Nepal in their 2016 Global Report on Internal Displacement, the *GRID Report* (2016; 17). People who were marginalized before the earthquake was further marginalized after the earthquake. Because although earthquakes don't discriminate, the humanitarian efforts that provide the relief may be affected by the social and cultural fabrics and can thus further exaggerate already existing discrimination.

There are reports of unequal distribution of relief. Women were especially negatively impacted by blanket response, as relief materials were inaccessible to them. Accounts of sexual harassment by relief workers who distributed relief materials have also been reported. Structured inequalities and political connections also impacted the distributions and access to relief materials.

¹ Sphere Project, international standards for humanitarian action

There were several weaknesses in the humanitarian response that contributed to the exaggeration of vulnerabilities of people, especially people who already faced discrimination prior to the earthquake due to gender, ethnicity or caste. Chapter 4 further examines how social, political and cultural factors impacted marginalized groups in accessing relief and recovery opportunities.

Not only that, but the earthquake that shattered the lives of 8 million people increased the speed of the writing of the country's constitution. Protests to the new constitution led to what some has termed a humanitarian crisis worse than the earthquakes, namely the blockade India imposed on Nepal from September 2015 to February 2016. The five-month blockade stopped imports of fuel, food and medicine. Fuel was rationed and the prices of fuel increased significantly. The shortage of liquefied petroleum (LP) gas used for cooking made it hard for people to cook food, writes BBC in the article *Nepal blockade: Six ways it affects the country* (2015). As a result people went to the forest to cut trees to use for cooking. Even schools had to ration the days they held open for its students because the school busses needed to ration its diesel usage. It also impacted the hospitals that started to run low on essential medical equipment. The blockade also impacted the humanitarian agencies ability to transport relief items and reach people. "NGOs based in Kathmandu suddenly found themselves unable to distribute aid to the earthquake-affected regions" (Kumar, 2016). When the constitution was amended, the blockade was lifted.

In the spring of 2017 the country saw its first local elections in about 20 years. In the fall 2017 the national elections took place. All of which imposed an election code of conduct before each of the elections slowing down the rebuilding from the earthquake and put a stop to humanitarian activities according to numerous conversations with development workers. This to ensure that no person running for election can take advantage of humanitarian activities as part of their political campaign by saying "this program happened because of me, vote for me if you want similar activities to continue". This may have slowed down rebuilding processes that was still ongoing in 2017 as cash distributions and trainings could not take place while the election code was imposed. The code also impacted the response to the floods that swept across the south of the country during monsoon season. In this response, the word on the street is that a humanitarian worker who also was running for a political position in the local election took advantage of the position for gaining votes by flood affected people (Field notes, 2017). These elections mean that now there elected representatives at local level who can take decisions on behalf of their communities, instead of bureaucrats who have been making these decisions for two decades (Save the Children, 2016).

Not only did people's vulnerabilities increase immediately after the earthquake, they continue to increase as recovery and rebuilding of both houses and people's livelihoods lags behind. The number of women and young men getting a passport for employment abroad keeps increasing. At the same time prominent activists and development agency workers talk about the changing face of human trafficking; migration for work that turns unsafe (Interviews, 2017).

1.2 Human trafficking an invisible danger in natural disasters

The media platform for the global development community, Devex, termed human trafficking in crisis “an invisible danger” in an article about traffickers taking advantage of the situation of vulnerable Rohingya refugees who have come to Bangladesh (Rogers, 2018). Also in the aftermath of the 2015 earthquakes in Nepal the invisible danger affected the lives of earthquake victims. Already existing vulnerabilities increased and new ones emerged with collapsed houses, injuries and death in families combined with loss of livelihoods, and perhaps over time the loss of hope that houses would be rebuilt over time. Traffickers saw an opportunity to earn some money and took advantage of the situation right after the earthquake mainly targeting children. Reportedly traffickers found their way to villages stretching out a helping hand. Some posed as humanitarian workers while others built up the trust of a family over days. Other’s were community members who were already in the village. Thereafter they offered to help children who had lost their family, or offer parents who had lost their home and livelihood a way to give their children a brighter future. They promised education or job opportunities in Kathmandu or other places.

As already mentioned people lost a lot, so now what will people do? This paper argues that this then increased the key drivers and root causes of human trafficking. With the hope and belief that their child could get a better future, and one less mouth to feed parent’s let their child travel with what could be the village leader, that aunt with the good connections, a well-meaning religious monk or priest, or a kind stranger posing as a aid worker from a reputable organization. In reality the parents unknowingly sent their child away with human traffickers. Other children and youth left their villages themselves in the hope of better opportunities somewhere else after they lost everything. This will be further examined in chapter 2.

After some time, trafficking disguising itself yet again, this time as migration for work. As chances for employment locally is low both women and men who are hoping to go away for employment opportunities other places. They travel to cities in Nepal; they travel to India, to the Middle East in the hope to earn enough money to rebuild their houses and lives for themselves and their families. The money provided by the government has been too little and too slow for many families. Every day about 1,600 Nepali women and men leave Nepal for work abroad. About every third family has at least one family member working abroad, which makes it no surprise that one of the most popular songs in Nepal is a heartfelt song about a husband and wife who is separated while he is working in Qatar. With close to 15 million views on YouTube a year after the song was made available I have heard people talk about the song numerous times. People can identify with the feelings of the strong message about the emotions felt when a husband travels abroad for employment and how his wife feels staying home awaiting his return.

Some migrant workers pay² agencies the now banned fees for flight and visas. In July 2015 *The Free Visa, Free Ticket Policy* became effective followed by protests and strikes among the recruitment agencies writes Amnesty International in the report *Turning People Into Profits* (2017). With loans with 36% interest rates to pay these fees, the migrant is then trapped in the job once abroad at least till the debt is paid, and some more time to earn money to send home to loved ones. But that is not how it goes for everyone. Upon arrival some experience that their passports are taken from them. Some lose their freedom to move where they want when they want. Some do not receive their salary, and if and when they do, it is heavily reduced from what they were promised. Harsh working conditions are not uncommon. Others experience being trapped in the houses where they work as domestic workers. Violence and sexual exploitation also happen. In this, there are few ways to get back home to Nepal. “Trafficking leads to forced labour or sexual exploitation for profit or benefit of another” (Martin and Callaway, 2011; 217).

Human trafficking was an existing issue in Nepal prior to the earthquake; therefore counter-trafficking efforts were incorporated into the humanitarian response. How this was done will be looked at in chapter 3. Now let’s look at how human trafficking was included in the humanitarian agenda.

1.3 Putting human trafficking on the international agenda

At *Stopping Trafficking, Finding Freedom from Modern Slavery*, Annual Public Affairs Conference at Principia College in the Midwestern state Illinois, USA, in the Spring 2010, I first hand heard part of the story that got human trafficking onto the international agenda. Trafficking, or modern slavery, is not a new phenomenon rather it has been going on for centuries. Its form has developed and expanded with globalization (Flaate, 2011). Kathryn Bolkovac shared her story about the human trafficking industry where peacekeepers, contractors and UN personnel took part in the trade in Bosnia and Herzegovina in the 1990s. Her book, *The Whistleblower*, later turned into a film with the same name. Then Secretary General Ban Ki-moon opened in 2011 a panel discussion on sexual exploitation and abuse in conflict and post conflict situations following a film screening of *The Whistleblower* (webtv.un.org). Already in 2008, the United Nations General Assembly first acknowledged Trafficking in Person in crisis situations in Resolution 63/156, paragraph 4; “governments, the international community and all other organizations and entities that deal with conflict and post-conflict, disaster and other emergency situations to address the heightened vulnerability of women and girls to trafficking and exploitation, and associated gender-based violence” (IOM, 2015; 10).

Human trafficking has been an issue in humanitarian responses previously, and again came on the agenda after the South Asian Tsunami in 2004, which will be discussed more in depth in chapter 2. During the conflict in Bosnia and Herzegovina and Kosovo trafficking in persons was a large industry where international actors took part in the trade (IOM 2015). This, along

² Al Jazeera, *Increasing number of deaths among Nepali workers*, 21.12.2016

with the fall of the Soviet Union, which opened up both the discussion of women's rights and national security, placed the issue of trafficking in persons on the international agenda throughout the 1990s. After advocacy efforts it led to the Trafficking Victims Protection Act (TVPA) of 2000 in the USA (Flaate, 2011). The legislation was passed unanimously in both houses of US Congress making it a bipartisan issue. Under the TVPA traffickers are criminalized while victims of trafficking are no longer criminalized (Flaate, 2011). Since 2001 the TVPA is used to measure countries and engage governments around the world on their counter-trafficking efforts in the yearly Trafficking in Persons Report (U.S. Department of State). The issue was now on the international agenda and the United Nations (the UN) came with its own protocol known as part of the Palermo protocols namely the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. The following UN Trafficking Protocol definition of trafficking by this protocol is the one applied for this research;

“The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices of similar to slavery servitude or the removal of organs.” (United Nations, 2000).

It must here be mentioned that definitional issues is a major obstacle in counter-trafficking efforts both during normal times and in times of crisis. Not only does this lead to difficulties in determining the scope of the issue, it also leads to difficulties in prevention and protection work.

In the book *Human Trafficking, Human Misery – the Global Trade in Human Beings* Dr. Alex Aronowitz explains that for something to be trafficking it must include one aspect of each of the following three elements;

1. “an action (recruitment, transportation, transportation, transfer, harboring, or reception of persons);
2. Through means of (threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim); and
3. goals (for exploitation or the purpose of exploitation, which includes exploiting the prostitution of others, other forms of sexual exploitation, forced labor or services, slavery or similar practices, and the removal of organs)” (Aronowitz, 2009; 1).

But for children under the age of 18 none of these element must be present for it to be considered human trafficking in the case of recruitment, transfer, transportation, harboring or receipt of a child for the purpose of exploitation (Aronowitz 2009). According to UNICEF a child has been trafficked if she or he has been moved within a country or

across borders with the purpose of exploiting the child. It does not matter if the movement was done with or without force. It is trafficking.

Trafficking can happen in different forms such as forced labour, sexual exploitation in the form of prostitution, selling of organs, bonded labour and illegal adoption to mention some. To provide a small insight into the situation of human trafficking in Nepal a short introduction is provided below.

1.4 Human trafficking in Nepal – a brief introduction

Already before the earthquake human trafficking was a concern in Nepal and Conor Grennan shares in his book *Little Princes – One Man's Promise to Bring Home the Lost Children of Nepal* a meeting with a father who had given his son to what he thought was a government official for a better future;

“The father recounted the whole story. His eyes never met ours, but stared into space. I couldn't understand the words, but he seemed to travel back in time and watch the entire event unfolding in front of him. He spoke of the government official who told him he had seen potential in Jagrit as a young boy, who promised to put him in a top school in Kathmandu. The official had asked the family to provide a large sum in advance. The father waited to hear news of his son. Weeks became months, and months became years, until one day there was no hope left. It was as if his wife had never given birth to the boy, as if he had never held that bright young child (...) (2011; 194)

Darkness had just fallen over Kathmandu as three men negotiated with a group of dressed up girls. They were negotiating the price for sexual services said the counter-trafficking worker while we were in Thamel, the touristy part of the city. Among trekker clothes, cafés and restaurants with a variety of cuisines for every taste, sexual services can also be bought. Here both Nepali and foreigners can buy sexual services from Nepali as well as Eastern European girls and women ranging from 200 rupees to 50000 rupees (Field notes, 2017). Around the city are also dance bars and the so-called cabin restaurant. ”In the Kathmandu Valley, an estimated 11,000 – 13,000 girls and women work in over 1,200 cabin restaurants, dance bars, folk singing restaurants and massage parlours” (Baumann and Dharel, 2014; 29). In the cabin restaurants the waitresses, some under the age of 18 years old, are used to entertain the guests. The guests can touch the girls as they please and take them for sexual purposes, either there or take them to nearby guesthouses. One girl's breast had reportedly been bitten so badly that she was in need of medical assistance when she was rescued by a counter-trafficking NGO (Interview, 2017).

During the Nepalese Civil war, also known as the People's war or the Maoist insurgency, from 1996 to 2006, Kathmandu was a safe heaven where parents would send their children to protect them from the insurgency and risk of becoming child soldiers. This was also the same period some claim that the history of human trafficking in Nepal begins (Interviews, 2017). In the mid 1990s cabin restaurants and dance bars started popping up around the city valley at

the same time as girls and boys were sent to Kathmandu valley for protection from the Maoist insurgency. Since then, activists have tried to shut them down without much luck. “I go on shouting, we make a fuss, but still it is going on. (...) Dance bars and cabin restaurants are totally for sexual purpose. Ask them, the children, they will tell you the same story, they have to please the client”, shared a counter-trafficking expert in an interview (Interview, 2017). The cabin restaurants are running with permits from the government and despite government officials promising again and again to shut down the cabin restaurants, they don’t do it. According to several sources there seems to be a link between those who owns these restaurants and politicians. Trafficking in Nepal does not only happen in the sex industry. Rather it occurs in several sectors such as for domestic work, working in construction work, craft making, restaurants and hotels. Bonded labour also happens, although the Nepali government in 2000 banned it. Both external and internal trafficking occurs, where internal gets considerably less attention than trafficking across borders according to counter-trafficking workers.

Modern Slavery is an issue in Nepal. Survey data suggests that a minimum 229 000 Nepalese were trapped in some form of modern slavery in 2014, according to Walk Free Foundation. This includes numbers both within and outside of Nepal. Due to the challenge in obtaining data specific numbers “it is very likely that this survey estimate under-represents the true scale of modern slavery as it affects Nepalese”, states the report Modern Slavery in Nepal: Understanding the problem and existing responses (Baumann and Dharel, 2014; 6). The Walk Free Foundation report also states that according to the USAID Counter-Trafficking “an estimated 20000-25000 Nepali women become involuntary domestic workers each year within Nepal”(Baumann and Dharel, 2014; 28). While others claim that between 5000-12000 women and girls are trafficked every year (Nepal GBV sub cluster, 2015).

Nepal is both a source and destination country of trafficking. According to the Global Slavery Index of 2016 Nepal ranks as number 20 out of 167, where 1 is most vulnerable, in vulnerability to modern slavery. A Tier 2 country in the most recent Trafficking in Person Report, the government is making significant efforts to meet the minimum standards for elimination of trafficking, but does not fully meet these. Nepal has yet to ratify the above mentioned UN protocol to Prevention, Suppress and Punish Trafficking in Persons, Especially Women and Children, the ILO Domestic Workers Convention, the Convention on the Right of Migrant Workers and their families according to the Global Slavery Index 2016. Although anti-trafficking law is there, it is not strictly enforced as traffickers are rarely punished. And if punished it may be the middlemen who are punished, and not the lead-trafficker in charge of the operations.

People who end up being trafficked does in some cases pay their traffickers for the opportunities that they think the person will give them. In a recent case a popular director in the Nepali film industry was arrested for taking 11 people to South Korea under the pretense that they would make a documentary and putting on cultural shows. According to a Ekantipur

newspaper article he had collected Rs 1 to 1.5 million from each of the 11 persons to take them to South Korea (Post Report Kathmandu, 2018).

There are also reports of Nepalese being tricked by agencies to go to Afghanistan for high-paying employment opportunities, but upon arrival the migrants are subjected to forced labor by the recruiters (TIP 2015). Yet other talk of dance bars in Kenya with Nepali girls. Foreigners coming to Nepal for paper marriage were also mentioned as an issue where girls travel to countries such as South Korea for paper marriage and is exploited there (TIP 2015). Other reported that rich men from the Middle East come to Nepal and through middlemen search girls for marriage. Then they marry and the man use the girl for sex and later dissolves the marriage.

In human trafficking, one talks of push and pull factors. Factors that drives people to leave, or factors that make people vulnerable that traffickers can prey on and factors that pull people towards going. The main factors, root causes, for human trafficking in Nepal is according to responders of the research; gender inequality, lack of job opportunities and unemployment, poverty, education and the open border policy to India. Chapter 2 looks further into these root causes.

In the following chapters the issue of human trafficking will be examined as an issue impacted by the immediate and longer-term effects of the earthquake and how the humanitarian community worked to counter its effect through prevention and protection of vulnerable earthquake survivors. In order to do that a theoretical framework, which is presented below, has been applied and the methodology explained later has been used to collect and analyze the research findings.

1.5 Theoretical Framework

Throughout the paper several concepts are applied and I will account for the most central here, while others will be described throughout the paper as needed. The emerging field of Modern Slavery studies will be used as the framework for how I account for human trafficking. I apply Modern Slavery expert Kevin Bales's approach; where slavery is about controlling people completely as disposable tools to make money. Slavery never disappeared, it just changed. It s about the domestic worker who has no free will, its about the sex worker who lives a life under threat of physical and psychological violence, it is about the brick-maker who lives under constant pressure and no freedom to decide anything in their own lives. Common for all of them is that they came into this situation with the belief and hope for a better life for themselves and their families. Instead of a fair sum of money, they are exploited, controlled and live a life without personal freedom. Slavery is "the total control of one person by another for the purpose of economic exploitation" writes Bales in the book *Disposable People: New Slavery in the Global Economy* (version 2012). I apply Modern Slavery as an umbrella term as the guiding literature for the discussion on human trafficking. The UN Palermo definition will be the guiding definition of trafficking as this paper mainly focuses on humanitarian actors role in protection and prevention of trafficking.

Thus the paper looks at international disaster management. When the affected country request assistance from the international response community, international organizations, foreign governments and international non-governmental organizations (INGOs), to respond to a crisis it is per definition international disaster management writes Coppola (2015).

Comprehensive disaster management consists of mitigation, preparedness, recovery and recovery. This paper looks at response and recovery. Response is the action taken to eliminate or reduce the impact the disaster has people to prevent more suffering and/or financial loss. Within this relief, such as food items, is provided. Thereafter the recovery phase begins by returning victims lives back to normal after the consequences of the disaster impact. This can take months or years (Coppola, 2015)

To understand the impact the earthquake had on the risk of human trafficking for earthquake survivors a vulnerability approach will be applied. *The Introduction to Human Trafficking* by the United Nations Office on Drugs and Crime (UNODC) firmly states that “successfully assisting vulnerable populations to protect themselves from harm is not possible without an understanding of what makes them vulnerable to violence, abuse and exploitation in the first place” (2008;8). Therefore the vulnerability approach, where vulnerability is understood in a similar way across the field of disaster management (Coppola, 2015), human trafficking prevention (UNDOC) and a development perspective on vulnerability (Zakour and Gillespie, 2013) will be applied. Vulnerability is a result of the negative situation a person experiences because of a complex mix of social, cultural, political, economic and environmental factors that creates the context (UNODC, 2008). More specifically disaster vulnerability theory seeks to explain how likely a person is to experience harm from the losses in a disaster writes M.J. Zakour and D.F Gillespie in their 2013 book *Community Disaster Vulnerability: Theory, Research and Practice*.

Vulnerability theory as a concept first surfaced in the 1970s when researchers Phil O’Keefe, Ken Westgate and Ben Wisner took the naturalness out of natural disasters. They argued that ”disasters are more a consequence of socio-economics than natural factors” (1976).

Researchers found that the enormous difference in the consequences of a disaster of the same magnitude but in different locations must be rooted in social systems, writes Zakour and Gillespie.

As the early work of vulnerability theory was rooted in Marxism, interest in the theory declined as the cold war ended. Again in the early 2000 vulnerability theory resurfaced with less Marxism, but still concerned with changing the system. “This focus is consistent with social work values and practice. In social work, the primary conceptual foundation for vulnerability is social and especially distributive justice” (Zakour and Gillespie, 2013;19: referencing Soliman & Rogge, 2002; Zakour, 2010).

As vulnerability theory acknowledges that “there are things that can be done during each phase of disaster, from mitigation to reconstruction to reduce vulnerability (Zakour and Gillespie, 2013; 19), it is a good fit for examining vulnerabilities to and aspects of countering

human trafficking during the humanitarian response, recovery and rebuilding process. For the purpose of this research Ben Wisner’s *pressure and release model* will be applied. According to Wisner’s model vulnerability is something that is affected by social processes over time. It starts out with root causes that set up dynamic pressures that make the root cause effects result in unsafe conditions.

The following three variables are viewed by development theorist as being what causes vulnerabilities: root causes, dynamic (structural causes) and unsafe conditions (Zakour and Gillespie, 2013).



Figure 2: Pressure and release model

Social, economic and political factors and processes influence how the earthquake, or hazards, affected people’s lives in different ways (Blaikie, Cannon, Davis and Wisner, 2008).

Vulnerability is determined through social processes that unfolds over time through layers of root causes, dynamic pressures or structural constraints, and unsafe conditions” (Zakour and Gillespie, 2013). Multiple dimensions and factors influence the vulnerabilities of people after a disaster. I will adapt and apply the pressure and release theory in the analysis of the information gathered for this study. Here push and pull factors of trafficking will be relevant. For the purpose of this research the root causes are existing push factors such as poverty, gender inequality, economic inequality that get’s worse due to dynamic pressures which is the earthquake combined with structural causes and this again leads to the unsafe condition of an increased risk of human trafficking.

1.6 Methodology

This research is based on 16 semi structured in-depth interviews with relevant organizations in Nepal using an interview guide, see page 78 for annex. 13 of the interviews are conducted with UN agencies, the Nepal government both at national and district level, International Non-governmental organizations (INGOs), Non-governmental organizations (NGOs) at national level and counter-trafficking organizations in Nepal. Interviews with practitioners in the field of counter-trafficking, the individuals working with protection aspects of the humanitarian response at policy and implementing level, including experts ranging from gender based violence, gender and social inclusion, child protection, human trafficking and restoring family links who were active in the response in 2015 make up the primary data of

The research. The majority of the interviews were conducted in English. A translator was present if that was needed. Each of the interviews lasted between 30 minutes to around 70 minutes.

Selection of research participants was based on who was part of the protection cluster whereas organizations that was central for the counter-trafficking work was contacted for interviews. Due to my connection with the Red Cross, as further explained below, I was put in touch with relevant Red Cross staff through my connections. A snowballing effect was also used, as the organizations interviewed would refer to other organizations that then would be relevant to have additional interviews with. Below follows a list of organizations interviewed for this research.

Department of Women and Children office, National level

The United Nations Population Fund (UNFPA)

United Nations Children's Fund (UNICEF)

International Organization of Migration (IOM) Nepal

Nepal Red Cross, Emergency Response Unit – Gender and Social Inclusion (GESI) Section

Nepal Red Cross, former human trafficking project lead

Nepal Red Cross, Restoring Family Links Unit (RFL)

Save the Children

Plan International

Care International

District Women and Children office, Sindhupalchok district

The organizations below are not members of Nepal protection cluster:

IOM Geneva

UN WOMEN

Maiti Nepal

Change Action Nepal

She=Precious

Please note that throughout the thesis I will not directly state who said what as some of the themes are sensitive, instead I will refer to the interviews without revealing identities by writing (Interview, 2017).

Adding to the research data collection, field observations have been made in both Sindhupalchok district and Kathmandu, Nepal during a six-month period. Additionally, prior to starting this research I was seconded from Norwegian Red Cross to Nepal Red Cross Society working in Tanahun district for nine months. Before this I was an elected representative at national level in Norwegian Red Cross Youth where international work was part of my portfolio. I have found myself both outside and inside of the sector that I have conducted my research on. This gives me a double role that provides me with insider insight into the humanitarian and development sector. At the same time this double role may at times also make me blind to some of the issues within the sector, and the research is impacted by this duality; it may be both strength and a weakness. This is part of the limitations of the research.

The primary data is supplemented with secondary research material consisting of relevant humanitarian guiding documents, policies, research and reports by the Nepal governments and humanitarian organizations. Academic research on disasters, human trafficking and modern slavery and humanitarian work was used to validate findings with existing information.

The interviews have been analyzed with thematic analysis method by identifying the recurring themes. This is done to ensure that the discoveries of the thesis is based on what is found in interviews and where key interview objects have directed the eyes of the research. Additionally, insight and experience from the cultural and societal context has been part of the analysis such as first hand experience with gender inequality, lip-service and the significance of when dal bhat is eaten just to mention a few which has been useful in navigating and analyzing the information I have collected.

Limitations and ethical considerations

The interviews were conducted with oral informed consent. Due to the sensitivity of the subject, I anonymize who said what. The research has some limitations such as that I was not present during the humanitarian response to the earthquake and could not then first hand observe the response. Other limitations include, but are not limited to; I have focused on interviewing organizations in the protection cluster relevant for the counter-trafficking efforts. It could have been useful to interview organizations in all the other clusters as well to see their understanding of the counter-trafficking efforts. Mainly interviewing members in the protection cluster also means that the information I received may be coloured by the account of what they shared with me. Additionally, the information provided to me as a researcher may have been limited by what actors can share publicly versus what is written in their internal reports. During one interview a communication officer was present during the interview as an example of possible restrictive measures in what information is provided to an outside researcher. However, during other interviews my experience was that the interviewee talked and shared very freely as this is a way for information about the issue at hand can be collected and disseminated to others. Interviews with victims or survivors of human trafficking were not conducted, but nor was it the aim to do so as that would pose other ethical considerations and then the research would have had a different focus. Another limitation of the research is that it did not focus on the resilience of earthquake survivors, as the focus instead has been on the macro rather than the micro level. This has an impact on the validity of the research (Mikkelsen citing Kvale, 2005).

I received approval this research by the Data Protection Official for Research at the Norwegian Centre for Research Data.

2. Human trafficking in natural disasters

As human trafficking already was a concern in Nepal before the natural disaster affected the lives of several million people, it was already on the map of various social issues that humanitarian actors and the government needed to take into account in their response to the disaster. Despite human trafficking already being on the agenda prior to the earthquakes, this does not necessarily establish a specific link between human trafficking and natural disasters.

The earthquakes most affected areas happened to also be the districts with the highest prevalence of human trafficking in the country (Interview 2017). Days and months following the earthquakes, international media reported a concern for increased trafficking, especially of children. Media reported that vulnerable families who lost everything became targets of human traffickers looking to exploit women and children (Tamang, Gurung, Gurung and Bista in NHRC, 2016; 15). Now, almost three years following the earthquakes few agencies can assert that human trafficking with certainty did increase. At the same time nobody can disconfirm that it did in fact increase. The Nepal Human Rights Commission claims that there was a 15% hike in the trafficking numbers in the first three months following the earthquake (2015). Whatever the statistics and numbers may show, it is a fact that various forms of gender based violence (GBV), such as human trafficking often goes unnoticed in times of disasters by those involved in the response as it is not viewed as a life saving intervention.

The International Migration Organization (IOM), which became affiliated with the UN in 2016, has collected several examples of human trafficking in crisis. The report *Addressing Human Trafficking and Exploitation in Times of Crisis*” was published in December 2015 meaning that the Nepal earthquake happened just in time to be included in the IOM research on trafficking in crisis. The report stated that the humanitarian response to the Nepal earthquakes were among the first responses that actively included counter-trafficking efforts at the onset of the response. Following this IOM has held several advocacy events expressing the urgent need to include trafficking in the UN response mechanism to crisis (email correspondence, 2018).

Before diving into the counter-trafficking efforts of the humanitarian community in the time following the earthquake in the following chapter, this chapter examines the link between natural disasters and vulnerabilities for human trafficking. Based on a review of literature it seems that it is more recognized that there is a risk for increased trafficking in times of conflict, than there is when natural disasters occur. In the humanitarian sector, including in the National Protection Cluster Contingency Plan for Nepal, human trafficking falls under the umbrella term GBV.

Trafficking as a concern in the aftermath of natural disasters came onto the agenda in the end of 2004. December 26, 2004 a tsunami, known as the South Asian Tsunami, destroyed a lot of the costal areas of India, Sri Lanka, Thailand and Indonesia. Shortly after cases of child trafficking in the Aceh province of Indonesia was reported by UNICEF (Aronowitz, 2009). The humanitarian response to the South Asian Tsunami was well funded and hundreds of

relief agencies were present, leading not only to competition between agencies for beneficiaries, and projects that had discriminatory impacts on communities, but it also led to more resources for monitoring and evaluation. Both inequitable assistance patterns and range of protection issues were then identified (Ferris, 2011), among them human trafficking. “The international disaster response community has long been aware of the need for assessment of vulnerabilities in developing relief programs. Increasingly those assessments look at the protection needs of specific groups because the most vulnerable groups in a population are the most invisible; if they are to be served, proactive outreach is required” (Ferris, 2011; Kindle Locations 2934-2943).

Again when hundreds, if not thousands of children were left orphaned when Myanmar (Burma) was hit by the cyclone Nagris in 2008, trafficking was a concern; “evidence of child traffickers attempting to lure orphaned children from a shelter in Rangoon”, was reported by a UNICEF Child Protection officer (Aronowitz, 2009; 142). Following the earthquake in Haiti in 2010, and again within a few weeks of the typhoon destructions in the Philippines in 2013/2014 trafficking rose as a concern among humanitarian actors. In the response to the Philippine typhoons “humanitarian organizations started to hear numerous reports about recruiters offering “livelihood” opportunities, which suggested forced sexual exploitation of children” according to IOM (email correspondence, 2018). Common for these was that trafficking was identified as an issue that occurred after the disaster (IOM, 2015). As for Nepal trafficking was already included in emergency preparedness plans.

Although it may seem logical that the risk for trafficking increases following a natural disaster the link is rarely recognized or examined closely in humanitarian agency documents and reports until the IOM report mentioned above. In the report *The Climate Change- Human Trafficking Nexus* IOM claims that there is an absence of academic studies and policy documents on the effect of slow- and sudden-onset on human trafficking (IOM, 2016). Therefore there is a need to examine the link between human trafficking and natural disasters. A quick search in the academic search engine Jstore on a variety of the combinations of “human trafficking and natural disasters”, “modern slavery and disasters” provided few or no results. A quick literature review makes it seem as though there is a more established link between conflict and trafficking than that of natural disasters and trafficking.

This may be linked to what Elizabeth G. Ferris writes in the book *Politics of Protection: The Limits of Humanitarian Action* (2011); Despite the increasing frequency and severity of natural disasters, many humanitarian actors continue to see natural disasters and those displaced by them as marginal to the central thrust of humanitarian action: responding to those affected by conflict. The assumption has been that conflicts and natural disasters are fundamentally different and that response to natural disasters is basically a question of logistics while complex emergencies and conflicts always bring forth protection issues” (Ferris, 2011; Kindle Locations 2786-2791). Despite this assumption, Ferris claims that recent research shows that conflicts and disasters affect communities in a similar way. Ferris goes on writing that “humanitarian response is especially complex when disasters strike

communities already weakened by conflict” (2011; Kindle locations 2786-2791), as is the case with Nepal after the 10 yearlong conflict. “Natural disasters are much more than environmental events. They have profound political, environmental, social, spatial, and psychological consequences. A natural disaster unearths and challenges the power structure of an affected society, disrupting livelihood strategies and deconstructing social arrangements”, writes disaster management specialist Rakhi Bhavnani (2006).

Bales identifies the link between slavery and environmental change, whether slow as rising sea levels or a sudden disastrous hurricane in his 2016 book *Blood and Earth: Modern Slavery, Ecocide, and the Secret to Saving the World*. In the book he writes, “I’ve seen men, women, children, families, and whole communities impoverished and broken by environmental change and natural disasters. Homes and livelihoods lost, these people and communities are easily abused. Especially in countries where corruption is rife, slavers act with impunity after environmental devastation, luring and capturing the refugees, the destitute, and the dispossessed” (Bales, 2016). Susan Martin and Amber Callaway also acknowledge the link between natural disasters and trafficking in their chapter *Internal Displacement and Internal Trafficking: Developing a New Framework for Protection* in the 2011 book *The Migration-Displacement Nexus*. Professor and author of *Human Trafficking, Human Misery* Alexis A. Aronowitz writes a short entry about natural disasters and trafficking in her book, but does not go into detail about the specific connection.

According to UNODC “Human traffickers prey on people who are poor, isolated and weak. Issues such as disempowerment, social exclusion and economic vulnerability are the result of policies and practices that marginalize entire groups of people and make them particularly vulnerable to being trafficked” (UNDOC, 2008; 3).

“Specifically, IOM’s 2015 research studies indicate that in crisis situations, existing trafficking types are exacerbated, while vulnerability to trafficking increases and new, crisis-related trafficking arises. Moreover, crises often go hand in hand with the decay of state institutions and an ensuing deterioration in the rule of law, thereby allowing traffickers to act without fear of retribution (IOM 2015). At the same time, many crises, especially those on a larger scale, disrupt local economic opportunities, leading to an increased vulnerability of affected populations and heightening their likelihood to resort to negative coping mechanisms to survive, including high-risk migration and in some cases harmful traditional practices, such as forced and early marriage (IOM 2015).” (Klaffenböck, Todorova and Macchiavello, 2018; 192).

Human trafficking can be categorized as an intangible effect of a disaster, which is an effect from a disaster that “cannot be properly assessed in monetary terms”. Stress, mental illness, poor morale, change in culture and loss of community character, as a consequence of a damaged environment are examples of intangible effects. Additionally, trafficking is an indirect effect as it may “emerge later and may be more difficult to attribute to the event” according to Keith Smith in his book *Environmental Hazards* (Coppola, 2015; 154). The

indirect effects may in turn be due to tangible effects such as loss of wages, loss of livelihood and cost of reconstruction to mention a few.

In a 2015 live online consultation on human trafficking in times of crisis it became clear that there was a need for more understanding and insight into the factors that impact human trafficking following a disaster (IOM and Caritas, 2015). Wisner's pressure and release model of vulnerability stresses that when root causes such as structural and economic inequality interact with something such as natural hazards like an earthquake, then this may cause unsafe conditions (Zakour and Gillespie, 2013). For the purpose of this paper the focus is on the unsafe condition of the risk of human trafficking.

UNODC claims that prevention should aim to eliminate trafficking before it even occurs by reducing vulnerability factors that puts people at higher risk of trafficking (UNODC, 2008). Therefore identifying what vulnerability factors were present before and after the earthquake can be beneficial in order to better understand what types of prevention measures may be useful in the aftermath of natural disasters. Knowing what constitutes vulnerability to trafficking is considered a prerequisite for developing good prevention programmes according to the internationally recognized expert on combating human trafficking, Michèle A. Clark (UNDOC, 2008).

2.1 The push factors and root causes of human trafficking after the earthquake

After the earthquakes in Nepal there were reports by Maiti Nepal, Shakti Shama and UNICEF that there was an increased risk of human trafficking. There was an increase in movement of people without clear information about where they were going (Interview 1, 2017). There were especially increased movement of unaccompanied children and women. Thereafter more people started to get passports to travel abroad for employment. To better understand why this may happen, I will now look at what root causes are linked to the increased risk of human trafficking. The following groups are identified as particularly at high risk of human trafficking in crisis:

“• Unaccompanied and separated children, including those on the move.

- Single-headed households, particularly those headed by women.
- Female and child victims of domestic violence.
- Persons who have been transnationally trafficked and persons vulnerable to re-trafficking.
- Refugees and asylum seekers.
- Stateless persons.
- Migrants/non-nationals in the country in crisis.
- Ethnic, racial, religious, social and gender minorities.
- Victims of discrimination.
- Non-nationals in a position of vulnerability due to factors including gender, sex, age, regular/irregular status, social, economic and political factors” (Klaffenböck, Todorova and Macchiavello, 2018; 192-193).

But what is it that makes these people at particular risk of trafficking in crisis situations? “Sudden changes brought on by natural disasters exacerbate problems that people face on a daily basis,” writes Bhavnani explaining the physical to sociological effects natural disasters has on the lives of people (Ferris, 2011). The disaster such as this earthquake has major impacts on the lives of people shared a development worker based on years of experience working in previous disasters and in the response to the earthquake. He went on explaining that after the earthquake the main source of income such as life stock or microenterprise of a family may have collapsed. Thus, an urgent need to find an immediate way to provide for the family arises because the family must be provided for (Interview, 2017). A push factors is then created.

Quickly described, push and pull factors is one way to explain the occurrence of human trafficking. The push factors are the reasons why people leave their village, city or country. While the pull factors are the hope and promises of a better future (Aronowitz, 2009). The push factors is where a trafficker comes into the picture by presenting a tempting opportunity for a better life for an individual and/or their families, if they just send their child or go themselves for education or that great job opportunity. By houses being damaged push factors are created and the already existing root causes such as poverty only gets worse pushing people into the arms of the trafficker, the pull factor. Thus, “natural disasters heighten the risk of and create the right environment for traffickers to exploit a population’s vulnerabilities” (IOM, 2015; 24). That is what happened in Haiti, the Philippines and now in Nepal in the aftermath of the natural disasters that happened there.

Already existing push factors (root causes), such as poverty, unemployment, discrimination based on gender and caste, patriarchal culture, lack of education opportunities, lack of political and economic inequality are further exaggerated in a disaster (interviews, 2017). It is as a child right expert shared in an interview: risks such as child labour was present before the earthquake, but after the earthquake the risks were exaggerated (Interview, 2017). There are several factors that lead to an increased risk of human trafficking following a crisis. As for the Nepali context people interviewed identified several factors that contribute to this risk such as increased poverty, gender based violence, patriarchal culture and discrimination of marginalized groups to mention a few.

As result of the impact of the earthquake people’s vulnerabilities increases, which in turn impacts persons coping mechanisms and the chances of other’s taking advantage of these enhanced vulnerabilities. Building on the pressure and release model of vulnerability poverty and gender inequality are existing root causes pressured by the destroyed family structure, house and livelihood (pressures) and results in the unsafe condition human trafficking as seen in the figure below (Wisner as referenced by Zakour and Gillespie, 2013). IOM found that “vulnerability has its root in pre-existing social fabric and crisis further fosters the reliance on negative coping mechanisms” (IOM, 2015; 24).

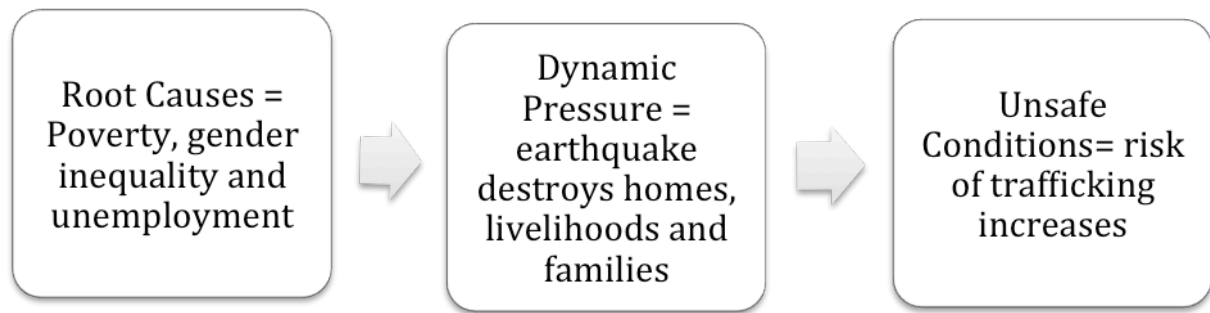


Figure 3: Pressure and release model with push factors of human trafficking due to earthquake

Houses and livelihoods collapsed pushing more people into poverty.

Several root causes were only made worse after the earthquake. Among them economic inequality and poverty. Following the earthquake the World Bank estimates an increase in the proportion of poor, where 44% of the population was already living in poverty. According to estimates there would be an increase by 2 percent if the earthquake had a low impact, 2.8 percent at medium impact and at 3.7 percent at high impact in year 2015/2016 (National Human Rights Commission, 2015). An additional, at almost a medium impact estimate, 700 000 people living in poverty following the earthquake as around 600 000 houses were fully or partially damaged, according to the National Planning Commission Post Disaster Needs Assessment key findings report (Government of Nepal, 2015). People lost their homes and livelihoods are lost, which results in people falling into poverty and people already living in poverty falling even deeper into it. This implies that one of the key root cause and push factor for trafficking certainly increased for a significant number of people.

80% of the population live in rural areas and mostly rely on small scale farming for their livelihoods. When a natural disaster happens, poor and marginalized persons are almost always disproportionately affected (Ferris, 2011). This means that when the earthquake hit, farmers were quite vulnerable to the destructions. A disaster can lead to economic emergency for a poor, landless and illiterate household that puts the family at risk of modern slavery such as bonded labour. Death of a family member, injury or illness, livelihood being destroyed or not having enough money for food can put the family in need for money. This combined with the loss of housing may result in lack of both physical and financial security. This may be a contributing factor in that gender based violence increase in times of crisis, and it is verifiable that GBV increased after this earthquake (Interview, 2017). It must be mentioned that not only women and girls suffer from GBV. Men and boys can also experience GBV according to an informant (Interview, 2017).

To solve the issue of financial stress in some cases the only way the family may access money is through loans from landlords or employers. As they do not have any property that can be held as collateral for the loan, then according to Walk Free Foundation, lenders “expect adult or child labour to be provided in return and bonded labourers are expected to work long hours for wages far below the minimum wage rate. Bonded labour is also often hereditary, and even

if families are officially freed, unless, they have access to livelihoods and reliable income, they are likely to slip into new forms of modern slavery”(Baumann and Dharel, 2014; 26). In other cases persons will rely on risky internal or external migration for work. Poverty and lack of livelihood opportunities increase vulnerability to modern slavery according to the Global Slavery Index 2016 studies.

Child marriage as a coping mechanism is another issue that increased during the emergency period according to informants (Interview, 2017). A Child rights expert shared that in families where the wife had died the husband would search for a girl between 14-17 years old. Part of the purpose of this marriage would be that the girl would help take care of the remaining children and cattle. The situation was a little different if the husband died as it was more difficult for a widow to remarry (Interview, 2017). Thus women are more likely to be stuck in a single parent household than men according.

Patriarchal society and marginalization

Being a single parent household posed challenges following the earthquake. Not only single mothers, but women in general face vulnerabilities after the disaster and in the long-term aftermath. “Lower education and literacy levels, social expectations that women will remain home to care for children and to nurse the wounded, and a skill set heavily dependent on informal economies – often most devastated by natural disasters – leave women more vulnerable to impoverishment, forced marriage, labor exploitation and trafficking” (USAID, 2006;v). Immediately after the earthquake women had to stay with their families to assist family members dealing with the effects of the disaster. But still, vulnerabilities of women increased as for many the family structure had been disturbed and the person who used to earn for and take care of them might have died or been injured and could therefore no longer fill that role. In those cases women were dependent on going to get relief and assistance on their own for their families, in some cases leaving their children home alone as easy targets for traffickers. In the lines of accessing relief women and marginalized groups faced discrimination and harassment. A citizenship card, which many women and other marginalized groups do not have, was required to get relief materials and to rebuild the damaged house (personal communication, 2017).

Therefore with time, women’s vulnerability increased according to interviews with gender experts. There is a lack of income, lack of security, lack of livelihood options and especially the young women are compelled to move out of the rural areas because there are no choices. There are no jobs. Recruitment agents and other people in their communities tell them that “you can get a good job in Kathmandu or even in foreign employment”. Adolescent girls go to the district headquarters, to Kathmandu and other cities looking for work, but when they cannot find work they end up working in a restaurant or bar where according to informants are at risk of being trafficked. Additionally, when the young women or girl travels to the cities they may meet a recruitment agent that says “you want to go for some job in Kuwait?” This sort of trafficking has increased explained informants (Interviews, 2017).

“Many women, both married and unmarried were trafficked because they no longer have a home. During the emergency they lost their house, husband and children. Maybe some put their children in child center and went for work outside of the country to earn money to rebuild their house – in reality they were trafficked” shared a group of women in an interview (2017). This matches the findings of the USAID *Literature review: Trafficking in humanitarian emergencies (2006)*.

Children and adolescents were particularly vulnerable.

While women faced increased vulnerabilities for trafficking some time after the earthquake, children were most at risk of trafficking immediately after. Children were put at risk of traffickers when the parents had to travel far to get humanitarian relief materials such as food, especially in the case of single-headed households. There was an increased risk of child labor, trafficking, unsafe migration and lack of appropriate childcare following the earthquake. In cases where parents were hurt or one parent died this affected the care that the children received. There was also little time to care for children as parents in some cases had to travel distances to receive relief materials leaving their children alone. Many schools had also collapsed; therefore many children were out of school. This is not just a consequence for their education but it can also affect the risk of trafficking as the children may have limited safe spaces to spend time at during the daytime when they are out of school.

Reportedly the earthquake affected children psychologically. They were afraid. Some had lost their homes, their food, a parent, and a sibling. Some children felt uncomfortable at home as their home may have been damaged. Other children living in temporary shelters did not feel safe as they were sharing rooms with many families. Additionally there was tension and in some families domestic violence increased which the children did not like. A child right specialist shared that because of the tension children felt at home combined with the thought that they could go somewhere to earn money they wanted to leave their village and district alone. In the belief that they could get a better life somewhere else children would leave home alone or together with a friend (Interview, 2017). At the same time people from the outside also came to influence the children to leave their families in search of better opportunities. This brings the discussion over to the pull factors.

2. 2 Pull factors to the unsafe condition

To cope with the increased push factors and root causes of vulnerabilities people may work on anything they find. This may include going for work nearby or seek assistance from humanitarian actors. If this is not available people will move somewhere else to find better solutions or a better job. That is seen in global migration as well; people go for better opportunities. If there is an opportunity, people will go. And here the question comes in: was it an informed choice, a compulsion, was the person tricked or coerced into going? (Interview, 2017). This is where the trafficker comes into the picture.

Law and order of the Nepali state and society was also disrupted when the earthquake destroyed people’s lives, homes and livelihoods (Raj and Gautam, 2015). “After the

earthquake, human and institutional agents were themselves not in a condition to respond to the material and moral threat promptly and effectively writes Raj and Gautam in the 2015 book *Courage in Chaos – Early Rescue and Relief after the April Earthquake* (2015; 12). Chaos and disruption of social order is an environment that human traffickers take advantage of. They take advantage of vulnerabilities and instability both during and after conflict and disasters. During the conflict human traffickers took advantage of the insecurities people faced and promised families that they would bring their children to safety in Kathmandu Valley. After the earthquake, it again happened; human traffickers found their way to villages before aid workers. In several of the interviews conducted for this research it became evident that traffickers lure vulnerable parents who want the best for their children. Parents want their children to have a good life. And when vulnerable people are reached by traffickers who say that they will provide the children with a good future the traffickers are able to convince the family to send with the person. (Interview, 2017).

Community members reported that a variety of people came to their village posing as aid workers claiming to be there to help the communities. Some of these were traffickers who had broken out of jail as some of the prison buildings had been damaged by the earthquake. One of the reasons given for traffickers coming to villages now was because it was made easier than before because the systems had broken down (Interview, 2017). In some cases they offered parents to take their children for education opportunities. Sometimes they would stay with a family for some days showing support and interest to build up trust and convince the parents that their children could go with the person; if you send your girl with me then we will provide you and your family with support (Interview, 2017). Or they said that they could give the big opportunity of providing the daughter or son a better a better opportunity to go to school or for education (Interview, 2017). They would also come to the house with cash support. This would not necessarily just be an unfamiliar person as village leaders, family members; community members can all be the traffickers or middlemen (Field notes, 2017). Thus, the trafficker is not necessarily a stranger, but a person people trust and know.

Traffickers also posed as religious figures from different religious, such as Buddhism, with the promise to take a family's child to monastery for free education for some years. Then the child would return to the family with an education (Interview, 2017).

There were also reports of girls being taken from villages to temples. Selling girls to temples is something that occurs in Nepal. Parents are tricked thinking that their child will get to study once they reach there. Additionally, traffickers also took advantage of that families did not know whether their family members was in hospital, dead or lost (Interview, 2017).

The method of providing better opportunities for the children is not known to the families as a way of trafficking (Interview, 2017). When a family has lost their house and livelihood, then parents are more inclined to give away their child to someone who comes and promises that they will provide the child with a good education

Still today this trend continues with traffickers coming to villages to lure people for better opportunities in Kathmandu or abroad. A young woman, who had disappeared years before, landed in a helicopter wearing fashionable clothing and made up face in her village, according to an informant. Back in the village she encouraged more girls to come with her for employment by telling about her good life and good earnings.

Adding complexity to the recruitment of victims of trafficking is the practice of high caste or financially strong families reaching out to less privileged families about taking their daughter or son to their own home in Kathmandu with the promise that the child can attend school there. In some cases the child will just attend school and the family will provide food and shelter. In other instances the child has to do domestic work in exchange for covered school fees, food and shelter. Thus, it is not unusual that families are approached with the promises for better opportunities for their child in the city by people who know someone, who know someone, who know someone else. This leaves the question, how can the families know the difference between a trafficker and someone who will genuinely provide your child better opportunities?

It should be noted that following the earthquake, not only did traffickers lure children with them, children and youth themselves ran away from home in search of better opportunities elsewhere according to informants.

2.3 But what does the numbers say?

Clearly there is anecdotal information that trafficking was an issue both immediately and some time after the earthquake. But does the numbers say the same? Several sources confirm that getting useful, consistent and reliable data on the prevalence is difficult (Bales 2000 and UNODC, 2008). According to Bales it is difficult to find statistics of slavery, human trafficking, as it is a shadowy and illegal enterprise. The lack of a clear and agreed upon definition of human trafficking is another reason for the difficulty of obtaining statistics. It is therefore difficult to determine whether trafficking did or did not increase after the earthquake. Several of the persons interviewed said that trafficking increased, but that the numbers could not show that trafficking in fact increased. Definitional issues might be an issue in determining whether trafficking increased in actual numbers or not as some say that there needs to be broker or a trafficker who takes a person out of their home for it to be trafficking. And in many cases the children left for jobs in their own free will alone. At the same time there were also reports that family members were in fact used to accompany their own family member, child or sister, across check-points who then later ended up in exploitative situations (NHRC, 2015).

Some claim that this lack of numbers is due to methodology and that the issue of human trafficking is seen and heard about, but it is not registered anywhere. Additionally, due to stigma attached to being a victim of trafficking people would rather report their experience under migration policy instead of human trafficking policy (Interview, 2017). “Women from poor and traditionally marginalized/excluded groups are further discouraged from reporting or

silenced” about their experiences of sexual and gender based violence, such as rape according to CARE (CARE Nepal, 2016; 15). Interviews confirm this as women and girls do not report cases of sexual violence legally to police or the courts. Services for GBV survivors are often inaccessible, weak and unorganized(Asia Foundation, 2010). Another factors are that marginalized groups feel that the police will not listen to their case and therefore do not bother to report it. Yet another factor may be that people do not know that it was trafficking that happened until some time after and therefore it is not reported.

Despite the uncertainty of numbers a report by the National Human Rights Commission stated that there was an increase of 15% of human trafficking following the earthquake. Ever still, no matter what the numbers show; “GBV is happening everywhere. It is under-reported worldwide, due to fears of stigma or retaliation, limited availability or accessibility of trusted service providers, impunity for perpetrators, and lack of awareness of the benefits of seeking care. Waiting for or seeking population-based data on the true magnitude of GBV should not be a priority in an emergency due to safety and ethical challenges in collecting such data.” (IASC, 2015; 9).

2.4 Migration for work – the new face of trafficking

There is also the concern of indirect trafficking when women and men travel abroad for employment and this will not come up in the numbers of trafficking. The number of women and young men making passports after the earthquakes has increased. Poverty and limited options for employment are the main reasons for this trend. The women therefore want to go somewhere else for work opportunities. Additionally “there is some social competition: if my neighbor goes, then why can’t I also go?” (Interview, 2017). Some claim it has become a fashion that when women are abroad working it brings the household more money and improves the financial situation of the family.

Previously, until 2010 women were not allowed to go abroad to the Gulf for low-skilled work (ILO, 2015). Then women would go in illegally. Now since the government lifted the ban women can go abroad in a legal way for employment. However, there are restrictions on women’s travel abroad for work. Last year, in 2017, the government put a ban on women working as domestic workers in the Gulf. It was also done as a measure to protect Nepali women from violence and sexual exploitation by their employers. “These bans are ineffective and create the consequences that women migrate through irregular channels and become victims of trafficking” stated UN Special Rapporteur on the human rights of migrants Felipe Gonzalez Morales in the Channel News Asia article 2018 “*Nepal ban on women migrants violates rights: UN*”. Still, going abroad in the legal way costs money. Also, at the international airport in Kathmandu Nepalese travelling abroad for work are asked many questions before leaving the country. Therefore a large number of people instead cross the open border to India and travels onwards from there.

There is a new way of human trafficking. People go of their own approval, they are ready to go abroad for job or study and then there is no talk of human trafficking. But if things go bad

then it is human trafficking (Interview, 2017). Before it was mostly poor girls, now educated girls are also being trafficked in the name of jobs and study abroad. In this technology is a key tool used for recruitment.

Human trafficking did increase after the earthquake because the natural disaster exaggerated already existing root causes that are push factors contributing to vulnerability and risk of human trafficking. Now that I have showed that trafficking in fact was an issue, I will turn to what was done to counter it by the humanitarian actors in the emergency response in the next chapter. The new face of trafficking will be dealt more with in chapter 4.

3. Protection and prevention of human trafficking in emergency response to Nepal earthquakes

3. 1. Setting the stage

The humanitarian response to the Nepal earthquake was one of the first times counter-trafficking efforts were included at the onset of a response. (IOM, 2015). Already following the 2004 South Asian Tsunami countries and humanitarian organizations were quick in their response to counter trafficking. In Indonesia followed by Thailand, humanitarians feared the breakdown of social control and chaos would result in increased trafficking and therefore increased monitoring of children. Additionally the removal of children from the region, unless the child was accompanied by a verifiable family member, was prohibited. Foreign adoption of children was also banned immediately after the disaster (Aronowitz, 2009). These three interventions were also implemented in Nepal in 2015 in addition to other preventative measures that this chapter explains in further detail later. This chapter looks at the responsibility that humanitarian organizations have to protect during natural disasters and the humanitarian response system that does this, namely the humanitarian architecture and especially its protection cluster. As protection issues have not been viewed as life saving interventions in the past, protection efforts still face some difficulties in being considered important. Therefore advocacy efforts are also an integral part of protection work.

In exploring what was done in the response to prevent and protect people from the risk of trafficking and how was it done additional questions will be looked at; are good intentions enough if the people in need are not identified and therefore cannot be reached? Are the protection efforts of mainly awareness raising and intercepting people who are possibly victims of trafficking enough? And what about if the trafficker is part of the humanitarian intervention? Those are some of the questions that this chapter aims to explore further.

3. 2. Responsibility to protect also during natural disasters

The priority of humanitarian responses has always been to save lives. The view of the humanitarian community used to be that people are in urgent need of relief supplies when a natural disaster happens, but not protection (Ferris 2011). This changed when the above mentioned 2004 South Asian Tsunami happened. Now the consensus is that protection is also essential during responses to natural disasters just as it is in conflicts as discussed in chapter 2. Human rights violations are also rife in disaster aftermaths. Thus protection must be included in preparation, planning and delivering the assistance to affected people (Ferris 2011). The humanitarian principles, which are the guiding principles for humanitarian action, clearly state that humanitarian workers should help those who are most vulnerable.

Humanitarian responses are to be done while ensuring its principles, which is the foundation for the work of all humanitarian actors, no matter their mandate. Responses are to be led while applying the humanitarian imperative, meaning that action to prevent and alleviate human suffering arising from disaster or conflict must happen. Nothing is to override this principle. Then the humanitarian principles are the following four; humanity, neutrality,

impartiality and independence for all humanitarian actors. In principle this means that the needs of everyone, no matter who they are or where they are from are to be met without taking sides or being influenced by government policies (Building a better response).

Humanity entails that each person is treated with dignity and that life saving assistance and protection is provided as quickly as possible. Humanitarian actors are not to take sides in hostilities nor be involved in political, religious, ideological or racial controversies under the principal *neutrality*. Everyone should receive aid regardless of gender, race or ethnicity. Assistance is to be provided based on need alone according to the principle *impartiality*. This means that a humanitarian actor must provide relief and assistance to both the trafficker and the person who is or is at risk of trafficking. Therefore other actors, not in the humanitarian system, must be the ones dealing with punishment aspect of counter-trafficking, as humanitarian actors would violate the humanitarian principles if they were to interfere in this. One person may become a trafficker due to economic strain resulting from the disaster just the same as the risk of trafficking increases for another person.

In conflict areas, the humanitarian principles means that aid workers will provide relief to all sides of a conflict as its most important aim is to alleviate human suffering, no matter who the person is. Although this may pose some ethical dilemmas to some, it is of outmost importance that humanitarian actors uphold this as the principles contributes to access to civilians and safety of aid workers who are protected under humanitarian law. As humanitarian law, and especially the protection it provides to civilians and aid workers during conflict is under current attack, upholding the principles is essential. Still, this also limits the role that humanitarian actors may have in counter-trafficking work during emergency responses to prevention and protection. Additionally, humanitarian actors must not be influenced by any state, economic support or the military according to the principle *Independence*. As a side note, the International Red Cross/Red Crescent Movement has two additional principles namely; *Unity* and *Voluntary service*.

Applying the humanitarian principles to human trafficking in crisis, this is clearly an issue that humanitarian actors are to respond to. Or at least the humanitarian principles should be applied to ensure that humanitarian actors coordinate and implement their response in a way that meets the needs of those affected no matter who they are, where they are, to not exaggerate the earlier mentioned vulnerabilities for human trafficking further. Additionally, the humanitarian actors have a responsibility to protect people from negative effects of disasters (Sphere Project).

As mentioned in chapter 1 the UN Assembly acknowledged human trafficking in crisis for the first time in 2008. Several guiding documents and manuals have been developed regarding protection in conflict and disasters. In several of these documents human trafficking often fall under the umbrella of gender based violence. Human trafficking as a specific standalone issue is rarely, if at all mentioned in these documents. In the IASC Policy on protection in humanitarian action (2016) human trafficking is mentioned in a footnote while in the Global

Protection Cluster Strategic Framework 2016-2019 human trafficking is not mentioned at all. The IASC Operational Guidelines of persons in situations of natural disaster from 2011 brings up the issue of human trafficking. The Guidelines for Gender Based Violence Interventions in Humanitarian Settings – focusing on prevention of and response to sexual violence in emergencies (2005) also mentions it. According to IASC protecting those affected by crisis includes protecting persons from GBV, where trafficking falls within that definition, is the duty of all national and international actors responding to an emergency. *“In order to save lives and maximize protection, essential actions must be undertaken in a coordinated manner from the earliest stages of emergency preparedness” the actions based on the following three interlinked and overarching goals is necessary:*

1. To **reduce risk** of GBV by implementing GBV prevention and mitigation strategies across all areas of humanitarian response from pre-emergency through to recovery stages;
2. To **promote resilience** by strengthening national and community-based systems that prevent and mitigate GBV, and by enabling survivors¹ and those at risk of GBV to access care and support; and
3. To **aid recovery** of communities and societies by supporting local and national capacity to create lasting solutions to the problem of GBV. *“(IASC, 2015)*

Human trafficking has three specific goals among the 17 Sustainable Development Goals (SDGs) and is therefore to be considered as something that must be dealt with if the international community is to reach the set goals by 2030.

Prevention and protection efforts against human trafficking must be given high priority urged UN Special Rapporteur on Trafficking in Persons, Dr. Maria Garia Giammarinaro, at the World Humanitarian Summit some months after the earthquake. She stated that counter-trafficking should be taken as life-saving efforts during the onset of an emergency (Caritas, IOM, PHAP and World Humanitarian Summit; 2015). After a lot of advocacy, the international sphere recently included human trafficking in crisis as part of protection efforts within the humanitarian architecture. This coordination system of responses to natural disasters and conflict is explained in more detail below.

3.3 The humanitarian architecture and cluster system

The earthquake in 2015 was one of the first humanitarian responses to include counter-trafficking efforts at the onset of a crisis response (IOM, 2015). The response, with more than 450 aid organizations, was structured according to the humanitarian architecture as of the 2005 humanitarian reform (OCHA, 2015). The humanitarian reform was initiated due to the initially poor response to the Darfur Crisis in 2003 intending to “respond to the institutional gap in responsibility for internally displaced persons”(Ferris, 2011). As a result of the humanitarian reform, that aimed to make humanitarian efforts more efficient, the cluster system was developed. In response to the Khosi floods in 2008, Nepal activated the cluster system for the first time. Since then, it has not been deactivated. Instead Nepal introduced a

system called cluster transition, stated a longtime development worker in an interview for this study. “We worked on various issues, including trafficking issues, and identifying what might be the possible protection concerns in the disasters when responding to disasters from various aspects, be it gender based violence cases, maybe psychological aspects, mental health issues. All these kinds of issues were thoroughly discussed. So when the earthquake happened and the government called for international assistance, these things were already there. We didn’t need to invent anything new” stated an informant (Interview, 2017). Thus, the protection cluster was still active when the 2015 earthquake shook the ground according to development actors interviewed. The cluster system consists of 11 clusters that has responsibilities for different aspects of the response such as camp management, food, shelter, water and sanitation, livelihood, education, health and the focus of this thesis; the protection cluster.

The global protection cluster was also established in 2005 with the task of supporting protection responses in humanitarian action. Additionally, they were to develop policies and standards related to protection issues in emergencies. From the beginning Gender Based Violence and Child Protection were part of protection efforts of the global protection cluster. The two areas of responsibility (AORs) documents for sexual gender based violence and child protection both address trafficking related abuses. Years later, after a lot of advocacy, in July 2017 a anti-trafficking task team was established with the purpose of assisting in institutionalizing counter-trafficking, both prevention and protection, responses formally into the broader humanitarian responses through the protection cluster or other clusters such as health, education etc. (IOM, 2018). Still, inclusion of counter-trafficking efforts in crisis is not formalized as “The IASC still has not issued any statement on the importance of including trafficking in crisis” according to IOM (2018).

Since the creation of the cluster system, it has been rather challenging to find a UN agency that is willing and able to have the responsibility of and lead the protection cluster in natural disasters. The reluctance may be related to that attention to protection needs of people affected by natural disasters is a rather recent development (E.G.Ferris, 2011). Other clusters may also find it challenging to determine who will be the lead in natural disaster responses. As the International Federation of the Red Cross/Red Crescent (IFRC) has natural disasters as its core mandated area, while the International Committee of the Red Cross (ICRC) has conflicts, IFRC is often at the forefront in responding to natural disasters. In times of conflict United Nations High Commissioner for Refugees (UNHCR) takes upon itself the role as lead agency of the protection cluster. In the case of natural disasters UNICEF, UNHCR and OHCHR have mandated protection function and the resident coordinator is to consult with these agencies about who will take the lead of the protection agency.

This lack of a clear protection lead in natural disasters made it in the initial research process tricky to determine whom to contact for information about the protection cluster efforts following the earthquake.

The protection cluster was lead by the Ministry of Women, Children and Social Welfare with the Department of Women and Children and the National Human Rights Commission.

“Protection is very broad, with child protection issues, various GBV cases, trafficking issues, psychological component, and other various vulnerabilities as well,” shared a development worker in an interview. Therefore the protection cluster had two sub-clusters: Gender Based Violence and Child Protection.

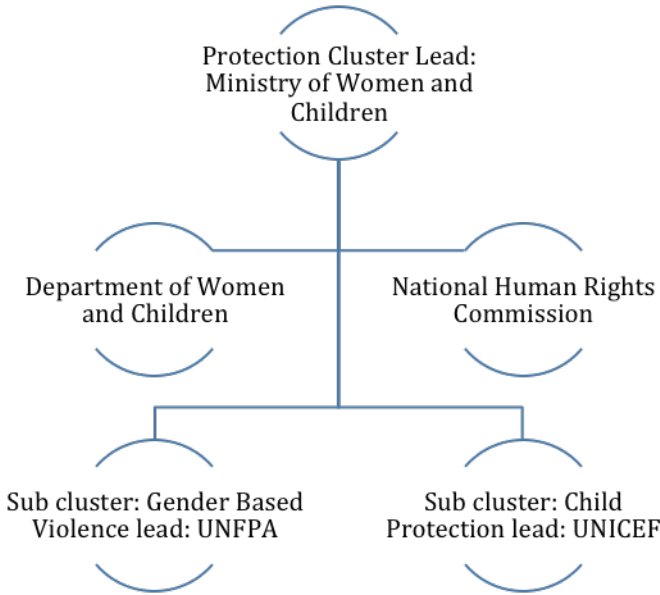


Figure 4: Overview of Protection Cluster Leads

The UN agencies that had assumed the roles as sub-cluster leads were UNFPA and UNICEF, just as they had done after the Haiti earthquakes in 2010 (E.G.Ferris, 2011). Due to its mandate to promote the right of every woman, man, and child to enjoy a life of health and equal opportunity, UNFPA served as the lead for gender based violence, while UNICEF served as the lead on the Child Protection due to its mandate. The specific area of responsibility of each of the member organizations in the protection cluster was determined based on expertise. Nepal Red Cross focused on restoring family links (RFL) while Save the Children and Plan International focused more on children and adolescents, CARE Nepal focused

on gender equality and Handicap International focused on people living with disabilities to mention a few. As the global leads they supported the Nepal government represented by the Ministry of Women and Children together with the National Human Rights Commission and Department of Women and Children as the protection cluster lead. All the clusters in Nepal are lead by the Nepali government.

The cluster systems were set up at national level and then again at district level. At the onset of the response there were meetings within the clusters and with all the clusters together where meeting participants discussed their concerns. Through the cluster system the aim was that organizations acted according to their specific areas of responsibilities in a coordinated way to avoid duplication. The Women and Children divided tasks between organizations depending on expertise. UN agencies and national NGOs worked through the district and local level organizations. “Many local organizations did things because they got capacity and support from national NGOs” according to a interviewee (Interview, 2017). The police was

also a member of the protection cluster (Interview, 2017). In interviews, a wish came up that agencies not in the cluster system should also report to the cluster system about what and where they are doing their efforts to avoid duplication. Additionally, international responders should be well prepared about the country specific situation and not reinvent the wheel already exists.

To ensure that the needs of women were incorporated in the humanitarian response, UN Women established a Women Friendly Disaster Management Core Group that functioned outside the formal cluster system. The group, also known as the Gender Theme Group, consisting of women's organizations from grassroots to national level, channeled voices and needs of women from the ground to the humanitarian responders by attending various cluster meetings in an attempt to mainstream gender in the response.

Organizations at different levels reported what they observed and heard in the field to influence what was decided to be done to meet the needs seen on the ground. But as will be further discussed later, not everyone ever got the ears of an aid worker or community leader to express their needs.

The above-mentioned structures were to implement the humanitarian response according to the humanitarian principles as well as the strategy of the humanitarian response, whereas counter-trafficking falls under the second of the following three objectives;

- ”1. Save lives and alleviate suffering by providing and/or ensuring access to multi-sectorial assistance to those most affected
2. Protect the rights of those most affected, and promote inclusive access to humanitarian assistance, with particular attention to the most disadvantaged group
3. Support the recovery and resilience of the most affected by protecting, restoring and promoting their livelihoods and well-being” (OCHA, 2015).

3.4 Advocating for protection issues to be taken seriously

Despite its importance protection issues are not always perceived as life saving efforts in a humanitarian response by the actors who are not themselves in the protection cluster. “It is increasingly- though still not universally – recognized that a complete humanitarian response, especially in complex emergencies, needs to encompass activities to protect the population at risk. However, in a large number of emergencies there is still a failure to protect the vulnerable, as well as a failure to initiate programmes aimed at addressing, in more than piecemeal fashion, potential fundamental human rights abuses before they occur, even if their occurrence is clearly predictable”(Riddell, 2007; 368-369).

Therefore not only did the protection cluster advocate on behalf of and about the different needs of women, girls, boys and men in the emergency response, it also needed to advocate for itself to be taken seriously by other humanitarian actors. The aim that advocacy is to alleviate suffering, increase protection and save lives (Riddell, 2007; 350). Therefore as for trafficking, the issue itself needed to get some media attention to be viewed as a serious

concern. The risk of increased human trafficking was covered in numerous media articles such as *Unicef Fears Surge in Child Trafficking After Nepal Quakes* in New York Times, where agency officers were quoted about the concern. Attention to and awareness was thereby raised.

In addition, advocacy within the humanitarian architecture itself was done to make other clusters and the response to take protection issues seriously and *actually* mainstream protection into their work. The priority of the response was on rescue and tents. “Protection and gender are cross cutting issues, you don’t have to include it, it is already embedded in everything you do” explained an informant. I heard this over and over again. But although protection is to be mainstreamed into every cluster and all response work, advocacy efforts is needed to make government agents and other clusters to take protection issues seriously.

Time was therefore spent on advocating and sensitizing government officials and other cluster members about protection concerns. This included advocating for the need for toilets that could be used for disabled persons. There was one type of food for everyone, when there should be different food for lactating women, elderly persons and people with disabilities.

In multi-cluster meetings hosted by the Ministry of Home Affairs, the protection cluster had to raise their voice to be heard and have the government officials and other cluster members take protection issues seriously. “If your wife, your daughter was in that place, that situation, then what will you do? The protection cluster members would say (Interview, 2017). Through observations, field experience, conversations and interviews it is quite clear that the issue of gender equality and women is not really taken seriously by development workers in Nepal. They might provide lip service to the importance of social inclusion and gender equality, but not everyone will be genuinely happy to actually have to learn about it or have to actively integrate it into their work.

It is interesting to note that having solid relief items, such as the dignity kits proved to be a useful advocacy tool as it gave the protection cluster members a seat at the table and with something concrete that needed to be included in the relief distributions. Both the dignity kits and pocket cards were to be distributed to the affected population, and therefore the agencies in charge of these also had to take part in talks about distribution (Interviews, 2017). It almost seems as though if you don’t have anything tangible, then you will not be taken seriously. Similar to protection issues having to build up momentum for protection issues as life saving efforts over time. It’s like one person I interviewed said: If you ask any of these women here if they rather be raped or go a week without food, then I am sure they would say they would rather go without food. This indicates that protection interventions are life saving and needed.

Note that how seriously protection issues are taken in a humanitarian response is not up to the system in place, rather it is dependent on the personal priorities of the responders (Interviews, 2017).

3. 5 Counter-trafficking efforts implemented.

The work of the protection cluster is to reduce vulnerabilities faced by the affected population During and in the aftermath of a disaster. According to UNODC reducing vulnerabilities and crime prevention are valid approaches to combat human trafficking (2008). However, due to the role of the humanitarian actors the latter does not fall within the scope of their work. The following is an account of what was done by the humanitarian actors to counter trafficking as part of the humanitarian response to the earthquake. Prevention is to reduce the factors that make persons vulnerable to trafficking, so the question I take with me in the following is: were the risk elements reduced for those affected by the earthquake?

Within 72 hours protection mechanisms must begin (Government of Nepal, 2013). There was already technical knowledge within the country for counter-trafficking response. Humanitarian organizations worked through national and local trafficking expert organizations such as the Nepali counter-trafficking organizations Maiti Nepal, Shakti Shamuna, ABC and more. Additionally, “IOM sent a CT in Crisis expert to Nepal in the immediate aftermath of the earthquake and the presence of this person was instrumental in identifying large groups of affected individuals whose needs has not been addressed by the international community. The expert worked closely with the Protection Cluster”, IOM Geneva (2018). Humanitarian organizations heard about trafficking throughout the emergency and therefore the organizations responded to the issue.

On the onset of the emergency response the IOM conducted a displacement tracing matrix as more than hundred thousand people were displaced. People lived in planned or unplanned camps in a total of 21 districts, both in the most affected and less affected districts. The main focus of the government and humanitarian actors were on the 14 highly affected districts. Survival centers, multi sectorial centers were established to help vulnerable women and persons affected by the earthquake.

The counter-trafficking efforts of the humanitarian organization in the protection cluster was mainly done through preventive measures such as awareness raising and interception. Humanitarian organizations spread information about human trafficking through radio messages, organized job-oriented vocational trainings to mention some. The radio messages had to be approved by government officials and that could reportedly take around one month. Other recommended prevention efforts include economic empowerment through education and/or trainings. Alleviating the vulnerabilities of potential victims of human trafficking is another. Additionally relevant actors should receive trainings on what human trafficking entails and how to prevent it. Included in this is work to discourage demands of sexual services and exploitive labour (Aston, 2016).

Protection of potential and victims of trafficking includes of measures such as providing assistance and physical safety to the trafficking victims and witnesses as well as the members of their family, adopting measures that permit the victims to remain within the territory of the transit or destination countries, and facilitating a safe return of the trafficking victims to the

country of origin, including the prevention of revictimization, provision of proper shelter, and provision of counseling sessions to the victims of trafficking to come out of the trauma and build their confidence so that they feel a part of the society” (Aston, 2016; 124). This was mainly done through preventing trafficking of people by controls at border check points at district borders and the border to India.

Protection referral mechanisms were strengthened according to several of the interview participants who had been part of response. Protection mechanisms were also strengthened in the displacement sites as well. Committees in the camps received training on social protection and how to handle vulnerabilities and protection concerns such as GBV cases, trafficking issues according to informants (2017).

Prevention efforts:

A migration helpdesk at prime locations was established to give correct and reliable information about migration. This included information about GBV and trafficking according to IOM Nepal. Here the agencies gained insight into what countries people wanted to go to and what type of questions they had about migration. This information could be useful for the responders to counter trafficking. Within the multisectoral centers that were set up, legal counseling was also provided, especially to survivors of domestic violence. “Necessary information to seek redress from domestic violence and move forward with their lives” was provided there (Interview, 2017).

Awareness and dissemination of protection information

Various materials were developed and disseminated in coordination with the protection cluster. Protection related information on a variety of topics ranging from migration and gender based violence such as “if this happens, then what to do, what to do so that this does not happen” shared one informant (2017). The protection messages that took one month to get approval by the appropriate government agents were shared in camps and FM radio (Interview, 2017).

Pocket cards with contact information for relevant actors to get assistance were also produced and handed out during relief distributions. In addition to being distributed to people in the communities they are also a tool for the aid workers working in the relief in case they come across something while alleviating human suffering. Among the cards were one from Nepal Red Cross and another from UNFPA and the Protection Cluster Nepal.

The Nepal Red Cross pocket card provided information to the Namaste Red Cross Hotline, which is free to call from NTC or NCELL service providers. It also provided numbers in case of GBV, missing or vulnerable children, psychosocial support, protection and family reunification. The card is in English. The UNFPA and Protection Cluster Nepal pocket card #dignityfirst is written in both English and Nepali. The card has both service provider’s phone numbers and protection messages. The following information is written in the card: “Unwanted physical contact and sexual assault is a crime, punishable by law. Don’t keep

quiet if someone’s behavior makes you feel uncomfortable.” A counter-trafficking relevant message is also included “If someone offers you jobs or education in the city or in another country, perhaps in exchange for food, shelter, medicine or money – be careful. You may be at risk of being trafficked or hurt. Hotline numbers were provided on the card.

Posters, such as the ones below, with information both for responders and the affected population was hang up in communities. The material is often available in Nepali and English, however it is a weakness that information materials are rarely or not available in other local languages in a country that has over 123 languages.



Figure 5: Protection message about trafficking

Translation of poster that was hang around in villages to warn against trafficking:

“Man, women and children who have lost their parents, unaccompanied and separated from guardians because of landslides and flood might be at great risk of human trafficking and transporting. In this situation, we would appeal to department for women and children, transport service providers and immigration authorities for all their supervision and support to save from trafficking and transporting women and children who are at great risk. Woman: issue travel permission, ticket or pass only after checking all necessary documents of Nepali origin. Children who are travelling with their parents and other guardian.

- Let’s check all legal papers, which is ok/not, of all women and children who are travelling single or without their guardians.
- contact nearest police, women and children’s office if you suspect the women and children are in danger of trafficking and transporting. For children inform through call free – 1089
- Man: remember! We can save someone’s life with our small effort and caution.
- Department for women and children and protection group”.

The humanitarian community together with police also implemented other preventive measures to hinder trafficking from happening. These efforts included a protection service directory for the districts developed by the protection cluster in the second half of 2015. This provides people with information about who to call if something happens, such as if a child goes missing people can call for help to find the child (Interview, 2017). But whether this is a good counter-trafficking measure or not is hard to say as the actions of a person going together with a trafficker, or even alone does not automatically seem like it trafficking is happening. If parents have sent their child with someone posing as humanitarian worker that will help their child, then they may not realize that the child in fact was trafficked until quite some time after and therefore will not call anyone for assistance as it happens.

Writing, producing and handing out information material are an easily quantitative measured intervention that shows that the agencies have done some to counter-trafficking. It's a good box ticking exercise. Awareness campaigns aiming to provide information and warnings of the risks that are directed at potential trafficking victims are limited in their approach. The idea that increased awareness about potential harm will make a person choose a different alternative if approached by a trafficker for an opportunity for a better life does not solve the problem. If the prevention effort does not also provide a viable alternative to what the trafficker has to offer, then the person is just as vulnerable after looking at the poster or heard the radio message as before knowing the risks (UNDOC, 2008). Awareness campaigns alone do not tackle the root causes and vulnerabilities that lead people into trafficking. Thus it does not grasp the core of what is meant by "prevention" in the trafficking protocol, which includes reducing risk factors and empowering vulnerable persons (UNODC, 2008).

Michèle A. Clark writes about the need for a new paradigm that includes a vulnerability approach in the prevention of human trafficking in the 2008 UNDOC report *An Introduction to Human Trafficking: Vulnerability, Impact and Action*. Clark writes, "vulnerability, in particular the vulnerability of an individual in his or her social context, emerges as the missing link in formulating well-developed policies and practices" (2008; 66). Several trafficked youth were asked by a NGO outreach worker in a large Western European city whether they had been warned about the risk of accepting foreign job offers. "Yes, but the nightmare I don't know is preferable to the nightmare I live every day at home", shared one person (UNODC; 2008; 66). Studies have shown that knowledge about the possible dangers increase, but no studies have shown that the awareness campaigns actually influence the decisions and choices people make about going or not going, Clark writes. Therefore, people's vulnerabilities and thus the root causes of trafficking discussed in chapter 2 must be resolved. Counter-trafficking efforts of merely awareness does not actually reduce people's vulnerabilities as the root causes of that vulnerability is not alleviated.

Safe spaces established to reach out to women and children.

Other efforts included the establishment of safe spaces for children and women. 406 Child Friendly Spaces in a variety of earthquake affected areas were set up reaching 45,209 children according to a report about the first 6 months of the earthquake response (UNOCHA, 2015). The children could come and draw their feelings, play with others, dance and sing in a safe place with a minimum of two facilitators. No religious activities were to be held in these spaces (Interview, 2017). In these spaces facilitators were able to identify and follow up some psychosocial cases as well by referring children to suitable service providers. When the schools reopened, spaces were only open before and after school. 28 000 women and girls were reached with multi-sectoral services through the 97 Female Friendly Spaces that was set up as a space where women could be safe, get information about a variation of topics such as breastfeeding and psychosocial support was also provided (UNOCHA, 2015). As the space offered different information sessions this reduced the threshold for women to participate. After about a month after the spaces were set up it also lead to women talking

with someone working there about their experiences of sexual harassment and assault that in some cases had happened several years back according to conducted interviews.

Listening posts, a total of 25, were set up as a place people could come with information and to get information. One child protection facilitator was at the listening posts and people from the community could also get information and orientation on unsafe migration, child and human trafficking and child labour to mention some. 32 cases of unsafe migration were reportedly prevented because of the listening post (Interview 2017). In addition fun parks were established in around 25 government spaces as a measure for the children to spend some time playing and having fun and forget about the negative impacts of the earthquake. Adolescent friendly spaces set up after the response because prevention of child marriage was one of the needs identified during the emergency.

These efforts are positive in the sense that it is important to have the space to forget and have someone to talk with. Another aspect is that because of the Female Friendly Spaces agencies were able to get an overview with data about the prevalence about sexual assault and harassment that was not available before. This evidence is now used to advocate for needed services for women (Interview, 2017). It may also have had an effect of empowerment of the individuals that used these services by providing a space where women could gain knowledge and voice their experiences and opinions. Additionally earthquake survivors could voice their needs to the humanitarian actors they met there. But again, these efforts alone do not directly limit trafficking as it does reduce the vulnerabilities by solving the root causes of trafficking.

Protection efforts:

Protection efforts immediately after the earthquake included active measures to stop people from leaving their districts and the country. A letter from the Nepal government was circulated to local government saying that no children were to travel outside their village without the permission of the Nepal government. This stopped people who wanted to take children out of the village and no significant number of children have left the country according to a child protection expert (Interview, 2017).

86 police check points were set up at spots that were identified as having mass movement. Plan International and its implementing partners, the police and women development officers intercepted people who were identified as being at the verge of being trafficked. Procedural guidelines for identifying cases designed after the earthquake for police personnel and NGO personnel who worked at the checkpoints. They identified children and women who were either unaccompanied or on the verge of being trafficked by stopping busses going in and out of districts and monitored the movement of children. “Like they stop the buss, then they get into the buss and they check. If there are any suspicious cases, like of anybody taking children in a suspicious way and so, then those kinds were monitored and they were reunited with their family“, explained one expert (Interview, 2017). In the interviews no clear way of identifying who were at risk came up other than that people needed to be able to show documentation that they were related with the person they travelled with.

And again, if there are no viable options to solve the root causes, such as poverty, then what real opportunities does a person have in creating a better life for him/herself and their family if there are no jobs or chance for accessible education options?

Although the trafficking of 455 women and 338 children was prevented according to the report UNOCHA 6 month status report of the humanitarian response (2015), it can be questioned how effective this method was considering that in some cases the police can be collaborating with the traffickers, in other cases family members themselves are recruited by the trafficker to take family members across borders. Another concern is that considering that the traffickers may be community leaders, teachers or well-respected people in a community these are also individuals that humanitarian agencies are likely to collaborate with to implement the overall response efforts and perhaps also counter-trafficking. Even still, there is no guarantee that humanitarian workers themselves act according to the humanitarian principles and do no harm to the affected populations. Both prior to, and especially now in light of the #metoo campaign that has put the spotlight onto sexual abuse and harassment also within the humanitarian sector, reports of aid workers buying sex from Haitians after the earthquake there is almost common knowledge within the sector. While there are also talk of aid workers giving aid to affected populations for sex. Recently it has also come to light that aid workers from OXFAM were involved with sexual misconduct after the earthquake in Nepal (BBC, 2018). Claims that aid workers sexually harassed women waiting in line to receive aid materials as a specific example was shared in interviews conducted for this study. The issue that aid workers or collaborating partners may themselves be involved in misconduct must be taken into consideration when developing and implementing protection efforts and countering efforts must go beyond signing a code of conduct.

Some things were done to decrease the vulnerabilities to trafficking when found children were reunited with their families. Counseling was provided to the families and if the family's conditions were very poor, organizations supported them with some sort of income generating activities and training. Goat farming, vegetable farming, chicken farming are some examples of income generating activities (IGA) that could be done. Training is mainly provided to the parents. In cases of children above the age of 16 years old who do not want to continue their schooling, they were also provided with IGA training. It became clear through the interviews, though, that organizations cannot just provide training to offer training, people must also be interested in what they receive training in. If a person is interested in working at a radio station receiving a training in keeping goats will not necessarily lead to being an actual IGA for that person as motivation also is important. Another issue here is that people are in immediate need of money and patience or possibility to wait for the IGA to pay off may not be present (Interview, 2017). Providing training cannot merely be another box-ticking exercise, it needs to actually generate income to the family.

3.6 Prevention and Protection must be mainstreamed into all clusters.

Counter-trafficking is also life saving interventions and for optimal counter-trafficking efforts collaboration across sectors is essential. Responders need to not just learn how to rescue people from buildings, but also how to reduce vulnerabilities and prevent trafficking (Interview 2017). To make that work, prevention and protection efforts must go hand in hand. Meaning that protection issues must be mainstreamed into all aspects of humanitarian responses. Through other services such as counseling, health services and livelihood training, persons vulnerable for trafficking can be identified. This is a tool in counter-trafficking efforts as persons who are in need of training on alternative earning opportunities can find and be offered to participate in training, but as earlier mentioned it must be relevant. This in turn can reduce vulnerabilities.

Protection efforts are also technical efforts. Disability and child friendly toilets must be constructed. It must be possible to lock the door from the inside easily also for children so that they are able go to the toilet without any risk of anyone entering the toilet while they are using it. The lock easy to lock and unlock. It must be within reach of the children who are not as tall as an adult. There must be proper lighting by the toilet and on the path to reach the toilet to enhance security for those who walk to and from the toilets. Also, the toilets should be located nearby so that the distance to walk is short to reduce possible harm on the way to and from the toilet. A short distance between the toilet and other buildings may also mean that if something is to happen the chance of someone hearing or seeing it is higher than if it is far away. The lack of these measures can prevent especially women and children from using the toilets. If these aspects of toilet construction and camp building are forgotten or ignored it can have negative consequences for the safety for both civilians and aid workers. This was not always taken into account during the emergency response efforts. Also how and where people seek shelter may affect their security as several people were put together to share temporary shelter. A lack of safety where people live may increase the risk of sexual and gender based violence. Simply put: a shelter is not just a shelter, it is also about security.

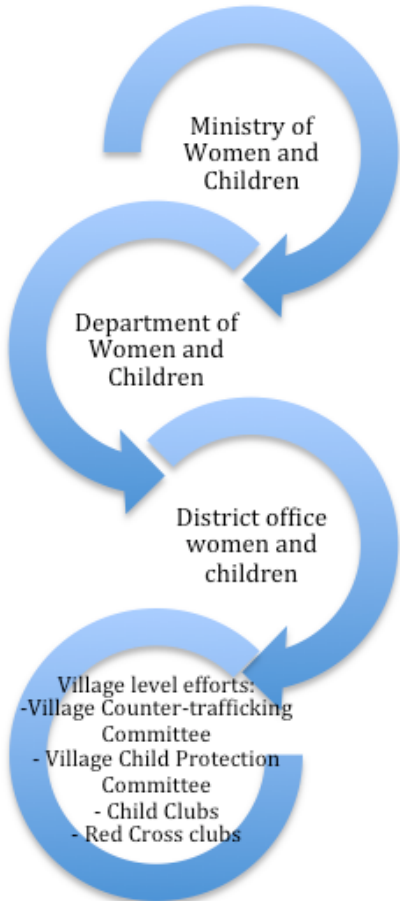
Livelihood is not just about employment; it is about being able to reestablish life in a safe way. Livelihood was a crucial concern and therefore livelihood support and skill development was part of immediate assistance where grants assistance also was provided for people to establish microenterprises (Interview, 2017).

Still, also when protection efforts are mainstreamed there is the risk that it may just become a box-ticking exercise, rather than focusing on the outcome of those efforts according to the Humanitarian Policy Group. The policy brief *Protecting civilians: the gap between norms and practice*, which focuses on the humanitarian actor's limitation in implementing their responsibility to protect in conflict can easily be applied to natural disasters as well. It goes on to point out that few humanitarian interventions base their response on a thorough context-based analysis that identifies the risk factors (Jackson, 2014), nor identifying the driving causes of vulnerabilities.

Mobilize the community.

The protection and prevention efforts mentioned are not the only aspects of counter-trafficking in a response. Humanitarian action must always include the affected populations in creating and implementing the solutions according to the Sphere Project, the humanitarian charter and minimum standards in humanitarian response. In some communities there already existing village level counter-trafficking committees, in others committees could be created. Mobilizing village level committees to be part of counter-trafficking efforts can make it easier to reach out to those vulnerable populations with information on time. That would be helpful to reduce the vulnerability of trafficking. Community members in some areas learned how to identify what human trafficking is and register a case with the police if it happens. Door to door methods was also applied in spreading information (Interview, 2017).

Figure 6: Connection between protection cluster and village efforts.



Child clubs and village child protection committees can also be mobilized to increase awareness for the purpose of prevention and protection against trafficking. During the emergency itself most of the members of the committees and child clubs were themselves victims of the earthquake so there was no time to be active in these efforts immediately after the earthquake. Humanitarian organizations identified the potential of communities to deal with issues and therefore provided capacity building trainings and materials to the committees. (Interview, 2017). Topics ranged from trafficking to child protection to mention some. Working through community based clubs and committees are also a way to ensure that the work is sustainable and that the knowledge stays within the community itself. In an interview it was mentioned that counter-trafficking organizations come into the communities and provide information, but they don't stay long enough to actually fix the problem of trafficking. And again, the community is mobilized to raise awareness and already stated several times, this is not enough to counter-trafficking as it does not solve the root cause that makes people vulnerable to trafficking.

Although the protection cluster responded to prevention and protection of vulnerable people affected by the earthquake, the protection clusters alone could not alleviate and reduce all aspects of increased vulnerabilities among people as these often are tied to other areas such as shelter and food. Throughout a humanitarian response, protection needs and other livelihood needs must go hand in hand in order to ensure that the response itself does not contribute to any further increase in vulnerabilities. Protection issues should be incorporated and mainstreamed into the work of all clusters.

The failure to respect the humanitarian principle of needs-based assistance made the risk of impoverishment for vulnerable groups worse (iDMC, The GRID 2016). This failure may be linked to the response being implemented as a blanket response, without consideration of identifying the differing needs people based on sex, age and disability, which will be further examined in the next chapter. Although the protection cluster responded to prevention and protection of vulnerable people affected by the earthquake, the protection cluster alone could not alleviate and reduce all aspects of increased vulnerabilities among people as these often are tied to other areas such as shelter and food. Throughout a humanitarian response, protection needs and other livelihood needs must go hand in hand in order to ensure that the response itself does not contribute to any further increase in vulnerabilities. Protection issues should be incorporated and mainstreamed into the work of all clusters.

On a positive note, existing protection mechanisms and counter-trafficking systems were strengthened during the earthquake response. The Nepal protection cluster has also developed a strategy for its work as the first of any of the clusters in the country to ensure that work can be quickly implemented in the time of an emergency and not hindered by bureaucratic slow downs. Most protection efforts were phased out at the end of 2015.

The following chapter will further examine how structural inequalities not only dispersed the effects of the earthquake unequally in society, but also how the context impacted the response and recovery.

4. Impact of response and recovery on people's vulnerability to trafficking

This chapter will further explore the third aim of the research by examining how the approach of the immediate relief and recovery has impacted the vulnerabilities of people and its consequences for earthquake survivors. The vulnerability approach will be applied.

Protection issues were a crosscutting issue in the humanitarian response according to numerous sources and a stated policy. The Disaster Risk Management National Strategy from 2066 BS (2009/2010) highlights in its directive principle 3.43. that gender equality and social inclusion is necessary in disaster management (Kathmandu Declaration, 2016). Therefore it is interesting to note that by the decision of the Humanitarian Country Team and the Nepal Government the earthquake was done as a blanket response. This means that everyone independently of different needs were intended to get the same aid. Additionally a one-door policy, whereas the responders were to take direction from the district authorities regarding where to work and whom to assist was applied. Although this is a nice thought in theory, the blanket response may have had negative consequences for the impacted population due to several factors that will be discussed more in depth in this chapter. First, although the intention may have been good, there was not enough relief material to reach everyone. Second, not everyone who was in need of assistance was identified and reached due to geographical challenges as well as what may be viewed as structured discrimination which was present even before the disaster.

A third issue was that sex, age and disaggregated data (SADD) were not collected at the onset of the disaster and the overall response was done without such data. This despite that “using disaggregated assessment data, analyze the ways in which the disaster has affected different individuals and populations, and design the programme to meet their particular needs” is to be done according to the Sphere Handbook, which holds the internationally recognized and universal minimum standards in life saving areas of humanitarian responses. Not using SADD posed as a challenge for local bodies and NGOs in being able to identify who were most in need for relief.

As more state agencies and experienced relief organizations were unprepared to respond to the earthquake well-meaning organizations that were unaccustomed to ground realities handed out in a hazardous way. “Some people therefore received duplicate sets of tents, blankets and rice bags, while many from the marginal and excluded sections of the population, were unable or too timid to make their way to the queues, received practically nothing” (Raj and Gautam, 2015; 46-47).

To meet the needs of the most vulnerable, the different needs of women, girls, boys and men must be identified and taken into consideration. Humanitarian responses should include an active gendered framework to identify, adapt to and meet the differing needs of women, girls, boys and men. Independently, some organizations took their own initiatives to collect SADD (Save the Children 2016). Although collecting SADD at the onset at the initial stages is often

not possible, it is still of great importance to ensure that needs are met (Mazurana, Benelli, et al, 2011).

“While the government has identified gender and diversity as extremely important for building resilience of our people, it has been observed there are obstacles at the ground level. Most Disaster Risk Reduction or disaster recovery programmes at national and local level have not been addressing gender and diversity issues adequately (UN Women, 2016; 22)”, stated the Assistant Director of the Ministry of Women and Child Affairs Ms. Nadeeka Pramodini Kohomban Arachichi in 2016. This has also been reiterated in interviews done for this research and protection cluster found addressing gender and social inclusion issues to both other clusters and the Nepal Government difficult. This impacted the relief different sections of society received based on their gender or their belonging to a particular social group. Existing cultural and societal structures impacted both the immediate relief and the recovery and rebuilding of communities. Even when the humanitarian principles are followed, humanitarian action are impacted by the context of where it happens.

Pre-existing conditions influenced the humanitarian response, and thus also prevention and protection against human trafficking. “(...) Victims of the earthquake were left to fend for themselves during the ensuing rainy season as floods and landslides further compounded” as it took many months for the government to release funds for immediate relief and rehabilitation to those in need (Gautam, 2016; 356). Halting from the government delayed the rebuilding from the earthquake.

Vulnerabilities of people who suffered loss in the earthquake continue to increase further as the recovery lags behind. “41 percent of houses damaged in the earthquake belonged to Dalit’s (lower caste) and indigenous communities, 26 percent to female-headed households and 23 percent to senior citizens” (Save the Children, 2016; iii). Three monsoons’ has passed and a third winter is currently impacting the lives of those still living in temporary shelters, especially of those most marginalized and vulnerable in the communities who faced discrimination both before, during and now after the earthquakes. Save the Children’s describes the increased vulnerabilities that marginalized sections of society experienced following a disaster in the report *Did the Humanitarian Response to the Nepal Earthquake Ensure no one was left behind*. The report states that marginalized groups have less livelihood options, less opportunities to influence relief efforts, face more barriers in accessing assistance combined with less social and economic resources while also being without a political voice (2016). “Unless these challenges are purposefully addressed as part of the relief effort, humanitarian crises can exacerbate and entrench social disadvantage, with the risk that already marginalized people will be left even further behind” writes Save the Children (2016;iii).

It is as Roger C. Riddell writes in the book *Does Foreign Aid Really Work?* “The challenge is how to provide aid when the context is not just marginally sub-optimal, but when countries face a range of deep-seated, and often interlinked, systemic problems” (Riddell, 2007; 371).

One interviewee shared that not all foreign aid and development workers are willing or able to address the issues that is tied to caste and structural inequalities and how it impact issues such as human trafficking. “Whatever interests may be at work, and what ever they may think they are doing, they can only operate through a complex set of social and cultural structures so deeply embedded and so ill-perceived that the outcome may be only a baroque and unrecognizable transformation of the original intention. The approach adopted here treats such an outcome as neither an inexplicable mistake, nor the trace of a yet-undiscovered intention, but as a riddle, a problem to be solved, an anthropological puzzle,” writes Katy Gardner and David Lewis in their book *Anthropology and Development: Challenges for the Twenty-First Century*. Thus, in order to deal with humanitarian and developmental issues acknowledging the complexities of the context is key. At the core of vulnerability theory the intersections of these complexities is central (Zakour and Gillespie, 2013).

“At the victim level in the relief and recovery phases of disaster management, it is not uncommon for existing bigotries to influence the distribution of emergency assistance and for certain groups in need of aid to be favored over others. In societies in which people are discriminated against or placed at a general disadvantage because of their race, gender, age, religion, social class, caste, physical ability, appearance, or other distinguishing characteristic, these already vulnerable populations” (Coppola, 2015; 694).

The following section provides insight into the societal, cultural and political fabric and situation that impacted both the immediate humanitarian response and the recovery and reconstruction after the earthquakes. A special focus is on how these impacts the vulnerabilities of already marginalized persons and the efforts done to address the different needs of individuals. First the immediate response is examined, before the recovery and rebuilding is looked at further.

4.1 Social and cultural context

As there have been ”reports of disparities in relief distributions due to gender, caste and religion and loss of official documentation” (UNWOMEN, 2015), insight into the social fabric of Nepal is provided below.

Being landlocked between India and China, Nepal has more than 125 different castes and ethnic groups according to the 2011 Census. In 1854, under the Rana family regime, the caste system was formalized by law in the *Muluki Ain*, the criminal code of Nepal (Hatlebakk, 2017). The Hindu-based caste system determines the social hierarchy where the `pure` castes, Brahmans and the Chhetri, are at the top, a variety of ethnic groups are in the middle and the `impure` untouchable castes, Dalits, are at the bottom. Although the caste system was abolished in 1963 it still impacts the social structures and people’s access to social services, resources and opportunities.

The group-based disadvantages are shown in the UNDP human development index (HDI) report from 2016, where Nepal ranks as number 144 out of 188 countries. The Newar people

have the highest HDI value, 0.565, followed by Brahmans and Chhetris (0.538), followed by Janajatis (0.482), Dalits (0.434) and Muslims (0.422)” (UNDP, 2016; 73). “The variations in HDI values are significant within these groups, depending on location. The highest inequalities are in education, and this may have pronounced long-term effects on capabilities later in life”(UNDP, 2016; 73).

Marginalization due to caste discrimination

“What is your good name, mam?” the youth asked me when I worked for Norwegian Red Cross in Nepal. They wanted to know my full name including my last name to distinguish what caste I belonged to. By hearing a person’s last name, a Nepali can easily distinguish the caste of the other person. Thus being labeled according to which caste category a person belongs to is part of daily interactions.

Dalits are discriminated against in both public services and life ranging from education, health, access to water and even from entering tea-houses. (Hatlebakk, 2017). Dalits are excluded from certain jobs and services and they also earn less than non-Dalits. To add nuance, the strict purity regimes that some Brahmans live according can limit what jobs they can take. Therefore if a Brahman family poor, ways out of poverty may be rather limited (Bista, 1991).

Not only is caste part of daily interactions, it also impacted the access to relief that persons belonging to low castes and ethnic communities received during the emergency response. Discrimination was reiterated during the emergency response. Discrimination due to class and caste is one of the common forms of discrimination that occurs in disaster response. This was no different in the response in Nepal. Several reports states that Dalits and other socially excluded groups faced discrimination in accessing relief materials and services during the emergency response. (Care Nepal, 2016). Children consulted by Save the Children said that it was difficult for people from marginalized or remote communities to access relief and in some cases they did not receive any assistance at all (Save the Children, 2016). While groups such as dalits and ethnic communities received least or were last priority, socially powerful groups had prioritized access to services such as shelter, water and sanitation and health (Care Nepal, 2016). In order to get relief persons had to get a card from the government, which was given only to people who have proof of citizenship from the same district that they were in. As an example, if a person had built a house and moved to Sindhupalchok district but had a citizenship card from a different district and had no certificate of migration, then that person would not receive any assistance in Sindupalchok. It is not uncommon that marginalized groups do not have citizenship cards due to reasons such as cost of getting it. Lack of citizenship card means that stateless persons could not easily get relief materials.

Discrimination and structured inequalities also affect who the humanitarian responders are and as well as how they implement their work. “Avoiding these forms of bias can be difficult because the disaster management agencies involved in response must be aware of the discrimination to counteract its influence. For example, when host country nationals are hired

by humanitarian agencies to assist in relief distribution, as is often the case, they can inadvertently inject existing ethnic or cultural biases into their efforts. Therefore, humanitarian agencies must be careful to balance the makeup of their employees in such situations” (Copolla, 2015; 694). According to Sphere Handbook, beneficiaries are to be included in response efforts as active contributors. As for the response in Nepal, allegedly affected people refused to receive relief assistance from people that had a lower status than themselves a development worker shared in an interview for this research. Social norms were perpetuated as it proved difficult to include Dalits and other socially excluded groups as part of the relief distribution teams as “materials received from them were either discarded or fed to cattle by other social groups”(CARE Nepal, 2016; 15).

Not only are people discriminated due to their community or caste; they are also discriminated against on the basis of their gender.

Gender inequality impacts the situation of women

In humanitarian responses one of the most common forms of discrimination is gender bias. Especially if there are strictly defined gender roles and the tasks and duties of women are related to the home and taking care of the children. These tasks tend to increase in times of crisis according to Coppola. In a culture such as in Nepal, where women face discrimination on the basis of gender, “men are more likely to wait in relief lines for supplies, while women (as well as children and the elderly) become increasingly dependent on them for survival. This situation is exacerbated when a woman is a widow or single parent and is unable to compete for aid” (Copolla, 2015; 694).

The situation after the earthquakes for women was rather difficult as discussed in chapter 2. If a woman went to get relief materials there was no guarantee that she would be able to carry all the materials with her home and therefore could not receive all the materials (Interviews, 2017). Sexual harassment when receiving relief material by humanitarian workers was another concern.

Around 55% of casualties and 48% of injuries of the earthquake were women. The prevalence of gender inequality and its effect on the impact on women is relevant. As mentioned in chapter 2, prior to the new constitution In Nepal, women had to be accompanied by either their father or husband to register for citizenship at the age of 16 years old. It is therefore not uncommon that women do not have any proof of their citizenship and could therefore not access any relief. Common for both women and marginalized groups they may not have documentation to prove the ownership of the land, and this is another obstacle in receiving aid for rebuilding the damaged house. The chance for the woman owning land is low as just 20 percent of women own land. And when women do own land they don't have authority to make decisions to sell it”(Save the Children, 2016).

Gender inequality is quite visible in the Nepali society. If you are to go to an event in rural Nepal you will see that many of the members of the audience are females, while the persons

holding the speeches and sitting in the rows on the stage are 90% men. "(...) 68 percent of girls were in school compared to 80 percent of boys. For every 100 men with higher education degrees, there were just 45 women (Save the Children, 2016; 3-4). When visiting a governmental office and even some NGOs the majority of staff is men as one in a 100 women have a government job. When visiting teashops or restaurants, the majority there are men, both the ones working and the ones eating.

Women are disadvantaged across caste and ethnic communities. Patriarchal family and community structures impact the lives of women. Restrictions are often placed on women's movement, have less control over resources, are less literate and are more poorly educated than men. Girls are valued less than boys in Nepali society according to the report "*Our Time to Sing and Play*" by Human Rights Watch. This also came up in numerous interviews. Girls are taken out of school earlier than boys, and boys are preferably sent to better schools than girls in the same families. Therefore the numbers of girls in government schools in districts must be seen in light of how many boys as compared to girls are sent to private schools in their own districts or are sent to better schools in Kathmandu.

Both within the family and communities women have low levels of participation in decision-making. And when they are represented on boards they have to be quite determined and assertive to have their voice listened to (fieldwork observations). I myself have observed just as Uma Bhandari, a lecturer at Tribuvan University in Kathmandu stated "A major problem for women is lack of self-confidence" (Delayney, 2011). Although some girls and women are quite assertive and empowered, others are very shy to state their opinions or insights, especially if men of an older age are present. In the culture, there is a major respect for those older than oneself. It must also be mentioned that one of the major challenges that youth state that they face is the generation gap, where the youth wants change and the elderly wants to keep things as is.

In 2011, female representatives made up 33% of the legislative parliament. At that time that was one of the highest representations of women's political participation in the world. However, Savitra Bhusal a representative from one of the parties, CPN-UML, said to The Guardian reporter Alexandra Delaney that "whenever we raise an issue inside the CA, senior leaders walk out of the hall without bothering to listen to us. Even the media ignores the issues that women raise" (Delaney, 2011). Women also run a risk when raising their voices that challenges the patriarchy. "Many have been socially marginalized for raising issues of domestic and sexual violence and are targets of intimidation, beatings and killings" states the Amnesty International report from 2017 "*Deadly but preventable attacks – killings and enforced disappearances of those who defend human rights*". As an additional note," The Nepalese police often fail to fully investigate attacks and offer protection" (Amnesty International 2017).

GBV is a problem that activists have been killed for addressing, and "women and girls are not adequately protected against" it either (Amnesty International, 2017). Through own

observations, participation and information in several interviews the patriarchal culture also influence the work of the humanitarian response and the protection cluster.

As earlier mentioned political connections and which community a person belongs in impacted access to relief. Overall, groups who are often targeted by discriminatory treatment, including dalits, ethnic communities, people with disabilities or women faced increased challenges when accessing much needed relief found an Amnesty International delegation that visited Nepal after the earthquake (Amnesty.org, 2015). This increased vulnerability is also tied to their lack of political power (Zakour and Gillespie, 2013).

4.2 Political voice impacted who received aid

Those with political connections claimed relief that was meant for everyone. Survivors reported, “aid efforts has been politically manipulated” (Amnesty.org, 2015). Findings in the consultation with children supports the same; “Over half of all children said that those with political connections were able to access relief more quickly and easily than those without,” according to Plan International, UNICEF, Save the Children and World Vision” (Save the Children, 2016; 7). The barriers that vulnerable and marginalized groups faced in receiving aid was not adequately addressed by the humanitarian actors in the response.

Those with less political voice due to belonging to before mentioned vulnerable and marginalized groups also had fewer possibilities to advocate for barriers they faced in receiving relief and assistance (Save the Children, 2016). “Also significant for the earthquake response was the fact that these vulnerable and marginalized groups were not meaningfully engaged in local governance structures and decision-making bodies, nor proactively engaged in the earthquake response by international responders” (Save the Children, 2016; iii).

When the earthquakes happened local elections had not been held since 1998 (IFRC, 2016). Which means that politics were and government was centralized. A new constitution was finalized right after the earthquake and it is claimed that the earthquake recovery came in the shadow of the rewriting of the constitution. After the People’s War ended and the Monarchy fell in 2006. The Kingdom of Nepal was formally abolished in 2008 and a constitution for the Federal Democratic Republic of Nepal was to be written. After the first constituent assembly’s intentions failed, a second constituent assembly was to write and complete the constitution with January 2015 as its deadline. “But Nepal’s leaders yet again failed to agree on such basic matters as new state boundaries and the nature of the new electoral system. It was the twin disasters in April and May 2015 that finally brought the country’s main political forces together—an agreement to fast-track the constitutional process” (Kumar, 2016). As a necessary step in activating the new constitution that was finalized shortly after the earthquake local elections were held again in the spring, summer and monsoon season of 2017. It is expected that local politicians will boost local development efforts (Hatlebakk, 2017). National level elections were held in November and December in 2017. Although on the other hand, it may also have had an impact on further delaying the recovery work from the earthquake. Before and during the elections an election code of conduct was applied to ensure

that no political actors could take advantage of humanitarian and development efforts to push their political agenda or use it to collect votes. Another aspect is that some of the humanitarian workers or leaders are also political candidates themselves or affiliated with political parties.

In Nepal political parties are the leading political forces in society. The major political parties have a say in matters in all parts of society through bureaucracy, universities and research institutions, civil society and the business community (Haltebakke, 2017). "There are close links between politicians and business leaders, the political parties control the trade-unions, have links to civil society organizations, and the parties select high-level government officials" (Haltebakk, 2017;x).

Political voice is also strongly determined by caste and ethnic belonging (Save the Children, 2016). "The Brahmin-Chettris have continued to dominate the bureaucracy and political life after the Rana regime was dissolved and even after democracy was established in 1990. The same groups have dominated the political parties, including the different communist parties of Nepal, such as the Maoist parties" writes Magnus Hatlebakk in the 2017 report Nepal: A Political Economy Analysis (2017; 18). However, it is not just so simple that it is "just" about caste and ethnic belonging a person has. It is more complex than that, the culture of "*Afno Manche*" which translates into one's kind or one's person, which is a critical part of the smooth functioning of society according to Nepali anthropologist Nor Bahadur Bista. This stands strongly in the culture and impacts interactions between people. Being someone's *afno manche* or not may determine how fast you get help when you go to an office and whether or not your paperwork is prioritized. Basically, this is someone's inner circle and these persons can be counted on whenever a need arise.

In the book that was banned during the civil war, "Fatalism and Development", Bista writes what still holds true today; "The most important asset for anyone is not what you know, but who you know".

"Nepalis make a strong distinction between us and them. People who do not belong to one's own inner circle are perceived as being non-persons and there is no real concern over what happens to such unrelated individuals. Time and effort is exhausted in taking care of one's own people so that there is little energy or inclination left to be concerned about non-persons. The distinction between the group 'us' and the rest as 'them' manifests itself in every walk of social, cultural, political and economic life. Everything inside the circle of 'us' is predictable and the rest is external and unpredictable. Therefore, there is a constant need to maintain the boundary. The maintenance of the inner groups is achieved in a number of ways" (Bista, 1991;97).

The culture of *Afno manche* comes in addition to distinctions of caste and community and may be somewhat invisible for an outsider. Still it impacts political voice, access to resources, job opportunities, how fast you may get help when visiting an office etc. Another aspect worth mentioning is the following example from Bista; "a bank teller takes longer to cash a cheque if the costumer is a 'non-person' but makes a special effort if the costumer is a

member of his circle and therefore *afno manचे*. The reputation of the bank becomes of secondary importance as the maintenance of the fence around one's own circle is primary. The same thing is true in all government and corporation offices" (Bista, 1991; 98). Now switch out the bank teller with the aid worker. It may be more important in an organization that someone they know holds a certain position than that the person is competent and will do a good job (based on field observations and insight).

Afno Manche, community and caste belonging can also be tied to the issue of human trafficking. If a teacher is of another caste than the students, then he or she will not be inclined to care as much if a student disappears according to one person interviewed for this thesis. As long as his or her own daughter is safe at a boarding school, it does not matter that a student disappears. Especially if the child is of another caste. In the example provided in the interview, the Bramhin teacher would not be too concerned about what happened in the Tamang community as the attitude is that trafficking is prevalent in that very community and therefore little can be done to change this. In the interview the counter-trafficking workers said that it hard to understand for outsiders. If there is Tamang working in the community, instead of Bramhin, then there is more motivation to develop one's own community.

Thus discrimination, which is driven by both societal, cultural and political aspects, of marginalized groups in receiving immediate relief impacted the vulnerabilities of the affected people right after the earthquake. Let's now turn to how the more long-term efforts impacted the vulnerabilities of people.

4.3 Building back better, but for whom?

"It is politics, not rebuilding, that has dominated over the past year", Prashant Jha, the author of *Battles of the New Republic*, a contemporary history in Nepal, is quoted as saying in the *Time* article *Why Nepal Is Still in Rubble a Year After a Devastating Quake*.

The intention of the speedy finalization of the constitution was to make the earthquake recovery a priority. Instead, the fast phase to approve the new constitution lead to political tension. "This was a moment to focus on rebuilding the country, but the priorities were all wrong," Political commentator C.K.Lal said in an interview with *Time's* journalist Nikhil Kumar. "For the reconstruction process, the result was paralysis as political dysfunction in Kathmandu turned attention away from the rubble-strewn countryside" (Kumar, 2016).

Protests to the new constitution led to a blockade of the border to India from September 2015. The five-month blockade stopped imports of fuel, food and medicine. Fuel was rationed and the prices of fuel increased significantly. It also impacted the hospitals that started to run low on essential medical equipment. This also impacted the humanitarian agencies ability to transport relief items and reach people. "NGOs based in Kathmandu suddenly found themselves unable to distribute aid to the earthquake-affected regions" (Kumar, 2016). When the constitution was amended, the blockade was lifted.

Politics also impacted the starting of more long term recovery and reconstruction focus. The process of building back better has been slow and affected marginalized and vulnerable groups differently than those more fortunate in the Nepali society. Build back better means that buildings are to be rebuilt as earthquake resistant. A former member of the National Planning Commission stated “where we lacked was that while everyone knew that vulnerable groups had specific constraints, sensitivity to those constraints and their specific requirements was missing in decision-making about how to make relief accessible for these groups.” (Save the Children, 2016; 5). Another factor that slowed down the efforts were that members and head of The National Planning Commission that first was put down was changed after a short time. This was due to change in government.

Rebuilding of houses started about one year after the earthquake happened. The Sendai Framework for Disaster Reduction (SFDRR) “Build Back Better” was adapted in “March 2015 to make the country more resilient for the future”(Amnesty International, 2017).

The earlier mentioned blanket response was applied to decide how much someone would get to rebuild their house. This means that that a person who lived in a house that they fully owned and a person who had loans (with no insurance) on their house would get the same amount for rebuilding their house. This means that the starting point of those two different persons were different. One started on zero, while the other started the rebuilding process on being indebted. This is not an equitable approach. This makes questions arise whether a blanket response is the most suitable approach, as the vulnerabilities of the person who is now even further indebted is further increased, while the other person will fall no further into debt (Zakour and Gillespie, 2013). “Importantly, while the government has recognized that many households are disadvantaged and would not be able to reconstruct their house if additional financial support is not provided, the government itself is not providing “supplementary top-up assistance” but is relying on NGOs funded by donors to specifically target the marginalized with extra funds” (Amnesty International 2017; 7).

House owners have to rebuild their houses according to set criterias to get the three installments to complete the building of the house. The first monetary installment of 50 000 Rs is given for building the foundation. The second installment of 150 000 Rs is to build the house and the third of 50 000 Rs is to build the roof. Thus each household is given a total of 300 000 Rs for reconstructing their house. This is equivalent to 29555 USD on the currency rate on 16. January 2018. Included in this they have to build toilet facilities and spend some of this money on technical support. This process is time consuming as the paperwork is filed locally, and then the document has to be sent to district level and then to national level to be processed in order to get the money for building the house. For this to begin an engineer has to come and check the house for the process to continue. This has to be done for each of the installment which can only be applied for following the completion of each step of the process. After the foundation is built according to the criteria, then the second installment for the house can be built. When the house is built as per the criteria, then the installment for the roof is provided. As the process takes time not everyone can wait and therefore rebuilds their

houses without following the earthquake resistant construction criteria. Another additional obstacle is that prices for labour and material has increased after the earthquake. The report 2017 *Building Inequality* by Amnesty International stated that in Dolakha district the price for skilled labour was NPR 500-600 (US\$ 5-6) before the earthquake, and now costs around NPR 1000 (US\$ 10) and up to NPR1500 (US\$ 15) per day. There is a shortage of sand and the price has tripled (Amnesty International 2017). Where there is limited access to roads the prices for transportation are also high.

Some people who lost their houses in the earthquake had loans for their houses. When the house was damaged they still have to pay off the loan. Therefore some families had to use the first installment of the money from the government to rebuild their house on paying on their loan of their now destroyed house instead of starting to rebuild it.

Another obstacle to get the installment for rebuilding a house is documents to prove ownership of the house, which some people lacked. Either because the house owner, namely the man of the house, is abroad working, or landlords refusing to provide any documentation of the house of land-tenants on their land among other things.

Additionally the provision of the grant money is not adequately made easily accessible for everyone. “In Dolakha, many of the most disadvantaged villagers from remote places such as Alampu and Bigu told Amnesty International of the challenges they faced securing the actual money to start constructing a new home. Bimu Thami, a 60-year-old single woman from Alampu whom Amnesty International met during her estimated 7 – 8 hour walk up and down steep hills to collect her grant money, complained of how her knees hurt, yet she had no other option to get her money; “I can neither get up and walk, or sit down and stay...[I] feel like turning back.” A teacher in Bigu said “the government is too hard hearted...[it] should have distributed (the grants) from here.” (Amnesty International, 2017; 7)

As the Government of Nepal adopted a “owner driven” housing reconstruction programme based on a World Bank project, owners of private houses must provide proof of landownership as a condition to qualify for the rebuilding grant scheme (Amnesty International, 2017). This approach did not account for history of a feudal land tenure system and the local informal tenure relationships. This excluded tens of thousands of people from reconstruction and many of them were persons who did not have proof of land ownership whereas 25% of the population are landless or near-landless (Amnesty International 2017).

”Padam Bahadur Bishwakarma, who is from the disadvantaged Dalit community, has been living on his landowners’ land for around 40-45 years. His house was destroyed in the earthquake but his landlord refused to sign verification papers to recognize his residence on the land so that he could obtain the government grant. “ (Amnesty International, 2017; 6).

“Furthermore, the government has failed to address the needs of the most marginalized among those families who were able to qualify under the grant scheme. The requirement to prove ownership of land as well as to prove you live in separate

households (in situations in which multiple households live under one roof) has delayed aid to the poor and vulnerable. Obstacles in the nominee system which would allow a person to sign a “representative”/nominee form for others to go to the bank and collect the money in their stead has disproportionately impacted the elderly, disabled, sick and women with migrant husbands abroad who have been unable to start rebuilding. As a result, they have found themselves at the end of the reconstruction queue.

This is contrary to international standards which require the government to prioritize housing reconstruction or provide alternate housing for them. As enshrined in Article 25 of the Universal Declaration of Human Rights, and Article 11(1) of the International Covenant on Economic, Social and Cultural Rights. The right to appropriate housing, and the state’s responsibility to provide housing to the economically weak and vulnerable, including the landless, is also clearly laid out under Part 3 and 4 of Nepal’s Constitution, promulgated within five months of the earthquakes. “ (Amnesty International 2017; 7).

4.4 The Delayed Rebuilding of homes impact the lives of vulnerable people and the changing face of human trafficking

The previous chapters accounts for the humanitarian response and the contextual impact on vulnerabilities of people and prevention of human trafficking. Now lets examine the impact delayed reconstruction and rebuilding has on the vulnerabilities of people especially focusing on the coping mechanism of migrating abroad for employment to be able to afford rebuilding a house.

A combination of issues lead to increase the root causes and push factors for human trafficking after the earthquake such as the ones below:

- “Inadequate employment opportunities, combined with poor living conditions, a lack of basic education and poor health services;
- Political and economic insecurity, which may be caused by mismanagement, nepotism or political corruption, conflict, environmental disaster, or structural adjustment policies resulting in the rising cost of living, in higher unemployment. And a lack of public services;
- Discrimination (ethnic, gender, or caste) excluding certain persons from the employment sector;
- Dissolution of the family (possibly as the result of sickness, HIV/AIDS, the death of one or both parents) which may compel the remaining family member(s) to migrate or send children away to work and help support the family”. (Aronowitz, 2009; 11).

Almost three years after the earthquake still only around 12% houses are rebuilt and this has an impact on trafficking. “After earthquake they are still living in the tents. Slow rebuilding can have impact on trafficking” (Interview, 2017).

As of December 2017 few houses has been reconstructed and several hundred thousand persons still live in temporary shelters. 73,271 private houses were reconstructed out of 659,506 agreements signed for rebuilding according to the National Reconstruction Authority’s own numbers. A total of 767705 beneficiaries have enrolled, meaning 108199 beneficiaries enrolled have not signed an agreement (NRA, 2017). 11,11% of private houses have been rebuilt almost three years after the earthquake and its aftershocks. The Amnesty Report *Rebuilding Inequalities* finds that the most marginalized of the quake victims does not receive any assistance, as they cannot prove their land ownership that is needed to be part of the reconstruction program. As mentioned earlier, even if house owner receives a reconstruction grant from the national reconstruction authority of a total USD 3000 this amount is not enough to complete building an earthquake resistant house. So still years after the earthquake “many who were left homeless after the quake have stayed that way and today they still live outside or in hastily built shelters, exposed to the freezing winters and violent monsoons”(Shaw, 2017).

The longer people have to live in temporary shelters and are not able to rebuild their lives due to slow rebuilding, which is impacted by structured inequalities, the longer is the deprivation and economic pain for the families and communities. ”The speed of recovery matters. This is especially true in developing countries where livelihoods are precarious even in the absence of a disaster” writes Sonali Deraniyagala Economist at the School of Oriental and African Studies, University of London in the article Economic Recovery after Natural Disasters in the UN Chronicle (2016). This again can have an impact on vulnerabilities of people.

Going abroad for employment to earn money to rebuild houses

Trafficking experts Klaffenböck, Todorova and Macchiavello, write that evidence show that affected communities turn to both internal and international migration to find new livelihoods (2018).

For some time right after the earthquake remittance levels were high as migrants were returning to home and the number of people getting passport reduced as people wanted to stay with their families and respond to the earthquake (Sijapati et. el, 2015). Some people also stayed in the hope that there would be jobs in reconstruction and construction, however hope faded as it took a year for the rebuilding efforts to begin. The numbers of people seeking passports soon went back to normal levels (Interview, 2017).

There are reportedly little motivation to stay in the country and the government has done little to no initiative in creating jobs and doing little for people’s livelihoods. “People want money immediately, even if there are trainings. But it that takes a long time for people to get any job or income from this. People want immediate results (Interview, 2017). People should be

offered trainings according to their interest. “If someone is interested in goat, then they should not have to take training on vegetables, but the one on goats”(Interview, 2017).

Both earthquake affected women and men started at an increasing level to request passport some time after the earthquake as a consequence of poverty. According to IOM especially young residents of IDP camps submitted passport request in order to seek employment abroad (Klaffenböck, Todorova and Macchiavello, 2018). It is important to note that both women and men go as vulnerabilities also apply to men.

“There are limited options for employment here, so they want to go somewhere else for work opportunities. There is also some social competition; if my neighbor goes, then why can't I also go? (Interview, 2017). According to the Amnesty International report *Turning people into profits – Abusive Recruitment, Trafficking and forced labour of Nepali migrant workers*, young men in particular wanted to go for employment abroad so that they could provide for the basic needs of their families (2017). “A number of these workers said they needed to work abroad in order to pay education expenses for their school-aged children and siblings. One group of migrant workers said they lacked political connections and so could not get jobs in their villages, prompting them to search for foreign jobs.” Additionally their research identified that several male heads of households that had been affected by the earthquake “had not received house reconstruction assistance and sought to migrate in order to rebuild their homes.” (Amnesty International, 2017; 18).

Earthquake victims have started looking outward to earn the money to rebuild their lives and homes:

”Prem Tamang is doing everything to keep his family together, but without a home or reliable job, his family is vulnerable to the human traffickers preying on the victims of last year’s earthquake in Nepal.

In desperation, he’s moved his wife, 12-year-old son and 5-year-old daughter from their destroyed farm to find work. They’ve traveled hours from their village and work for \$2 a day, clearing rubble from someone else’s home.

(...) Families like his are easy targets for human traffickers. They have little choice but to trust a promise of overseas work or education. Many are sold into a global network that includes the dance bars of Kenya, the brothels and underground organ clinics of India, ”paper marriage”, of South Korea and China, home-cleaning services in the Middle East, slave labor in South Asia and smuggling rings at the Mexico-US border (Groves, 2016).

The changing face of human trafficking. In the name of migration they go.

People are lured by false promises of employment or study abroad opportunities. Thus migration for work becomes a disguise for human trafficking. This has led to unsafe migration or migration for work being termed the new face of trafficking (interviews, 2017). Once a person has reached the destination for employment several things may happen that

makes the migration for work an issue of human trafficking instead. There are reports that their passports are confiscated, they are not given the proper documentations such as work contracts, violence and sexual exploitation and reduced or removal of freedom of movement.

There is criticism of the Nepal government's failure to protect migrant workers from the high fees that recruitment agencies charge which traps the person in the job abroad to manage to repay the debt they have (Channel News Asia, 2018). Although charging migrants fees for flights and visas by recruitment agencies were banned in 2015, some authorities are reluctant to stop this lucrative industry (Channel News, 2018). "All over Nepal, unscrupulous recruiters are getting away with destroying lives – illegally charging aspiring job-seekers exorbitant fees to get jobs abroad, and then abandoning them overseas when things go wrong," said James Lynch, Deputy Director of Amnesty International's Global Issues programme (Amnesty International, 2017).

"We are concerned about the trafficking when they want to go abroad for employment. Many agents, recruitment agencies, some agents they cheat them, and whenever they go out to the abroad, sometimes in transit they don't know how to go, where to go, and even when they reach the destination they are trafficked from one company to another. So trafficking in the country, and trafficking outside, and we are more concerned about the trafficking in the labour migration for employment also. For the moment, the issue of foreign employment is trying to review the human trafficking act – they are trying to review from migration perspective also, how women are more vulnerable during this labour migration. And at the same time, they are trying to review the foreign employment act also. And benchmarking these trafficking issues, and interlinkages with trafficking" (Interview, 2017).

Although counter-trafficking efforts were done in form of prevention and protection during the emergency response, and some still remains after the phasing out of the protection work in the response, the vulnerabilities of people continue to increase as the rebuilding is prolonged, thus putting people at an increased risk of trafficking and unsafe migration. "The ratio of human trafficking has not decreased, it has increased. Even though many organizations work on awareness it has not decreased. Even gender based violence has increased. Unemployment is the main reason for this" (Interview, 2017). As long as poverty, lack of livelihood, destroyed houses, discrimination, gender based violence continue to increase or are not reduced through opportunities and increased equality based on caste and gender, trafficking will occur.

5. Conclusion

This case study of how a natural disaster impacts people's vulnerabilities shows that the earthquake in Nepal functioned as a dynamic pressure that exaggated already existing root causes and push factors leading to the unsafe condition of human trafficking. It also showed that the disaster response and recovery plays a role in countering, both in prevention, protection and when it is not done according to the humanitarian imperative then it can contribute to increased vulnerabilities.

It is as O'Keefe, Ken Westgate and Ben Wisner took the naturalness out of natural disasters in the 1976, there is nothing natural about the protection issues that survivors faced after the 2015 Nepal earthquakes. Societal, economic and political factors impacted and exaggated already existing inequalities in society, which in turn further increased people's vulnerabilities. It was human made factors, not nature that made people more vulnerable to the risk of human trafficking than they were prior to the earthquake. The earthquake functioned as a dynamic pressure and increased the root causes and push factors for trafficking. And people were there right after the earthquake to take advantage of the situation by exploiting other people's vulnerabilities. While the humanitarian sector shed light on the issue through awareness raising, this within itself is not enough. The root causes, such as poverty, loss of houses, unemployment and gender inequality have further increased due to the lack of equity in aid and rebuilding. First the immediate impact of the earthquake exaggated root causes and push factors of trafficking and then the longer the recovery and rebuilding of people's lives takes with few job opportunities this pushes people for other options. Societal, cultural and political processes, among other things, has delayed the reconstruction and rebuilding of houses, and it being done according to a blanket response, pushes people to go abroad for employment in what may be the changing face of trafficking disguised as (unsafe) migration.

I would recommend that future research looks even deeper into each of the three main research areas of this research to better understand human trafficking in natural disaster and the role of response and recovery in countering it.

Overview of interviews fall 2017:

Interviews conducted with the following and all of them are quoted as (Interview, 2017) due to ensuring that the person who said what cannot easily be identified. All interviews are conducted in Nepal except for the last one.

Department of Women and Children office, National level, 2017

The United Nations Population Fund (UNFPA), 2017

United Nations Children's Fund (UNICEF), 2017

International Organization of Migration (IOM) Nepal, 2017

Nepal Red Cross, Emergency Response Unit – Gender and Social Inclusion (GERI) Section, 2017

Nepal Red Cross, former human trafficking project lead, 2017

Nepal Red Cross, Restoring Family Links Unit (FL), 2017

Save the Children, 2017

Plan International, 2017

Care International in Nepal, 2017

UN WOMEN, 2017

Marti Nepal, 2017

Change Action Nepal, 2017

She=Precious, 2017

District Women and Children office, Sindhupalchok district, group interview, 2017

IOM Geneva, email correspondence, 2018

Flaate, *field notes*, september 2017 -march 2018, Nepal, 2017-2018, unpublished script

References:

Al Jazeera. (21.12.2016). *Increasing number of deaths among Nepali workers*. www.aljazeera.com.

Amnesty International. (2017). "Building inequality" The Failure of the Nepali Government to Protect the Marginalized in Post-earthquake Reconstruction efforts. Amnesty International.

Amnesty International. (2016). *Deadly but preventable attacks – killings and enforced disappearances of those who defend human rights*. Amnesty International.

Amnesty International. (2017). *Turning people into profits – Abusive Recruitment, Trafficking and forced labour of Nepali migrant workers*. Amnesty International Ltd Peter Benenson House.

Amnesty International. (2017). *Nepal 2016/2017*, Amnesty.org, 2017: <https://www.amnesty.org/en/countries/asia-and-the-pacific/nepal/report-nepal/>

Amnesty International (2016), Nepal: End discrimination in earthquake relief effort. www.amnesty.org, accessed 29.11.2017: <https://www.amnesty.org/en/latest/news/2015/06/nepal-end-discrimination-in-earthquake-relief-effort/>

Asia Foundation. (2010). *Nepal: Preliminary Mapping of Gender Based Violence*. www.asiafoundation.org.

Associated Press Nepal, (25.04.2017). Nepal makes scant progress in rebuilding 2 years after quake, [Kathmandupost.ekantipur.com](http://kathmandupost.ekantipur.com): <http://kathmandupost.ekantipur.com/news/2017-04-25/nepal-makes-scant-progress-in-rebuilding-2-years-after-quake.html>

Aston, J.N. (2016) *Trafficking of Women and Children – Article 8 of the Rome Statue*. New Delhi, India: Oxford University Press.

Aronowitz, A.A. (2009) "Human Trafficking, Human Misery – the Global Trade in Human Beings". United States of America: Praeger Publishers.

Bales, K. (2016). *Blood and Earth: Modern Slavery, Ecocide, and the Secret to Saving the World*, Kindle Edition. United States: Random House Publishing Group.

Bales, K. (2012). *Disposable People: New Slavery in the Global Economy*, Kindle Edition. Updated with a New Preface. United States: University of California Press.

Bankoff, G., Freks, G., Hilhorst, D. (2004) *Mapping Vulnerability – Disasters, Development and People*, New York, USA: Earthscan from Routledge.

Baumann and Dharel. (2014). *Modern Slavery in Nepal: Understanding the problem and existing responses*, Walk Free Foundation and the Alliance Against Trafficking of Women and Children in Nepal.

BBC. (15.12.2015). *Nepal blockade: Six ways it affects the country*, www.bbc.com.

BBC. (14.02.2018) *Oxfam executive 'aware' of Asia staff abuse claims*. www.bbc.com:
<http://www.bbc.com/news/uk-43060802>

Bhatta Rai, *Baseline Report on Child Protection and Child Trafficking Situation in Sindhupalchok District* for Save the Children, Shakti Samuha, 2016

Bhavnani, R. (2006). *Natural Disaster Conflicts*. Harvard University, Cambridge Massachusetts, USA: www.Disasterdiplomacy.com

Bista, N.B. (1991). *Fatalism and Development: Nepal's Struggle for Modernization*. Kolkata, India: Orient Black Swan.

Blaikie, Cannon, Davis, Wisner. (2005). *At Risk: Natural Hazards, People's Vulnerability and Disasters*. Kindle Edition. First published by Routledge 1994, Taylor and Francis.

Bolkovac, K. with Lynn, C. (2011). *The Whistleblower, Sex Trafficking, Military Contractors, and One Woman's Fight for Justice*. United Kingdom: Palgrave MacMillan.

Buildingabetterresponse.org. (completed July 2017). *Building a Better Response e-learning*, International Medical Group, USAID, Harvard Humanitarian Initiative, Concern Worldwide.

CARE Nepal (2016). *Rapid Gender Based Violence Assessment Report – Gorkha and Sindupalchok*. CARE Nepal

Channel News Asia (05.02.2018). *Nepal ban on women migrants violates rights: UN*, <https://www.channelnewsasia.com/news/asiapacific/nepal-ban-on-women-migrants-violates-rights--un-9929938>

Coelho. (2016). *The Climate Change – Human Trafficking Nexus*, International Organization for Migration (IOM).

Coppola, D.P. (2015). *Introduction to International Disaster Management*. Kindle edition. Elsevier Science.

Delayney. (2011). *Nepal's women have a voice in politics but no one is listening*. The

Guardian. - <https://www.theguardian.com/global-development/poverty-matters/2011/may/27/nepal-women-in-politics>

Deraniyagala, S. (2016). Economic Recovery after Natural Disasters. The UN Chronicle.

Dharel, M., Bhatta Rai, W., & Thapa, N. (2016). *Understanding Vulnerabilities and Strengthening Response – Community-based Integration of Anti-trafficking and Human Rights Protections within Post-Earthquake Recovery Efforts in Sindhupalchok District, Nepal August – December 2015*. Swatantrata Abihyan, GMSP, Sindhupalchok and the Freedom Fund.

Ferris, E.G. (2011). *Politics of Protection: The Limits of Humanitarian Action*, Brookings Institution Press, Washington D.C.

Flaate, K.O. (2011). *Human Trafficking – Modern Slavery a Global Issue, Victims of Trafficking and Violence Protection Act of 2000, Missouri, USA, Truman State University, unpublished work, presented at Truman State University Undergraduate Research Conference in 2011*.

Gardner, K. and Lewis, D. (2015). *Anthropology and Development: Challenges for the Twenty-First Century*. Pluto Press.

Gautam, K.C. (2016). *Lost in Transition, Rebuilding Nepal from the Maoist mayhem and mega earthquake*. Kathmandu, Nepal: publication nepa-laya.

Gladstone. (19.06.2015) Unicef Fears Surge in Child Trafficking After Nepal Quakes. New York Times. <https://www.nytimes.com/2015/06/20/world/unicef-fears-surge-in-child-trafficking-after-nepal-quakes.html>

Global Slavery Index, (2016). *Country Study – Nepal*, <https://www.globalslaveryindex.org/country/nepal/#footnote->

Global Protection Cluster. (undated). Protecting Women and Girls Ensuring Access to Services, accessed in 2018, Working Document

Global Protection Cluster. (undated). Children in Natural Disasters, accessed in 2018, Working Document

Global Protection Cluster. (undated). Tip Sheet for Field Protection Clusters. www.globalprotectioncluster.org

Global Protection Cluster (2017). Anti-Trafficking in Humanitarian Action GPC Task Team (TT) Terms of Reference (ToRs), www.globalprotectioncluster.com

Government of Nepal (2015), National Planning Commission Post Disaster Needs Assessment key findings report. Government of Nepal.
Government of Nepal, Ministry of Home Affairs. (July 2013). *National Disaster Response Framework (NDRF)*. Government of Nepal.

Government of Nepal Ministry of Labour and Employment. (2016). *Labour Migration for Employment: A Status Report for Nepal: 2014/2015*. Government of Nepal.

Grennan, C. (2011). *Little Princes: One Man's Promise to Bring Home the Lost Children of Nepal*, Harper Collins.

Groves, S. (15.11.2016). *Nepal earthquake survivors are falling prey to human trafficking*. Global Post, PRI.org. Accessed 10.12.2017: <https://www.pri.org/stories/2016-11-15/nepal-earthquake-survivors-are-falling-prey-human-trafficking>

IOM. (2015). *Addressing Human Trafficking and Exploitation in times of Crisis- Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations*. International Organization for Migration.

IOM. (2015). *Briefing Document: Addressing Human Trafficking and Exploitation in times of Crisis- Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations*. International Organization for Migration.

Haltebakk, M. (2017). *Nepal: A political analysis*. Norwegian Institute of International Affairs: https://brage.bibsys.no/xmlui/bitstream/handle/11250/2468086/NUPI_Rapport_Nepal_Haltebakk.pdf?sequence=1&isAllowed=y

Humanitarian Country Team. (February 2016). *Contingency Plan Nepal: Earthquake*.

The Humanitarian Charter, The Sphere Project - <http://www.sphereproject.org/handbook/the-humanitarian-charter/>

Human Rights Watch. (2016). *Our Time to Sing and Play – Child Marriage in Nepal*. HRW.org.

IASC, (2005). *Guidelines for Gender-based Violence Interventions in Humanitarian Settings. Focusing on Prevention of and Response to Sexual Violence in Emergencies*, The IASC Taskforce on Gender in Humanitarian Assistance.

IASC, (2015). *Guidelines for Integrating Gender-Based Violence in Humanitarian Action, Reducing risk, promoting resilience and aiding recovery*, IASC and Global Protection Cluster.

IASC, (2015) Global Protection cluster and www.gbvguidelines.org, *Thematic Area Guide for: Guidelines for Integrating Gender-Based Violence in Humanitarian Action. Reducing risk, promoting resilience and aiding recovery. Protection*. IASC.

IASC (2011). *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, The Brookings – Bern Project on Internal Displacement.

IASC, *Different Needs – Equal Opportunities: Increasing Effectiveness of Humanitarian Action for Women, Girls, Boys and Men*, e-learning, <http://www.iasc-elearning.org/>, taken in 2017

IASC GBV AoR, Nepal GBV subcluster and Global Protection cluster. (2015). *Gender-based violence in the aftermath of the Nepal Earthquake*. www.thegenderagency.org.

IFRC (June 2015). *Nepal: Earthquake One-year progress report*, Geneva, Switzerland: IFRC. International Association of Professionals in Humanitarian Assistance and Protection (PHAP) (18 June 2015). *Live online consultation: Trafficking in persons in times of crisis – summary report of the online consultation event organized by PHAP in collaboration with IOM and Caritas in support of the World Humanitarian Summit*.

IOM and Caritas (June 2015) *Live online consultation: Trafficking in persons in times of crisis. Summary report*. IOM and Caritas.

ILO (2015). *No Easy Exit. Migration Bans Affecting Women From Nepal*, Geneva, Switzerland: ILO Publications.

iMDC, The Grid Nepal (2016). *Obstacles to protection and recovery*: <http://www.internal-displacement.org/globalreport2016/>

Jackson. A, (2014). *The policy brief Protecting civilians: the gap between norms and practice*, Humanitarian Policy Group, Overseas Development Institute, London, UK

National Women's Conference on Gender Responsive Disaster Management (2016), *Kathmandu Declaration, Kathmandu, Nepal*, copy received during interview

Khan, (27.04.2016) *Nepal: 'Since earthquake, 15% spike in human trafficking'*, Indian Express, 27.04.2016 - <http://indianexpress.com/article/world/world-news/nepal-since-earthquake-15-spike-in-human-trafficking-2771820/>

Klaffenböck, Todorova and Macchiavello (2018) Chapter 10: *Protecting populations at risk of human trafficking and exploitation in crisis situations. Case studies of post-earthquake Nepal and the Western Balkans in light of the EU/Mediterranean migration crisis*. Human Trafficking and Exploitation: Lessons from Europe edited by Craggs et al, 2 Park Square, Milton Park, Abingdon, Oxon OX14: Routledge.

Kshetri, Banjade, Subdedi, (2016) *The 2013-2015 National Report on Trafficking in Persons*. The Nepal National Human Rights Commission (NHRC). The Office of the Special Rapporteur on Trafficking in Persons.

Kumar,N. (24.04.2016). *Why Nepal Is Still in Rubble a Year After a Devastating Quake*, www.time.com: <http://time.com/4305225/nepal-earthquake-anniversary-disaster/>

Martin, S and Callaway,A. (2011). *Chapter 13: Internal Displacement and Internal Trafficking: Developing a New Framework for Protection*, The Migration-Displacement Nexus – Patterns, Processes, and Policies, edited by Koser and Martin, New York, USA: Berghahn books.

Mazurana, D., Benelli, P., Gupta, H., and Walker, P. (2011). *Sex and Age Matter: Improving Humanitarian Response in Emergencies*.USA: Feinstein International Center, Tufts University.

Mikkelsen, B., (2005) *Methods for Development Work and Research. A Guide for Practitioners*. Second edition. First printed 1995. New Delhi, India: Sage Publications India.

National Reconstruction Authority. (06.12.2017).*Donors Praise Nepal's Reconstruction Process*, nra.gov.np: <http://nra.gov.np/news/details/bVcQI091VWQbQgsu33N5-0wJuPNF5f1zdETnB22ISgM/>

O'Keefe,Westgate and Wisner. (1976). *Taking the naturalness out of natural disasters*, Volume 260, Issue 5552, pp. 566-567. Nature.

PHAP Association (18.06.2015) *Online Consultation - World Humanitarian Summit: Trafficking in persons in times of crisis*, Published on 05.08.2015 on Youtube: <https://www.youtube.com/watch?v=nGmEztzlAx4>

Post Report, Kathmandu (2018) Action director Rajendra Khadgi arrested on human trafficking charge. Kathmandu post.ekantipur.com: <http://kathmandupost.ekantipur.com/news/2018-02-08/action-director-rajendra-khadgi-arrested-on-human-trafficking-charge.html>

Riddell, R.C.(2007). *Does Foreign Aid Really Work?* United Kingdom: Oxford University Press.

Rogers. K, (2018). *Bangladesh, aid groups confronts invisible danger*,www.devex.com, <https://www.devex.com/news/in-bangladesh-aid-groups-confront-an-invisible-danger-91871>

Raj, Y and Gautam, B. (2015). *Courage in Chaos, Early Rescue and Relief after the April Earthquake*, Kathmandu, Nepal: Martin Chautari

Save the Children. (2016). *Nepal Earthquake Children's Recovery Consultation*. Save the Children.

Save the Children (2016). *Did the Humanitarian Response to the Nepal Earthquake Ensure no one was left behind. A case study of the experience of marginalised groups in humanitarian action*. Save the Children.

Shaw, S. (25.04.2017). *Exploiting Nepal's Children, Two years after the earthquake, rebuilding continues and trafficking thrives*. The Diplomat. accessed September 2017: <https://thediplomat.com/2017/04/exploiting-nepals-children/>

Wheeler, A. (2016). *Modern slavery and trafficking in conflict: The UN's response*, The Freedom Fund.

Sijapati, B., with Baniya, Bhandari, Bhattarai, Kharel, Limbu, Pathak, Rawal, Thami (June 2015) *Migration and Resilience: Experiences from Nepal's 2015 Earthquake*. Kathmandu, Nepal: Centre for the Study of Labour and Mobility.

The Constitution of Nepal (2015) with commentary

United Nations (2000) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*

United Nations Office for the Coordination of Humanitarian Affairs (2015). *Nepal Earthquake Humanitarian Response April to September 2015*. Reliefweb.int.

UNDP (2016), *Human Development Report 2016; Human Development for Everyone, Low-Martin Group*. UNDP.

USAID (2016). *Litterature review: Trafficking in humanitarian emergencies*. USAID.

UN Women and Government of Nepal (November 2016). *South Asia Peer Learning Regional Consultation on Disaster Preparedness for an Effective Response for Gender Equality and Women's Empowerment*. Nepal: UN WOMEN and Governemnt of Nepal.

UNWOMEN (12.06.2015) *Gender Equality Update No.2 – by Inter-Cluster Gender Task Force Response to the Nepal Earthquake*, UNWOMEN.org. <http://www.unwomen.org/-/media/headquarters/attachments/sections/news/gender%20equality%20update%20no%202%20-%2012th%20june%202015.pdf?la=en&vs=3458>

UNODC (2008). *An Introduction to Human Trafficking: Vulnerability, Impact and Action*, www.undoc.org.

United Nations (2015) Sustainable Development Knowledge Platform, Sustainabledevelopment. www.sustainabledevelopment.un.org/sdgs

UNODC (2017): *Human Trafficking*, [unodc.org](http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html), <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

United Nations Office on Drugs and Crime. (2016). *The Global Report on Trafficking in Persons 2016*, Vienna: United Nations Publications.

U.S. Department of State. (2016). *Tier Placements*. www.state.gov

U.S Department of State. (2016), *Trafficking in Persons Report 2016*. www.state.gov

UNDP (2016). *Human Development Report 2016 – Human Development for Everyone*. United Nations Development Programme.

Zakour, M.J., and Gillespie, D.F. (2013) *Community Disaster Vulnerability: Theory, Research and Practice*, New York, USA: Springer Science+Business Media.



Esben Leifsen
Box 5003
1432 ÅS

Vår dato: 07.11.2017

Vår ref: 56307 / 3 / HIT

Deres dato:

Deres ref:

Vurdering fra NSD Personvernombudet for forskning § 31

Personvernombudet for forskning viser til meldeskjema mottatt 02.10.2017 for prosjektet:

<i>56307</i>	<i>Counter-trafficking efforts and protection as part of humanitarian responses especially focusing on the Nepal earthquake in 2015.</i>
<i>Behandlingsansvarlig</i>	<i>Norges miljø- og biovitenskapelige universitet, ved institusjonens øverste leder</i>
<i>Daglig ansvarlig</i>	<i>Esben Leifsen</i>
<i>Student</i>	<i>Kathrine Olsen Flåte</i>

Vurdering

Etter gjennomgang av opplysningene i meldeskjemaet og øvrig dokumentasjon finner vi at prosjektet er meldepliktig og at personopplysningene som blir samlet inn i dette prosjektet er regulert av personopplysningsloven § 31. På den neste siden er vår vurdering av prosjektopplegget slik det er meldt til oss. Du kan nå gå i gang med å behandle personopplysninger.

Vilkår for vår anbefaling

Vår anbefaling forutsetter at du gjennomfører prosjektet i tråd med:

- opplysningene gitt i meldeskjemaet og øvrig dokumentasjon
- vår prosjektvurdering, se side 2
- eventuell korrespondanse med oss

Vi forutsetter at du ikke innhenter sensitive personopplysninger.

Meld fra hvis du gjør vesentlige endringer i prosjektet

Dersom prosjektet endrer seg, kan det være nødvendig å sende inn endringsmelding. På våre nettsider finner du svar på hvilke [endringer](#) du må melde, samt endringsskjema.

Opplysninger om prosjektet blir lagt ut på våre nettsider og i Meldingsarkivet

Vi har lagt ut opplysninger om prosjektet på nettsidene våre. Alle våre institusjoner har også tilgang til egne prosjekter i [Meldingsarkivet](#).

Dokumentet er elektronisk produsert og godkjent ved NSDs rutiner for elektronisk godkjenning.

Personvernombudet for forskning



Prosjektvurdering - Kommentar

Prosjektnr: 56307

Ifølge prosjektmeldingen skal utvalget informeres muntlig om prosjektet og samtykke til deltakelse. For å tilfredsstille kravet om et informert samtykke etter loven, må utvalget informeres om følgende:

- hvilken institusjon som er ansvarlig
- prosjektets formål / problemstilling
- hvilke metoder som skal benyttes for datainnsamling
- hvilke typer opplysninger som samles inn
- at opplysningene behandles konfidensielt og hvem som vil ha tilgang
- at det er frivillig å delta og at man kan trekke seg når som helst uten begrunnelse
- dato for forventet prosjektslutt
- at data anonymiseres ved prosjektslutt
- hvorvidt enkeltpersoner vil kunne gjenkjennes i den ferdige oppgaven
- kontaktopplysninger til student/veileder.

METODER

Du oppgir i meldeskjemaet at data skal innhentes ved personlig intervju, observasjon, deltakende observasjon, blogg/sosiale medier/internett og foto/video. Det går ikke frem av meldeskjemaet hvilke opplysninger som innhentes gjennom andre metoder enn intervju. Vi legger derfor til grunn at det kun er i intervjuene det registreres personopplysninger, og at innhenting av data i de øvrige metodene gjøres anonymt. Hvis det blir aktuelt å samle inn personopplysninger via andre metoder, må utfyllende informasjon sendes til personvernombudet@nsd.no.

Personvernombudet legger til grunn at forsker etterfølger Norges miljø- og biovitenskapelige universitet sine interne rutiner for datasikkerhet. Dersom personopplysninger skal lagres på mobile enheter, bør opplysningene krypteres tilstrekkelig.

Det oppgis at personopplysninger skal publiseres. Personvernombudet legger til grunn at det foreligger eksplisitt samtykke fra den enkelte til dette. Vi anbefaler at deltakerne gis anledning til å lese igjennom egne opplysninger og godkjenne disse før publisering.

Forventet prosjektslutt er 31.03.2018. Ifølge prosjektmeldingen skal innsamlede opplysninger da anonymiseres. Anonymisering innebærer å bearbeide datamaterialet slik at ingen enkeltpersoner kan gjenkjennes. Det gjøres ved å:

- slette direkte personopplysninger (som navn/koblingsnøkkel)
- slette/omskrive indirekte personopplysninger (identifiserende sammenstilling av bakgrunnsopplysninger som f.eks. bosted/arbeidssted, alder og kjønn)

Annex 2

Example of email sent to get interviews:

Dear Plan International,
I hope this email finds you well.

I am currently conducting research for my master thesis on counter trafficking efforts and protection in humanitarian responses especially focusing on the earthquakes in Nepal 2015.

I am contacting you as I understand Plan International contributed in the counter-trafficking efforts after the earthquakes in 2015 and is part of the protection cluster. I am therefore wondering if it is possible for me to have a meeting with you regarding this?

Thank you and have a nice day!

Sincerely,
Kathrine Olsen Flåte
Masters of Science in International Development Studies
Norwegian University of Life Sciences
+977 9803470396

Annex 3

Dear IOM Nepal,

I hope this email finds you well.

I am currently conducting research for my master thesis on counter trafficking efforts and protection in humanitarian responses especially focusing on the earthquake in Nepal 2015.

According to the IOM report "*Addressing Human Trafficking and Exploitation in Times of Crisis*", IOM deployed a counter-trafficking expert to ensure that anti-trafficking responses were integrated into the the overall humanitarian response. I am very interested in gaining further insight into this for my thesis, which I hope can be useful to IOM Nepal once it is finished. Therefore I kindly requesting a meeting with one of the relevant persons regarding this at the Kathmandu IOM office if possible?

Thank you and Happy Dashain!

Sincerely,
Kathrine Olsen Flåte
Masters of Science in International Development Studies
Norwegian University of Life Sciences
+977 9803470396

Annex 4:

Interview guide

Each of the questions below are guiding questions. Replies will be followed up the relevant questions throughout the interview.

1. What is human trafficking?
2. What is the situation of human trafficking in Nepal?
3. What impact did the earthquakes in 2015 have on human trafficking?
4. What are some factors that lead to an increase in human trafficking after the earthquakes?
5. Were counter-trafficking efforts included in the humanitarian response in the aftermath of the earthquakes?
6. If so, how was this done? From the planning stage to implementation stage.
- was it mainstreamed into the humanitarian efforts, or in parallel to other relief efforts?
7. Where was it done?
8. By whom was counter-trafficking efforts done? Was there collaboration between humanitarian and development actors? International, national and local actors?
9. How did the idea to incorporate counter-trafficking efforts in the response come about? Where did it come from?
10. How is the work being done currently?
11. Anything else you would like to add?

Who were some of the main actors on counter-trafficking efforts during the response?

Reports state that counter-trafficking efforts was actively included in the humanitarian response to the earthquakes in Nepal 2015 for the first time in a humanitarian response. What do you think of this?

During the earthquake response in 2015 did this organization consider the counter-trafficking in the protection work being done?

How did this organization work on implementing counter-trafficking efforts in the humanitarian response to the earthquakes in 2015?

On participation:

Were local communities consulted regarding counter-trafficking during or after the response?

How is counter-trafficking efforts done?

Collaboration with police?

Collaboration with counter-trafficking NGOs?

Is it done as an isolated aspect of the response?

If so?

Is it mainstreamed into other humanitarian clusters such as Shelter, Livelihoods or WASH?

If so, how is it being done?

How did the idea to incorporate counter-trafficking efforts in the response come about?

Where did it come from? From the cluster lead, or from the people in the communities?

Any lessons learned from the counter-trafficking work in the response in 2015 can be useful to consider for future responses?



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